

1 FRANKLIN COUNTY PLANNING AND ZONING  
2 COUNTY COMMISSION  
3 FRANKLIN COUNTY GOVERNMENT CENTER  
4 SECOND FLOOR COMMISSION CHAMBERS  
5 400 EAST LOCUST STREET  
6 UNION, MISSOURI 63084  
7  
8  
9 TRANSCRIPT OF PROCEEDINGS  
10 AUGUST 30, 2018  
11 (COMMENCING AT 1:30 P.M.)  
12  
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18 Reported by:  
19 Patsy A. Mayberry, C. R.  
20 Alaris Litigation Services  
21  
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1                                   A P P E A R A N C E  
2    PLANNING AND ZONING COMMISSION:  
3    TIM BRINKER, CHAIRMAN  
4    DAVE HENSON, COMMISSIONER  
5    TODD BOLAND, COMMISSIONER  
6    PLANNING AND ZONING STAFF:  
7    SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING  
8    TORI KARIM, ENFORCEMENT ADMINISTRATOR  
9    COUNTY LEGAL COUNSEL:  
10   MARK PIONTEK, COUNTY ATTORNEY  
11   ALARIS LITIGATION SERVICES:  
12   PATSY A. MAYBERRY, C. R.  
13   711 NORTH 11TH STREET  
14   ST. LOUIS, MISSOURI 63101  
15   (314) 644-2191  
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1 P R O C E E D I N G S

2 (AUGUST 30, 2018)

3 CHAIRMAN BRINKER: All right.  
4 Good afternoon. Welcome to this public hearing on  
5 August 30, 2018.

6 I'd like to call this public hearing to  
7 order and let the Planning and Zoning Department  
8 Director Scottie Eagan do the presentation of hearing  
9 procedures and exhibits.

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

17 (Thereupon, evidence was  
18 marked for identification and  
19 submitted for the record as  
20 Exhibits A, B, C, and D.)

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

25 Then if anyone in the audience would

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

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

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

14 At the conclusion of all questions,  
15 comments, and discussion concerning each case, the  
16 public hearing for each case will conclude.

17 The decision will generally be made by  
18 Commission Order at a later date during the County  
19 Commission's regular meeting time.

20 And the first hearing we're going to  
21 have is File 180070, Planning and Zoning.

22 The applicant is seeking to amend the  
23 Unified Land Use Regulations of Franklin County. The  
24 proposal includes amendments to Article 2, Basic  
25 Definitions and Interpretations.

1           The bulk of the changes in Article 2 is  
2 in relation to a mandate that came down from FEMA a  
3 few months ago of regulations that needed to be  
4 changed.

5           They wanted all of our definitions for  
6 floodplain development to be in Article 11. I also  
7 wanted them in Article 2 so we can just have one  
8 central place of all definitions of our Regulations.  
9 So anything floodplain related you can see that it  
10 will say, for instance, 100-year flood for purposes  
11 of Article 11 only because we do have duplicate  
12 titles in our definitions.

13           The only non-floodplain definition that  
14 I am proposing to change would be vacation rental.  
15 We are proposing to add that on page 2.31. We have a  
16 lot of people in the county calling wanting to do the  
17 air B & B home-away type vacation rentals. So we  
18 created a definition that says, "A private  
19 single-family dwelling which is rented out on a  
20 temporary reservation basis for paying guests."

21           And those are the only changes to  
22 Article 2.

23   CHAIRMAN BRINKER: Okay.

24           Anybody in the audience wish to speak in  
25 favor of the proposal?

1 (NONE)

2 Anybody in opposition of the  
3 definitions?

4 (NONE)

5 Being none, any comments or questions  
6 from the fellow Commissioners?

7 COMMISSIONER HENSON:

8 (Negative head shake)

9 COMMISSION BOLAND: No.

10 CHAIRMAN BRINKER: All right.

11 We'll go on to the next public hearing.

12 MS. EAGAN: Okay. I will read  
13 the hearing procedures again.

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

20 (Thereupon, evidence was  
21 marked for identification and  
22 submitted for the record as  
23 Exhibits A, B, C, and D.)

24 As each case is opened, a staff report  
25 will first be read by the Planning and Zoning

1 Department, followed by Commissioners' questions for  
2 the staff.

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

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

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

16 At the conclusion of all questions,  
17 comments, and discussion concerning each case, the  
18 public hearing for each case will conclude.

19 The decision will generally be made by  
20 Commission Order at a later date during the County  
21 Commission's regular meeting time.

22 This File is 180072, Planning and  
23 Zoning.

24 The applicant is seeking to amend the  
25 Unified Land Use Regulations of Franklin County. The

1 proposal includes amendments to Article 11,  
2 Floodplain Management.

3 Again, all the changes in Article 11 is  
4 our floodplain regulations. They came straight from  
5 FEMA. They sent us an e-mail mandating changes if we  
6 want to stay a part of their program. So everything  
7 in here is word-for-word what FEMA sent us. We just  
8 integrated it into the Regulations we currently have.

9 And I have Tori here too if you guys  
10 have any questions about what changed or anything  
11 like that.

12 CHAIRMAN BRINKER: Okay.

13 Anybody in the audience wish to speak in  
14 favor of this proposal?

15 (NONE)

16 Anyone in opposition? Please come  
17 forward, sign in and be sworn in.

18 (Thereupon, the witness was  
19 sworn.)

20 MR. CHARLES SCHROEPFER: My  
21 name is -- okay.

22 My name is Charles Schroepfer. I live  
23 in Washington, Missouri. I own property in  
24 Washington, Missouri, and I own property in the  
25 county.

1 I've been watching the floodplain study.  
2 I just don't see why we're even wasting time on it.  
3 First of all, this book is the same as the other  
4 book. I don't think there's any elevations changed  
5 or anything on this book, except the date, according  
6 to the County.

7 The changes are 2018 from the 2011.  
8 Now, I was at a meeting last week. You were there,  
9 Tim. SEMA and FEMA are saying this book is wrong.  
10 We're saying the book is wrong. We needed 90 days to  
11 go ahead and do our opportunity to look at it, and  
12 that's how -- that's how it works.

13 When they change a floodplain study,  
14 change a different book, you get 90 days. We didn't  
15 get the 90 days. We should have had 90 days to have  
16 an engineer to look at this and show to you it's  
17 wrong.

18 Now, if you was at the meeting last week  
19 and look at the new maps, you see there's major  
20 changes. The maps I got, I didn't get all of them,  
21 there was major changes that FEMA and SEMA is making  
22 to this book that you guys want to adopt.

23 Why adopt something that's more or less  
24 obsolete when we've got new maps coming.

25 Now, you did get a letter from Rachel

1 Sears. Now, at that meeting, I brought up the  
2 subject here that Rachel had to say. She said that  
3 measures that satisfy a code Section 6.3(d) (sic),  
4 and I brought that up. I said, well, I guess there's  
5 a new code -- at the meeting, a new code called  
6 60.3(d). And they said, no, that's old. We've had  
7 that thing forever. So I don't know why she put that  
8 down. You already got that code. There's nothing  
9 new about it. The only thing you're changing is the  
10 date on here.

11 And then she said if you don't pass  
12 this, you're going to lose your flood insurance.  
13 Well, I think if you wouldn't pass this because it's  
14 just the date from 2011 to 2018, if she takes the  
15 flood insurance away from the people in Franklin  
16 County, when the TV shows up, she may lose her job  
17 after this thing because it's just -- it's ridiculous  
18 and nonsense, is what it is.

19 So I'm asking you not to pass it. SEMA  
20 says it's wrong. We say it's wrong. FEMA says it's  
21 wrong. Why would you want to pass something that's  
22 wrong?

23 Thank you very much.

24 CHAIRMAN BRINKER: Thank you.

25 Is there anybody in the audience wish to

1 speak on this?

2 (NONE)

3 MR. SCHROEPFER: Any

4 questions?

5 CHAIRMAN BRINKER: Okay, sir.

6 All right. Do the Commissioners wish to  
7 speak with regard to this submittal?

8 COMMISSIONER HENSON: I have a  
9 question for Tori.

10 MR. KARIM: Yeah.

11 COMMISSIONER HENSON: Tori, we  
12 received a letter from FEMA stating that if we did  
13 not pass this new document before September 14th,  
14 we'd no longer be eligible to receive FEMA fundings  
15 or assistance; is that correct?

16 MR. KARIM: That is correct.  
17 We will be suspended from the program.

18 COMMISSIONER HENSON: And then  
19 are we going to enter that into the file or --

20 MS. EAGAN: Yes.

21 COMMISSIONER HENSON: Yes?

22 MS. EAGAN: Yes. We brought  
23 it if you want us to enter it as an exhibit.

24 COMMISSIONER HENSON: I think  
25 that would be recommended. Do we have copies for the

1 others?

