

# CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

September 1, 2015

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3<sup>rd</sup> Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Mark Beggs, Jim Carlson, Duane Jackson, Tom Decker, and David Rhodus

Members Absent:

Staff Present: Matt Tapp, Planning and Zoning Manager  
Debbie Viviano, Planner  
Tim Flook, Assistant County Counselor  
Angie Stokes, Secretary

**Mr. Beggs:** Good evening ladies and gentlemen, I would like to welcome everyone to the Tuesday, September 1 meeting of the Clay County Planning and Zoning Commission, roll call please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Present.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Present.

**Mr. Tapp:** Jim Carlson

**Mr. Carlson:** Present.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Present.

**Mr. Tapp:** Chairman Mark Beggs?

**Mr. Beggs:** Present. Before we get too far into things there are a few housekeeping items we want to cover, first of all everything that we will be discussing tonight comes up before the Clay County Commission on September 21<sup>st</sup> at 10 am it will be in this room you are welcome to attend that public meeting. The other thing because we have so many people here this evening what we would like for you to do is if the case that you are interested in is not being discussed then maybe you would go out in the lobby and allow the people that are in the lobby that want to hear a particular case that way they could come in and sit in here and participate in the meeting. What we'll do is at the end of each case we'll pause a little bit and let people who want to go out and come in, make their way in and out. So that would help that way everybody gets to participate in the meeting and people are not left out in the lobby on a case that they are interested in speaking to. With that said we will move on to the approval of the August 4<sup>th</sup> Planning and Zoning Commission minutes.

**Mr. Carlson:** I would like to make a motion that we approve the minutes for the August 4<sup>th</sup> do we want to approve the July 7<sup>th</sup> and August the 4<sup>th</sup> minutes?

**Mr. Beggs:** Yes.

**Mr. Tapp:** Can we have individual motions?

**Mr. Carlson:** Okay, the first motion is to approve the July 7<sup>th</sup> Planning and Zoning minutes.

**Mr. Decker:** I will second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve.  
**Mr. Tapp:** Chairman Mark Beggs.  
**Mr. Beggs:** Approve.  
**Mr. Tapp:** Motion carries.

**Final Vote: 5/0/0 Approve July 7, 2015 Minutes**

**Mr. Beggs:** I will entertain a motion for the August 4<sup>th</sup> minutes.  
**Mr. Carlson:** I will make a motion to approve the August 4<sup>th</sup> minutes from the Planning and Zoning meeting.  
**Mr. Beggs:** Do I have a second?  
**Mr. Decker:** Second.  
**Mr. Beggs:** Vote please.  
**Mr. Tapp:** Duane Jackson?  
**Mr. Jackson:** Approve.  
**Mr. Tapp:** David Rhodus?  
**Mr. Rhodus:** Approve.  
**Mr. Tapp:** Jim Carlson?  
**Mr. Carlson:** Approve.  
**Mr. Tapp:** Tom Decker?  
**Mr. Decker:** Approve.  
**Mr. Tapp:** Chairman Mark Beggs.  
**Mr. Beggs:** Approve.  
**Mr. Tapp:** Motion carries.

**Final Vote: 5/0/0 Approve August 4, 2015 Minutes**

**Mr. Beggs:** First case tonight is case number September 15-133RZ/P a request for rezoning from Agricultural (AG) to Residential Rural (R-1) District for only Lot 1, and Preliminary Plat approval for the proposed subdivision or Nichols Farm located approximately .4 miles south of 92 Highway along Hornback Road. The applicant is Bradley Nichols, representing Frank S. Nichols. Is the representative here? Okay, we will have a staff report and then we'll call you up for comments, thank you.  
**Mr. Tapp:** Yes Mr. Chairman I would like to attach the staff report as part of the record.  
**Mr. Beggs:** So be it.  
**Mr. Tapp:** Summarized the staff report September 15-133RZ/P dated August 26, 2015.  
Update: since the writing of the staff report they did receive the preliminary and final approval from the Health Department, therefore staff reverse's their recommendation to approve the rezoning and the preliminary plat as identified in the conditions in Exhibit A.  
**Mr. Beggs:** Thank you, can I have the applicant come forward please? And one thing I forgot to mention if you come forward for the record we need you to state your name and your address, the meeting is being recorded and it helps us transcribe who is saying what and it helps us keep track of who is saying what, so if you would please state your name and address for the record.  
**Mr. Nichols:** Bradley Nichols, 8707 N Lydia Ave, Kansas City, Missouri 64155.  
**Mr. Beggs:** You are familiar with the staff report and the conditions which they put in there?  
**Mr. Nichols:** I believe.  
**Mr. Beggs:** Do you have any questions about, can you take a look at those conditions because I am getting ready to ask you if you agree with the staff's report.  
**Mr. Nichols:** The only thing I haven't seen is the results of the soil morphology, I saw the results but I don't know how they work, if they were okay and all that. Yes that was (*inaudible*).  
**Mr. Beggs:** You agree with the conditions that they have stated.  
**Mr. Nichols:** Yes sir.  
**Mr. Beggs:** Okay thank you. Do you have any questions for the staff or the Commission?  
**Mr. Nichols:** No.

**Mr. Beggs:** Do we have any comments from the public?

**Mr. Coleman:** Was that approval for lot 1 and Nichols subdivision or just lot 1?

**Mr. Beggs:** This will be for the rezoning from AG to Residential Rural District for lot 1 only, did you have comments?

**Mr. Coleman:** No I just wondered if you were approving or the recommendation to approve both or just the first one.

**Mr. Beggs:** The first one will be the rezoning and the second will be..

**Mr. Tapp:** Mr. Chairman I respectfully request that the gentleman that stepped to the mic give a name and an address.

**Mr. Beggs:** Okay, so if you would please come forward.

**Mr. Tapp:** Just for the record.

**Mr. Coleman:** John Coleman from Olathe, Kansas.

**Mr. Beggs:** Address?

**Mr. Coleman:** 2112 South Apache, Olathe, KS.

**Mr. Beggs:** Thank you, so to answer your question the rezoning, this is for the rezoning and preliminary plat approval the next case will be for the final.

**Mr. Coleman:** Okay.

**Mr. Beggs:** (*inaudible*)

**Mr. Coleman:** Okay thank you.

**Mr. Beggs:** Anyone else? Any comments or discussion from the Commission?

**Mr. Carlson:** I have a question for the owner.

**Mr. Beggs:** Please state your name and address.

**Mr. Nichols:** Bradley Nichols, 8707 N Lydia Ave, Kansas City, MO.

**Mr. Carlson:** The issuance of a building permit is going to be restricted by any certificate of elevation by FEMA are you familiar with that?

**Mr. Nichols:** Yes I believe I have seen the 100 year floodplain.

**Mr. Carlson:** You had a study done or gotten or received there is a building site on the proposed land for that?

**Mr. Nichols:** I don't know the technicalities of it but I have seen the 100 year floodplain and where we are building is outside of that.

**Mr. Carlson:** That is what really we need to know.

**Mr. Beggs:** Any other questions for the applicant while he is up? Okay thank you. If there is no further discussion I entertain a motion.

**Mr. Carlson:** I make a motion that we recommend the rezoning of Agricultural District to Residential Rural District (R-1) on lot 1 only of Nichols Farm of the preliminary plat.

**Mr. Beggs:** Let's do one at a time.

**Mr. Carlson:** Okay.

**Mr. Beggs:** Do I have a second on the rezoning?

**Mr. Jackson:** I'll second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve.

**Mr. Tapp:** Chairman Mark Beggs.

**Mr. Beggs:** Approve.

**Mr. Tapp:** Motion carries.

**Final Vote: 5/0/0 Approved, September 15-133RZ/P; Nichols Farm– Rezoning  
With zero (0) Conditions**

**Mr. Beggs:** I will entertain a motion on the preliminary plat.

**Mr. Carlson:** I will make a motion that we approve the preliminary plat of lot 1 Nichols Farm with the five conditions attached.

**Mr. Beggs:** Thank you do we have a second?

**Mr. Decker:** I'll second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve with conditions.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve with conditions.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve with conditions.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve with conditions.

**Mr. Tapp:** Chairman Mark Beggs.

**Mr. Beggs:** Approve conditions.

**Mr. Tapp:** Motion carries.

**Final Vote: 5/0/0 Approved, September 15-133RZ/P; Nichols Farm– Preliminary Plat  
With five (5) Conditions**

**Mr. Beggs:** The second case tonight is case number September 15-134F it's a request for final plat approval of Nichols Farm located approximately .4 miles south of 92 Highway along Hornback Road, the applicant is Bradley Nichols, representing Frank S. Nichols, staff report.

**Mr. Tapp:** Yes Mr. Chairman first I would like to attach the staff report as part of the record.

**Mr. Beggs:** So be it.

**Mr. Tapp:** Summarized the staff report September 15-134F dated August 26, 2015.

Update: Staff recommends instead of tabling to approve the final plat for Nichols Farm.

**Mr. Beggs:** Thank you, can I have the applicant step forward again.

**Mr. Nichols:** Bradley Nichols, 8707 N Lydia Ave, Kansas City, MO.

**Mr. Beggs:** This is the final plat approval so have you read the staff report and are you in agreement with the conditions they set forth?

**Mr. Nichols:** I haven't seen the conditions, I probably have them but I did not see them.

**Mr. Tapp:** You should have received copies of the staff report.

**Mr. Nichols:** I got the e-mail yesterday.

**Mr. Tapp:** Okay I just want to make sure.

**Mr. Beggs:** So do you want to review those conditions?

**Mr. Nichols:** Real quick.

**Mr. Beggs:** Okay.

**Mr. Nichols:** They are good.

**Mr. Beggs:** Okay so you are in agreement with everything in the staff report and conditions of your final plat?

**Mr. Nichols:** Yes sir.

**Mr. Beggs:** Okay thank you, any comments from the public? Commission discussions? Okay I will entertain a motion for the final plat approval.

**Mr. Decker:** I will make a motion to approve the final plat of Nichols Farm based on the attachment in Exhibit A and the five conditions set forth.

**Mr. Beggs:** Okay do I have a second?

**Mr. Rhodus:** Second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?  
**Mr. Jackson:** Approve with conditions.  
**Mr. Tapp:** David Rhodus?  
**Mr. Rhodus:** Approve with conditions.  
**Mr. Tapp:** Jim Carlson?  
**Mr. Carlson:** Approved with conditions  
**Mr. Tapp:** Tom Decker?  
**Mr. Decker:** Approve with conditions.  
**Mr. Tapp:** Chairman Mark Beggs?  
**Mr. Beggs:** Approve with conditions.  
**Mr. Tapp:** The motion carries.

**Final Vote: 5/0/0 Approved, September 15-134F; Nichols Farm– Final Plat  
With five (5) Condition**

**Mr. Beggs:** So again this will come before the County Commission on the 21<sup>st</sup> in this room at 10 o'clock, congratulations, thank you, good luck. Our third case tonight is case September 15-135CUP this is a request for a Conditional Use Permit to operate an Exotic/Dangerous/Wild (EDW) animal facility on Agricultural (AG) District zoned property at approximately the SW corner of 92 Highway and Cameron Road, the applicants are Garrett and Kelley Westfall, representing John Ying owner of JY Farming, LLC, are you a representative of the applicant?

**Ms. Westfall:** Yes.

**Mr. Beggs:** We are going to have a staff report.

**Mr. Tapp:** Mr. Chairman I am going to give some time for folks to come in.

**Mr. Beggs:** Okay, sorry.

**Mr. Tapp:** And get the door closed so you can hear. Mr. Chairman now that we have the proper folks in the room and we have the door shut, I would like to attach the staff report as part of the record.

**Mr. Beggs:** So be it.

**Mr. Tapp:** Summarized the staff report September 15-135CUP dated August 26, 2015. Also Chairman I would like to make the Commission aware that there is a revised Business Plan or Development Plan which we just received recently that I would like to hand out as an update and to replace what is inside Attachment D from the applicant.

**Mr. Beggs:** Can you tell us what changed? Was it significant changes?

**Mr. Tapp:** Yes.

**Mr. Beggs:** Can you tell us what it is?

**Mr. Tapp:** It looks like they are talking about just being a preserve that offers a secure and private experience to the owner, family and friends as well as fencing details, roads and entrances, animal inventory and explains the current animals, how many and approximately the weights of each animal as well as the existing barn and talks about no new structures at this time. The owner and property manager intend to follow all necessary Clay County permits and approvals.

**Mr. Beggs:** Okay thank you. Any questions for staff from the Commission? You are representing the applicant, state your name and address for the record.

**Ms. Westfall:** Yes sir, my name is Kelley Westfall; I reside at 12602 Summersette Road in Liberty, MO 64068.

**Mr. Beggs:** Are you familiar with the staff's report?

**Ms. Westfall:** I am.

**Mr. Beggs:** Are you in agreement with the conditions they have outlined.

**Ms. Westfall:** I am.

**Mr. Beggs:** Any question for the applicant from the Commission?

**Mr. Carlson:** Kelley in your business plan you don't mention hunting is that going to be part of the business?

**Ms. Westfall:** Hunting can be taken as once the herd gets established and they need to culled they will need to be culled at some time just like in the wild, if the population exceeds a certain amount that the land cannot suffice them they will need to be culled, that's way down the road.

**Mr. Carlson:** So the enjoyment of the animals just like a horse or a cat?

**Ms. Westfall:** That is correct.

**Mr. Carlson:** It's not like you enjoy getting in a jeep and going around and killing a zebra.

**Ms. Westfall:** That is correct.

**Mr. Beggs:** There's no commercial side of this?

**Ms. Westfall:** No sir.

**Mr. Beggs:** This is for private use only.

**Ms. Westfall:** There will not be a commercial side to this.

**Mr. Beggs:** So there will be no paid for hunts on the property.

**Ms. Westfall:** No.

**Mr. Beggs:** Okay just wanted to make sure.

**Mr. Carlson:** Will you rule out high power rifles?

**Ms. Westfall:** High power rifles as in what caliber?

**Mr. Carlson:** Anything that carries a long distance.

**Ms. Westfall:** Well if we need to cull the herd we would need to use something like .223, 270 or 300 and so no we cannot rule out high power rifles are you talking about like a 50 caliber, what are you talking about here?

**Mr. Carlson:** *(inaudible)*

**Ms. Westfall:** Okay and you guys ...

**Mr. Carlson:** If it's like deer hunting?

**Ms. Westfall:** It's exacting if you ever need to cull a herd it's just like deer hunting and as we know November 14<sup>th</sup> there's 500,000 deer hunters in Missouri, yes we will use a caliber necessary but that's not, we don't need to I don't foresee it in the next three, four, five years doing that, it probably will be in the fifth year when the herd would exceed the land.

**Mr. Beggs:** And that is currently legal in Clay County we can't hardly restrict her for she still lives in the County.

**Mr. Carlson:** I am just saying if we are going to rule on this we have to know that they're going to be firing high caliber rifles.

**Ms. Westfall:** I would like to add, sir that my husband's has been hunting that farm for 20 years with firearms, so I mean its responsible hunting.

**Mr. Carlson:** I have 15 acres and I don't hunt but I let people hunt on there but not without proper permits and those are big animals and you hunt those in the wild you use high power usually scoop *(inaudible)* for distances way off, if I was someone across the street I would worry about it.

**Ms. Westfall:** I understand.

**Mr. Carlson:** If you can assure us that's not an issue that's great.

**Mr. Decker:** I have a question Ms. Westfall, do you have a maximum number of stock that you can have at one time, I have about 20 head or do you plan to take this to 200?

**Ms. Westfall:** No sir we will never be, no they will never get above, I mean it would be up to John but he's responsible, we're responsible, I would never foresee it ever getting past the point where we couldn't contain them or be responsible in their existence on that farm.

**Mr. Decker:** If it became a condition for this Conditional Use Permit would you establish a size or maximum number of animals that you would have at one time?

**Ms. Westfall:** I would consider that but I would like to speak to the USDA first and see what they deem appropriate for that then I would, yes we have no intention of ever making it inhuman by any sorts.

**Mr. Decker:** Thank you.

**Mr. Beggs:** Any other questions? Now I am going to ask for public comments on this, but before we get to far into this we've got a lot of people and we don't want to be here until 2 o'clock in the morning so we need to keep the comments on topic and we will limit you to about three minutes just so that everyone gets a chance to speak that wants too, with that said again please state your name and address for the record.

**Mr. Baxley:** Alan Baxley, 24024 NE 142<sup>nd</sup> Street, which is right off of Cameron Road, I have lived in that area for 35 years. I noticed in this assessment part of the paperwork that we were given it says there will be allowed or authorized to keep and hunt white tail deer, elk and ungulates and similar mammals having hoofs now my question is she's mentioning deer hunting season but if this called a preserve and they are going to allow hunting is that going to be, one of my concerns is if I am driving by on 92 going to Kearney and I get a zing with a high power and to me a deer rifle is high power, you said they use big elephant guns or something but I am talking even a .22 can go through your window in your car as you are driving across 92 and we go up and down Cameron Road all the years we have lived here and go to Kearney on 92 and all of our neighbors are the same and we all have the same concern. Is if they are going to allow unharnessed hunting vs. only deer season is one thing but if it's going to be all these other animals year around and everything like that it's going to increase the bullet traffic a lot and that's my main concern.

**Mr. Beggs:** I think that the applicant, I am just going to reiterate what she said, the hunting of the animals for only be for culling the herd if it gets to a certain size, so it's not like there's going to be people out there hunting and correct me if I am wrong I don't want to put words into your mouth, but it sounds like there will not be, it's not open, it's not commercial you will not having people coming in and hunt and just like any other hunter on any other ground in Clay County everybody is responsible for their bullet once it leaves their firearm.

