

PLANNING COMMISSION MEETING

May 8, 2018

PRESENT MEMBERS: Ed Andersen, Dave Berglund, Joe Ernst, Fred Kautt, Charlene Sims, George Teagarden, Tate West

GUESTS: Andy Mayhugh, Jackie Messer, Randy Adams, Bobby Flowers, Damon Leonard, Mona Palzer, Thomas Palzer, Bruce Holt

Meeting called to order by at 7:00 p.m. by Charlene Sims

Pledge of Allegiance led by Fred Kautt 7:01 p.m.

Two corrections were to be made per Charlene Sims. Dave motioned to approve minutes with corrections, Ed seconded.

At the request of the Planning Commission, Andy Mayhugh invited members of the lake communities to the meeting. He mentioned that he would like to review draft zoning districts that would more closely mimic lake communities' covenants and restrictions so it's more cohesive. Jackie mentioned that our County codes do not match the lake community covenants.

Randy Adams introduced himself as President of the HOA of Tanglewood Lakes.

Tom Palzer introduced himself as President of HOA Holiday Lakes.

Jackie discussed the new position of Code Enforcement that the County Commissioners have approved. Currently we have no way of enforcing the codes. This will allow us to follow the violations all the way to Codes Court, so it can be followed up on and enforced.

Randy asked if this is going to allow the Lake Communities to let up on having to try to enforce the violations among the Lakes.

Jackie says the county will go with a documentation procedure to clean these violations up first and then go to litigation if the violations are not resolved.

Dave Berglund questioned how it will be decided on who is or is not following the rules or violating codes.

Jackie said that this is the problem and the County would like to see that the people from the lake property owner's covenants are in alignment with the county so both entities agree.

Tanglewood & Sugar Valley both need a high percentage quorum of homeowners to change any of their by-laws. It is almost impossible to make any changes at these levels. Linn Count

can't change their covenants but if the County adopts a minimum code requirement then the Lake Properties will have to follow the counties code.

Tate West stated that the issue at Tanglewood in enforcing the codes is not being able to get enough people involved to change the rules and that Tanglewood is growing at a very rapid pace. The properties that have been built in the last 10 years a lot of them do not adhere to the 600 sq. ft living area minimum dwelling size. Tanglewood lacks the financial ability to take the violators to court. Nuisance abatement is an issue at Tanglewood, some of the property owners have even threatened the board members who try to enforce the rules. The County does not have a code that enforces property owners or others for the shooting of guns within residential communities.

Randy says the lack of coordinating codes and rules have created these problems. All Tanglewood has ever asked the County is to help enforce the laws and rules & regulations of the Lake. The lake community rules state that they have control of the common property but once it is owned by an individual then it is no longer common property it becomes personal property. Tanglewood requires 600 sq. ft. if the people are living there full time. The weekenders do not have to have 600 sq. ft. but there are limits to how and how long the property can be stayed in. Randy tried to compare the county requirements with the rules and definitions of the lake, including sanitation, nuisance abatement, etc. He stated that the County has nothing in place on the subject of sanitation and that he couldn't even find anything at the State level.

Dave Berglund brought up rock quarries and other issues and wanted to know if he was right in stating that the State supersedes the County in all codes and laws.

Dave wanted to know if it was true the police couldn't enter the lake properties without being called.

Tate West stated that the police can come into the lake property to patrol without being invited. Tate stated that housing, nuisance, and gun use are some of the examples of the codes that need to be looked at and enforced. He would like to see the County make a list of top 10 and start working on them.

Dave stated we really need to do some serious thinking about getting this going.

Jackie feels like the last Commission had been leery about getting into this minimal code structure. Some of the issues we have been hamstrung on such as sanitation have been hard to deal with since he has heard that if property owners put a No Trespassing sign on their property no one can enter the property. Jackie would like to get KDHE involved in helping us to get to where we can enforce these codes. Jackie feels that there is going to have to be limitations perhaps on 1-acre parcels or larger and start from there. A "dwelling" must be defined as well as other terms we will be using in writing these minimal codes.

Randy and Jackie agreed that the County and the lake properties should be able to come close to being agreeable on minimum codes.

Dave suggested perhaps we start out with 5 things and go from there. The County enforcement officer will have trouble enforcing if we do not get something that is cohesive between the county and the lake properties.

Tate stated that if the problems are small that the HOA tries to solve it. Where they need the help is when they can't get the people to comply. In addition, Tiny Homes is an issue that needs to be addressed.

Randy stated that RV's and campers i.e. are only seasonal at Tanglewood and are supposed to be removed at the end of the summer.

Andy stated we also need to look at container homes.

Jackie stated that the only portion of a building code the County has written currently addresses the installation of a "Single Wide" or "Double Wide".

Jackie feels we can start with Nuisance as there shouldn't be a lot of discrepancy between the County and the Lake property rules. Abatement is a problem since for example the Lake Properties have a different view for what is acceptable than the County does.

Tate thinks that the focus should be on "does the problem adversely affect other peoples property values" in writing minimal codes.

Tate suggested Andy start a template, since he is the one with the experience, and it's brought back to a meeting and we start working on it.

Andy suggests perhaps more than one zoning district be created within the County. This would allow for better coordination with the Lake rules. He suggested allowing CUP's in the Lake Communities such as a Mom & Pops allowing such Commercial businesses. Tanglewood and Sugar Valley lakes rule say no businesses are allowed on private property.

Bobby stated that the Marina is an RV park. He stated that there are rules at the Marina. Bruce Holt says that he tells the people that live there they get one warning and they're out if they break the "rules". But the County is a whole different story than private property. Charlene asked if they have a limit on how long the people can stay and Bruce stated that as long as the people abide by the rules and pay their dues they can stay as long as they want. To make money they need the long term leasors.

Jackie stated that there are grants for getting street name signs currently available. He is going to get with Pam Cannon in mapping with the County about it. This could be a good grant for the Lake Communities.

Randy is very appreciative of being invited to this meeting. Would like to be included on an email list for zoning changes and codes that affect the Lakes.

Dave requested information from Andy on more detail about what a "Village Community" definition should be. Andy said maybe we have Z-1, Z-2, etc. so that each area encompasses the rules within the Lake communities.

Tate stated that perhaps enforcing the RV & trailer type properties that are not current on their tags be a place to start.

Tate said that In Section 4 it talks about sewage and water systems.

Tom Palzer said that at Holiday Lakes there are some of the old septic tanks that are just sitting there overflowing. There has been people that have tapped into their tanks and run their sewage across the road into the ditch. Andy asked if the Holiday Lakes have bought back enough lots to create their own sewage system for the community. They stated that no they hadn't. Andy stated that they could be replatted and put into a single property lot. They said this being done in the past has hurt them. When combined the County still taxes them at a single rate and this is actually a loss of revenue for the County.

Andy said he would review the minutes and also amend the proposed zoning districts and send them to the members.

There are some people Jackie is in touch with that have information on the wind generators that are willing to help lead us. He has a disc drive that tells the things the County needs to look into before allowing the wind generators into the County.

Fred stated there are no wind generators in Andersen County. He also thinks we should talk to the Counties that have put them in to get more information.

Dave Berglund says that these new developments are good for the community. Otherwise as things dwindle each of us will be paying more taxes due to a continually lower population within the County.

Charlene says she heard that 30% of the energy is currently coming from wind generation in Kansas.

Tate questioned what the downfalls are.

Fred Kautt showed a picture of the tower we approved at 1350 Rd and Botkin. Was suggesting that the wind generation would be a eyesore.

Ed Andersen said he really appreciated the Lake Property representatives coming to the meeting.

Tate motioned to adjourn. Dave Berglund 2nd. All in favor 7-0