

Linn County Planning Commission Meeting

April 10, 2018

Linn County Annex Building

Present: Members-Richard Morrell, Dave Berglund, Jo Ernst, Charlene Sims, Ed Andersen,
George Teagarden, Melanie Staton
Planning Director- Andy Mayhugh
Linn County Staff- Jackie Messer & Sheri Loveland
Guests- Dezeræ & Cory Poole and Kathleen Stone

Meeting called to order at 7:00 p.m. by Charlene Sims followed by Pledge of Allegiance.

Ed Andersen motioned to approve the minutes from the February 13, 2018 minutes with a change from Fred Kautt to Charlene Sims being the person that called the meeting to order. Dave Berglund seconded the motion. All in favor 7-0.

Case #CUP18-003

Discussion on CUP 18-003 for Linn County Dance and Cheer per Dezeræ & Corey Poole.

The Poole's have been having dance and tumbling classes for the youth of the community in Studio 9. There is not enough room and they would like to build a 40 x 50 metal building on their own home property to be able to continue growing their business. They will remove 2 old buildings and build the new building. The building will have an open floor plan with a restroom and waiting area with a one-way window, so parents can observe their children. Classes will be mostly in the late afternoon and evenings and none on the weekends. Charlene Stone, concerned neighbor questioned the parking and wanted to know what kind of signage was anticipated. The most vehicles they anticipate being there at one time will be 12 but they can currently park between 15-20 vehicles comfortably. Poole's do not anticipate a lot of traffic as the classes will be staggered in time. Dezeræ stated that signage will be hung on the building and that any to be put at the driveway has not been discussed yet. If there was signage later, it will be at the corner of 1050 Rd and Hwy K7. Richard Morell questioned the type of sewage system in use and Corey Poole stated that is sewage with laterals. Mike & Wendy Morlan sent a letter in stating that the only thing they wish is the business to not cause degradation to the neighborhood and if that was the case they objected to the business. They also stated that if it was as innocuous as the Brownback business then they have no objection. Christina & Nicholas Yosick sent a letter in stating that they have no objections to the Poole's permit being granted. Dezeræ stated that the only other thing they might do is install a garage door that can be opened for air flow to keep the building cool during dance sessions.

After discussion, Andy Mayhugh gave the following staff findings:

1. That the proposed use would conform to the character of the neighborhood 40 X 60 accessory buildings are common on large lots and generally host a variety of uses.

2. The proposed use is similar to uses nearby. One similar use is Lloyd Brownback to the Northeast of this location. He has a large metal building in which he operates a personal mechanic shop.
3. The proposed use will not adversely affect nearby property.
4. There is relative gain to the public welfare in providing athletic training to youth.
5. The application conforms to the County's Comprehensive Plan.

Staff then recommended approval with the following conditions:

1. Applicant shall provide sufficient on-site parking covered with an all-weather surface. Parking for this use shall not be allowed on 1050 Road.
2. Signage for the proposed use shall comply with County Resolution 2011-12 (Linn County Sign Regulation).
3. On-site wastewater systems shall comply with the Linn County Sanitation Code.

After further discussion, Dave Berglund wished to attach an additional condition. That being:

4. A 5-year renewal permit be issued at this time with option to renew upon review.

Dave Berglund stated this is a great business for the community and good for the youth to have something to do. Jo Ernst agreed with Dave. Ed Andersen stated that dance is a great incentive.

Dave Berglund moved to grant CUP 18-003 with the conditions and findings as stated.

Ed Andersen seconded the motion. All in favor 7-0.

Andy Mayhugh stated that the County Commissioners will hear on this on April 30, 2018.

The Linn County Planning Commission has 2 new members. Richard Morell from Mound City and Melanie Staton from Pleasanton. The Commission had a round table event introducing themselves to each other and discussing their life involvement and accomplishments.

Comp Plan Review

Discussion led by Andy Mayhugh on the "Comprehensive Development Plan 2006-2026 by JEO.

Dave Berglund and Charlene Sims discussed updates in Linn County and things that have changed. Dave stated that he wasn't sure the requirement to have 10 acres to build in Linn County was such a good thing and maybe discourages people from building here. 10 acres is too little land to farm and more land than a house requires. Dave thinks this needs to be reconsidered. Dave would like to encourage more upstanding people to come live in the country in Linn County.

Andy state that is not a "Comprehensive Development Plan" issue and that perhaps the discussion should be tabled for the future.

Andy asked the Commission to go to P. 12 & P. 13 in there "Comprehensive Development Plan" books.

The Commission looked at the fact when the population in the book was projected we were growing as a County and currently we are not. Next looking at pages 125-149 they looked at Future Land Use. There is discussion of General Policies and Agriculture. Under Industrial development policies please review "Future Land Use" and notices the sections; Ag, Tran Ag, Commerce, Industry Village, Residential,

Public, Watershed and Flood Plain. They looked at the Future Land Use map attached and discussed what needed to be reviewed.

Dave Berglund stated that the 69 Highway access on and off ramps were supposed to be conducive to development of the County as strategically placed. Charlene Sims stated that in her opinion this is not always good for the neighborhoods. Andy stated that this can be dealt with if the areas are zoned according to what needs to be developed and how it needs to be developed. CUP permits should not be pulled after someone has put thousands of dollars into their business as they would have an investment backed expectation., so it needs to be looked at prior to the issuance of the permits. Andy asked everyone to turn to P. 162. This has not been reviewed since December of 2016 and the commission needs to do a review and sent a current report to the County Commissioners.

