

Linn County, Kansas
Planning Commission Meeting
May 14, 2019

District 1
Edwin Anderson
George Teagarden
Tate West

District 2
David Berglund
Teresa Whitaker
Melanie Staton

District 3
Fred Kautt
Richard Morrell
Charlene Sims

Meeting called to order: 7:00 p.m.

Board Members Present: George Teagarden, David Berglund, Charlene Sims, Ed Andersen, Richard Morrell, Teresa Whitaker and Fred Kautt.

Board Members Absent: Tate West and Melanie Staton.

Also Present: Andy Mayhugh, Planning & Zoning Director & Courtney Calkins Secretary.

Pledge of Allegiance led by Fred Kautt.

Minutes of March 12, 2019 were discussed. **Motion by Ed Anderson to approve the minutes. Seconded by Richard Morrell. Motion passed unanimously.**

Andy discussed errors in Staff's presentation paperwork.

NEW BUSINESS

- 1) Case #CUP1904** - Application for renewal of a Conditional Use Permit for Topsoil/Dirt Sales and Retail Sales Area by Page Enterprises LLC.

Mike Page present for Page Enterprises, LLC. The Linn Valley area is heavily rock, and most projects are in rock. There's a need for black dirt in the area. Chad Page is the owner of the company. Andy Mayhugh determined that a CUP is required to sell dirt and set it up for retail sales in order to build a cabin or some type of retail area. The Page's do not own the land. The land belongs to Gary and Susie Mahon, Wolf and the Ferguson trust.

The discussion was as follows:

1. Charlene Sims: Does Page Enterprises need a different CUP if they decided to make it a service station?

It is anticipated that by the time Page Enterprises gets this developed the county may have a different set of zoning regulations.

2. The landowner desires use of 69 Hwy all the way to Ullery Rd. About a ¼ of a mile. In the event Page Enterprises couldn't harvest the amount of material needed they would have more available.
3. Where will the entrance be located?

The entrance is on the east side with no tube. Page Enterprises intends to broaden that. Mike anticipates an office or a cabin to be erected there pretty quickly.

4. Dave Berglund: How are they going to control the runoff and silt going toward Linn Valley?

Linn County, Kansas
Planning Commission Meeting
May 14, 2019

Page Enterprises is only going to use about 2 acres. They spoke with KDHE who sent them to the Corps of Engineers to make sure they were aware of any additional conditions. No special permitting is required per KDHE if they don't break up more than 2 acres at a time. They have imposed no extra measures.

5. Charlene Sims: What is the actual section size? 80 acres.
6. Dave Berglund: This is not a place we'd want a hodgepodge of different types of retail. What happens if the family decides to sell off a tract? How do we turn loose 160 acres?

As currently proposed the CUP would transfer upon the sale of the land.

Dave Berglund: They are probably not going to buy the entire quarter. How will that all look in the end? We don't want to drive by in 5 years and be sad.

Andy Mayhugh: I have tried to address that in the conditions. You have a captive audience in Linn Valley. The city can't grow to the West due to floodplain. The primary focus for retail is going to be up and down Ullery Road.

7. Dave Berglund: Does Linn Valley have something to say about things around their city limit?

Andy Mayhugh: No, this is Linn County's jurisdiction unless the land is annexed.

8. Charlene Sims: I would be more comfortable if the retail sales were more specific.

Dave Berglund: Chad Page is working out a lease agreement with the landowners. When things start happening is the whole 80 acres under Page Enterprise's control or the family?

Andy Mayhugh: If someone else decided they wanted to build roads and buildings.

Dave Berglund: Those people submitted a plan with streets names and utilities. This is an open book. We can't go back later and take it away. I'm trying to look at years down the road and leave something wide open.

Andy Mayhugh: Here are my recommended conditions, you can by all means make your own with proper findings. I know we will be working with an updated zoning regulation soon and then this CUP could be evaluated for better zoning district designation. All weather surface could be gravel. The entrance must meet the requirements of the Public Works Department.

Charlene Sims: It seems like it should be more specific because we don't know what could be done in the future. Can we just give it a 2-year permit or something?

Dave Berglund: If he builds a lumber yard in the 1st year you can't make him take it down a year later. I'm not against it, just trying to figure out how many wrecks we can have down the road. We are turning 80 acres loose and the owners are not here to make any commitments.

Andy Mayhugh: Mike, can you share what the term of the lease is?

Mike Page: It is in negotiations; it is an ongoing yearly lease.

Linn County, Kansas
Planning Commission Meeting
May 14, 2019

Where my storage building is (the front half) was zoned for retail sales. Is this similar? We rezoned it from AG to Highway retail sales.

