

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

January 11th , 2022 at 7:00 PM

In attendance were Chairman Berglund, Vice-Chair Richard Morrell, Commissioners Ed Andersen, Paul Porter, Mike White, and Staff Bobby Young.

Absent were Charlene Sims, Fred Kautt, Melanie Staton, George Teagarden, and Secretary, Tammy Grimes.

Chairman Berglund called the meeting to order at 7:00, and addressed the letter from Mr. Young, announcing his intended resignation in May 2022.

Paul Porter led the Pledge of Allegiance to begin the meeting.

The Chairman Berglund presented the minutes from the December 14th, 2021, meeting for approval. After addressing misspellings for correction, a motion was made and seconded for approving the minutes from December 14th, 2021, meeting, pending corrections. Vote carried motion 5 to 0.

OLD BUISNESS:

1) Called up on CUP 21-07, an application for RB Towing, which has been rescheduled twice previously. No representative was present at time, so this CUP was set aside for recall later, during this meeting, if a presenter shows up to this meeting, otherwise, it will be denied/dismissed.

NEW BUSINESS:

1) Called up CUP 22-01, an application for a Conditional Use Permit Application, submitted by Bill & Sheri Noffke (dba: Skyview Farm & Creamery), for permission to operate as a small retail point of sale, to coincide with their permissible home business as a dairy/creamery, within an Agricultural Zone. To be located at: 22722 E 800 Road Pleasanton, Kansas 66040. Also described as being: 78.6 Acres, S 8, T 22, R 25 in Linn County, Kansas (PID#: 2030800000007000).

Bill Noffke, applicant, gave presentation of application to the board and explained how the current business would coincide with becoming a retail sales point for other allowable homemade goods from others would benefit both the other producers as well as his business, along with a variety of refreshments for patrons. Mr. Noffke also spoke about helping to bring attention to some of the history of Linn County, Kansas as well as benefitting the economy. Mr. Young delivered staff findings and recommended conditions. After discussion, a motion to adopt staff findings and approve CUP 22 – 01 was made by Mike White, seconded by Ed Andersen, motion carried 5 to 0.

Chairman Berglund Adjourned meeting as Planning and Zoning Board, Reconvening as Board of Zoning Appeals at 7:20 P.M.

1) Called up on E 22-01, an application for an Exception to Zoning Regulation Article 12.06 (One Dwelling Per Lot), in accordance with Article 17.04 (Exceptions). Application made and presented by, David & Beverly Inloes for property located at: 22724 E 2400 Road LaCygne, Kansas 66040. Also described as being: 82.3 Acres of Section 34, Township 20, Range 23 in Linn County, Kansas (PID#: 0883400000004020).

Mr. Inloes explained his reason for the exception is to allow them to build a second small home on their property so they could care for an elderly handicapped relative/ ward, while allowing an independent lifestyle for them. Discussion occurred, that this type of use was allowable only on a temporary basis for so long as the condition existed, and that once the condition no longer existed, the second dwelling would have to be removed or repurposed into something other than a dwelling. Mr. Inloes said that he plans to make a workshop out of it once the conditions no longer exist. Mr. Young presented staff findings and his recommendation to the board. A motion to adopt staff findings and approve Exception E 22-01 was made by Ed Andersen, motion seconded by Richard Morrell, motion carried 5 to 0.

Board of Zoning Appeals Adjourned, Reconvened as Planning & Zoning Board at 7:40 P.M.

NEW BUSINESS (CONTINUED):

2) Election of 2022 Board Officers, Richard Morrell nominated as Chair, with no other nominations made, call for vote, seconded, nomination carried 4 to 0, with Mr. Morrell abstaining. Mr. Morrell accepted nomination and position as Board Chairman.

Richard Morrell nominated Paul Porter as Vice-Chairman, no other nominations presented, call for vote, seconded, nomination carried 4 to 0, with Mr. Porter abstaining. Mr. Porter accepted nomination and position as Board Vice-Chairman.

3) Board met with members of the Comprehensive Planning Committee members, Curt Skoog, Jennifer Reinhardt, and Jessica Hightower, who advised to Board members what has been accomplished thus far on the new Comprehensive Plan and progress leading to the next phase, in which the Planning and Zoning Board will be having more participation in. Board member, Dave Berglund was recognized as Planning and Zoning Board's representative to the Comprehensive Plan Committee.

OLD BUSINESS:

1) Ron Brown arrived for RB Towing to make presentation of proposal for CUP 21-07. He explained his plans for the proposed business on the proposed property and the benefits that would be provided to the community by jobs created and availability of specialized equipment and facilities that are planned for the property as part of the business. Mike White inquired if we could approve CUPs for property not owned by the applicant. Mr. Young explained that this

was a subject that developed with another unrelated CUP and that upon checking with Linn County Councilor, it was determined that such matters could be addressed, provided that the property owner(s) sign off on the application as well. Ed Andersen inquired as to the use of fencing for compound. Mr. Brown explained that he intends to enclose the compound using large cement barricade blocks from Fab-Con along with gates and buildings. Discussion about water runoff and containment of foreign liquids occurred. Mr. Brown is looking to catch as much of that as possible for reuse and proper disposal of such liquids and will be taking necessary steps to do so.

Mr. Young presented his staff findings and recommended conditions. Ed Andersen motioned to adopt findings and recommendations of staff and approve CUP 21-07. Motion seconded by Paul Porter. No further discussion, Chairman Morrell called for a vote. Motion carried 5 to 0.

Chairman Morrell adjourned the meeting at 8:20 PM

CHAIRMAN

ATTEST: _____
SECRETARY

DATE



TO: Linn County Planning Commission
FROM: Bobby J. Young
DATE: January 28th, 2022

AGENDA

Linn County Planning Commission/Board of Zoning Appeals Meeting

Tuesday, February 8th, 2022, 7:00 p.m.

Commissioners' Room, Courthouse Annex

Call to order

Approval of minutes

Old Business – Planning Commission

None Pending

New Business – Planning Commission

1) Case: CUP 22-02 - Application for a conditional use permit, submitted by Karen A. Webster (dba: HOLISPA, LLC), to build and operate a Natural Retreat Resort on a 47-acre piece of property, currently part of the property located at, 3047 W 600 Road Blue Mound, Kansas 66010. Property is also described as being: 127.3 ACRES, N2 NE4 & LOT 1 LESS RD ROW of Section 30, Township 22, Range 22 in Linn County, Kansas (PID# 1793000000001000). Operation to consist of a 5,000 square foot main house building and six 300 square foot rental cabins plus amenities proposed by developer.

Adjournment

If you are not going to be able to make it to the meeting, please call us no later than noon on Monday, February 7th, 2022, at (913-795-2422). This will give us time to notify in case there is not a quorum. Thank you.

cc: County Commissioners
County Clerk
Economic Development

County Counselor
Public Works Administrator
Linn County News

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

March 8th, 2022 at 7:00 P.M.

Richard Morrell called the meeting to order at 7:00 p.m.

Paul Porter led the Pledge of Allegiance

Board Member's Present: Ed Andersen, George Teagarden, Paul Porter, Dave Berglund, Mike White, Fred Kautt, Charlene Sims

Also Present: Richard Morrell – Chairman, Bobby Young – Planning & Zoning Director and Tammy Grimes – Secretary

Absent: Melanie Staton

George Teagarden made a motion to accept the minutes from the February 2022 meeting. Mike White seconded the motion. The minutes were approved by unanimous vote.

No Old Business!

Jennifer Rhinehart from IBTS, presented updates from the Comprehensive Plan Committee. Jennifer provided each member a Comprehensive Plan Update DRAFT Zoning Regulation Recommendations handout. Jennifer was looking for feedback from the committee and the board members could take them home and fill out and then get them back to Bobby, but the committee decided to just discuss each topic and give their feedback. Jennifer also mentioned that on March 26th from 2 to 4 p.m. at the 4H Building in Mound City there will be an Open House and the Comprehensive Plan Update will be discussed, with the public.

The Planning Committee agreed that the R-1 Single Family Residential District, Lake Communities, the lot size should be 25,000 square feet and not 50,000 square feet. They agreed to not Allow for higher density residential development. The committee also agreed to remove the "C" Commercial District, get rid of it. The committee also agreed the "POS" should be Parks & Recreation District and not Parks and Open Space District, it was also agreed on "PD" Planned Development District would be a flexible tool.

Focus of the Handout was the "RC" Rural Conservation Overlay District, the Planning and Zoning Committee is curious to what the Commissioners will think of this recommendation. The Planning and Zoning Committee agreed to not do a 30 by 30 plan.