**Mr. Baxley:** Right during hunting season.

**Mr. Beggs:** During any season anybody that shoots a round in Clay County is responsible for that round until it stops, so any hunter that hunts knows that if they are shooting across a road I would encourage you to call the Sheriff and have that stopped.

**Mr. Baxley:** If it doesn't kill you first.

**Mr. Beggs:** So if that is happening yes you need to call the police department or the law enforcement.

**Mr. Baxley:** But this says holds a "Big Game Hunting Preserve".

**Mr. Beggs:** Yes.

**Mr. Baxley:** Now you said she says only when they cull the herd where's the guarantee in that?

**Mr. Beggs:** We will look at the conditions and see what we have.

**Mr. Baxley:** I don't see anything where it says only when they cull, it says it will be a big game hunting preserve and they will be allowed to hunt these white tail deer and hoofed animals and elk and everything else.

**Mr. Beggs:** I am going to let you come up here in a minute and answer that question. Do you have any more questions while we have you up here?

**Mr. Baxley:** No.

**Mr. Beggs:** Okay. Go ahead and state your name and address one more time.

**Ms. Westfall:** Kelley Westfall, 12602 Summersette Road, Liberty, MO 64068.

**Mr. Beggs:** So to his question people out there hunting quite a bit would you be willing to add a condition, I am not sure how that would be worded to limit who hunts somehow limiting the number of people that are out there hunting.

**Ms. Westfall:** Well I would to an extent, I mean if they need culled they need culled that would be just like in the wild Missouri Department of Conservation sets those standards and they give out so many tags because the herd needs thinned out because there's going to be disease it's no different we are a preserve we are given a permit by MDC and technically we are allowed to kill as many deer as we want throughout the year but we are not that's not what they are there for John has purchased this farm first and foremost as an agricultural investment and I would really like the people around John's farm to know that. He fenced it first off because there were so many trespassers on his farm and he seen our high fence and he saw how it kept mushroom hunters off, turkey hunters, there was dead deer all over the place from everybody coming in and so I just want everyone to know that's one of the reasons he high fenced it. Then he realized "hey I could put some stuff in here that I can enjoy". He's a photographer first and foremost, most of those animals will be photographed before they will be shoot ever, I mean there's just going to be more photography on that so I hope that the land owners adjacent to this farm realize that the confusion over what's going on on that farm is I don't know what propaganda is coming from but it's not going to be a killing field for animals.

**Mr. Beggs:** I think part of the problem is the title the Missouri Department of Conservation is giving it.

- Ms. Westfall:** I agree, if it could be more like I hate to say nature sanctuary but it really is more like a nature sanctuary vs. a hunting preserve for John, he's a well-established photographer.
- Mr. Beggs:** Let me ask you when you have to cull the herd how many times would that happen?
- Ms. Westfall:** I would say you could cull it within a week.
- Mr. Beggs:** So a week, so is that a week of constant.
- Ms. Westfall:** Of some body sitting out there in the blinds.
- Mr. Beggs:** So how many, the herd is very small now?
- Ms. Westfall:** It is so small right now.
- Mr. Beggs:** Let's say it got to whatever number that you have to cull the herd how long would it take you, how many animals would you, when it gets to a level and you brought it down to this level how many is in that gap? How many animals would be in that gap?
- Ms. Westfall:** Well it's hard to say it really is I mean you see an abundance of animals and they are starving they need culled I would say I would give it a week and a good.
- Mr. Beggs:** Would that be an animal a day?
- Ms. Westfall:** No, you could shoot 20 a day if you needed to and they would be culled for meat they would be donated to Harvesters or where ever they needed to be donated to.
- Mr. Beggs:** Okay.
- Ms. Westfall:** They would be donated.
- Mr. Tapp:** Mr. Chairman if the Commission is concerned about the commercial aspect, I will wait for the Commissioner to finish, if the Commission is concerned about the commercial aspect to it I would encourage them to evaluate adding a condition that says no money shall be exchanged for the commercial use of hunting, something to that extent. So it's use purely for families, the owner's family and friends so no money is exchanged in return to hunt the exotic/dangerous/wild animals that is all that we are here to talk about. Not white tail that is a much bigger picture to discuss, so I encourage the Commission to look at that.
- Mr. Beggs:** Okay, would that be.
- Ms. Westfall:** That's fine.
- Mr. Tapp:** And it is also for 10 years so they will come back in 10 years or if not sooner if they want to pursue commercial that is a whole different conditional use permit they would have to request, this is clearly for just the establishment or existence of EDW for private use only.
- Mr. Beggs:** I was trying to get to the amount of shooting that's going to be going on there in response to his question.
- Mr. Tapp:** You can restrict that as well.
- Mr. Beggs:** That is why I was trying to get an idea of the numbers that you are going to have.
- Ms. Westfall:** Now there is hunting done on that farm, turkey hunting I mean that is turkey season is okay?
- Mr. Beggs:** Okay, thank you. Additional questions or comments? State your name and address.
- Mr. Zarges:** William Zarges, 14309 Cameron Road, Excelsior Springs. My concern I have is the with the term dangerous, are they limited to only hoofed animals at no time they can increase that to like any type of wild cats or anything?
- Mr. Tapp:** That is a great question; Commission can again add a condition if they feel it necessary to say just for hoofed animals.
- Mr. Rhodus:** I don't think bobcats and mountain lions would not go good with hoofed animals.
- Mr. Tapp:** There is a state law that does not allow any property owner in the State of Missouri to own lions, tigers and bears. There is a state law there's a Large Carnivore Act. You simply cannot but I would encourage the Commission to consider adding a condition and I'm sure the Westfall's would agree I don't believe they have any intention of adding any feline that have sharp claws.
- Mr. Zarges:** Apes?
- Ms. Westfall:** What?
- Mr. Zarges:** Apes or primates?
- Ms. Westfall:** No.
- Mr. Tapp:** No again the Commission can restrict it to just hoofed animals.
- Mr. Beggs:** That is not on our list anyway.
- Mr. Tapp:** It's none...

**Ms. Baxley:** Claudia Baxley, 24024 NE 142<sup>nd</sup> Street, Excelsior Springs. The concern I have comparing hunting season for deer and turkey whatever else they have regulated numbers they have regulated times, they have regulated places and usually those places are far from a highway that is used to go to one town to another that is all I have to say.

**Mr. Beggs:** Any additional comments? Please.

**Mr. Kelly:** Scott Kelly, 21703 NE 148<sup>th</sup> Street, Kearney, MO. I think you have covered the hunting thing pretty thoroughly it sounds like I do believe lions, tigers and bears and primates are a class two license I think under Missouri Department of Conservation. What I do have concern with, I don't know are hogs hoofed animals? So I just want to make sure or clear because hogs can turn feral very quickly and destroy a lot of property so..

**Mr. Tapp:** Are we speaking of wild boars?

**Mr. Kelly:** Yes, I mean it's coming up from Texas as we speak so they turn feral very quickly and matter of fact that's a sport now and a lot of Southern states and even the Southern Kansas now so I didn't know what the applicants intentions were as far as having any kind of what would you call it, I call it a hog or a wild boar or any of those types of animals.

**Mr. Beggs:** Okay thank you. Ms. Westfall I'll ask you to come back up and respond to that.

**Ms. Westfall:** Kelley Westfall, 12602 Summersette Road, Liberty, MO 64068. Our fencing standards right now are approved by MDC and it's an eight foot fence we do not have fencing that would contain a hog and we have no intentions of ever ever buying hogs, because I have seen what they have done in Texas and they are moving north.

**Mr. Beggs:** While I have you up here you would be opposed to us adding a condition to Exhibit A that says only hoofed animals under the conditions of your CUP that you will only have hoofed animals, are you okay with that?

**Ms. Westfall:** That's fine.

**Mr. Beggs:** Okay.

**Mr. Tapp:** Is a wild boar considered a hoofed animal?

**Mr. Beggs:** Well..

**Mr. Tapp:** So again..

**Mr. Beggs:** Do you want to add no wild hogs?

**Ms. Westfall:** No wild boars.

**Mr. Decker:** To animals that are on the business plan. We have a very specific list.

**Mr. Beggs:** Can we just limit to what's listed in your business plan?

**Ms. Westfall:** That's fine, what if we want to turn this into a hog farm, 500 acre hog farm?

**Mr. Beggs:** You would have turn in a new CUP I assume.

**Mr. Tapp:** Depends on if it's confined or not by the State of Missouri's definition.

**Ms. Westfall:** Okay.

**Mr. Beggs:** Thanks, any other comments or question? Please come forward, you can go ahead and sit down Ms. Westfall you are going to get a lot of exercise tonight.

**Mr. Noll:** Justin Noll, 15709 Oakmont Drive, Kearney. My concern is with these animals coming in here especially about the deer that's EWD and I didn't know if how are they tested or what impact would they possibly have on the native wild life?

