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FRANKLIN COUNTY PLANNING AND ZONING
FRANKLIN COUNTY COMMISSION
FRANKLIN COUNTY GOVERNMENT CENTER
SECOND FLOOR COMMISSION CHAMBERS
400 EAST LOCUST STREET
UNION, MISSOURI 63084

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

JUNE 23, 2015

(Commencing at 10:30 a.m.)

Reported by:
Patsy A. Hertweck, C. R.
Midwest Litigation Services

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E X H I B I T S

IDENTIFICATION	DESCRIPTION	PAGE
Franklin County:		
A	Franklin County Unified Land Use Regulations 2001	*
B	Official Zoning Map	*
C	Official Master Plan	*
D	Case Files -- all Cases Heard	*

[* Introduced with hearing procedures before each case.
All exhibits, if any, were retained by the Commission, and will not be attached hereto.]

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A P P E A R A N C E S

COMMISSION MEMBERS:

- John Griesheimer, Chairman
- Timothy Brinker, Commissioner
- Jeff Maune, Commissioner

LEGAL COUNSEL AND STAFF:

- Mark Vincent, Attorney
- Ms. Scottie Eagan, Planning Director

MIDWEST LITIGATION SERVICES:

By: Patsy A. Hertweck, C. R.
711 North Eleventh Street
St. Louis, Missouri 63101
(314) 644-2191

1 PROCEEDINGS

2 (June 23, 2015)

3 CHAIRMAN GRIESHEIMER: Okay. We're going
4 to go ahead and call this June 23rd public hearing to order.

5 Scottie, would you go ahead and read the rules.

6 MS. EAGAN: At this time, I would like to
7 place into the record the Franklin County Unified Land Use
8 Regulations of 2001 as Exhibit A, the official Zoning Map as
9 Exhibit B, the official Master Plan as Exhibit C, and the case
10 file for each case as Exhibit D for all the cases to be heard at
11 this hearing.

12 [Thereupon, evidence was marked
13 for identification as Exhibits A, B, C,
14 and D.]

15 As each case is opened, a staff report will first be
16 read by the Planning and Zoning Department, followed by the
17 Commissioners' questions for the staff.

18 Then if anyone in the audience would like to speak
19 or comment during the public hearing, they must first print their
20 name on the sign-in sheet provided and then be sworn in.

21 When it is your turn to speak, you will come to the
22 front of the room to address the Commission and only the
23 Commission, not anyone in the audience, with any questions or
24 comments.

25 Generally, the Applicant is allowed to speak first,

1 followed by those in support and then those opposed. The
2 Applicant may speak again after comments from the general public
3 to address any questions or issues brought up during the hearing.

4 At the conclusion of all questions, comments, and
5 discussion concerning each case, the public hearing for each case
6 will conclude. The decision will generally be made by Commission
7 Order at a later date during the County Commission's regular
8 meeting time.

9 The first file I discuss is File 150087.

10 The Applicant is seeking to amend the 2001 Unified
11 Land Use Regulations of Franklin County with amendments to
12 various definitions found in Article 2.

13 CHAIRMAN GRIESHEIMER: Scottie, I think
14 your microphone is dying or something. It's awful garbled.

15 MS. EAGAN: It's not blinking though.

16 CHAIRMAN GRIESHEIMER: No, it's -- it's
17 real muffled or garbled. I can hear it's -- it's not right. But
18 I don't want Patsy to have problems out here.

19 MS. EAGAN: Okay?

20 CHAIRMAN GRIESHEIMER: Can you hear it
21 okay?

22 MS. REPORTER: Yes.

23 CHAIRMAN GRIESHEIMER: Okay.

24 MS. EAGAN: So the first sheet in your
25 packet lists the definitions, and I kind of separated them into

1 two sections and changes to Article 2 in coordinating with the IT
2 Department.

3 And if you guys remember, a while back we were
4 having issues with when to make a road, when not to make a road,
5 and it was determined that my department and IT would sit down
6 and try to get our regulations -- well, my regulations and their
7 policies kind of match each other so we wouldn't have any of
8 these issues anymore of who has to make a road and who doesn't.

9 So we did that, and we now have -- I did some
10 changes to my definitions. They're adding other definitions into
11 their policy. So these first few definitions are the ones that
12 I'm adding and/or amending to my regulations. That is dedicate;
13 lot; road; road dedication, private; road dedication, public; and
14 then I'm amending tract.

15 The second set of definitions is just miscellaneous
16 definitions that we realized were either didn't need to be there
17 anymore or things were forgotten when we went from the big change
18 back in April. So we got rid of the floodplain special use
19 permit.

20 With our mobile home single and double, we realized
21 that -- when we changed the Codes, that we forgot to keep in
22 there that all mobile homes have to be certified as meeting HUD
23 Code.

24 And then with self-storage, we're amending that to
25 now include parcels so people can do storage of boats and RVs.

1 We were having a lot of people calling about that, and we didn't
2 have a category for it.

3 And then violation Appendix H doesn't exist anymore.
4 It's Article 11. So we amended that.

5 So those are my changes to Article 2. Any
6 questions?

7 CHAIRMAN GRIESHEIMER: The only question I
8 have is, so now you -- your department and the IT Department are
9 in synch on how roads are to be named or in such?

10 MS. EAGAN: As far as I know, we should be
11 on the same page once these get changed.

12 CHAIRMAN GRIESHEIMER: Good. Fantastic.

13 COMMISSIONER MAUNE: Okay. I've got two
14 things.

15 MS. EAGAN: Uh-huh.

16 COMMISSIONER MAUNE: On your mobile home
17 single, you have some dimensions in there that mobile home single
18 shall be at least 14 feet wide -- or 14 feet in width and 48 feet
19 in length.

20 I talked to a local sales lot last night after I
21 read this. I called them and asked, and he checked. They do
22 still manufacture a 12 wide home. You can order a 12 wide home.

23 There are also homes available that are less than 48
24 feet, and so I assume they're referred to as park models or
25 whatever, and they are more generally designed for seniors. And

1 so I didn't know if we wanted to restrict that in the Franklin
2 County Codes, or it should be amended to -- you know, if it's a
3 HUD Code home, and that's, you know, it was inspected by HUD at
4 the factory, then it could still apply.

5 Also how do you address manufactured housing that is
6 both code?

7 MS. EAGAN: We have different definitions,
8 and we've had issues in the past between manufactured, modular
9 and mobile. So the way we defined it in our Code I believe
10 manufactured -- a manufactured home is either a modular or
11 mobile, either one of those.

12 Then you go into a modular home, which is a home
13 which is constructed off-site and so does not have to be
14 transported to and/or assembled on the permanent building site
15 and which complies with uniform building code requirements for a
16 single-family home.

17 And then we have these two definitions for our
18 mobile homes.

19 So that's how we did it, and the reason why we have
20 the dimensions is -- in there is to differentiate between the
21 mobile home double and mobile single. Because our -- there are
22 certain zoning districts which will allow a double wide but won't
23 allow a single wide. So that's where we -- the differentiation
24 would be those dimensions. And if you all wanted to go smaller,
25 you can go smaller. I know we had issues with it the first time

1 we were doing this on trying to figure out what the dimensions
2 were, and I went and talked with Joe about it a little bit, and
3 Joe gave us these dimensions, Joe Persky.

