

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, DECEMBER 11, 2013

4:00 p.m.

- Present Kansas Association of Counties certificates
- Consider approval of the minutes for November 20, 2013

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
(b) Consider acquisition of easements for Channel Restoration Project at Bridge No. 5.54N-17.50E (Michael Kelly);
(c) Consider approval of the 2014 Douglas County Holiday Schedule;
(d) Consider approval of Cereal Malt Beverage License for Flamingo Enterprises (Clerk's Office);
;and
(e) Consider approval of Cereal Malt Beverage License for The Clinton Store (Clerk's Office).

REGULAR AGENDA

- (2) Public Hearing for approval of amended 2013 County Budget (Craig Weinaug)
- (3) Consider approval of a Home Rule Resolution placing a temporary moratorium on large wind energy conversion systems.
- (4) Executive Session to discuss matters relating to county building security measures pursuant to K.S.A. 75-4319(b)(13). The justification is because discussing these matters in open session would jeopardize the safety and security of county buildings and their occupants.
- (5) (a) Consider approval of Accounts Payable (if necessary)
(b) Appointments
(c) Public Comment
(d) Miscellaneous

RECESS

RECONVENE

6:30 p.m.

- (6) Regular: **CUP-2-1-10**: Consider a Conditional Use Permit to allow seasonal camping accessory to farm operations, on approximately 12 acres, located at and adjacent to 1480 N. 1700 Road. Submitted by Natalya Lowther, property owner of record. (PC Item 4; denied 5-4 on 11/18/13) Mary Miller will present the item.
- (7) Adjourn

WEDNESDAY, DECEMBER 18, 2013

- Consider approval of Cereal Malt Beverage License for Clinton Marina, 1329 E 800 Rd (Clerk's Office);
- Consider approval of Cereal Malt Beverage License for Clinton Submarina, 1329 E 800 Rd (Clerk's Office);

WEDNESDAY, DECEMBER 25, 2013 (Canceled)

WEDNESDAY, JANUARY 1, 2014 (Canceled)

WEDNESDAY, JANUARY 8, 2014

WEDNESDAY, JANUARY 15, 2014

-Review and Approve FY2014 Budget & Summary With Additional Community Corrections Grant Funding Award – Deborah Ferguson

WEDNESDAY, JANUARY 22, 2014

***Note:** The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

TO : Board of County Commissioners

FROM : Keith A. Browning, P.E., Director of Public Works
Michael D. Kelly, P.S., County Surveyor

DATE : December 6, 2013

RE : Channel Restoration Project at Structure No. 5.54N – 17.50E
Acquisition of Easement; Consent agenda

Douglas County received a \$75,000 grant from the US Fish & Wildlife Service (USFWS) for a channel restoration project at the existing drainage structure 5.54N – 17.50E.

Plans were developed in-house and negotiations with the pertinent landowners for the various easement needed have been completed.

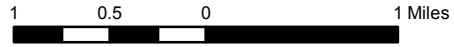
Construction is planned to begin this month and will be accomplished using county personnel.

To ensure the proper completion of a necessary construction project approval is recommended for the attached CONTRACT FOR HIGHWAY PURPOSES.

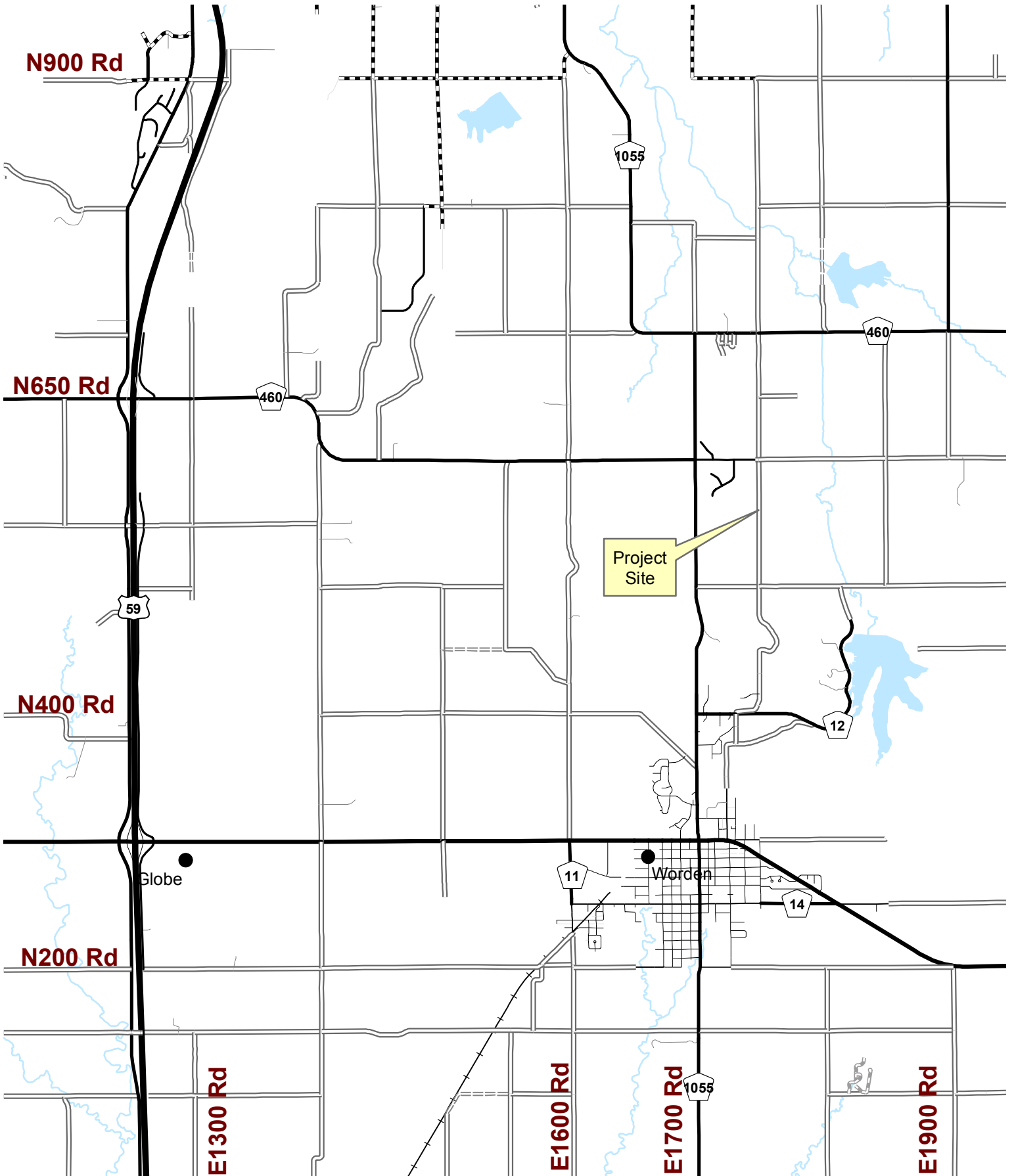
ACTION REQUIRED: Consent agenda approval of the CONTRACT FOR HIGHWAY PURPOSES for the restoration of channel near Structure No. 5.54N – 17.50E.

Channel Restoration Project Bridge No. 5.54N - 17.50E

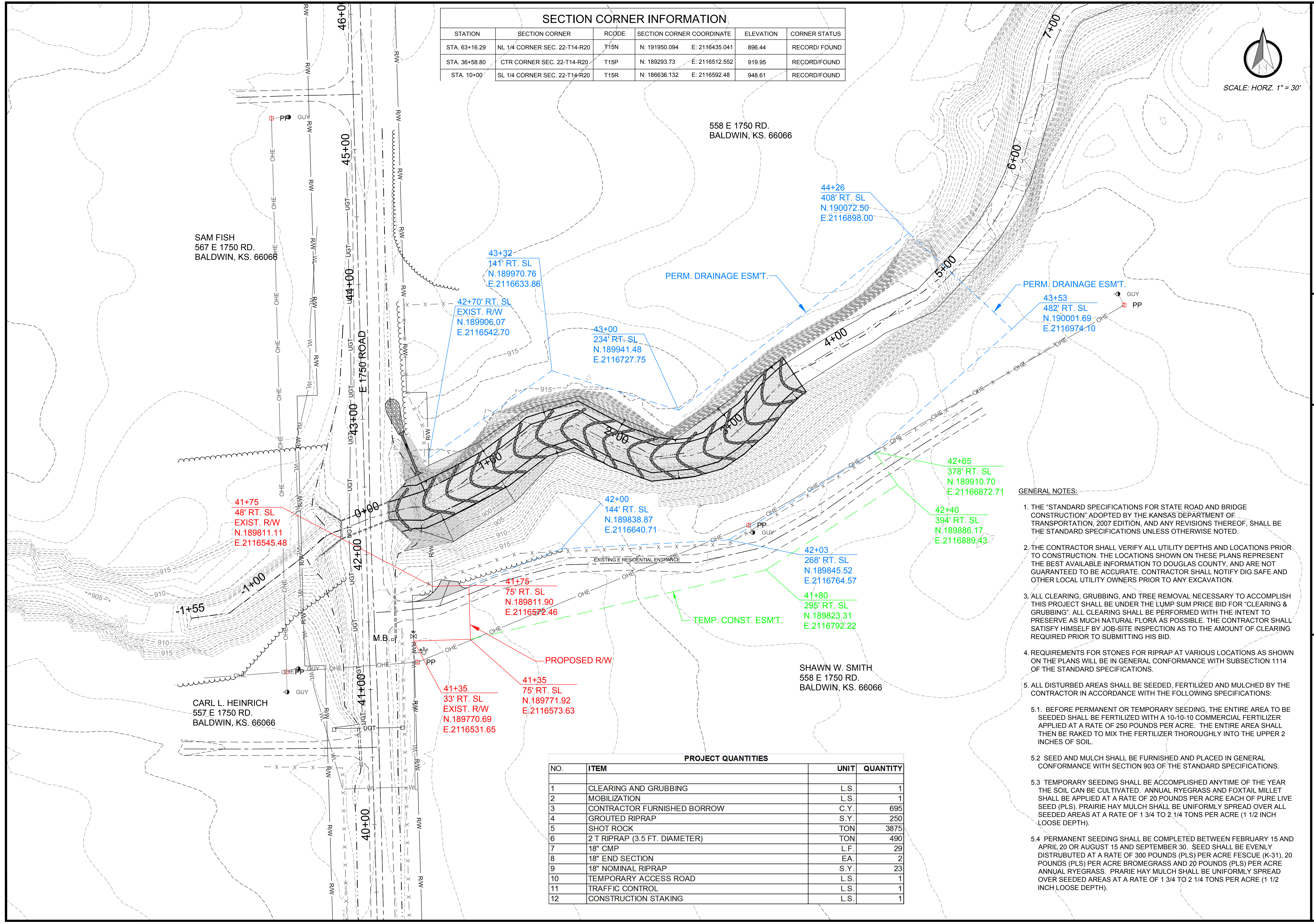
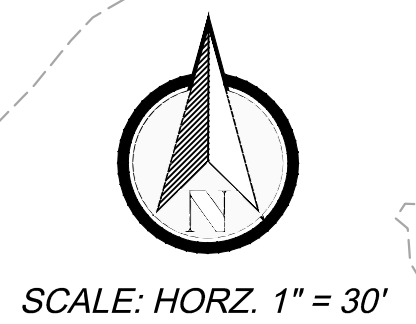
General Location Map



1 inch = 1 miles



SECTION CORNER INFORMATION						
STATION	SECTION CORNER	R/CODE	SECTION CORNER COORDINATE		ELEVATION	CORNER STATUS
STA. 63+16.29	NL 1/4 CORNER SEC. 22-T14-R20	T15N	N: 191950.094	E: 2116435.041	896.44	RECORD/ FOUND
STA. 36+58.80	CTR CORNER SEC. 22-T14-R20	T15P	N: 189293.73	E: 2116512.552	919.95	RECORD/FOUND
STA. 10+00	SL 1/4 CORNER SEC. 22-T14-R20	T15R	N: 186636.132	E: 2116592.48	948.61	RECORD/FOUND



- GENERAL NOTES:**
1. THE "STANDARD SPECIFICATIONS FOR STATE ROAD AND BRIDGE CONSTRUCTION" ADOPTED BY THE KANSAS DEPARTMENT OF TRANSPORTATION, 2007 EDITION, AND ANY REVISIONS THEREOF, SHALL BE THE STANDARD SPECIFICATIONS UNLESS OTHERWISE NOTED.
 2. THE CONTRACTOR SHALL VERIFY ALL UTILITY DEPTHS AND LOCATIONS PRIOR TO CONSTRUCTION. THE LOCATIONS SHOWN ON THESE PLANS REPRESENT THE BEST AVAILABLE INFORMATION TO DOUGLAS COUNTY, AND ARE NOT GUARANTEED TO BE ACCURATE. CONTRACTOR SHALL NOTIFY DIG SAFE AND OTHER LOCAL UTILITY OWNERS PRIOR TO ANY EXCAVATION.
 3. ALL CLEARING, GRUBBING, AND TREE REMOVAL NECESSARY TO ACCOMPLISH THIS PROJECT SHALL BE UNDER THE LUMP SUM PRICE BID FOR "CLEARING & GRUBBING". ALL CLEARING SHALL BE PERFORMED WITH THE INTENT TO PRESERVE AS MUCH NATURAL FLORA AS POSSIBLE. THE CONTRACTOR SHALL SATISFY HIMSELF BY JOB-SITE INSPECTION AS TO THE AMOUNT OF CLEARING REQUIRED PRIOR TO SUBMITTING HIS BID.
 4. REQUIREMENTS FOR STONES FOR RIPRAP AT VARIOUS LOCATIONS AS SHOWN ON THE PLANS WILL BE IN GENERAL CONFORMANCE WITH SUBSECTION 1114 OF THE STANDARD SPECIFICATIONS.
 5. ALL DISTURBED AREAS SHALL BE SEEDED, FERTILIZED AND MULCHED BY THE CONTRACTOR IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 - 5.1. BEFORE PERMANENT OR TEMPORARY SEEDING, THE ENTIRE AREA TO BE SEEDED SHALL BE FERTILIZED WITH A 10-10-10 COMMERCIAL FERTILIZER APPLIED AT A RATE OF 250 POUNDS PER ACRE. THE ENTIRE AREA SHALL THEN BE RAKED TO MIX THE FERTILIZER THOROUGHLY INTO THE UPPER 2 INCHES OF SOIL.
 - 5.2. SEED AND MULCH SHALL BE FURNISHED AND PLACED IN GENERAL CONFORMANCE WITH SECTION 903 OF THE STANDARD SPECIFICATIONS.
 - 5.3. TEMPORARY SEEDING SHALL BE ACCOMPLISHED ANYTIME OF THE YEAR THE SOIL CAN BE CULTIVATED. ANNUAL RYEGRASS AND FOXTAIL MILLET SHALL BE APPLIED AT A RATE OF 20 POUNDS PER ACRE EACH OF PURE LIVE SEED (PLS). PRAIRIE HAY MULCH SHALL BE UNIFORMLY SPREAD OVER ALL SEEDED AREAS AT A RATE OF 1 3/4 TO 2 1/4 TONS PER ACRE (1 1/2 INCH LOOSE DEPTH).
 - 5.4. PERMANENT SEEDING SHALL BE COMPLETED BETWEEN FEBRUARY 15 AND APRIL 20 OR AUGUST 15 AND SEPTEMBER 30. SEED SHALL BE EVENLY DISTRIBUTED AT A RATE OF 300 POUNDS (PLS) PER ACRE FESCUE (K-31), 20 POUNDS (PLS) PER ACRE BROMEGRASS AND 20 POUNDS (PLS) PER ACRE ANNUAL RYEGRASS. PRAIRIE HAY MULCH SHALL BE UNIFORMLY SPREAD OVER SEEDED AREAS AT A RATE OF 1 3/4 TO 2 1/4 TONS PER ACRE (1 1/2 INCH LOOSE DEPTH).

PROJECT QUANTITIES			
NO.	ITEM	UNIT	QUANTITY
1	CLEARING AND GRUBBING	L.S.	1
2	MOBILIZATION	L.S.	1
3	CONTRACTOR FURNISHED BORROW	C.Y.	695
4	GRouted RIPRAP	S.Y.	250
5	SHOT ROCK	TON	3875
6	2 T RIPRAP (3.5 FT. DIAMETER)	TON	490
7	18" CMP	L.F.	29
8	18" END SECTION	EA.	2
9	18" NOMINAL RIPRAP	S.Y.	23
10	TEMPORARY ACCESS ROAD	L.S.	1
11	TRAFFIC CONTROL	L.S.	1
12	CONSTRUCTION STAKING	L.S.	1

Douglas County Public Works
1242 Massachusetts
Lawrence, Kansas 66044

STRUCTURE NO. 05.54N 17.50E
PROPOSED RW AND EASEMENTS
SHEET 2 OF 6

CHANNEL REPAIR
STRUCTURE 05.54N 17.50E

Project: CULVERT REPLACEMENT
Project No.: 05541750
Designed By: A.S.
Checked By: T.G.
Drawn By: L.H.
Date: 5/2/2013

**DOUGLAS COUNTY
2014 HOLIDAY SCHEDULE**

New Year's Day	Wednesday, January 1
Martin Luther King's Day	Monday, January 20
Memorial Day	Monday, May 26
Fourth of July	Friday, July 4
Labor Day	Monday, September 1
Thanksgiving	Thursday-Friday, November 27,28
Christmas	Thursday, Friday, December 25,26
One (1) Personal Discretionary Day	

Personal Discretionary Day:

Eligibility: Employee's status must be full time or part time with benefits. Employees hired after June 30, 2014 (but before October 1) are only entitled to one (1) personal discretionary day. Employees hired on or after October 1, 2014 are not entitled to a 2014 personal discretionary day.

Definition: One (1) normal work day.

Scheduling: Must be taken all at one time (may not be split into hours). Must be scheduled in advance through the employee's supervisor and according to departmental procedures. Must be utilized during the calendar year 2014 and PRIOR to December 19, 2014.

RESOLUTION _____

WHEREAS, on the 11th of December, 2013 the same being a regular session of the Board of County Commissioners of the County of Douglas, the application of **Flamingo Enterprises/The Bird of Lawrence** for a cereal malt beverage license came up for consideration by the above board and

WHEREAS, the Board does find that said **Flamingo Enterprises/The Bird of Lawrence** is qualified under the law to sell cereal malt beverages for consumption on the premises located: **1626 E 1550 Rd, Lawrence, KS**

WHEREAS, the Board further finds that due and legal notice has been given the Grant Township Board and that ten days has expired from the giving of said notice and that no written objection has been filed by the Grant Township Board protesting the granting of a cereal malt beverage license.

NOW THEREFORE, BE IT RESOLVED that the applicant, **Flamingo Enterprises/The Bird of Lawrence** granted a license to sell cereal malt beverages for consumption on the premises located: **1626 E 1550 Rd, Lawrence, KS**

BE IT FURTHER RESOLVED, that Jameson Shew, County Clerk of Douglas County, Kansas be directed to issue said license.

Chairman

Member

Member

ATTEST:

Jameson Shew, Douglas County Clerk

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIME

RETAIL

Fee \$125.00

NO.

DEALER'S 2014 LICENSE

TO ALL WHOM IT MAY CONCERN:

License is hereby granted to: **FLAMINGO ENTERPRISES/THE BIRD OF LAWRENCE**

TO SELL CEREAL MALT BEVERAGES AT RETAIL FOR CONSUMPTION ON PREMISES

(State if for consumption on the premises or for sale in original and unopened containers and not for consumption on premises)

1626 E 1550 RD, LAWRENCE, KS Application therefore on file in the office of the County Clerk of Douglas County, having been approved by the governing body of said County, as provided by Laws of Kansas and the regulations of the board of County Commissioners.

This License will expire 12:00 midnight December 31, 2014 unless sooner revoked, is not transferable, nor will any refund be allowed thereon.