The Planning and Zoning Committee also discussed the "V" Village Overlay District, they agreed this would be like a small lakeside community. Other topics that were agreed upon by the Planning and Zoning Committee was to remove the "LC" Land Conservation out of the Comprehensive Plan. The "PI" Public/Institutional topic the committee agreed that Cemeteries would fall under this group. The Planning and Zoning Committee also discussed Commercial

Wind Turbines, the committee is ok with them if people are upfront with the committee and do what is required of them and make sure all the requirements are met. Another topic was the Commercial Solar Arrays, the Planning and Zoning Committee is okay with them also. Another topic was the Accessory Dwelling Units (ADU), if someone is planning to do this, the committee agrees there needs to be a separate driveway for the second dwelling for 911 purposes. The last topic of the Draft was the Building Permits and in that there is an add Public Improvements Plan, Jennifer stressed she has qualified people to help with building codes. Bobby stressed he has learned a lot with building codes since he took this job on, but he also mentioned the County has hired someone that has a Building and Contractors License as he is a General Contractor, Bobby also feels the new guy will be prepared and good at that part of the job.

Jennifer stressed she is hoping to get feedback from the community on these topics in a couple of weeks.

Update of the by-laws were discussed. It was determined that due to no new developments, that the by-laws would remain as adopted in 1977.

Richard Morrell suggested changing the meeting time from 7 p.m. to 6 p.m. Charlene suggested keeping the meeting time at 7 p.m., due to people working and if coming from say the city they would not get off work till 5 and it would be hard to get here by 6. Dave Berglund suggested also keeping it at 7 p.m., as he works better in the daylight than he does the dark. Meeting will remain at normal time of 7 P.M.

Richard Morrell adjourned the meeting at 8:50 p.m.

Chairman

Attest: _____
Secretary

Date: _____

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

April 12th, 2022 at 7:00 P.M.

MEETING CANCELLED DUE TO NO QUORUM.

Bobby J. Young

Linn County Planning &

Zoning Director

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

May 10th, 2022, at 7:00 P.M.

Richard Morrell called the meeting to order at 7:00 P.M.

Paul Porter led the Pledge of Allegiance

Board Member's Present: Edwin Andersen, George Teagarden, Paul Porter, David Berglund, Mike White, Melanie Staton, Fred Kautt, Charlene Sims

Also Present: Richard Morrell – Chairman, Bobby Young – Planning and Zoning Director and Tammy Grimes – Secretary

Mike White made a motion to accept the minutes from the March 2022 meeting. Edwin Andersen seconded the motion. The minutes were approved by unanimous vote.

David Berglund said there was not a report to bring to the group about the Comprehensive Plan, Mike White said that Jessica Hightower mentioned at the County Commission meeting on May 9th that Jennifer was out and didn't know how long.

No Old Business

New Business:

Fly Away Plat – SO 22-01 William J Fields

William Fields was requesting a minor plat of his property to Greg Grant. Greg would be acquiring 10.32 acres of land from William Fields.

Bobby Young mentioned that if approved then this would need to go to the County Commissioners after a fourteen-day waiting period. Bobby also mentioned he had one caller that called him concerned that this Fly Away Plat was going to be an air strip due to the name. Bobby assured them that was not the case that was just the name.

Mike White made a motion to approve the Fly Away Plat. Paul Porter seconded the motion. The motion passed unanimously.

Re-Zoning of Tract of Land within Parcel – Z22-01

Delores Stainbrook read letter to the board of why she was wanting to rezone 3.5 acres of her land from Agricultural to Agricultural/Residential. Delores has already done a lot split agreement. Her niece is taking over this part of the land with the house on it. Delores also informed the board her niece and her husband have been mowing and taking care of the property and they always take care of their land.

Bobby Young recommends approval of this application. The address of said property mentioned above is at 20416 County Road 1095 in La Cygne Kansas. Paul Porter asked if this property was in the flood zone? It was mentioned it wasn't but borders it. David Berglund made a motion to approve. Charleen Sims seconded. The motion passed unanimously. Bobby then mentioned there is a fourteen-day waiting period then this would go before the County Commissioners.

Re-Zoning of Tract of Land withing Parcel – Z22-02

Eugene Lanham is wanting to re-zone 8.75 acres in order to split off and sell. Currently it is zoned Agricultural, and he is wanting to re-zone to Agricultural/Residential. Bobby Young recommends approval of this application. Bobby also mentioned this would have a fourteen-day waiting period and then would go before the County Commissioners. George Teagarden made a motion to approve. Fred Kautt seconded the motion. Motion passed unanimously.

Before the meeting was over, Bobby Young introduced his replacement to the board. Darin Wilson will be replacing Bobby and he has been in training and Bobby said he feels comfortable Darin will do a great job. Bobby said his last official day with Linn County Planning and Zoning is May 27th, 2022. Bobby has an interest is becoming a surveyor. Darin spoke a little about himself and he asked for patience with him in this transition.

Richard Morrell adjourned the meeting at 7:35 p.m.

Chairman

Attest: _____

Secretary

Date: _____

Minutes of the Linn County Planning Commission & Board of Zoning Appeals

June 14th, 2022 at 7:00 P.M.

Richard Morrell called the meeting to order at 7:00 p.m.

Paul Porter led the Pledge of Allegiance

Board Member's Present: Edwin Andersen, George Teagarden, Paul Porter, David Berglund, Fred Kautt, Charlene Sims

Also Present: Richard Morrell – President, Darin Wilson – Planning and Zoning Director, Tammy Grimes – Secretary

Absent Members: Mike White, Melanie Staton

Charlene Sims made a motion to approve the May minutes after the addition of Darin Wilson is added to Board Members Present. Fred Kautt seconded the motion. Motion passed unanimously.

No Old Business

New Business:

CUP 22-03 – Application to install a Wireless Telecommunications Facility at 305 S Industrial Building in LaCygne, Ks by the Skyward Land. The Lawyer for the company was present, John Taylor as Paul Erwin could not make it to the meeting. The proposed tower will stand 286 feet total, and it will have one First Responder Capability on it. It will also be a three-legged tower and the proposed location will be by an Organic Oat Farm Property by Aust Farms.

Charlene Sims mentioned the board need a Conceptual Plan as with the original Application there was not one and she also mentioned that there needs to be an Engineer's Report also before it can be approved as this location sits in a flood plain. Charlene also mentioned need measurements also from any fencing, boundaries, Fall Letter and what kind of insurance if the tower should fall. Also, where will lightening rod go if fall and need flood plane lines. John Taylor said the owner of the Company is location in New York, Mr. Tillman. Charlene made a motion to Table this till the July 12th meeting, Dave Berglund Seconded the motion, Motion Passed.

There were neighbors that spoke out about the proposed tower. Randy Broyles – Against it, life flight lands in area, flood zone, and they want it by the fire station. Sam Bartel – Against it, he said the tower would be an eye sore and if he wanted to sell his land, he would not be able to. Dale & Dorleen Engert – Against it, they believe also it would be an eye sore. Brian Stainbrook – Against it, eye sore as well and he would be able to see it from his place.

Darin Wilson spoke that it is in the flood plain, he also said the State says it is okay to build it if it is built a foot higher to keep flood waters from getting in it.

Comprehensive Plan was later discussed by Jennifer Rhinehart from IBTS. The Planning and Zoning board does not want to approve the Comprehensive Plan till the Zoning Regulations are approved. The Zoning Regulations is the next piece of the plan to come into play. The board would like to see the Zoning Portion before the Comprehensive plan. Jennifer has worked on the Solar Farms, Wind turbines and Zoning Districts.

It was discussed at the next Commissioners Meeting on Monday June 27th that some of the Planning and Zoning Board would be there. Dave, Charlene, Edwin, Mike, and Richard plan to be at the meeting.

On June 28th at 7:00 P.M. there will be a Workshop with the Planning and Zoning board to discuss the Comprehensive Plan and all the changes that they would like to see done. Darin said he would like recommends from the committee members and their expectations.

Dave Berglund made a motion to Adjourn. Edwin 2nd the motion. Meeting adjourned at 8:50 P.M.

Planning and Zoning Comprehensive Plan Workshop

June 23rd, 2022

Members Present: Richard Morrell – President, Edwin Andersen, Dave Berglund, Mike White, Melanie Staton, Fred Kautt, Charlene Sims, Darin Wilson – Planning and Zoning Director, Jessica Hightower - Economic Development Director

Workshop was called to order at 7 P.M.