4 COMMISSIONER MAUNE: Well, in the
5 Manufactured Housing Association sales contracts, it's generally
6 what they call four and five hundred, and that will have listed
7 on there the mobile home. And it will differentiate between the
8 call size on the mobile home and the actual box size. And I -- a
9 16 by 80 will actually be 15-6 by 76. And so when you look at
10 the building permit, it'll say a 16 by 80, but if you look at the
11 assessor's records, they round 15-6 up to 16, but it'll be a
12 76-foot box.

13 And so, you know, we may need to specify there
14 whether it is a box size or call size and, you know, if it's a
15 single section or double section. I know it doesn't necessarily
16 make any difference as long as it, you know, was inspected by HUD
17 at the factory. It will have a HUD tag on it within two feet of
18 the back corner of the home.

19 MS. EAGAN: Yeah, I mean, the only reason
20 it matters for us between single and double is our zoning
21 districts differentiate what's allowed and what's not allowed.

22 CHAIRMAN GRIESHEIMER: So do we need to --
23 for those of us that are not keen on the dimension of mobile
24 homes, do we need to go down to 12-foot as a minimum.

25 COMMISSIONER MAUNE: I would think that

1 would cover it, and if you -- the man I talked to last night said
2 that he knows there are 36-foot boxes available. So you could go
3 down to maybe a 12 by 36.

4 MS. EAGAN: Are they -- are they newer
5 homes?

6 COMMISSIONER MAUNE: They're brand new.
7 They order them that way.

8 COMMISSIONER BRINKER: Then that's where
9 the County wants to go.

10 CHAIRMAN GRIESHEIMER: Where did P and Z
11 come up with these numbers? I mean, is that --

12 MS. EAGAN: Originally it's stuff that I
13 came up with just by looking at other regulations, other planning
14 books I was reading, and then we talked with Joe Persky, who
15 deals a little with mobile homes here and there, and he helped us
16 out a little bit with the numbers.

17 COMMISSIONER MAUNE: Well -- and the
18 14 feet and the 48 feet --

19 COMMISSIONER BRINKER: Who is your
20 vendor's reference?

21 COMMISSIONER MAUNE: Clayton Homes.

22 COMMISSIONER BRINKER: Clayton Homes?

23 COMMISSIONER MAUNE: Uh-huh.

24 COMMISSIONER BRINKER: How many of those
25 units do they sell in Franklin County?

1 COMMISSIONER MAUNE: You know, I don't
2 know.

3 COMMISSIONER BRINKER: Of that size?

4 COMMISSIONER MAUNE: I have seen one on
5 their sales lot, but I --

6 COMMISSIONER BRINKER: We need to
7 reference any number of sales in Franklin County. I don't have a
8 problem with the Code as it's presented. The dimensions given
9 because of the fact that, A, it's a fire value. It -- you know,
10 although there are vendors out there that might sell those size
11 and probably smaller if you really wanted to, I guess -- I mean,
12 if we amended the Code -- and it's good to catch it now. If we
13 amend the Code for any manufacturer, if we change anything beyond
14 the scope of our Code, we'd be changing codes every day.

15 COMMISSIONER MAUNE: Right, and the
16 dimensions you have will cover probably 95, 99 percent of the
17 homes that are out there. I mean, that's not an issue, but there
18 are these smaller homes that are designed more for seniors or
19 singles. And if it -- if our definition of a single wide mobile
20 home doesn't include these, these people are going to still be
21 renting a pad, a park or putting them on private property. Then
22 we won't allow you to use your property for that if you want a
23 small -- and these tiny houses are very popular on the internet,
24 you know, for even site-built homes.

25 CHAIRMAN GRIESHEIMER: Our codes have made

1 it pretty restrictive on where you can put a mobile home in
2 Franklin County.

3 COMMISSIONER MAUNE: Right.

4 CHAIRMAN GRIESHEIMER: I mean, it's --
5 it's very restrictive, and we -- the determination has been
6 through the years that we don't want to be -- I hate to say it --
7 but like Jefferson County where they're the -- their legislators
8 have joked that Jefferson County is the mobile home capital of
9 Missouri. And you know, our codes have reflected that we don't
10 want to be like that.

11 COUNTY ATTORNEY VINCENT: John, the issue
12 was that we are attempting to get rid of, if you will, older
13 mobile homes that are in disrepair because those were -- if you
14 change it, I could go buy a used mobile home that's in pretty bad
15 condition and put it onto a lot, because I can buy a used one
16 that are a lot older ones that are 12 feet wide or -- and less
17 than 48 feet long.

18 We're trying -- the goal was restrict the
19 ramification, if you will, of bringing in an older style mobile
20 homes that are not as well built as the ones are today. So it's
21 not just about size, but it's about quality.

22 COMMISSIONER MAUNE: Well, but you're
23 going to have a hard time finding a 12 wide home that has a HUD
24 tag on it. That HUD tag didn't start until the early 1970s.

25 COUNTY ATTORNEY VINCENT: Right. We just

1 don't want to have to inspect every trailer.

2 COMMISSIONER MAUNE: And I think the only
3 way you're really going to an issue with this coming in and
4 somebody going to have a smaller home they want to put some place
5 or as it's defined as single-wide mobile home is brand new.

6 MS. EAGAN: Two things. One, just to kind
7 of clarify what John said. Our Code isn't -- it's not real
8 restrictive in where you put a mobile home if you have an
9 individual lot. We're very restrictive on where you can do
10 mobile home parks.

11 COUNTY ATTORNEY VINCENT: Right.

12 MS. EAGAN: So we do have a lot of
13 districts that allow mobile home single and mobile home double.
14 We just have one district that allows mobile home parks.

15 And secondly, another reason how our definitions
16 kind of got where they are with mobile homes is we have a few
17 members on the Planning and Zoning Commission would rather see us
18 not allow any mobile homes. So this is kind of a compromise
19 between doing whatever and not having any at all.

20 So we kind of -- we're trying to do the best of both
21 worlds to make everyone happy with this.

22 COUNTY ATTORNEY VINCENT: Another way of
23 splitting the baby, so to speak, would be to say that you could
24 have them smaller, what you pointed out, Jeff, in mobile home
25 parks but not on individual lots.

1 COMMISSIONER MAUNE: Well, but, Mark, if
2 you had a recreational property and instead of having your camper
3 out there, you wanted to put a permanent small mobile out there
4 that was new and had all the amenities of your house, just
5 completely compact, we don't want people to do that? We'd rather
6 have them --

7 COUNTY ATTORNEY VINCENT: [Interposing]
8 That's your call, gentlemen. That's up to you guys.

9 CHAIRMAN GRIESHEIMER: I vote we leave it
10 the way it is right now.

11 COUNTY ATTORNEY VINCENT: Yeah, that's why
12 it was done, Jeff. That's why the recommendations are made by
13 Planning and Zoning as they are.

14 Whether or not you guys want to accept their
15 recommendation and/or postpone, that's your right and that's your
16 call.

17 COMMISSIONER MAUNE: Okay. If somebody
18 came in with one of these in that specific situation, that met
19 all the requirements but was smaller than the dimensions on
20 there, would there be a process that they could go through to
21 accomplish that?

22 COUNTY ATTORNEY VINCENT: No.

23 COMMISSIONER MAUNE: No. So that --
24 so...

25 COUNTY ATTORNEY VINCENT: We're not going

1 to be able to have the smaller mobile homes in Franklin County.

