

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

June 5, 2012

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

Call to Order at 6:30 pm.

Roll Call

Members Present: Gene Knisley, Jim Edwards, Mark Beggs
and Jeff Richerson

Staff Present: Matt Tapp, Director
Debbie Viviano, Planner
Angie Stokes, Secretary

Mr. Knisley: Good evening, would like to call to order our June 5, 2012, regular meeting of Clay County Planning and Zoning Commission will now come to order.

Mr. Knisley: May we have the roll call, please?

Mr. Tapp: Mr. Walters?

Mr. Walters: Absent.

Mr. Tapp: Mr. Edwards?

Mr. Edwards: Present.

Mr. Tapp: Mr. Richerson?

Mr. Richerson: Present.

Mr. Tapp: Mrs. Ball?

Mrs. Ball: Absent.

Mr. Tapp: Mr. Beggs?

Mr. Beggs: Present.

Mr. Tapp: Mr. Knisley?

Mr. Knisley: Present.

Mr. Knisley: Next item is the approval of the April 3rd and May 1st, 2012, Planning and Zoning Commission Minutes. There was some difficulty in the recording of those minutes. We will refer to the Memo sent to this Commission from our Director Mr. Tapp and will enter that memo as Exhibit A. There for we will not be voting on any at this time.

Mr. Knisley: Item number three on our regular agenda. This staff report will be included in the minutes of this meeting. If the commission will look at the Monthly Report for May, 2012. If you have any questions or comments please bring them up at this time?

Mr. Tapp: We are right about on par with last year. Which last year was better then 2010, which is better than 2009. 2009 was about our low. So we are coming back up.

Mr. Knisley: Being no comments or questions we will proceed to our cases this evening. Which we have one case. This case 108-A, this is a request for approval of the 2011 Zoning Map. This includes approval of rezoning application January 1, 2011 through December 31, 2011. The applicant is Clay County. May we have the comments and reports.

Mr. Tapp: Summarized the staff report. June 12-108A dated May 5, 2012, and part of the case file is hereby made as an attachment to the minutes.

Mr. Knisley: I am okay with it.

Mr. Tapp: Therefore, staff recommends approval.

Mr. Knisley: I went through there, it is very complete. I think it is the most complete report that I have seen in many years. It is getting more technical and more things to deal with. I think you and the staff have done a great job. I feel comfortable that I don't have to get real close on it, because I know through the months we have talked about it. It seems to have dealt with any issues that the board has had, has always been dealt with in a positive manner. So I compliment Debbie and Matt. Are there any

questions from the Commission or comments on the Zoning Map? Being none I will call for a motion to approve.

Mr. Richerson: Mr. Chairman I move that we approve the Clay County Zoning Map for 2011.

Mr. Knisley: Thank you. Do I have a second?

Mr. Edwards: Seconded.

Mr. Knisley: There has been a second. Vote please.

Mr. Tapp: Mr. Edwards?

Mr. Edwards: Approve.

Mr. Tapp: Mr. Richerson?

Mr. Richerson: Approve.

Mr. Tapp: Mr. Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Mr. Knisley?

Mr. Knisley: Approve.

Final Vote: 4/0/0 Approve June12-108A, 2011 Zoning Map

Mr. Knisley: Do we have any new business?

