

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

December 4, 2018

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3rd Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Chris Higgins , David Rhodus, Jim Carlson, Terri Griffen and Tom Decker

Members Absent:

Staff Present: Kipp Jones, Planning and Zoning Manager
Debbie Viviano, Planner
Angie Stokes, Secretary
Andy Roffman, County Counselor

Mr. Carlson: Calls the meeting to order, roll call.

Mr. Jones: Chris Higgins?

Mr. Higgins: Present.

Mr. Jones: David Rhodus?

Mr. Rhodus: Present.

Mr. Jones: Terri Griffen?

Ms. Griffen: Present.

Mr. Jones: Tom Decker?

Mr. Decker: Present.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Present. Entertains a motion to approve the November 6th, 2018 Planning and Zoning Commission minutes.

Mr. Decker: Motions to approve the minutes.

Mr. Rhodus: Seconds the motion.

Mr. Carlson: Calls for a vote.

Mr. Jones: Chris Higgins?

Mr. Higgins: Abstain.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve.

Final Vote: 4/0/1 Approve November 6th, 2018 Minutes

Mr. Carlson: Recommends moving agenda item one to the third case to be heard at tonight's meeting and asks for staff report on case, December 18-132RZ/P, a request for rezoning from Residential Low Density (R-1A) District to Agricultural (AG) District and preliminary plat approval for the proposed subdivision of Hill Farms located at approximately 19906 N 69 Highway, the applicants are Ryan G. and Nancy K. Hill.

Mr. Jones: Attaches the staff report as part of the official record, summarizes December 18-132RZ/P dated November 15, 2018.

Mr. Carlson: Inquires if the applicant will need a bridge to cross the stream to access the second lot.

Mr. Jones: Stated that would be a question for the applicants, but they would have to get Corp of Engineer approval to cross the blue line stream.

Mr. Carlson: Inquired if the Commission had any questions, being none asks the applicant to come forward and if they had any questions about the staff report.

Mr. Hill: Ryan Hill stated he did not.

Mr. Carlson: Opens public comments, being none entertains a motion on the rezoning of Hill Farms.

Mr. Higgins: Asks Planning and Zoning Manger Jones why the property was not made into one lot or was the second lot wanted?

Mr. Jones: Stated the applicants wanted the second lot.

Mr. Carlson: Entertains a motion for the rezoning.

Mr. Decker: Moves to approve the rezoning from R-1A District to Agricultural District for Lot 1 only for Hill Farms.

Mr. Rhodes: Seconds the motion.

Mr. Carlson: Calls for a vote.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve.

**Final Vote: 5/0/0 Approve; December 18-132RZ/P; Hill Farms– Rezoning
With zero (0) Conditions**

Mr. Carlson: Asks if there were any questions about the preliminary plat for Hill Farms, being none entertains a motion for the preliminary plat.

Mr. Decker: Moves to approve the preliminary plat of Hill Farms with the conditions attached in Exhibit A.

Mr. Rhodus: Seconds the motion.

Mr. Carlson: Calls for a vote.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve with conditions.

Mr. Jones: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve with conditions.

**Final Vote: 5/0/0 Approve; December 18-132RZ/P; Hill Farms– Preliminary Plat
With three (3) Conditions**

Mr. Carlson: Askes for a staff report on the second case December 18-133F, a request for final plat approval for the proposed subdivision of Hill Farms located at approximately 19906 N 69 Highway, the applicants are Ryan G. and Nancy K. Hill.

Mr. Jones: Attaches the staff report as part of the official record, summarizes December 18-133F dated November 19, 2018.

Mr. Carlson: Inquires if the applicant had any questions on the final plat, being none opens for public comments, being none asks for any questions or comments from the Commission, being none entertains a motion for the final plat of Hill Farms.

Mr. Decker: Moves to approve the final plat of Hill Farms with the conditions attached in Exhibit A.

Mr. Rhodus: Seconds the motion.

Mr. Carlson: Calls for a vote.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve with conditions.

Mr. Jones: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve with conditions.

**Final Vote: 5/0/0 Approve; December 18-133F; Hill Farms– Final Plat
With three (3) Conditions**

Mr. Carlson: Requests an updated staff report on case November 18-131A, public hearing for approval of revisions to the 2011 Clay County Land Development Code (LDC), an ordinance encompassing the zoning and subdivision of land in unincorporated Clay County, the applicant is Clay County.

Ms. Jones: Attaches the staff report as part of the official record, summarizes November 18-131A dated November 15, 2018, revised November 19, 2018.

Mr. Decker: Stated after reviewing the Health Department's reply he would debate some of the comments made specifically the septic installer has to wait for the foundation of the home to be built before it can be installed.