2 COMMISSIONER BRINKER: Yeah, the idea
3 technically is not to allow them. I think Scottie's compromise
4 reference is kind of the reason for it. You know, there are
5 folks that are totally opposed to mobile home utilization versus
6 folks that are not and utilize and successfully do it right,
7 respectfully and all these things. But what this is there'd have
8 to be an adjustment to this code that says look, if you're
9 wanting to be a mobile home owner in Franklin County, this is the
10 size mobile home you need, or above.

11 COMMISSIONER MAUNE: Okay. Is there a
12 restriction in Franklin County on the square footage of a
13 site-built home? Can I build a tiny house in Franklin County?

14 COMMISSIONER BRINKER: I don't know if
15 that's part of the public hearing. I mean, we're considering the
16 code here for this public hearing. We can look at that, you
17 know.

18 COMMISSIONER MAUNE: Well, but I'm looking
19 at possibly a legal issue...

20 COUNTY ATTORNEY VINCENT: No, that's not a
21 legal issue. We can -- there's a -- we have lot requirements for
22 house density, and you cannot exceed certain size. Would I be
23 concerned about a legal challenge if we allowed smaller houses as
24 opposed to smaller mobile homes? Absolutely not because we
25 already have mobile home parks that are different than

1 subdivisions as far as lot sizes, where you park a trailer on a
2 pad. That would never qualify for a stick-built home. That -- I
3 wouldn't worry about that part of it. It's do you want to have,
4 authorize and allow smaller than 14 by 48? That's -- it's that
5 simple.

6 COMMISSIONER MAUNE: So a dealer of or a
7 manufacturer of homes can take that entire portion of their
8 inventory and cross it off for Franklin County?

9 COMMISSIONER BRINKER: Not necessarily.
10 They can sell them here if the folks might not be living here.
11 They might be putting them in in Jefferson County or Washington
12 County or whatever. And you know, going by the -- and I
13 understand you're an industry fellow. I get it, but you know,
14 going by another industry fellow who happens to be an attorney
15 also and a second attorney giving us the opinion of what we have
16 in front of us, I'm going to probably side on the err of caution
17 with two attorneys.

18 CHAIRMAN GRIESHEIMER: Me too.

19 COUNTY ATTORNEY VINCENT: Well, one
20 attorney we got his opinion because he's also in the mobile home
21 business.

22 COMMISSIONER BRINKER: Right.

23 COUNTY ATTORNEY VINCENT: You know Joe,
24 what he does, and we checked it out. And as Scottie says, this
25 is an absolute compromise. Some of them did not want anything

1 less than double wide. Some of them didn't want anything at all.
2 So -- but now they made their recommendation. They made their
3 recommendation to you. What you do with that is up to you guys.
4 I mean, if you want to --

5 COMMISSIONER BRINKER: [Interposing] And
6 we can run the numbers of P and Z, how many 12 by what?

7 COUNTY ATTORNEY VINCENT: Thirty-six.

8 COMMISSIONER BRINKER: Twelve by
9 thirty-six applications have been received in the past 20 years
10 in Franklin County.

11 CHAIRMAN GRIESHEIMER: Well, do we want to
12 table this?

13 COMMISSIONER BRINKER: We'll it's still
14 the public hearing. You're not going to decide today.

15 CHAIRMAN GRIESHEIMER: Okay. All right.

16 COUNTY ATTORNEY VINCENT: Right.

17 COMMISSIONER MAUNE: I'm just saying, and
18 they're absolutely correct. The numbers they've got on there are
19 going to cover a majority of this. This would just be these
20 products are available. There is sort of a trend going on to the
21 tiny houses, the smaller dwellings, and this manufactured housing
22 product might be more desirable than some of these way older
23 mobile homes that are pre-HUD Code. I think what you're talking
24 about mostly is pre-HUD Code homes that are still out there being
25 maintained. You know if that home had a -- you know, if it was a

1 1960 model home, that thing's 55 years old. It has lived its
2 life. It was never intended to be...

3 COMMISSIONER BRINKER: Right. And here's
4 the other thing is that about this Code. If we find a clamber
5 for that dimension, we can always amend the Code, always. That
6 opportunity always exists. So this is a living, breathing thing.
7 I mean, that's the beauty of it, and that's the beauty of these
8 positions we have, you know.

9 COMMISSIONER MAUNE: Okay.

10 COMMISSIONER BRINKER: So therein lies the
11 opportunity beyond this point. We adopt the code as presented or
12 not, you know, we can always amend at a later date. So...

13 What else -- did you have something else?

14 CHAIRMAN GRIESHEIMER: No.

15 COMMISSIONER BRINKER: Did you, Jeff,
16 beyond that on this item?

17 COMMISSIONER MAUNE: On this item, no.

18 CHAIRMAN GRIESHEIMER: Good. You done,
19 Scottie.

20 MS. EAGAN: With that file I am.

21 CHAIRMAN GRIESHEIMER: Okay, go ahead.

22 MS. EAGAN: I'm going to read the hearing
23 procedures for the next public hearings.

24 CHAIRMAN GRIESHEIMER: Well, wait, wait.

25 Wait, wait. Read the file number for the next file.

1 MS. EAGAN: Yeah, they each have to be
2 their own separate public hearing.

3 CHAIRMAN GRIESHEIMER: Yeah, but we
4 haven't closed out the first one.

5 MS. EAGAN: Oh, sorry. Okay.

6 CHAIRMAN GRIESHEIMER: Okay. That's what
7 I was thinking. All right. Is there anyone wishing -- in the
8 audience wishing to testify in favor of the proposed amendments
9 to File Number 150087? [None.]

10 COMMISSIONER BRINKER: Not everybody at
11 once, please.

12 CHAIRMAN GRIESHEIMER: Yeah. Is there
13 anybody in the audience wishing to testify against the amendments
14 to 150087 or for informational purposes only on File Number
15 150087? [None.]

16 Seeing none, that will conclude the hearing on
17 File -- and close File Number 150087.

18 Now go ahead, Scottie. Next one, Enforcement of
19 Review.

20 MS. EAGAN: At this time, I would like to
21 place into the record the Franklin County Unified Land Use
22 Regulations of 2001 as Exhibit A, the official Zoning Map as
23 Exhibit B, the official Master Plan as Exhibit C, and the case
24 file for each case as Exhibit D for all the cases to be heard at
25 this hearing.

1 [Thereupon, evidence was marked
2 for identification as Exhibits A, B, C,
3 and D.]

4 As each case is opened, the staff report will first
5 be read by the Planning and Zoning Department, followed by the
6 Commissioners' questions for the staff.

7 Then if anyone in the audience would like to speak
8 or comment during this public hearing, they must first print
9 their name on the sign-in sheet provided and then be sworn in.

10 When it is your turn to speak, you will come to the
11 front of the room to address the Commission and only the
12 Commission, not anyone in the audience, with any questions or
13 comments.

14 Generally, the Applicant is allowed to speak first,
15 followed by those in support of the rezoning and then those
16 opposed. The Applicant may speak again after comments from the
17 general public to address any questions or issues brought up
18 during the hearing.

19 At the conclusion of all questions, comments, and
20 discussion concerning each case, the public hearing for each case
21 will conclude. The decision will generally be made by Commission
22 Order at a later date during the County Commission's regular
23 meeting time.