The purpose of the Workshop was to review the Comprehensive Plan. There was no action taken.

The workshop was adjourned at 9:20 P.M.

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

July 12th, 2022, at 7:00 P.M.

Richard Morrell called the meeting to order at 7:00 P.M.

Paul Porter led the Pledge of Allegiance

Board Member's Present: Edwin Andersen, Paul Porter, David Berglund, Mike White, Fred Kautt, Charlene Sims

Also Present: Richard Morrell – Chairman, Darin Wilson – Planning and Zoning Director and Tammy Grimes – Secretary

David Berglund made a motion to approve the previous month's minutes, Paul Porter Seconded the motion. Motion Passed

Old Business:

CUP #22-03

Skyward Land Services, Inc. Patrick Erwin was present to discuss the proposed tower and to answer any questions from the board members. Patrick said the tower would be 280 feet tall with 6 more feet on top as a lightening rod. The total foot of the tower would 286 feet tall. He mentioned ATT&T would use it along with First Net, First Net is what the First Responders use and the Fire Department. The main usage for this tower would be in the LaCygne area. Patrick said the company has looked at other property like in the City, BNSF Property, Grain Silo's and he mentioned the Grain Silos were too soft. Skyward Land Services applied for a grant by the FAA, and they got approved. The property that is being looked at for the tower sits in a flood plain. The equipment will have to sit higher like a foot higher than the flood plain area. Patrick mentioned that life-flight pilot will know about the tower. Patrick mentioned that the tower will fall from top to bottom if it were to fall. Patrick also members the surrounding land and home values won't decline due to towers being installed in areas of the county.

Signal from the tower- Patrick said you could be sitting under the tower and your service would be great.

Patrick said the reason the Industrial Park was chosen for a spot for the tower is they felt it was a good place, the concern of the tower would be minimal, and it does not target nearby houses. The proposed location for the tower is at 305 S Industrial Blvd, LaCygne on Michael Hilton Irrevocable trust.

Service Area – The service area of this tower would be 2 ½ mile Radius.

The Planning Commission asked where else Tillman Infrastructure has put in towers, Patrick mentioned Butler County, NE Kansas and in Park City, there is 1200 towers in the Midwest.

Mike White made a motion to table the proposed tower till September with copy of study, property values, Comp Plan, based on legal analysis. Charlene Sims Seconded the motion, Motion passed. Richard Morrell wants Gary Thompson at the September meeting. Fred mentioned he wants all people for and against the tower at the next meeting. It was also mentioned that if Patrick Erwin cannot get all information by the August 9th meeting, then to have all information for the September meeting.

Jennifer Rhinehart with IBTS was back to go over all the questions and concerns with the First Draft of the Comprehensive Plan. Each board member was given the new revised copy of the Comprehensive Plan. The board members would like to see a new advised clarification on the Wind Turbines. Pam Cannon is working on maps with Jennifer.

It was discussed to have a Public Hearing set for the August 9th Meeting. Dave Berglund made a motion to schedule a Public Hearing for August 9th. Edwin Andersen Seconded it. Motion Passed.

The Planning board is asking for a proposal to rewrite RFP – Land use portion of the Comprehensive Plan and they asked for a Special Meeting with the Commissioners and asked that Jim or Danny be involved in it.

Richard Morrell – President, wanted to applaud everyone for work done on the Comprehensive Plan and for all working together, this went out to the staff and committee members.

Dave Berglund made a motion to work on the Amendment at 8:00 P.M. at the August 9th meeting. Edwin Andersen seconded it. Motion Passed.

Richard Morrell made a motion to adjourn the meeting at 8:45.

Chairman

Attest:

Secretary

Date: _____

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

August 9th, 2022, at 7:00 P.M.

Richard Morrell called the meeting to order at 7:00 P.M.

Mike White led the Pledge of Allegiance

Board Members Present: Edwin Andersen, David Berglund, Mike White, Fred Kautt, and Charlene Sims

Also Present: Richard Morrell – Chairman, Darin Wilson – Planning and Zoning Director, Tammy Grimes – Secretary, Jessica Hightower – Economic Development Director

Mike White made a motion to approve the minutes from the previous meeting. Fred Kautt seconded the motion. Motion passed

Old Business:

CUP #22-03

Patrick Irwin was back to present what the board wanted from him about the tower being put up in LaCygne. Patrick proposed the Alternate Site Plan, he also found out that the property values around the proposed location will have no negative impact. Patrick also mentioned the tower would cover 2 to 3 miles and it may go as far as 8 miles for coverage. He also mentioned the bare minimum would be 2 to 3 miles. The tower would cover LaCygne and the people traveling down the highway. Patrick mentioned the reason for putting the proposed tower in is for population isn't getting any smaller and plus in and around LaCygne there is a lack for Cell Tower Service. Patrick mentioned broadband AT&T and First Net was first rolled out in 2011 when the Nine Eleven happened, he mentioned mostly data and for the 1st Responders. Patrick mentioned the original location would be a better place. Mike White mentioned Grant the Variants. Gary Thompson, County Attorney, read the 5 different variants to the board and he mentioned #1 and #3 would be hard to meet, Gary recommends to not do Grant the Variants on this Cell Tower.

Darin Wilson – Planning and Zoning Director, read his report of the findings about the Cell Tower and he mentioned the Relocation meets all the criteria.

Edwin Andersen mentioned he went to the proposed site for the Cell Tower. Edwin said there was no way life flight could land and there is no way they could use it as a turnaround spot. He mentioned he wished the public would have given correct statements and not lied about the location being good. Edwin mentioned life flight would have to use the parking lot of the Elementary School and West of the Industrial Park. David Berglund made a motion to pass the proposed location for the Cell Tower. Edwin seconded it. It was voted on and motion failed.

New Business:

Regina Gross & Jeff Hines

Jeff Hines is wanting to purchase 20 acres of land from Regina Gross. Jeff informed the board that the lot split and all necessary things have been done to acquire this land.

Darin's Report: Darin informed the board it has been rezoned to AR, conforms to the neighborhood, won't affect any other properties. Darin recommends approval by the board. David Berglund made a motion to approve the purchase of the land from Regina Gross. Charlene seconded the motion. Motion was approved.

Charlene Sims made a motion to recess till 8:00 P.M. so we can get Jennifer Rhinehart on speaker phone with IBTS to discuss the Comprehensive Plan. Mike White seconded it, Motion Passed.

Richard Morrell called the meeting to order at 8:00 P.M. with Jennifer Rhinehart on speaker phone to discuss the Comprehensive Plan #2 Draft.

Bill Scop said he was in full support.

Matt Carlisle said he feels moving in the right direction, he is a Sub Teacher for the last 15 years and he has always called Linn County home.

Mike White thanked Jennifer Rhinehart for putting the Comprehensive Plan together and he feels this is powerful for this county.

Charlene Sims thanked committee members for their work on the Comprehensive Plan.

Richard Morrell mentioned he was glad to be back in Linn County after being gone.

Richard Morrell closed the Public Hearing at 8:20 P.M.

Mike White made a motion to accept the updated version of the Comprehensive Plan and to pass it along to the Commissioners. Charlene Sims seconded it, Motion Passed.

David Berglund made a motion to adjourn the meeting. Mike White seconded it, Motion Passed. The meeting was adjourned at 8:11 P.M.

Chairman – Richard Morrell

Attest:

Secretary – Darcy Wilson

Planning and Zoning Workshop Held August 30th 2022

Members Present: Fred Kautt, Melanie Staton, Edwin Andersen, Richard Morrell, Charlene Sims, Mike White, Dave Berglund, Paul Porter, Rex Bollinger

Also Present: Darin Wilson – Planning & Zoning Director, Gary Thompson – County Attorney, Tammy Grimes – Secretary

Meeting started at 7:00 P.M.

Gary Thompson talked about decisions that come to the Planning & Zoning Board. He mentioned need to have specific findings, and with that being said that will keep Linn County from being sued. Gary mentioned the board needs to follow proper process and the board has got to make positive findings, hash out findings, discuss the weight of the findings, the board has to make their own findings from what Darin has in his findings in the staff report. Gary also mentioned the board can't just deny because they don't think there is a need for it or don't want it in the county. The board can't base your decision on what the public says or thinks. Gary also stated the findings need to be also in the minutes the Secretary takes. (No Debate with audience)

Public Hearing Rules:

Time

Address Planning & Zoning

Only Speak Once

Discuss the Golden Rule List, go through each one to discuss per voting, yes or no- discuss them all thoroughly- goes to the Commissioners they can: Vote to Accept, Vote to overturn the Recommendation or send back to the Planning & Zoning for more information. Discuss all findings, need more discussions on video – showing all findings by board. After each staff finding then Richard Morrell – Chairman ask for discussion. Gary Thompson – County Attorney is trying to protect the Planning & Zoning Board. He stressed a lot Need More Details. The board can challenge the study- have to really get the findings & discuss them, the board can also table till next meeting. Once tabled Darin suggested having a workshop before the next Planning and Zoning Meeting.