Done by the Board of County Commissioners of Douglas County, Kansas

This 11th Day of December 2013

Attest: _____
County Clerk

Chairman

RESOLUTION _____

WHEREAS, on the 11th Day December 2013, the same being a regular session of the Board of County Commissioners of the County of Douglas, the application of Clinton Store for a cereal malt beverage license came up for considerations by the above board and

WHEREAS, the Board does find that said Clinton Store is qualified under the law to sell cereal malt beverages not for consumption on the premises located **598 N 1190 Rd, Lawrence, Kansas**

WHEREAS, the Board further finds that due and legal notice has been given the Clinton Township Board and that ten days has expired from the giving of said notice and that no written objection has been filed by the Clinton Township Board protesting the granting of a cereal malt beverage license.

NOW THEREFORE, BE IT RESOLVED that the applicant, **The Clinton Store** granted a license to sell cereal malt beverage not for consumption on the premises located at **598 N 1190 Rd, Lawrence, Kansas**

BE IT FURTHER RESOLVED, that Jameson Shew, County Clerk of Douglas County, Kansas be directed to issue said license.

Chairman

Member

Member

ATTEST:

Jameson Shew, Douglas County Clerk

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIME

RETAIL

Fee \$75.00

NO.

DEALER'S 2014 LICENSE

TO ALL WHOM IT MAY CONCERN:

License is hereby granted to: **The Clinton Store**

**TO SELL CEREAL MALT BEVERAGES AT RETAIL IN ORIGINAL AND UNOPENED
CONTAINERS AND NOT FOR CONSUMPTION ON PREMISES**

(State if for consumption on the premises or for sale in original and unopened containers and not for consumption on premises)

**598 N 1190 Rd, LAWRENCE, KS. Application therefore on file in the office of the County Clerk of Douglas County,
having been approved by the governing body of said County, as provided by Laws of Kansas and the regulations of the
board of County Commissioners.**

**This License will expire 12:00 midnight December 31, 2014 unless sooner revoked, is not transferable, nor will any
refund be allowed thereon.**

Done by the Board of County Commissioners of Douglas County, Kansas

This 11th Day of January 2014

Attest: _____
County Clerk

Chairman

Douglas County, KS

To: County Commission
From: Debbie Sparkes 
CC: Craig Weinaug; Sarah Plinsky
Date: 11/14/2013
Re: Amended 2013 County Budget

Attached is the amended 2013 County budget. There are five funds that need to be amended.

- Road & Bridge Fund to allow additional year end transfer. We collected \$365,000 more in gasoline tax. This is the state correction payment. If the state continues the correction payments, they will end in April 2016.
- Ambulance to allow additional year end transfer. We collected \$340,000 more ambulance fees than budgeted.
- Emergency Telephone to allow additional year end transfer. \$325,000 was transferred into Emergency Telephone when the Emergency Cell Phone fund was closed in 2012.
- Grants Fund to allow for the expenditure of grants.
- Special Parks & Recreation to cover costs for the remodeling of the marina.

2013

**Amended
Certificate
For Calendar Year 2013**

To the Clerk of Douglas County, State of Kansas
We, the undersigned, duly elected, qualified, and acting officers of
Douglas County
certify that: (1) the hearing mentioned in the attached publication was held;(2) after the Budget Hearing this Budget was duly approved and adopted as the maximum expenditure for the various funds for the year.

			2013 Amended Budget		
Table of Contents:		Page No.	Amount of 2012 Tax that was Levied	Adopted 2013 Expenditures	Proposed Amended 2013 Expenditures
Fund	K.S.A.				
Road & Bridge	79-1946	2	3,387,693	5,743,534	6,200,000
Ambulance	65-6113	3	2,998,402	4,793,337	5,220,000
Grants	12-1663	4			300,000
Special Parks & Rec		5		82,164	100,000
Emergency Telephone		6		505,921	620,000
Totals		xxxxxxxx	6,386,095	11,124,956	12,440,000
Summary of Amendments		5			

Attested date: _____

County Clerk

Nancy Thellman

Assisted by:

Address:

Jim Flory

Email:

Mike Gaughan

Governing Body

Douglas County

2013

Adopted Budget

Ambulance	2013 Adopted Budget	2013 Proposed Budget
Unencumbered Cash Balance January 1	0	9
Receipts:		
Ad Valorem Tax	2,925,270	2,954,621
Delinquent Tax	20,000	33,115
Motor Vehicle Tax	203,000	208,828
Recreational Vehicle Tax	0	
16/20M Vehicle Tax	0	
County Ambulance Fees	1,693,000	2,033,880
Interest on Idle Funds		
Total Receipts	4,841,270	5,230,444
Resources Available:	4,841,270	5,230,453
Expenditures:		
Contractual	240,520	250,000
Commodities	114,100	135,000
Capital Outlay	64,600	65,000
City of Lawrence - EMS Service	4,099,117	4,099,117
Transfer to Ambulance Equipment Reserve	275,000	670,883
Total Expenditures	4,793,337	5,220,000
Unencumbered Cash Balance December 31	47,933	10,453

Douglas County

2013

Adopted Budget

Special Parks & Rec	2013 Adopted Budget	2013 Proposed Budget
Unencumbered Cash Balance January 1	66,184	110,108
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Alcohol Tax	15,980	15,980
Interest on Idle Funds		
Total Receipts	15,980	15,980
Resources Available:	82,164	126,088
Expenditures:		
Recreational Facilities	82,164	100,000
Total Expenditures	82,164	100,000
Unencumbered Cash Balance December 31	0	26,088

Douglas County

2013

Adopted Budget

Emergency Telephone	2013 Adopted Budget	2013 Proposed Budget
Unencumbered Cash Balance January 1	150,000	450,587
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
911 Emergency Telephone Tax	505,000	510,000
Interest on Idle Funds	921	
Total Receipts	505,921	510,000
Resources Available:	655,921	960,587
Expenditures:		
Contractual	314,000	318,000
Capital Outlay	147,500	163,000
Transfer to Equipment Reserve	44,421	139,000
Total Expenditures	505,921	620,000
Unencumbered Cash Balance December 31	150,000	340,587

**Notice of Budget Hearing for Amending the
2013 Budget**

The governing body of
Douglas County

will meet on the day of December 11, 2013 at 4:00 p.m. at County Courthouse Meeting Room for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at the Budget Office, 1100 Massachusetts Lawrence KS and will be available at this hearing.

Summary of Amendments

Fund	2013 Adopted Budget			2013 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Road & Bridge	2.958	3,387,693	5,743,534	6,200,000
Ambulance	2.618	2,998,402	4,793,337	5,220,000
Grants			0	300,000
Special Parks & Rec			82,164	100,000
Emergency Telephone			505,921	620,000
			0	0

Jamie Shew
Official Title: County Clerk

HOME RULE RESOLUTION NO. _____

A HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS PLACING A TEMPORARY MORATORIUM ON LARGE WIND ENERGY CONVERSION SYSTEMS

WHEREAS, K.S.A. 19-101, *et seq.* provides the county commissions in the state of Kansas with home rule authority to transact all county business and perform all powers of local legislation and administration it deems appropriate.

WHEREAS, the Board of County Commissioners of Douglas County, Kansas (the "Board") has previously adopted and amended *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas*, as codified in Chapter 11, Article 3 of the Douglas County Code and as amended (the "Zoning Regulations").

WHEREAS, the Board is concerned that the Zoning Regulations, as currently written, may not adequately address adverse effects that wind farms located in the unincorporated areas of Douglas County may create.

WHEREAS, the Board adopts this Resolution and the moratorium set forth herein to provide time for the Board and applicable Douglas County officials, agencies, departments, boards, and commissions to review the Zoning Regulations, receive public input, hold public hearings, and make recommendations for amendments to the Zoning Regulations to address adverse effects that wind farms may create.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Definition. For purposes of this Resolution, the following phrases have the following definitions:

"Wind Energy Conversion System." The combination of mechanical and structural elements used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind Energy Conversion systems consist of the tower, turbine apparatus and any buildings, roads, interconnect facilities, measurement devices, support structures and other related improvements necessary for the generation of electric power from wind.

"Large Wind Energy Conversion System." A Wind Energy Conversion System that has (i) any part of the tower or turbine apparatus exceeding 100 feet in height above ground level, or (ii) more than one tower or turbine apparatus of any size proposed and/or constructed by the same person or group of persons on the same or adjoining parcels or as a unified or single generating system.

SECTION 2. *Temporary Moratorium.* Commencing on the date of this Resolution and continuing through **April 30, 2014**, the repeal of this Resolution if earlier, or such later date to which the Board may subsequently extend this Resolution, the Board imposes a temporary moratorium on the planning, establishment, construction, application for or permitting of any Large Wind Energy Conversion System in the unincorporated areas of Douglas County. During the term of this moratorium, all Douglas County officials, agencies, departments and/or boards charged with the responsibility for receiving, reviewing, processing, and approving permits, site plans, applications and other requests relating to zoning, land use, and construction of a Large Wind Energy Conversion System are prohibited from doing so.

SECTION 3. *Amendments to Zoning Regulations.* During the term of this moratorium, the Douglas County Zoning & Codes Office, the Lawrence Douglas County Planning Office, and the Lawrence Douglas County Planning Commission are requested to undertake a review of the Zoning Regulations, receive public input, hold public hearings, and make recommendations to the Board for permanent changes to the Zoning Regulations that address adverse effects that wind farms may create in Douglas County.

SECTION 4. *Effective Date.* This Resolution is effective from and after its adoption and publication one time in the official County newspaper.

ADOPTED December ____, 2013.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chairman

ATTEST:

Nancy Thellman, Member

Jameson D. Shew, County Clerk

Jim Flory, Member

Memorandum

City of Lawrence

Planning and Development Services

TO: Lawrence-Douglas County Planning Commission

FROM: Planning Staff

Date: For November 18, 2013 meeting

RE: CUP-2-1-10: Pinwheel Farm Camping Revised Recommended Conditions of Approval/Restrictions of Use

Attachment A: Nearby property owners' conditions of approval/restrictions of use.

Attachment B: Applicant's conditions of approval/restrictions of use.

Attachment C: Applicant's materials: Sanitation Plan, Landscape Plan, Fire Safety Plan, Discussion of County Camping Policy

Attachment D: Public Communications

At their September 21, 2013 meeting, the Planning Commission held a public hearing on this item and deferred action on the request to November. The Commission directed staff, the applicant, and interested property owners in the neighborhood to work together to draft a set of revised conditions. The Commission recommended the following changes:

- 1) Shorter CUP timeframe to allow the approval to serve as a 'trial' period. Various Commissioners indicated they felt a one-year, two-year, or five-year time frame would be appropriate.
- 2) Improved water supply and sewage management for campers and participants at farm activities.
- 3) Condition which clarifies that the camping use is not to be 'for profit'.
- 4) Reduced number of campers and camping units that may be on site at one time.
- 5) Time limit on the camping use. The Commission suggested an 8 month limit. Establish the seasonal nature of the camping use.
- 6) Condition related to the improvement of the appearance and upkeep of the property, particularly the areas which face other residences and North Street.

The applicant and Diane Menzie, acting on behalf of nearby property owners, each provided a set of proposed revised conditions/restrictions of use. The materials provided are included with this memo and the proposed conditions are listed in the table at the end of this memo.

STAFF REVIEW OF PROPOSED REVISED CONDITIONS/RESTRICTIONS

1). Time frame. A shorter time frame would provide a 'trial period' so that any impacts that resulted from the camping use could be evaluated before approving the Conditional Use for a longer time period. Time periods of 1, 2, and 5 years were suggested by the Commission. The applicant would prefer a longer approval period with an administrative review in 1 or 2 years rather than requiring the use to go through the CUP process again in a year or two.

- *The CUP approval is valid for 2 years. A new Conditional Use Permit application must be filed for the continuation of the use beyond that time.*

2) Sanitation. The Planning Commission asked for improved water supply and sewage management for campers.

Staff toured the farm and noted the water and sanitary provisions on site and met with Richard Ziesenes of the Lawrence-Douglas County Health Department to discuss the sanitary measures.

Richard Ziesenes indicated that the well water on site was suitable for use as non-potable water and recommended that City or bottled water be provided for drinking/cooking purposes. He indicated the Health Department did not require a specific type of washing/bathing facility but the waste water must be discharged to a septic system.

The applicant provided a sanitation plan which was forwarded to the Health Department for review. The Health Official indicated that one chemical toilet is required on site with any camping.

The applicant is proposing phased sanitary improvements in the sanitation plan and recommends that only fully self-contained RVs be permitted during Phase 1 (no sanitary improvements) Limited tent camping to be permitted during Phase 2 (sponge bath facilities) and camping to the maximum permitted by the CUP with Phase 3 (portable shower station).

The applicant's suggestion that the first phase use only fully self-contained RVs is acceptable to staff, as washing and sanitary facilities are included within the RV.

- *Condition #8 (Revised): A safe water supply and adequate sewage management system shall be provided for the camping use approved with this CUP, per approval of the Lawrence-Douglas County Health Department:*
 - a) City or bottled water shall be provided for the campers, rather than well water. The health official indicated that the applicant could fill containers with City or treated water for the use of the campers.*
 - b) The privy may be used to serve the camping use; provided provisions for hand-washing are provided. (Hand sanitizer is acceptable.)*
 - c) One chemical toilet must be provided on site whenever camping occurs.*

- c) *Only full self-contained RVs are allowed with the current sanitation facilities. When sponge bath accommodations have been provided, the applicant shall notify Douglas County Zoning and Codes. At that time, camping may occur in other camping units. A shower facility will be required for the extension of the CUP beyond the 2 year period.*

3). Nature of use. The Commission wanted the conditions to require that the camping not be operated for profit. The CUP approval would allow camping for farm participants only and would not allow a commercial or for-profit campground. The applicant indicated that a fee to cover some of the costs of the improvements and a security deposit might be charged, but the camping use would not be operated for profit.

Two conditions related to the nature of the camping use were recommended previously:

- *Condition #2: Camping will be operated as an accessory use to farm operations, not as a stand-alone enterprise.*
- *Condition #3: Camping shall not be publicly promoted in any way, although it may be mentioned as a housing option in farm volunteer opportunity descriptions.*

The following condition could be added:

- *Camping is not to be operated for profit.*

4) Scale of use. The Commission wanted a reduction in the number of campers and camping units that would be allowed on the site. The applicant suggested that no more than 4 RVs be present at one time. She also suggested that unused RVs be allowed to remain on site, but that they would count toward the permitted number.

Nearby property owners suggested that camping be limited to 2 units, with one being Pinwheel Farm's RV, a maximum total of 4 people, and no units to be left up after the camping term is over.

The Pinwheel Farm camper should be allowed to remain on site, but all other camping units and RVs should be removed when the camper's stay ends. If camping units are to remain on the site, the use would be *'Boat or RV Storage'* and should be included in the CUP as a separate use.

- *Condition #4 (revised): A total of 3 camping units, with a maximum of 6 adult campers, is permitted on site at any given time. This includes one Pinwheel Farm RV. Camping units are to be removed from the premises at the end of the camper's stay. One Pinwheel Farm RV may remain throughout the year.*
 - a) *Camping units are limited to fully self-contained RVs until the current sanitary provisions are upgraded as directed by the Lawrence-Douglas County Health Department.*
 - b) *Camping units which are not fully self-contained will be allowed when sponge bath accommodations have been made and the Douglas County Zoning and Codes Office has been notified.*

c) The sanitary provisions will be re-evaluated when the CUP is returned to the Commission in 2 years and the number of units/campers may be revised at that time.

5) Duration of camping use. The Commission recommended setting a time frame for the camping use to define it as a seasonal use. The nearby property owners and applicant felt 8 to 9 months was appropriate.

New Condition:

- *Camping may occur on Pinwheel Farm 9 months out of the year: between March 1st and November 30th. No camping units are to be open and/or used outside of this timeframe. Only the Pinwheel Farm camping unit may be stored on site.*

6) Streetscape. The Commission directed staff to develop a condition related to the improvement of the appearance and upkeep of the property, particularly the areas which face other residences and North Street. The applicant provided a landscape plan which indicates she is using Xeriscape landscaping. Agricultural uses are exempt from the zoning regulations; however, there could be a condition that no non-farm related materials may be located within 25 ft of North Street such as bicycles, bricks, and other non-farm related items. While not technically within the city limits, standards similar to the City regulations could be applied to the streetscape portion of the farm (25 ft from the street edge). City Code does not allow vegetation above 12" in height, unless natural landscaping plans have been approved. The applicant has submitted a natural landscaping plan for her properties that are within the city.

The applicant invited the nearby neighbors to her farm to discuss the landscaping along North Street and she reports they had no objection to the landscaping plans.

The following options are provided below for the Commission's consideration for this condition:

- No condition.
- *No non-farm items, with the exception of vehicles, may be located within 25 ft of the edge of the North Street roadway.*
- *Vegetation within 25 ft of the edge of the North Street roadway may not grow to excessive height, greater than 12" in height, unless a Natural Landscaping Plan has been provided and approved for this area.*

The applicant provided information about campfires that might occur with her agritourism uses. She asked that the condition regarding campfires be revised to allow a central campfire facility.

Applicant's proposed revision: *No campfires or other fires will be allowed at individual campsites. A central fire facility will be constructed and operated in compliance with fire safety guidelines.*

A campfire pit or ring had been included in previous conditions along with standards for design. The applicant had asked that the condition prohibiting campfires for individual campsites be added to the list of conditions; however, she would like to operate a central campfire.

Staff has no objection to the proposed revision to Condition No. 9 regarding campfires; however, the standards for design recommended by the Lawrence Fire Department should be included:

Revised Condition No. No campfires or other fires will be allowed at individual campsites. A central fire facility may be constructed and operated in compliance with the following fire safety guidelines:

- 1. Fire rings or pits shall be established away from overhanging branches, rotten stumps, logs or dry grass and shall be circled with rocks or a metal fire ring.*
- 2. A 5 ft area cleared of vegetation shall be provided around the ring. Extra wood shall not be located within 5 ft of the fire ring.*
- 3. A shovel and water shall be available in case the fire gets out of control.*

ADDITIONAL CONDITIONS

The nearby property owners suggested the following additional conditions:

Background checks. The property owners requested KBI background checks on all campers.

Background checks are not required for other short-term habitation uses in the area such as the commercial campground or motels. In staff's opinion, background checks are not necessary; however, if the Commission votes to require them parameters should be established for ineligibility based on the results of the background checks.

- Staff does not recommend a new condition.

Access. Proper entrances and exit drives which do not cross other parcels in the farm that are being purchased on contract by the applicant and are not included in the CUP request.

The City and County both have access management standards which regulate the placement of access points. Access points on local roads outside the City limits are intended to be separated by a distance of 250 ft. One access point on local roads within the City are permitted per each lot; however, a lot must have a frontage of at least 200 ft to have 2 access points. Requiring additional access points for the camping use would not be in compliance with the Access Management Standards of the City or County.

- Staff does not recommend a new condition.

Fire Inspection The nearby property owners expressed concern with fire prevention. The subject property is within Grant Township. The City of Lawrence provides fire and

medical services for properties within Grant Township; however, they do not conduct inspections or review plans. Staff is attempting to contact the State Fire Marshall to identify any fire prevention concerns. A follow-up memo will be provided to the Commission with this information.

ADA compliance. The Zoning and Codes Director and the City ADA Compliance Officer were not aware of any ADA requirements for farms or farm employees/volunteers. Bill Botten with the US Access Board for ADA indicated that any new facility constructed for the camping use, such as a shower facility, would need to comply with ADA requirements. He pointed out the Outdoor Development Area Guidelines on the ADA website. These have not yet been adopted and would apply onto to outdoor uses on Federal Lands but he suggested that the applicant could use these as Best Management Practices.

- New condition: **Any new facilities constructed for the camping use must comply with applicable ADA regulations.**

Insurance. The nearby property owners asked that Pinwheel Farm provide a minimum of \$1 million liability insurance. The applicant indicated that she has insurance coverage on the farm which exceeds this minimum and that she's had this insurance for several years.

- New condition: ***Applicant shall carry a minimum of \$1 million liability insurance on the farm.***

STAFF RECOMMENDATION

Staff recommends approval of a Conditional Use Permit for camping, at Pinwheel Farm, located at 1480 N 1700 Road and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the September 21, 2013 staff report subject to the following revised conditions (conditions which have been revised from the Sept. 21, 2013 staff report are in *italics*, new conditions are in ***bold italics***):

(GENERAL PROVISIONS)

- 1) *The CUP approval is valid for 2 years. A new Conditional Use Permit application must be filed for the continuation of the use beyond that time.*
- 2) Camping will be operated as an accessory use to farm operations, not as a stand-alone enterprise.
 - a. Camping shall not be publicly promoted in any way, although it may be mentioned as a housing option in farm volunteer opportunity descriptions.
- 3) ***Camping is not to be operated for profit.***
- 4) ***A total of 3 camping units, with a maximum of 6 adult campers, are permitted on site at any given time. This includes the Pinwheel Farm RV. Camping units are to be removed from the premises at the end of the camper's stay. The Pinwheel Farm RV may remain throughout the year.***

- a) *Camping units are limited to fully self-contained RVs with the current sanitary provisions.*
 - b) *Camping units which are not fully self-contained will be allowed when sponge bath accommodations have been made and the Douglas County Zoning and Codes Office has been notified.*
 - c) *The sanitary provisions will be re-evaluated when the CUP is returned to the Commission in 2 years and the number of units/campers may be revised at that time.*
- 5) Camping is permitted only on that portion of the farm that is north of the north property line of 1480 N 1700 Road.
 - 6) Camping units shall be placed in areas that are reasonably screened from view of street or neighbors.
 - 7) No camping may occur within the Regulatory Floodway.
 - 8) ***Camping may occur 9 months out of the year, between March 1st and November 30th. No camping units are to be open and/or used outside of this timeframe. Only the Pinwheel Farm camping unit may be stored on site.***
 - 9) *A safe water supply and adequate sewage management system shall be provided for the camping use approved with this CUP, per approval of the Douglas County Health Department:*
 - a) *City or bottled water shall be provided for the campers, rather than well water. The health official indicated that the applicant could fill containers with City or treated water for the use of the campers.*
 - b) *The privy may be used to serve the camping use; provided provisions for hand-washing are provided. (Hand sanitizer is acceptable.)*
 - c) ***One chemical toilet must be provided on site whenever camping occurs.***
 - d) ***Only fully self-contained RVs are allowed with the current sanitation facilities. Camping may occur in camping units that are not fully self-contained when sponge bath accommodations have been provided and the Zoning and Codes Office has been notified. A shower facility will be required for the extension of the CUP beyond the 2 year period.***
 - 10) *No campfires or other fires will be allowed at individual campsites. A central fire facility may be constructed and operated in compliance with the following fire safety guidelines:*
 - a. ***Fire rings or pits shall be established away from overhanging branches, rotten stumps, logs or dry grass and shall be circled with rocks or a metal fire ring.***
 - b. ***A 5 ft area cleared of vegetation shall be provided around the ring. Extra wood shall not be located within 5 ft of the fire ring.***

c. A shovel and water shall be available in case the fire gets out of control.

- 11) RVs or other vehicular camping units must be properly tagged and roadworthy.
- 12) Fire extinguishers are required in all camping units.
- 13) No engines or gas generators may be used for power supply to campers on the farm, except for emergency use in the case of power failure.
- 14) Lights used for camping shall be shielded to prevent glare or light trespass to neighboring properties.
- 15) Camping areas shall be kept in a neat, safe and sanitary manner.
- 16) No electronic sound amplification is permitted that is readily audible from neighboring properties, except for emergency/hazard warning devices.
- 17) ***The portion of the farm that is adjacent to North Street shall be maintained in a manner to provide a pleasing streetscape. Xeriscape landscaping and ornamental materials are permitted; however, no other non-farm items are permitted within 25 ft of the North Street roadway.***

-OR-

No Condition

- 18) ***Any new facilities constructed for the camping use must comply with applicable ADA regulations.***
- 19) ***Applicant shall carry a minimum of \$1 million liability insurance on the farm.***

(CUP PLAN)

- 20) Applicant shall provide a revised CUP plan with the following changes:
 - a) The limits of the Regulatory Floodway shown on the plan with no camping areas within the Floodway.
 - b) Addition of a note that the CUP is subject to conditions and restrictions of use approved by the Board of County Commissioners.

(EASEMENT)

- 21) An affidavit stating the following requirement, in a form acceptable to the Register of Deeds, shall be recorded with the Register of Deeds prior to the final approval of the CUP: "The property owner shall execute a lateral line easement for the off-site lateral lines for 1480 N 1700 Road, per the County Health Official's approval, prior to the sale of either 1480 N 1700 Rd. or the land where the laterals are located, if the off-site lateral lines are still in service. The easement shall be recorded at the Register of Deeds."

REVISED CONDITION TABLE

Condition per Sept report	Revisions
<p>1) The CUP approval is valid for 10 years; administrative review in 5 years (January 1, 2019) to determine if the use is still appropriate with the level of urbanization that has occurred in the area. The CUP approval will expire at the end of 10 years (January 1, 2024), unless an extension request is approved by the Board of County Commissioners by that date. In the event an extension is not approved, or the CUP approval expires, a new CUP application must be submitted.</p>	<p>COMMISSION'S DIRECTION Establish a shorter CUP timeframe to allow the approval to serve as a 'trial' period. Various time frames were suggested (1, 2, and 5 years).</p>
	<p>APPLICANT'S PROPOSED REVISION CUP approval- should be long term with initial review after 2-3 years; followed by administrative reviews every 5 years.</p>
	<p>NEARBY PROPERTY OWNER'S PROPOSED REVISION No change</p>
<p>2) Camping will be operated as an accessory use to farm operations, not as a stand-alone enterprise.</p>	<p>COMMISSION'S DIRECTION Include a condition which clarifies that the camping use is not to be 'for profit'.</p>
	<p>APPLICANT'S PROPOSED REVISION Reasonable security deposits and use fees based on supply costs, facility construction and maintenance expenses, etc., may be charged; however, camping will not be operated for profit.</p>
	<p>NEARBY PROPERTY OWNER'S PROPOSED REVISION No change</p>
<p>3) Camping is permitted only on that portion of the farm that is north of the north property line of 1480 N 1700 Road.</p>	<p>APPLICANT'S PROPOSED REVISION Camping will be limited to the main farm ground parcel, in areas outside the floodway.</p>
<p>5) No more than 4 self-contained camping trailers or RVs and/or up to 4 tents at a time, with a maximum of 6 units housing up to 12 adults may be located on the site at any given time (exclusive of the permanent house on 1480 N 1700 Road). Vacant RVs or other camping units will count toward the number permitted on the site.</p>	<p>COMMISSION'S DIRECTION Reduce the number of campers and camping units that may be on site at one time.</p>
	<p>APPLICANT'S PROPOSED REVISION No more than 4 RV camping units may be present at one time. Units not in active use may remain on the farm but will be counted in the total number of allowed units. Number of camping participants at one time should be limited to 12, with a maximum average of no more than 6.</p>
	<p>NEARBY PROPERTY OWNER'S PROPOSED REVISION No more than 2 camping units total, including the Pinwheel Farm owned pop-up camper and no more than 4 people in total occupying those units. All camping units must be taken down and removed from the premises after the 8-9 month time frame.</p>
<p>8) A safe water supply and adequate sewage management system shall be provided for the camping use approved with this CUP, per approval of the Douglas County Health Department:</p> <p>a) City or bottled water shall be provided for the campers, rather than well water. The health official indicated that</p>	<p>COMMISSION'S DIRECTION Improve water supply and sewage management for campers and participants at farm activities. Sponge baths may be acceptable during the trial period but additional facilities would be required with the renewal of the CUP in the future.</p>
	<p>APPLICANT'S PROPOSED REVISION A phased implementation of sanitary facilities should be allowed, as outlined in the Pinwheel Farm Sanitation Plan. City or bottled water used for drinking. Hydrants and hoses used for non-potable water needs. Pit privy. RV self-contained with toilets. Pinwheel Farm portable camping chemical toilet to be emptied into a household toilet or RV dumping station. RV's have built-in hand washing and shower facilities. Hand sanitizer provided around the farm. Sponge bath kits will be</p>

<p>the applicant could fill a large jug with City or treated water for the use of the campers.</p> <p>b) The privy may be used to serve the camping use; provided provisions for hand-washing are provided.</p>	<p>provided. Sponge baths will be taken in RVs or tents.</p> <p>NEARBY PROPERTY OWNER'S PROPOSED REVISION Sanitary sewer and sanitation facilities must be put in place and be located near where individuals plan to camp. Permanent structure for bathing and washing with hot water and soap. House cannot be used unless it meets all fire and zoning codes as well as being ADA compliant</p>
<p>9) There will be no outside fires associated with the camping use.</p>	<p>APPLICANT'S PROPOSED REVISION No campfires or other fires will be allowed at individual campsites. A central fire facility will be constructed and operated in compliance with fire safety guidelines. One or more wood-fired cooking facilities (barbecue grill, smoker, oven, etc) may be constructed at appropriate locations.</p>
<p>- Develop a condition related to the improvement of the appearance and upkeep of the property, particularly the areas which face other residences and North Street.</p>	<p>APPLICANT'S PROPOSED REVISION No landscaping should be tied to the CUP. Landscaping plan was provided: Landscaping incorporates permaculture and xeriscape principles Permaculture Self maintained agricultural systems. Xeriscape: Landscaping with minimal water requirements</p>
<p>Establish a time limit on the camping use. The Commission suggested an 8 month limit.</p> <p>Establish the seasonal nature of the camping use.</p>	<p>APPLICANT'S PROPOSED REVISION A maximum stay of 9 months for each individual is acceptable; longer stays should be allowed if for a specific agricultural purpose, and could require approval of the Zoning and Codes Administrator or the County Commission.</p> <p>NEARBY PROPERTY OWNER'S PROPOSED REVISION No individual or group may camp on the Pinwheel Farm property for a time period exceeding 8-9 months.</p>
	<p>NEARBY PROPERTY OWNER'S PROPOSED ADDITION CONDITIONS</p> <ul style="list-style-type: none"> • KBI background checks for all campers. • Proper entrance and exit roadways leading into and out of the area where camping will occur. Access drives must not cross over onto the nearby city zoned properties or any property that is not listed in the CUP request. • Large turn around area toward the back of the property so emergency vehicles can get in and out without any difficulties. • State Fire Marshall or Douglas County Fire Chief should make an inspection on the property due to the wood mulch that is used for drives and pathways. • Pinwheel Farm needs to carry 1 to 1.5 million dollars in liability insurance on the farm business. • ADA compliance. All structures that volunteers may use need to have ramps, ADA compliant bathrooms, and ADA parking (asphalt with -- access width for wheel chairs)

Dated: 11/3/13

Stipulations as agreed by owners of record regarding Pinwheel Farm CUP request for camping

The concerned citizens and homeowners of record in the notification area of CUP request 2-1-10 (Pinwheel Farm) oppose permission of camping under any circumstances at Pinwheel Farm. However, if the Planning Commission decides to grant that permission despite the opposition, there are numerous stipulations that those of record want to have put in place.

1. All individuals living in tents and/or campers **MUST** be put through a KBI background check. This is standard practice for any employer hiring or accepting volunteer workers. A KBI background check will also assist the neighborhood in feeling more at ease and secure. Without KBI backgrounds checks, the citizens of record feel that safety and security of the community is being jeopardized. The owner of Pinwheel Farm is not a reliable source of safety and security for the community, has no police training, and has completely cut off from interacting with neighbors in a respectful fashion. The background checks will also allow police to compare their predator list to anyone that might be coming into the area to live temporarily in the backyard at Pinwheel Farm. **NO** individual or group may camp on the Pinwheel Farm property for a time period exceeding 8-9 months. There should be **NO MORE** than 2 camping units total, including the Pinwheel Farm owned pop-up camper, and **NO MORE** than 4 people in total occupying those units. All camping units must be taken down and removed from the premises after the 8-9 month time frame.
2. Sanitary sewer and sanitation facilities **MUST BE** put in place and out near the location where individuals plan to live in tents and/or campers. This would require a permanent, closed in structure for bathing and washing with hot water and soap after dealing with blood and other animal parts during lambing or if handling dead carcasses. It is important that this level of sanitation exists since Pinwheel Farm picks and sells food to be sold at restaurants, stores, and even the hospital. Sponge bathing may be acceptable means for the washing up of casual camping individuals, but is far from acceptable under business/food sales circumstances. Also, the house structure cannot be used for this purpose unless it meets all fire and zoning codes as well as being in compliance with ADA. There must be a sound, safe, sanitary and new facility.
3. There must be proper entrance and exit roadways leading into and out of the area where camping individuals will temporarily live. This will require proper zoning officials investigating the property for such roads, that **MUST NOT** cross over onto the nearby city zoned properties, or any property that is not listed in the CUP request. Large and separate entrance and exits are required by other businesses and also bring a need for large turn around areas toward the back of the property so emergency vehicles can get in and out without any difficulties.
4. With an abundance of dry wood being used for walks, parking spots, etc. it is imperative that the **STATE FIRE MARSHALL** and/or a **DOUGLAS COUNTY FIRE CHIEF** make an inspection on the property to ensure the safety of those living there in tents and campers, those living in the house structures, and those living in nearby homes that could catch fire as a result of

a Pinwheel Farm camping fire. We request that he investigate the house structure, the piles of debris, and any other potential fire hazard zones.

5. Additionally and at the recommendation of an attorney, Pinwheel Farm needs to provide \$1-\$1.5 million dollars in liability insurance, SPECIFICALLY on the farm business alone. Home owners liability insurance will not cover the cost of damages and neither will posted signs saying, "enter at your own risk." This is something highly recommended by the Agrotourism organization at the state level. Additionally, the camping at Pinwheel Farm may never, at any time, be used for profit.

6. All parking spots, indoor facilities where visitors or individuals are living there temporarily in tents or campers, as well as those visiting the Pinwheel Farm business need to have access in case of any form of disability. This means proper ramps installed at each structure where they might enter, large bathrooms with bars installed on walls, parking spots that measure appropriate widths for wheelchairs. The neighborhood surrounding Pinwheel Farm requests that someone who is an enforcing authority of the ADA make a visit with at least 2 representatives from the neighborhood to list all areas that are not in compliance. Since Pinwheel Farm is a newly registered agrotourism business, they will not be grandfathered in but will need to come into compliance just as any other newly establishing business.

7. The owners of record in the CUP request area are prepared to approach OSHA and the ADA for assistance in making Pinwheel Farm come into compliance with stipulations.

Diane
Menzie
842-9681
979-2254

PROPOSED CONDITIONS
ANNOTED TO EXPLAIN RATIONALE

Number of camping participants at one time should be limited to 12, with a maximum average of no more than 6.

The proposed maximum number allowed will permit a) large families (I have friends with 10 children, most of whom are adults) and b) organized groups such as church Young Adults groups doing a service project at the farm. It will also allow for smaller groups whose stays overlap by a day or a weekend. The maximum average would ensure that overall occupancy is low.

By comparison, if the farm were developed as a low-density subdivision, some 13 homes could be built, resulting in much greater population density, traffic, social problems, infrastructure needs, etc.

The Conditional Use Permit should be approved for long term, with reviews that run parallel to the State Agritourism Registration reviews.

This means it will be reviewed after 2 - 3 years initially, depending on effective date of the CUP, then reviewed every 5 years. This should be revisited if the Agritourism registration program is changed. Of course, it will also be reviewed if there is bona fide evidence of material and willful non-compliance with the Conditions of the permit.

This makes an important distinction between “review” and “renewal”. “Review” presumes that the operation will continue unless there are clear violations of the Conditional Use Permit. “Renewal” implies that the decision to extend the CUP will be made “from scratch” whether to permit another finite term, and would mean that long-term plans cannot be implemented without considerable risk. The farmer should not be required to invest in expensive permanent sanitation facilities for which she is not allowed to charge, and at the same time place the farmer under the constant threat of having permission to use them revoked.

The farm is a complex business with multiple enterprises. One enterprise is agritourism primarily for educational (not entertainment or recreational) purposes; others include forestry, vegetable crop production, lamb and wool production. The freedom for the farm owner, future business partners, and farm participants to stay in tents or RVs is sometimes a critical component of several of these enterprises, even when it is not the only option for lodging.

It is not reasonable to build permanent specialized infrastructure and develop a business enterprise that is subject to permanent cancellation after just a year or two, when more than 4 years have already been invested trying to gain permission for this activity which in some cases is allowed by the regulations and in many cases is simply done, regardless of regulatory status, on other farms. The farmer’s investments of time, energy and money would be better used by switching to more intensive production-based agricultural

enterprises such as raising hogs, if the camping CUP is granted only for one year. Such permitted-by-right agricultural enterprises may actually be less compatible with a residential neighborhood than the proposed camping for farm participants.

The oppositional attitude of certain neighbors and others will likely continue to escalate if long-term permission is not given from the beginning. It is unwise to set up a situation where certain individuals who do not even live in the neighborhood to continue year after year (in the case of annual renewals) to organize my neighbors to oppose my legitimate agricultural and agritourism business operations. The libelous/slanderous nature of certain parties' words has escalated in the past 4 years. A longer term would allow both Pinwheel and the opposing neighbors to take a break from the issue, and sufficient time for attitudes to change based on uneventful operation under the Conditional Use Permit.

A demonstration camping event will be held prior to hosting camping farm participants from off farm at each Phase.

The demonstration camping event will be held to show that we have planned for all reasonable contingencies. Attendance will be by invitation only, and will include, at a minimum, Douglas County Commissioners, Douglas County Zoning and Codes Administrator, Douglas County Health Dept. Administrator, Lawrence Fire and Medical chief, Lawrence Police Chief, Douglas County Sheriff, State Agritourism program staff person, an ADA compliance specialist, and a Douglas County Extension Agent.

Guns should not be allowed at campsites unless the farm participant is specifically tasked with controlling a predator during that night.

Prohibiting any possession or agricultural use of guns at the farm is inappropriate. Guns are sometimes needed to dispatch an animal that is mortally injured or that is a predator. However, it is reasonable that guns generally not be kept at campsites. Guns should be kept in a properly secured manner at one of the farm residences or outbuildings.

A maximum stay of 9 months for each individual is acceptable; longer stays should be allowed if for a specific agricultural purpose, and could require approval of the Zoning and Codes Administrator or the County Commission.

Most of the gardening yearly cycle or sheep and lamb production cycle can be studied in 8 months if carefully timed. Within those cycles there are slow times where someone wanting to participate in all phases could leave the farm for awhile and then return for a later stage.

No landscaping should be tied to the CUP.

Ms. Higgins-Dover has indicated that the only issue of concern for the neighbors whom she represents is the camping itself, and her mother/my neighbor Joyce Higgins and neighbor Diane Menzie have both indicated to the Pinwheel Landscape Advisory Committee that they don't care how I landscape my frontage. While we will be inclined

to implement the Pinwheel Farm Landscaping Plan no matter what, it does not need to be included as a condition on the CUP.

A phased implementation of sanitary facilities should be allowed, as outlined in the Pinwheel Farm Sanitation Plan.

A gradual start-up of camping activities will be most sustainable, and it will be best to start with self-contained RVs. Participants will be encouraged to contribute some of their volunteer time to improving facilities for subsequent camping participants, as well as to landscaping efforts.

No campfires or other fires will be allowed at individual campsites. A central fire facility will be constructed and operated in compliance with fire safety guidelines.

Per Fire Safety Plan.

Camping will be carried out in compliance with Douglas County Nuisance Ordinances.

This addresses lights, noise, dust, etc.

Reasonable security deposits and use fees based on supply costs, facility construction and maintenance expenses, etc., may be charged, however, camping will not be operated for profit.

Asking farm participants who camp to put down a refundable deposit for use of farm-owned equipment such as the camping chemical toilet, portable shower facility, etc., and charging a modest (<\$5) daily use fee (for supplies such as toilet paper, electricity to pump water, depreciation on structures and equipment, etc.) will “help keep out riff-raff” and provide some of the legitimacy that the community wants to see, while preventing the landowner from operating at a significant loss in order to comply with onerous restrictions and requirements in order to appease a few disgruntled neighbors.

Being compensated for depreciation of facilities and equipment will help to reduce the risk to the landowner of having the permit revoked and being left with expensive equipment and facilities that cannot be used for their intended use.

If a condition is made that requires any kind of background checks, reference checking, or governmental reporting or recordkeeping, then a camping application processing fee should be allowed for each farm participant applicant. The landowner should be compensated for the time and expense of this work as it will reduce time available for farming. Enough time has already been spent on this matter, and the paperwork burden that certain neighbors seek to impose is not reasonable.

