

**Planning Commission
January 10, 2017
Linn County Annex**

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

Staff Present: Andy Mayhugh, Melissa Fund

Ed Andersen called the meeting to order at 7:01 pm; Fred Kautt led the Pledge of Allegiance.

Ed Anderson called for election of officers;

George Teagarden nominated Ed Anderson for Chairman, Ed Anderson advised he is not eligible as he has been chairman for the previous 2 terms. George Teagarden nominated Charlene Sims for position of Chairman, Ed Anderson seconded, 4-0 (Charlene Sims abstained)

Charlene Sims nominated Dave Bergland for Vice Chairman, Ed Anderson seconded, 5-0

Fred Kautt nominated Melissa Fund for the Secretary, George Teagarden seconded, 5-0

Ed Anderson motioned to approve the minutes of the last meeting, George Teagarden seconded, 5-0.

Chairman Sims moved to convene as the Board of Zoning Appeals, John Ballou seconded, 5-0

V16-02 Variance, requested by Larry Page

Andy reviewed the commission's previous discussion in the minutes and said that he felt Mr. Page has complied with all previous requests of the board. Also noted was that in November the commission had given the applicant verbal approval of a Variance to the side yard setback for his proposed lot.

After discussion, George Teagarden moved to approve the variance, Fred Kautt seconded, 5-0 vote

Charlene Sims moved to convene as the Planning Commission, Ed Andersen seconded, 5-0 vote

Z09.16.213 Rezoning, requested by Larry Page

Andy stated he had received the completed application for rezoning, that the request has been published, and no comments have been received from the public.

Jim Schmitz explained that the initial rezoning to Heavy Industrial was recommended by Mel Bolling, however he feels that the Residential zoning makes more sense.

Andy ask the Planning Commission to include findings with any motion in the case.

The Planning Commission reviewed the Golden Factors as they applied to the rezoning request. All members agreed that the request meets these factors:

- 1) Character of the Neighborhood – No change is proposed for the uses which are already in existence.
- 2) The zoning and uses nearby – The proposed change will fit along with other lots and lot sizes. Property is less than 2 miles from Parker.
- 3) The suitability of the property for the uses to which it is restricted – again no change is proposed other than the size of the lot.
- 4) The extent to which the change will detrimentally affect nearby property – the change of zoning district will have no detrimental effect on adjoining property.

- 5) Conformance of the proposed change to the county's comprehensive plan – the lot exists in an area very near areas designated as suitable for small lot development on the Future Land Use Map and seems acceptable as suggested by the CLUMP map and text.

Andy suggested that the Board approve the request as the applicant had spent time and money to meet the recommendations of the Board.

John Ballou moved to approve with findings, Charlene Sims seconded, 5-0 vote

Charlene Sims asked if the rezoning needs to go to the County Commissioners. Andy Mayhugh indicated that it should be able to be presented to the Commissioners at their meeting on 1/17/17. He will review the application to make sure the survey, road easements, etc. are in order and follow up with Jim Schmitz as needed.

New Business

Andy recommended the Board review the Comprehensive Plan. KS State Statutes requires a yearly review of the Comp plan and the Linn County Comp Plan was adopted in 2006. The Board indicated that the Plan was last reviewed 2 years ago when attempting to form the Codes Court, discussion about how the Codes Court works.

Fred Kautt asked what the 1st step for reviewing a complaint is, Jackie Messer stated that per most recent procedures the complaints can be submitted to himself, John Maloney or Melissa Fund, the complaint is logged, John Maloney will investigate and then follow up with Gary Thompson as needed.

Fred Kautt presented a complaint to Jackie Messer, he indicated that he will review it

Andy presented a handout to the Board and then discussed the change in population trends for Linn County, overall the county has had very little net change in population from 2000-2010. Andy explained that the Comprehensive Plan was designed with growth in mind, however he recommended not amending the plan at this time as there has not been significant growth in the county.

Andy also recommended that the Board review the Future Land Use definitions on page 149-154 of the Comprehensive Plan and recommended that those definitions should be very similar to the Zoning Districts enumerated in the Zoning Regulations. Discussion about the different types of districts and their purpose, Andy suggested that if the Board amends the zoning regulation, they might consider a Light Industrial district as well.

Andy also recommended that the Board review Tab 10- Sign Regulations and that this be made a chapter of the Zoning regulations, it does not need to be a stand-alone document.

Andy also recommended that resolution 95-24 needs to be reviewed and amended or repealed as the County Counselor views the current regulation as unenforceable as written since it names a specific dog breed. The current zoning regulations call out this resolution as also needing a conditional use permit. Discussion about how to regulate dangerous dogs and exotic animals within the county. Charlene Sims stated that lots of cities do regulate by breed. Fred Kautt asked how many pit bulls were in Linn County at present and if they have permits. Andy stated he does not know, but that if the regulation can't be enforced then there is no need to have it on the books.

Charlene Sims asked how often the Board needs to review the Zoning regulations

Andy stated they should be reviewed as needed. It was also discussed how many different items in the Planning and Zoning office have not been maintained. Andy again reinforced that the Comprehensive Plan and Golden Factors are the most important things to consider when making a decision.

Charlene Sims indicated that she would like for the Board to be able to attend training.

Ed Andersen indicated he didn't know if the budget would allow for that.
Jackie Messer indicated that he didn't see any problems with a budget for training.

Charlene Sims indicated that they also need draft rules regarding the demolition of an existing dwelling after a 2nd/replacement dwelling has been built on the property. Andy indicated that the zoning regulations do limit the amount of time the property owner has to remove the property and the need to follow up with the owners about the removal.

Charlene Sims asked if there were any pending applications for the next meeting, indicated there were not.

Charlene Sims recommended the Board review the Zoning Regulations and Comp Plan for discussion at the next meeting on 2/14/17.

John Ballou motioned to adjourn, Ed Andersen seconded; 5-0.

Meeting adjourned at 8:00 pm.

Chairman

Attest:

Secretary

mef

**Planning Commission
March 14, 2017
Linn County Annex**

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

Staff Present: Melissa Fund, Jackie Messer, Meghan Swanson

Charlene Sims called the meeting to order at 7:02 pm; Charlene Sims led the Pledge of Allegiance.

Jackie Messer reported that Rick McDaniel had been hired as the Planning and Zoning Administrator, however he has resigned the position effective March 17, 2017. Meghan Swanson was hired to replace him, and was introduced to the Board.

Fred Kautt moved to approve the minutes of the last meeting, John Ballou seconded, 6-0

New Business

Solar Panels

Melissa Fund reported that the county had received a building permit application to install a ground mounted solar panel array. After review by staff it was decided to approve the project as an accessory structure as its primary purpose was to provide electricity for the property itself. Melissa advised there is nothing in the current regulations that specifically addresses solar panels or alternative energy sources and that most likely we will see this issue again.

Dave Berglund advised he is concerned about the lasting impact of alternative energy structures if they are not maintained or abandoned. He also wants to make sure that the county appraiser is made aware of new structures within the county.

Melissa Fund advised that the appraiser gets copies of all building permits that are issued, including for agriculture buildings. We are waiving the permit fees for ag buildings.

Dave Berglund wants to regulate solar panels as a CUP so there is some recourse if they are not maintained, Charlene Sims and Ed Andersen agree.

John Ballou discussed the process of selling excess solar power back to the grid, he felt this structure did not represent a nuisance to the surrounding neighbors, but agreed a CUP might be appropriate for future projects.

Fred Kautt advised that he supports adding some regulations, but doesn't want to do anything that would discourage people from looking into new technologies not just now, but in the future as well.

Jackie Messer thought there should be a difference between people who are wanting to install one or two solar panels on their roof vs. those who are installing an entire array. Those installing just a few panels could be treated as more of an appliance and may not require a CUP.

Charlene requested that the staff provide the Board with additional information if possible, discussion will continue at next meeting.

Lucky Strike Mine Reclamation (CUP 09.15.366)

The board reviewed the Reclamation Status Map that had been provided by Continental Coal for the Lucky Strike Mine site. Continental Coal indicated that coal removal at the mine was complete and that all reclamation activities have been completed.

Dave Berglund advised that the state is primarily in charge of reviewing the reclamation activities, no further action needed by the board at this time.

Dangerous Dog Resolution 95-24

Charlene Sims reviewed the resolution, discussion about if this needs to be specifically addressed by the Board, or if this is a county resolution, and who enforces it.

Jackie Messer advised that his understanding is that it is hard to enforce resolutions when they specifically list a dog breed, such as pit bulls, and that Bourbon County just re-did their regulations. He will try to get a copy of their new regulation.

Meghan Swanson provided the Board with a copy of the current resolution and then Franklin County's updated resolution. She advised there are no current dog ordinances from a law enforcement perspective, she will review to see if anything in the nuisance code and follow up with the Board.

Composting Toilets

Jackie Messer advised that Darryl Hutson had submitted an Application for Sanitation Permit to install a composting toilet in a new structure that will be used as a hunting cabin on his property. Messer provided the board with information about the specific system the applicant would like to install.