**Ms. Westfall:** Kelley Westfall.

**Mr. Beggs:** So how do test your animals when they come on site, does a vet check them or what do you do when they come on site?

**Ms. Westfall:** We are going to be here a while as I explain this.

**Mr. Beggs:** Just give us the Cliff notes version.

**Ms. Westfall:** MDC regulates as far as the white tail we are not here about the white tail we are here about the exotics.

**Mr. Beggs:** That is correct.

**Ms. Westfall:** USDA regulates the movement of the exotic and dangerous wild animals at the auction or where ever they are purchased from there's an onsite veterinarian who does all the testing before they can leave the facility.

**Mr. Beggs:** That's great thank you. Any additional comments? Please.

**Mr. Chad:** Robert Chad, 1107 Monroe, Kansas City, Missouri 64127. For years I've taught hunter safety program for Missouri Conservation Department and a lot of the background information that city people may not realize a .22 rifle will go through six (one) inch boards and still travel a miles so every kid that has a .22 rifle with questions about how far that bullet will go it's a mile or a little more and 7 mm magnum seven miles. So everywhere in the State of Missouri you have potential for that hunter of a seven mile bullet travel but in Missouri because we train our hunters through our hunter safety program to watch where you are shooting, what's your back stop is we have had very few deaths from firearms during hunting season of people not in the hunting area, bystanders like a farmer feeding his cows. So those issues 534 acres are not going to be outside that seven mile radius so the bullets still travel outside of the farm and that happens in every deer hunting position in Missouri we have an average of 300,000 citizens a year hunting deer in Missouri with high power rifles, most common rifle in Missouri is a 3030, it still travels three and a half miles, this gives you a background. But carrying capacity of one acre of land for cows is about 6 cows so multiple six by 534 you can have 3,000 animals on this property so there might be a consideration of the limit of herd size because as we have seen lately chronic wasting disease and some of the other diseases are from high population properties and this is happening in Missouri its documented, the Department of Natural Resources can provide you with that information to (*inaudible*) your decisions but looking at a property like this if you look at a carrying capacity of say 500 animals which is fine and it's very hard to manage because those animals will clear a five foot fence with no problem so if you look at that from the agrarian standpoint how you fence it how are you going to limit the herd size that gives you an idea of the issues you need to worry about as animals are brought in from other locations the testing they provide, limitation of chronic wasting disease (*inaudible*) other diseases that affect hooved animals would be something that you really ought to consider because this protects our native population plus the herd that they're going to develop, which is an admiral position because some of these animals are endangered and aren't really stocked in the U.S. So this gives you a background to make a decision and that's the main thing is we forget our agrarian roots, we forget these bits of information. As a gunsmith and having to work with trained hunters those are pieces of information you really need to have to make an informed decision, thank you.

**Mr. Beggs:** Thank you. I am going to step out and again I don't want to put words in your mouth but as far as, she's got this property has got an eight foot fence all the way around it they're going to pay to bring these animals in. So, I would think that anybody that has the motivation to keep the herd healthy and strong it's going to be the Westfall's or Ying whoever is running the facility so if they start dying off its just going to be money out of their pocket. So, correct me if I'm and again I don't want to put words in your mouth, I understand and thank you for your input appreciate it. Any other comments?

**Mr. Milligan:** Wyatt Milligan, 14900 Shady Grove Road, Kearney, MO. My concern is with the culling or hunting during rifle season will there be center fire or black powder those are in given times of the year and almost everyone knows that is a dangerous time to be out and around the woods we have neighbors that horseback ride frequently and if they are going to have a time not a set time for this culling or hunting whatever you want to call it that is going to occur they could put any of us that happen to walk the gravel road that goes beside the property or any of that in possible danger. Because rifle season, center fire season you are wearing blaze orange and most people that are outdoors at that time also know that it is a dangerous time so they are wearing some bright colors but if this culling is going to happen possibly year around that is going to be an issue for bystanders outside the fence and especially if you are having more than one person do the culling somebody that doesn't know the area real well or habits of people around there things like that. That's it.

**Mr. Beggs:** I want to back up, are you talking black powder I am sorry I didn't quite catch the comment on the rifle.

**Mr. Milligan:** There are two different seasons but they are both dangerous but most hunters and people that from the rural areas and Kearney is still somewhat of an rural area know when the black powder season is so you tend to avoid it. But when it comes to things like turkey hunting with a shotgun it's not going to carry far enough, so there is no turkey hunting with a rifle.

**Mr. Beggs:** Any additional comments?

**Mr. Graff:** My name is John Graff, 18624 Downing Road, we own property diagonally from the property in question on Cameron Road and 92, the staff report on this listed nine different subdivisions,

residential subdivisions that was in close proximity to this property and some of them are fairly high density Oakmont for instance and it just seems to us it's not an appropriate area given or be a minimal chance that you are going to be hit by a stray bullet but there is always a possibility and that is a fairly residential neighborhood there's a lot of homes that are not in subdivisions. We have two rentals in the area both have children so we are opposed to generally an installation like this there is some sort of buffer zone is provided there's no indication of that at all in this plan and I think at a minimum something needs to be done a buffer zone equal to the maximum range of the guns that are going to be used or something like that.

**Mr. Beggs:** But you understand we just had testimony that a rifle bullet will travel seven miles so that would be there would be no way you could set a buffer zone around for seven miles, is that what you are saying you want a buffer zone to equal the travel distance a bullet would travel, is that what you are?

**Mr. Graff:** I mean that is practical isn't it? I think the burden should always be on the hunter not the public like the one guy was saying you know people are hunting and you know to watch out but that's okay, but it is not my responsibility to dodge somebody else's bullet.

**Mr. Beggs:** I agree and the responsibility is always on the hunter.

**Mr. Rhodus:** I have lived here all my life I am very familiar with that piece of property and there is probably less hunting and powerful rifle shooting on that ground now since Ying has had it then there has been for the last 50 years I've been here because it's always the hottest hunting spot anywhere in here so there probably less firing of guns going on now than what there has been in the past.

**Mr. Graff:** Well we have lived out in the country for a long time also and this is a higher intensity shooting than some guy that goes out deer hunting on the property, anyway we are still opposed to it.

**Mr. Beggs:** Okay thank you. Please.

**Ms. Marchbank:** My name is Mary Marchbank and I live at 15702 Oakmont Drive, Kearney, on page 13 of the application there is a comment that the applicants above, "this grants to the person or business listed above the privileges accorded under a Big Game Hunting Preserve Permit" and then it lists a three day hunting license and annual hunting license and something called a Locking Leg Seals and I was just wondering what those were?

**Mr. Beggs:** Let me get on the right page, is this the one you are reading from it is 13 of our report but I am not sure if that's what you are looking at.

**Ms. Marchbank:** This is the (*inaudible*)

**Mr. Beggs:** Okay that is 13 okay I see where you are at. I am going to have Ms. Westfall come up and speak to this.

**Ms. Westfall:** Kelley Westfall, 12602 Summersette Road, Liberty, MO, I think she is referring to it's a tag locking mechanism that if an animal is shot you have to put that on it.

**Mr. Beggs:** I think this has more to do with the commercial if you were to actually have hunts there.

**Ms. Westfall:** Right.

**Mr. Beggs:** So MDC is actually allowing that, but the applicant has said that there would be no commercial.

**Ms. Westfall:** I would like to add that this is kind of turning into a white tail thing with our big game hunting preserve permit white tails not on, we shouldn't be discussing white tail, this is about the exotics here we have our permits from the state we have satisfied all state regulations for the fencing I mean if we wanted to we could go in there every day and kill something but we don't. So I would like to get that message clear to all adjacent landowners. We are not in there doing that but we could if we wanted to, but we are not and we don't plan on it don't want to do it we are here about the exotics the zebras, that is why we were brought here today is about the zebras, elands and aoudads and I just want to make that clear now it is turning into MDC stuff we are already covered if we wanted to go into there and white tail hunt we can white tail hunt all we want, so I just want to make that clear.

**Ms. Beggs:** I would agree with you because this is what they have included in here.

**Ms. Westfall:** But have you rifle shot in there? No we don't do anything, thank you.

**Mr. Beggs:** Thanks, any other comments? We are going to close the public comments and I am going to turn to the Commission and see if you have any questions or comments for staff or the applicant.

**Mr. Decker:** I would have a couple of items that we touched on with Ms. Westfall, number one is would be to establish a maximum size of the herd and I think she said she would agree to do that based

on discussions with Mr. William and she also conceded to the fact that there will be no paid hunts or commercial hunts and I would like to see those two items added to the Exhibit A on the attachments.

**Mr. Beggs:** Would that be acceptable if we added those conditions to what staff already had and what was added only hoofed animals and add something that says no hogs.

**Ms. Westfall:** Definitely no hogs we don't plan on having any commercial hunting what so ever.

**Mr. Beggs:** So you are okay with us adding conditions no paid hunts, no commercial hunts.

**Ms. Westfall:** I am fine with that but with the big game hunting preserve permit that's what it about I mean we are not doing it but we are fine with it just so the adjacent landowners know.