Camping will be limited to the main farm ground parcel, in areas outside the floodway.

This provides adequate separation from neighboring residences as well as placing “non-permanent mobile homes” at the regulatory 150’ distance from the nearest residence (1480 N. 1700 Rd.) to comply with the “ag worker mobile home exemption” in the zoning codes. It also provides natural visual screening of camping activities from neighboring residences.

No more than 4 RV camping units may be present at one time. Units not in active use may remain on the farm but will be counted in the total number of allowed units.

The number of allowed units must be sufficient that having the landowners’ unoccupied units present on the property does not preclude other units from coming to the farm.

The landowner should not be required to remove unoccupied units between uses, since an agricultural need can arise at any time and it is most efficient to have the units already in place where needed. Unoccupied units may be used for rest areas, sanitation purposes when working on the pasture, storage of tools and safety equipment, respite from sun, rain, and biting insects, etc. In fact, this use of small self-contained RVs is sometimes more important than using them for lodging. There is no prohibition on this non-lodging use; just as a pickup truck can be used, so can another vehicle. A vehicle is not any more of an eyesore than a stationary shed would be.

Farm business liability insurance in the amount of at least \$1,000,000 must be in place at all times.

Pinwheel Farm’s insurance agent annually reviews our operation and makes recommendations for appropriate risk management tools. We also comply with customer- and marketing-based coverage requirements. This coverage has been in place for many years, and actually covers up to \$2,000,000 aggregate for Business Injury Liability.

The landowner will work with ADA compliance specialists to ensure that any applicable ADA provisions are met.

ADA parking is already implemented—flexible according to the nature of the event—for agritourism events. Pinwheel is committed to making the farm as accessible as possible for all participants. We have had visits from many people with diverse disabilities. Accommodating actual needs as they arise is sufficient in most cases.

People will be required to provide their own camping accommodations (tent or RV). In this manner, those with and without disabilities are equally responsible for providing for their needs. Common use facilities such as handwash stations, camping toilet, etc. can easily be adapted to be ADA compliant. All camping activities will be planned ahead so that special accommodations such as a handicap accessible port-a-potty can be arranged.

It should be remembered that camping is limited to active farm participants. Participation at the farm requires certain levels of ability, just as certain conventional jobs require

weight lifting ability. Those who are not able to participate in farm activities will not be allowed to camp, whether or not they have a disability.

Cost of ADA compliance, infrastructure, recordkeeping and monitoring will be another expense for which the landowner can charge users a fee, so long as extra fees are not charged to persons with disabilities.

11/3/2013

DRAFT FIRE SAFETY PLAN FOR PINWHEEL FARM

Fire safety is very important at Pinwheel Farm for several reasons. First, the farm has experienced two significant fires in the distant past: a house fire that resulted in the death of a child, and a mulch fire that could easily have killed a valuable breeding ram had a neighbor not intervened. These past experiences remind us that fires can and do happen, and must be prevented whenever possible.

Second, the farming operation utilizes a wide range of combustible materials. Some are obvious, like gasoline, wood chip mulch and hay feed/bedding/mulch. Some are not so obvious, such as the plastic sheeting that covers the Green Barn and the High Tunnel.

FIRE SAFETY CONSULTANT

A firefighter, now retired, from the Lawrence Fire and Medical Department staff has consulted with the farm regarding fire safety for over 10 years and will continue to do so.

FIRE SAFETY EQUIPMENT

Water hydrants connected to the farm's well water system are located near each building.

Fire extinguishers should be present at each building other than those housing only farm products, feed, non-power tools, or livestock.

Shovels, rakes, and other tools for fighting fires are also available.

GENERAL FIRE SAFETY PROCEDURES

No fires will be set without the prior approval of the landowner.

Cigarette (etc.) smoking is allowed ONLY inside personal vehicles (including RVs) or in designated smoking areas. When smoking inside vehicles, all ashes and butts must remain within the vehicle. Incense, candles, fireworks, etc. are not allowed.

All fires will be supervised at all times. Embers will be extinguished with water.

Burns will be conducted in compliance with all applicable regulations.

Garden hoses with shut-off valves will be routed to the intended burn area. Hoses will be connected to hydrants and hydrants will be turned on prior to lighting the fire.

Extinguishers and/or fire control tools will be available at the burn site.

Appropriate containment and clearance to other combustible materials will be provided depending on the nature of the fire.

Wind speed and direction will be determined to decide whether it is a safe time to burn. Any burn bans or warnings will be obeyed.

The fire department will be notified of each large burn prior to starting it.

IGNITION AND LIGHT SOURCES

Matches, butane lighters, and magnifying glasses must be safely stored to prevent accidental fires, as well as to prevent access by children.

Kerosene, gas, or other fossil-fuel lanterns designed for outdoor use may be used outdoors only.

Candles may be used outdoors for light, but must be securely fastened and enclosed in a holder that is taller than the flame. Sand in the base of a large jar is an effective candle holder.

AGRICULTURAL FIRES

Several types of fires are used for agricultural purposes.

From time to time, infectious or noxious agricultural waste from vegetable, pasture, or livestock production may be burned in small open piles or in containers (“burn barrel”). Burns will be performed at a time when farm participants will be in the area of the burn.

Pasture or garden areas may be occasionally burned off in a carefully controlled manner. When possible, training workshops will be attended prior to a controlled burn, or trained burn managers will be consulted. Garden hoses will be run to the burn area, and firefighting tools such as shovels and rakes will be on hand.

Brush piles and miscellaneous bulky woody/dry vegetable waste may be disposed of by burning in open piles.

A flame weeder may be used for managing unwanted vegetation. Extreme care must be used to prevent a hazard. Garden hose must be on hand and area surrounding the area to be flamed must be soaked.

NON-AGRICULTURAL FIRES

One or more permanent “campfire” areas will be constructed at appropriate locations on the farm. These areas will feature permanent fire containment structures including both screened and solid covers; non-flammable paved areas around the fire containment; safe storage for fuel, fire tools and fire extinguisher; etc.

One or more wood-fired cooking facilities (barbecue grill, smoker, oven, etc.) may be constructed at appropriate locations.

Other fires are not permitted. This includes use of incense and smoking of cigarettes or anything else.

CAMPING-RELATED FIRE SAFETY

If camping is done at Pinwheel, each camping unit must have:

- fire extinguisher
- smoke alarm

Each group of units must have:

- means of calling 911
- supply of water (hose or 5 gallon bucket)

No campfires or open cooking fires are allowed at campsites; these types of fires should be done at the permanent “campfire” areas. Camping stoves using liquid or solid fuel may be used with prior approval of the landowner. Approval will be based on a safe and secure setup to reasonably prevent accidents.

11/3/2013

PINWHEEL FARM & CAMPING:
A HISTORY OF CONFLICTING POLICY GUIDANCE AND ENFORCEMENT
FROM THE BEGINNING

When the farm ground was purchased, part of it was zoned Industrial. We went to the expense of having it rezoned Agricultural because we recognized the outstanding quality of the soil and underlying groundwater, and wanted to ensure that it would stay in agricultural production. Rezoning was not necessary to implement any of our farming plans, but it seemed like a good way to send a message to the community that we were buying it to preserve it, not to turn around and sell it as a cash-generating investment.

It simply never occurred to us—nor were we advised by Planning staff—that certain activities we associated with farms were actually considered to be more consistent with Industrial or Commercial zoning than with Agricultural zoning. Specifically, we were not told that camping was forbidden on Agricultural land. There is no way from reading the zoning regulations that we could have determined this for ourselves, because camping is simply not mentioned...along with hunting, fishing, hiking, bird watching, and many other outdoor recreational activities associated with farmland.

The farming model which I have been implementing here at Pinwheel Farm for over 15 years depends for its success on several types of camping. Some are for agricultural necessity, such as guarding sheep against predators during critical times, supervising lambing, and observing pest or other environmental problems much as a hunter uses a blind to stalk prey. Some are for educational purposes, enabling an intern or apprentice to experience the farm up close 24-7, and be on call at any hour. Some are more residential in nature, to offer fun, affordable, relaxed housing to people visiting the farm for farm-related and agritourism purposes. Some are spiritual—a quiet retreat away from modern “conveniences”, a chance to fully immerse oneself in the natural ecosystem. For many years, ignorant of Douglas County’s peculiar, ever-changing, and undocumented enforcement position on camping, I continued to invest my time, energy and money in developing a complex sustainable farm as a model to share with and teach others.

My first hint that there was a problem with my reasonable assumption that camping was legal on my farm came in 2000, when the Director of Zoning and Codes responded to my invitation to allow a homeless family to set up a camp on my land. Mr. Dabney wrote, in a letter which has been lost for the past 4+ years, “Certainly, for a very limited time such as a week or two would be allowable but for a long term as described [the family had been at their previous campsite for more than 5 years] would not be allowed without obtaining special permits and possibly rezoning.” Mr. Dabney went on to say that “The “A” Zoning District does not allow recreational facilities or uses without first obtaining a Conditional Use Permit.”

From this guidance, I assumed that limited camping for agricultural purposes was permissible, that it was camping itself—not the use of camping equipment for agricultural purposes such as storing seed and paperwork and providing sanitary facilities—that was forbidden long-term, and that myself as the landowner and my family could camp on my land. These impressions were likely bolstered by conversations between Mr. Dabney and myself at the time, which I recall as very cooperative and cordial.

Thus, I was shocked in 2006 when I was given a violation notice for having a tent camper on my farm, which I used as “break space”, office and sanitation facilities during a temporary period of not having access to the farmhouse, including occasionally spending the night there instead of returning to my apartment at 12th and Almira. During a period when I was out of town, a friend stayed there for security and agricultural purposes. But, suddenly, not only was “very limited” residential camping not allowed, but also camping for agricultural purposes and even mere possession of a tent camper was not allowed. I was told then (and am being told again) that I had to entirely remove the tent camper from the farm (similar enforcement against neighbors’ campers, boats, septic pumping trucks, tow trucks, recreational ATVs, target practice, etc. has been very limited).

At that time, the regulatory justification for disallowing my use of the camper under the Agricultural Mobile Home exemption clause was that the tent camper did not meet the definition of a “mobile home”. But in recent regulatory reviews, I realized that Mr. Dabney had used the very narrow Subdivision regulation definition of “mobile home” instead of the zoning regulation definition of “mobile home”, which includes RVs and campers as “mobile homes”.

In 2010, I was denied permission to camp for a clearly “limited time”—in this case, until I found a replacement guardian animal or the end of the grazing season, which ever came first (not more than 3 months) for emergency agricultural purposes—guarding the sheep on pasture after the sudden deaths of my guardian llama and herding dog. At this time I was residing in the main farmhouse but the sheep were pastured out of sight and hearing distance of my residence. This time, Mr. Dabney stated, “If the request for [sic] a weekend then the issue would be different but long term camping as you know will require a CUP.” So, the allowable camping duration was mysteriously reduced from “one or two weeks” to “a weekend” between 2000 and 2010, with no documentation of either limit that a landowner could find.

A month later, answering my request to see the exact text of the regulations prohibiting camping, Planning Dept. staff emailed the following:

“There is no specific code provision prohibiting camping. Keith Dabney sent the following information behind the prohibition: ‘Our office has consistently cited people who camp as a violation of the zoning regulations. We have cases where raw sewage was being dumped on the ground and trash and debris because of this activity.’”

In 2011, in response to my formal written request for a zoning determination, Mr. Dabney granted me 90 days' permission to use the "Agricultural Mobile Home" exemption to attend to sheep lambing on pasture, but limited this to only myself and "bona fide paid employees" of the farm. The regulation as written does not specify the nature of the employment arrangements for eligibility for the Agricultural Mobile Home exemption; in reality, agricultural workers legitimately operate under many diverse arrangements including contracts, job work, partnerships, internships, volunteer positions, etc., where they are not "bona-fide employees of" the farm where they are working/lodging. So in 2011, the 90 days I needed to guard my sheep were granted, after they were denied in 2010.

NEED FOR CONSISTENCY AND CLARITY

I still believe that the regulations do not prohibit camping, whether for agricultural, recreational, or residential (Ag Mobile Home exemption) purposes. However, I do not have the time and money to initiate a court challenge of this. In hindsight, I should have invited the County to prosecute me for the 2006 "violation", putting the burden of proof on them. After all, I have since been told that the County expects people to continue violations they are cited for, and often does not pursue further action against them...tacitly permitting the activity. Even if the County had taken me to court, in all likelihood, the County would have been unable to prove a code violation beyond a reasonable doubt, once the applicable definition of "mobile home" was brought into the case.

However, as an honest, law-abiding citizen, instead of refusing to obey the violation notice, I reasoned that if the County kept insisting I needed a Conditional Use Permit, it was easier and cheaper comply at the time, then later seek a CUP--rather than to argue that I didn't need one.

I am continuing to seek the CUP as a way of establishing one clear interpretation of the regulations as they applied to my farm, instead of trying to operate a business within constantly, unpredictably changing regulatory interpretations. With the CUP, there would be no arguing about whether I or others were camping on my own land for "recreational", "residential" or "agricultural" purposes. Conditions must be spelled out in readily quantifiable goals, with terms clearly defined in detail, so that there can be no question of interpretation in the future.

UNEXPECTED OPPOSITION

It wasn't until I was committed to the CUP process that I suddenly realized that there was an intense antipathy against camping (and me, personally?) among some of my neighbors. Because my upbringing held camping in high regard as a healthy lifestyle and recreation, I am still unable to fully comprehend this negative attitude towards camping. By the time I realized this, the neighbors' opposition to me was firmly entrenched.

Seeing that support of the neighbors was not likely forthcoming, and that retaliatory enforcement complaints would likely ensue if I did gain a CUP, I spent 2011 and 2012 seeking other avenues of establishing my right to camp on my own land for agricultural purposes, and my right to allow myself and others “employed at” (not “employees of”) the farm to stay in RVs under the Ag Mobile Home exemption, to no avail.

I will follow the CUP process through to the County Commission this time. But these few strenuously opposing neighbors have promised that they will file a protest petition if the Planning Commission approves the CUP, apparently regardless of the conditions set. So it seems it will be an uphill battle all the way—to gain the rights I already technically have according to the written code.

Even if the CUP is approved with reasonable conditions and time frames, I suspect that efforts will be made to have the CUP revoked; myself and camping participants will be harassed and/or given poor service by local businesses allied with the opposing neighbors; adjoining neighbors will continue to engage in code violations that adversely affect my farm operation, then lash out at me for complaining; sabotage of my farm property will continue; and possibly worse.

POSSIBLE RESPONSES TO POTENTIAL HOSTILE ENVIRONMENT

If the CUP is not approved by the County Commission, or if it is approved with conditions that cannot be reasonably and affordably met after more than 4 years of trying to gain this approval, or if it is approved for such a short time as to be irrelevant, or if neighborhood retaliation is so intense that I cannot reasonably carry out the activities allowed by the CUP, then it is incumbent upon me as a business person to pursue alternative long-range plans for my farm. If I cannot carry out the sustainable farming plan which I have been working on for over 15 years—a model that is being used on farms all across the country—then I need to entirely re-think my business plan.

So as we approach the end of this CUP process, it’s important for all of us, regardless of our position on the proposed CUP, to step back, look at the big picture, and consider what Pinwheel’s alternatives might be. Compared to approving and supporting the proposed CUP for limited camping by people who would be allowed at my farm—and around the neighborhood—during any waking hour I and they mutually desired as agritourism participants, which of the following alternatives offers a safer, healthier, more code-compliant, and more neighborhood-friendly alternative? If I cannot use my land in compliance with the existing regulations as they are written, (aside from any unwritten policies or interpretations), what does the community and the Planning Community want me to do with it?

- Abandon agritourism efforts; switch from sheep (high maintenance, year around) to pastured hogs (same fencing and equipment, more yield per animal, not year around, less vulnerable to predators, heat and disease, can control weeds that currently require significant volunteer man-hours) and donkeys (can be heard from the farmhouse in case of alarm). These would almost surely cause more

nuisance to the neighbors than my well-mannered human farm participants who would perform the same weeding and security duties, and neighbors would have no recourse against livestock-related nuisances (smell, dust, sounds, etc.) under state law.

- Maintain it solely as a wildlife preserve with much less human presence, landscaping and maintenance, and go do something somewhere else. Under current conditions with neighbors not being willing to share in the cost of repairing/erecting proper boundary fences as required by law, this would allow even more vagrants than at present to force their way onto my land to access neighboring properties for mischief. Camping on the pasture would be a deterrent to trespassers that are plaguing us all.
- Offer the land for rent as community gardens plots. This would result in much higher traffic volume compared to a few participants camping at the farm while they volunteer. There could easily be 150 20' x 20' garden plots on just the high ground on the farm. If the gardeners are renting the parcels for solely agricultural purposes, no zoning restrictions would apply that would prevent this use. This could create a lot of traffic.
- Rezone the property as Commercial or Industrial and develop a commercial campground, or the warehouse that it would have become had I not bought it. This would pave over a lot of Class 1 soil.
- Sell the property to the Delaware tribe for them to use as they please, since at one time it was probably their land. Maybe if they got tribal status for it, they would let me and my friends camp here.
- Donate the land to Haskell University as a teaching farm for their students, especially those from sheep-raising cultures. This would preserve the agricultural nature of the land, but result in many more people coming and going than I have planned for my operation.
- Annex and subdivide it into 13 RS-10 building lots which could be sold to anyone and occupied by any number of persons related by blood or marriage, resulting in loss of green space, significant impermeable surfaces, significant traffic increase, strangers in the neighborhood, stormwater problems, etc. (non-compliant with the Northeast Sector Plan).

Do any of these options really result in greater safety and security for the neighborhood, compared to the non-permanent use of small-scale off-grid camping for a few farm participants? Are there other realistic options, since I am not willing or able to invest hundreds of thousands of dollars to install “real” mobile homes for housing paid workers when I would not be able to charge any rent for the housing? Do any of them contribute more to the well-being of the general Lawrence community? Do any of them really improve the quality of life for my neighbors, compared to me having a few friends stay here sometime? Which ones would the Planning Commission invite me to submit applications for in 2014 or beyond?

In winter of 2014, I will start a new season with a new business plan. I hope it will be to move forward with producing lots of vegetables and inviting farm participants to share the beauty and learning opportunities of Pinwheel Farm while helping further develop it

as a flourishing diverse model small farm, free of regulatory impediments. But 2014 could be something entirely different. It's up to the Planning Commission, the County Commission, and the opposing neighbors whether I have rights to use my property or not.

The public is very fond of saying "I should be able to do anything I want with my property", and often follows up by doing so even if it isn't consistent with the zoning. Here is a case where I am trying to assure permission to do something the regulations don't appear to forbid. The situation has become sublimely ridiculous. I hope all involved can agree that many folks have been making mountains out of mole hills in this matter, and let us all move on to a more productive future.

11/3/2013

DRAFT NATURAL LANDSCAPE PLAN
PINWHEEL FARM
1478 and 1480 N. 1700 Rd., LAWRENCE, KS 66044

HISTORY AND PURPOSE OF THE PLAN

Since 1994, Pinwheel's natural landscaping incorporating permaculture and xeriscape principles has gradually diverged from the landscaping styles of neighbors to the east, while remaining at all times in compliance with all legal requirements of Douglas County. The contrast between neighbors' landscaping preferences has gradually become quite pronounced, and has been the subject of much misunderstanding. While the appearance may seem unkempt to the uninitiated, in fact the current landscaping has received a surprising amount of regular maintenance, and also provides feed for pollinators, livestock and wildlife (songbirds, etc.), fragrant flowers, fruit, climate amelioration, and other benefits.

As Pinwheel has attempted to clarify the regulatory status of camping for farm participants during the past 4 years, a few neighbors and others have repeatedly criticized Pinwheel's landscaping style, and have insisted that permission for farm activities planned for the north farm ground be contingent on "beautification" of the frontage areas of the farm.