Melissa Fund advised there is nothing that specifically addresses composting toilets in our regulations, but we do have rules allowing privies to be used on a temporary basis. Staff did follow up with the applicant who confirmed there will not be a sink/shower or any other plumbing in the structure. We currently only issue building permits for a dwelling if they have a sanitation system, does the composting toilet qualify as a sanitation system?

The Board agreed to table the discussion until the next meeting.

Jackie Messer advised that John Maloney is no longer employed with the county. Blue Howell is currently filling the Sanitation Inspector position on a temporary basis, however Meghan Swanson will be taking on those duties as well.

Zoning Districts

Charlene Sims reminded the Board that the current Zoning Districts listed in the Zoning Regulations don't match the Future Land Use definitions listed in the Comprehensive Plan (page 149-154). Discussion about the different types of districts and their purpose.

Charlene Sims reminded everyone to bring their Planning and Zoning books to the next meeting and the Board will review each district and determine if the definitions need to be changed. The Board will also discuss making the Sign Regulations a category under the Zoning Regulations, instead of having it be a separate chapter.

Composting Toilets Continued:

Melissa Fund asked for guidance on how the board wants to address the Sanitation application that was received, and what follow-up information we should give to the applicant.

Dave Berglund felt the permit should be denied due to concerns that in the future the structure may become a permanent residence and the composting toilet would not be able to handle full time use. He believes that if the applicant is planning to build a permanent structure then he should have a sanitation system.

John Ballou stated that the applicant had gone to the trouble to come up with a workable solution, which is more than we see from some land-owners who are wanting to build hunting cabins or similar structures that are not intended for full-time occupancy.

Charlene Sims also agreed that the applicant was trying to meet our regulations.

George Teagarden agrees that a composting toilet would not be appropriate for a full time residence, but thinks it works for a hunting cabin that's being occupied on a temporary basis.

Discussion about what is considered temporary occupancy. Jackie Messer advised that currently the county looks at a full time residence as one that is occupied for 30 continuous days. The previous Sanitation Inspector would keep an eye on properties, and if he noticed that they were occupied for more than 30 days would then move forward and advise the owners that they needed to install a sanitation system.

The Board reviewed Hutson's building and sanitation applications and discussed the size of the structure, etc.

Dave Berglund motioned to approve the sanitation permit for a composting toilet at this time, with the stipulation that Hutson will need to install an approved sanitation system if they are occupying the building for more than 30 continuous days. John Ballou seconded the motion, 6-0.

Other Topics

Jackie Messer provided an update on nuisance complaints that had been reported. Discussion of how the codes court functions and when it meets. Staff will follow up with Gary Thompson to get more specifics.

Dave Berglund stated that he is happy to see the direction the county is moving in with the new staff that has been hired, etc. Dave Berglund motioned to give Meghan Swanson a vote of confidence from the Board in her new position, Fred Kautt seconded. 6-0 vote.

Ed Andersen motioned to adjourn, Dave Berglund seconded, 6-0

Meeting adjourned 8:10pm

Chairman

Attest:

Secretary

mef

**Planning Commission
April 11, 2017
Linn County Annex**

Members Present: Ed Andersen, Dave Berglund, Fred Kautt, Charlene Sims, George Teagarden

Staff Present: Melissa Fund, Jackie Messer

Charlene Sims called the meeting to order at 7:00 pm; Fred Kautt led the Pledge of Allegiance.

Dave Berglund moved to approve the minutes of the last meeting, Ed Andersen seconded, 5-0.

New Business

Posting Minutes on County Website

Fred Kautt asked about posting the Planning Commission minutes on the county website, Melissa Fund advised that could be done, we would just need to notify Chris Martin, discussion about posting minutes.

Fred Kautt moved that the minutes from the Planning Commission be posted on the county website so that anyone could access them. George Teagarden seconded, 5-0.

CUP 17-001- Midwest Connections tower installation

Larry Stanislaus, General Manager with Midwest Connections, provided a background on the company and the services they provide in the area. Midwest is currently leasing a tower southeast of Parker, which is not capable of meeting their customer demands. The current tower is only 120 feet tall and their service relies on radio waves for transmittal, so anything that blocks sight lines blocks the service.

CUP is for a 180' tower located east of Parker on land owned by Allen Silver. This height keeps them under the 200' threshold, so they will not require FCC approval. The tower will be guyed with 3 wires at 120 degree angles. The site will also have a permanently anchored 8' x10' building for equipment. Because of the distance from power lines, the tower will be powered by (6) 250W solar cells and a wind turbine. The solar panels will be 2' x 4' feet and will be mounted on a stand that is anchored into the ground. The wind turbine will have a 6' radius, and be approximately 20' in the air.

Larry reported that the company is servicing 93 customers with their current tower, they feel they will gain at least 40 additional customers with installation of the new tower.

Dave Berglund wanted to know if they are using a repeater signal for transmission, Larry stated it was similar. Dave then advised he had been at a RWD meeting where another internet provider with similar service was stating they had already saturated this service area, they are using water towers for installation of their equipment. Discussion about the different providers and how they provide service. Larry advised that they do use water towers for some of their locations, however there was not a suitable tower already in the Parker area. The company felt that if they used an existing structure it would most likely cause them to lose some of their current service area, which is why they are wanting to install a new tower.

Charlene Sims asked who else was on the current tower Midwest Communications uses. Larry advised no one was, it is owned by American, who is a large tower provider. They buy towers when they become available and

then lease the space out. Discussion about disadvantages of leasing a tower vs. the advantages of the company owning their own tower.

Charlene Sims wanted to know if Midwest Communications would allow other companies to use their tower- Larry advised they probably would not, but they would be willing to provide a space for Linn County government use, provided the spectrum/frequency would be compatible with their equipment. Larry did advise the only thing to consider would be the energy resources available on this tower; if the County adds additional equipment they would possibly need to add additional solar panels to power it.

Ed Andersen wanted to know about battery back-up capabilities for the equipment. Larry explained that tower will have a 3 day capacity if there is no additional power coming into the system. Midwest does have emergency generators, etc., available that can be brought to site within a few hours if needed.

Ed Andersen asked how the land is currently being used. Larry advised it is currently in CRP, however the owner will be pulling the tower site out of CRP.

Ed Andersen asked how far the tower will be from the residence, Larry advised tower will be over 1000' from residence on the property and from the adjacent roadway.

Charlene Sims advised that the Board normally requires that towers be removed within one year if they are no longer being used. Larry Stanislaus advised that their contracts with land-owners stipulate they remove the tower within 60 days if it is no longer being used.

Ed Andersen asked if they will sell their tower to another company if it is not being used. Larry Stanislaus advised they would not, the only reason they would abandon this tower would be if alternate technology became available to provide service to all of their customers that are west or north of this tower.

Charlene Sims confirmed that reason for this request is that their current tower is not tall enough to meet their customer's needs and it is not in a location to service all customers. Larry confirmed this was correct.

Fred Kautt wanted clarification on who their customers are- Larry Stanislaus explained that they are paying customers who subscribe to internet service, Larry advised that tower will provide the same options and speeds to all customers.

Ed Andersen asked if the company will access the tower from 2100 road. Larry advised that their lease gives them access through the same driveway as the residence on the property, they will then gravel a small section back to the tower.

Charlene Sims asked for public comment:

Bob Newport reported that he opposes the tower as he feels that it competes with Peoples and other existing service providers in the area. He also feels that Midwest should utilize an existing water tower or else site the new tower on higher ground to the west of the proposed site. He also has concerns about the noise level of the tower.

Larry Stanislaus explained the coverage area for the new tower will only be 7-8 miles, and that the new tower needs to be over 130 feet, which eliminates existing water towers in the area. The new tower should have no

noticeable noise- the solar panels will not generate any noise, the wind turbine will make minimal noise, but should not be able to hear that from the road, etc.

Bob Newport wants to know the cost of tower- Larry said he would provide that information to the Board if requested. Bob wants to know what kind of revenue the county will make on the tower, Larry advised that would be determined by the county appraiser, he is not sure what they are paying for taxes on their other towers.

The Board asked if any letters received from surrounding landowners, Melissa Fund advised there were not, Bob Newport confirmed he did not send a letter either.

Charlene Sims reviewed the staff findings on the tower, including the conditions that Midwest Communications meets all federal and state guidelines, and that they will provide one space for Linn County to install communications equipment as needed. Charlene Sims also requested that Midwest have a phone number listed on the tower so they can be contacted if any problems. Midwest agrees to the conditions.

Bob Newport wanted to know if there will be any flashing lights on the tower- Midwest advised since it is less than 200 feet it will not have any lights on it. Further discussion about the size and specifics of the tower and related structures.

Bob Newport states he just doesn't see how there are that many people in the area who need internet from Midwest, he believes the market is already saturated. Larry advised he already has a list of customers who would like to join once the tower is available. Bob is concerned about having to view the tower "for the rest of his life", and how this will affect his plans for developing his property.

Charlene Sims confirmed that the lease is for 5 years, Midwest stated it was.