24 This is File 150088, Planning and Zoning Department.

25 The Applicant is seeking to amend the 2001 Unified

1 Land Use Regulations of Franklin County, including Article 5,
2 Enforcement and Review.

3 What we did with this one, this is a -- comes
4 directly from my office and Tori. What we want to do with
5 Article 5 is add in there that any person liable as defined above
6 located within any unincorporated area covered or affected by the
7 provisions of these regulations who violates any provision hereof
8 will not be granted building permit approval, sign permit or
9 conditional use permits until all said violations are remedied.

10 What we want to do is we want to be able to have the
11 ability if John Smith is in violation on a property and he's not
12 rectifying it or cleaning it up, but then he files for a building
13 permit on another property, we have the right then to hold that
14 building permit until that violation is remedied.

15 We have that ability to do it if they're dividing
16 property. If there's a violation on the property that they're
17 asking to be divided, we have the ability to hold permits in the
18 subdivision. But we don't have the ability to do that with
19 conditional use permits, sign permits or building permits.

20 So that's what we'd like to do.

21 CHAIRMAN GRIESHEIMER: All right. You
22 guys have any questions?

23 COMMISSIONER MAUNE: I just wonder. It
24 seems in some instances, you have somebody that could be
25 considered in violation because they own, lease or consign;

1 they're in it. They're also a builder, and if they're in
2 violation because of something that a tenant did and they filed
3 the necessary paperwork to evict the tenant or whatever else
4 needs to be done, do you want to hold up all the building permits
5 for that builder and when he's waiting for a court case to come
6 up to evict his tenant, and you send all these workers home
7 because they can't get building permits, all these subcontractors
8 can't work, nothing can happen on these projects?

9 MS. EAGAN: That's not our intent. Our
10 intent is just to have the ability to hold it if they aren't
11 working with us. If -- we have lots of people out there who have
12 violations that don't clean them up, don't call us, don't come to
13 court, and yet we're still issuing building permits for them
14 because we don't have anything to say that we can hold it.

15 I mean --

16 CHAIRMAN GRIESHEIMER: [Interposing] No
17 stip...

18 MS. EAGAN: Yeah. We work with people who
19 are working with us, but the people who aren't, we want to have
20 the ability to hold on to a building permit until they start to
21 fix the violation.

22 COUNTY ATTORNEY VINCENT: Scottie, would
23 you read it again so that they can see the wording. I don't
24 think you have to hold up every application like you said. It's
25 up to your discretion.

1 MS. EAGAN: It says:

2 "Any person liable as defined
3 above, located within any unincorporated
4 area covered or affected by the provisions
5 of these regulations who violates any
6 provision thereof will not be granted
7 building permit approval, sign permits or
8 conditional use permits until all said
9 violations are remedied."

10 So maybe I should say may not.

11 COUNTY ATTORNEY VINCENT: Right. There
12 you go. That would allow your office discretion.

13 CHAIRMAN GRIESHEIMER: Yeah.

14 COUNTY ATTORNEY VINCENT: Because I -- as
15 I said, we're just coming from -- I don't understand how a tenant
16 who is already in a building, a dwelling, would affect because
17 you can't have a tenant in a building until they have permits.

18 MS. EAGAN: I think what we're saying --

19 COMMISSIONER BRINKER: We just said...

20 MS. EAGAN: -- is yes, that tenant is in a
21 building on property A, and then the builder on another piece of
22 property tries to get a building permit.

23 COUNTY ATTORNEY VINCENT: Right.

24 MS. EAGAN: And then we hold that building
25 permit until this violation is remedied.

1 COUNTY ATTORNEY VINCENT: Okay. But I'm
2 having a hard time figuring out what kind of violation would
3 there be if it's already been approved and somebody is living in
4 it?

5 COMMISSIONER MAUNE: We had one just come
6 across our desk last week where the tenant has the conditional
7 use permit and has the zoning violation, and the owner of the
8 property would then be potentially not able to get a building
9 permit because of something his tenant does.

10 MS. EAGAN: Well, but the violation on
11 that one is against the tenant, not the owner of the property.

12 COUNTY ATTORNEY VINCENT: Well, the tenant
13 would not be able to get a building permit.

14 MS. EAGAN: Right.

15 COMMISSIONER MAUNE: Okay. But if he's
16 the owner of the property, that violation also goes against the
17 owner because he owns the property.

18 COUNTY ATTORNEY VINCENT: To the tenant.
19 would not the --

20 COMMISSIONER MAUNE: [Interposing] That
21 violation also goes against himself because he opens the property

22 COUNTY ATTORNEY VINCENT: No, that don't.
23 Who has the permit is what the -- it would not go against the
24 owner. It would go against the tenant.

25 MS. EAGAN: We have the right -- correct

1 me if I'm wrong -- to file either against the tenant or an owner
2 or both of them.

3 COMMISSIONER MAUNE: Right. Anybody whose
4 fingerprints are on that, you can go after them, whoever is
5 easiest to get ahold of.

6 MS. EAGAN: And sometimes we do both of
7 them, but usually if we know it's the tenant, we'll go after the
8 tenant or the person using the property. And when there's a
9 question about it, we do talk with Joe Persky or Mark and see do
10 we go after both of them or do we go after just one of them.

11 COMMISSIONER MAUNE: Right. If the
12 landlord, the owner of that property, his only remedy there on
13 that tenant is to evict them, you know, that's probably a
14 violation of the lease. And then he's got to go through the
15 legal process to get that done for him to be able to remedy -- to
16 fix it.

17 MS. EAGAN: Well, I mean, our violations
18 are typically on junk or trash, dismantled cars. So I don't know
19 the legality of it, but I think the owner could also clean up the
20 property before evicting out the tenant.

21 COMMISSIONER MAUNE: You go messing with a
22 motor vehicle that's not yours, and you're likely to be in
23 trouble.

24 COUNTY ATTORNEY VINCENT: A conditional --
25 a conditional use permit is only issued in the name of the

1 operator of that conditional use. So if you own land that I
2 lease it from you, I'm the one that has the conditional use
3 permit. We both don't.

4 COMMISSIONER MAUNE: Right.

5 COUNTY ATTORNEY VINCENT: So I'm in
6 violation. I can't get a permit to do the same business or the
7 same thing on Tim's property. I'm just not sure that that -- I
8 don't know the issue. I'm not --

9 COMMISSIONER MAUNE: [Interposing] But
10 that violation is occurring on my property.

11 COUNTY ATTORNEY VINCENT: But it's not in
12 violation of personally -- you don't have the conditional use
13 permit, the lessee does. Only one person has the conditional use
14 permit, not both of them.

15 COMMISSIONER BRINKER: Or makes --

16 COUNTY ATTORNEY VINCENT: [Interposing]
17 Now, if you were to -- I have a business on your property and I
18 let junk accumulate on there, which is a violation of the
19 Conditional Use Permit, and they -- Scottie says, Mark, you
20 cannot do your business anywhere else until you clean that up,
21 and I say, heck with that. I'm moving to Alaska, and I
22 voluntarily leave the property or you evict me, then you -- and
23 you continue to have the junk there and don't clean it up. Well,
24 then we're going to come after you.

25 COMMISSIONER MAUNE: Right.

1 COUNTY ATTORNEY VINCENT: But you -- not
2 because of the violation of the conditional use permit, but
3 because you're in violation of the zoning ordinance by having
4 junk on your property.