This landscape plan is intended to serve several purposes:

- To explain the landscape as it currently exists, including the esthetic and functional principles on which it is based;
- To serve as a guide for farm participants (including volunteers, tenants, etc.) who may wish to work on the landscaping in this area;
- To involve neighbors in the landscape planning process and get input from those most directly involved with the farm's landscape;
- To satisfy the Planning Commission's request that "something be done" about the landscaping of the frontage area;
- To set forth measurable guidelines for future enforcement if camping is permitted on the farm and landscaping of the frontage is included as a condition of the permit.

LANDSCAPE ADVISORY COMMITTEE

On Oct. 23, 2013, an initial meeting was held for a Pinwheel Farm Landscape Advisory Committee. Persons invited to attend included the farm's tenants, individuals who have a community garden plot at Pinwheel, several currently active farm volunteers who have assisted with landscaping tasks, neighbors residing at 509 North St. and 517 North St. who have criticized Pinwheel's landscaping in the past, and a longtime friend who is active with the Lawrence Fruit Tree Project. Individuals with no direct connection to

Pinwheel who wished to invite themselves were politely declined, in order to keep the group from becoming too large and to keep the focus on those directly affected by Pinwheel's landscaping.

With limited time, the committee focused on the areas adjacent to the 1480 driveway. Concerns were aired and ideas were shared, many of which have been incorporated into this plan. The only significant areas of concern were:

- Trees growing along the east-west board fence belonging to 509 North St. exacerbate problems with the aging fence; I agreed to continue working on those and to encourage the tenants to work on them;
- Trees along the north-south board fence are shading out 509 North St.'s garden; I agreed to remove all young trees except the persimmon and the redbuds;
- There is a concern of termites in the logs used as edging to contain the wood chip mulch used to control weeds in the area under the oak tree, and in the wood chips themselves; I encouraged the neighbor to install the edging of her choice in place of the offending logs (which were simply what was on hand at the time to quickly solve the problem of chips drifting onto her grass).

A more vague concern was that Pinwheel's landscape be "neat" and "maintained." These concepts are highly subjective and difficult to quantify. There was not time for all parties to try to agree on definitions of these terms.

This plan is being submitted to all Landscape Advisory Committee invitees for review, further suggestions, etc. It is anticipated that this will be an on-going process of review, implementation, and follow-up over the years to come.

Finalization and implementation of this plan rests solely with the landowner(s) of property covered by this plan.

WOOD CHIP MULCH AND TERMITES

A cursory review of on-line information indicates the following:

- Termites may tunnel up to 300 feet from an underground colony to a feed source.
- Termites were found equally beneath eucalyptus mulch, hardwood mulch, pine bark mulch, pea gravel, and bare, uncovered ground.
- Termite activity was significantly higher under gravel mulch than the wood based mulches.
- Termites are capable of only consuming certain types of mulch; these include pine bark, pine straw, ground yard waste, and cypress mulch.
- The presence of moisture in the soil (which is created by mulch) helps the termites tunneling efforts. Therefore, ANY TYPE OF LANDSCAPE MULCH BE IT WOOD, STONE, OR RUBBER will improve conditions for termite colonies, whether the termites consume the mulch itself or not.
- Recommended set-back between wood chip mulch and homes ranges from a few inches to a few feet.
- Wood chip mulch is one of the most fire-resistant. Rubber is the worst.

Based on this research (much of it based on university studies), any termite problems are as likely to be caused by the homeowner's watering of non-xeriscape plantings as by presence of wood chips on my property more than 10 feet from the home in question.

TIMETABLE

Because of natural growing seasons, unpredictable weather, lack of water source, and limited labor availability, it is impossible to set a specific timetable for changes to the landscaping. Many improvements have been made over the past several years, and especially this summer. It is easy for passers-by to focus on what hasn't been done, rather than what has. It is also easy for the untrained eye to mistake flowering plants in their juvenile or non-blooming stages for "weeds". Because we don't grow out our landscaping plants to maturity in remote nurseries and set them in place just in time to bloom like the city does, there will naturally be many times when the landscape is more greenery than flowers.

If camping is not allowed, and volunteer apprentices are not available to dedicate sustained efforts to the landscaping while still assisting in operating the farm itself, progress on this plan will likely continue at the slow pace of recent years. If farm participants are allowed to camp, a portion of each camping participant's hours will be spent working on the ongoing landscaping efforts. Nevertheless, even many hours of labor cannot make plants grow faster.

It's important to understand that xeriscape plants may be very slow to establish where water is not available. Some plants may spend several years establishing root systems before their ornamental aspects are readily visible from a distance. Some plants may benefit from having a "nurse crop" of naturally occurring minimally competitive plants to provide shelter from harsh environmental conditions while they are young.

SCOPE OF THE PLAN

This plan applies to the space between North Street/N. 1700 Rd. and south 100 feet of the subject properties (north property line of 509 North St. as indicated by the board fence).

THEME

The theme of Pinwheel Farm's frontage landscape is a woodland cottage garden integrated with found-object and mixed-media art, as well as decorative/unusual natural objects, with an emphasis on native, traditional, and edible plant materials collected from friends and neighbors. This landscape is designed to serve a number of practical and esthetic purposes:

- Provide a sense of continuity and connection among the three properties (501 North St., 1478 N. 1700 Rd, and 1480 N. 1700 Rd.);

- Mitigate inconveniences and limitations occasioned by site features including 1478's awkward placement too close to the street on an undersized lot, and the presence of a farm access right-of-way between 1478 and 1480 driveways;
- Discourage on-street parking which can create safety hazards by congesting North Street and obscuring a clear view of traffic for vehicles entering North St. from the 501 North St., 1474 N. 1700 Rd. (neighbor to west), and 1478 N. 1700 Rd. driveways;
- Provide a sheltered/shaded walking path among the three properties that is safe from vehicle traffic;
- Minimize mowing, watering and other maintenance to be environmentally friendly and ideally carbon-neutral;
- Provide enjoyment to resident, guests, and passers-by, both pedestrian and vehicle, through ever-changing displays of color, fragrance, and texture coupled with interesting non-plant fixtures to highlight and support the planted landscape;
- Produce certain horticultural crops for household use or for sale, including nursery starts, high-value seed, herbs, vegetables, cut flowers, craft materials, and livestock feed;
- Preserve plants that have known provenance through friends and relatives; and
- Serve as an outdoor gallery for artwork by the property owner and others, for the enjoyment of the neighborhood.

This theme is carried out seamlessly throughout the owner's home at 501 North St. (inside Lawrence city limits) and 2 adjacent properties to the east, 1478 and 1480 N. 1700 Rd., which are located in unincorporated Douglas County, KS. This presents a unified look for the properties that make up the farm. Vestigial picket fence sections "bracket" the frontages of the 3 properties, providing visual separation from the more traditional suburban landscapes to the east and west, and hinting at the set-aside natural microcosm that is Pinwheel Farm.

Individual ornamental plantings, as well as works of art, will tend to be transient over a broad span of time as natural processes are allowed to take their courses.

The 1478 and 1480 N. 1700 Rd. driveway areas will feature a pattern of wood chip "shoulders" to widen the existing gravel driveway to two-lane for large agritourism events. The shoulders will be bordered in liriope, with perennial flowers or ornamental or seed-producing grasses behind that. Further back, coppiced woody browse will be maintained at a height averaging less than 3 feet. Vinca will be used for groundcover in very shady areas wherever it can be established.

LANDSCAPING ZONES

The landscape has several distinct zones:

- Farm sign area, east of the 1480 driveway;
- Orchard strip area, west of the 1480 driveway;
- Right-of-way area, west 25' of the 1480 lot;

- 1478 driveway area, between 1478 structure and east 1478 property line; and
- 1478 front yard.

Each zone has a unique microclimate, site challenges, and uses.

CITY EASEMENT

The city owns an easement along the south portion of each zone.

Structures must be very limited within the City Easement zone, and landscaping easily replaceable. Service features such as the driveway and trash pickup point must be preserved. The view from the driveways at 1478 and 1480 N. 1700 Rd. must be kept as clear as possible, given the existence of valuable shade trees.

FARM SIGN AREA

Plantings in this area need to be drought-tolerant and require minimal care, since a water source is not convenient. Establishing new plantings will be slow because the lack of water will require reliance on natural rainfall.

The Farm Sign is located north of the city easement. It is landscaped with day lilies, Echinacea, liriopse, iris, sedum, and various spring bulbs.

Orchard Grass, a high-value shade-loving pasture grass that grows in dense clumps, will be encouraged between the sign and the oak tree. Seed is collected from it to gradually introduce and reinforce Orchard Grass stands in the sheep pasture. Leaving the stalks after collecting seed helps to identify it so that the clumps are not removed as weeds.

Liriopse, a member of the lily family that is widely used in City-maintained Lawrence landscapes, will be used as a border and broad groundcover. It forms a dense, drought-tolerant “sod” that smothers out most weeds. It will be maintained by mowing in early spring. Care will need to be taken that it does not encroach on areas planted with spring bulbs.

“Ground Ivy”, a naturally-occurring groundcover in the mint family, is encouraged to maintain various areas until such time as other groundcovers can be established after the tree removal. It is durable, attractive, fragrant when crushed underfoot, and has blue flowers in spring.

Virginia Creeper is a low-growing woody vine that makes an attractive groundcover. It needs at least annual attention to ensure that it doesn’t grow up trees.

Other woodland plants such as May Apples may also be included. Also, perennial herbs such as sage and oregano may be included.

Naturally-occurring seedlings of desirable forage tree species (mulberry, redbud, hackberry, elm) in this area will be maintained as coppiced shrubs in a manner not affecting traffic visibility, to provide a sense of depth and privacy as well as discourage parking or walking on the area. Forage will be harvested from them in the process of maintaining the coppice at an acceptable height and density.

The densely shaded area under the oak and arborvitae will gradually be transitioned to a permanent groundcover such as vinca, as time permits. Once a dense groundcover of lirioipe, vinca, and grasses has been established, use of wood chip mulch will no longer be needed. Any future wood installed for landscaping purposes will be naturally termite resistant (hedge, cedar, etc.) due to neighboring landowner concerns.

Non-productive tree saplings will be kept trimmed away from the board fence. The redbud trees and the male persimmon tree will be preserved.

ORCHARD STRIP

Understory growth beneath the fruit trees will be thinned to eliminate unwanted species (catalpa, ailanthus, wild grape) and managed as coppice. Gradually, understory growth will be cleared and replaced with wood chip mulch and low water-conserving groundcovers such as vinca and ground ivy. Fruit trees will be pruned to improve yield and avoid conflicts with aerial service wires.

The south end of the Orchard Strip will retain many of the established perennial flowers already located there: perennial sweet pea, obedient plant, etc. However, wood chip and lirioipe borders will be established similar to the east side of the driveway. A log edging will define the full width of the driveway. A bench or sitting area may be established in the open space just north of the utility pole, and/or new fruit trees established there.

RIGHT-OF-WAY AREA

Until the formal deeded Right-of-Way is changed to match actual driveway use, the Right-of-Way area must be maintained in such a condition that it could be used to access the farm. This prohibits permanent structures such as fencing, and permanent woody plantings such as trees or shrubs.

A fence that can easily be removed has proven to be a necessity to prevent unauthorized pedestrian access to the farm. It seems logical to locate this fence along the approximate line of the city easement, as a reminder of that easement. Eventually a more attractive option than either the current unobtrusive yellow rope/green plastic netting fence or the previously used chain link panel fence will be utilized.

The area where the city easement coincides with the Right-of-Way—south of the gate/fence—will be kept in mowed grass. The area north of the fence will be planted to perennial grass that is allowed to grow to its natural height most of the time, but can easily be driven down or mowed if the Right-of-Way is needed for access.

The dilapidated agricultural fence between the Orchard Strip and the Right-of-Way Area will eventually be removed or replaced with a more attractive fence. Some posts will remain to indicate the Right-of-Way area until such time as it is vacated. New Right-of-Way boundaries will be clearly marked in some permanent manner such as posts or monuments.

1478 DRIVEWAY AREA

A gravel apron will be maintained for the existing driveway for 1478 N. 1700 Rd. Beyond that, the driveway and yard areas will be maintained with wood chip mulch to control weeds and provide an improved parking and walking surface. The area between the large hackberry tree and the 1478/1480 property line will be wood chipped and lined with liriopé and other ornamental plants. The small oak tree will be encourag

The cedar trees separating 1478 and 1480 will gradually be removed to reduce the exposure of the apple trees in the Orchard Strip to Cedar Apple Rust fungus. They may be replaced with fruit trees, flowering or fruiting shrubs, etc. The dilapidated fence between the two properties will be removed, with some posts remaining to indicate the property line.

1478 FRONT YARD

Old-fashioned climbing/rambling red roses rescued from a friend's former house are being encouraged to trail along the inside of the Art Fence to provide a stunning floral display in early summer. Elderberries will provide natural screening between the fence and the structure.

Other lower flowering perennial plants will eventually be added along the slight berm on which the Art Fence is sited. Until then, seed for Bachelor's Buttons has been scattered in hopes of establishing it as a naturalized "ornamental weed" in the Front Yard and West Driveway area.

A tiny patch of lawn will be maintained directly in front of the house. It will be reseeded whenever natural rainfall and temperatures are conducive to establishing a healthy sod.

The area south and east of the patio is still settling after the removal of the huge elm tree that used to grow there. The wild elderberry that appeared there several years ago will be encouraged as an ornamental, fragrant, edible landscape plant that will not develop roots that impinge on the house foundations. A volunteer bittersweet vine now graces the 1478 porch post but will be moved to a separate trellis for the reconstruction of that porch. If the vine turns out to be male, additional bittersweet vines will be planted somewhere in the landscape as an ornamental crop. Understory plants include an ornamental *polygonum* spp. that first appeared at 1480 N. 1700 and has spread around the farm in shady locations, as well as the ubiquitous Ground Ivy.

WEED IDENTIFICATION AND CONTROL

Key “weeds” that will be controlled in all Pinwheel frontage landscaping areas include all Kansas Noxious weeds, Pinwheel Farm noxious weeds as listed in the Pinwheel Farm Environmental Policy, wild grapes, and known toxic plants unless there is an overriding purpose for them to be cultivated.

Dandelion, goldenrod, and several other plants that are commonly considered “weeds” have various culinary, herbal, ecological, agricultural, and craft uses and are not considered “weeds” at Pinwheel.

11/3/2013

DRAFT SANITATION PLAN FOR CAMPING AT PINWHEEL FARM

This plan addresses personal sanitation issues for persons temporarily lodging at the farm in tents, campers, RVs, etc.

Sanitation related to vegetable production, livestock, pets, etc. is not covered by this plan, although the same facilities may be used where feasible. The vegetable washhouse facility will not be used to provide for the sanitation needs of camping participants, except that a hand wash station serving the vegetable washhouse may be used for hand washing regardless of purpose, and general sanitation supplies (extra TP, soap, etc.) may be stored in the veggie washhouse.

The purpose of this plan is to show how compliance with sanitation regulations can be achieved in a low-input, sustainable manner with a minimum initial investment in permanent infrastructure.

All aspects of sanitation will at times be met by use of conventional facilities inside the farm residences, but the residence facilities will never be the only option available to camping farm participants. All persons camping at Pinwheel will be engaged in daily educational, work, and other farm-related activities, and will thus frequently meet, rest, dine and visit with the farmer and other farm residents.

WATER SUPPLY

Camping participants will be advised that the Douglas County Health Dept. strongly encourages them to use drink water from an approved source. Drinking water containers can be filled with city water, or from drinking water dispensers at local grocery stores.

The farm's untreated private well water can be used for other purposes, including hand washing, body washing, dish washing, and laundry. The farm's water supply is tested at least once a year by the Douglas County Health Dept.

At present, the farm's water is supplied by a well and pump system located at the farmhouse at 1480 N. 1700 Rd. A system of underground pipes distributes water to frost-free hydrants near each farm building. Presently, garden hoses are used to supply water to the sheep wherever they are on pasture during the summer months. The same system of hoses would supply water to, or near, most campsite locations on the pasture for safety and non-potable water uses. Eventually, underground piping and frost-free hydrants will serve the pasture as well.

A well permit has been obtained to install another well on the north edge of the garden area of the farm ground. The farm's underground piping system will be disconnected from the 1480 household well when this new well is fully operational.

For purposes not requiring potable water, rainwater may also be collected, stored and used.

TOILET FACILITIES

A licensed pit privy was constructed at the farm under a permit from the Douglas County Health Dept. in 2007. It is conveniently located west of the Green Barn. It features excellent ventilation and natural light to create a pleasant environment for necessary tasks. It is regularly used, inspected and maintained by farm participants. It is stocked with toilet tissue and hand sanitizer.

Many RVs come equipped with small chemical toilets and holding tanks. Participants lodging in RVs that are so equipped will generally use the RV toilet facilities. RV holding tanks can be emptied at Clinton State Park.

Pinwheel has a small portable camping chemical toilet, similar to those in RVs, which can be easily transported to a campsite location for use. It is designed to empty into a household toilet or RV dumping station. In regular use by one person who is sometimes using the pit privy, it needs emptied only once a week or so.

HAND CLEANING

Many RVs have built-in hand washing facilities, and camping participants will use these when available and convenient.

Hand sanitizer is kept in various strategic places around the farm, including the pit privy, the veggie washhouse, the various barns, etc. Back stock is kept at the pit privy and veggie washhouse.

At least one portable, non-plumbed hand wash station (for soap-and-water washing) will be constructed by spring of 2014. A similar, built-in hand wash station will be constructed as part of the veggie washhouse upgrade. These will have a batch type water supply that can be refilled by a garden hose or from a bucket; a valve to control water flow; a sink or basin to catch water; a drain; a catchment container for wastewater; a means of drying the hands, and proper collection and disposal of any waste paper generated. Paper will be burned or sent to the landfill.

The supply water container will be slightly smaller than the wastewater catchment, to prevent wastewater overflow. Those maintaining the stations will be trained to never refill the supply water tank without emptying the wastewater tank. A second wastewater catchment container will be put in place as soon as the full one is removed, so that the station won't be inadvertently used while the catchment is removed for emptying.

Wastewater from hand washing stations will be disposed directly to an approved sewer or septic system.

TOOTH BRUSHING

Camping participants will be trained in low-water-use oral hygiene techniques. Waste water will be included with hand washing, shower, sponge bath or toilet waste.

BODY CLEANING

Some RVs come equipped with shower facilities and holding tanks. Participants lodging in RVs that are so equipped will generally use the RV toilet facilities. RV holding tanks can be emptied at Clinton State Park.

Portable sponge bath and shower stations will be constructed for use by camping participants who don't have access to an RV-based shower facility.

Sponge baths are often sufficient and convenient for freshening up quickly. During hot weather, frequent partial sponge baths are helpful for managing heat when working outdoors, even when showers are available. Sponge baths will be taken in screened areas to preserve modesty, usually in a person's own tent since that's where clothing and supplies will be kept. A sponge bath kit, including printed instructions, will be assembled based on Red Cross guidelines. A towel (which will be laundered) or newspapers (which will be burned or sent to the landfill) will be placed on the floor/ground to catch stray drops of water. Wastewater from the basins will be collected in a carrying container with a lid and disposed of in a sanitary sewer or septic system.

The semi-portable shower station will include a shower pan to catch water and channel it into a transport container; an easily-carried catchment container with a lid; a batch type water supply container (which may also serve as a solar water heating device); a stand to suspend the water supply container; a valve to control the water flow; a rack to hold a shower curtain and top cover; and holders for clothing and toiletries. In most cases, a pit will be dug in the ground to accept the wastewater container. Water will not be disposed in the pit; it will only be used to allow the shower pan itself to sit sturdily on the ground. The dirt from the pit will be set aside in a container for easy refilling of the pit. In most cases, one semi-permanent pit location will be made (probably near the pit privy), rather than digging holes at every campsite.

LAUNDRY

Frank's Coin Laundry is the closest Laundromat. It is on 6th St.

Small items may occasionally be washed by hand. Wastewater will be disposed in a sanitary sewer or approved septic system.

Whether washed at the farm or in town, laundry may be hung on residential clotheslines to dry.

DISH WASHING

Most meals will be shared with the farm residents, and most dish washing will likely happen at the residences. However, it's inevitable that some dishes will need washed.

Many RVs come with facilities for washing dishes, and camping participants with such facilities will generally use them.

Hand washing stations may be used for occasional minor dishwashing (rinsing out a coffee cup, etc.) A dishwashing sink similar to the hand wash stations may be developed if needed.