**Mr. Beggs:** I am going to turn to Director Tapp.

**Mr. Tapp:** I have a draft language for two of the conditions the third one will have the number of animals, we really have not discussed that in detail, but for the commercial hunt I have "the exchange of money for the right to hunt exotic/dangerous/wild animals on the subject property is not allowed", so it is specifically to the EDW.

**Ms. Westfall:** White Tail are not exotic.

**Mr. Beggs:** I am going to ask you to come back up.

**Mr. Tapp:** Right so again the exchange of money for the right to hunt EDW animals on the subject property is not allowed, just EDW animals.

**Mr. Beggs:** Are you okay with that condition?

**Ms. Westfall:** Yes.

**Mr. Beggs:** Okay, you have a second too?

**Mr. Tapp:** The second one is "The EDW is limited to the ungulates species except for wild boar".

**Ms. Westfall:** I agree.

**Mr. Beggs:** Okay.

**Mr. Tapp:** And then the number is up to the Commission's discussion.

**Mr. Beggs:** Where are you at?

**Ms. Westfall:** For the records you can look at MDC's how they prorate your land to animal ratio.

**Mr. Tapp:** We have the, we follow the state.

**Ms. Westfall:** It is quite a bit but we'll never get to that, I believe like the thousands but we would never do that I just want..

**Mr. Tapp:** The state has a large animal standard to follow which is one to one so one cow or horse per acre of ground.

**Mr. Rhodus:** I can address the Commission on that, this happens to be farmed so probably 400 acres of beans and corn so you are not want to have a hundred head of zebra and elk on crop fields.

**Ms. Westfall:** Thank you, it would affect our return on that, like I said it's an agricultural investment first off, this was just for fun, through the zebras in there, we even have llamas which are not exotic, it was just for fun and it's turned into this.

**Mr. Beggs:** Are you okay if we said 100 exotics.

**Ms. Westfall:** Yes.

**Mr. Beggs:** Is that a good number for you?

**Ms. Westfall:** Yes that is fine.

**Mr. Beggs:** Okay that is almost five acres per head which seems reasonable to me.

**Mr. Tapp:** So condition ten will be the exchange of money the commercial aspect, condition eleven would be the limited to ungulates species except for wild boar and condition number twelve will be the EDW's limited to 100 animals.

**Ms. Westfall:** That sounds great.

**Mr. Beggs:** Any other questions or comments from the Commission? Thank you.

**Ms. Westfall:** Thank you.

**Mr. Beggs:** That said I would entertain a motion to clarify so we have total number of conditions is twelve conditions?

**Mr. Tapp:** Twelve.

**Mr. Decker:** Can we touch on all twelve conditions for the public that doesn't have the staff report.

**Mr. Beggs:** Sure, staff what to go ahead and read the conditions?

**Mr. Tapp:** Yes, conditions number one is "The applicant shall comply with all the conditions and requirements of the Land Development Code (LDC) Section 151-3.10, Conditional Use Permits, and

Section 151-6.2(E), Animals, Exotic/Dangerous/Wild (EDW), or as amended.” Condition number two “The CUP shall be based on a time frame of ten (10) years.” Condition number three “This CUP may be revoked at any time based on validated public complaints for violations to the Land Development Code (LDC) substantiated by County staff.” Condition number four “Proper notification and registration with the Clay County Sheriff’s Office of the EDW animal facility.” Condition number five “8-foot perimeter fence around the entirety of the EDW animal facility.” Condition number six “The applicant shall comply with and meet all codes and regulations stipulated by any local, state and federal governmental entities having jurisdiction over animal care and/or EDW animal facilities, or as amended.” Condition number seven “Each EDW animal must have current health certificate in accordance with Missouri Department of Agriculture standards.” Condition number eight “Display sign must be placed upon the premises stating that there are EDW animals on the property. The sign shall be visible and capable of being read from the public street that abuts the property.” Condition number nine “Once approved, this CUP is non-transferable; therefore, if ownership changes a new CUP must be filled with the Clay County Planning and Zoning office.” Condition number ten “The exchange of money for the right to hunt EDW animals on subject property is not allowed.” Condition number eleven “The EDW is limited to ungulate species except for wild boar.” And Condition number twelve “EDW is limited to 100 animals.”

**Mr. Beggs:** We should change that to 100 exotic animals.

**Mr. Tapp:** 100 EDW animals.

**Mr. Beggs:** Yes that is what we are talking about.

**Mr. Tapp:** Okay.

**Mr. Beggs:** I will entertain a motion.

**Mr. Decker:** I will make a motion to approve the Conditional Use Permit for the Exotic/Dangerous/Wild (EDW) animal facility at 15304 Cameron Road 530 acres plus or minus with the Exhibit A attached twelve conditions set forth in Exhibit A as described by Mr. Tapp.

**Mr. Beggs:** Do I have a second?

**Mr. Rhodus:** Second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve with conditions.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve with conditions.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve with conditions.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve with conditions.

**Mr. Tapp:** Chairman Mark Beggs?

**Mr. Beggs:** Approve with conditions.

**Mr. Tapp:** The motion carries.

**Final Vote: 5/0/0 Approved, Sept 15-135CUP; Westfall Exotic/Dangerous/Wild (EDW)–Conditional Use Permit With twelve (12) Conditions**

**Mr. Beggs:** So again it will be County Commission meeting here on the 21<sup>st</sup> 10 am, good luck. The next case is going to be case September 15-136RZ this is a request for a rezoning from Community Services District (C-3) to Residential Services District Multi-Family (R-SDM) with a Planned Unit Development (PUD) zoning overlay district located at approximately 14518 Old Quarry Road, the applicant is Doug Perry, with the Church of Liberty, representing Millin Co., LLC and we will wait just a few minutes and let everyone to get that wants to participate. It is nice to see everyone here willing to participate in this meeting unfortunately we have a occupancy capacity of 65 for this room if there would be a fire we want to make sure everyone can get out of here so what we are going to ask is that if

you are not speaking if you could wait out in the lobby we are going to leave the door open so that you can hear if you have a written statement and you would like to just hand that to us we will take that and that will be evidence just like you were standing up and speaking if you are not going to speak again I ask you to step outside just so we stay in compliance and we don't put anybody in harm's way that doesn't need to be. I will give everyone a chance to kind of shuffle around and hopefully you can hear what's going on outside. If you have written testimony you can just leave it on the front table and we will take care of that. Okay with so many people here we are going to limit comments to three minutes I am going to ask if Angie, she is sitting over there raise your hand Angie, she's kind be our time keeper and she will kind of wave at you when you have about 30 seconds left in your time so we ask if you would stick to the three minute limit. Another thing I want to mention I have been warned by counsel we're not going to talk about anything religious here we still live in the United States we still have the freedom of religion so everybody is allowed to believe whatever they want that's not part of what we do here. We are talking about land use, we are talking about density, we are talking about those kind of things here. So I am just going to forewarn you and we will shut you off if you start talking about religion and that kind of thing. With that said I've already read the description and I think we are ready for a staff report.

**Mr. Tapp:** Yes Mr. Chairman I would first like to attach the staff report as part of the record.

**Mr. Beggs:** So be it.

**Mr. Tapp:** Summarized the staff report September 15-136RZ dated August 26, 2015.

**Mr. Beggs:** Thank you. I am going to open up this discussion to staff it looks like we are missing some pretty core elements to even make a decision here we've got sanitary issues, we've got water issues, you've got electric or fire issues.

**Mr. Tapp:** Traffic impact study.

**Mr. Beggs:** Traffic impact study, I am just trying to decide if we should as a Commission should decide to table now as to oppose to later, I don't see how we could make a decision based on the information we have so I am going to through that out to the Commission for discussion.

**Mr. Flook:** I am going to stick my nose in a little bit here. Something to consider Mr. Chairman is that if we vote to table this and there is additional reports and information that is going to come in, anyone who testifies tonight can argue or want to come back and speak to whatever that report is so it kind of presents, I will tell you it kind of presents a (*inaudible*) and process consideration if you table there will be additional information people who testify tonight may want to come back again so you may end up feeling compelled to have people testify twice so which may or may not be bad thing it is something to consider if you decide whether or not to table if significant new information is coming in whether they pursue it or anything like that there may be people who want to comment on that then we will have to honor that.

**Mr. Beggs:** Sure I understand. Commission discussion do you guys have an opinion?

**Mr. Carlson:** I would like to ask the applicant some questions.

**Mr. Beggs:** Okay.

**Mr. Decker:** If Mr. Perry wants to come to the podium but I concur with you if we go with the basics of adequate sewage and adequate water, adequate ingress egress there is no infrastructure to support the proposed rezoning I would like to hear what Mr. Perry has to say to that.

**Mr. Beggs:** Okay, anybody else, well let's proceed let's get the applicant up and ask the questions you want to ask and we'll revisit that and see what we can do, Mr. Perry.