Mr. Jones: Handed out Exhibit A showing revised wording for the proposed change to the Land Development Code, adding some more detail the Commission would like to consider.

Mr. Higgins: Agreed with Mr. Decker on when a septic system can be installed and why the Health Department cannot approve the use before the house is complete.

Mr. Jones: Stated he did not know that answer because the Planning and Zoning Department relies on the Health Department for any questions about septic systems in Clay County.

Mr. Carlson: Inquired about when a house burns down or damaged in a natural disaster and the septic system is still in working order?

Mr. Jones: Stated if it is still operating then the Health Department can guide them on how to hook up their RV to the septic system. Stated the biggest changes in the exhibit that he handed out were adding the property owners provide that documentation that the RV tanks are being pumped.

Mr. Decker: Stated what is the difference if the sewer water was coming from a house or from an RV and if the property is properly staked and laid out the septic system can be in place and functioning before the house is started along with the temporary electricity to run the RV and the system.

Mr. Rhodus: Stated as a general rule the septic system is done when the ground rough is done.

Mr. Decker: Inquired what was added in Exhibit A.

Mr. Jones: Stated he added, remodeling.

Mr. Decker: Points out that in the proposal it is stated if the septic is in compliance with Clay County Public Health Center prior to the prohibited use permit being issued.

Mr. Jones: Replied that it would not be in compliance if the Health Department will not sign off on the final inspection before the house is almost completed then people cannot live in their RV.

Mr. Carlson: Inquired if the Health Department would not give a preliminary approval.

Mr. Jones: Stated what he took from their input they would not.

Mr. Higgins: Stated he would like more information on why they will not give a preliminary approval.

Mr. Jones: Stated he could request more information from the Health Department and request a representative come to the next meeting.

Mr. Decker: Stated if it based on more work for the Health Department and the budget then a fee should be applied to the cost of the permit. Would like to know where the fees to be applied to this case are listed.

Mr. Jones: Stated all fees are adopted by the County Commission on a fee schedule and are not listed in the Land Development Code and he would be drafting a fee schedule to be approved by the County Commission.

Ms. Griffin: Stated the Clay County Health Department would draft their own fee schedule. She also stated that maybe the Health Department cannot address this issue because they do not have verbiage in their regulations that deal with this type of situation. Stating they might have to change their onsite regulations in some way but then we cannot ask them to do that.

Mr. Decker: Inquired in the new proposed code does not state anything about houses damaged in a natural disaster.

Mr. Jones: Stated his perception if the house was damaged where it had to be totally rebuilt that would be included in the proposed text in the staff report. In Attachment B in the staff report it states during periods of construction of a principal dwelling unit, if a house is destroyed by fire, flood, tornado or earthquake and had to be rebuilt from the foundation and up, he believes that would be included. Remodel was added to the exhibit B in case someone guts a house but not take down walls should that be included.

Mr. Higgins: Stated he did not have any issues with the remodel being included in the amendment.

Mr. Rhodus: Stated he would like more information from the Health Department that would work for everyone.

Mr. Jones: Inquired if what the Commission wanted was the RV to be able to hook up to the septic system and not have a requirement to have the tanks of the RV pumped out once or twice a week.

Mr. Higgins: State if the RV is not hooked onto the septic then the County will have some cases of property owners dumping waste out on the ground. If there is a way to agree on how to hook onto the septic system it will save the County complaint calls and code enforcement.

Mr. Carlson: Inquired on why Mr. Decker's proposal of burying a holding tank to use would not work.

Ms. Griffin: Inquired if that would require the Health Department approval.

Mr. Decker: Stated the Health Department is in the same situation as the Planning and Zoning Department, as it does not have anything in their regulations to specifically address a unique situation. If they could meet with Planning or Zoning to amend their regulations for not a normal building situation.

Mr. Jones: Stated the Planning and Zoning staff would schedule a meeting with the Health Department Officials and convey what the Commission as discussed and if there is not a solution we would request a representative come to the January 8th Planning and Zoning Commission meeting.

Mr. Carlson: Opens up public comment.

Mr. Fisher: Commented on his neighbor living in his RV and it should not be allowed even if he is hooked up to the septic system.

Mr. Decker: Inquired if penalties can be added to the tax bill for the property owners who do not comply with County codes.

Mr. Jones: Stated with the current code allows for a penalty of \$100 a day but that would be after prosecution from the Prosecutor Office.

Mr. Carlson: Stated the Planning and Zoning Department will meet with the Health Department and continue this discussion in January. Entertains a motion to adjourn the meeting.

Mr. Decker: Makes a motion to adjourn.

Mr. Rhodus: Seconds the motion.

Mr. Carlson: Adjourns the meeting.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary

