

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

November 6, 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: David Rhodus, Jim Carlson, Terri Griffen and Tom Decker

Members Absent: Chris Higgins

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: Absent.

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 September 4th, 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: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Terri Griffen?

Ms. Griffen: Abstain.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve.

Final Vote: 3/0/1 Approve September 4th, 2018 Minutes

Mr. Carlson: Asks for 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.

Mr. Jones: Attaches the staff report as part of the official record, summarizes November 18-131A dated October 18, 2018.

Mr. Carlson: Stated the proposed code is way too restrictive, being involved in many cases where there was a disaster and the legal process to get the house started to rebuild can take three months or seven or eight months to construct a house, a big house nine months, way passed the year time limit. Believes that needs to be flexed with the permit and can come in to renew the permit in the second year.

Property owners who have livestock that need to be tended to should be able to have a trailer during the rebuild.

Mr. Jones: Inquired if Mr. Carlson would like an extension.

Mr. Carlson: Stated he did and thought the County Assessor did a very good job in outlining what the penalties might be, it might stop the misuse of accessory buildings with a fine against them. Proposed a monthly inspection on the sewer and didn't think the homeowner should be granted this exception to build a house they should have another residence unless it is a hardship case.

Mr. Jones: Verifies the points made by Mr. Carlson, an inspection fee, monthly inspections.

Mr. Carlson: Clarifies the monthly inspections on the septic, whether they bury a septic tank or have a septic tank sitting there that can be inspected.

Mr. Jones: Inquired if Mr. Carlson believed the larger fees the Assessor proposed should be used.

Mr. Carlson: Confirmed the fees should be use to prohibit landowners from living in their RV's before the permit to their house is issued.

Mr. Decker: Inquired when the fees would start being assessed, make it a large fee to pay for the County time for the inspections. Stated that if someone is going to live in a RV for a year they would have it hooked up to a new or existing septic system.

Mr. Rhodus: Stated that the septic would be the first thing that would be put, out in the county you can park your RV next to the house at any time. He agreed with the fees the Assessor recommended but didn't agree with extending it past a year, the fees would help pay for the inspections.

Mr. Jones: Stated that a onetime fee would be better than trying to collect a monthly fee.

Mr. Carlson: Stated again if the homeowner had horses needing to be taking care of they should be allowed to bring in a mobile home or RV to be out there until the house is rebuilt.

Mr. Jones: Clarified if the Commission wanted to take out the natural disaster part of the rewritten code and allowing it if they are building a home as well as rebuilding a damaged home.

Mr. Rhodus: Stated he opinion would be to take out the natural disaster.

Mr. Decker: Stated the code then would read the same as it is now, he would take out where the request has to go before the County Commission and it should be left to the Planning and Zoning Staff to make the decision.

Mr. Carlson: Agreed with Mr. Decker, that it would be staff responsibility to follow up on these requests.

Mr. Decker: Stated the same policy would apply to a new house as well as a rebuild from a natural disaster and include the fees the Assessor proposed with no extensions or double the amount if the property owner exceeds the 12 month term.

Ms. Griffen: Inquired what determines the start date for the temporary use of living in the RV.

Mr. Decker: Stated the date the building permit is granted and end date would be when the occupancy on a new builds.

Ms. Griffen: Inquired about the property owners whose house was destroyed by a natural disaster?

Mr. Carlson: Stated for a disaster the property owners would need a home right away, the date of the disaster should be the starting date. He believed the staff at Planning and Zoning should be able to make that decision and not have to go before the County Commission.

Mr. Jones: Stated the staff's biggest concern would be the waste water, if Planning and Zoning is charging a fee it is going to be tied to a permit, restates issues discussed by the Commission; septic or wastewater, a year timeline with possible additional fee for extending another six months, not tying this to just natural disasters it will be a use that is allowed if property owners are building a home or rebuilding a home and larger fees.

Mr. Decker: Restated he believed the staff could make the decision on issuing a temporary use permit for RV or mobile homes without having to go to County Commission and having a public hearing.

Mr. Carlson: Stated if they are relocating to an Accessory Building they should have 30 days to get a permit from the Health Department.

Mr. Decker: Stated 30 days from date of lost.

Mr. Carlson: Opens the public comments.

Ms. Lowry: Shirley Lowry, stated concern about a neighbor living in a RV after a fire destroyed the home and he has not done anything to be in compliance with the code, wanting to know what can be done with property owners who do not come in for the permit for temporary housing. Not against

someone who had a disaster happen to them and needing a place to live temporarily but not let someone live there permanently it brings down the neighbor's property values.

Mr. Jones: Asked Ms. Lowry if she would not want this use at all, allowing landowners to live in RV's during a rebuild or building a house or if she would agree with what the Commission has discussed?

Ms. Lowry: She replied she could see letting somebody live in a RV temporarily but not on a permanent basis and if the property owner refused to comply with the regulations there should be some sanctions for them, if they know nothing is going to happen they are not going to do anything.

Mr. Carlson: Agreed with Ms. Lowry and will work on changing the code.

Mr. Lowry: Bruce Lowry, restated the problems with the neighbor and him having a drain pipe going to his sewer system and what an eye sore for the neighbors for someone living in a RV.

Mr. Fisher: Leon Fisher restated the problem with a neighbor living in a RV and is against someone living in a RV on property in the county.

Mr. Rhodus: Inquired if Mr. Fisher felt the same way if the property owner was working on rebuilding his house.

Mr. Fisher: Stated he would feel different if there was some progress on cleaning up the fire damaged house, but based on his neighbor he is against property owners living in RV's.

Mr. Jones: Stated the Planning and Zoning office is going through the codes process to get the property owner to clean up the property.

Mr. Podbevsek: Bob Podbevsek had just bought some land in un-incorporated Clay County and in the process of building, agreed with the Planning and Zoning Commission and doesn't believe landowners should be penalized when building in the County and if septic permits are issued and the septic is installed the landowner should be granted a one year permit with a fee up front and make it refundable if they are done within the year. He is against not allowing it at all.

Mr. Jones: Stated he had an idea what the Planning and Zoning Commission would like the code to read.

Mr. Decker: Inquired if Kipp could write a draft of the code and e-mail it to the Planning and Zoning Commission before the staff reports were sent out and can the Board members call and discuss the matter with Kipp.

Mr. Roffman: Stated Kipp can send out the revisions based on Board member's suggestions, to the Planning and Zoning Commissioners and they could individually call and talk to staff about the changes if they have questions.

Mr. Carlson: Closed the public comment and stated the Commission would continue the discussion of case November 18-131A to next month's meeting on December 4th, 2018.

Mr. Jones: Stated he will be giving the County Commissioners an update of this case on November 19th at County Commission and if the public would like to make comments or have questions they can call the Planning and Zoning office. Updated the Commission on last meeting's cases and stated there will be a Planning and Zoning Commission in December.

Mr. Carlson: Entertains a motion to adjourn the meeting.

Mr. Decker: Makes a motion to adjourn.

Mr. Carlson: Adjourns the meeting.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary