

**Planning Commission  
March 14, 2017  
Linn County Annex**

Members Present: Ed Andersen, John Ballou, Dave Berglund, Fred Kautt, Charlene Sims, George Teagarden

Staff Present: Melissa Fund, Jackie Messer, Meghan Swanson

Charlene Sims called the meeting to order at 7:02 pm; Charlene Sims led the Pledge of Allegiance.

Jackie Messer reported that Rick McDaniel had been hired as the Planning and Zoning Administrator, however he has resigned the position effective March 17, 2017. Meghan Swanson was hired to replace him, and was introduced to the Board.

Fred Kautt moved to approve the minutes of the last meeting, John Ballou seconded, 6-0

**New Business**

**Solar Panels**

Melissa Fund reported that the county had received a building permit application to install a ground mounted solar panel array. After review by staff it was decided to approve the project as an accessory structure as its primary purpose was to provide electricity for the property itself. Melissa advised there is nothing in the current regulations that specifically addresses solar panels or alternative energy sources and that most likely we will see this issue again.

Dave Berglund advised he is concerned about the lasting impact of alternative energy structures if they are not maintained or abandoned. He also wants to make sure that the county appraiser is made aware of new structures within the county.

Melissa Fund advised that the appraiser gets copies of all building permits that are issued, including for agriculture buildings. We are waiving the permit fees for ag buildings.

Dave Berglund wants to regulate solar panels as a CUP so there is some recourse if they are not maintained, Charlene Sims and Ed Andersen agree.

John Ballou discussed the process of selling excess solar power back to the grid, he felt this structure did not represent a nuisance to the surrounding neighbors, but agreed a CUP might be appropriate for future projects.

Fred Kautt advised that he supports adding some regulations, but doesn't want to do anything that would discourage people from looking into new technologies not just now, but in the future as well.

Jackie Messer thought there should be a difference between people who are wanting to install one or two solar panels on their roof vs. those who are installing an entire array. Those installing just a few panels could be treated as more of an appliance and may not require a CUP.

Charlene requested that the staff provide the Board with additional information if possible, discussion will continue at next meeting.

**Lucky Strike Mine Reclamation (CUP 09.15.366)**

The board reviewed the Reclamation Status Map that had been provided by Continental Coal for the Lucky Strike Mine site. Continental Coal indicated that coal removal at the mine was complete and that all reclamation activities have been completed.

Dave Berglund advised that the state is primarily in charge of reviewing the reclamation activities, no further action needed by the board at this time.

#### **Dangerous Dog Resolution 95-24**

Charlene Sims reviewed the resolution, discussion about if this needs to be specifically addressed by the Board, or if this is a county resolution, and who enforces it.

Jackie Messer advised that his understanding is that it is hard to enforce resolutions when they specifically list a dog breed, such as pit bulls, and that Bourbon County just re-did their regulations. He will try to get a copy of their new regulation.

Meghan Swanson provided the Board with a copy of the current resolution and then Franklin County's updated resolution. She advised there are no current dog ordinances from a law enforcement perspective, she will review to see if anything in the nuisance code and follow up with the Board.

#### **Composting Toilets**

Jackie Messer advised that Darryl Hutson had submitted an Application for Sanitation Permit to install a composting toilet in a new structure that will be used as a hunting cabin on his property. Messer provided the board with information about the specific system the applicant would like to install.

Melissa Fund advised there is nothing that specifically addresses composting toilets in our regulations, but we do have rules allowing privies to be used on a temporary basis. Staff did follow up with the applicant who confirmed there will not be a sink/shower or any other plumbing in the structure. We currently only issue building permits for a dwelling if they have a sanitation system, does the composting toilet qualify as a sanitation system?

The Board agreed to table the discussion until the next meeting.

Jackie Messer advised that John Maloney is no longer employed with the county. Blue Howell is currently filling the Sanitation Inspector position on a temporary basis, however Meghan Swanson will be taking on those duties as well.

#### **Zoning Districts**

Charlene Sims reminded the Board that the current Zoning Districts listed in the Zoning Regulations don't match the Future Land Use definitions listed in the Comprehensive Plan (page 149-154). Discussion about the different types of districts and their purpose.

Charlene Sims reminded everyone to bring their Planning and Zoning books to the next meeting and the Board will review each district and determine if the definitions need to be changed. The Board will also discuss making the Sign Regulations a category under the Zoning Regulations, instead of having it be a separate chapter.

#### **Composting Toilets Continued:**

Melissa Fund asked for guidance on how the board wants to address the Sanitation application that was received, and what follow-up information we should give to the applicant.

Dave Berglund felt the permit should be denied due to concerns that in the future the structure may become a permanent residence and the composting toilet would not be able to handle full time use. He believes that if the applicant is planning to build a permanent structure then he should have a sanitation system.

John Ballou stated that the applicant had gone to the trouble to come up with a workable solution, which is more than we see from some land-owners who are wanting to build hunting cabins or similar structures that are not intended for full-time occupancy.

Charlene Sims also agreed that the applicant was trying to meet our regulations.

George Teagarden agrees that a composting toilet would not be appropriate for a full time residence, but thinks it works for a hunting cabin that's being occupied on a temporary basis.

Discussion about what is considered temporary occupancy. Jackie Messer advised that currently the county looks at a full time residence as one that is occupied for 30 continuous days. The previous Sanitation Inspector would keep an eye on properties, and if he noticed that they were occupied for more than 30 days would then move forward and advise the owners that they needed to install a sanitation system.

The Board reviewed Hutson's building and sanitation applications and discussed the size of the structure, etc.

Dave Berglund motioned to approve the sanitation permit for a composting toilet at this time, with the stipulation that Hutson will need to install an approved sanitation system if they are occupying the building for more than 30 continuous days. John Ballou seconded the motion, 6-0.

#### **Other Topics**

Jackie Messer provided an update on nuisance complaints that had been reported. Discussion of how the codes court functions and when it meets. Staff will follow up with Gary Thompson to get more specifics.

Dave Berglund stated that he is happy to see the direction the county is moving in with the new staff that has been hired, etc. Dave Berglund motioned to give Meghan Swanson a vote of confidence from the Board in her new position, Fred Kautt seconded. 6-0 vote.

Ed Andersen motioned to adjourn, Dave Berglund seconded, 6-0

Meeting adjourned 8:10pm

---

Chairman

Attest:

---

Secretary

mef