

Ellis County Joint Planning Commission
Meeting Minutes for March 28th, 2018

Members Present:

David McDaniel
John Schulte
Dick Klaus
Bryan Church
Nathan Leiker
Rob Soneson
Brett Schmidt

Members Absent: None

Staff Present:

Karen Purvis, Zoning Administrator
Carla Meier, Environmental Associate
Mason Ruder, Environmental Associate, Recording Secretary

Counsel Present:

Bill Jeter

County Administrator:

Phillip Smith-Hanes

Director of Public Works

Bill Ring

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The March 28th, 2018 meeting of the Ellis County Joint Planning Commission was called to order by Chairman David McDaniel at 6:59 p.m. The meeting was held at 718 Main Street Commission Chambers.

Roll call was taken. Seven members were present. There was a quorum.

Minutes: Nathan Leiker moved to approve the February 28, 2018 minutes as written. John Schulte seconded the motion. Motion carried 7-0.

Public Presentation: None

Staff Report: Chairman McDaniel requested a staff report from Karen Purvis, Zoning Administrator.

Karen presented the staff report reflecting the activities from February 25th, 2018 thru March 23rd, 2018. The report was approved.

Chairman McDaniel asked for a motion to open the public hearing.

Bryan Church made the motion to open the Public Hearing. The motion was seconded by Nathan Leiker. Motion carried 7-0. Chairman McDaniel declared the Public Hearing for Ellis County Proposed Changes to Zoning and Sub-Division Regulations now open at 7:02 p.m. Chairman McDaniel asked the staff to present the Public Hearing agenda items. Karen Purvis presented the information relating to the Ellis County Proposed Changes to Zoning and Sub-Division Regulations.

Article 1

Nathan Leiker made a motion for change to 1-104 #16

Article 1- Title, Purpose, Definitions, District and General

Adding the word Agent after applicant

16. APPLICANT/AGENT: The owner of a tract of land, or his duly designated representative, for which an amendment has been requested. Consent shall be required from the record owner of the premises if the applicant is other than the owner.

Brett Schmidt Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

Article 2

Nathan Leiker made a motion for change to 2-110

Article 2- Agricultural District Regulations

Adding 2-110 Fencing: Fences may be erected without permits.

Rob Soneson Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

Article 3-6,8 & 9

Nathan Leiker made a motion for change to Articles 3-6 changes

Article 3- Rural Residential District Regulations

Article 4- Suburban Residential District Regulations

Article 5- Single-Family Residential District Regulations

Article 6- Village District Regulations

Article 8- R-1B Single-Family Residential District Regulations

Article 9- RP-2 Planned Two-Family Residential District Regulations

Adding the following to each of the above articles with the corresponding numbers

3-110 Fences

A. Fences on Properties less than 40 acres are subject to the following:

- (1) A permit obtained from the Ellis County Environmental Office shall be required for all fences or walls where a new fence or wall is constructed or an existing fence or wall is being extended. A survey may be required to assure the location of the property lines in relation to

the location of the proposed fence. Also, a site plan showing the fence location in relation to any onsite wastewater treatment system shall be required. Failure to comply with either provision, or to comply with the provisions of these Regulations, shall be grounds for denial of the permit.

A fence permit shall also be required for the replacement or reconstruction of 50 percent (50%) or more of the linear feet of the entire existing fence. Any such replacement or reconstruction shall comply with all the provisions of this Article. In determining the height of a fence, the material used for the fence posts shall not be considered; provided, said posts are not to extend more than six (6) inches above the fence and are considered an integral part of the design of the fence.

- (2) Fences may be constructed to a maximum height of six (6) feet above the average grade; provided, however, the restrictions stated in subparagraph (5)(a)(1) below shall apply to front yards.
- (3) Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot, where the wall located at least two (2) feet from any road right-of-way, and where the wall does not extend more than six (6) inches above the ground level of the land being retained.
- (4) All fences or walls constructed prior to the adoption of these Regulations which do not meet the standards of this Article may be replaced and maintained resulting in a fence the same size, type and material, subject to the provisions of (3)(B)(a) above.
- (5) The following restrictions and standards shall apply to all fences and walls:
 - (a) Location
 - (1) Front yard. Fences erected in the front yard shall be no higher than forty-eight (48) inches in height and may be constructed on a front property line; except for the restrictions noted for a corner lot herein.
 - (2) Side yard and/or Rear yard. A fence or wall may be constructed on the side or rear property line. A fence may be permitted in a platted easement; provided, however, any person, firm or corporation who shall hereafter construct or erect any fence or wall permitted by these Regulations in a dedicated easement shall be deemed to have done so at their own risk and shall be liable for the cost of removal of the same in the event it is necessary to make any authorized use or excavation of such area for any purpose for which the easement was dedicated. Neither Ellis County, Kansas nor any other person, firm or corporation which may be lawfully making use of the said easement shall be liable to any such person claiming damages for the removal of any fence or wall impacted by lawful uses in such easement.

John Schulte Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

Nathan Leiker made a motion for change to Articles 8-9 changes.

John Schulte Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

Article 7

Nathan Leiker made a motion for change to Article 7

Article 7- R-1A- Single family Residential District Regulations

Change the Name to "City of Schoenchen" as it states in the application that that shall apply inside the corporate limits of the City of Schoenchen, Kansas, only.

Brett Schmidt Seconded

Discussion was had. Karen Purvis had added that the content of Article 7 will be changed at a later date to reflect the title.

Motion carried 7 to 0 to approve.

Article 29

John Schulte made a motion for change to Article 29 changes

Article 29- Board of Zoning Appels

Changing registered to certified

29-109 Public Hearing: The Board shall hold a public hearing on each application for an appeal, decision, variance or special exception. Applications for a variance or special exception must be accompanied with a certified list of property owners, and their addresses, within 1,000 feet of the property for which the variance or special exception is being sought when said property is outside an incorporated city and/or 200 feet when said property is inside an incorporated city. On all applications, notice of the time and place of the public hearing shall be published once in the official County paper not less than 20 days prior to the date of such public hearing. In addition, for all applications for a variance or special exception all property owners within 1,000 feet shall be notified by ~~registered~~ certified mail of such public hearing and be given an opportunity to attend and be heard regarding such application for a variance or special exception.

Rob Soneson Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

Article 33

John Schulte made a motion for change to Article 33-102 changes

Article 33- Interpretations, Conflict, Remedies and Penalty

33-102 Remedies Available: In case any building or structure is or is proposed to be erected, constructed, reconstructed, moved, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of these Regulations, the Zoning Administrator or, ~~County Attorney or other appropriate authority of Ellis County, Kansas, or the City Attorney for properties within the City of Schoenchen, Kansas,~~ may, in addition to all other remedies, institute injunction, ~~mandamus~~ or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, relocation, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of a building, structure or land.

Bryan Church Seconded

Discussion was had. John asked for a grammatical change to the regulations regarding the change, add "or" after County Administrator and before County Attorney.

Motion carried 7 to 0 to approve.

Rob Soneson made a motion for change to Article 33-103

33-103 Penalty: Any person or corporation who shall violate any of the provisions of these Regulations or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable to a fine of not more than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) subject to the County Attorney filing a misdemeanor action and/or imprisonment for not more than six (6) months for each offense and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof, where anything in violation of these Regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be subject to the same fine as hereinbefore provided.

Nathan Leiker Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

Sub-Division Proposed Changes

Article 1

Nathan Leiker made a motion for change to 1-107 #5

Ellis County Subdivision Regulations

Article 1- General Provisions

Adding the word Agent after applicant

5. APPLICANT/Agent: The owner of a tract of land, or his duly designated representative, for which an amendment has been requested.

Adding Residential and changing the 2 to 8

82. SUBDIVISION Residential: Any land, vacant or improved, which is divided or proposed to be divided into ~~two (2)~~ eight(8) or more lots, parcels, sites, units, plots or interests for the purpose of offering same for sale, lease or development, either on the installment plan or upon any and all plans, terms and conditions, including resubdivision. A subdivision includes the division or development of residential and non-residential zoned land, whether by deed, metes-and-bounds description, map, plat or other recorded instrument

Bryan Church Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

Nathan Leiker made a motion for change to 1-107 #82

John Schulte Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

John Schulte made a motion for change to 2-104 a. #5

Article 2- Procedure for Approval of Subdivision

Adding the words - if applicable

5. Suitable primary control points, approved by the appropriate County or City Engineer, if applicable, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred. All dimensions shall be shown in feet and decimals of a foot.

Nathan Leiker Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

John Schulte made a motion for change to 4-102 #12

Article 4-

Deleting the first part and replace with the later

12- Private Streets: ~~There shall be no private streets platted in any subdivision.~~ Private roads/streets are to be built to Ellis County specifications within all new developments.

Deleting County Engineer and replacing it with Public Works Department

19. Right-Of-Way and Street Widths: In order to provide for streets of suitable location, width and improvements to accommodate future traffic and affords satisfactory access to emergency and service vehicles, and to coordinate streets to as to develop a convenient system that avoids undue hardships to adjoining properties, the following design standards are hereby required. Street classifications may be indicated on the Comprehensive Plan or other plans or standards as adopted, or shall be as determined by the Ellis County Joint Planning Commission. The road standards for Ellis County are on file with the ~~County Engineer.~~ Public Works Department.

Deleting Sanitation and adding Environmental

4-108 1 A. All subdivisions within the unincorporated portion of Ellis County shall provide water service and on-site wastewater treatment service in accordance with the Ellis County ~~Sanitation~~ Environmental Code and other applicable rules and regulations in effect.