Mr. Tapp: Actually we do Mr. Chairman. We have for us to consider the last annual report of our current 5 year plan. And as it relates back to our EPA MS4 general permits. And I can certainly show it up on the screen. Very similar to previous years, we have actually ramped up our housekeeping training. Where we go to the Highway Department and Facilities Management and discuss and show videos on storm water pollution prevention. And just general water quality issues, like construction site run off and things of that nature. I think we are making great strides and do recall that all of you are designated as our Storm Water Commission. So if we receive grants or funding or if there is a storm water issue, you would be the governing body that would hear that first. Then make whatever recommendations to the County Commission. Keep that in mind. There are a lot of possible adjustments or changes from EPA and DNR is our State clearinghouse or conduit. There are a lot of changes they are talking about. There could be a Phase III, we are a Phase II community. Not to get too technical, but do to the Clean Water Act, they want to prevent the Storm Water Pollution caused by the industrial sites. That was one of their first phases of their storm water quality cleanup/storm water prevention. But then they realized that some of the local counties or cities did not have enough regulations or storm water management programs to tackle the issues head on. So that is when they created the Phase II. Phase I and Phase II communities. Phase I is Kansas City and St. Louis, very large metropolitan areas, very dense. Then Phase II is when they brought us in along with Excelsior Springs and Liberty. Based on population, overall population and also if you 1,000 people per square mile. That is how we got lumped into it. Possible Phase III where they would branch out and say countywide we shall do these things to prevent storm water pollution. So if that were to occur we have to look really hard and carefully at some strategies. Whether it is hiring a specific staff person or trying to go together with either Liberty or Kansas City and let's just say Smithville and Kearney, when they get to that population threshold. They are not part of it; they have a huge uphill battle with them being a smaller community. So anyway that is kind of the big picture. There are a lot of things we could improve upon. We are doing the best we possibly can do with mine and Debbie's time. And DNR is having a hard time, they only have one staff person for all of Phase I & Phase II communities. There are 70 in Missouri and all submit annual reports and 5 year plans. So they are lucky to be looked at, but we will have an audit sometime by the EPA. I am not frowning upon that, I am actually looking forward to it because it will open up areas of opportunity of where we could improve. We could get fined if we are not doing things or if we are miss performing or underperforming, then yes would. The Village of Claycomo is a Phase II and they are struggling, they are really behind. Because some of the communities do not have the resources to have a solely dedicated well trained, well educated, experienced water quality person/storm water. Debbie is going to show you when we became a Phase II community we have two (2) little areas that are actually part of our Phase II permit, our MS4 permit.

One is up by Kearney by the Marimack Golf Course on the other side of 92 Highway. That is the Clear Creek area. The other area covers Fishing River and that includes the City of Kansas City Fishing River Waste Water Treatment Plant. Kansas City is doing some dramatic changes there, expanding and vastly improving the treatment there. In anticipation of new development there.

Mrs. Viviano: That will have to be part of our report.

Mr. Tapp: It is part of our Annual Report. This area A2 in the City of Kansas City this is Hunters Glen subdivision, see the heavy lots. The Fishing River Waste Water Treatment Plant, the lagoon is right here, this big water body. And like I said they are doing vast improvements there. The treatment will improve, but the lagoon will remain unfortunately. They just don't have the money for fully enclose everything. Then our other area is on the East side of Kearney and actually part of original area got annexed by Kearney, so kind of took that out. Isn't that right Debbie? Didn't it go on the other side of Clear Creek.

Mrs. Viviano: No, it has always been there.

Mr. Tapp: On the West side, but there was a piece here that was annexed up by Kearney and the piece right there along 92 Highway. This is along Clear Creek and we have Marimack Golf Course, which good, bad, or indifferent they do use chemicals to treat their fairway. We just completed the outfall study; our last one was done in 2004, and identified a couple of outfalls, but nothing really significant. And we just have done another one, kind of an update, by URS Corp. The first one was done by SKW and they verified that the other outfalls were existing and there is nothing new. What was kind of unique was that there was an elevated level of fecal matter. Was that correct Debbie? On this particular stretch of Clear Creek.

Mr. Viviano: Actually on both.

Mr. Tapp: But this one was more so. And you would be surprised it is not necessarily AG based although that is a big component. But they talked about the urban encroachment of Kearney. Nothing on Kearney but their storm water management ordinances and enforcement, it is not exactly probable where we would like to see it. So there is a lot of run off occurring from the subdivisions coming into our area.

Mr. Beggs: So those are the only two areas that you really have to be concerned about?

Mr. Tapp: Then our housekeeping, which are our own facilities. Which is actually a bigger component and there is where the training comes in where we educate all of our road crews and all of our facilities management on proper storage of hazardous material. Vehicle maintenance (no spilling the oil), fuel containment, and spill prevention, those type of things.

Mr. Beggs: But we are not responsible for where Fishing River exits the county, check it there and if it is bad trace the source.

Mrs. Viviano: Not right now.

Mr. Tapp: But like they said these red areas could branch out to all of the unincorporated part of the county.

Mr. Beggs: How did those red areas become. . . .

Mr. Tapp: We established them back when we were first told that we were going to be a Phase II community. Carol Bloom, two people in front of me, she kind of looked at the areas and identified these two areas. It is close to a populated area. Whether or not there is debate, we should not have been lumped into Phase II. But looking at the long run it is a good idea to be part of the program now and be proactive and know what part of the program is. All the different minimum control measures or MCMs, which includes public education outreach. So we send fliers out to these areas and remind people about no dumping and don't dump your grass clippings and things like that.