Bob Newport asks the Board if they will make Midwest remove the tower if he can hear noise from it while deer hunting. The Board stated that would not be a condition of the CUP. Discussion about previous projects that were approved even though there was public concern about noise.

Ed Andersen moved to approve CUP# 17-001 with the conditions recommended by the staff. Dave Berglund wants to add conditions that the CUP is good for 5 years, and that tower be removed if not used for more than 1 year. Ed Andersen also wants Midwest to place a placard on the building with their emergency contact information.

Fred Kautt asked Larry if the public can contact him if there are any other concerns, Larry confirmed they can reach him at (620)432-1011.

George Teagarden seconded the motion to approve the CUP with the stated conditions.

Jackie Messer again asked for confirmation on what type of lights would be on the tower, Larry advised that if you are under 200 feet, the FCC does not require lights on the tower.

5-0 vote.

CUP will be presented to the County Commissioners on 4/17/17.

Huff Road

Charlene Sims introduced county resolution 2017-10, notice of the intent of the County Commission to declare certain portions of Huff Road minimum maintenance.

Discussion about where Huff Road is located, Melissa Fund advised it has been renamed to W 1475 road and is north of Mound City on K7 highway, near W 1525 road.

Dave Berglund motioned to approve the resolution, Ed Andersen seconded, 5-0 vote

Old Business

Review of Zoning Districts

Charlene Sims advised she had looked again at Future Land Use map near page 154 of the Comp Plan. When she compares it to the Existing Land Use map, near page 96, the two maps don't match as far as types of use, etc. She advised the idea is to have the types of land use listed in the comp plan match our definitions in the zoning regulations.

Dave Berglund thinks that the comp plan was adopted from another county and the map legends apparently weren't changed to match our definitions.

George Teagarden wants to know if the future land use classifications can be downgraded to allow for development other than what is specified. Charlene Sims thought they could, that if someone wants to build a house in a future commercial district they could, but we wouldn't allow someone to build an industrial park in what was intended to be a residential area, etc.

Dave Berglund thought would be best to let Meghan Swanson return to work and review the issue so that she can advise the board as well.

Charlene Sims stated she does not like how broad the allowed uses in some of the zoning districts are, especially for districts like Highway Retail. She feels that the Board needs to consider narrowing the type of businesses that are allowed in each district, or that we move towards requiring every business to have a CUP. Our current definitions allow a wide variety of businesses to start operations without any oversight from the Board.

Dave Berglund advised that he prefers CUPs to zoning districts, as it allows land to revert to agriculture if it is not developed. The county has several areas that were zoned with specific projects in mind that never developed, and since those lands are now zoned a certain way, anyone can come in and develop it as long as it meets the regulations for that district.

Discussion about ability of board to rezone land, agreed that that the property owners need to request the re-zoning and that the Board cannot initiate that process independently.

Charlene Sims re-iterated that she wants to update the definitions, discussion about the process and different types of zoning districts. Dave Berglund would like to see how other counties have developed their zoning regulations, etc., he believes that our regulations were originally based on Miami county regulations. Discussion tabled for a future meeting. Staff will try to get additional information on zoning regulations in surrounding counties.

George Teagarden motioned to adjourn, Dave Berglund seconded, 5-0 vote.

Chairman

Attest:

Secretary

mef

**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

**Planning Commission
September 12, 2017
Linn County Annex**

Members Present: Ed Andersen, Dave Berglund, John Ballou, Fred Kautt, Charlene Sims,

Staff Present: Melissa Fund, Jackie Messer, Meghan Swanson

Charlene Sims called the meeting to order at 7:04 pm

Dave Berglund motioned approve the minutes from the previous meeting, Ed Andersen seconded, 5-0

New Business

Replacement of non-attending members

Dave Berglund feels that after 4 absences a member should be replaced, Ed Andersen advised the Planning Commission By-Laws state a person should be replaced after 3 absences.

Dave Berglund feels that the Board should hold a training session to explain the responsibilities of the Planning Commission to new members, Charlene Sims agrees, discussion about training for new members.

Fred Kautt wondered how many current members of the Board participated in the development of the Comprehensive Plan besides himself, he thought that someone who participated in that project may be interested in joining the Planning Commission. Meghan Swanson advised that Larry Walrod, the Planning and Building Director for Franklin County is a Linn County resident, we could approach him about either joining the Board or providing training. Charlene Sims advised that Larry had provided training for the Board in previous years.

Jackie Messer wondered who appoints the Board members, advised that the County Commissioners do. Jackie Messer said he will notify the commissioners that new members need to be appointed at their next meeting. Melissa Fund advised that one member will need to be appointed from each commissioner district as Erica Kern and Corey Murrison have both resigned their positions on the Planning Commission.

John Ballou advised that he would like to be replaced as a member as well, he will continue on the Board as long as needed, but would like to resign as soon as possible.

Melissa Fund reported that the Planning Commission has held 5 meetings this year, Nona Knox has not attended any of them.

Dave Berglund motioned that the Planning Commission continue to do business according to the By-Laws, especially in regards to attendance at meetings. Ed Andersen seconded, 5-0 vote.

Melissa Fund will write recommendation to the Commissioners that replacements be appointed for Nona Knox, Corey Murrison, and Erica Kern, and will advise Vicki Leonard that she will also need to appoint a replacement for John Ballou as soon as possible.

Fred Kautt also recommended that we review attendance from the past Comprehensive Plan sessions and reach out to those members, Melissa Fund advised she would do so.

Building Permit and Sign Permit Fees

Meghan Swanson advised that we have two recommendations to go to the Commissioners regarding the building permit fees on accessory structures and sign permit fees. After a dispute from the public about the fees, it was determined that we do not specifically name a fee for accessory structures that are exactly 100 square feet. The regulations currently charge \$25 for accessory structures that are less than 100 square feet, and \$50 for structures that are over 100 square feet. After review with David Lamb and the Commissioners it was proposed to amend the fees to \$25 for buildings that are 100 square feet or less, and \$50 for buildings that are over 100 square feet.

Dave Berglund states that he doesn't think the current fees cover the time of the office staff to issue them and that fees are much higher in surrounding counties. Ed Andersen wondered how long the office staff spends researching permits- staff advised they typically spend about 30 minutes. The staff verifies the property isn't in the flood plain, that setbacks are correct, that there isn't an existing dwelling on the property, etc. Ed Andersen advises that we have to consider the cost of wages and benefits, and that he also doesn't feel the current permit fees cover those costs. Jackie Messer advises that if we do have to go out to inspect the site that increases the fees as well. Dave Berglund thinks the fees should be doubled.

Meghan Swanson also provided a recommendation that the Commissioners increase the sign permit fees to \$25. This issue was debated at the June 23, 2017 meeting, however we didn't have the recommendation signed to present to the commissioners at that time. No further discussion or action taken on the sign permits, Charlene Sims signed the recommendation to increase the sign permit fees to \$25.

Fred Kautt asked how much the building permit fee is for a new dwelling, Meghan Swanson advised it is \$100.

No action taken on building permit fees at this time, will table to review all fees at next meeting.

Storage Containers

Staff advised they have received a number of building permit applications for metal shipping containers. Dave Berglund thinks that if they're being used for storage only they should be covered under a temporary use permit. Charlene Sims thinks that if they're being used as a dwelling they should have to be permanently mounted, however she also doesn't like the thought of approving containers as a dwelling without knowing if there is a fire escape, etc.

Discussion about the lack of building codes in Linn County, the requirements for someone to become a certified building inspector, and basic safety requirements for dwellings.

Meghan Swanson advised that so far, the permit applications we've received for shipping containers have been from people intending to use them as storage. Dave Berglund again states that he thinks they should be covered under a Conditional Use Permit so that we have some control over the structures if they aren't maintained. John Ballou advised that he knows of some of these structures that they're trying to create as dwellings, but that are continuously being worked on.

Discussion of how containers have been used in surrounding counties and the options for them, and the problems that unregulated containers can create for neighbors.

Dave Berglund discussed restricting the containers to land that is zoned Agriculture. Melissa Fund advised she had considered that option as well, that we could restrict them to being used only for storage on Ag land. Ed Andersen stated that for Ag use the containers are typically tough enough to be dragged around the farm with tractors, etc. Dave Berglund advised that he had seen them used for grain storage, as they can be filled with grain and then shipped back.

Charlene Sims said the first question should be if we are allowing them for storage or for dwellings. Ed Andersen thinks that if we're going to approve them as a dwelling that we need to have some specifications for them, Dave Berglund agrees. Dave Berglund asked if they were being used as a dwelling if they would be required to have a sanitation permit, Meghan Swanson advised they would- that is really the only regulation the county requires on dwellings unless installing a manufactured home. Dave Berglund asks if the containers are taxed, Melissa Fund advised that she is not sure, but that if a building permit is issued for one then the Appraiser's office is notified.

Charlene Sims asked if the Board has a consensus that we don't want to see shipping containers used as dwellings. Dave Berglund advised that he doesn't, that if they're used as a dwelling they need to have more than one exit, need to have a sanitation system, etc. Discussion about the requirements for a dwelling, and how camping trailers, mobile homes, etc., have to meet certain types of standards for construction.

Discussion again about the difficulty of creating/enforcing building codes without an inspector.

Melissa Fund advised that the Appraiser's office had discussed initiating some basic building codes, Jackie Messer advised he thought about tagging onto the inspection that is typically required at the time a home is sold. Dave Berglund advised that only works if a bank is involved in the sale, but that we could require electrical inspection like we do with sanitation inspections at the time of sale. Jackie Messer advised that he doesn't think the political climate is favorable to getting building codes passed at this time.

Charlene Sims advised that the staff currently has a problem of whether to issue permits for shipping containers or not. Meghan Swanson advised she doesn't mind approving them for storage or agriculture use, but does not feel comfortable issuing them as home without building codes in place. Ed Andersen states that he feels the same way. Melissa Fund advised that at this time we could require a CUP if someone is wanting to use them as a home, Jackie Messer states that he doesn't think that would hold up in court. Discussion about tiny homes, and other types of structures being modified for dwellings.

Jackie Messer feels that we can't require buildings to meet requirements if we're not inspecting for compliance. Dave Berglund asks if we have a minimum square footage requirement for sanitation systems and dwellings, Meghan Swanson advised there are minimum requirements for sanitation systems, but not for dwellings.

Meghan Swanson advised that most of the lake communities in Linn County require that a dwelling have a minimum of 600 square feet to issue a building permit. Dave Berglund stated that if the lake communities have similar regulations then the county shouldn't want to go with anything different for the ease of the staff. Meghan Swanson passed out a handout with examples of the different types of structures that are being installed as homes in some of the lake communities. Meghan Swanson discussed the minimum size requirements, requirements for ingress/egress, and regulations for homes that come in on skids or wheels. Fred Kautt wants to know what kind of regulations the state requires for similar structures in state parks. Ed Andersen stated that we have rental cabins at the Linn County Park that probably don't meet the 600 square foot requirement. Jackie Messer advised that the cabins are 600 square feet.

Dave Berglund again mentioned that we need to make sure new members of the Planning Commission know we're not making regulations solely based on the opinions of people in the audience and that we need to make sure that we're doing things that are good for the county as a whole and future generations.

Discussion about what is considered a manufactured home, and the standards they need to meet. Jackie Messer advises that he's not seeing a problem with manufactured homes, but rather people going to Lowe's and buying a storage shed, and then turning that into a home. Dave Berglund states that he thinks dwellings are either built under the standards of a manufactured home, or else it's a shed. Melissa Fund asked if the cabins on the handout are built to any standards, Meghan Swanson advised they are built to state regulations. Dave Berglund advised

that he thinks we need legal advice on this, Jackie Messer advised that we can ask Gary Thompson to attend the next meeting.

Meghan Swanson suggested that we start a list of approved manufacturers/retailers who meet certain state building regulations to purchase pre-made cabins from, similar to what we do with the sanitation installers. Dave Berglund advised that those manufacturers should be meeting certain regulations to put their stamp on a home, and that they would then have the liability and not the county. John Ballou advised that if someone is living out in the middle of nowhere and not causing a problem we shouldn't be worrying about what they build.

Discussion about the potential liability of approving permits for unsafe dwellings.

Dave Berglund wonders how many permit applications we're getting from the lake communities. Meghan Swanson advised they have increased since she's started reaching out to the 4 lake communities. Tanglewood and Lake Chaparral have both indicated they would like to see more regulations/enforcement on dwellings.

Charlene Sims again stated we need to have Gary Thompson present, to determine if the county can truly issue a permit for a dwelling that doesn't meet basic standards. Ed Andersen stated that without building codes we really can't do much. Fred Kautt wondered if the codes court judge shouldn't be involved in this discussion as well. Dave Berglund agrees that it would be beneficial to have Gary Thompson and the judge come in and meet with the Board and staff to make sure everyone is on the same page.

Dave Berglund wanted to know how many sessions of codes court have been held, Meghan Swanson advises 3 so far, 2 sessions were cancelled or rescheduled. Charlene Sims wondered who the judge is, Jackie Messer states that he thinks we're better going through Gary Thompson first as it may be difficult to schedule the judge. Meghan Swanson advises that judge is also a judge in Bourbon and Miami counties and that she's on a rotating schedule.

Agreed that we will table for now and will resume next month when Gary Thompson is here.

Definitions

Meghan Swanson advised that she is having difficulty enforcing the nuisance codes with the current Definitions in the Zoning Regulations, especially determining what qualifies as a trailer, camping trailer, or RV. Meghan presented the Board with a handout of definitions from other counties, and pictures of the different types of structures she's encountering (see attached documents). Meghan advised that at the lake communities, especially Lake Chaparral, she has encountered campers that are being used as a permanent residence, and that have decks, etc., built onto them. According to the current definitions those should only be a temporary dwelling.

Dave Berglund asks if we have foundation requirements for mobile homes, Meghan Swanson advises that we do. Dave Berglund states that he doesn't think an RV or camper should qualify as a mobile home, that if it's been parked at the same location for 11 months but then leaves for a week, it's not a camper and should be on a permanent foundation. Meghan states that in Tanglewood and Lake Chaparral she's seeing campers that are pulled in by a truck. Some of these are still on wheels and some have had the wheels removed and are now sitting on blocks. By our current definitions a trailer/camper can't be used as a permanent residence, however, some of these trailers/campers could meet the definition of a Mobile Home based on their size.

Dave Berglund asks if there is an age limit on mobile homes. Meghan Swanson advises per the definition they have to be built prior to June 15, 1976 to be considered a mobile home, and that these are no longer allowed to be brought into the county. Existing mobile homes are grandfathered in, but cannot be moved from their current location.

Review and discussion of other counties definitions.

Jackie Messer wonders where we would go with these definitions, if we're talking about enforcement, etc. Meghan Swanson advises yes, the definitions need to be changed to aid with nuisance enforcement. Meghan explained that in one recent case she had someone who was living in a boat on a trailer, and that the resident argued that the boat would be considered a trailer home since it was on a trailer. Meghan advised that this individual appealed the notice of violation, Jackie Messer wants to know who they appealed to. Meghan Swanson advised they submitted a formal appeal to the County Commissioners per the Nuisance codes.

Jackie Messer asks if we have adequate definitions of RV. Meghan Swanson advised it is currently covered under the definition of trailer, that the last line of the definition states "this is to include a recreational vehicle". Meghan Swanson reads out our definition of trailer, discussion about the definition.

Jackie Messer states that that if we clean the definitions up and want to start enforcing them, it's going to create a huge workload for someone, and will it allow the lake communities to transfer their problems onto us, and won't be popular. Meghan Swanson and Melissa Fund advised this is already happening, with the exception of Lake Chaparral, as they allow certain types of trailers to be permanent residences as long as there is a permanent sanitation system. Discussion about the lake communities, temporary vs. permanent residence, types of trailers, etc.

Melissa Fund advised the Board may need to consider having separate definitions of temporary and permanent depending on if we're talking about the county or the lake communities. Meghan Swanson advises this especially true for Linn County Park, that we have people living there permanently; the school bus picks up kids at the park, residents have built sheds, fences, etc., on their campsites. This may be a good time to make changes due to new change in leadership at the park.

Jackie Messer advises this is a 2 edged sword, that those permanent residences are providing income for upkeep of park. Meghan Swanson questions if the rent charged for the sites covers the cost of electricity, maintaining the sanitation lagoon, etc.

John Ballou states we can't be too picky about the regulations.

Charlene Sims states that we either have a rule, and we have everyone follow it, or we don't. Jackie Messer states that he's being working the park issue and that he would like to create a park commission, but wants to wait to start looking at that until November. He's trying to determine who the customer at the Park is- if it's the residents living at the park, county residents, or people wanting to camp at the park on an occasional basis. Jackie Messer would like to bring a group of people together to define the use of the park and that he feels the issues there have been ongoing.

Ed Andersen states that there are a lot of part time construction workers at the park, some stay 30 days, and some stay 2 years. Jackie Messer advises some residents have been there for 20 years. He states that one campsite has a shed with 3 air conditioners installed, but that double-rent is being charged for that site. Another site has a hot tub. Continued discussion about the park and its current uses.

Dave Berglund states he thought the county had a residence for the park manager. Jackie Messer advises that he doesn't want to live there, and that the county has been renting out the residence for \$750/month, which has brought in \$43,000 over 5 years. Jackie Messer states the mindset at the park for years has been "how can we bring in more money". Jackie advises he has selected Bobby Flowers to be the new Park Manager, but that he doesn't plan to move into the house either, he will continue to live in his trailer. Charlene Sims thinks it might be okay for the Park Manager to live in a trailer on the property. Jackie Messer states the permanent

residents pay \$400/month to live there year round, otherwise the fees are \$14/day for a short term stay. Charlene Sims asks if that includes utilities, Jackie Messer advises it does, but it would be a huge expense to go in and put an electric meter on each site. Charlene Sims states the permanent residents probably wouldn't stay if they had to pay utilities, etc.

Charlene Sims feels that in all of these situations it's people that don't have the money to live somewhere else. Jackie Messer states that isn't necessarily true, that for some it's a lifestyle choice. Fred Kautt states one of the goals when creating the Comprehensive Plan was to make Linn County a place where people can come and live affordably, and that we don't want to increase rules and regulations to the point that people will look at moving out of the county.

Meghan Swanson states that we can continue with the current trailer definitions, and that possibly some of the structures in the worst condition could be treated as dangerous buildings.

Agreed to table discussion until the next meeting.

Sanitation Code- Holding Tank Specifications

Meghan Swanson advised the board that the Sanitation Code does not specify that holding tanks have to be made of concrete, but that we've traditionally required that they be. The code does specify that septic tanks must be concrete. We've had several requests lately to install holding tanks made of materials other than concrete.

Dave Berglund states there are national electric and plumbing codes, and that if holding tanks meet those codes, it would be okay if they're made out of other materials. Discussion about the different types of tank materials. Meghan states the issue has been that in the lake communities especially, they can't get the concrete tanks properly installed without the additional expense of breaking through bedrock. Due to their different shapes, tanks made of fiberglass, plastic, ABS, etc., are much easier to install, and as long as those tanks are meeting KDHE regulations, Meghan doesn't have a concern with them.

Dave Berglund agrees with this. Ed Andersen doesn't believe we should allow steel tanks due to rust issues, Jackie Messer believes stainless steel tanks would be cost prohibitive. Dave Berglund states that as long as the tanks meet standards they should be okay. Meghan advises they will still need to meet the minimum gallon requirements listed in the Sanitation Code- for a holding tank it is 1500 gallons, septic is 1000 gallons. Charlene Sims asks if fiberglass tanks would still need to meet a standard, Meghan Swanson advises yes, they would still need to meet KDHE requirements.

Meghan Swanson doesn't see any concerns with holding tanks being damaged by cars driving over them as they are typically not located near driveways, but she would recommend that all tanks should be required to have a basic manhole cover to enable inspections. Dave Berglund thinks that should be part of the regulation for the manufacture of the tank. Meghan Swanson doesn't believe that's listed in the KDHE requirements, but that would be one of her requirements as the sanitation inspector.

Fred Kautt asks what the dimensions of tank are, Meghan Swanson advises it varies on the plastic tanks as they come in a variety of shapes, but that they're typically rectangular. Charlene Sims asks what the lifespan of the fiberglass tanks are. Dave Berglund advises that as long as they're covered with earth they can last indefinitely, however concrete tanks can crack as well. Meghan advises that she has failed several tanks due to tree roots cracking the concrete tank. John Ballou thinks we should go ahead and make a motion tonight in order not to prevent delays for homeowners. Dave Berglund states that his only concern is that the tanks might float away if they are not properly anchored.

Dave Berglund moves to approve holding tanks constructed from materials other than concrete as long as they meet KDHE sanitation requirements. John Ballou seconds, 5-0 vote. Meghan Swanson advises she will include her recommendation about the manhole cover when this is presented to the County Commissioners. No objections to this.

Snowhill Quarry CUP

Meghan Swanson advised that Snowhill Quarry has declared bankruptcy. The bank that holds the mortgage on the property is trying to determine if they can market the property as a quarry or not, and wants to know if the CUP will transfer to the new owners. In addition, the state has notified us that they have no record of signing off on some of the state permits that were submitted to the Board when the CUP was applied for.

Dave Berglund states that the CUP was issued to the land and not the owner.

Charlene Sims advises that the CUP could be revoked for not meeting conditions if the paperwork was forged and the proper permits were not obtained. Dave Berglund feels that the Board can't ignore that. Meghan Swanson advised the state has been very involved in this, and that if any new quarry comes in we will need to modify the CUP. Dave Berglund states that we based our CUP recommendation on information that we believed to be true, and that he thinks we need to make a recommendation to the commissioners on this as well.

Dave Berglund motions that CUP be revoked effective immediately. Ed Andersen seconds, 5-0 vote.

Discussion about the original issuing of the CUP, and process for issuing new CUP if needed. Meghan Swanson will follow up with the bank.

General Topics

Meghan Swanson advised she has been approached by someone who is wanting to sell firearms through gun shows and online. He will be licensed through the ATF, but is not sure if he would need a CUP. Board agrees that they would want him to apply for a CUP. Dave Berglund likes a CUP because it gives a time limit, and that if a person isn't a good steward of a CUP, it then gives his neighbors a chance to come and speak against it when due for renewal.

Fred Kautt advises that we want to be sure that we don't overregulate, and end up increasing taxes, etc. Discussion about growth in the county, taxes, etc.

Meghan Swanson also asked about fences, someone had approached the staff about wanting to put up 10 foot soundproofing fence along their property. Dave Berglund said as long as it is not on the county right of way there is no need to regulate. No disagreement with this.

Dave Berglund motions for adjournment, Fred Kautt seconds, 5-0 vote.

Meeting adjourned 9:25pm.

Attest:

Secretary

mef

**Planning Commission
October 10, 2017
Linn County Annex**

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

Staff Present: Melissa Fund, Jackie Messer, Meghan Swanson

Charlene Sims called the meeting to order at 7:10 pm

Fred Kautt led the Pledge of Allegiance

Ed Andersen moved to approve the minutes of the previous meeting, Fred Kautt seconded. Charlene Sims wanted to make two corrections- In the discussion of replacing non-attending members Fred Kautt had recommended we review attendance records and not Charlene Sims as listed, and Dave Berglund had suggested having a training session for new members, and not an executive session. Voted to approve minutes with corrections, 5-0.

New Business

CUP 17-001: Beringer Horse Hotel

Charlene Sims introduced Cup 17-001. The applicant, Amanda Curfman-Beringer, explained that she and her husband currently live in Stillwell, KS, but own approximately 200 acres off of Highway 7 near Cadmus. The property includes a barn with living quarters, and a separate residence on the property as well. She would like to advertise their property as a "horse hotel" and provide a place for people who are traveling with their horses to layover for a short duration. The facility would provide an area to park trailers and turn-out horses, in addition to providing nightly rental of the living quarters in the barn. Phalen Equestrian Center in Bonner Springs, KS, is the only facility offering similar services in the area.

Meghan Swanson advised that the Beringers would be the only people in the immediate area providing this service, but does not feel the business would cause any increased burden on the roads or other existing infrastructure. There are no plans to build any additional structures on the property.

Charlene asked if RVs would be staying too- Amanda advised that they would have RV electrical hookups available, and that some of the trailers staying may have attached living quarters.

Ed Andersen asked for Amanda to show on the map where the hotel would be located on their property. She pointed out that the barn is located near the center of the property- 23446 KS Highway 7, Fontana, KS is the address for the barn.

Ed asked if they would be doing trail rides- Amanda advised eventually she would like to offer that, but for now are just planning to offer the hotel service, she then explained how they plan to allow guests access to the property, and that they will be limited to a 3 day stay.

Ed Andersen asked if there was sufficient room for trucks/trailers to pull off the highway, so that they won't be blocking traffic when accessing the gate to the property. Amanda advised that the driveway should accommodate most trailers, but they are willing to move the gate back if requested by the Board.

Charlene Sims asked if there was a conceptual plan of where the business would be placed on the property and explained previous problems with previous CUPs that were approved for the entire property. Amanda advised that the business activities will primarily be located in the center of the property near the barn.

Ed Andersen asked if the property is on rural water- Amanda advised they are and that the meter runs up from 2300 road.

Ed Andersen feels that we should be including the entire property in the CUP request.

Fred Kautt asked if property is currently in grass or row crops, Amanda advised that it's about 100 acres of each.

Jackie Messer asked if the RV hook-ups would be for just power, or if there would be sewer pumping as well. Amanda advised they would be just electrical, and that any human sewage would need to be hauled out- only horse manure would be allowed to be left at farm. They have determined there are two dumping locations near La Cygne for RVs, while the horse manure will be harrowed into fields on the property. Amanda explained that they most likely would only have one RV on the property at a time- that once they have one booked their website will show as "no availability".

Fred Kautt asked what the main form of advertising would be. Amanda plans to advertise primarily through the Kansas Horse Council, which she is a member of, word-of-mouth through the fox hunting circuit and other equestrian events, advertisements at local horse/agriculture related businesses, and through www.horsehotel.com.

Ed Andersen asked if any there would be any signage on property advertising the business, Amanda advised there would not.

Jackie Messer brought up the dumping station at Linn County Park and that it's not typically open to the public, but just campers, and that the lagoon there is near capacity. Discussion about sanitation system requirements in the county. Amanda advised that most people with living quarters in their trailers are aware of the capacity of their systems, and typically try to plan out routes that include pumping stations at appropriate intervals.

John Ballou discussed sanitation system requirements.