Bryan Church Seconded

Discussion was had. Streets in the new line was originally roads. Discussion was to change roads to streets to alleviate confusion on using more than one word for the same item.

Motion carried 7 to 0 to approve.

Bryan Church made a motion for change to 4-102 #19

Rob Soneson Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

Nathan Leiker made a motion for change to 4-108 #1 a.

Bryan Church Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

Nathan Leiker made a motion for change to 6-103

Article 6- 103

Changing \$500 to 1,000 and deleting the items that the county has no jurisdiction over

The violation of any provision of these regulations shall be deemed a misdemeanor and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed ~~\$500.00~~ than one thousand dollars (\$1,000.00) subject to the County Attorney filing a misdemeanor action and that each day's violation shall constitute a separate offense. The Governing Body shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these regulations ~~and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus,~~ or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of any building, structure or land.

Rob Soneson Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

John Schulte made a motion for change to 6-103 (Removing “and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus,”)

Nathan Leiker Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

Table of Contents

John Schulte made a motion for change to Table of Contents

Table of Contents-

Showing only changes or additions in the sections:

ARTICLE 2..."AG" AGRICULTURAL DISTRICT REGULATIONS	2-1
2-110 Fences.....	2-2
ARTICLE 3..."RR" RURAL RESIDENTIAL DISTRICT REGULATIONS.....	3-1
3-110 Fences.....	3-2
ARTICLE 4..."SR" SUBURBAN RESIDENTIAL DISTRICT REGULATIONS	4-1
4-110 Fences.....	4-2
ARTICLE 5..."R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS.....	5-1
5-110 Fences.....	5-2
ARTICLE 6..."V-1" VILLAGE DISTRICT REGULATIONS	6-1
6-110 Fences.....	6-2
ARTICLE 7... "R-1A" SINGLE FAMILY RESIDENTIAL DISTRICT City of Schoenchen REGULATIONS	7-1
ARTICLE 8..."R-1B" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS	8-1
8-110 Fences.....	8-2
ARTICLE 9..."RP-2" PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT	9-1
9-111 Fences.....	9-2

Brett Schmidt Seconded

Discussion was had.

Motion carried 7 to 0 to approve.

Chairman McDaniel asked the Public if they would like to speak and/or make a presentation. Mr. Ramon Schmidt of Catherine asked questions on the wording and content for clarification of Sub-Division Article 4 4-102 #12 "Private Streets". Members of the Commission gave the clarification such as John Schulte explaining when it comes to zoning, streets and roads are the same concept. Public Works Director Bill Ring and County Counselor Bill Jeter explained that the private roads were not allowed in plats in the county, but this wording will allow them now, if they are built to Ellis County specifications. Mr. Ramon Schmidt thanked the Commission for the clarification and left the stand.

Bryan Church moved to close the public hearing at 7:42 p.m. Brett Schmidt seconded the motion. Discussion was had. Motion carried 7-0 to approve the closure of the public hearing. David McDaniel announced the protest period will end April 11, 2018.

Rob Soneson then moved, on Karen Purvis and Bill Jeter's notice of having to present the changes to the County Commission, that Karen Purvis and David McDaniel present the proposed changes before the County Commission on April 16th, 2018. Dick Klaus Seconded the motion. Discussion was had. Motion carried 7-0 to approve.

Old Business: Mason Ruder presented the case brief for the Livestock and Ag Exemptions case. Discussion was had.

New Business:

County Administrator Phillip Smith-Hanes presented to the Commission his Request for Proposals for Consultant Services. Mr. Smith-Hanes asked if the Commission had any objections or comments on his Request. Karen Purvis asked that the H's in Household Hazardous Waste be capitalized in his proposal, as it is a department. Mr. Smith-Hanes agreed. Discussion was had. Phillip Smith-Hanes said he would make the correction and send the Requests off.

Confirmation of next meeting date:

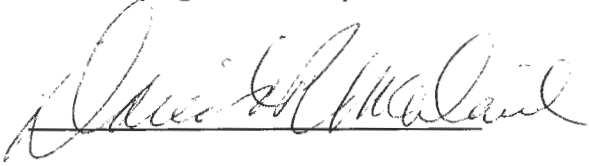
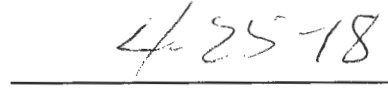
The next meeting will be Wednesday, April 25th, 2018 at the Ellis County Administrative Center, Commission Chambers 718 Main, Lower Level, Hays, Kansas at 7:00 p.m.

Adjournment:

Dick Klaus moved the meeting be adjourned. Rob Soneson seconded the motion. Motion carried 7-0. The meeting was adjourned at 7:52 p.m.

Respectfully Submitted

Mason Ruder
Recording Secretary

A handwritten signature in cursive script, appearing to read "Mason Ruder", written over a horizontal line.A handwritten date "4-25-18" written in cursive script, positioned above a horizontal line.

Chairman

Date