Mrs. Viviano: And I believe that part of it was because of our closeness to Kansas City. And being adjacent to subdivisions like Hunters Glen and such. I think that was the reason why they lumped us in, because it was part of the old census.

Mr. Tapp: Even though the population threshold I talked about clearly these two areas do not have on average a thousand people per square mile.

Mrs. Viviano: No they are not even close.

Mr. Tapp: But it is a good thing to be a part of. Who does not want good clean drinking water? You cannot name very many people who does not want that.

- Mrs. Viviano:** Last year when we actually did the report didn't we figure that we had close to \$20,000 that we figured we were putting in to this report. When you take everything together as to what we did.
- Mr. Tapp:** Yes, with the outfall study and our training time.
- Mr. Knisley:** Did that money come from outside Clay County.
- Mr. Tapp:** No, it is one of those unfunded mandates, by the feds. Then I would not mind branching out countywide. You are talking about significant financial impact; think about \$20,000 just for two little areas in our facility if it branches out.
- Mr. Knisley:** They are going to have to help if they are going to put this burden on us.
- Mr. Tapp:** You would think, but they do not do that.
- Mrs. Viviano:** That is where the Storm Water Commission will come in to help us get grants.
- Mr. Tapp:** Yeah. Think about Liberty too, they have an engineer on staff in the public works that does this kind of part time. So they are struggling with it too. And none of us are well trained, expert storm water pollution prevention and water quality experts. They are out there, environment engineers, folks that know exactly what to do. But I think we do a pretty darn good job. Debbie does a great job.
- Mr. Knisley:** Who is the commission?
- Mr. Tapp:** The Storm Water Commission that is you. Remember I told you that you also act as the Storm Water Commission.
- Mr. Knisley:** Okay, us being that can we assist places like Claycomo?
- Mr. Tapp:** We could, and there is actually discussion about working cooperatively on other things. And talking to the staff there, there certainly is opportunity to assist in their NPS Phase II compliance.
- Mr. Knisley:** Is there any way to pull some minimal money out of Claycomo if they need help to cover the expenses.
- Mr. Tapp:** Right. It would be way cheaper than if they had to hire help.
- Mr. Knisley:** That is what I mean. Are you going to approach that?
- Mr. Tapp:** Yes there is a couple of things, yes.
- Mr. Knisley:** Should we help? Or are you going to handle that?
- Mr. Tapp:** It is in the works right now. Yes. We are trying to work with their Board and our Commission.
- Mr. Knisley:** And if they are like Liberty, if they got a good person there, maybe that is what they can contribute.
- Mr. Tapp:** That is why I say we got to start looking hard and carefully at co-permitte's, where you jointly file everything together and work together. So yes we definitely want to explore that.
- Mr. Knisley:** Where are we on the sewer?
- Mr. Tapp:** The common sewer district?
- Mr. Knisley:** Right. Have not heard much about that in the last year.
- Mr. Tapp:** Well change in upper management and the change in the Commission has kind of delayed that. It's a matter of educating at least one or multiple County Commissioner's on the in's and out's of it. Explaining what the benefits are and the drawbacks that is about initiative and often that has some sensitivity to that, they don't want to put it on the ballot when their name is up or something else is up. So it is just a matter of timing and maybe some type of outside force.
- Mr. Knisley:** The unfortunate thing is there is never enough time to get anyone to stay, every time you turn around everyone is up for election and that is hard to deal with.
- Mr. Tapp:** Yes. Just got to take that political will and drive at the top level. We are working hard, don't get us wrong. I work hard on the common sewer district. But at some point you have to say here it is and it is up to other people.
- Mr. Knisley:** Just lay it out there and wait.
- Mr. Tapp:** There are a lot of failing septic systems. Paradise is a prime example it is a ticking time bomb waiting to happen.
- Mrs. Viviano:** And Matt has been working with the Health Department trying to get things together. Because they don't have the time to scan the septic's and site plan drawings.
- Mr. Tapp:** Just trying to help out in their efforts too. We are all trying to collaborate together.
- Mrs. Viviano:** We have been working; Matt's been working with them.
- Mr. Tapp:** And they are short staffed too.
- Mrs. Viviano:** Yeah.

Mr. Tapp: We all are.

Mr. Knisley: Any other comments? Questions? Other business?

Mr. Tapp: None Mr. Chairman.

Mr. Knisley: Being none do I have a motion to adjourn?

Mr. Richerson: So move.

Mr. Edwards: Second.

All: Yes.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary