

**Planning Commission
June 13, 2017
Linn County Annex**

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

Staff Present: Melissa Fund, Meghan Swanson

Charlene Sims called the meeting to order at 7:01 pm; George Teagarden led the Pledge of Allegiance.

Ed Andersen motioned to correct the minutes from the previous meeting to show that the results of votes taken were 5-0, and not 6-0 as reported, as only 5 members were present. No other corrections needed to minutes. George Teagarden seconded, 5-0

New Business

Case# Z17-01 Rezoning from Agriculture to Agriculture Residential

Charlene Sims introduced the request. Paul Porter reported that he and his wife Celeste had bought 40 acres with a house at 18251 County Road 1095 (Parcel ID# 054-094-19-0-00-00-010.02-0). They would like to build a new home near the back (east boundary line) of the property- their intent is to maximize the amount of tillable acres on the parcel. The land is currently being used as a hayfield. In order to do this they will need to split the existing house and 4.82 acres from the original parcel, which will require it to be rezoned from Agriculture to Agriculture Residential. The Porter's intend to retain ownership of the newly created parcel and existing home and use that for rental income.

Paul Porter presented a map of the property to the Board and explained where the existing home is, where they intend to site the new home, etc. Charlene Sims was concerned that they would not have access to the new residence without having to go through the adjacent property. Paul stated that they would extend the current driveway on their property to the new residence.

Ed Andersen asked if any comment had been received from the public. Melissa Fund advised that Richard Lieurance had called with general questions about why the land was being rezoned and how that would affect his property, but did not appear to have any objections to the rezoning. No other comment received.

Ed Andersen reviewed the staff findings:

1. That the proposed use for rural residential use fits with the character of the neighborhood and it fits with acceptable land uses of the County Land Use Map in Comp plan.
2. There are other rural residential homes nearby.
3. The property is suitable for a rural residence.
4. Removing the Agricultural restriction is not believed to detrimentally affect nearby property since many of them are also being used as rural residential home sites as well as agricultural.
5. The property continues to be occupied as currently zoned.
6. There would be no detrimental effect on surrounding property owners.
7. Staff recommends approval of the application.
8. The requested change conforms to the comp plan for Linn County in that it would fit the existing character of the neighborhood in low density development.

No discussion on findings. John Ballou moved to approve the request to rezone the 4.82 acres from Agriculture to Agriculture Residential. Ed Andersen seconded, 5-0 vote.

Proposal to Vacate Road

Charlene Sims introduced the proposal from the County Commissioners to close 1700 Road from Vail Road east to Highway 69, and 1700 Road from Wakefield Road west to Highway 69.

Ed Andersen asked if any objections from the landowners along those roads- the staff advised that their understanding is that all of the land abutting the proposed road closure is being bought by Douglas Palzer, the person who is requesting the road closure. Fred Kautt asked if anyone had reviewed the site, John Ballou advised that he had and that there is still a large barn along the road- the owners of that structure would still need to be able to access their property. Discussion about how the vacated road would be measured for tax appraisals, etc.

John Ballou moved to approve the proposal with the stipulation that all owners of abutting properties agree to the road closure. Ed Andersen seconded, 5-0 vote.

Request from the County to waive Rezoning regulations

Charlene Sims introduced the request from the county to waive the rezoning requirements for the 6 acres of land that the county is splitting off to install a new communications tower. Discussion about who currently owns the property- the Board requests updated copies of the county plat books if available. Discussion about whether or not it would be appropriate to waive the rezoning process for the County. The Board agrees it would be appropriate to waive the fees for the rezoning for the County.

Ed Andersen motioned that the County has to go through the same process as any other resident for rezoning. Fred Kautt seconded. No further discussion, 5-0 vote.

Sign Permits

Meghan Swanson reported that as she was going through the codes there are 2 different fees listed for sign permits. The Forms and Fees section (Section 5, page 2) lists a price of \$25, while the Sign Codes (Section 10, page 3) lists a price of \$10. Ed Andersen asked if the different fees were based on the size of the sign- Meghan Swanson advised they were not, that the Sign codes (Section 10, page 3) lists a flat fee of \$10 per permit.

