

**Linn County, Kansas
Planning Commission Meeting
February 11,2020**

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

Board Members Present: Ed Andersen, David Berglund, Fred Kautt, Charlene Sims, George Teagarden, Tate West, & Courtney Calkins - Secretary.

Board Members Absent: Teresa Whitaker, Melanie Staton & Richard Morrell.

Also Present: Andy Mayhugh, Planning & Zoning Director and Jackie Messer, Public Works Administrator.

Pledge of Allegiance led by Fred Kautt.

Minutes of December 10, 2019 were discussed. **Motion by Charlene Sims to approve the minutes. 2nd by Dave Berglund. Motion passed unanimously.** Both members thanked Courtney Calkins for doing a good job.

Other Business

- **2020 Election of Officers: Chairman:** Charlene nominated **Dave Berglund** for Chairman, Fred Kautt 2nd the motion. Ed Andersen moved to cease nominations. Election of Dave Berglund as Chairman of the new term passed unanimously.
- Tate West moved to re-elect the same officers for the next term. George Teagarden 2nd. Motion Passed unanimously.
- Vice Chairman: **Richard Morrell**
- Secretary: **Courtney Calkins**

NEW BUSINESS

- 1) **Case #CUP 20-01** - (KGI Wireless)-An application for a CUP to install and operate a cellular tower in the A – Agricultural Zone.

Present: Gary Buster: KGI Wireless. They are requesting a permit for a 300 ft. Self-sustaining cellular tower at 7669 W. 1800 Rd. Parker KS. They have submitted all required documents to obtain the permit.

The discussion was as follows:

1. Commission members reviewed setback requirement. It is approximately 345 ft.
2. Gary Buster discussed the tower is design regarding collapse.
3. Gary confirmed that the tower is designed to accommodate multiple carriers, but it is a Verizon tower.
4. Verizon RF Engineers gave them a hole in coverage. They looked at the KDOT tower nearby, but KDOT wrote them a letter stating they will not allow a co-location.
5. This has been going on for several years, and they are very happy to finally move forward.
6. It will have the FAA required lighting. They determine the type of light and when it changes. The construction crew will install it.
7. There will be a NOC number at the location, but they have no say in the lighting.
8. The tower location is close to Gross lake. It will be on the South side of 1800 Rd.

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9. They are doing expansion in this county and others. 5G requires more fiber and more equipment. All the new towers are for the 5G rollout.
10. A neighboring property owner spoke up in support of the tower installation. They are in a dead spot, so this is going to help a lot. The hilly terrain creates an issue, it is a line of sight technology.

Charlene Sims moved to recommend to the Commission approve #CUP20-01 with the proposed conditions. Motion 2nd by George Teagarden. Motion Passed Unanimously.

This includes Staff Findings:

1. Proposal conforms to similar uses in the area, mostly ag, not many dwellings in the area,
2. Installation of this tower will enhance cell service in the area, so there is a gain to the public safety and welfare,
3. The proposed tower will not overburden existing infrastructure.
4. Staff recommends approval.

Proposed Conditions:

- 1) Tower to be constructed as proposed on submitted plans and documents, (See Enclosures 1-32)
- 2) Tower shall conform to any and all FAA requirements for lighting,
- 3) Emergency contact information will be attached to the security fence in an any other approved location.
- 4) A copy of any final inspection and any future inspections shall be delivered to the Linn County Planning/Zoning Office.
- 5) Consider Co-location of antenna on this tower location including Linn County.

Gary Buster stated it will probably be the end of year before the tower is completed.

The case will be heard by the County Commissioners on Monday March 2, 2020.

A motion was made by Tate West to adjourn and 2nd by Ed Andersen which passed unanimously.

Chairman – David Berglund

Attest:

Secretary – Courtney Calkins

Enclosure (32)
clc

**Linn County, Kansas
Planning Commission Meeting
October 12, 2020**

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

Board Members Present: Ed Andersen, David Berglund, Fred Kautt, Charlene Sims, Melanie Staton, Richard Morrell, and George Teagarden at 7:09 pm. Courtney Calkins - Secretary.

Board Members Absent: Teresa Whitaker and Tate West.

Also Present: Andy Mayhugh, Planning & Zoning Director.

Pledge of Allegiance led by Dave Berglund.

Minutes of February 11, 2020 were discussed. **Motion by Charlene Sims to approve the minutes. 2nd by Ed Andersen. Motion passed Unanimously.**

NEW BUSINESS

- 1) **Case #Z20-03** - (Beckman)-An application for a change in Zoning from the A– Agricultural District to the A/R - Agricultural/Residential District for Lot-split purposes.

Present: Gary Thompson legal counsel: They are requesting a permit for a zoning change to provide for the creation of a lot under 10 acres 800 feet North of Mound City Medical Clinic on the East side of 1st Street. Property adjoins city limits on 3 sides. They want to do a lot split of a tract that faces Front St. to construct a residence. It is surrounded by the city on 3 sides and residence on the other side. It is an ideal place for the A/R zoning. It is less than 10 acres; it is 4.2 acres. This is what A/R is intended for. They have submitted all required documents to obtain the permit.

The discussion was as follows:

1. **Dave Berglund:** Can they connect to city sewer/ water, septic and if so, how?
2. **Gary Thompson:** Rural water is available. They are hoping for a sewer easement. They have not started that portion yet. They could do a septic if they needed to. In the past the city has let people hook on.
3. **Fred Kautt:** Wanted to clarify that the property is not in City Limits.
4. **Gary Thompson:** Confirmed it is not.

Richard Morrell moved to recommend to the Commission approve Case #Z20-03 with the proposed conditions. Motion 2nd by Charlene Sims. Motion Passed Unanimously.

Richard Morrell motioned to add the findings: Charlene Sims 2nd. Motion passed Unanimously.

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This includes Staff Findings:

1. The requested change is in conformance with the adopted Comprehensive Plan,
2. Staff recommends approval of the change,
3. The proposed use conforms to the character of the neighborhood,
4. The proposed change conforms to the land uses nearby,
5. The proposed change will not burden existing infrastructure,
6. The property proposed to be changed is suitable for such use.

Proposed Conditions:

- 1) (See Enclosure 1)

NEW BUSINESS

- 2) **Case #SD20-01** - (Shideler)-An application for approval of a minor subdivision plat.

Present: Roy Shideler: They are requesting an approval of a 3-lot minor subdivision plat CAMDUS ACRES – K-7 & 2300 Road on SW side of intersection. Their kids are getting older and thinking about building a house and they do not want to take care of 53 acres for the rest of their lives. 18 acres is where their house is. Water comes from RW#3. They have a KS permit for an entrance on the south lot. The 10-acre lot is serviceable off 2300 Rd. They have submitted all required documents to obtain the permit.

The discussion was as follows:

1. **Charlene Sims:** What is the condemnation case on the survey.
2. **Roy Shideler:** That is the state of Kansas.
3. **Dave Berglund:** Are you using property they can take?
4. **Roy Shideler:** Yes, we are.
5. **Charlene Sims:** how does that exception work?
6. Commission members take action to certify that the plat meets the requirements of the Subdivision Regulations.
7. **Andy Mayhugh:** The plat does not meet requirement in 3-04(2) Depth to Width Ratio. Lot 3 is instead of 3:1, around 3.5:1. Lot size is 23.54 acres, however allowing the exception should not have negative effects to the lot development in this area. Other surrounding counties have adopted at 4:1 max ratio, perhaps we should consider a similar ratio.
8. **Richard Morrell:** Considering would be for another day?
9. **Andy Mayhugh:** Yes, that would take a public hearing. This is called a short – form plat. It is considered is a minor subdivision plat.
10. **Dave Berglund:** Discussed robbing a few feet from one plat to accommodate another, which he considers to be worse.

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Charlene Sims moved to recommend to the Commission approve Case #Z20-03, issue a rule exemption and request the governing body to approve utility easements with the proposed conditions. Motion 2nd by Richard Morrell. Motion Passed Unanimously.

This includes Staff Findings:

1. Staff recommends approval to sign the Final Plat for Camdus Acres.
2. Request the Governing Body to accept the utility easements.
3. Issue a Rule Exception as provided in Article 5-01 of the Subdivision Regulations.

Proposed Conditions:

- 1) Chairman, Dave Berglund signed the Camdus Acres Survey and Secretary, Courtney Calkins attested.
(See Enclosure 2 - Camdus Acres)
- 2) Chairman, Dave Berglund signed Minor Subdivision Plat Camdus acres and Secretary, Courtney Calkins attested.

GENERAL DISCUSSION:

(PARAPHRASE SUGGESTION) (Committee Members discussed the kickoff meeting with IBTS and the progress of the re-writing of the county zoning plan. The commissioners have been asked to organize a development committee comprised of 6 – 9 county residents.

Citizens expressed concerns and questions regarding the re-zoning of Camdus Acres as well as the process for reporting codes violations. Commission members along with Andy Mayhugh addressed those questions and concerns.)