PHASING

A gradual phase-in of camping activities will allow for limited camping while facilities are being developed.

Phase 1: Initially, camping will be limited to fully-self-contained RVs. No infrastructure changes will be needed to accommodate self-contained RVs that are willing to go to Clinton State Park to empty their holding tanks. Hand cleaning at privy will be through use of hand sanitizer.

Phase 2: Sponge bath kit and portable hand wash stations will be implemented, and limited tent camping will be allowed.

Phase 3: Portable shower station and dishwashing station will be implemented, and full capacity of camping activities will be allowed.

Phase 4: When the future Land Combination is done to join 1478 N. 1700 Rd. with the main farm ground, more refined sanitation facilities will be constructed just north of the existing structure. The Douglas County Health Dept. has recommended a plan to resume use of the existing septic system from the former residential structure as an approved (when proper functionality is demonstrated) disposal facility for wastewater generated by camping and other farm participants and activities.

Initially, an above-grade lockable cover will be installed on the riser of the septic tank so that the tank can be directly accessed for disposal (or pumping). This can be used to dispose of waste from the portable sanitation facilities (chemical toilet, hand wash station, etc.) and as a private RV dumping station (solely for RVs used on the farm).

Eventually, a small sanitation building will be built in accordance with all applicable codes. This building will be ADA compliant and will include a toilet, shower, hand wash sink, dishwashing sink, and washing machine. It will serve the health and safety needs of a) farm residents, operators and volunteers, b) customers and agritourism guests of the farm and c) camping farm participants.

Because it will be located some distance from the farm's permanent water supply system, it will not be conventionally plumbed. It will be equipped with a rainwater collection and reuse system (cistern) to supply water for non-potable water uses. Water supply will be augmented through refilling the cistern from the farm's water system via garden hose. Running underground pipe through the woods would be detrimental to the trees, as well as very expensive. Water use by this facility will likely be very seasonal--much greater in months when the weather is above freezing. If possible, the building will be entirely off-grid for electricity and heat, as well as water supply, as part of Pinwheel's effort to achieve zero net CO2.

Detailed plans for the sanitation building will be worked out in close collaboration with the Douglas County Health Dept. and Douglas County Zoning and Codes; all necessary permits will be obtained; and licensed contractors will be used as required.

To the Commission,

I have been actively involved in organizing the North Lawrence neighborhood owners of record and speaking on their behalf over the past three years specifically in regard to Pinwheel Farm's continuous requests for camping. I was born and raised in North Lawrence and my parents live next to Pinwheel Farm on North Street. A few years ago Natalya Lowther took her camping requests from the Planning Commission all the way to the Board of Zoning Appeals and was turned down before the BZA, so we have been down this long road before. The fact is, the neighborhood has never tried to stop Natalya from trying to live her life as a farmer. I have repeatedly said those words in North Lawrence meetings, in front of the commission, and to Ms. Lowther herself.

In fact, Ms. Lowther lives exactly the way she wants to as a farmer by:

- Growing produce (with no neighbor complaints)
- Selling produce to businesses and individuals (with no neighbor complaints)
- Raising sheep, chickens and other animals (with no neighbor complaints, in fact one neighbor provided lots of scrap wood for her heating as well as a free chicken coop, even moved it in for her, and a metal gate) At other times, neighbors have helped her round up loose animals to put back behind the fence.
- Making products of soap, cheese, yarn and other items (with no neighbor complaints)
- Having lots of people come and go as volunteer workers (with no neighbor complaints)
- She has been able to register as an agrotourism site permitting a farmers market and large events in her barn (with no neighbor complaints, in fact one neighbor spoke in support of PF desires to do those things)

So, basically Ms. Lowther lives her life just as she wants, earns money doing all the things she wants to do as a farmer.....no neighbor has ever wanted to nor do they prevent her from living as a farmer. The only thing the neighbors truly, truly object to is the idea of allowing her to now bring people to live in tents or campers on her property in a way that is NOT humane, decent, safe or clean.....and she wants it all in the middle of a residential neighborhood.

Let's also think about this now, despite all these things, and because the neighbors object to this CUP camping request....she suggests everyone is out to get her....that all the neighbors are anti-farm/anti-growing, she makes herself out to be a victim every single time anyone objects to her desire for camping in the backyard.....The truth is, Ms. Lowther has isolated herself from and continuously harassed every single person/homeowner that surrounds her to the point that she now seeks to create her own neighborhood of what she referred to at the last CUP request meeting as "friendly neighbors". The truth is, Ms. Lowther has threatened to sue most who she has come in contact with, her own past tenants, people who live next to her, and people who have worked there.... so is it any wonder she has turned every person around her away?

In my opinion, the objective is not about a need or desire to have farm help, but to try to find people she can get along with who live in her backyard. It is truly a sad and self-created situation, but certainly not a good reason to approve backyard camping despite all surrounding

homeowner opinions, despite going down this road before only to be turned down before the Board of Zoning Appeals, despite going against regulations that other county situated businesses have to abide by, and despite the safety, security, health, and cleanliness issues that arise as mentioned in the agrotourism regulations.

With Respect

Barbara Higgins-Dover

Mary Miller

From: Jessica Oshel [jessicaoshel@yahoo.com]
Sent: Monday, November 11, 2013 6:42 PM
To: Mary Miller
Subject: Penwheel farm

Dear Marry,

As a close resident to pinwheel farm I totally object to having camping there! Thank you.

A very concerned sand rat!

Jessica Oshel

Sent via the Samsung Galaxy S™ III, an AT&T 4G LTE smartphone

Mary Miller

From: Tracy Shelby [tracy.shelby39@gmail.com]
Sent: Monday, November 11, 2013 5:26 PM
To: Mary Miller
Subject: Pinwheel farms shanty town

Hello my name is Tracy shelby and I live right down the st. From said farm. I would like to oppose allowing backyard tent towns at said farm the last time they tried this petty theft took a upswing in our community. I seem to remember reading something about a sexual assault happening there? As a parent I'm not comfortable with this at all. Its also unclear to me why my having a car in my backyard is unacceptable but shanty towns are ok? Really? Thank you for your consideration, Tracy shelby.

Mary Miller

From: Whitney Stanton [wemstanton@cox.net]
Sent: Monday, November 11, 2013 8:20 PM
To: Mary Miller
Subject: Marry Miller about penwheel farms

I am writing this letter to voice my concerns about Penwheel farms having people camp on their land while working on their farm. I, as a mother, am very concerned about the type of people it will bring into the neighborhood. I have children and their well being is my number one concern. There are lots of kids that play all around our street and I want them to always be safe.

Thank you for you time
Whitney Stanton

Need to address personal/farming use separate from participant camping

In looking through the current version of the conditions, it's clear that we've all overlooked the most important reason for this CUP: so that I can camp on my own land, and my tenants can camp as well, as they become more integrated with the farm that may someday be theirs. As the restrictions placed on the proposed activity have become increasingly stringent, I think it's time to add a new, overriding condition as follows, so that the farm can move forward with at least the main purpose of the CUP intact:

“In order to clarify and preserve private property rights and the right to humanely and safely engage in agricultural production, the landowner; her family by blood, marriage or domestic partnerships; and residents at the homes affiliated with the farm (501 North St. and 1480 N. 1700 Rd.) and their families by blood, marriage or domestic partnership, have the right to unlimited camping, subject only to the following conditions. Landowner, residents, and their families and camping equipment will not count towards the total number of camping units or persons allowed by this CUP. The following conditions apply:

- *Owner/resident/family camping may be at time of year, for any duration.*
- *Owner/resident/family camping may be anywhere on the farm except within the regulatory floodway.*
- *Owner/resident/family camping may utilize any type of shelter equipment (tent, RV).*
- *Owner/residents/families are free to make their own decisions about what type of water to drink, since they already use the farm's water system(s).*
- *Sanitation standards must be met by ensuring that all human body waste and wastewater is discharged to approved sanitation facilities. This may include using facilities in the residences.*
- *Fire safety conditions apply to all recreational fires on Pinwheel Farm itself, but do not apply to the tenants' exclusively leased yard area.*

Addition of new county land to CUP

By the time this CUP goes to the County Commission, I will have clear title to 1478 N. 1700 Rd. and the landlocked parcel between the farm ground and 501 North St. These should be added back into the CUP at this time, prior to Planning Commission approval, for the sake of completeness and to prevent confusion, as these three parcels will be merged into one combined parcel within the initial time frame of the CUP if it is approved. This will greatly facilitate implementing the eventual sanitary facility at 1478 North 1700 Rd., as well as keep things simple and clear for enforcement purposes.

I will have letters of intent from both Landowner and Lender by the Nov. 18 Planning Commission meeting specifying a closing date prior to Dec. 8. These parcels were

included in both the original and revised CUP submittals so all necessary documentation is already on file and the property was included in the address list for the 2013 mailings to property owners so all necessary owners have been notified of the CUP, even if those properties were not specifically outlined on the most recent map. They were certainly on the maps for the original 2010 submittal. It would be silly to immediately have to turn around and submit a whole new application for these two properties before the ink is even dry on this...not to mention a huge waste of everyone's time, energy and money as there would probably be equal or more opposition from the same neighbors.

Comments on specific items in the Staff Report:

1) Time Frame:

- If an entirely new application must be brought back after the initial approval time frame, then the initial time frame should be 5 years to prevent undue financial hardship. The \$100 fee may seem small to some of you, but to me it is a huge sum after the devastating cost to the farming operation of this past 4 years of the current CUP effort. The farm's profitability has been severely compromised by a) not being able to have this activity that many other similar farms rely on, especially the freedom to camp on my own land for agriculture contingencies, and b) spending a disproportionate amount of time, energy, and money directly on trying to be allowed parity with other similar farm operations.
- In addition to direct financial hardship, the CUP has been incredibly time consuming, not only for me but for Planning staff, County staff, and the Planning Commissioners. Do we really want more 5+ hour Planning Commission meetings? To ensure a seamless transition between initial and subsequent CUPs, AT BEST, I would need to begin the lengthy CUP process in June or July of 2016, after just 1 ½ years of being allowed the use. Once again, I will lose my ability to direct my efforts towards profitable enterprises on the farm by spending the most important season of the year in the house doing paperwork. This short initial time frame prior to the subsequent CUP will not give time for the farm to recoup the losses of the past 4 years regulatory efforts.
- I've been told that the County is considering regulations directly addressing camping. I was told this at the time the initial CUP was deferred, and the lengthy process to promulgate the agritourism regulations was one reason the CUP was deferred so long. It seemed best to wait to bring it back until there was a (temporarily) stable regulatory environment around at least some of the uses. I presume that the County Commission will continue to tackle one aspect of agritourism at a time, and they are now involved in what appears will be lengthy wrangling over the whole agritourism registration program. Needless to say, I will be involved in such regulatory development to the extent possible, so that process alone will be a drain on my profitability. 5 years would give time for the County Commission to address their current

concerns as well as address on a county-wide scale the growing public demand for recreational/educational camping as part of a healthy lifestyle reconnecting people with nature and their food sources. It would be very confusing to require the CUP to be reviewed in the midst of wrangling over camping regulations.

- The construction of the sanitation building, if required for a new CUP, will not only take construction time but also will likely require significant time prior to applying for the building permit to work with Zoning and Codes and the Health Dept. to design an off-grid facility (solar electric, passive solar hot water, and a cistern system for water service. If we are required to have conventional grid-connected electricity and a hard plumbed water connection, then it will not be feasible to build this building at all in the foreseeable future. Yet it will only provide redundant and non-essential services for self-contained RVs. It is not feasible for me as one person also managing a farm to work on this building design & permitting process while also implementing the prior phases of the sanitation plan or while going through an entirely new CUP process.
- Based on Mary Miller's difficulty in finding definitive ADA compliance information for agriculture and outdoor activities, it is likely that there will be a lengthy process in determining applicability of ADA regulations to Pinwheel's situation and applying them to an unconventional plumbing system. This could significantly extend the timeline for construction of permanent sanitary facilities.
- During the 2-year time frame proposed, and possibly a year or two beyond that, I will likely be also taking time and energy away from farming/agritourism/camping for various significant efforts related to the construction of the Water Transmission Main across the pasture. During the construction phase, esp., this is likely to take a huge amount of my time and energy, and possibly require significant presence away from the farm to manage sheep on alternate summer pasture for several years until my own pasture and fencing are re-established on the construction area. I will need uninterrupted camping access for myself and for farm participants during this period to ensure the community's security during this construction, unless the city is willing to pay for licensed security personnel to be present on the site whenever construction personnel are not present.

2) Sanitation

Point of information: "Best practice" for farm workers is that toilet and handwashing facilities be "readily available for use (within ¼ mile walk)". The pit privy is less than 1/8 mile from most camping areas, since the northernmost part of the farm is in the floodway. Also, "portable toilets are serviced and cleaned in an area that is physically isolated from all produce production or handling facilities"—this would be feasible

with the Thetford but not with a full-size porta-potty. Per Cornell University's National Good Agricultural Practices Program publication, "Food Safety Begins on the Farm."

- The requirement for multiple redundant toilet facilities is unnecessary and burdensome. The pit privy and a personal chemical toilet ("Thetford") should be sufficient without requiring the expensive rental of a full-size chemical toilet.
- The conditions are not flexible enough to reasonably address the most basic and pressing need for the CUP, which is to allow those already residing in the residences associated with the farm (501 North St. and 1480 N. 1700 Rd.) to camp on the farm for agricultural and logistical purposes. People who already reside in dwellings on the farm must be allowed to camp out freely, whether in tents or any kind of RV, without use of chemical toilets or sponge bathing facilities unless the individual feels they are needed. They have full access 24-7 to plumbed facilities in the homes, as well as the pit privy. In practice, in most instances, they will probably use the Thetford for convenience.
- There is a discrepancy between Condition 4)c) **The sanitary provisions will be re-evaluated when the CUP is returned to the Commission in 2 years and the number of units/campers may be revised at that time.** and 8)c) **A shower facility will be required for the extension of the CUP beyond the 2 year period.** If "shower facility" means a portable shower facility, this is reasonable although still discrepant. If it means a permanent plumbed facility, the requirement places an onerous burden on the applicant to make a large expenditure for a facility that may not even be permitted to be used, must be operated as an accessory activity to farming, and cannot be for profit. This is not a reasonable risk to expect of a very small business. It cannot be considered an "investment" since there can be no return on it. If we decided to (or are forced to by regulatory hoops such as a variance process or ADA determination) delay our Phase 3 implementation longer than 2 years (or less, if the shower must be constructed prior to applying for the new CUP), we would no longer be allowed our Phase 1 and 2 activities.

5) Camping Use

- My recollection was that the word "seasonal" in the CUP title was confusing and either the word should be changed or "seasons" established. I suggest that the word "seasonal" be changed to "Accessory and Agricultural", and no time-of-year restrictions put on the CUP.
- I am fine with limiting the length of stay of individuals to 8 months out of every calendar year. It would be a simple matter to keep a log of when each camping farm participant (other than the landowner; her family by blood, marriage or domestic partnership; and residents at the homes affiliated with the farm (501 North St. and 1480 N. 1700 Rd.) and their families by blood, marriage or

domestic partnership) arrives so that we can document that no one individual stays longer than 8 months. This list could be kept at an accessible online site (the farm website?) so that monitoring the list is as easy as opening a web page. This will also let neighbors know who is here and how long they will stay, hopefully lessening anxieties about “strangers.”

- Disallowing any camping during parts of the year again results in a CUP that fails to address the most basic and pressing need for the CUP, which is to allow those already residing in the residences associated with the farm (501 North St. and 1480 N. 1700 Rd.) to camp on the farm for agricultural and logistical purposes. In particular, this year breeding occurred throughout the grazing season and we could have lambs arriving at any time. Meanwhile, having the sheep off-site part of the summer due to not being able to let anyone camp out on the pasture during the grazing season for security purposes when my fences were being vandalized means that we have a huge amount of stockpiled grass that we will be grazing through the winter. We need to have shelter out there to supervise this experiment and guard against vandal and predators.
- Disallowing camping in the winter months will prevent educational experiences for small groups such as Boy Scouts working on badges, and will prevent college students from having Winter Break survival camping adventures at the farm. I know this doesn't appeal to everyone, but neither does rock climbing or parachuting. There is work to do and things to learn in all seasons at the farm, and those who want to have their own farm someday need and want the experiences we can uniquely offer.
- If the Planning Commission feels it MUST set aside part of the year when farm residents are not allowed to camp on the pasture, and we cannot have farm participants, then we need to have those periods coincide with the times when camping is least needed from an agricultural perspective. Our slow times when we least want out-of-area farm participants and are most likely to have time to make multiple trips to and from the houses to the pasture night and day are limited to January, when the ground is normally frozen, and mid-July – Mid-August when it is too hot to do much gardening and I may take a vacation anyway. By mid-February, we are starting to have more warm days; starting to plant peas, onions, and bedding plants; and doing a lot of preparatory work on the farm for the main spring season that starts mid-March with Shearing. This is exactly when we need to be teaching people about our unique way of farming, before things get really busy.

6) Streetscape

- Neighbors have stated that they are not concerned about the landscaping, so I don't feel a condition is needed. Even Barbara Higgins-Dover stated, in her letter, that “The only thing the neighbors truly, truly object to is the idea of allowing her to now bring people to live in tents or campers.” So evidently landscaping is no

longer a deal-breaker for the neighbors. With more people involved in the farm, there will naturally be improvements in the front landscaping, especially now that we have the landscaping plan. There will be no change in the use of this frontage area specifically because of camping, since the only people who will be coming into the driveway for camping are already approved to be on the farm as day participants for agritourism purposes.

- If a condition is wanted, then the 25' designation is arbitrary and capricious. There is already a city utility easement across the front of the property at about 22'. Enforcement officials have access to the exact legal description and have the means to set corner pins on their easement, which they ought to have done when they did the initial survey, for situations just such as this. The city easement would be a much more sensible dividing line, since it is delineated by a formal survey. "The edge of the roadway" is subject to change each time it is repaved or crumbles, since there is not a curb. Let's don't set up yet another strip of land with confusing and conflicting regulatory jurisdictions.
- ***"No non-farm items, with the exception of vehicles, may be located within 25 ft of the edge of the North Street roadway"*** I don't think it's possible for anyone but those of us working on the farm at the time to know whether any item is being used for farm or non-farm use. We use bricks as weights for row covers, for example...and bikes to transport farm products. This would also rule out artistic and ornamental landscaping features, or utilitarian items such as bench for pedestrians, and prohibit free-speech (political signs) on private property. Is constructing and maintaining the landscaping an agricultural or non-farm use?
- ***"Vegetation within 25 ft of the edge of the North Street roadway may not grow to excessive height, greater than 12" in height, unless a Natural Landscaping Plan has been provided and approved for this area."*** I have been unable to get a clear understanding from the city about regulatory status of the easement, in terms of landscaping (i.e. street tree requirements), since it belongs to the city but it's in the county. If the County and Planning Staff and Commissions can get the city to make a definitive delineation of if/how city regulations apply to this area, and it's determined that the City has the authority to approve a Natural Landscaping Plan, then I will be happy to submit the final version of the Pinwheel Farm Landscaping Plan for approval. However, I don't think that will happen in time to approve such a condition at the Nov. 18, 2013 meeting.
- If it is not possible to get city approval of a landscaping plan for this area, then no condition addressing height of vegetation is appropriate. It is in the county and can be utilized for crop production, grazing, etc. The proposed condition does not allow for the established trees and ornamental plantings that characterize a significant portion of the area.

This section goes on to discuss the campfire conditions: "Staff has no objection to the proposed revision to Condition No. 9 regarding campfires; however, the standards for

design recommended by the Lawrence Fire Department should be included.”

- There is no reason to include standards for fires, when standards for many other things have not been included in the conditions.
- When I spoke with Jim King at Lawrence Fire and Medical, he said that these standards were not from Lawrence Fire and Medical because they have no advisory authority in Grant Township. He did not know where they might have come from.
- My only concern with the fire standards is that there is no provision for something for people to sit on something warm and comfortable if potentially combustible items such as logs, plastic/wood/fabric camp chairs, etc., can't be used as seating. I asked him about using logs for seating. He felt that logs 10” or more in diameter were not a significant fire hazard from sparks or embers from a contained fire, and could be used as seating inside the 5” clear space for the small scale of fire that we will have (less than 30” diameter). If specific standards are included, they must include use of logs >10” diameter for seating. Logs will be of a size that one person could move away from the fire if needed.
- In the city, they don't regulate recreational fires on private property, although people can be cited if a fire gets away and causes damage. The same should be true in the county.