**Mr. Perry:** I appreciate the opportunity to speak and I appreciate all the people that are expressing an interest and I am sure they're full and unconditional support for us.

**Mr. Beggs:** Before you get too far I will have you state your name.

**Mr. Perry:** Okay Doug Perry, I am the pastor of The Church of Liberty and I want to say we began some discussion with Matt the head of the department several months before we submitted the application about what we wanted to do how best to do it, all of the things that are missing are things that we have been told are missing after we submitted the application basically or we were told it might come up or whatever. We did not intend to submit an incomplete application we are interested in trying some things ecologically that Clay County can't seem to process, I've been frustrated with the process for example because you have a Green Building Incentive that waves all the inspection fees and all of the permit fee if you build a building according to these things one of them is smaller foot print than

normal, one of them is composting toilets but when we go to actually do the things or try to set people to do it freaks everybody out it requires a variance or PUD and it becomes really difficult to do the kind of things that you have admitted are green and ecologically friendly or is something you would like to see the County do more and that has been a frustration for me and for this process. About six months ago almost we asked the Department of Natural Resources for permission to do what other groups and other places are doing all over which is human waste compost. They insured me in 45 days they would have an answer for us and we're excited about the idea of processing on site and understood the science of it okay, but that was months ago they finally came back and said you need to hire an engineer to do a study and then we will take a look at that so we are in conversation with SK.. what's their name?

**Mr. Tapp:** SKW.

**Mr. Perry:** I was hoping to hear or get a phone call back today but we're going to be working with them. Now there's been a lot of miss information about us as a group. We had a couple open houses people came one gentleman asked us how we were a benefit of the community, when we were going to have guys with guns at the front gate, okay we don't have guns don't like guns don't want any of that.

**Mr. Beggs:** Okay I am going to back you up, let's try to stay to the land use issues here.

**Mr. Perry:** We have tried to ask for some things like rain water harvesting, like rain water recycling, like human waste composting that the Peace Corps that other groups teach all over the world that are accepted science that are far against the mainstream that it's freaking people out. Now we did not ever intend to do those things without permission, we have gone to the appropriate bodies, we are asking the right questions in some cases they are dragging their feet, the traffic study didn't come up until only three weeks ago after we'd already submitted the application, the water department that one didn't come up until two or three weeks ago. We have been, in ten years, living in community using about 25% of the average American usage of electricity, of cars or water creating less trash but when it comes to time to calculate the number of parking spots for the village they want to use national averages which don't apply to an eco-village. We put up a website trying to explain more trying to understand I've encouraged people to go to thelibertyfarm.com, the original site plan that was submitted had 56 buildings that was twice what we asked the engineer to draw okay on the day of the deadline without any consultation he sends that to Matt, sends an e-mail to me I said why does it have twice the density that we wanted in that corner, he said well this is what you do, you ask for the moon they tailor it back you get what you wanted anyway. Okay well the given result was it just freaked everybody out, we've modified back to what we had in mind originally which is a density closer to 80 to 100 people, no way would I put 200 and some people in that little corner of the property. Excelsior expressed some of their concerns like was it okay to build on top of the cave, okay well that corner was selected because it's not on top of the cave but we did pay for an engineering study, they did look at the cave they found that the cave would be perfectly okay for residential use as far as they were concerned and it was okay for us to build the kind of buildings that we are talking about on top of the cave. The engineering report that Matt has which I presume is forwarded to Excelsior or to who ever said clearly that we could build farther back where it's a (*inaudible*) off Old Quarry Road. But then we have trouble with roads, fire hydrants, electricity and whatever else so because of that was a corner that was not going to used commercially it didn't disrupt the C-3 zoning of the rest of the property it was accessible to the road the decision was made to plant it on that corner, we've moved buffers farther from the road where there is more vegetation we don't believe anyone can see it from the ballpark or from Old Quarry Road. This is not and I have said over and over and over this is not a homeless shelter, this is not a rehab, this is a church we believe the church is best lived out residentially, we have said from the beginning that the zoning is problematic because there is nothing in the zoning code that allows for a monastery, a convent, even a parsonage alongside the church, there's a concept in the zoning code of a residential religious group of people living together and yet we believe firmly that is the best for us anyway not that everybody needs to do it that way but that church lived out residentially as groups in the past have done, as over thousand intentional Christian communities around the world do that faith is best lived out together daily working together, worshipping together and so on. The question of whether or not we're going to use that piece of property is moot we are buying the property the question of us having a church there is not an issue here either we're going to be using it for a church, we are going to be using it for a farm it's just a matter of whether we have people living there working the farm and participating together in all of the projects that we do on that property. I am sorry for submitting an incomplete

application. I am sorry for the folks that may want to come back and have their say later, we are we have the Excelsior Springs sewers running through our property right along the creek line from Old Quarry Road down to the west it maybe from the zoning code that we have no choice but to connect to the sewers if that is the case that's fine. The point was not to try and get around anything the point was to see how we can do this in the most ecologically friendly possible way, 31% of all the drinking water in this country is flushed. Okay we are going to continue to have a problem of processing drinking water and generating more drinking water when we keep flushing, it okay there are some solutions to that even the Green Building Code that I don't know if this body was who voted on it but shows that dry toilets or composting toilets are one of the possible solutions to that. It is not a dumping sewage on the ground it is very much using what is a resource scientifically processing and making sure that it is safe for two years it sits and processes in compost before it goes back out into the agricultural elements not into the garden and other things, but it's safe and an accepted practice in lots of places there's videos on the website about that, I encourage you to watch it. If through this process we have an opportunity to educate folks about how to live more simply, how to be happy with a smaller house, about how to live more ecologically than that's great. I wish it wasn't so hard, I wish it didn't feel we were swimming upstream against so many people. I don't think the density, the neighborhood directly south of us you could fit 31, I took that triangle and overlaid it on that neighborhood and you could fit 31 single family homes in the neighborhood directly to the south in that triangle and that's without even engineering them and designing them to fit just overlay that triangle on that neighborhood. And those are two car garage with big roads and single family homes we are talking about small cabins and buildings that are designed to hit the emerald level on the Green Building Code that you all put into place which nobody in Clay County had done so far, we want it to be a place for teaching and training, a place of prayer, a place for people to come and learn and we have people come from all over the world to see what we are doing. We think that we're a benefit we've been good a neighbor here in Liberty whatever gossip or slander or whatever is said about us we have distributed four million pounds of food we've taken in lots of people that nobody else will take in and anyway I expect that one way or another we are going to satisfy you soon or later with traffic and sewage and whatever and we will submit to whatever rules we're going to have to submit to, that's not the point but we're asking for some unusual things and it's taking a little longer than normal for everybody to get their head around it. But if you have any specific questions I would be glad to answer them.

**Mr. Beggs:** I am going to speak for the Commission, I applaud you for the green development but again we still have to make sure that, you mentioned it, the science safety, you have to make sure what you're doing is scientifically right from the Engineering stand point and will keep your people safe as well as people downstream from you.

**Mr. Perry:** Sure.

**Mr. Beggs:** I've worked on projects; I am a Civil Engineer, in which we built a large reservoir so that they could take human waste and actually put it out on cropland that is not that unusual, people are doing it, big municipalities are doing that but we just got to make sure that what you're doing is right from an Engineering standpoint for public health and safety standpoint. So that's why we require the traffic studies all these other things we've got to make sure again what's your...

**Mr. Perry:** I am not fusing about any of that except some of those we didn't know we needed until after we already submitted the application.

**Mr. Beggs:** These are pretty basic things that we look at every month so I don't know what happened if there's a communication gap there but everyone else that's come through here typically has those boxes checked about the time they get to this point.

**Mr. Perry:** We had hoped to have resolution from the Department of Natural Resource's by now and they had told us that they would have answers and their answer was hire an Engineer and have him tell us it is okay.

**Mr. Beggs:** And that may be very well because you are doing something out of the ordinary it's going to require an Engineer that specializes in that kind of thing.

**Mr. Perry:** The goal is never to get around health and safety it wasn't at all the goal was ask for as much as could and prove the science if we need to and then see what the codes of the different governmental bodies will allow us to do. There's an eco-village up near Kirksville in Rutledge, Missouri that does 100% human composting, human waste composting for 20 years and they are in a

county specifically that they choose because there's no zoning, there's no building codes they could build hay bale, they could build tire houses, they could build all kinds of stuff and they are safe they've never had a problem but they don't have the same kind of oversight. We recognize that by choosing here that we need to submit to you guys so anyways I expect that in the next month or two we are going to get the results to the studies that you are asking for and satisfy those concerns.

**Mr. Beggs:** Great glad to hear that, do you guys have any questions or comments?

**Mr. Carlson:** In your planning have you had anybody take a look at the International Building Codes and studied those and referred to your construction methods with those?