5 COMMISSIONER MAUNE: Right, but I'm also
6 in violation of the zoning ordinance by having junk on the
7 property by allowing that tenant to have it on the property.

8 COUNTY ATTORNEY VINCENT: I understand.

9 COMMISSIONER MAUNE: So it's -- she was --
10 when she said that you can go after the tenant or the owner at
11 their discretion, I can just see that anybody who does multiple
12 properties and some of the builders that we have, that would be a
13 great way to just shut them down.

14 COUNTY ATTORNEY VINCENT: What we have not
15 done is what some cities do and say not only you but any company
16 in which you own a substantial interest. We've not done that.
17 So you know, we could do that. We could say all right, you as an
18 individual cannot get a permit nor can you get a permit in any
19 name in which, an LLC corporation or partnership, in which you
20 have a substantial ownership interest. We've not done that. We
21 don't want to be in a situation of having to go out and look at
22 and try to get the records for every LLC because that's -- the
23 LLCs are not recorded as a rule as well.

24 COMMISSIONER MAUNE: I mean, if you change
25 that to may or whatever, I think we -- we've got the problem

1 solved.

2 COUNTY ATTORNEY VINCENT: Good enough. I
3 have no problem with that. That's fine.

4 CHAIRMAN GRIESHEIMER: Yeah, that's a good
5 compromise. All right.

6 Is there anyone in the audience wish to testify in
7 favor of the proposed amendment changes? [None.]

8 Is there anyone in the audience wish to testify in
9 opposition to the amendment changes or for informational purposes
10 only on the amendment changes? [None.]

11 Seeing none, that will conclude the hearing on File
12 Number 150088.

13 Next is 150089. Scottie.

14 MS. EAGAN: At this time, I would like to
15 place into the record the Franklin County Unified Land Use
16 Regulations of 2001 as Exhibit A, the official Zoning Map as
17 Exhibit B, the official Master Plan as Exhibit C, and the case
18 file for each case as Exhibit D for all the cases to be heard at
19 this hearing.

20 [Thereupon, evidence was marked
21 for identification as Exhibits A, B, C,
22 and D.]

23 As each case is opened, the staff report will first
24 be read by the Planning and Zoning Department, followed by the
25 Commissioners' questions for the staff.

1 Then if anyone in the audience would like to speak
2 or comment during this public hearing, they must first print
3 their name on the sign-in sheet provided and then be sworn in.

4 When it is your turn to speak, you will come to the
5 front of the room to address the Commission and only the
6 Commission, not anyone in the audience, with any questions or
7 comments.

8 Generally, the Applicant is allowed to speak first,
9 followed by those in support of the rezoning and then those
10 opposed. The Applicant may speak again after comments from the
11 general public to address any questions or issues brought up
12 during the hearing.

13 At the conclusion of all questions, comments, and
14 discussion concerning each case, the public hearing for each case
15 will conclude. The decision will generally be made by Commission
16 Order at a later date during the County Commission's regular
17 meeting time.

18 This is File 150089, Planning and Zoning Department
19 is seeking to amend the 2001 Unified Land Use Regulations of
20 Franklin County in regards to Article 8, Subdivisions.

21 Your first amendment is going to be on page 8.3.
22 It's under Large Lot Exemption. What we did here is --

23 CHAIRMAN GRIESHEIMER: 8.3?

24 COMMISSIONER BRINKER: Yeah, page 8.3

25 under Large Lot Exemptions.

1 MS. EAGAN: Number 2.

2 COMMISSIONER BRINKER: Letter C, number

3 I-V.

4 MS. EAGAN: C(4).

5 CHAIRMAN GRIESHEIMER: Okay.

6 MS. EAGAN: We should be on Article 8, not

7 4.

8 CHAIRMAN GRIESHEIMER: The amendments that

9 I have, it doesn't have -- I'm sorry, but I don't have it.

10 MS. EAGAN: Do you have it?

11 CHAIRMAN GRIESHEIMER: I don't have

12 Article 8.

13 MS. EAGAN: Do you have it?

14 COMMISSIONER BRINKER: Yeah, I have on

15 mine.

16 COMMISSIONER MAUNE: But I saw that, what

17 you're talking about.

18 CHAIRMAN GRIESHEIMER: Yeah, I did too.

19 COMMISSIONER MAUNE: Back page.

20 MS. EAGAN: The first change to Article 8

21 is another thing we're doing to get our regulations and the

22 policy in IT to coordinate with each other. So what we did under

23 Large Lot Exemptions, it gives you a little bit of background,

24 what they're required to do on anything between 10 and 20 acres

25 net, is provide a 50-foot easement on the property involved in

1 the division.

2 So what we did is we said that if the Information
3 Technology and Addressing Department requires that easement to be
4 named, the applicant will be required to provide Planning and
5 Zoning with a dedication document dedicating the 50-foot roadway
6 and show that as recorded with the recorder of deeds.

7 So it's basically a document that records it as a
8 road because if it's not dedicated according to our regulations,
9 it should not be named. So we have all these easements out there
10 now that are named that were -- never had anything dedicated to
11 that. So we're trying to fix it from now, basically is what
12 we're doing.

13 The second change -- it may not be in your packet.
14 I'm not sure. Nichole e-mailed you guys another change. It was
15 found at Planning and Zoning under Family Exemption, also in 8.3,
16 that it used to say for properties located on a private easement
17 road and the landowner is unable to acquire the required
18 right-of-way width to divide for the use of the children, and
19 we're -- we were supposed to change it back in April, and it just
20 got misplaced.

21 It's supposed to say, "to divide for the use of the
22 child or step-child or lineal descendent of the owner or owners."

23 So now our Family Exemption can be for
24 grandchildren, and it just never made it over to Article 8.

25 COMMISSIONER BRINKER: That's on the

1 e-mail version she's got.

2 MS. EAGAN: Okay, good.

3 The third change is on 8.10. It's another thing
4 that just didn't make it over when we changed our regulation.
5 Something that's required on the minor subdivision plat is the
6 full legal description of the entire surveyed parcel. So we
7 added that back in.

8 The next change is on 8.14, and I think I'm going to
9 ask to change this again. Originally I had us taking out stream
10 buffers under letter 'i', but I realized I want to keep that in
11 there because stream buffers can be used as open space. So I'm
12 just going to have stream buffers according to Article 11,
13 Section 342(a) and letter 'i', but I'm also going to do it as a
14 separate major category B because it is a general requirement of
15 a major subdivision.

16 So it's just basically going to be in two places
17 now.

18 The next change on 8.23 is again the full legal
19 description of the entire surveyed parcel is required on the
20 major subdivision plat, and that was left out when we changed
21 regulations.

22 And then lastly on 8.27, we realized we left out a
23 section in our mobile home parks subdivision regulation. So
24 we're adding in the Information Technology/Addressing Department
25 shall review the road to determine whether a road name will be

1 required and if any road signs shall be submitted prior to
2 recording. So that's something that we have in major and minor
3 subdivisions, and we need it in mobile home parks as well.

4 So those are all the changes to Article 8,
5 Subdivisions.

6 CHAIRMAN GRIESHEIMER: Any Commissioners
7 have questions?

8 COMMISSIONER BRINKER: No.

9 CHAIRMAN GRIESHEIMER: Okay.

10 Does anyone in the audience wish to testify in favor
11 of the proposed changes? [None.]

12 Anyone in the audience wish to testify in opposition
13 to the proposed changes or for informational purposes only on the
14 proposed changes? [None.]

15 Seeing none, that will conclude the hearing on File
16 Number 150089.

17 Last but not least, we will go to File Number
18 150097.

19 MS. EAGAN: At this time, I would like to
20 place into the record the Franklin County Unified Land Use
21 Regulations of 2001 as Exhibit A, the official Zoning Map as
22 Exhibit B, the official Master Plan as Exhibit C, and the case
23 file for each case as Exhibit D for all the cases to be heard at
24 this hearing.

25 [Thereupon, evidence was marked

1 for identification as Exhibits A, B, C,
2 and D.]

3 As each case is opened, the staff report will first
4 be read by the Planning and Zoning Department, followed by the
5 Commissioners' questions for the staff.

6 Then if anyone in the audience would like to speak
7 or comment during the public hearing, they must first print their
8 name on the sign-in sheet provided and then be sworn in.

9 When it is your turn to speak, you will come to the
10 front of the room to address the Commission and only the
11 Commission, not anyone in the audience, with any questions or
12 comments.

13 Generally, the Applicant is allowed to speak first,
14 followed by those in support and then those opposed. The
15 Applicant may speak again after comments from the general public
16 to address any questions or issues brought up during the hearing.

17 At the conclusion of all questions, comments, and
18 discussion concerning each case, the public hearing for each case
19 will conclude. The decision will generally be made by Commission
20 Order at a later date during the County Commission's regular
21 meeting time.

22 This is File 150097, Planning and Zoning Department
23 is seeking to amend the 2001 Unified Land Use Regulations of
24 Franklin County in regards to Article 4, Applications, Permits
25 and Hearings as well as Article 14, Amendments.

1 What we did with this is the major change in here is
2 to get our regulation for public hearings before the County
3 Commission, the Planning and Zoning Commission and the Board of
4 Zoning Adjustment all the same. What we were realizing is that
5 our requirements for Planning and Zoning differed from BOZA,
6 which differed from you guys, which differed from our
7 Administrative Written Testimony Procedures.

8 So what we did is we went through and we wanted to
9 make those changes. So I'll go through it with you guys.

10 The first change actually is in regards to the
11 public hearings on 4.1. It used to say applications for all
12 permits, zoning, rezoning, variances, and appeals must be
13 completed before the permit issuing authority is required to
14 consider the application.

15 My department recommends that we say all
16 applications, whether it's for a subdivision, a rezoning, a
17 variance, or an appeal.

18 The second change is on 4.2, also under Applications
19 to be Complete. We are recommending that any application which
20 is heard before the Planning and Zoning Commission or the Board
21 of Zoning Adjustment shall be turned in to the Planning and
22 Zoning Department at least 30 days before the next scheduled
23 meeting and deemed complete.

24 What we've been having lately is applications that
25 come in within a week or two of the meeting, and then my

1 department is expected to get everything together and everything
2 to the Planning and Zoning Commission. And when we fail to do
3 that, the Planning and Zoning Commission gets mad at us because
4 they don't have the information in time to make a decision for
5 that night.

6 So we think it'd be a lot easier if everything was
7 turned in at least 30 days before the next scheduled meeting, and
8 if you don't, then you're on the next month because that gives us
9 enough time to do our notices, get the packets together, and get
10 it out to all the members.

11 The next change is going to be on page 4.6, and this
12 is a section we are re-adding which we originally took out, but
13 now we are recommending to put it back in, for Section 94,
14 Written Comments.

15 We wanted to tie our regulations to the
16 Administrative Written Testimony Procedures policy that we
17 follow. So what we did is we wrote that the Planning and Zoning
18 Department will receive written comments on behalf of the
19 Planning and Zoning Commission from the date of filing until the
20 close of business on the day of the hearing in accordance with
21 the Administrative Written Testimony Procedures policy. The
22 Planning and Zoning Department will retain all written comments,
23 and forward said comments to the Planning and Zoning Commission
24 as a part of the official record of the public hearing. The
25 Planning and Zoning Commission reserves the right to amend the

1 Administrative Written Testimony Procedures policy, depending on
2 the file at hand.

3 So that's what we added for written comments, and
4 then if you go to page 4.9, the Board of Zoning Adjustment, we
5 added that same wording for their public hearings as well as we
6 just kind of reworded letter 'B' and 'D'.

7 And then for the County Commission, we also did the
8 same wording there, but one thing I want to maybe amend today,
9 and it's up to you guys. The way it's written is that the
10 Planning and Zoning Department will receive written comments on
11 behalf of the County Commission from the date of the Planning and
12 Zoning recommendation until the close of business on the Friday,
13 the day immediately preceding the date of the hearing, in
14 accordance with our policy.

15 Our policy says we'll accept the written comments up
16 until the actual hearing. So my recommendation is just to say
17 that the Planning and Zoning Department will receive written
18 comments on behalf of the County Commission from the date of the
19 Planning and Zoning recommendation until the date of the hearing.
20 And then that way this will match our policy as well.

21 COMMISSIONER BRINKER: Yeah, it's clean.

22 MS. EAGAN: So those are the changes to
23 Article 4 and 14.

24 COUNTY ATTORNEY VINCENT: Scottie, did we
25 discuss -- I cannot remember -- having an extension for filing

1 after the hearing?

2 MS. EAGAN: We say that the County
3 Commission may continue the hearing until a subsequent meeting or
4 designated time, and may keep the hearing open to take additional
5 information up to the point a final decision is made.

6 COUNTY ATTORNEY VINCENT: There you go. I
7 want to make sure you guys do that.

8 MS. EAGAN: Yeah.

9 CHAIRMAN GRIESHEIMER: Yep.

10 MS. EAGAN: And that says it also with P
11 and Z and BOZA.

12 COUNTY ATTORNEY VINCENT: That gives the
13 -- all the boards the opportunity to say, okay, we're going to
14 keep the public record open for ten days, like you did on the
15 landfill one, or whatever number of days you think is
16 appropriate.

17 COMMISSIONER BRINKER: Uh-huh.

18 MS. EAGAN: And that's it. That's all I
19 have.

20 CHAIRMAN GRIESHEIMER: Okay. Tim, Jeff,
21 any comments or questions?

22 COMMISSIONER MAUNE: The only comment that
23 I had was that the applications to Planning and Zoning 30 days
24 ahead of time says shall. And is there any procedure where that
25 could be, you know, if there was a good reason and they got there

1 29 days ahead of time?

2 I -- I understand everybody will want to push the
3 envelop, and you got to draw a line somewhere, but...

4 COUNTY ATTORNEY VINCENT: Do you go 29, do
5 you go 28, do you go 15?

6 COMMISSIONER MAUNE: Yeah.

7 COUNTY ATTORNEY VINCENT: It's a lot more
8 of a burden getting a file together than people realize. It is
9 an incredible amount of work. Now, having said that, there are
10 some files that may be a lot less, but you're not going to know
11 that until after the fact.

12 COMMISSIONER MAUNE: And that's why if
13 there's a -- if it's something simple or whatever, it can -- can
14 there be some discretion there? You know, when you've got a hard
15 and fast shall...

16 COUNTY ATTORNEY VINCENT: Who's going to
17 exercise the discretion?

18 COMMISSIONER MAUNE: That's why we're
19 talking to you.

20 COUNTY ATTORNEY VINCENT: Well, that's it.
21 Can Planning and Zoning director do their discretion, or does the
22 County Commission do that discretion? Who does it?

23 COMMISSIONER BRINKER: They're the only
24 one that really knows the workload, and --

25 CHAIRMAN GRIESHEIMER: [Interposing]

1 Yeah, exactly.

2 COMMISSIONER BRINKER: And I guess
3 comparably perhaps we can see what's out there, but it really is
4 departmentally dependent as to the workload and the involvement
5 as to what each file is going to need in terms of procedurally.
6 And you know that better than anybody.

7 I don't know what other first class, non-chartered
8 counties do procedurally in this particular instance, but that
9 might be really between now and our determination. But again,
10 the discretion needs to lie with...

11 COMMISSIONER MAUNE: I'm just not familiar
12 with what might come up in these board meetings, or these
13 applications, that might need to be done sooner.

14 COUNTY ATTORNEY VINCENT: Jeff, the
15 problem you run into also is that if you look at each application
16 individually, it doesn't look that much, but when you have ten of
17 them, it becomes big. So you're going to let one come in later
18 than that, and it's maybe a simple one, but what are you going to
19 do about the ones -- it just becomes...

20 COMMISSIONER MAUNE: I understand they're
21 so good they can handle it.

22 COUNTY ATTORNEY VINCENT: Well, if you
23 look at the first class counties, the planning and zoning staff
24 is usually larger than what we have. So it's a question of
25 number of people and workload. It's just really tough.

1 MS. EAGAN: And I will say that of the two
2 that were the biggest problems everybody in our office had to
3 stop everything we were doing and get those files reviewed before
4 that meeting. And it's happened two or three times to me in the
5 past three months. And it --

6 COMMISSIONER MAUNE: [Interposing] How
7 short of a deadline did you have on it?

8 MS. EAGAN: A day or two.

9 COMMISSIONER MAUNE: Yeah, that's
10 ridiculous.

11 COUNTY ATTORNEY VINCENT: So what's not
12 ridiculous?

13 COMMISSIONER BRINKER: That's why you have
14 to have a point somewhere.

15 COMMISSIONER MAUNE: Right.

16 MS. EAGAN: And a conditional use permit
17 it's not as bad because by law we have to do a 15-day notice in
18 the paper. So we have our cutoffs on them, but other files that
19 are coming in, rezonings, preliminary plats, that don't require a
20 public hearing, the people are now like oh, you don't need to do
21 a notice. Here's my application. You took it for one person.
22 You have to take it for me now. And that's the issue I'm running
23 into.

24 COMMISSIONER MAUNE: But is there any real
25 good reason why somebody that comes in for this process would

1 need it done tomorrow? The day -- you know, they need to get in
2 front of that board this month; they couldn't wait 30 days to get
3 in front of the board?

4 MS. EAGAN: It's extra time they have to
5 wait to start the project.

6 COMMISSIONER MAUNE: But if they have
7 acquired land and engineered the project and gone through all
8 those steps, they should have known, you know, it was in your
9 contract when you bought the property that it's subject to County
10 approval and all these kind of things. So I'm just trying
11 because if there is a circumstance that would make anything here
12 have to be done without 30 days notice or there would be a good
13 reason for it not be done within 30 days.

14 COUNTY ATTORNEY VINCENT: Jeff, something
15 you run into not just the property owner, you have people out
16 there that do the stuff, surveyors and engineers, and if we say
17 okay, this one is 15 days, well, that surveyor or engineer is
18 going to come in the next time and say well, this is just like
19 the other one you did.

20 CHAIRMAN GRIESHEIMER: Yeah.

21 COUNTY ATTORNEY VINCENT: You get into a
22 can of worms that...

23 CHAIRMAN GRIESHEIMER: They will do it.

24 COUNTY ATTORNEY VINCENT: It's just hard.

25 COMMISSIONER MAUNE: Right, and I'm

1 just -- I'm trying -- not having necessarily been through this
2 process where I remembered exactly, what situation would come up
3 that would necessitate it being less than 30 days?

4 COUNTY ATTORNEY VINCENT: If everybody
5 follows their contracts and regulations and does their job, none.

6 COMMISSIONER MAUNE: None.

7 COUNTY ATTORNEY VINCENT: But people make
8 mistakes. Are you willing to allow a shorter time for somebody
9 flat screws up? We've had surveyors and engineers come in and
10 say -- or not know the regulations -- I made a mistake. Is that
11 sufficient?

12 That's why they come in, is that they didn't know
13 the regulations or they made a mistake, and now they want the
14 Planning and Zoning Commission and Planning and Zoning Department
15 to waiver that stuff so that they can cover their mistake.

16 Right, Scottie?

17 MS. EAGAN: Yes, right.

18 CHAIRMAN GRIESHEIMER: Do you remember
19 Billy Murphy's?

20 MS. EAGAN: Uh-huh.

21 CHAIRMAN GRIESHEIMER: Do you remember how
22 early he came in? Did he do -- was it 30 days or...

23 MS. EAGAN: He was fine. Billy Murphy
24 followed our protocol.

25 CHAIRMAN GRIESHEIMER: Right, but he would

1 have been okay under the 30-day timeline because a lot of the
2 people like him that -- you know, he didn't -- he didn't know the
3 rules, you know, per se, and we had to walk him through it and work
4 with him to get it all done. But he did it, and he still got it
5 done and he was under the timeline.

6 He had bought a different -- he had a parcel with a
7 mobile home on it. He actually bought a bigger mobile home, a
8 used one, thinking he was doing right, and we had to go through
9 and with the Planning and Zoning application to allow him to have
10 a bigger mobile home. And he didn't -- he was under a timeline
11 to get it in, but he followed the rules, we worked with him and
12 everything was fine. I just wanted to make sure he would you
13 have been fine. So with guys like that that, you know, he would
14 have been fine with this timeline, then I think this is okay for
15 everybody.

16 COMMISSIONER MAUNE: So it sounds to me
17 like this is another situation where when the person comes in to
18 Planning and Zoning and inquires about the rules and regulations
19 and what they need to do, they just need to be made clear of how
20 much lead time they need on these items, and -- I mean, that's
21 something I've noticed. I think I've gotten a checklist from
22 your office before on things that here's what you need and here's
23 when these boards meet. I might be able to pull that for you to
24 the right of --

25 MS. EAGAN: Jeff, that's all of our

1 agendas right now.

2 COMMISSIONER MAUNE: Okay. But I think
3 I've seen it down there where it says these boards meet on these
4 days.

5 MS. EAGAN: Yeah. We have what brochures
6 that people read. I mean, we -- in our department, we strive for
7 consistency, and it's easier for me to enforce what is written
8 than to be willy-nilly and lenient with people because I have
9 people that work with on a regular basis that if they know I'm
10 lenient with one person, they latch onto that, and they use it
11 every time they come in against me.

12 So it's easier for me to enforce the rules that are
13 written, and if you don't like it, you can go to the Board of
14 Zoning Adjustment and appeal my decision. So that's why I wrote
15 it the way I did, because to me that's easier for me to be like,
16 oh, you need the 30 days. Sorry. You can appeal it to the Board
17 of Zoning Adjustment. More than likely, they'll go to you guys,
18 but they can appeal to the Board of Zoning Adjustment.