Charlene Sims asked Meghan Swanson for her recommendations on sanitation requirements for the CUP. Meghan stated that she recommended no dumping be allowed on site. Amanda asked what they do at the fairgrounds during the rodeo, fair, etc. Meghan advised they have a lagoon at the fairgrounds, and re-iterated that that not every person who stays at the horse hotel will need to dump their system

there. Charlene Sims understands that, but still feels sanitation needs to be addressed in the CUP, and wonders how it will be covered in advertising/contracts for the business.

George Teagarden advised he has been reviewing the websites for other horse hotels and that they advertise electricity and fresh water, but no dumping stations.

Further discussion about dumping stations- Aron Coleman suggested that the holding tank that is on the property for the separate residence could be used as a station for people who want to dump, otherwise they can dump at approved station in the county.

Ed Andersen wondered about the CUP including requirements about guests being respectful if there are any services, etc., going on at the cemetery adjacent to the property.

Discussion about CUP conditions for sanitation, length of stay, etc.

Charlene Sims asked about the condition of driveway to the property- Amanda advised they have 3" gravel with screenings on top of that, which was installed 3 years ago. Her husband does own a dump truck and will maintain the driveway as needed. Charlene advised that the board typically require an all-weather driveway and parking area. Charlene wanted to know if parking areas for RVs/trailers are graveled as well- Amanda advised they are.

George Teagarden asked if the entrance gate would be closed at all times- Amanda advised it would be, it's currently installed and has a coded keypad that will change for each guest. Discussion about length of highway right of ways, length of the driveway to the entrance gate, etc.

George thinks the length of road turnoff to the gate should be a minimum of 50 feet, Amanda advised they can measure and change the gate placement as needed. Meghan used Arc Reader to measure the length of the current turnoff, and determined it to be 70 feet.

Charlene wondered if there any state regulations for horse hotels- Meghan advised there were none she was aware of. Amanda advised that she will require negative Coggins test and health certificates for all horses on the property. George advised that would be required for interstate travel.

Fred Kautt asked who is providing insurance for the property and business. Amanda advised she would have guests sign a liability waiver, and then will have liability signs posted as per Kansas law for equestrian activities.

Jackie Messer suggested requiring a maximum number of trailers as a condition. Amanda advised they have a 3 stall barn and can add pens to outside of the building as needed, but believes that to start with they wouldn't have more than 3 trailers at a time. Ed Andersen feels is important to give the business some leeway for future expansion. Amanda feels that a maximum of five trailers would be more than adequate for now. Discussion about whether to consider a maximum number of trailers or maximum number of horses.

Meghan Swanson reviewed her findings and the proposed conditions:

- Agreement with customers that they will not dump sewage at the location unless allowed to use the holding tank on the property
- 3 day maximum stay
- Maximum of 6 trailers on the property at any given time

Charlene asked if we want to consider requiring an all-weather road- George didn't think it was necessary for this type of business.

Ed Andersen moved to approve CUP 17-002 for the entire property and findings with the conditions previously named, George Teagarden seconded, 5-0 vote.

Meghan confirmed CUP will go in front of the commission on Monday for approval.

Charlene Sims asked if any public comments received on the CUP- Melissa Fund advised there were not.

Charlene Sims called for a 5 minute break, meeting will reconvene at 8:10 pm.

Charlene Sims called the meeting back to order at 8:10 pm.

CUP 17-003: Coleman Family Arms

Aron Coleman is applying for the CUP and provided an overview of the business. He is currently a fulltime National Guardsman in Iowa, and is looking to start a business that he can expand upon after his eventual retirement from the military in about 12 years. At that time he may expand into a storefront business, but for right now he is planning to sell primarily through the internet and gun shows. The home-based portion of the business will primarily be for the storage of his inventory. He may occasionally have a customer come to the house to pick up a gun, which is why he's applying for the CUP as it is illegal for him to sell outside a gun show or the residence of the business. He will not be operating a firing range, there will be no signage outside the business, and any pickups will be by appointment only.

John Ballou stated there is lots of competition for this type of business, Aron replied that yes, there are a number of firearms businesses in the area, which is why he's focusing on the internet and gun show sales.

Charlene Sims asked for public comments:

Mike Qualizza is an adjacent landowner and advised that he concerned with firearms being sold on the property. He expressed concerns that weapons can be resold to the wrong people, etc. He also has concerns about the firing range that is currently on property. He states that he often has to call and let Aron know they are trying to do work on their property and ask that he stop shooting. George Teagarden asked for clarification on the range- if it was currently existing or was going to be built. Mike advised that the range is existing and it currently faces towards their farm. Mike advised that Aron does own land to the south of the land covered by the CUP, and that he would like to see the range moved to

the south property so that bullets would no longer be going towards his property. Mike again stated that he thought firearms as a home based business would bring problems to the area.

Charlene Sims asked if people would be coming to use the range –Aron advised that they do have people coming to use the range, but it is completely separate from the proposed business. Currently only Aron’s family and friends are allowed to use the range and it is not open to the public. Aron advised that he is a certified Range Safety Specialist through the NRA. The range does have a backstop and no bullets are going over Mike’s land but instead are landing in the backstop. Aron advised that no customers would be allowed to test-fire guns on the range.

Aron then stated that in 12 months his property to the south will be coming out of CRP, and at that time he will move the range to the south property. Regarding Mike’s concern about the business bringing trouble to the area, Aron advised that he will not be advertising the location of the business, and that the ATF has very strict regulations about how firearms must be stored. Aron advised that his safe is bolted to the ground and wall in addition to being locked, and that someone would have to do significant damage to the house to remove the safe.

Charlene asked about a conceptual plan- Aron advised the business would be restricted to just the house itself, with customers using the existing driveway to access the property. Aron advised there would be absolutely no one using the range in relation to the business, and that in order to obtain his federal licensing he must comply by the terms of the county’s CUP. He is required to perform background checks on buyers, and will not have regular business hours at the house- any customers coming to the house will be by appointment only. When he is selling firearms through the internet or gun shows, he will ship the guns from his house to a registered pick-up location.

Fred Kautt asked if Sheriff Filla is aware that he is opening a gun business- Aron advised that at this time he is not as obtaining the CUP is the first step in applying for his federal permits. The federal requirements are that the property either already be zoned to allow for a gun dealership, or that an approved CUP allowing the dealership be in place prior to applying for a permit. Once he applies for the federal permits he is required to notify the sheriff as part of the application process.

John Ballou asked Mike Qualizza to expand on his complaint about bullets being fired towards his location. Mike stated that approximately 2 years ago he was out fishing with friends on his property and they could hear bullets nearby. John asked if actual physical bullets were seen, Mike advised it was just the noise of shooting. Mike advised that Aron has been very receptive to any complaints, and will quit firing once Mike lets him know they are out working on their property, etc. Mike again stated they would prefer to have the new gun range facing south, but understands that can’t happen until October of 2018 due to ground being in CRP

Charlene reviewed conditions of the CUP:

-Shall meet all federal and state regulations and that we receive copies of permits once approved

Board discussed the need to be good neighbors and making sure that everyone in county receives the same treatment

Jackie Messer asked how any future expansions of the business would be handled. Ed Andersen advised we are only approving the sales of ammunitions and guns, Aron advised selling firearm parts would be part of the business as well. Ed stated that the shooting range is for private use only, and would require a modification to the CUP if they did want to use it for the business in the future.

Charlene feels we should include no customers using the firing range as a condition of the CUP as well. Aron has no objection to this.

Fred Kautt asked how extensive the advertising would be. Aron advises that no one will know he sells guns simply by driving by his house, and that he does not want to increase traffic to the area, etc. If his Federal Firearms License is approved, he will start a website for the business, but it will be focused on internet sales only. He reiterated that if anyone does come to the house, it will be someone that he has already met face to face through gun shows, but again, he will be encouraging customers to purchase through gun shows or online sales.

Meghan reviewed her findings and suggested conditions for the CUP:

- The business meets all federal and state regulations
- The firearms safe will be secured appropriately
- No customer will be allowed to use the firing range
- A List of firearms on the property with serial numbers will be kept in a separate location – Aron advised that is required by the ATF as well, he has a personal safe for his own guns where those lists would be kept

Ed Andersen moved to approve CUP 17-003 with findings and conditions, John Ballou seconded, 5-0 vote.

Agreed to table old business on the agenda until a later meeting.

Ed Andersen moved to adjourn, John Ballou seconded, 5-0 vote.

Meeting adjourned 8:47pm.

**Planning Commission
November 14, 2017
Linn County Annex**

Members Present: Ed Andersen, John Ballou, Dave Berglund, Fred Kautt, Charlene Sims, George Teagarden, Tate West

Staff Present: Melissa Fund, Jackie Messer, Meghan Swanson, Gary Thompson

Charlene Sims called the meeting to order at 7:00 pm

Fred Kautt led the Pledge of Allegiance

Ed Andersen motioned to approve the minutes of the previous meeting, Fred Kautt seconded, 7-0 vote

New Business

Revocation of CUP 1215368: Kevin Luetjen/Snowhill Rock

Gary Thompson, County Counselor, advised that the basis of revoking the CUP is for failure to comply with the conditions of the permit- specifically that the quarry obtain and provide copies of all state and federally required permits. Gary spoke with the State and has confirmed that the quarry had not obtained all of the required state permits to operate.