**Mr. Perry:** That is part of the Engineering that has yet to be done which is to look at our specific buildings and see whether they are okay to be built the way we designed them or what changes need to be made to our designs we have tried to be a little bit vague about the specific cabin or specific shape we know that is about the footprint we want but we know that engineers are going to have to sign off on anything before we submit it to Kipp when the building inspection process goes through and my understanding was that the actual engineering on the actual building didn't need to be done at this moment on those but we are not building anything until an engineer signs off on them.

**Mr. Carlson:** When you enter the County there are signs all over the place that says you need to contact the Planning Department to understand when you are buying a piece of property to understand the zoning and we just want to be sure that you understand that you might be buying a piece of property that is zoned not for what you want to use if for.

**Mr. Perry:** We've already worked that deal out so we are going to be on this property regardless this is not a contingency we're already renting space in a cave down in Rush Creek Properties. This property is a few hundred dollars more a month than the rent we were already paying at the cave and gives us more space. We are going to be farming on that property we are going to be using that property and I understand that it's possible that this is unresolvable and that we won't be able to use this residentially. I think at some point we have a problem with the residential land use act, institutionalized person act because we strongly believe that as a church; we believe the church is lived out residentially and that a church can go in any zoning district and that there is an establishment clause problem when you define a church a certain way and it has to act that way. Maybe we are wrong, maybe we are not, but what I was told by the Justice Department was go through the process ask for permission if you get turned down then the Justice Department will come and have a talk with whoever about whether or not our loop applies to this.

**Mr. Beggs:** I think what Commissioner Carlson is getting to is before you jump in with both feet you might want to check the zoning to see if it's going to cost you a ton of money to be able to do what you want to do on a particular piece of ground. Where there may be a piece of ground over here which might be easier, I think was his point.

**Mr. Perry:** I don't know if we could find a piece of property that's going to be any easier anywhere else.

**Mr. Beggs:** I just wanted to clarify what Commissioner Carlson was asking.

**Mr. Rhodus:** I've heard a lot of activities is anyone residing there?

**Mr. Perry:** No sir we don't have permission for that.

**Mr. Rhodus:** And you keep referring to farming I am pretty familiar with that and not too many people farm a rock quarry.

**Mr. Perry:** Well there is dirt it's not just rock on the surface there is dirt on top and we're talking about back to Eden gardening which is no till above ground compost type gardening, raised bed gardening. We've got 100 foot by 80 foot greenhouse that was donated we're talking about aquaponics in the greenhouse. We like to do vermiculture which is a worm castings and raising worms in the cave it's ideal for that growing mushrooms and other things that would work in a dark humid environment will work in the caves as well so we are not relying on the quality of the soil on that property. Most of what we are talking about is us amending the soil with more compost with more woodchips above ground rather than tilling the little bit of dirt that there is above the cave already, so in that sense I don't, we didn't choose it because it was good crop land but there is a large stretch right up and down north and south it was cleared maybe 15 or 20 years ago and it is mostly small brush that is easily knocked down with a tractor and brush hog that will allow us a good 20 acres or something right down the middle that will be easy enough to clear before we attempt to put the greenhouse and any row crops,

outdoor crops. We have thought some of this through and we're not experts we are not as good as farmers as a lot of other folks in here but we are trying some non-traditional things like using the cold air out of the cave to air-condition the houses using air out of the cave to keep the greenhouse from freezing in the winter, using the water out of the cave which is lime rich for irrigation of some of the plants where you would normally put lime into the soil we have a fairly endless supply already so we think it's a great location to do a lot of what we want to do. And it's a prayer and retreat center where people can walk a trail back into the woods and sit under a tree be quiet and do whatever religious thing we are not going to talk about.

**Mr. Carlson:** How many acres are you talking about?

**Mr. Perry:** Of which part?

**Mr. Carlson:** Of your...

**Mr. Perry:** Its six acres, that triangle that we are rezoning, talked about rezoning is six acres.

**Mr. Carlson:** You mentioned 20 acres.

**Mr. Perry:** Well, okay just to the west of that is a strip if you look on that satellite map and maybe your topographical maps don't show it and but there you can see a lighter green area on the west side of that square that is mostly smaller scrub brush, see.

**Mr. Carlson:** So you only consider the larger piece of ground...

**Mr. Perry:** That entire piece is 67 acres, yes.

**Mr. Carlson:** And that's yours?

**Mr. Perry:** Yes. The back quarter is zoned agricultural already this piece is zoned C-3 commercial which allows us pre-approved a commercial greenhouse all kinds of things. We could put a hotel, we could put an amusement park, we could put a Quick Trip, not need a highway study, not need a water study, not need anything but as soon as I say I am a church that wants to spend the night all bets are off and this lot is bigger than Pleasant Valley Baptist Church's lot and we can build a mega-church on it and nobody would have a say in but because we are not the right kind of church then we get all of this, so anyway. But the entire piece of property allows us plenty of room to do the other things we want to do. The cave, the useable area of the cave is located on the C-3 portion under mostly under where that area's clear. I don't know why they plowed the trees down or clear cut it if you go back on Google Earth you can see back to 2004-2005 that it was still scrubby and so sometime around that time they clear cut it so there is not old growth trees like there are on the other forested parts of the property. So it would be easy for us to clear some of that land, we have no intentions of clear cutting anything even in this six acres where we designed the house so we can roll them up in-between the trees and keep as much shade and as much cover as possible there. And again we ask for walking trails with a parking lot down below but then the fire department says no that's a hazard because we need to be able to get utility vehicles up in there, okay well then we do gravel, chip and seal do what we need to do as each department sounds off on what else is going to be required and we understand that the dollars just keep spending with each new thing but we believe this is something we want to do and it will be a benefit not just for our congregation but for the community. We want to be able to produce enough to supplement the food pantry; we want to produce enough for the farmers market with the greenhouse we can produce a lot of out of season stuff, Missouri grown bananas, and stuff in the middle of the winter otherwise we might not be able to get locally.

**Mr. Beggs:** Any other questions or comments?

**Mr. Carlson:** You mentioned the farmers market you mean a commercial aspect added to this?

**Mr. Perry:** Potentially, that's another we've got to investigate if we do, the land is zoned appropriately for that but when we start mixing non-profit for profit uses then we have to look at what percentage of the land is used as church and what percentages of land is used as commercial and then property taxes and all that kind of stuff. So, we understand that there is all kinds of other questions that have to be resolved internally for us too whether we want to get into how commercial we want to expand as to supplement what the church does.

**Mr. Beggs:** Thank you appreciate it. I am going to turn it back to the Commission and see what the Commission thoughts do you want to hear testimony tonight, you want to wait until all of the information is in and have everybody's testify at the same time, I agree with Mr. Flook that's there's significant information coming in it may be in everybody's best interest to do it once. I am sorry that everybody had to come out but unfortunately it is kind of the way it works sometime.

**Audience Member:** Next time can you have a bigger room for everybody.

**Mr. Beggs:** I would assume we could make arrangements for a larger area.

**Audience Member:** Thank you.

**Mr. Beggs:** So discussion on that point do we want to hear testimony tonight do we want to table it.

**Mr. Decker:** I think some of the basics. The infrastructure should be addressed, I think Doug would confer with that seen that...

**Audience Member:** Please speak up.

**Mr. Decker:** I am sorry, the question is. Do we want to hear additional testimony tonight will Mr. Beggs, I feel we should get back to basics of the infrastructure the water sewer, streets I think Doug pretty well concurs with that I just said so himself he did the paperwork for the application we are looking at composting toilets and I think there is a lot of hurdles and basics that need to be addressed before we go into a long in depth testimony with a lot of concerned people once you've got the basics addressed.

**Mr. Carlson:** I would agree I believe we would need to have the rest of this information and I think part of this Commission needs to be informed a little bit further I think we need more information of that just from my position what is it we're talking about here so I would make a motion that we table this to the next Planning and Zoning meeting.

**Mr. Decker:** Can I ask Mr. Perry a question?

**Mr. Beggs:** Sure.

**Mr. Decker:** If our next meeting is the first Tuesday in October would 30 days be enough time to address the needs from the water district and highway department.

**Mr. Perry:** No, they are telling me the water study takes at least 30 days, the engineering study, the highway study I think ought to be waved the property handled 10,000 people at Halloween we are talking about 10 or 12 cars it's already zoned C-3 commercial to handle whatever would be in there but if he doesn't wave the highway study then that could be another 30 to 45 days. We don't know how long the DNR is going to take, but SKW would have to present their report to DNR. DNR would have to review it as much as I would like this done tonight, and you are welcome to just go ahead and approve it because of the power of my word, but as much as I would like this done and have to be able to build some buildings before Christmas I don't see any way that in 30 days I can get any answers from all the people that are asking for answers.

**Mr. Tapp:** How much time do you need?

**Mr. Decker:** I don't see where you need a DNR approval if there are water main extensions involved that's approved by the district that could be 6 or 9 day process right there you don't need a DNR approval to charge ahead, you don't DNR approval for your sewer improvements as long as it complies with state regulations, right now we really have nothing to work with.