19 COMMISSIONER MAUNE: Okay. I understand
20 what you're saying there. And that's the way it should be. You
21 should be able to on any answer you give be able to go to
22 regulations and say there it is, black and white.

23 MS. EAGAN: Yeah.

24 COMMISSIONER MAUNE: It should be that
25 simple. Okay.

1 COUNTY ATTORNEY VINCENT: Okay.

2 CHAIRMAN GRIESHEIMER: Tim, you got
3 anything?

4 COMMISSIONER BRINKER: No.

5 CHAIRMAN GRIESHEIMER: All right. Scottie,
6 you're done?

7 MS. EAGAN: Yep.

8 CHAIRMAN GRIESHEIMER: Is there in anyone
9 in the audience wish to testify in support of the proposed
10 amendments? [None.]

11 Is there anyone in the audience wish to testify in
12 opposition to the amendments or for informational purposes only
13 to the proposed amendments? [None.]

14 Seeing none, that will conclude the hearing on File
15 Number 50097, and will conclude the hearings.

16 Thank you very much.

17 [Thereupon, the proceedings concluded at
18 11:26 a.m.]

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that the aforementioned was held at the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Hertweck, Court Reporter
Notary Public, State of Missouri

<p style="text-align: center;">A</p> <p>ability 22:11,15 22:17,18 23:10 23:20</p> <p>able 16:1 22:10 25:8,13 26:15 45:23 46:21,21</p> <p>absolute 17:25</p> <p>absolutely 16:24 18:18</p> <p>accept 15:14 38:15</p> <p>accomplish 15:21</p> <p>accumulate 27:18</p> <p>acquire 32:17</p> <p>acquired 43:7</p> <p>acres 31:24</p> <p>actual 10:8 38:16</p> <p>add 22:5</p> <p>added 33:7 38:3 38:5</p> <p>adding 7:10,12 33:24</p> <p>additional 39:4</p> <p>address 5:22 6:3 9:5 21:11,17 30:5,11 35:10 35:16</p> <p>Addressing 32:3</p> <p>Adjournment 2:22</p> <p>adjustment 16:8 36:4,21 38:4 46:14,17,18</p> <p>Administrative 36:7 37:16,21 38:1</p> <p>adopt 19:11</p> <p>affect 24:16</p> <p>aforementioned 48:6</p> <p>agendas 46:1</p> <p>ahead 5:4,5 19:21 20:18</p>	<p>39:24 40:1</p> <p>ahold 26:5</p> <p>Alaska 27:21</p> <p>allow 9:22,23 12:22 14:13,18 16:3 17:4 24:12 44:8 45:9</p> <p>allowed 5:25 10:21,21 16:23 21:14 30:8 35:13</p> <p>allowing 28:7</p> <p>allows 14:14</p> <p>amend 6:10 12:13 19:5,12 21:25 30:19 35:23 37:25 38:8</p> <p>amended 8:4 9:2 12:12</p> <p>amending 7:12 7:14,24</p> <p>amendment 29:7 29:9,10 30:21</p> <p>amendments 6:11 20:8,13 31:8 35:25 47:10,12,13</p> <p>amenities 15:4</p> <p>amount 40:9</p> <p>and/or 7:12 9:14 15:15</p> <p>answer 46:21</p> <p>anybody 20:13 26:3 28:11 41:6</p> <p>anymore 7:8,17 8:3</p> <p>appeal 36:17 46:14,16,18</p> <p>appeals 36:12</p> <p>Appendix 8:3</p> <p>applicant 5:25 6:2,10 21:14,16 21:25 30:8,10 32:4 35:13,15</p> <p>application</p>	<p>23:24 36:14,19 41:15 42:21 45:9</p> <p>applications 18:9 35:24 36:11,16 36:18,24 39:23 41:13</p> <p>apply 9:4</p> <p>appropriate 39:16</p> <p>approval 22:8 24:7 43:10</p> <p>approved 25:3</p> <p>April 7:18 32:19</p> <p>area 22:6 24:4</p> <p>Article 6:12 7:1 8:4,5 22:1,5 30:20 31:6,12 31:20 32:24 33:12 34:4 35:24,25 38:23</p> <p>asked 8:21</p> <p>asking 22:17</p> <p>assembled 9:14</p> <p>assessor's 10:11</p> <p>Association 10:5</p> <p>assume 8:24</p> <p>attached 3:14</p> <p>attempting 13:12</p> <p>attorney 4:8 13:11,25 14:11 14:22 15:7,11 15:22,25 16:20 17:14,15,19,20 17:23 18:7,16 23:22 24:11,14 24:23 25:1,12 25:18,22 26:24 27:5,11,16 28:1 28:8,14 29:2 38:24 39:6,12 40:4,7,16,20 41:14,22 42:11 43:14,21,24 44:4,7 47:1</p> <p>attorneys 17:17</p>	<p>audience 5:18,23 20:8,13 21:7,12 29:6,8 30:1,6 34:10,12 35:6 35:11 47:9,11</p> <p>authority 36:13</p> <p>authorize 17:4</p> <p>available 8:23 11:2 18:20</p> <p>awful 6:14</p> <p>a.m 1:12 47:18</p> <p style="text-align: center;">B</p> <p>B 3:3,8 5:9,13 20:23 21:2 29:17,21 33:14 34:22 35:1 38:6</p> <p>baby 14:23</p> <p>back 7:3,18 10:18 31:19 32:19 33:7 37:13</p> <p>background 31:23</p> <p>bad 13:14 42:17</p> <p>basically 32:7,11 33:16</p> <p>basis 46:9</p> <p>beauty 19:7,7</p> <p>behalf 37:18 38:11,18</p> <p>believe 9:9</p> <p>best 14:20</p> <p>better 41:6</p> <p>beyond 12:13 19:11,16</p> <p>big 7:17 41:17</p> <p>bigger 45:7,10</p> <p>biggest 42:2</p> <p>Billy 44:19,23</p> <p>bit 10:2 11:16 31:23</p> <p>black 46:22</p> <p>blinking 6:15</p> <p>board 36:3,20 38:4 41:12 43:2</p>	<p>43:3 46:13,16 46:18</p> <p>boards 39:13 45:23 46:3</p> <p>boats 7:25</p> <p>books 11:14</p> <p>bought 43:9 45:6 45:7</p> <p>box 10:8,12,14</p> <p>boxes 11:2</p> <p>BOZA 36:5 39:11</p> <p>brand 11:6 14:5</p> <p>breathing 19:6</p> <p>bringing 13:19</p> <p>Brinker 4:4 11:8 11:19,22,24 12:3,6 16:2,14 17:9,22 18:5,8 18:13 19:3,10 19:15 20:10 24:19 27:15 30:24 31:2,14 32:25 34:8 38:21 39:17 40:23 41:2 42:13 47:4</p> <p>brochures 46:5</p> <p>brought 6:3 21:17 30:11 35:16</p> <p>buffers 33:10,11 33:12</p> <p>build 16:13</p> <p>builder 23:1,5 24:21</p> <p>builders 28:12</p> <p>building 9:14,15 10:10 22:8,12 22:14,19 23:4,7 23:13,20 24:7 24:16,17,21,22 24:24 25:8,13</p> <p>built 13:20</p> <p>burden 40:8</p> <p>business 17:21</p>
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