2 MS. EAGAN: Mark that as  
3 Exhibit E.

4 (Thereupon, evidence was  
5 marked for identification and  
6 submitted for the record as  
7 Exhibit E.)

8 COMMISSIONER HENSON: Also,  
9 Tori, it's -- as the gentleman stated, people do  
10 realize that there is flaws in that mapping, and I  
11 know speaking with Congressman Tumar's office, that  
12 we could possible seek federal assistance to get that  
13 redone through, hopefully, at the federal level.

14 Is that something we have to ask for  
15 from your department?

16 MR. KARIM: I think the  
17 federal -- the funding is already there. I think I  
18 provided a letter to you how much funding that FEMA  
19 does have if we need to -- which it's called FLOMAR  
20 (sic) to make changes to the map. There's only one  
21 panel number on the FEMA map, which is Panel No. 105,  
22 which is close to New Haven.

23 There's no significant impact on the  
24 studies. That's the only changes that we have.

25 The other one is the city of Washington,

1 which we have no jurisdiction over there.

2 COMMISSIONER HENSON: Okay.

3 So --

4 MR. KARIM: The major is in  
5 the city of Washington.

6 COMMISSIONER HENSON: Okay.

7 But the one for unincorporated Franklin County, which  
8 we're dealing with, would be in the New Haven area?

9 MR. KARIM: Yes.

10 COMMISSIONER HENSON: So we  
11 would have to request --

12 MR. KARIM: It's already been  
13 documented.

14 COMMISSIONER HENSON: It's  
15 already been -- okay. And at any time if there's  
16 changes made, we can adopt a new --

17 MR. KARIM: We can apply for  
18 CLOMA --

19 COMMISSIONER HENSON: Okay.

20 MR. KARIM: -- which is  
21 Conditional Letter of Map Amendment.

22 COMMISSIONER HENSON: Okay.

23 Thank you.

24 MR. KARIM: You're welcome.

25 CHAIRMAN BRINKER: Okay.

1                   No further comments on that particular  
2 hearing, we'll move on to the next hearing.

3                   MS. EAGAN: At this time, I  
4 would like to place into the record the Franklin  
5 County Unified Land Use Regulations as Exhibit A, the  
6 official Zoning Map as Exhibit B, the official Master  
7 Plan as Exhibit C, and the case file for each case as  
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2 speak first, followed by those in support, and then  
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5 questions or issues brought up during the hearing.

6           At the conclusion of all questions,  
7 comments, and discussion concerning each case, the  
8 public hearing for each case will conclude.

9           The decision will generally be made by  
10 Commission Order at a later date during the County  
11 Commission's regular meeting time.

12           This is File 180073, Planning and  
13 Zoning. The applicant is seeking to amend the  
14 Unified Land Use Regulations of Franklin County. The  
15 proposal includes amendments to Article 7, Zoning  
16 Districts and Zoning Map.

17           With this one, we're now adding vacation  
18 rentals as part of our zoning district, and anywhere  
19 a bed and breakfast was allowed, we went ahead and  
20 allowed vacation rentals.

21           And then the other change in Article 7  
22 is on page 7.7, under Conditional Uses of Community  
23 Development. I realized when we made the change to  
24 allow manufacturing light and community development  
25 with five or fewer employees, we never addressed if

1 they had more than five employees.

2 So as a conditional use permit now, if  
3 you're manufacturing light with more than five  
4 employees, you're going to have to get that  
5 conditional use permit.

6 CHAIRMAN BRINKER: Okay.

7 Thank you.

8 Anybody in the audience wish to speak in  
9 opposition of this?

10 (NONE)

11 Anybody wish to speak in favor of this?

12 (NONE)

13 Either of the Commissioners wish to  
14 speak in regard to this request?

15 (NONE)

16 There being no comment or questions, we  
17 will conclude this hearing and adjourn this public  
18 hearing today, August 30th.

19 Thank you.

20 (Thereupon, the proceedings  
21 were concluded at 1:45 p.m.)

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CERTIFICATE OF REPORTER

I, PATSY A. MAYBERRY, 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; the proceedings were taken down in stenographic notes by me and transcribed by me, or under my supervision, to the best of my ability; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

\_\_\_\_\_  
Patsy A. Mayberry, Court Reporter  
Notary Public, State of Missouri

My Commission Expires:  
August 27, 2022

**PUBLIC HEARING 8/30/2018**

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