I appreciate everyone's work that has gone into making this a thoughtful and well-planned project. I regret that personal issues among the neighbors have drawn it out into such a laborious and contentious process. I'm sure that actual camping will be much less disruptive than the process to get here.

Nov. 14, 2013

Planning Commission:

We are totally opposed to any camping at Pinwheel Farm. If it does get approved, many more improvements would be needed.

In previous years she was a reasonable person. In the last few years she has been giving the neighborhood a bad time. Mary calls her an old battleaxe.

I am not able to come to the meeting because of my wife's health. Just know we are ~~top~~ opposed to the CUP for Pinwheel Farm.

518

530

534

} North
St.

Sincerely

Harry & Mary Cook

Harry & Mary COOK MARK A Cook

Regarding CUP 2-1-10

Nov. 14, 2013

Planning Commission,

I was hoping that a long, involved discussion could be avoided on this CUP- again Unfortunately I cannot visualize that.

Myself and Joyce Higgins have tried to be more cooperative neighbors. We were both on a Pinwheel Farm landscape advisory Committee, by invitation. I also spoke at our NLIA meeting on Nov. 11, 2013 regarding neighborhood notification concerning a termite problem on my property. In both instances our comments were turned around by Ms. Lowther to make it look like we were targeting her individually. She wrote comments to that effect in e-mails and postings on Facebook.

While improvements are visible to 501 North St (Natalya's home) and 1478 N. 1700 Rd, these are not the the key issues concerning seasonal camping at 1480. Is there now a wash-up facility? Is there safe access, in and out for campers and emergency vehicles? Is there a plan in place for background checks of proposed campers? Who is going to check and regulate that proposed conditions are followed?

Pinwheel Farm was given a 90 day permit for a temporary "Starcraft" mobile home in May of 2012. It is still in use at 1480. Why was this not removed or checked on after the 90 days? Is this what will happen to conditions that are enacted in a CUP?

Our neighborhood has never complained of her farming or gardening operations. When her llama died from the heat a few years ago, due to lack of shearing, we were all sad. We support her Agritourism registration.

Pinwheel Farm is in the "county", right at the city limits. In fact my 6' privacy fence to the North is the city-county line. She is not in the "country" as most sheep farms would be. We have a right to our city values as much as she does for her country/farming values.

We have a Neighborhood Watch. We want our neighborhood to be safe, fun and interactive. Everyone nearby tries to work together and live together - except Pinwheel Farm.

It was recommended by Planning & Zoning that proposals and concerns were submitted to them on Nov 4, 2013. Before the meeting date, Nov. 18. Then everyone - commission, Pinwheel Farm, and owners of record - could communicate by e-mail or phone to try and resolve some of these issues. I presented the list of our concerns to Mary Miller on Nov 4. Did I miss something? I have heard nothing about any other opinions or resolutions.

Please consider that a majority of North Lawrence garden in some way or another and

have for decades. We support our neighborhood association, outdoor activities, families, grow your own gardens and ornamental plants and flowers. We all have our rights and desires. We live here; most of the time happily.

Sincerely

Diane Menzie

509 North St

Contact: hokeydory789@
yahoo.com

842-9681

Sorry I will be out of town until the afternoon of 18th

Mary Miller

From: hggnsjoy@aol.com
Sent: Friday, November 15, 2013 1:58 PM
To: Mary Miller
Subject: Pinwheel Farm CUP request

Commissioners,

My husband David and I strongly oppose camping at Pinwheel Farm.

The commission asked the neighbors to try and mend relationships. I did attend the landscape planning meeting held at Pinwheel Farm, in an attempt to do as the commission asked. During that time at Pinwheel, I was faced with a staring down by the owner of the farm which made me very upset and uncomfortable. I listened to some of the things she had to say, and finally decided to ask exactly what problem she had with me and why she couldn't be neighborly. I was then hit with many accusations (an attack) on me personally. It was very bizarre and mostly untrue. This behavior all from a woman who admits having stood on her own roof to take pictures of children and other irrelevant things on surrounding neighbors homes, which were shown in the slide show at the last CUP meeting in September. Another nearby neighbor was faced with the owner of Pinwheel Farm driving slowly back and forth in front of his house with a camera. The purpose was to take pictures of his 4th of July gathering that were also used in the slideshow that you were exposed to.

I and many other people in the neighborhood do not feel a person who would do these things is capable of the leadership required to adequately manage what is being requested in the CUP. There have been lots of tenants in the past, they never stay at Pinwheel Farm long. In having conversations with some of the previous tenants, I have come to realize the dysfunction of activity at PF, one tenant was asked to sign a contract denying him permission to speak negatively about the owner if their agreement fell through while others were sued for damages to property that was already in disrepair.

The owner of Pinwheel Farm has sent the police, the sheriff, the fire department, zoning and codes, city of Lawrence, health department, news reporters, and many others to investigate our property as well as most others that surround her and she has done so over and over and over again. Once again, I and all other neighbors surrounding PF do not believe the owner is capable of the leadership required to adequately manage what is being requested in the CUP, and that all these actions are a good indicator of social skill and management style. We feel that granting this CUP will set a bad example for any future applicants and will give the agrotourism program in general an undeserved bad name.

thank you

Joyce Higgins

Mary Miller

From: Mindy Cassin [qualitytow2003@yahoo.com]
Sent: Sunday, November 17, 2013 1:47 PM
To: Mary Miller
Subject: Pinwheel farms camping

Hello Mary this is Mindy Schaal I live next door to pinwheel farms on the west side I have 3 young children at home the only concern I have is that their will be people from all over the US coming to pinwheel farms that we have NO idea if these people are registered sex offenders or what their past is and by them staying For Free and not having back ground checks or proof of who they are at Pinwheel farms just makes me Leary of them we where also told by Natalya that she was gonna get people from the Homeless shelter to camp and live on her "farm" for a place to live in exchange for Free Labor . But she Never told you guys that! I own a company and we tow for AAA EVERYONE of my drivers have to have a back ground check to work for us. All I ask is when you guys make a decision please think about the safety of my children and the children close by!! And make sure someone follows up on the rules that Pinwheel farms is to go by on a regular basis I'm not a tattle tail nor do I want to make phones calls complaining!! At this point it's all in the City commoners hands! Thanks for taking the time to read this as a mother I am concerned!! My family has tried and tried to get along with Natayla but seems impossible I have allowed her live stock to come on to our property several times just to be a friendly neighbor! Natayla also asked my husband if our office would do back ground check for her because that 5 minutes it takes to do them she could be working on her Farm!! If I had to Wrap 1 word around this I would say Natayla wants her own "COLT" in her own Yard!! Thanks for taking the time to read this!!! Mindy Schaal!!!

Sent from my iPhone

Mary Miller

From: Katherine Garcia [authorkat369@yahoo.com]
Sent: Monday, November 18, 2013 8:47 AM
To: Mary Miller
Subject: Regarding: CUP 2-1-10...Being sent for Coleen Tabbert.

To whom it may concern,

Myself as well as other home owners in the North Lawrence area have deep concerns in regards to Pinwheel Farm's current/future intentions. Ms. Lowther's property is looked upon by several individuals in this neighborhood as a hazardous environment. I, myself invited Ms. Lowther to join forces with the "Big Event".

This particular event involves KU students/faculty giving back to the Lawrence community by providing free labor and services to individuals in need. These services include; indoor/outdoor maintenance in which would have been a great opportunity for Pinwheel Farm to improve and upgrade the property and become a safer environment for the home owner herself as well as surrounding neighbors.

Unfortunately Ms. Lowther declined immediately yet stated she would give thought to the offer and get back in contact with me although this never took place. Much time has passed and the concerns of Ms. Lowther's property are growing problematic and she is now planning to transform her property into public camping grounds.

This is very alarming due to more than a few concerns beginning with the over abundance of wood chips, tree limbs, trees, and sanitation on down to others concerns such as the campers who will be facilitating the property in which myself along with others feel this is too close to surrounding neighbors. I hope you can correct some of these problems that appear to be ongoing before making any hasty decisions in order to keep our North Lawrence community a safe, clean and healthy environment.

Thank You,
Coleen Tabbert
714 N. 6th St.
Lawrence, Ks. 66044
785-843-0071

Mary Miller

From: Shirley [starcy@sunflower.com]
Sent: Wednesday, November 13, 2013 9:01 AM
To: Mary Miller
Subject: Planning meeting Monday November 18, 2013

To the Planning Commission,

I am writing in reference to the opposition against the camping at Penwheeeel Farms. We do not need or want people in campers or tents in our neighborhood. So please take this in consideration.

A concerned Citizen of North Lawrence.

Member of the North Lawrence Improvement Association.

Shirley Tarcy
625 Lake Street
Lawrence , Ks 66044

Mary Miller

From: Margaret Waddell [waddell.margaret@gmail.com]
Sent: Monday, November 18, 2013 1:32 AM
To: Mary Miller
Cc: natalyalouther@hotmail.com
Subject: Public comment re: Pinwheel Farm

City/County Planner Mary Miller,

I am writing as a guest of Natalya Louther. I met Natalya a few years ago through the Lawrence Barn Dance Association's annual contra dance weekend held at Woodlawn school in North Lawrence every November. It is customary for the organizers of dance weekends to offer home hospitality to out of town and out of state dancers who travel to these dance weekends. I had applied to the housing coordinator for a place to stay and was assigned to Natalya's home. I am the president of Mid-Missouri Traditional Dancers in Columbia, MO, a comparable organization that hosts a dance weekend every March. We also provide housing to dancers. Some of it is in the city and some outside of the city.

I fell in love with Pinwheel Farm during my first stay and have requested to stay with Natalya every year since. Before this, I found it impossible to find a host home that was appropriate for my needs because I have allergies and chemical sensitivities. I sometimes stayed in hotels and then had to deal with perfumed cleaning chemicals so that was not desirable either.

I really appreciate having a place to stay that is free, so I can afford to come to the dance weekend and also eat at the great local restaurants in Lawrence all weekend. I have made lasting friendships with other like-minded dancers who have stayed with Natalya over the years (people who appreciate natural living).

This year, I was sharing with Natalya my experience of sleeping in a tent in my backyard all summer and fall. It has been very therapeutic for me in many ways. With the unseasonably warm weather we experienced this past weekend, I would love to have camped out at Pinwheel Farm for the dance weekend, but was told I could not. I have a hard time believing how this could be true. I live a block out of the city of Columbia in a residential neighborhood where I can camp in my own yard if I want to. I didn't realize places existed that have laws against camping.

I don't think it is the place of any governmental body to tell people where and how they can sleep on their own property. I sincerely hope your commission will work towards changing this situation. I would like to come back for farm events and be able to bring my tent with me.

Sincerely,

Margaret Waddell

2211 E. Bearfield Subdivisjon
Columbia, MO 65201-9131

Mary Miller

From: Denny Ewert
Sent: Monday, September 23, 2013 2:32 PM
To: 'Amalia Graham'
Cc: Mary Miller
Subject: RE: Pinwheel Farm

Thanks!

Ms. Denny Ewert, Administrative Support
dewert@lawrenceks.org

City of Lawrence, Planning & Development Services
6 E 6th Street, Lawrence, KS 66044
office (785)-832-3159 | fax (785)-832-3160
www.lawrenceks.org/pds/

"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey: <http://lawrenceks.org/pds/survey/satisfaction>."

From: Amalia Graham [mailto:amalia.graham@gmail.com]
Sent: Monday, September 23, 2013 2:32 PM
To: Denny Ewert
Subject: Fwd: Pinwheel Farm

Hi Denny

Just wanted to make sure that you recieved this today. Thanks!

Amalia

----- Forwarded message -----

From: Avery s Produce <averysproduce@yahoo.com>
Date: Mon, Sep 23, 2013 at 1:21 PM
Subject: Pinwheel Farm
To: amalia.graham@gmail.com

I want to express my support for Pinwheel Farm in their efforts to be allowed to have workers camp on farm land. This is a common practice on vegetable farms, and the majority of us who live and work in north Lawrence have no objection to camping. By granting Pinwheel farm's request, the planning commission will not only help this business succeed, but also send the signal that Douglas County is a good place for all agricultural businesses.

Avery Lominska
Avery's Produce

--

Amalia Graham



JAMIE SHEW
DOUGLAS COUNTY CLERK
1100 Massachusetts
Lawrence, KS 66044
Phone: 785-832-5280
Fax: 785-832-5192

Marni Penrod
Chief Deputy Clerk

Benjamin Lampe
Deputy Clerk-Elections


November 25, 2013

ATTN: DOUGLAS COUNTY COMMISSIONERS

RE: Protest Petition against Conditional Use Permit 2-1-10, Seasonal Camping

CERTIFICATION

I, JAMIE SHEW, DOUGLAS COUNTY CLERK, DO HEREBY CERTIFY THAT THE ATTACHED PETITION, RECEIVED ON NOVEMBER 22, 2013 IS A VALID PETITION.


Jamie Shew
Douglas County Clerk

OWNERS
OF
RECORD

REZONING (CONDITIONAL USE PERMIT) PROTEST PETITION

Protest Petition against CUP-2-1-10

We, the undersigned property owners, do hereby protest the granting by the Board of County Commissioners of Douglas County, Kansas of [proposed rezoning from _____

_____ (existing zoning) to _____ (proposed zoning)] or [a CUP to permit Camping (seasonal)] on the following described property:

Approx. 12 acres, located at and adjacent to 1478 N. 1700 Rd
Primary campsite on 1480 N 1700 Rd

[Attach or insert legal description or general description of the real estate proposed to be rezoned (or for the proposed CUP). A description of the real estate is available through the Lawrence-Douglas County Planning Office.]

We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which the rezoning (or CUP) is sought. See K.S.A. 12-757(f).

Note: Print name legible below or beside signature. All owners of the property must sign.

PRINTED NAME AND SIGNATURE OF OWNER	DESCRIPTION OF PROPERTY WITHIN NOTIFICATION AREA	RESIDENCE ADDRESS (IF DIFFERENT)	DATE
<u>Diane L. Menzie</u> Diane L. Menzie	<u>509 North St</u>		<u>10-2-2013</u>
<u>Joyce A Higgins</u> Joyce A Higgins	<u>517 North St</u>		<u>10-2-2013</u>
<u>DAVID L HIGGINS</u> David Higgins	<u>517 North St</u>		<u>10-2-2013</u>
<u>Harry O Cook</u> Harry O Cook	<u>518 North St</u>	<u>530 North St / 534 North</u>	<u>10-2-2013</u>
<u>Mary A Cook</u> Mary A Cook	<u>518 North St</u>	<u>530 North St / 534 North St</u>	<u>10-2-2013</u>
<u>C. DEAN ELLIOTT</u> Calvert W. Elliott	<u>1715 E 1500 Rd</u>		<u>10-8-13</u>
<u>Mindy Schaal</u> Mindy Schaal	<u>1474 N 1700 Rd</u>		<u>10-8-13</u>
<u>Marvin Schaal</u> Marvin Schaal	<u>1474 N 1700 Rd</u>		<u>10-8-13</u>

PRINTED NAME AND SIGNATURE OF OWNER	DESCRIPTION OF PROPERTY WITHIN NOTIFICATION AREA	RESIDENCE ADDRESS (IF DIFFERENT)	DATE
KARENETH L SLOAN <i>Kareneth Sloan</i>	<i>Kareneth Sloan</i>	1466N 1700 Rd ^{825 Maple}	20 Nov 13
Jessica Conner <i>Jessica Conner</i>	520 North St <i>Jessica Conner</i>		11-21-13
Joshua Conner <i>Joshua Conner</i>	520 North St <i>Joshua Conner</i>		11-21-13
Baelynn Moon <i>Baelynn Moon</i>	1462 N 1700 Rd	3105 Sherwood	11/21/13
Vernon C. Heine <i>Vernon C. Heine</i>	1723 E. 1500 Rd		11/22/13
Vernon C. Heine <i>Vernon C. Heine</i>	1731 E. 1500	1723 E. 1500 Rd	11/22/13
Gary L. Black <i>Gary L. Black Trustee</i>	1733 E. 1500 Rd	1723 E. 1500 Rd.	11/22/13
Vernon C. Heine <i>Vernon C. Heine</i>	1733 E. 1500 Rd.	1723 E. 1500 Rd.	11/23/13

STATE OF KANSAS)
COUNTY OF DOUGLAS) SS:

I am the circulator of this Protest Petition and a resident of the state of Kansas and possess the qualifications of an elector of the State of Kansas. I have personally witnessed the signing of the Protest Petition by each person whose name appears thereon.

Diane L. Menzie Diane L. Menzie
Circulator Signature Printed Name

Circulator's Residence and Address 509 North St. Date 11-22-2013

Signed and sworn to (or affirmed) before me on this 22nd day of November,
2013 by Diane L. Menzie, circulator of this Protest Petition.

Jennifer L. Henderson
Notary Public
My appointment expires: 4/24/2016

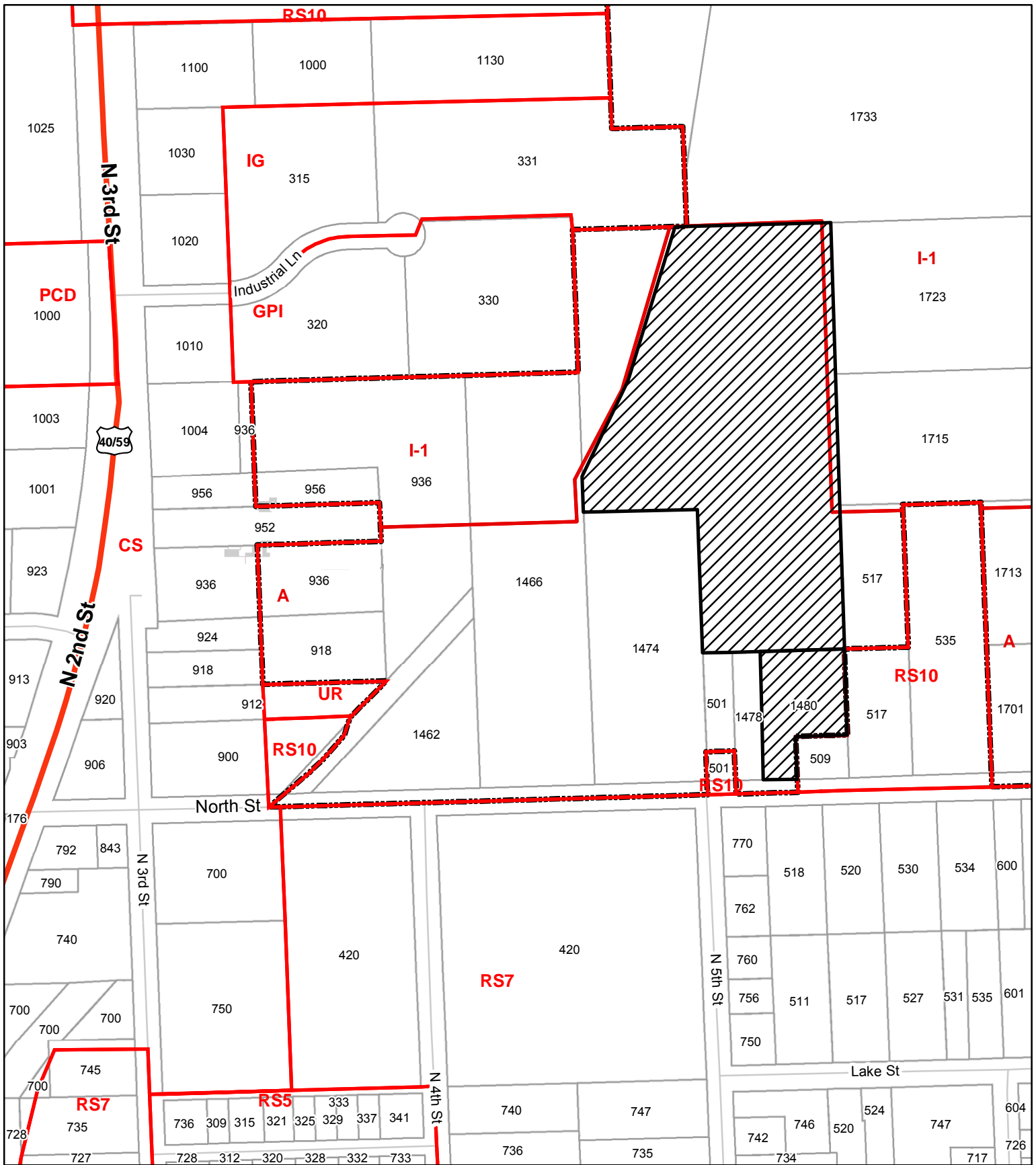


2013 NOV 22 PM 2 08

RECEIVED
DOUGLAS COUNTY CLERK
LANSHIRE, KANSAS

POL Protest Petition CUP 2-1-10
(300185A & 300189A)





CUP-2-1-10: Conditional Use Permit to allow seasonal camping accessory to farm operations, on approximately 12 acres, Located at and adjacent to 1480 N 1700 Road



**ITEM NO. 4 CONDITIONAL USE PERMIT; SEASONAL CAMPING; 1480 N 1700 RD
(MKM)**

CUP-2-1-10: Consider a Conditional Use Permit to allow seasonal camping accessory to farm operations, on approximately 12 acres, located at and adjacent to 1480 N. 1700 Road. Submitted by Natalya Lowther, property owner of record. *Deferred by Planning Commission on 9/23/10.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Natalya Lowther, Pinwheel Farm, said regarding the condition regarding the size of logs around the fire she was fine with 10" logs instead of 12" logs. She said she would be closing on the property by December 8th so she would have a clear title. She said that would allow her to better address the long-term sanitation issues. She also said once she had clear title to the parcels they would be joined to the main farm ground through a land combination so they would all become one parcel of land. She said she conducted some online surveys through her Facebook page, via email to residents in North Lawrence, and also posted on the North Lawrence Facebook page. She compiled the statistics and provided it in the packet. She said 77% of all survey respondents felt that camping was or should be legal in Douglas County on a broad scale. She said guns were an issue that came up in the survey so she submitted conditions to staff proposing ways to address that issue. She recapped the survey results. She showed the zoning of the area on the overhead as well as the actual use of the land in the area to show the mixed-use character of the neighborhood. She referred to a letter from the Health Department, Mr. Richard Ziesenis, that discussed the requirement for a chemical toilet. She felt there needed to be more clarification and wondered if a toilet in an RV and the portable one at the farm would satisfy the condition or if it had to be a rented port-a-potty. She presented her version of the conditions that were included in the packet.