Charlene Sims asked for public comment.

Paul Meyer is the former owner of the property and advised he still holds mineral leases on the property and wanted to know if he would still be able to explore for those materials if the CUP was revoked.

Gary Thompson advised that the CUP and county zoning do not regulate oil/mineral development or drilling- that is strictly a state matter. Gary Thompson advised he could still explore, but he wouldn't be able to run a rock quarry on the property without reapplying for a CUP.

Heath Chalmers represents First Business Bank, which holds the mortgage on the property. He advised foreclosure proceedings are underway and should be complete by January or February of 2018. The bank would like to know what the County's position on the property is, and what will need to be done to continue operating the property as a quarry.

Gary Thompson advised that the new owner would need to apply for a CUP. He doesn't believe that the Planning Commission or the County Commissioners have any objection to a quarry, but want to ensure regulations are followed and proper permits obtained.

Discussion about the current condition of the property, and other quarries in the county.

Tate West asked for clarification on what the permit violations were. Gary Thompson stated that Kevin Luetjen had provided the county with what he represented as completed permits, but that the

paperwork hadn't actually been submitted to the state for approval. Tate West asked how long the quarry had been operational, Paul Meyer advised it was 12-18 months.

Bryan Crouch asked how the county will prevent this problem from occurring in the future, he is also concerned that the reclamation process for the property is followed.

Gary Thompson advised that Meghan Swanson would be responsible for vetting permits in the future.

Charlene Sims asked for clarification on Paul Meyer's position, as the bank owns the land but he has the mineral rights. Paul Meyers advised that he is also a lienholder on the land. He holds the 2nd mortgage on the property as an unsecured creditor due to a personal note between the owner and himself.

Paul Meyer advised he had volunteered to clean up the property in order to make it easier for him to sell his adjacent property.

Charlene Sims asked for any other public comment.

Bryan Crouch supports the revocation of the permit, and asks that the county have a more stringent vetting process for any future CUP applications on the property.

Tate West finds that Kevin Luetjen violated conditions 1 and 2 of CUP #1215368 by failing to operate without proper permits and by not submitting the permits to the Planning and Zoning office. Charlene Sims clarified that while permits were provided to the office, they weren't legitimate permits as they were not complete.

Bryan Crouch asked if the county would pursue criminal action against Kevin Luetjen for the fraudulent permits. Gary Thompson advised that he doesn't feel the county can make a case for damages in this instance, and that any criminal charges would need to be brought by the County Attorney.

Bryan Crouch then asked if the physical damage to the property caused by the lack of reclamation would be considered damages. Gary Thompson stated that he is not sure if this is something the county would pursue, or if this would be for the adjacent landowners to pursue.

George Teagarden moved to accept the findings that Kevin Luetjen has failed to comply with conditions 1 and 2 of the conditional use permit and to revoke CUP# 1215368. John Ballou seconded.

Fred Kautt asked for clarification on which bank holds the mortgage on the property, and if there would be public notice of the amount due on the property. Heath Chalmers advised that First Business Bank holds the note, and that the initial bid at the sheriff's sale will be for the amount due on the property. Once the auction is complete there will be a 180 day redemption period before the new owner can take control of the property.

Charlene Sims asked if there was any additional discussion: no discussion, 7-0 vote

Gary Thompson advised there will be a 14 day waiting period before the matter is presented to the County Commissioners to review and make their final action.

Bryan Crouch asked that we notify the surrounding landowners of the final outcome, the staff advised they would do so.

CUP 17-004: Stonypoint Seed LLC

Robert Stainbrook advised that he is applying for the CUP to start a retail business selling seed and agriculture chemicals, and provided an overview of the business.

Charlene Sims asked for the size of the largest chemical storage container on the property. Robert advised 260 gallons, and that the spill containment pit would hold at least 360 gallons. Floors will be sloped into the containment pit, and are being built to state/federal requirements or stronger. Robert advised that the state requires the floor have 2000 psi concrete, but they are building to 4000 psi.

John Ballou is concerned that proper storage and handling of chemicals is met at the facility and that provisions are made for employee safety. Robert advised that they are putting in an emergency shower, eyewash stations, etc.

Fred Kautt asked how many employees they plan to hire. Robert advised they currently employ 3 people- he is the general manager, his wife is the bookkeeper, and they have one salesperson. Eventually they plan hire up to 3 salesman and 4-5 delivery drivers.

Ed Andersen asked for the type and amount of materials that would be stored at the facility. Robert advised fertilizers would be direct shipped to the customer, and that the herbicide/pesticide volume would depend on the season/crops/etc. Robert advised they are currently licensed as a Pesticide Dealer in Kansas, Missouri, and Oklahoma.

Charlene asked about the driveway to the facility- Robert advised that they will be graveling the drive to the building, that it will be wide enough for two semis to pass, and will be maintained as needed. Charlene asked if the 1.5 acres listed on the conceptual plan is a sufficient to include the driveway. Meghan Swanson reviewed the conceptual plan with the Board and applicant and will make changes to include the driveway.

Tate West asked if the pad work had been done on the building already, Meghan advised just the gravel was done now, but that a building permit has been issued.

Tate asked if any chemicals/fertilizers will be stored in the application equipment. Robert advised they will not be doing any application work as they have a restricted pesticide use sales license. Robert advised that his father does have application equipment for his own personal farm use, but this is a separate entity, and the business will not be doing any custom application.

George Teagarden asked what type of fertilizers they will be storing on the property. Robert advised they won't be storing any fertilizer, just pesticides.

Ed Andersen asked what would be stored in the silos on the back of the building. Robert advised those would be future storage for soybeans, and would allow them to offer bulk sales and deliveries to farmers.

Charlene Sims asked if the applicant would have any objections to chemical spill regulations being part of the CUP. Robert said they would not and explained they already have a clean-up plan in place, and that this is part of the requirements for their state licensing.

Ed Andersen asked if the Rural Fire Department would be notified of the chemicals on the property, Robert advised they would and that he will supply MSDS sheets to the RFD and will keep updated as needed.

Ed asked where the sign for the business will be located. Robert advised one will be at the corner of the property to direct truck traffic, and they will also have another sign on 2400 Road directing traffic to the business. Robert advised he is also willing to apply dust control to 2400 Road as needed.

Fred Kautt asked about the lagoon on the property. Robert advised it is an existing KDHE approved 3 stage lagoon that has been modified to be the sanitation system for the building. There will be no livestock on the property, the lagoon will be for the building only.

Meghan Swanson presented the revised conceptual plan, which now includes 4.5 acres.

Fred Kautt asked what volume of chemicals will be sold: Robert advised the container size will vary from 2.5 gallon jugs to 260 gallon cubes, depending on the type of chemical being sold.

Charlene Sims asked if the driveway is large enough for semis to turn around on, Robert advised it was.

Tate West asked if chemicals would be sold as packaged, Robert confirmed they will be- he will not be transferring chemicals to smaller containers on site.

Tate asked if there would be any outside storage of totes, Robert advised only empty totes would be stored outside.

Charlene Sims reviewed the staff findings:

1. The proposed use does conform to the character of the neighborhood as well as the acceptable land uses of the County Land Use Map and the Future Land Use Map.
2. The zoning of nearby properties includes Agriculture.
3. Dwelling density is low and will not burden existing infrastructure.
4. Detrimental Change to the nearby properties will be none.
5. The property is occupied.
6. No gain to the public health, safety, and welfare. No diminution in the value of the developer's property.

Charlene Sims reviewed the proposed conditions:

1. Building be constructed to properly contain spills per state requirements.
2. All state and federal regulations be followed and current permits kept on file.
3. The CUP will apply to the 4.5 acre area as listed on the conceptual plan.
4. The Rural Fire Department will be kept updated on the chemicals on the property and advised of any changes.
5. The business will only sell packaged chemicals and no transfer of materials between containers will be done on site.
6. Permit will be valid for 5 years.

Tate West motioned to accept the findings and conditions, Ed Andersen seconded, 7-0 vote.

Old Business:

Review of Zoning Regulations

Meghan Swanson advised she needs clarification on tiny houses, Jackie Messer advised that question came up at Tanglewood's meeting recently as well. People are bringing in sheds/houses that are less than 600 square feet, which is not allowed by Tanglewood regulations, but nothing prevents this in the county regulations.

Tate West asked if the county issues building permits or occupancy permits. Gary Thompson advised building permits. Tate West feels that requiring an occupancy permit may be a solution to this problem. Gary Thompson advised that we can't do an occupancy permit without building inspections, and we can't do inspections without building codes.

Gary Thompson believes that we could do a foundation requirement, and possibly square footage requirements, without having to enact building codes.

Discussion about issues that have been encountered with structures around the county, and the potential liability they represent to the county.

Gary Thomson talked about the "minimum housing code" that the City of Pleasanton has enacted. Gary Thompson doesn't believe the county is ready to enact building codes or hire a building inspector to enforce them at this time. He does think a minimum housing code would accomplish many of the same goals and could include requirements for minimum square footage, number of exits, foundation standards, etc., but would not be oppressive for citizens or require a full time building inspector.

Discussion about problems that lack of codes can have on the community as a whole, enforcement issues, and the need to protect the investment people make in their property.

Gary Thompson advised that he would like for staff to research the minimum occupancy standards of surrounding areas, he will then draft a resolution to present to the Board and the County Commissioners.

Discussion about seasonal vs. permanent living quarters, modifications being made to pre-manufactured structures, requirements for foundations, etc.

Jackie Messer suggested requiring homes to undergo certain inspections before power can be turned on. Further discussion about building codes. Gary Thompson advised it is possible to have a minimum occupancy standard inspection required before power can be turned on.

Dave Berglund asked if the codes court is working. Gary Thompson advised it has been up and running for about a year, so far it has only handled sewer and nuisance violations.

Tate West asked if there were any abatements through codes court- Gary Thompson advised that codes court is for punishment only, any abatements would be ordered by the County Commissioners.

Gary Thompson advised that the Planning Commission is not involved in abatement process at all. As the codes officer, Meghan Swanson will investigate and provide notice of the violation. She can then bring an abatement order to County Commission to review and approve. Once approved, the abatement will be done by the county or an outside firm, and the homeowner will either be billed directly for the charges or it will be added to their taxes.

Tate West asked if the Planning Commission developed the nuisance codes. Gary Thompson advised the Planning Commission deals with zoning and planning regulations, manufactured homes, and when the County Commissioners are considering changing codes they may ask the Planning Commission for their recommendation. The Planning Commission does not have any enforcement authority.

Tate West feels we want to encourage people to come here and invest in the county, and that we have to be able to guarantee the safety of that investment. Dave Berglund agrees.

Fred Kautt suggests the staff review minimum requirements for the buildings that the state parks allow to be constructed and rented out on a daily/weekly basis, and that we should consider those requirements before we set a hard rule on what the county will allow. Fred feels that there are very small square footage buildings that are just as nice as homes of a larger size, especially those that haven't been maintained.

Charlene Sims feels that is where other minimum standards will come into play, that a square footage minimum itself won't solve the problem.

Further discussion about nuisance and abatements around the county, codes court, etc. Jackie Messer advised the County Commissioners will start getting regular updates on the codes court cases. Tate West recommends adding the length of time a case has been in a certain status in order to identify problems with the system. Jackie advised the newspaper has been asking for this information as well.

Charlene Sims motioned to adjourn, Tate West seconded, 6-0 vote.

**Planning Commission
December 12, 2017
Linn County Annex**

Members Present: Ed Andersen, Dave Berglund, Fred Kautt, Andy Mayhugh, Charlene Sims, George Teagarden

Staff Present: Melissa Fund, Meghan Swanson

Charlene Sims called the meeting to order at 7:00 pm

Dave Berglund led the Pledge of Allegiance

George Teagarden motioned to approve the minutes of the previous meeting, Dave Berglund seconded, 6-0 vote

New Business

Rezoning Z17-02: Linn County

Meghan Swanson reported the county is requesting to rezone 6.11 acres from Agriculture to Agriculture Residential. Property is located at 11739 KS Highway 7, S25, T21S, R23E, and will be the site for a communications tower that the county is constructing.

Dave Berglund asked why the property had to be rezoned to Agriculture Residential and not Commercial, etc. Meghan advised it was because the property was less than 10 acres. Andy Mayhugh asked if there was a Commercial district, Meghan advised no, just Highway Retail. Discussion about rezoning requirements.

George Teagarden moved to approve the rezoning from Agriculture to Agriculture Residential

Meghan Swanson read out her findings:

1. The proposed use does conform to the character of the neighborhood as well as the acceptable land uses of the County Land Use Map and the Future Land Use Map.
2. The zoning of nearby properties includes Agriculture.
3. Dwelling density is low and will not burden existing infrastructure. Site is located off a major road artery.
4. Detrimental Change to the nearby properties will be none.
5. The property is unoccupied.
6. Gain to public safety due to allowing better radio communications for the county.

Ed Andersen asked how many residents in the area are involved in farming, discussion about the homes in the area.

Andy Mayhugh seconded the motion to approve the rezoning and found that the character of the neighborhood will not be affected by the rezoning. Read out the staff findings again. 6-0 vote.

CUP 17-005: Linn County Communications Tower

Charlene Sims introduced the motion, Linn County is requesting to install a 250' Guyed tower for communications purposes at, 11739 KS Highway 7, S25, T21S, R23E. Discussion about the need for tower to provide better communication for emergency responders in the county.

Ed Andersen advised he will speak on behalf of the Fire Department as no other representatives from county present, he believes the tower will benefit the entire county as it will provide better communication and safety for all residents and county departments.

Fred Kautt asked if there were any provisions that Verizon or any other providers would be allowed to use the tower, Meghan advised no other requests from outside companies to utilize the tower.

George Teagarden asked if the tower would be located on Self's property. Harold and Patsy West advised that no, the tower was located on land they sold to the county with the understanding that it would be strictly used for county business and it would not be sold to outside parties, etc. Harold asked if the rezoning would affect their surrounding land, Board advised there would be no change to the zoning of their surrounding property.

Andy Mayhugh asked if the tower met the one to one setback minimum- Meghan Swanson advised that yes, the tower would be 300' from the property lines and is 250' in height.

Charlene Sims asked where the access would be- Meghan advised the county has already installed a gravel drive off of K7 highway.

George Teagarden asked the West's for clarification on the tower site, Harold pointed out to the Board on map where tower site will be located

The West's advised they have no problem with the tower, that they feel the county has been very cooperative with them on the project.

Charlene Sims asked why this tower was necessary since we have required all other towers to reserve spots for Linn County, discussion about where high point of county was, etc.

Ed Andersen again that he felt this tower would be beneficial for emergency responder communications.

Meghan Swanson reviewed her findings:

1. That the proposed use for the parcel will be for a 250' guyed tower. Fits with acceptable land uses of the County Land Use Map in Comprehensive plan. There is a water tower directly to the south.
2. There are other Agricultural/Residential properties nearby.
3. The property is suitable for a guyed tower.
4. Removing the Agricultural restriction is not believed to detrimentally affect nearby properties. Many of them are being used as agricultural pasture land, with a few agricultural residential residences.

5. The property will be unoccupied.
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.

Dave Berglund motioned to approve CUP# 17-005 with the above findings, and stated that he feels the tower is necessary for public safety and better communication.

The Board proposed the following Conditions:

1. All FCC permits kept updated and on file
2. Follow all state and federal regulations
3. There will be a nameplate on the tower or shelter with emergency contact information
4. That the County would consider allowing co-location of other entities on the tower if it won't interfere with county communications
5. Tower will be removed within 365 days once it is no longer being used as a communications tower

Dave Berglund again motioned to approve CUP#17-005 with the above findings and conditions, George Teagarden seconded, 6-0 vote.

*****start here!*****

Old business:

Minium occupancy standards

MS advised majority fo surrounding areas have adopted 2006 version of ibc/irc (check w/ Ms what this is), went over specific requirements of other communities.

Charlene asked if those communities have a building inspector- ms advised that most have codes officer go out- they receive a minimum training, but don't keep an engineer, etc. on staff

Ms expaned how some counties have adopted/enforced code

MS advised all counties she's looked into do require a certificate of occupancy- can require things like fire alarms, stairways be a certain width, etc.

Dave Berglund is concerned that the inspection could open up county to liability. Dave doesn't feel we should be doing actual inspections until we have true building codes and a certified building inspector.

Charlene Sims advised that she thought Gary Thompson supported the county doing a minimum occupancy standard

Ed Anderson advised that manufactured home regulations require a minimum of 320 square feet, footings are inspected, and sanitation etc.

Dave Berglund supports requiring a larger minimum square footage

Andy Mayhugh asks how Franklin County addresses storage containers- Ms. advised that those being used for homes have to be submitted for engineer's stamp.

Discussion about Pleasanton's minimum occupancy code,

Board wants to send official memo to county commissioners asking if this is an issue they want us to investigate/develop a minimum housing code, before we look into further.

Discussion about instead of doing a minimum housing requirement, instead require people use licensed contractors instead- similar to sanitation installers list

Dave Berglund feels it is important to make sure that if we are doing inspections it is only for certain, specific things- checking square footage, foundations, sanitary code, all connections are grounded, etc.

Andy Mayhugh thinks we should speak to a certified building inspector as well

Discussion about state of housing in county, need to maintain investments, etc

Andy asked if minimum square footage in the code- Ms. advised states has to have 70 square foot per occupiable room.

Discussion about how to enforce codes, how

Fred asked if any of lake community representatives would come to meeting to discuss issues- ms advised that she thinks representatives would come if asked

George teagarden advises that he thinks we should drop the issue for now. Board agrees.

Dave Berglund motions to adjourn, fred kautt seconds, 6-0 vote, adjourned 815pm.