Melanie Staton and Jo Wentz were excused due to prior engagements.

Ed Andersen made a motion to review the "Comprehensive Development Plan 2006-2026 by JEO and make any needed changes by a deadline of January 2019, but no changes at this time.

Richard Morrell seconded the motion. All in favor 7-0.

Andy Mayhugh passed out documents on the current Population Trends to the Planning Commission.

Dave said a problem he sees is the LaCygne Power Plant is now a peaking station and that will affect jobs and development in the La Cygne area. Discussion that there isn't much to attract outsiders to Linn County was made. How people come here and realize there isn't any major chain stores or much entertainment for families available.

The last Census states that for Linn County:

Majority Race 95.9% Caucasian.

Education is 89% with a High School Education and 16% have a Bachelor's Degree.

Economy is 56.2 Civilian with a labor force of 16+ years of age.

Transportation to work is an average travel length of 32.6 miles for a labor force of 16+ years of age. This means a lot of our workers are traveling out of Linn County for work.

Average household income is \$45,790. Percentage of people living in poverty is 16.6%. Population per sq. mile is 16.3 people.

Andy Mayhugh suggested that a drop in population does not mean we should not be looking at planning for the future. If anything, it should place greater emphasis on proper development techniques as there will be fewer people "in county".

Dave Berglund stated that the County has a lot of improvements that need to be done but no one wants to pay for the improvements. The Courthouse is in sad shape and there are 2-3 old brick buildings in Mound City that could collapse as the brick constructed building in other towns. One building in La Cygne has collapsed in the past as well as one in Pleasanton. He feels if we had building codes things would be different and he wants to see Linn County grow.

Andy Mayhugh thinks the zoning regulations need to be updated. Suggests the County start with a Village Plan focused around the lake communities. The County Codes and Lake HOA rules need to mimic each other. Currently, they contradict one another. The State of Kansas has statutes on zoning and land use changes. and Linn County needs to amend portions of the regulation so we are consistent with the Kansas State statutes. Linn County needs to become diligent on following up on these things.

Andy Mayhugh stated that there are Wind Generated power test towers of 300 feet coming into Blue Mound area. They will be testing for wind for about 1-3 years. They will probably be back wanting to put in the true towers within about 3 years. We need to be prepared for any requests they will have to make sure we cover our bases on what conditions need to be required of these companies in CUP permits and what regulations and codes need to be enforced. We need communicate with other counties and find out what has or has not worked for them in allowing Wind Generation to come into their counties. Need to specifically look at what building codes and zoning requirements Linn County needs to have in place prior to their applications to do business here. Also need to look at requirements needed in sewage, living quarters, dwellings, and work quarters.

Jackie Messer stated that we need to look at minimum codes for Linn County and that he has been discussing the legalities of minimum codes with Gary Thompson, Linn County Attorney. He agrees that the minimum code requirements need to mimic the lake community covenants and that County and the lakes codes need to be alike. Right now, Sugar Valley Lakes requires a minimum 600 sq. feet residential to build a home. Linn County has no minimum size requirement in place.

Richard Morrell stated that there are 5 lake communities. These communities and Linn County must come together and agree so that the codes can be enforced. Andy Mayhugh stated that we can compare Linn County codes with the lake community covenants/rules, but we cannot enforce private covenants unless we adopt them. He didn't think every provision should be adopted by the county but, it could be a little closer to each other.

Richard Morrell stated to change any of the rules at Sugar Valley Lakes there must be a 2/3 owner vote for that change or it cannot be changed.

Another issue that needs to be addressed between the county and the lakes is currently there is a minimum of no more than 5 vehicles per owner/property allowed in Linn County but that is not the same as what the lake communities state. 5 vehicles on a 100' x 100' lot has a greater impact on adjoining properties than on 40 acres.

Dave Berglund stated that we must start somewhere. So perhaps we start with some small items first and work from there. Jackie Messer stated that he thinks the County Commissioners would be open to starting with a minimum code.

Jackie wanted to know what the next step should be. He suggested that we start by inviting some of the people from each lake community to a meeting. This includes: Sugar Valley, Linn Valley, Tanglewood, Chaparral, and Holiday Lakes. There is a need to have a gathering first and sit down and talk about what the issues are and get some ideas of where to start addressing these issues.

There was discussion that Chaparral Lake is about to lose their HOA (Home Owners Association) due to lack of funds. They have gone to collections and gotten some of their past Home Owners past due annual dues, but they have very little money left to operate on and probably will be lucky to make it

through 2018. Linn County is not sure what becomes their responsibility at the point of bankruptcy to a lake community. This issue needs to be investigated.

Tanglewood has about a ½ million dollars in dam renovations that will be coming their way and they do not have the money to repair the dam.

Richard Morell stated that Sugar Valley Lakes got a letter from the State of Kansas that says the dam for that lake is currently okay.

Richard Morrell thinks the Planning Commission has a priority in getting the codes for the Wind Generation Plants in place with this type of business coming into Blue Mound. Tower height is already covered in the codes. So, research needs to be done into what other codes need to be added.

Charlene Sims made a motion to adjourn. Dave Berglund seconded the motion.

All in favor 5-0.