Ed Andersen feels there is a cost advised with any requests that are received- Meghan Swanson advised she does go out and inspect the sign sites to make sure they are meeting set back requirements, etc. Meghan Swanson advised that she thought \$10 was a fair price, however Ed Andersen thought that was insufficient to cover inspection and other related costs. Meghan Swanson advised our regulations mainly cover signs that aren't being posted along major state highways- those will have different regulations that are handled by the state.

Fred Kautt asks how this would affect signs for churches or other similar organizations. Meghan Swanson advised they would not be exempt from the permit requirements, but that they could go in front of the commission to see about waiving the permit fees.

Ed Andersen moves that the sign permit fees should be set at \$25 per permit. George Teagarden seconds. 5-0 vote

Homes with Small Acreage

Charlene Sims advised she had recently noticed several properties for sale in the county with less than 3 acres that still appeared to have septic systems. Discussion about how those properties reached that lot size, agreed it was most likely before zoning regulations took effect. Meghan Swanson advised that Agriculture Residential properties must have a minimum of 3 acres, but there is no minimum lot size on properties zoned as Single Family Residential- the lot just has to be big enough to meet the setback requirements. Installing a septic system currently requires a minimum of 3 acres.

Meghan Swanson discussed our current process and that all properties require a sanitation inspection at the time of sale. Non-functioning systems are required to be brought up to code. At this time we are relying on the realtor and/or buyer/seller to notify us of the pending sale and request the inspection. Discussion about potential for modifying the Sanitation Codes to require that the Register of Deeds office confirm sanitation inspections have been done prior to recording the sale paperwork. No action taken by the Board at this time.

Old Business

Zoning Definitions

Meghan Swanson advised there is no current definition of “temporary” which is making it difficult to enforce some Nuisance Abatement codes. Discussion about what is considered temporary residency. George Teagarden motioned that “Temporary Residence” be defined as not occupying a residence for more than 30 continuous days and no more than 90 days total per calendar year. Ed Andersen seconded, 5-0 vote.

Meghan Swanson then advised that Dennis Arnold had requested the Board review the Zoning Regulations for Heavy Industrial district. The Zoning Regulations list several permitted uses for the district, but then those same uses are listed as requiring a Conditional Use Permit as well, which seems to be redundant. Charlene Sims advised it had been set up that way so that the County would still have control over the businesses that are being established in the county. At this time the only area that does not require a CUP is the Highway Retail district. Charlene Sims would like to review the Highway Retail district and its requirements at a later date.

Solar Panels

John Ballou asked about the solar panel handout that the Board had received. Meghan Swanson advised it was a summary of what surrounding regulations surrounding counties put on solar panels, and was a follow up to discussion at previous meetings. Ed Andersen thought the staff will need additional training, etc., so they are knowledgeable enough to properly inspect the systems and installations, and recommends that we do charge permit fees for the structure. Melissa Fund advised there is currently no mechanism for inspections as the county doesn't have building codes or any regulations for solar panels. Ed Andersen confirms this and thinks we do need to consider requiring some basic inspections, but doesn't want the County to get to the point that fees become burdensome.

Charlene Sims asked the staff to review the zoning regulations to determine what type of zoning solar panels would fall under.

Other Topics

Meghan Swanson announced the first Nuisance Court will be held Thursday, June 15 at 10am in the District Court building. She provided a brief overview of the cases that would be presented.

Fred Kautt asked about the status of posting Planning Commission minutes on the county website. Melissa Fund advised that Chris Martin had agreed to do so, she will follow up with him about getting those posted. Fred Kautt also asked that we have him add information about when the Planning Commission meets.

Charlene Sims would like for the Board to review the Zoning Regulations vs. the Comprehensive Plan at the next meeting. We need to consider adding a Light Industrial district, and doing away with the Highway Retail district.

Fred Kautt wondered if there was any signage at the Marais des Cygnes Massacre Site on 1700 road near Trading Post, Charlene Sims advised there was.

George Teagarden motioned to adjourn, Fred Kautt seconded, 4-0 vote (John Ballou had left earlier in the meeting).

Meeting adjourned at 8:15pm.

Chairman

Attest:

Secretary

mef