**Mr. Perry:** We haven't even gotten a straight answer at least I haven't yet maybe Matt did about whether or not we can connect to the Excelsior sewer that's running through our property. So I am not sure how to answer that if code says if you have a sewer you have to connect to it then that's that okay.

**Mr. Decker:** I agree it defeats the purpose of the County endorsing green so.

**Mr. Perry:** Yes we want to go ahead ask DNR and if DNR says yes we've looked at the science and this is okay you can try this or on experimental bases with inspections or whatever I don't know if that trumps the rule that says we have to connect or not.

**Mr. Tapp:** Mr. Chairman, can I streamline this.

**Mr. Beggs:** Sure please.

**Mr. Tapp:** How much time do you need?

**Mr. Perry:** I don't think by the next hearing that we could get answers by the one after that I think.

**Mr. Tapp:** November the 3<sup>rd</sup>.

**Mr. Perry:** I am going to push as hard as I can to get answers by then.

**Mr. Beggs:** And we can table and if we don't have it you can push back so I think what Commissioner Decker was getting to He didn't want to push you to the next meeting and we would be at the same place we are today. So the time that you need even if we said November and you are getting pushed call staff and say "hey I am not going to have it" and we'll move it back another month.

**Mr. Tapp:** I would said just ask if Doug the week before, the week of the 26<sup>th</sup> of October if it does not look like you're going to be ready please let us know as so as possible so we can get it out to the public.

**Mr. Perry:** I've asked you twice a day almost if you'll know for sure, yeah we will have plenty of notice I think whether we've got all the answers and whether Matt is satisfied that he can push forward with the things that they're asking for by then, in the mean time we had some open houses we may try and schedule some more. I'd encourage folks to visit the website, to e-mail, to call, to come by if you have a question we want to be there to answer the question. I encourage people to not believe what they read on the internet we're a mainstream Christian Church Theologically that agrees with most every other church in Excelsior. Except that we believe that living together is a part of faith. I don't know if, anyway I welcome whoever would like to come and we'll coordinate a tour and show you what we are doing or trying to do and see what's going on.

**Mr. Beggs:** I just want to add one thing I know you don't want to spend the money to do the traffic studies and I don't know how many people here are for or against this but I could tell you if you walk in here with a traffic study that's done by an engineering firm and they say it's okay it probably puts you in a better position to argue your point. Unless they have a traffic study that says otherwise, so the more data you can provide us that is done by an engineering firm that's stamped by a professional engineer registered by the State of Missouri that carries a lot of weight, because we know his license is on the line if he says it will work so I would just throw that out to you before you just try and..

**Mr. Perry:** I would presume if the Highway Department Director waves it that carries some weight too, he's the professional he is put in charge of that kind of stuff.

**Mr. Beggs:** So where are we at Commission wise do we want to table this?

**Mr. Carlson:** I would make a motion to table, need to table or should we just say...

**Mr. Tapp:** November 3<sup>rd</sup>.

**Mr. Carlson:** Okay table this.

**Mr. Tapp:** If that is your desire.

**Mr. Carlson:** Okay table the rezoning application to November 3<sup>rd</sup>.

**Audience Member:** Excuse me can I ask something?

**Mr. Beggs:** We're not going to take public comments tonight we are going to table it.

**Audience Member:** Well for safety and health reasons I think you need to hear me out.

**Mr. Beggs:** Well we are not going to discuss anything additional we're going to wait until we get the information the studies.

**Mr. Tapp:** I would encourage folks to submit information to the Planning and Zoning Department and we will include it as part of the additional information that will go before the Planning and Zoning Commission by November 3<sup>rd</sup>.

**Mr. Beggs:** Right and that will come to us and we will read all that and it will be entered as evidence. We will consider it at the next meeting once we have more information to make a decision.

**Audience Member:** But between now and then how many residences will be taking up space at this present time?

**Mr. Beggs:** There should be none it is not zoned for residential so you need to put that call to the Planning and Zoning Department.

**Mr. Perry:** We have had some of our young men that are volunteers watching the property overnight because we've had two incidences, multi thousand dollars vandalism already on the property at night so we've had somebody out there staying up at night watching the property so that our trucks and tractors and other stuff is not vandalized again.

**Mr. Beggs:** I would encourage you because you are not zoned to have people staying there that you call local law enforcement and do it that way it might be...

**Mr. Perry:** Local law enforcement suggested that we get somebody watching on the property at night.

**Audience Member:** Yes and you all knew they were staying there.

**Mr. Tapp:** Hold on.

**Mr. Beggs:** Just a second there.

**Audience Member:** It's going to get ugly in here real quick guys.

**Mr. Beggs:** Law enforcement I am sure they did not, they wanted some there with security that's been trained to I don't think they meant to go grab a couple of, I may be speaking out of turn, I have a hard time believing law enforcement told you to take your own people and put them there.

**Mr. Perry:** They said you need to get somebody on this property.

**Mr. Beggs:** Right I would go to Excelsior Springs and say what exactly does that mean. We cannot conduct this meeting cordial we'll clear the room, thank you. We have a motion on the table...

**Mr. Perry:** We are not a landfill we are people.

**Mr. Beggs:** Okay.

**Audience Member:** He should stop talking.

**Mr. Beggs:** Okay we are done we are going to close off all public comments we have a motion to be considered do I have a second.

**Mr. Decker:** I'll second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve.

**Mr. Tapp:** Chairman Mark Beggs?

**Mr. Beggs:** Approve.

**Mr. Tapp:** The motion carries.

**Final Vote: 5/0/0 Table, September 15-136RZ; The Church of Liberty– Rezoning  
Till November 3, 2015 meeting**

**Mr. Beggs:** Okay so this meeting will reconsider this on November 3<sup>rd</sup> unless we hear from the applicant and we will put it out. I assume a public notice will go out informing if it moves back. Will there be a public notice for the tabled meeting or only unless it changes.

**Mr. Tapp:** Unless it changes, the folks that are here November 3<sup>rd</sup>.

**Mr. Beggs:** So mark your calendars November 3<sup>rd</sup>, and we will let you know where we will be. Appreciate everybody coming out and being here just wish we could have taken more testimony but hopefully we will be able to hear from more of you then. We are going to move to the next agenda item, have everybody on the Commission take a look at the Planning and Zoning Department's business last month and if you have any questions.

**Mr. Carlson:** I would like to make a motion that we adjourn.

**Mr. Beggs:** If no questions on that business motion to adjourn?

**Mr. Jackson:** Second.

**Mr. Beggs:** Motion to adjourn, all in favor.

**Mr. Tapp:** Mr. Chairman I do have something.

**Mr. Beggs:** I am sorry.

**Mr. Tapp:** I will wait, I don't think they can hear me down there.

**Mr. Beggs:** Yes we will wait until the room clears. We have one more thing of business. Go ahead with the Director's comments.

**Mr. Carlson:** Do you want to stand up in front.

**Mr. Beggs:** State your name and address for the record.

**Mr. Tapp:** Commissioner, Tom and David this is my last Planning and Zoning Commission meeting I turned in my resignation with Clay County, I've accepted a position with the City of Raymore as Economic Development Director so I just wanted to let the Commission know that it's been a pleasure working with you guys and Gene Knisley, rest in peace I had a lot of years and had a lot of fun so I just

wanted to thank you guys for all your hard work and your support for Clay County is definitely recognized.

**Mr. Beggs:** We thank you for all your time and effort you've made our job a lot easier you are leaving some big shoes to fill.

**Mr. Tapp:** Thank you.

**Mr. Beggs:** And I would entertain a motion to reject his resignation.

**Mr. Jackson:** Second.

**Mr. Tapp:** You can try but no again I had a lot of good times with Clay County.

**Mr. Decker:** So will Debbie be interim Director?

**Mr. Tapp:** I don't know Nicole Brown is the Assistant County Administrator they have plans in the work they would be the ones to ask.

**Ms. Brown:** We plan on making an announcement next week.

**Mr. Beggs:** Okay you are not going to tell us who is going to be sitting there in a month?

**Ms. Brown:** I will let you all know next week.

**Mr. Beggs:** That is a no. Well sorry to see you go Matt wish you all the best of luck in Raymore, they are getting a good man.

**Mr. Tapp:** Thank you appreciate it.

**Mr. Beggs:** Stop by and say hello if you are in town.

**Mr. Tapp:** I will do that for sure I will call you guys.

**Mr. Beggs:** Now a motion to adjourn.

**Mr. Decker:** I will make a motion to adjourn.

**Mr. Beggs:** All in favor?

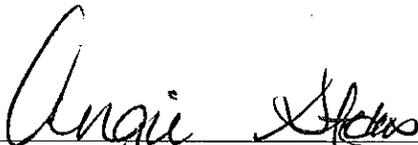
**All:** Aye.

**Mr. Beggs:** Meeting is adjourned.

**Meeting Adjourned**

  
\_\_\_\_\_  
Vice Chairman, Planning & Zoning Commission

  
\_\_\_\_\_  
Secretary, Planning & Zoning Commission

  
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Recording Secretary