Andy Mayhugh: That is way more open than this one. You could put anything from a bowling alley to a taxidermy shop there if you wanted.

Charlene Sims: I want to talk about that too because Highway Retail is way too broad as it is.

Dave Berglund: Will the comprehensive plan supersede what we decide today?

Charlene Sims: The book says you must have a conceptual plan, so where is the conceptual plan?

Dave Berglund: I would be more comfortable with 10 acres. If we open up the whole 80, are there limits to how many entrances?

Andy Mayhugh: Entrances are determined by the Public Works department.

Dave Berglund: If they decide to sell off lots to build micro homes, then what are we going to do?

Mike Page: This isn't Highway Retail and we are not platting the property.

Andy Mayhugh: I didn't ask the applicant to apply for Highway Retail Zoning, I asked him to limit to dirt and retail sales.

Charlene Sims: Highway Retail is limited to 100 sales things. CUP isn't limited to any type of sales.

Mike Page: What would be intrusive? We've decided we will probably sell some cabin kits and warehouse and lumber there. We have also discussed building materials. What is the fear of what you consider intrusive?

Dave Berglund: The unknown.

Charlene Sims: You can have an adult products store.

Mike Page: If I put in lumber and decide to add bolts, do I need to come back?

Charlene Sims: No, I just think we need to specify where on the property the sales area will be.

Mike Page: Are you looking for a layout, design or drawing?

Dave Berglund: I would feel better with a layout, design or drawing because I can't see what's in your mind's eye.

Mike Page: The Lease Condition is that we are not going to put permanent structures on the property. There will be piers and anchors for the structures but no permanent structures. I spoke with the appraiser, if it's subject for resale it's merchandise.

Dave Berglund: You'll have to have some type of office structure. I don't want it to be a shipping container. You're negotiating for 6 other people.

Linn County, Kansas
Planning Commission Meeting
May 14, 2019

Mike Page: I'm receptive to any type of reasonable expectations. Non-permanent structures, OK, 3-year term, OK. Do we need a drawing or to reduce the acreage?

Charlene Sims: I want a conceptual plan, it's what you need to have to get a CUP.

Fred Kautt: We need to do everything we can to help someone that's going to be an entrepreneur and bring work to the area. I agree with the conceptual plan. All parties involved should be here so they can intercede.

Dave Berglund: Can you start with 10 acres?

Mike Page: Yes, to start.

Dave Berglund: I don't want to leave it open to something that might come along.

Mike Page: The property is swampy. They want Page's to reclaim the soil and bring it back into a narrow bottom. We can't relocate the arterial streamlines. I can only do 2 acres at a time. We looked at putting up a model kit cabin. We have built 12-20 cabin type structures in Linn Valley. We're developing with insulated floors and the plumbing is in the deck before they leave. Mike is going to be an exhibitor at the tiny home fest on June 7th. That is his interest in retailing that. I can give you a drawing of the cabin, but it will be set on concrete piers. We are going to build the lumber storage building on concrete piers so it can be picked up and moved. I'm just here representing Chad Page because he had two other municipal meetings this evening.

Charlene Sims: If you showed where the buildings are and sell the dirt from the rest and not retail sales.

Dave Berglund: 10 acres could be a good or bad decision. But 80 acres is a bunch of bad decisions.

Mike Page: We'll put up a model cabin. The owners have expressed that they are not willing to break up the property and sell it. We don't know what the children will do. I try and think outside the box.

Dave Berglund: I'm not trying to stop this, just not wanting to rip 80 acres open, just deal with these tracts one at a time.

Mike Page: The first 10 acres is mostly red rock. This will limit the retail sales area and that's fine, but don't limit where the dirt can be harvested.

Dave Berglund: So, you won't be storing lumber in box trailers?

Charlene Sims: Can we keep retail sales to 5 or ten acres?

Dave Berglund: I would like to see retail sales limited to 10 acres, as it expands, we will have some overview of what's going to happen there. Dirt is dirt, I'm not personally concerned about the dirt.

Mike Page: Just define what you need. We can't work in the bottom of the streams.

Dave Berglund: Is there a reclamation plan for when you're done? How will it be left if the business fails. I'm just concerned for the people of Linn Valley.

Teresa Whitaker: Topsoil is on page 64.

Andy Mayhugh: I wouldn't go less than 20 acres. I think 5-10 acres is nit-picking.

Linn County, Kansas
Planning Commission Meeting
May 14, 2019

Fred Kautt: I agree. It's not very big.

Mike Page: A lot of the land area is waste.

Richard Morrell: 1st condition, when the new zoning regulation is adopted, what is the time frame?

Andy Mayhugh: 6-8 months.

Richard Morrell: "This Use" means the entire operation?

Andy Mayhugh: Yes.

Teresa Whitaker: If you're willing to re-negotiate one CUP do you have to renegotiate all of them? I'm not sure how fair that is.

Mike Page: This is the only way this property would be available. We've tried to buy the property several times. He went outside the box with a new lease that was other than farming and made the lease attractive enough, so they agreed to lease the property. I did my homework so that we wouldn't get held up to pursue the business.

Richard Morrell: Is this 160 acres?

Mike Page: No, it's just the 80 in the corner. There's so many issues and unmarketable dirt that will make it difficult.

Dave Berglund: I don't want to see a whole bunch of rubble left out there.

Charlene Sims: 10 acres for retail?

Dave Berglund: Ok, total of 20 acres 10 to harvest.

Andy Mayhugh: I sent notice relevant to the entire 80. We can do part of it.

Charlene Sims moved to recommend to the Commission approve 10 acres for retail sales that will be specified in drawing and add another adjoining 10 acres for dirt removal. (Adjoining 10 acres to also be presented in the drawing.)

This includes Staff Findings:

- 1) Property is suitable for proposed use.**
- 2) Use will not detrimentally affect nearby properties.**
- 3) The proposed use is in conformance with the adopted Comprehensive Plan.**
- 4) Staff recommends approval of the application.**
- 5) Property has been vacant for a long time.**
- 6) The proposed use conforms to the character of the neighborhood.**

**Linn County, Kansas
Planning Commission Meeting
May 14, 2019**

Conditions are:

- 1) All outdoor sales areas shall be covered with an all-weather surface.**
- 2) Any entrance to the property shall meet the requirements of the Linn County Public Works Department.**
- 3) A 5-year time limit for this CUP.**
- 4) The property will be restored to a drainable seeded condition.**

Motion Passed unanimous. Addendum with drawing included.

Mike Page: Everything will be reseeded when we're done with it. The CUP follows the land correct?

Andy Mayhugh: Yes.

Mike Page: We have signs at the Linn Valley exit. I can make it the retail area. (Northwest Corner). Site Drawing presented. (Enclosed).

Richard Morrell: Linn county has a few opportunities on 69 Hwy where we have an opportunity on the highway corridor. But this is for the people of Linn Valley, not building highway retail. We need to keep the 69 corridor open for development.

Andy Mayhugh: Recommended CUP and limit to just the uses he wants.

Richard Morrell: When the new regulations come out, he may not meet new regulations.

Andy Mayhugh: But he would be grandfathered in. At that time, he may wish to re-zone to a zoning District which could be a better fit for the location and the uses.

Teresa Whitaker: Will there be a sign on 69 Hwy?

Dave Berglund: It must be zoned commercial.

Courtney Calkins: Will the entrance affect traffic entering and leaving Linn Valley Lakes?

Mike Page: That's doubtful, we're only looking at 150 loads of dirt per year.

OLD BUSINESS

1) Tiny House symposium invitation for June 7th. Taking general public transportation. Aimed at City, County and State officials. Miami County and Franklin county are having codes issues. Same with container homes. Andy has issued a permit for a container home. They spray formaldehyde and insecticide in them prior to shipping.

Linn County, Kansas
Planning Commission Meeting
May 14, 2019

2) Triad Environmental Services mailed the newest map. They are in the seeding stage and Endangered Species pond. They are near Foster now and will go East of Prescott next. As you can see, most of the impoundments are there. There isn't much more for them to do there. Their bond will be released in 2020. Andy was asked the Planning Commission to end Triad's reporting requirement for the Lucky Strike Mine.

George Teagarden motioned for no more reports. Ed Anderson 2nd. Unanimously passed.

3) Friday at 10:00 am will meet with 4 firms to talk about zoning modifications. Last time was 1995. The Comp Plan was created in 2006. Andy asks that members research the comprehensive plan. Look for what's important to the residents of the county. This has a transportation element that could reflect on potential road vacations we are considering. There's a lot to do between now and Friday. They want to know what we want from them and what's important to us.

Mike Page: Otherwise you will get cookie cutter plan taken from similar sized counties.

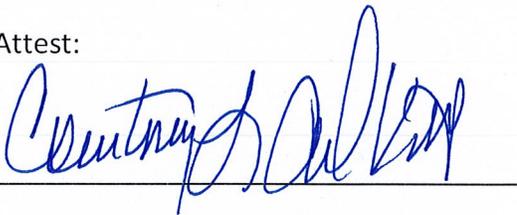
Andy Mayhugh: One of the firms is currently working with Reno county who has one wind farm in and denied the second one based on their comprehensive plan. When we meet on Friday we aren't choosing. The deadline for submission is July 1st, so please remember that. Deadline for submissions is 10:00 am on July 1st, 2019 with their proposals that will be geared toward our needs.

A motion was made by Dave Berglund to adjourn and Richard Morrell 2nd which passed unanimously.



Vice Chairman – Richard Morrell

Attest:



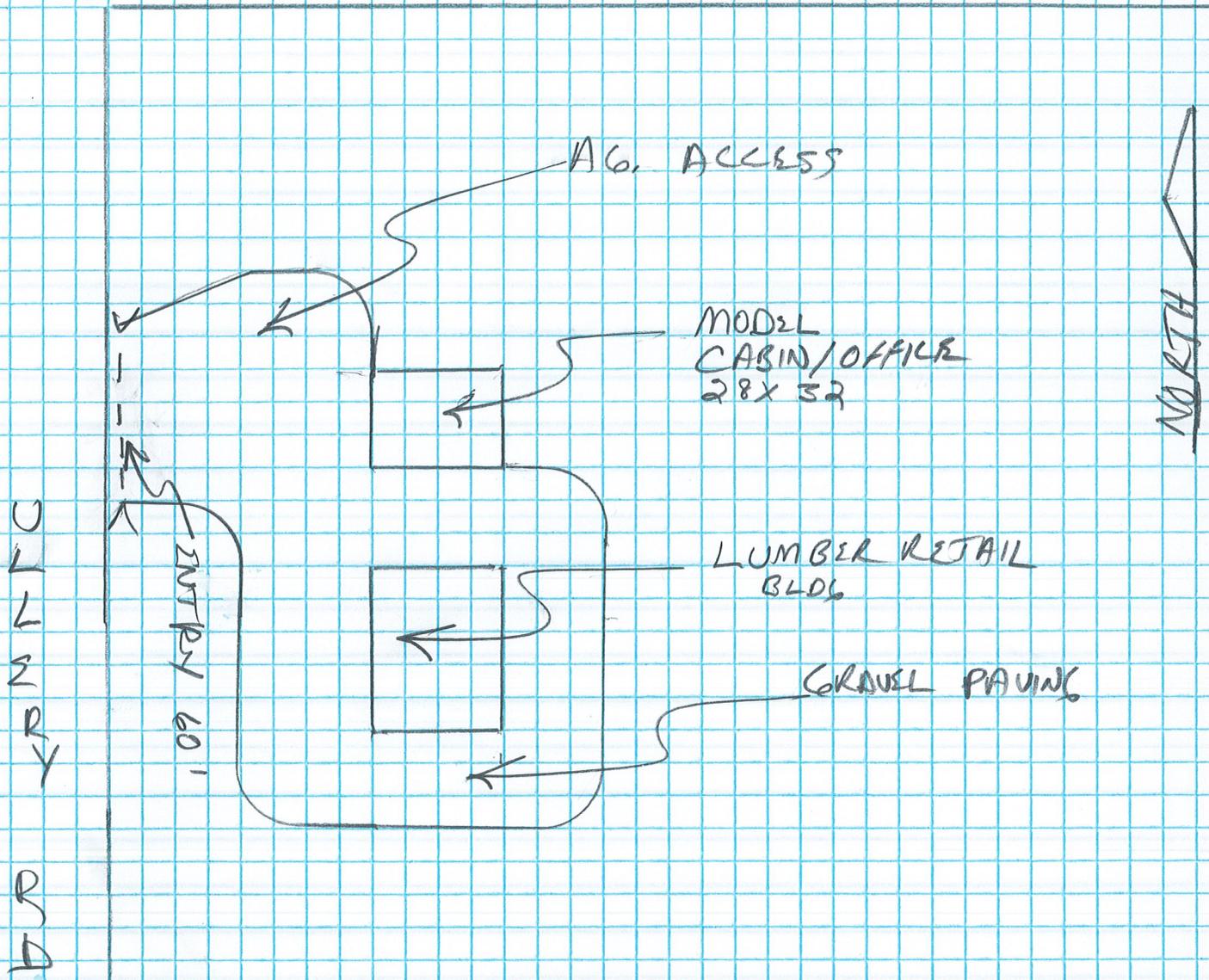
Secretary – Courtney Calkins

Enclosure (1)

clc

5-14-19

2400 RD



- NOTES:
- 1) 10 ACRES APPROX $\frac{E}{W} \times \frac{N}{S}$ 432.5' X 1000' FOR RETAIL SALES
 - 2) BUILDING ARE EASILY REMOVABLE
 - 3) PROPERTY WILL BE RESTORED TO A DRAINABLE + RE SEZOWED CONDITION.