Comprehensive Plan says the Planning and Zoning will work with cities and schools.

Building Permits – Dwelling Units – have holding tank or septic tank, Seasonal Units – PortaPotty. On a building permit will there be: Showers, toilets, running water. Porta Potty do

we allow them or no? Should we restrict porta potties – County, Codes Enforcement – Inspect the foundation they sit on.

CUP's – follow up on them – dates of expiration (time frame) example 1 yr, 5 yr, 10 yr Send letter to all that are expired, reapply or don't. Chris Martin, IT, will set up a calendar for reminders of expiration of the CUP.

New Codes: Some type of fine, make them come into compliance.

Ag Buildings – get building permit but there will be no charge, this way there is tracing of buildings going up around the county.

Dave Berglund brought up Miami County won't let power or water be turned on if there isn't a Building Permit or CUP or Sanitation Permit.

Planning & Zoning has until September 9th to get bids for Planning & Zoning Regs received and get them to the Commissioners that following Monday, September 12th.

Darin asked if the board needs to make standards for stick built homes like we do for Mobile homes?

Darin – Planning & Zoning Director talked about the Parent Trac, 160 acres, 4- 40 acres. If someone comes to Planning & Zoning board to split off of Parent Trac, Split once it is a Lot split, come again to split then it's a Platt. Darin also suggested that the Survey's should have on them what the Parent Trac is, Lot Splits - \$1500, Platt's double in price.

Acre's Change: 2.9 & lower zoned as Residential, 3 to 9.9 be zoned as Agricultural/Residential, Holding Tanks on 1.9 to 2 acre's. Darin also mentioned that FEMA is adopting a New Map next July 2023.

The board also would like announced at each meeting from Darin the number of Building, Sanitation and Ag Building Permits issued for each month.

Meeting ended at 9:20 P.M.

Minutes of the Linn County Planning Commission and Board of Zoning Appeals
September 13th, 2022, at 7:00 P.M.

Richard Morrell called the meeting to order at 7:00 P.M.

Paul Porter led the Pledge of Allegiance

Board Members Present: Edwin Andersen, Mike White, Fred Kautt, Paul Porter, Dave Berglund, Rex Bollinger, Melanie Staton, Charlene Sims

Also Present: Richard Morrell – Chairman, Darin Wilson – Planning and Zoning Director, Tammy Grimes – Secretary

Charlene Sims brought up for a few name corrections from previous minutes as two names were spelled wrong. She mentioned Patrick Erwin and Jennifer Reinhardt. Dave Berglund made a motion to have the names spelled correctly, Charlene Sims seconded the motion. The minutes were passed as amended.

Old Business:

CUP #22-03 – Wireless Telecommunications Tower, Patrick Erwin. Proposed area is East of LaCygne. Patrick mentioned it would be on the AT&T network and he went over what he is proposing for the tower, no bad impacts.

Richard Morrell asked if there were any questions from the board and there weren't any questions. Darin went over his findings for the proposed site, the landowner is happy where want to locate the tower. Darin also recommended for approval from the board.

1. Character of neighborhood – industrial park, no skyscrapers would be a benefit. Patrick was questioned about how long he has been doing this and who would service the cell tower, Patrick responded with has been doing this for total of 28 years and he would be servicing the tower and he also mentioned AT&T Service will be improved and it is always improving.
2. The zoning uses of nearby properties – there will be a light on top and it will beam up and not down. The light will not shine from one mile of the tower,

cannot shine light to ground due to Regulations with FAA. The light on top will be Red, Middle light will be white during the day and evening.

3. The suitability of the property for the uses to which it is restricted - No questions from the board
4. The extent to which the change will detrimentally affect nearby property – Patrick spoke on this topic that there were not any price differences, and the study was scientifically done as he presented that to the last meeting.
5. The length of time the property has been vacant as zoned – The property has been vacant and zoned as Agriculture and it will continue to be zoned as Agricultural.
6. The gain to the public health, safety and welfare by the possible diminution in value of the developer's property as compared to the hardship imposed on the individual landowners – the land will be taxed on where it is sitting – 75x75 and will have an access road that will be taxed also, and the company will be putting it in.
7. The recommendations of a permanent or professional planning staff – The CUP conforms to the Linn County Comp Plan
8. The conformance of the requested change to the county's master or comprehensive plan – Darin said meets requirements

Dave Berglund made a motion to go forth with the tower project with the recommendations of the staff findings. Edwin Andersen seconded the motion. Passed 9 to 0

New Business:

CUP #22-04 – Auto Repair & Restoration Company, located at 7704 2000 Rd Parker, Ks. Jeremiah Brockway is wanting to operate automotive business at his house. He has 9 acre's, and he is wanting to use 3 acre's of it for the business. He will fix automobiles, motorcycles. He is currently in Codes Code to get into Code Compliance as right now he has several old vehicles that need moved off his property. Darin is working with him in Codes Court. Jeremiah said this will be a side job for him as he works a full-time job already, he is wanting to use the NE Corner of the property. He is wanting to build a building to work on vehicles or put a fence up, he would rather

build a building as if he put a fence up it would be like a pipe fence like to keep cattle in. Darin is recommending a building 60x80 instead of a fence. Jeremiah also stated there will be no employees, it will be just him.

Charlene demanded a Conceptual Plan as it states in the Planning and Zoning book on page 48. Dave suggested him draw out on back of application of where he wants to put the building to where it meets the setbacks of the property. Darin went over his 8 findings, and he recommends the proposed CUP. There was no discussion from the board. Charlene required fencing to be put up unless he builds a building/shop area. Jeremiah will need a building permit if building a shop of which he was aware. Jeremiah already has his licensing from the State. Paul asked about sanitation as looked like a pond close, Jeremiah stated he would be uphill from the pond. Jeremiah stated the gasoline, oil will not be going down to the pond. Mike White also mentioned he wanted to see the Conceptual Plan before approving this, Charlene Sims agreed. There was not any feedback from nearby neighbors. Darin made copy of the Conceptual Plan and handed out to the board members.

Dave Berglund moved to grant the CUP with the conditions to build building within a year and do not need a fence if have the building is built. Dave also suggested granting a 5 year permit. Mike White seconded. Motion passed.

New Zoning & Codes Regs was handed out to all members, Darin only received two out of 5 proposals back. He received them from IBTS and Kaup Law Office. Kaup law office has experience with land regulations. Darin suggested that all members read over the packets and to plan on meeting Tuesday, September 20th to discuss the packets as October 12th is the deadline to pick which firm. The board is wanting to interview IBTS and Kaup on September 20th at the workshop. Darin is going to find out if Tuesday the 20th works for both companies and to not have them show up at same time by say 6:00 and 7:30 for them to show up.

Darin handed out the new Comprehensive Plan notebooks to all board members. Darin also mentioned Pam Cannon, GIS Director, would like to come to the workshop as she has some mapping things to discuss. Darin is in the process of reforming the building permit form as the Appraisers

office needs like number of bathrooms, bedrooms, if a basement with bedrooms and bathrooms down there.

Meeting adjourned at 8:55 P.M.

Chairman

Attest: _____

Secretary

Date: _____

Minutes of the Planning and Zoning Board Workshop

September 20th 2022

Workshop started at 6:08 P.M.

Board Members Present: Mike White, Fred Kautt, Paul Porter, Dave Berglund, Rex Bollinger, Charlene Sims

Board Members Absent: Edwin Andersen, Melanie Staton

Also Present was Richard Morrell – Present, Darin Wilson – Planning and Zoning Director, Tammy Grimes – Secretary, Shaun West – Pub Works Director, Jessica Hightower – Economic Development Director

Richard Morrell introduced Jim Kaup of Kaup Law Office out of Topeka Ks. Jim has experience in Land zoning and how to use land. Jim started by giving an overview about him. He is a Sixth Generation Kansan. He went to KState. He served a total of Twelve Years on three different Planning Commission Committee's. His major accomplishment, Five or Six Years, was coordinating with city and county Counselors and City and County Officials to do a rewrite of the Kansas Planning and Zoning Enabling Act that deals with the laws that the Counties are subject to now. He also worked with County Attorneys, City Councils and a few Planning and Zoning Officials. Jim was also part of a Special Counsel to work with some counties to work with them on Land Use Regulations, one was in LaCygne. Jim has done this type of work for over Thirty Years, Jim has a private practice. Jim has gone over the Comp Plan that was sent to him there was some of it that he really liked, there was some goals or objectives that he could work on with no hesitation. He told the board they need to tell him what the County needs or wants and if its legal he is willing to work with the Board and he can find the words and English to implement it. Jim also told the board there is a couple of things he values in the work he does he puts things in plain English, and he puts out a Full Set of Administrative Regulations out there for everyone to look at and understand, he keeps clients from adopting unnecessary regulations. Jim also said the Comp Plan the County has has been the same for Twenty Years. Jim commented by saying the County needs to be involved with the decisions of the Planning and Zoning meetings.

The board members all introduced themselves to Jim so he could get a fill of who they all are.

Questions from the Board:

1. Statement – Dave Berglund said he is a good guy for the job
2. How do you Facilitate Methods? Jim said you have to know what the client wants, problem or opportunity, talk to County Commissioners and Planning and Zoning Board.
3. Richard asked: How to bridge the two different parties? Jim comes in with a legal law background, Jim said must see if both parties are doing things legal by the policies and see if any common ground. He replied everyone has an equal voice. Communication is key.
4. Mike asked about the Enabling Law the Jim spoke of the Enabling law is Count can accept itself, all parts of the States Enabling Act. The Cities do not have that ability. The Enabling Act if the Fundamental Authority is an outline of the Procedures of the Planning and Zoning, how to make decisions and what landowners can and can not do.
5. Richard asked what Resources Jim has: Jim said his firm is just him and has been doing this sort of thing for over Thirty Years. Richard replied with: What we see is what we get, and Jim replied Yes. Richard replied with he felt Jim would be good candidate for the job. Jim has low overhead.
6. Charlene asked: Does Jim like Consulting or doing the Whole Plan? Jim replied with he likes to be in charge, he likes to find out what the client wants and needs and produce the Comp Plan. Jim said he likes to find out what the county wants and needs. Ks Law hasn't changed much since 1991. Jim said it can be salvageable if it's legal.
7. Dave asked: Parent Tract – What is Parent legal piece of land? Is it homesteaded, the next person that got it, is parent part 48-acre tracts or three twenties? Dave thought could split off one time and then after that had to Plat it or core sections. Jim had looked at the Subdivision Regs from 2006 and for the most part they are okay. It is a matter what you all think it should be. Parent Tract falls under the Subdivision Regulations.
8. Paul's Concerns: He rewrites software, Management always says just keep it and get thru another day, Paul thinks it just needs all rewritten, he then thinks about it and when presented to the Commissioners he feels like

won't like doing things a different way. Paul feels like a push back from the Commissioners. Paul wants to rewrite it and then ink will all be nice and readable. Jim asked what Paul thought was a percentage of the County is Ag? Jim said 85% of the county is Agriculture. The places that will be affected will be the Lake Communities and the Cities, Urban Mix is new, Buffer Zone is a 3-mile radius around the cities. Jessica Hightower said Urban Mix is like retail, apartments and commercial mix.

9. Charlene asked about the Comprehensive Plan Land Use Map. Jim asked about an actual zoning map, Darin replied using GIS mapping. Jim noticed there hasn't been a whole lot of development being done. Jim replied must have it all documented, get agreement. Jim mentioned what concerns him the most is the Zoning of the Lake Communities and what is happening on the outskirts of the other cities in the county? Back in the day the cities and the county talked. Richard Morrell made the comment everyone talked and got along. Jim said this could be very simple or very complicated. Jim feels that should be addressed.
10. Paul asked about Jim's Professional fee's, how many trips and price and what triggers more expenses? Jim explained that more than 8 trips that means more expense, Jim's price is \$34,000.00. Jessica Hightower asked how he felt about Zoom Meetings, he doesn't like them he would rather be in person as you don't get interaction, zooms work better in a pandemic and there is a barrier to the public. Jim said the duration would be six months, how often is the Planning and Zoning willing to meet. Mike White asked if the board isn't headed in the right direction, how do you jumpstart the board? The board's way of thinking is more important than what Jim is thinking if it's legal. Jim needs to get direction from the board. Richard Morrell made the comment that there is really three entities here: 1 is the County Commissioners, 2 is the County Staff and 3 the Planning and Zoning board. Jim has had prior experience with that the County Commissioners don't pay attention to what the Planning and Zoning Board is doing until they have been handed the product. Commissioners have like 80 other jobs that they handle. Sometimes a County Commissioner will show up at a Planning and Zoning meeting and take notes of what is going on.
11. Darin mentioned Public Involvement, worth it, help the problem or what? Jim suggested give public information, working draft, have a town meeting,

working draft, then public meeting, public hearing. Jim does the work, and he is the bad guy when writing the Comp Plan

12. Mike asked Jim if he does any lobbying work for any organizations? Jim replied with No.

Richard Morrell told Jim the board appreciated him, and he ended all questions at 7:26 P.M.

Darin mentioned the next Workshop would be September 22nd at 6:00 and that IBTS would be in for questions.

Shaun – Pubworks Administrator stepped up and spoke of Darin and how he is doing a good job in his roll of Code Enforcement and Planning and Zoning Director.

Workshop adjourned at 7:55 P.M.

Minutes of the Planning and Zoning Board Workshop

September 22nd 2022 at 6:00 P.M.

Workshop started at 6:00 P.M.

Board Members Present: Mike White, Fred Kautt, Paul Porter, Dave Berglund, Rex Bollinger, Melanie Staton

Board Members Absent: Edwin Andersen

Also present were: Richard Morrell – President, Darin Wilson – Planning and Zoning Director, Tammy Grimes – Secretary, Shaun West – Pubworks Director, Jessica Hightower – Economic Development Director

Kirk Skoog and Jennifer Reinhardt were guest speakers from IBTS. Kirk introduced himself first. Kirk said IBTS is a 40 year old non for profit organization. The main headquarters is in Ashberg Virginia. The organization was started after Hurricane Katrina. He helped them with building codes in Louisiana, the company was hired by FEMA to bring 50 officials to the Gulf Coast to work through all the damaged buildings. IBTS still operates those buildings today with the building codes. IBTS has had the contract for 12 years now in Central Louisiana, IBTS does everything for Louisiana except for the Police.

About 12 years ago IBTS was asked to come to Kansas City, up by Edwardsville. The last 10 years IBTS serves over 40 communities, they do planning and zoning, inspections, property maintenance work and that is how they got involved in the Comprehensive Plan. IBTS has don't Comprehensive Planning in Oklahoma and in the Midwest Region.

Jennifer Reinhardt introduced herself and a little bit about her. She moved to the Kansas City area about a year ago, closer to family. She was a City Planner for the City of Detroit, she focused on Historic Buildings. She is glad to be a part of the Kansas City office. Jennifer really liked working with the county on the Comprehensive Plan and she really learned about the county. She mentioned the Zoning Regulations hadn't been updated since 1995. Jennifer feels there is some

key area's that need to be rewritten like figure out the language Mound City want to hear, zoning districts. Jennifer is excited to work with the Planning and Zoning Board, Public and the County Commissioners on this project. Jennifer would be the Lead Project Manager on this project

Questions for Kirk and Jennifer:

1. Public Meetings? How do you see them with Zoning Regulations? Jennifer answered, 1st goals and rules. Public needs to bring in what the county wants & needs – Public Education at Public Hearings. Housing is top goal right now as people want more housing. 2nd meeting would be more specific. Kirk says their job is to capture all of the issues in the county and then give the direction we should go.
2. Content we got – How much more could be done? Jennifer replied Comp Plan was broader- work on ways get meaningful ways.
3. Resources of Legal? Jennifer replied with the firm knows the State Laws & Codes – work with City or County Attorney. The state codes are pretty understandable.
4. What are Zoning Districts – Compare or create districts and flood plain. Not planning on making new districts. Look at existing language for those districts. IBTS was looking at not changing Zoning Districts.
5. Urban Mix = Land Use – Urban mix is around existing cities. Planning and Zoning has to understand as Cities expand example Hotel, Car lot. Flexible category – not just designated to retail, commercial and urban use
6. CUP'S for Everything? They seem to be an existing hurdle, and there needs to be some type of penalty for not renewing. Kirk thinks that is important topic for the county. Jennifer mentioned instead of doing a CUP for everything, if it is something that is permitted in the county then don't do a CUP. It would condense the CUP list.
7. Fee's – Delivering a code that the Planning and Zoning Board has reviewed.
8. IBTS has new Subdivision Regulations? Yes
9. References – Any Rural Ks Counties not in Kansas,
10. Any zoning for AirBNB? Yes its not currently in the codes right now.

11. Project Timeline – Adjust the meetings and sequences as in Holidays and etc Jennifer had plans of kicking this off in September but would adjust that now. , Jennifer said it would be 9 months from start to finish.
12. What does plus expenses mean? If something comes up, not expecting that would be mileage for workshops and/or printing expenses. The County did cover all of the printing costs of the Comprehensive Plan. Proposal is \$21,000
13. What is extra cost for Mileage for an Extra Meeting? – Mileage is 62.5 cents a mile
14. Existing Language – Is it more about language or future? The people of Linn County need to understand why. Richard Morrell wants simple language, list of definitions with key words. He also made comment that it needs to be in black and white.
15. Fred asked Jennifer, What percentage of the people in the County she wants to see show up? Jennifer replied with 100 people come in and she also wants to see 1000 responses online.
16. Would Jennifer be working with small group or whole group? Richard feels work mainly with Darin unless something major then he could call a special meeting to discuss.

Jennifer wants to work closely with Linn County to form the new Zoning Regulations. Charlene feels the board has a lot of questions and needs to work closely with IBTS. Paul Porter feels needs to have a smooth workflow, he wants something to work from beginning to end. Darin feels needs a lot of black and white with working with the public it feels not understandable.

Darin then talked with the board about them looking over the information and forming their decision of who they would like to hire. Darin said there will be a workshop next week on September 27th. The board will discuss the proposals, he will then take to County Commissioners on October 3rd, and then the final decision on RFP will be October 12th 2022.

Final Notes:

Next workshop on September 27th at 6:00 P.M.

Workshop adjourned at 8:10 P.M.

Minutes of the Planning and Zoning Board Workshop

September 27th 2022 @ 6:00 P.M.

The Workshop started at 5:55 P.M. as all members were present that was able to attend

Board Members Present: Edwin Andersen, Mike White, Fred Kautt, Paul Porter, Dave Berglund, Melanie Staton, Charlene Sims

Board Member Absent: Rex Bollinger

Also in Attendance was Darin Wilson – Planning and Zoning Director, Tammy Grimes – Secretary, Richard Morrell - Chairman

The evening was started out by the board discussing where to hire Kaup Law Office, they have experience in land use. He is a one man show, its him and nobody else. Darin was afraid of hiring him as he feels Jim Kaup will have responses of, Cause he said so. IBTS has a team and not just one person. Richard Morrell made a point that what happens is something happens to Jim Kaup then the board would be stuck, but then Charlene brought up well when IBTS was working on the Comprehensive Plan and Jennifer couldn't make it that nobody from IBTS stepped up and came down in her place.

Gary Thompson, County Attorney said he is ok IBTS not having an onsite Attorney as he is available. Dave Berglund wanted to know what is Gary Thompson going to charge the county for sitting in.

Charlene feels that IBTS couldn't answer her questions that she has asked last week.

Dave Berglund asked why weren't Zoning Regulations included in the Comprehensive Plan.

Richard Morrell was very interested in the contrast between Kaup Law Firm and IBTS. It was also asked does Kaup Law Firm not have a Secretary or anyone to help him behind the scenes.

There was a lot of discussion between Mike White, Charlene Sims, Dave Berglund, Richard Morrell and Fred Kautt about the two firms. They also discussed the price difference between the two firms. Fred feels women will run Linn County as in the past at all of the meetings he has been too it was mainly women and women that had to bring their kids also.

Dave Berglund asked that if IBTS is selected would he be willing to work with them on a daily basis or should the board rebid it out again. It was also mentioned that Jessica Hightower did a lot of the work for IBTS and all of the printing, the board was unsure where she volunteered or was appointed to do all of the foot work.

Richard Morrell again brought up the Contrast between the two firms: 1) one is a law firm, 2) we know what we got from IBTS from the Comprehensive Plan. Darin mentioned that he hasn't

been persuaded on either firm, and he asked do we want the whole board or just a few to work with what the County wants in the Zoning Regulations?

Paul Porter feels Jim Kaup knows what the Planning and Zoning board wants, he feels Jennifer is wet behind the ears and unsure what the board wants in the Zoning Regulations. Also Kaup has been doing this for along time and Jennifer is just starting out.

Richard asked the board, Who do they want to go with??? It was tied 4 to 4

Dave feels don't need the public at all the meetings like Jennifer had suggested as he feels would be too confusing but to invite them when the rough draft is done.

Dave moved to Table since it was tied and to wait till Rex came back next week and let Edwin Andersen read up on both candidates since he had missed the prior weeks questions and answers from the two candidates. Charlene seconded it and motion was passed.

The next workshop will be on October 4th at 6:00 P.M.

Dave made the motion to adjourn, Mike seconded it. Meeting adjourned at 8:45 P.M.

Commission Meeting 10/11/2022

Recommondation for planning and zoning regulations

IBTS has a proposal at 21,000 plus expenses. And a couple line items that totaled 4,000 for a total of 25,000

It included everything zoning regulations

Subdivision Regulations

Wind and Solar Regulations

Kaup Law Office has a proposal at 34,000. He did not have subdivision regulations included. He added 5,000 to his proposal to include subdivision regulations which brings his proposal to a total of 39,000

It includes zoning regulations

Subdivision Regulations

Wind and Solar Regulations

On a 6-3 vote the Linn County Planning and Zoning Commission recommends Kaup Law Office to assist Linn County in updating their zoning regulations.

Kaup was chosen on the strength of his successful experiences in helping other Kansas counties, many who are rural counties similar to ours, in the development of their zoning regulations.

It was felt that Kaup had a clear understanding of how planning objectives and goals can be realized. In fact, he currently serves as a member of his local planning and zoning board.

Key points:

1. Kaup is an attorney who has utilized his law background to promulgate sound zoning rules and regulations in 3 decades of work in Kansas.

2. Kaup has a clear understanding of the chasm between our recently approved Comprehensive Plan and the current outdated zoning regulations. His appertaining experience leads him to confidently state he can bridge that gap with his well-written code recommendations.

3. Kaup's recent work for Miami County was met with overwhelming satisfaction and approval. It aligns consistently with his other recommendations.

4. Kaup's seven step plan with outlined processes and corresponding timelines provides much desired clarity and transparency. Combined with his long record of achievement in Kansas this engenders great confidence among the Planning and Zoning Commission members.

5. Overall, Kaup is intimately familiar with Kansas and rural Kansas. His lifelong dedication to that geographic and economic entity assures us that we will be the recipient of his well-regarded work and the county will be the beneficiary of the fruits of his labor for many years to come.

6. Considering the benefits over several years, his compensation request is seen as reasonable and worthy. It harkens back to the old argument that, 'you can pay me now or you can pay me later'. In later times we don't want to do many makeovers at unknown future costs.

7. Finally, we view Kaup to have a long history of developing very proactive zoning regulations. This will provide us with well-conceived code with well-defined parameters.

That type of code will put us in the driver's seat as we receive the unique proposals that we often encounter.

We strongly feel that paying a premium now will save us plenty in the ensuing years. It is seen as a sound investment choice by the Planning and Zoning Commission. We encourage acceptance of Kaup by the County Commissioners.

Chairman

Attest: _____

Secretary

Date: _____

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

November 8, 2022 @ 7:00 Pm

The Meeting was called to order by Paul Porter at 7 pm
Fred Kautt led the Pledge of Allegiance

Board Members Present: Charlene Sims, Fred Kautt, Mike White, Paul Porter (Acting Chairman), Edwin Anderson, Rex Bollinger, Melanie Staton, Dave Berglund

Also in Attendance: Planning & Zoning Director Darin Wilson, Secretary Darcy Wilson

CUP #22-05 Was presented

Mr. Lavender and Son Johnathan presented Event Center, Portable Sleeping Cabins, RV Pads, Horse Barn Said he has a Shipping Container Cabin.

Charlene asked what kind of permit wanting

Mr. Lavender talked about not sure if he wanted as a venue or a family farm or resort.