PUBLIC HEARING

Ms. Diane Menzie, 509 North St, felt this should be a separate Conditional Use Permit since there were so many additional conditions. She said they were still talking camping provisions on 1480 N 1700 Rd. She was not concerned with 501 North St or 1478 N 1700 Rd because they were not part of the Conditional Use Permit proposal. She said she was invited by Ms. Lowther to serve on a landscaping advisory committee. She stated the appearance of the property of 501 North St and 1478 N 1700 Rd had improved tremendously. She stated Conditional Use Permits were not usually right on the city/county line. She said it was sad when a neighborhood could not be 100% cooperative. She stated many of the neighbors had nothing but adverse comments about camping at Pinwheel Farm. She said Ms. Lowther's former tenant left under unexplained circumstances and was not allowed to speak about Pinwheel Farm because of a clause in his contract. She felt Ms. Lowther should conduct background checks. She said she was not in favor of camping at Pinwheel Farm.

Mr. Ted Boyle, North Lawrence Improvement Association, felt more questions needed to be answered. He did not feel background checks would be hard and could be conducted by calling the sheriff with a driver license number. He stated the north end of the farm was all floodplain and would be difficult to get in and out of during rainy periods. He stated Ms. Lowther was allowed up to 100 people at one time for agritourism but does not have sanitary facilities. He said North Lawrence was an agricultural entrance to Lawrence and people support the agricultural use. He said KOA was a few

miles away for people to sleep. He did feel that personal camping should only be allowed for Ms. Lowther, family, and the tenants who rent a house on her property.

Mr. Rick Hird, attorney representing clients, Marvin and Mindy Schaal, who live next door to Pinwheel Farm, had severe reservations about this. He stated some of the complaints from the neighborhood were emotional. He said the neighbors were rightly concerned about the safety of the area. He felt there needed to be adequate sanitation requirements. He stated there was a provision in the staff report for sponge baths and showering facilities. He did not know of any regulations that defined what those were. He wondered what they would be approving with that condition and what standards would be used to enforce that. He felt they would be on thin ice by approving a Conditional Use Permit that had no regulations, no standards, and no descriptions. He said he personally worked very hard on the agritourism text amendment. He said agritourism did not include provisions for camping and it was a separate issue.

Mr. Byron Wiley, 1200 Almira, said Ms. Lowther was a caring individual who cared about the land and he valued her persistence. He said in order for a farmer to make it these days they have to be creative. He stated there was value in having volunteers stay where they work. He said people generally involved with organic farming seemed to be conscientious with high character. He said Ms. Lowther had very specific rules and she was not afraid to let people know if they are not following the rules. He said he was aware of the contentious relationship with the neighbors and felt it should be set aside. He did not feel the camping would create a problem with the neighbors or the property. He felt there was no reason not to grant the Conditional Use Permit.

Ms. Barb Higgins-Grover said her folks live next door to Pinwheel Farm. She said when she inquired about liability insurance she was told 1 million dollar insurance had existed for years. She wondered if that was for the home or the business. She wondered who would regulate that. She was bothered by the fact that the Douglas County Zoning & Codes was having a hard time regulating camping that occurs around the county by individuals passing through. She felt there should be background checks.

Mr. Phil Patmon said he toured Pinwheel Farm. He felt property owners should be allowed to camp on their own property. He mentioned the program WWOOF (World Wide Opportunities on Organic Farms). He said campers were not all bad guests.

Ms. Melissa Warren, volunteer at Pinwheel Farm, said she was bothered by background checks. She wondered what Ms. Lowther would be expected to do with the background check information and who would judge who was proper enough to be there. She felt like it was an impossible inquisition with no standards to judge them by. She said nothing in this world was without some risk and that nothing could guarantee that everybody was going to be behaving. She said Ms. Lowther should not be held to some impossible standard.

APPLICANT CLOSING COMMENTS

Ms. Lowther said Mr. Boyle was correct in saying there were flood issues on the north end of the property, however camping would be allowed in the floodway fringe but not allowed in the actual floodway. She said if it was necessary to disallow camping in the floodway fringe that was a restriction she could live with but would like to personally be allowed to camp there because it was an area that was very hard to see from the farm. She said regarding liability insurance she has had it for more than 10 years. She said she had 1.5 million coverage. She said the tradeoff for volunteers camping was an educational and economic value.

COMMISSION DISCUSSION

Commissioner von Achen asked why the Conditional Use Permit was needed in the first place.

Ms. Miller said the County Zoning Regulations were silent about camping and it was a Zoning & Codes determination that camping was not allowed in the county without a Conditional Use Permit.

Commissioner von Achen said the agricultural zoning regulations say one or more mobile homes were allowed as an accessory use to a farm for family or employees.

Ms. Miller said Ms. Lowther does not pay her employees a wage so they were not considered employees, they were considered volunteers.

Commissioner von Achen asked if pitching a tent in the county was illegal but not in city.

Ms. Miller said currently, yes. She said there were no standards so it was not permitted at all except with a Conditional Use Permit.

Commissioner von Achen asked what part of camping was illegal.

Ms. Miller said the overnight stay camping activity without residence.

Commissioner Liese thought the issue of background checks was handled well by staff. He said to assume that transient and vagrants would work at Pinwheel Farm may be an unrealistic fear. He did not think background checks were reasonable. He felt they had an important responsibility to protect citizens and they were being asked to set forth a long list of conditions that could not be enforced. He felt the Conditional Use Permit would be unrealistic because he did not believe they had the manpower to enforce the contradicting conditions. He said one of the conditions says it cannot be advertised but it can be on the website. Another condition says it cannot be for profit but who was going to check the books. He said one of the conditions talks about how important it was to have a safe water supply but wasn't required right away. He wondered who would measure the log size. He said there were some things that bothered him about the whole thing, especially the wording about guns generally not being kept at the campsite. He said the applicant proposed that she would be inclined to implement the landscape but doesn't want that to be tied to the Conditional Use Permit. He expressed concern about there being a central facility for campfires. He said he liked the letter written by the neighbor that highlighted what Ms. Lowther does on her farm without complaints, such as grow and sell produce. He said they were not impinging upon the applicants rights. He said the applicant said the farm was reliant on the camping and that she may need to rethink the business plan. He said the business plan had allowed for a lot of good agriculture activities. He said it was not fair to assume KOA/Jellystone would be available forever for campers but Clinton Lake would be. He said the survey conducted by the applicant did not represent a broad enough segment of the population and should not be taken seriously. He felt one of the conditions that should be in writing was that someone injured while camping should be covered by insurance.

Commissioner Denney said they were so far in the weeds that they were losing the direction they were going. He stated Planning Commission was a land use advisory board. He said it was not within their purview to solve a neighborhood dispute. He said their only issue was the camping of people performing work on the farm. He felt property owners not being allowed to camp on their own land was a freedom issue and that the government was too involved in the minutia of people's lives. He

felt the only concern was the Conditional Use Permit to camp but that they didn't have a definition of what camping meant. He commended staff for their work on the issue. He said in general he was in favor of the Conditional Use Permit because it allowed someone to use their property and the applicant felt it was necessary for the operation of the business. He felt they should impose as few requirements as possible. He said whether something was an eyesore was not a public safety health and welfare issue. He said whether the people working there were clean shaven and wear a tie or had a beard and wore blue jeans was irrelevant. He said he was inclined to say the only requirement was a restriction to make sure it was not overflowing with people.

Commissioner Liese said he was not interested in trying to resolve the neighborhood dispute. He agreed with Commissioner Denney about what the appearance of the volunteers not mattering. He also agreed that Planning Commission was a land use board. He said the law dictates that a Conditional Use Permit be applied for. He said the purpose for the Conditional Use Permit was to protect the safety and welfare of the neighbors, applicant, and volunteers. He said insurance was required in case something terrible happens just like how cars have insurance. He said land use decisions could have an impact on the safety and welfare of others.

Commissioner Denney said there were no city or county laws requiring a business owner to have a particular type of insurance. He said the difference between business insurance and car insurance was that vehicles were on the road. He said there were already codes in place that require proper disposal of waste.

Commissioner Liese said the applicant did not want to address sanitation facilities immediately, but instead do it over time.

Commissioner von Achen said the first phase would be self-enclosed mobile homes that have their own drinking source and waste facilities so the issue of sanitation and water would be taken care of for the first two years.

Commissioner Denney said the applicant should not be expected to search volunteers for the possession of guns. He said the lengthy proposed conditions were unenforceable and he did not think they could pass a Conditional Use Permit with that many conditions. He was in favor of limiting the number of people and perhaps the type of camping equipment used, such as an RV versus a tent.

Commissioner von Achen referenced the regulations and asked why an owner could not have a mobile home on the farm.

Ms. Miller said the mobile home could be for her family. She said the term mobile home meant an RV. She said she did not believe the regulation did not apply to the property owner but that she would have to check with Zoning & Codes.

Commissioner von Achen discussed the ADA requirement for farms. She referred the staff report. She said there were no ADA requirements for farms but yet they were asking a farmer with 12 acres to install best management practices for a business that would only involve able bodied people. She said this was a standard that had not even been adopted yet and if it was it was for federal public lands. She did not think they should be concerned with the ADA requirement for the Conditional Use Permit. She said they were asking the applicant to invest a lot of money in infrastructure for sanitation facilities but they were only approving a two year Conditional Use Permit. She felt that would create a burden for the applicant.

Commissioner Britton asked staff to comment on the enforceability of the conditions.

Mr. McCullough said some of the conditions were a little unique because they were related to human behavior. He said generally he looks at a project in terms of how many conditions were needed to make it compatible with the neighborhood. He said sand quarries were a good example. He said in theory a good set of conditions could help make a project, that may not otherwise compatible, compatible with the neighborhood.

Commissioner Kelly agreed with Commissioner Denney that they were getting stuck in the weeds of this item. He said with 21+ conditions they were trying to create a zone that they did not currently exist. He said they were trying to apply safety and health conditions to an agriculturally zoned area. He encouraged the Board of County Commissioners to look at agritourism and the regulations that were there for agritourism. He said Planning Commission was trying to create regulations for agritourism and there wasn't anything. He said they were having a hard time defining agritourism, in terms of insurance or ADA compliance. He said that was not the same as agriculture. He felt the reason they were struggling so much with this was that they were trying to create rules where they did not exist. He stated in order for this to be successful they had to have community agreement that they were going to be successful. He did not have the feeling that this would be successful. He said he thought a lot about agritourism as a business entity and as it's zoned. He was not sure there was enough set up as a community for it to be successful yet.

Commissioner Liese felt there were too many conditions. He said he could not vote for something that was bound to fail. He asked staff who would check the quality of the insurance policy if it was a condition.

Mr. McCullough said staff would have an initial review but that he didn't know about an ongoing review.

Commissioner Liese asked staff who would be checking the camping units for fire extinguishers.

Mr. McCullough said there would need to be a discussion with Zoning & Codes.

Commissioner Liese wondered if there would be people to check on whether this would become profitable.

Mr. McCullough said a mechanism could be created for interpreting that. He said it would be a challenge to see the books.

Commissioner Liese asked if there was a way to determine advertisements.

Mr. McCullough said staff would not actively be looking for advertisements.

Commissioner Liese said he could not vote for 21 conditions. He felt they should deny the application because conditions were unenforceable and the health, safety and welfare of the community was their responsibility.

Commissioner Josserand thanked staff because they did exactly what Planning Commission asked them to do two months ago. He said neither side agrees with the conditions. He quoted

Commissioner Rasmussen's comments from two months ago: *"...this was not about organic farming, sustainable living, sustainable agricultural, or agricultural education. He said the issue was about camping..."* He said there was a difference between camping in a backyard and having a structure setup for 8 months of the year. He felt that was residential camping. He said two months ago he did not want to vote against the Conditional Use Permit based on appearance but did have concerns about the duration of camping and sanitation. He said the applicant did not agree with some of the revised conditions. He asked what would be wrong with a 300' hose and tent shower. He felt long term camping should have shower facilities.

Commissioner Culver asked staff if a portable shower was allowed.

Ms. Miller said showers in RVs were allowed. She said the Mr. Richard Ziesenis with the Health Department advised that a portable washing facility was acceptable but the wastewater that touches the human body cannot go to the ground, it has to be disposed of in a septic/sewage system. She said portable showers or sponge bathes would have to have some sort of catchment for the runoff.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Kelley, to deny the Conditional Use Permit, CUP-2-1-10, based on the safety, health, and welfare of the community.

Commissioner Struckhoff felt the issue was about camping. He felt the number of conditions seemed excessive but that Planning Commission requested that two months ago. He thanked staff for their time in working on this. He felt sanitation was addressed with self-contained RV's for the first two years. He said the words "transient workers coming through town" was not an accurate description of what was happening. He said volunteers were coming to Lawrence to participate in a specific activity and purpose, not transients or vagrants. He said the number of campers allowed at one time was fine. He said he would not impose any gun regulations on others that he wouldn't impose on himself on their own property. He said he would like to see a leaner proposal, although Planning Commission requested them two months ago. He said this example of land use, camping for workers on an agricultural enterprise, was something they were going to see again whether or not it was related to the agritourism issue. He felt the issue would appear before Planning Commission again for some other applicant. He asked if they supported camping on private property for this purpose in Douglas County. He said if they did they needed to draft a set of regulations that would permit that. He said this was agricultural land and the issue was camping. He said they would run into this issue again. He felt they should set a precedence that made sense. He said he did not see anything in the conditions, except for the number of them, that he found objectionable.

Commissioner Culver agreed with Commissioner Struckhoff. He wondered if it would be more appropriate to address camping as an accessory use to a business like farming. He said there could be a better product on taking a general scope and then working with specific situations to fit within those general guidelines. He agreed that safety, health and welfare was important but had not heard a lot of discussion about that same protection and certainty for the applicant and property owner. He wondered if they were putting themselves in a situation of setting subjective measurements to an applicant that would put time, effort and money in trying to comply with those only to find out by the way in which they were measured would set the applicant up to fail. He said he did not have an issue with the principal of conditions but more the regulatory enforcement part of that and how it could or should apply to other situations of a similar use. He appreciated the discussion by everyone and felt it was more focused on camping than it was two months ago. He said they may see this type of potential use presented in the future. He said he had a hard time supporting the Conditional Use

Permit and feel guilty for taking the time of staff and the community where it may not work for anyone. He said he would like to support the Conditional Use Permit but did not know if this was the appropriate way to go about it.

Commissioner Liese said denial by Planning Commission of the Conditional Use Permit was not the law. He said County Commission would see their discussion and could do whatever they want, including sending it back to Planning Commission for reduced conditions. He said even if the County Commission denied it the applicant would have a year to work on it. He said he would vote in favor of the motion.

Commissioner Graham agreed that they would probably receive more camping requests. She said she would not feel comfortable giving the same conditions to everyone. She felt there were a lot of conditions with this Conditional Use Permit and she could not support that many conditions.

Commissioner Struckhoff said that enforcement issues would always be difficult with only two county inspectors.

Commissioner Britton said he was generally supportive of the request but baffled by all of the personal history from the neighbors and applicant. He said staff's list of conditions may be the best compromise. He did not think the sky would fall if the Conditional Use Permit had 21 conditions, although he did not think they were all necessary. He said they could only do so much and then the applicant needed to decide if they could make it work with the list of conditions. He agreed that this issue could come up again. He said this would be a two year trial Conditional Use Permit. He did not think they were setting the applicant up for failure. He said Planning Commission asked for these conditions two months ago and staff did a good job. He said the applicant deserved to move to the County Commission with a recommendation for approval. He felt generally this was a workable and reasonable way to move forward. He said he would vote against the motion and would generally support the Conditional Use Permit.

Commissioner von Achen felt it was grossly unfair to deny the Conditional Use Permit when Planning Commission demanded more conditions. She said she Googled WWOOF and it was an organization of people who travel around the world. She said they were not vagrants, they were people who were dedicated. She said she would vote against the motion and would support the Conditional Use Permit even if it was imperfect.

Commissioner Denney asked about the time frame for a denied application.

Mr. McCullough said the applicant could apply again in one year.

Commissioner Denney said the applicant had been working toward doing this for a few years. He said the issue of camping as part of agritourism would come up again. He thought the idea of using this as a test case was appealing. He did not like all of the conditions but would vote in favor of the Conditional Use Permit with fewer conditions. He stated if they deny the item and send it forward the process would have to start all over again. He said he was inclined to vote against the motion.

Commissioner Liese said City and County Commission would vote how they want regardless of the Planning Commission recommendation. He did not feel they were in the position to approve a campground. He felt a lot of good work could be done by delaying it a year.

Commissioner von Achen said it was easy for Planning Commission to postpone it for a year but they were talking about the applicant's livelihood.

Commissioner Liese said the applicant had done well without camping for 15 years.

Motion carried 5-4 with Commissioners Culver, Graham, Josserand, Kelly, Liese, voting in favor of the motion. Commissioners Britton, Denney, Struckhoff, and von Achen voted against the motion.

Commissioner Josserand asked what mechanism was going forward for agritourism.

Mr. McCullough said agritourism would be coming back to Planning Commission. He said originally camping was kept separate from agritourism. He said the County Zoning Code was in process which could address the camping as well.

Motioned by Commissioner Josserand, seconded by Commissioner Liese, to direct staff to bring Planning Commission a recommendation about how to proceed examining the issue of accessory use camping and personal camping in Douglas County.

Motion carried 9-0.

Link to the September 23, 2013 Planning Commission packet information for the Conditional Use Permit for Seasonal Camping at 1480 N 1700 Rd:

http://www.lawrenceks.org/assets/pds/planning/Sept_Item4.pdf