Dave Berglund: The company helping re-write zoning plan changed employees. The meeting was 1 week ago today, and Dave got the meeting times mixed up. Richard Morrell attended the meeting.

Andy Mayhugh: The kick-off meeting included GIS Mapping, Jessica Hightower, Richard Morell and the IBTS reps.

Dave Berglund: Explained the major highway is almost in Missouri. Residents in the North part of the county only come to Mound City when they must go to the courthouse. Residents on the West side go to Garnett or

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Paola. Southern residents go to Ft. Scott. Please consider that when updating the comprehensive plan. What is good for this location may not be good for the West or South. Developments will be around the highway; it will fill in quicker. Businesses will not want to be on a secondary road as opposed to the highway. He does not want IBTS to think they could just copy something from another county and leave. They are the professionals. He wanted them to be aware if they took the job, we expect more out of them and they needed to be willing to do that. There is a concern it will be a long-drawn-out deal, with the pandemic.

Additionally, how do you get young people involved? Dave has gone through two major school districts and asked for a class or students to shadow these meetings and get the youth involved. This must be a young people's county. They are more aware about what goes on in the world than he is.

Andy Mayhugh: The approach is going to be personal interaction, questionnaires via the internet and breaking out into focus groups. IBTS wants a community development committee that would review input. They think it should be 5-7 people. Andy asked the commission to appoint 6-9 individuals. They were receptive. We want political appointment and not a committee stacked by any one staff member. If you want to see people on the community development group, then talk to your county commissioner.

Richard Morrell: **Is the group size is an issue, do they prefer a smaller group?**

Andy Mayhugh: This is not a focus group; this is for the review group.

Bob Limfort (Citizen): The jury pole should be an odd number so majority rule.

Dave Berglund: It is in the commissioner's hands right now.

Andy Mayhugh: It is not appropriate for anyone in here to be picking people.

Dave Berdlund: We do not want anyone to think we have swayed anyone.

Bob Limfort (Citizen): Commented that the Chairman (Dave Berglund) did not ask if anyone else had any issues before they passed Cadmus Acres (Case #SD20-01). He has questions about the restrictions. Are these stick-built homes, trailers, how many vehicles will be on the property? Is there a code officer in this county that monitors this?

Dave Berglund: You go to the Planning and Zoning Department, see Bobby Young, and file a complaint against junk cars, etc.

Andy Mayhugh: He prosecutes them on a regular basis. The limit is 5 cars or parts thereof.

Charlene Sims: Do you have to pay taxes on those?

Bob Limfort (Citizen): No, I have antique non-highway cars and I do not pay taxes on them. You list them on a disclosure sheet every year. I do not want it to turn into Ross Acres full of chickens, coon hounds and things. 7 Hwy has 4 homes with empty cars everywhere and a swimming pool that has trees going through it. Do we have regulations in place for subdivisions? Does it say no trailer homes? What is the smallest parcel allowed

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in Linn county? City zoning restricts detached garage sizes. You cannot live inside a Morton building in Miami county, but you can in this county. Shideler builds stick built homes, so hopefully he builds a stick-built home.

Andy Mayhugh: Smallest parcel allowed is 10 Acres, as it sits now. Rural people would not want size restrictions on a garage. It is up to the developer to limit the type of structure. State statutes states you cannot restrict mobile homes in a stick-built area. But we do have foundation regulations for mobile homes.

Dave Berglund: If that is going on then, then Andy can direct you. We have zoning laws and rules and if someone fills out a complaint and it will be addressed. Charlene Sims has the regulation book in front of her. We can show it to you. Mobile homes have age restrictions 1976 and the foundation requirement squashed a lot of the mobile home issues we dealt with in the past. We need to get that code up to a current model. That is why we are working on a new comprehensive plan.

Mrs. Wings (Citizen): I have a letter that states she has 1000 feet from her place. I object and am also scared of what Cadmus Acres is going to turn into.

Robert (MAC) Carlisle (Citizen): Will that be addressed in the new comp plan? What is the timeline goal?

Andy Mayhugh: The new comprehensive plan timeline is six months.

Dave Berglund: It could be retail – a lot of it needs updating.

Charlene Sims: When is codes court?

Andy Mayhugh: I do not know we will have to check with bobby.

The case will be heard by the County Commissioners on Monday October 19, 2020.

A motion was made by George Teagarden to adjourn and 2nd by Richard Morrell which passed Unanimously.

Chairman – David Berglund

Attest:

Secretary – Courtney Calkins

Enclosure (2)

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