Darin was asked what he knew about this situation. Darin explained that it was brought to his attention that there was more than one dwelling unit on the property and RV pads. That there was no CUP for the property. He contacted the Lanvender's and explained that he had a lot of phone calls about the property and what was going on there. Darin explained that the county could do a CUP for the property to bring them into compliance.

Dave asked if there was sanitation for the cabins. It was explained that there is a bunk house that has bathrooms and showers.

Charlene asked about a conceptual plan.

Mike asked about if bunk house and cabins have limited access, can a firefighter get in and out of the windows if there is only one door.

The Lavender's asked if the county has a code pertaining to that.

Darin answered there is no County Code on that as of now.

Darin presented the CUP and his findings to the Planning and Zoning Commission. His recommendation was that it be approved.

Charlene asked about parking, and hours of operation.

Paul brought up again what are we approving? Do we bring them back at a later date?

Charlene agreed that there is a need for CUP because of being out of compliance with the county with having more than one dwelling and rv pads.

Mr. Lavender invited everyone out to look at the property.

Charlene asked for a plan with measurements of the property.

Darin showed the map with measurements of the building off the property line.

Dave made a motion to give a CUP on what exists now and for family use only. Any changes or make it monetary they will come back for a different approval.

Paul second the motion

Charlene No

Paul Yes

Mike Yes

Melanie Yes

Mike Yes

Fred Yes

Edwin Yes

Rex Yes

CUP 22-06

McGinnis-Highpoint Venue

Event Center, Indoor Outdoor Weddings, 4 Modern Style Cabins, 100x300 Parking Lot, Fundraisers, Concerts, yoga classes, hunting clients in Villas

Rent will be \$4500

Charlene asked about neighbors having concerns

Brandon said the closest neighbor can not be seen from there.

Paul asked about sanitation. Brandon answered that a septic system had already been installed, but not sure what he was going to do with the cabins yet.

Fred asked about HVAC. Brandon explained that there was HVAC install and that it was top of the line system.

Brandon was asked about sound carrying to the neighbors. He explained that they had taken measures to eliminate as much sound as possible.

He was also asked if he was opening a bar. Brandon answered that he was not opening a bar, that they will not be serving drinks. That people could bring in their own

Brandon said that he had already booked 3 weddings for the Spring of 2023

Steve Cox voiced his concerns about noise and drugs.

Brandon responded he wants to be accommodating. He also stated that he will have anyone that wants to come out when the sound system is installed, and he will test it for them.

Gary Leonard that lives a half a mile north of Brandon also expressed concerns about noise.

Brandon explained the noise will be controlled as much as possible. Again, Brandon said anyone can come out when the system is installed that it will be tested.

Darin presented the CUP and finding and recommended approval.

Dave made a motion and wanted to put a 5 year condition on it.

Brandon asked if he could have more time.

Charlene and Dave explained why 5 years.

Brandon expressed his concerns about that and the money that he put into it.

Dave told Brandon he could come back in 5 years and get it extended

Dave made a motion to accept

It was seconded

Passed with a 8-0 vote

Paul adjourned the meeting at 9:20 pm

Chairman

Secretary

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

December 13, 2022 @ 7:00 Pm

The Meeting was called to order by Richard Morrell at 7 pm with the pledge of Allegiance.

Board Members Present: Richard Morrell, Charlene Sims, Fred Kautt, Mike White, Paul Porter, Rex Bollinger, Melanie Staton, Dave Berglund

Also in Attendance: Planning & Zoning Director Darin Wilson, Secretary Shaun T. West

Minutes from the last meeting were approved, with minor changes. Rex made the motion to approve the minutes w/changes made and Paul seconded the motion. With no further discussion the chair called for a vote and it passed 8-0

The chair called for the first Conditional Use Permit #22-05 to be heard. This was a CUP that was voted on at the last meeting.

Lavender was no present at this meeting, so Darin recapped the case for the board. Dave stated that he was confused about the request because the use did not match the written request and stated that he would take the blame for the confusion.

Darin talked about the site plan and the number of cars that could be parked at the location, he also spoke about future plans to improve the property.

The chair opened the floor for discussion

Dave confirmed that they were asking for commercial use.

Mike asked about the shaded areas of the maps that were provided.

The chair asked for conditions

Charlene stated they must go by site plan.

Darin reminded the board that they could add conditions.

The chair asked for discussion.

Charlene stated that they (Lavender's) were not present, but they were present when it first appeared before the board.

Paul stated he was not clear on the conditions.

The chair passed him a copy.

Dave made a motion to approve CUP #22-05, Mike seconded the motion

The chair called for a vote and it passed 8-0

The chair called the next Conditional Use Permit # 22-07, which is a church CUP renewal. Tina Barnett was present for the church and gave an overview of their use of the property.

Dave asked if the church was still open and in use.

Tina stated that it was.

Dave made a motion to approve the renewal and not have the church come back to the board, unless the land use changed.

Darin Recommended the board approve the renewal and pass it if there was no change.

Paul seconded Dave's motion.

The chair calling for discussion and having none, called for the vote. The motion passed 8-0

The chair called the next Conditional Use Permit #22-08, which also was a renewal for the Pumphouse in Centerville. Dave Eastwood was present for the business.

Darin told the board that the use fits the area and is this is a suitable use for the land. He recommended they approve the renewal, with no time limit.

Charlene asked about restrictions.

Darin stated they were asked to come back after five years, and they are back to renew.

Charlene asked about parking.

Dave Eastwood told her they had 20 acres for parking.

The chair called for questions and having none called for a motion.

Mike made a motion to approve the permit with no time limit.

Rex seconded the motion.

Charlene opened a discussion about the board needing to look at the findings.

Dave stated that no one within 1,000 feet came to complain about the business.

Dave asked if Darin could breakdown Golden vs Overland Park. Mike started a line by line of the eight Golden factors.

The chair finished the line by line and of the factors. The chair then called for discussion and having none called for the vote. The motion was approved 8-0.

The chair called for the next Conditional Use Permit #22-09 Amanda and Dusty Mitchel a CUP for their farmer's market and western town.

Amanda briefs the board on the use of the property and told them it was located one mile west of the Cadmus Grange.

Charlene asked about parking.

Amanda answered that there was space for 15-20 cars.

Mike asked sanitation.

Dusty told him that they are putting in restrooms but were using porta johns.

Darin stated that he was aware sanitation was going in.

Charlene asked about if a site drawing would be done before the commission voted on the matter.

Amanda stated that it would.

Dave asked about the location of the property and general discussion was had on it's location.

The chair asked about parking.

Amanda stated they had room for 15 cars and would double that soon.

The chair called for questions.

Fred asked if their excess went to the farmer's market and discussion was had on food packaging.

Paul asked if they only sold their products, or if they sold other's as well.

Amanda stated they sell theirs but was working on selling for others.

The chair called for Darin's report.

Darin gave staff findings and stated that the use fits and he recommends approval, with proper findings.

Dave asked if this was a new business.

Darin stated yes.

Charlene pointed out that 10.3 was covered with findings and stated that the board is supposed to cover those findings.

Mike stated that this was the seconded time they (the board) had been counseled on this.

The chair went line by line through the findings.

Paul asked mentioned restrooms and public health.

The chair asked for discussion.

Darin asked if any condition were needed.

Paul asked if conditions per 10.3 were included.

The chair asked for a motion.

Fred motioned to approve the CUP.

Charlene seconded the motion.

The chair asked for any discussion and having none asked for a vote. The motion passed 8-0.

The chair called the next Conditional Use Permit #22-10, a new permit for a outdoor skills and camping school. Owner/Operator Andre Branning was present and advised the board the land would be used as a wildlife school for training in skills and safety.

Charlene asked about firearms being part of the training.

Andre stated no they would not.

Rex asked about trapping and snares.

Andre stated that they would not set any during the classes.

Paul asked if it was a bushcraft school.

Andre stated yes, it was.

Andre stated that the classes covered would be water, fire, shelter, cordage, clothing, warming, knots, foraging, trip planning and land navigation.

Paul asked about numbers and times.

Andre stated that he thought 10-15 people 35 weekends a year, but not during hunting season.

Paul asked if he had a residence on the property.

Andre stated yes and he will live there.

Dave asked about archery.

Andre stated maybe, but that he was not skilled in that area.

Fred asked if the school would be for men and women.

Andre stated yes.

Charlene asked if the school was for adults and kids.

Andre stated yes.

There was general discussion on location.

The chair asked what glamping was.

Andre stated that was camping without the work, he would set up tents.

Mike asked what happened if a storm came in.

Andre stated his home would be the shelter.

Fred asked if someone would be there overnight.

Andre stated yes.

Charlene asked about bathroom access.

Andre stated that he has a bathroom in his home.

General discussion on sanitation was had.

Charlene asked about parking.

Andre stated he had room along his drive for 15-20 cars.

Charlene asked about Ag. Tourism.

Andre stated he had not investigated that yet.

The chair asked for public input, there was none.

The chair asked for the staff report.

Darin gave the staff report, noting that due to the discussion he had changed his recommendation and recommended the board approve the permit. Noting that signs should prevent trespassing, guns not used in class (but not limited on the property for personal use) should cover concerns.

Andre stated that he marked his property lines.

Darin finish staff findings and recommended approval.

Charlene asked if Darin pulled his original staff findings.

Darin stated he did with marking and not firearm use for the schooling.

The chair mentioned sanitation as possibly a porta john.

Darin stated that access to the house would cover it.

Charlene mentioned camping with sanitation.

Andre stated they would have access but could chose to dig a hole.

The chair asked for a motion.

Mike mentioned that dry conditions could limit fire usage.

General discussion was had on red flag days.

Paul advised he should contact dispatch first.

Andre mentioned that no fire skills would be that large.

The chair asked for a motion.

Mike made a motion to approve based on staff findings and without firearms, with marked property lines and with no burning on red flag days for a 3-year period.

Dave seconded the motion.

The chair went line by line on the 8 Golden rules.

Paul stated that guns should only be limited for class purposes.

Mike accepted the amendment.

The chair asked for discussion.

Fred asked a minimum and maximum age.

Andre stated no max and grade school and above.

The chair asked for questions for the public.

The question was asked if there was room for EMS to get through the driveway.

Andre stated yes.

The chair asked for discussion and having none asked for a vote, the motion passed 8-0.

The chair asked for other business.

Darin reminded everyone about the up coming workshop.

Darin asked about procedure on his presentation.

Darin covered his conversation with the commission on the past Monday.

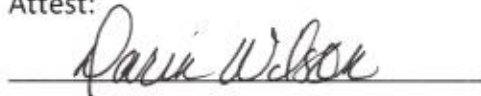
Melanie Staton resigned from the board for personal reasons and was thanked by all for her service.

The chair adjourned the meeting.



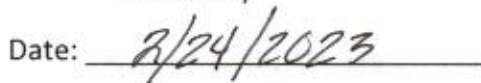
Chairman

Attest:



Secretary

Date:



Planning & Zoning Minutes

December 15, 2022, Workshop

Workshop Called to order 6:10 PM

Rich announced that it is workshop session so no comments or questions from the gallery then turned the workshop over to Mr. Kaup.

Mr. Kaup went over unfinished business, topics discussed at last workshop

He explained in detail that this a Draft of Zoning Regulations.

Rich asked if a Jan date had been set. Mike answered that the next regular meeting is January 12, and the workshop would be the following Thursday the 15th.

Mr. Kaup recommended that all 4 lake communities would have their own set of Regulations. Dave agreed.

Conditional Use Permits – Mr. Kaup explained that there are many different situations that may arise with doing them as with zoning.

Dave asked-Was there a time limit that a church has a CUP. Why can't it be permitted for as long as it stays a church, so it doesn't become a bar since the permit is for the land. Mr. Kaup asked if it was zoned Highway retail. Mr. Kaup explained that we should only focus on the land use.

Dave asked about the rock quarries coming in and taking out huge loans, getting a 5 yr. CUP. Mr. Kaup explained to Dave that the committee at the end of 5yrs. Can give direction on what they can do and not do. He explained that Darin is working on this and setting conditions to the CUP.

Charlene asked do we have to approve churches in a speedy manor, because 10yrs ago we did.

Paul asked if the land sells do the CUP go with the land and the new owner doesn't want to sell anything what do we do. Mr. Kaup explained that there is nothing to do. Paul then asked what about this church we renewed, what if they want to sell. And how to make CUP's more visible to the public. Mr. Kaup said the county should have a map on the wall with the CUP # on it so people can see what is around them. Dave said Darin needs a bigger staff.

Mike asked Mr. Kaup to explain the KS Black Letter Law. Mr. Kaup answered it means it done, its set-in stone. CUP situation is complicated.

Charlene asked about re-zoning over a CUP and the ask about highway retail. Mr. Kaup explained the difference between CUP re-zoning and site plan review. Mike and Charlene would like to go to a site plan over a conceptual plan.

Dave asked if a bookstore sells, and they make it an adult entertainment store what do we do. Mr. Kaup explained the ways to detour it. Mr. Kaup asked them to decide what they want to do about that. Mike said he would like to read some regulations on that. Mr. Kaup said he would bring some to the next workshop.

Richard, Charlene, and Dave all asked if reading the recommendations and Golden Vs. The City of Overland Park is really needed. Mr. Kaup explained that is how Topeka does it.

Rich said we have been on CUP's for over an hour, and they are exactly how we been doing them

Mr. Kaup talked about the 69 corridor – re zoning from AG, Charlene said like a future land use map. Mike said that people are concerned about taxes. Rich said we have been doing that all ready. Mr. Kaup asked if there was any interest in that.

Limitations on RV as a dwelling

Dave talked about RVs in all these little 4 & acre tracks of land, how do we know the difference. Charlene said RV Park would be nice. Mr. Kaup said we can set regulations but who will enforce it. Ed talked about the power plant employees, that they have 5th wheels and RVs on contract for 6 months plus, If they can't stay they don't work. Mr. Kaup bought up Dave's concerns about Sanitation.

Mr. Kaup talked about the difference between temporary work housing and people just living on tracts of land and in lake communities.

Mr. Kaup read thru the Summary of Draft Articles.

Article 1

30 definitions Mr. Kaup wants to remove. Mike asked why? Mr. Kaup explained because they are in the dictionary.

Article 3

Article 4

Article 5 Shorten List of CUP's and more detail. Talked about domestic vs. Commercial Solar. Farmers bring in hired help to work on the farm. Where do they live. Do we allow a 2nd dwelling on a parcel. Syracuse Ks. Does not want to see mobile homes lined up on a farm. 2nd dwelling on a farmstead will need a conditional use permit. So, it's clear from the get go. If farm is sold a lot split can be done to eliminate 2 dwellings on a parcel. Also talked about maybe duplexes to accommodate extra living on a parcel and a CUP. Bed and Breakfasts are to have a CUP.

Article 6 Aux. – Add Detached and Attached. Talked about Safe House as a permitted use. Schools in Ag area will be zoned as public zoning

Article 7 Promote growth without eating up countryside.

Article 8 Rec and Lake Communities'

Article 14 Natural Features. Goal is to adopt proper Regulation's; the courts have given some power to comprehensive plans. But Regulations are the Law. Domestic – on permitted use. Commercial – Ag Zoning and apply for CUP and go thru public hearing and follow all steps of CUP's. Among the permit application the requirement could be a long list of things, road maintenance, Etc... Mitigation plans for effects on Flora and Fauna.

Silicone Panel are Toxic can be prohibited. Mr. Kaup talked about decommissioning and restoring the land. Make them have a financial commitment by requiring a bond. Is there a financial gain to the county. Are there legal issues to prohibit wind or solar. If there is a prohibition may not survive legal challenge, can't just say Linn County does not want it.

Gave options on how to regulate for small regulation to extreme regulations. Option 1, Option 2, Option 3. Mr. Kaup said the highest could be a percent of unincorporated land and there be a 1% of what could be used for solar. It would be about 3000 acres. The question came up will state put statues on wind and solar like they have on cell towers. Mike asked how the prohibited solar in Harvey and Sedgwick Counties. Mr. Kaup explained that it has never been challenged yet. Mr. Kaup said he feels its better to have highly regulated rules and regulations in place, than to put a prohibition on them. Can put an acre amount and not to exceed a certain amount of acreage. Mr. Kaup is going to talk about Wind Energy in January.

Article 17 Mr. Kaup said he was just going to clean up the current regulations

Article 18

Article 19 Talk about the board of zoning appeals, make it so the public can understand. Black Letter Law.

Article 20 Mr. Kaup said it is very important and there are 2 amendments that he is going to make.

Article 21 Will be Building Permits

Article 22 will talk about enforcing the regulations

Mr. Kaup talked about the next workshop and will send out an agenda

Workshop over 10:05 pm.