

Jefferson County Planning & Zoning

Oskaloosa, Kansas

UNOFFICIAL

UNOFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of the Planning Commission Meeting of June 27th, 2022

Item 1. Call to Order

Item 2. Approval of the Agenda

Vice Chair Scherer moved to accept the agenda as presented and Commissioner Johnson seconded.

Votes were taken by Ayes and Nays as follows:

Tim Benyshek Chairman	Matt Scherer Vice Chair	Tiffany Asher Secretary	Stephen Phillips	Paul Johnson	Greg Hazen	Vacant
DNV	Aye	Aye	Aye	Aye	Aye	--

Motion Passed 5-0

Item 3. Roll Call

Tim Benyshek Chairman	Matt Scherer Vice Chair	Tiffany Asher Secretary	Stephen Phillips	Paul Johnson	Greg Hazen	Vacant
PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	--

Item 4. Approval of the May 23rd, 2022, meeting minutes.

Chairman Benyshek asked if there were any corrections for the minutes. There were no corrections to the minutes. He then asked for a motion to approve the minutes. Vice Chair Scherer moved to approve the minutes and Secretary Asher seconded.

Votes were taken by Ayes and Nays as follows:

Tim Benyshek Chairman	Matt Scherer Vice Chair	Tiffany Asher Secretary	Stephen Phillips	Paul Johnson	Greg Hazen	Vacant
DNV	Aye	Aye	Aye	Aye	Aye	--

Motion Passed 5-0

Item 5. Public Hearing

Chairman Benyshek explained the commission meeting procedures to the public and opened the public hearing. Chairman Benyshek asked if any commissioners currently have any ex parte communication with the applicants or any conflict of interest towards this case that would exclude them from giving a vote this evening. There were none.

- I. **PR2022-01 and Z2022-02:** A request to consider a re-plat of the Lakeland Estates Subdivision. This proposal is to reduce the number of lots from nine down to five, with the smallest lot proposed being 5.33 acres. Also, a request to rezone lot 4 to Rural Residential, and Lots 1, 2, 3, and 5 to Suburban Residential. Both of these requests are being brought by the owner of record; Fitzgerald Park Condos, LLC of P.O. Box 1684 – Elizabeth, Colorado, 80107. – **This case was deferred at the request of the applicant as part of the March 28th, 2022, Planning Commission Meeting.**

During this time, staff asked who was here for the first case. The applicants, Steve Knull and Jan Fitzgerald were present via Zoom. Shyler Meier attended via Zoom and was a neutral party. Those opponents that signed in as present for the case were Mahlon & Cindy Steffey, Rick Ellis, Cody Steffey, David Steffey, Roger Bostwick, Edward & Rhonda Lindsey, Julie Durand, John Schonfeldt.

Chairman Benyshek asked staff to give their report. Staff gave their report. After their report, Chairman Benyshek asked the board if they had any questions for staff.

Commissioner Johnson: Dustin, can you walk me through this update that you wrote about this change in state statute and why this previously established road, cul-de-sac would not be allowed?

Dustin Parks (Staff): So, the update wasn't in a change of state statute recently. After talking with County Counsel, they determined that, and for reference the state statute that we're referring to is KSA 12-764, which was passed in 2009. There was an assumption that anything that was approved previously to that wouldn't necessarily qualify for that. And KSA 12-764 is the vestment and development rights. And so, while the subdivision was legally filed for and legally applied for back in the seventies, the road that was approved was a private road. And since they never constructed the road, the opinion of counsel was that they would have to build that road up to county standards, get it named, and put it into the county road network. And it would have to be a paved road and that sort of thing. Since that development right had vested so that means that the previously approved private road wouldn't be allowed today. County Counsel stated that it was best that they either reapply with a road plan or reconfigure the parcels to avoid having the road and the choice for that is up to obviously up to the applicant for which they provide. And so, the applicant chose to go ahead and reconfigure the entrances for the lots instead of planning for a new county road.

Commissioner Johnson: So, statute of 2009, I mean, the original nine lot plat was still statutory, but it's just that the interior roads and the cul-de-sac was now out of compliance.

Dustin Parks (Staff): Essentially Yes, it was about a 30-minute conversation with County Counsel about it. But yeah, that's the gist of it, is that the road was no longer in compliance because it was a, they never constructed it. So, it was a private road, that in the seventies would have met requirements. But since they never constructed it under that state statute, they wouldn't be allowed to today because of our regulations. Since we don't accept private roads.

Commissioner Johnson: So, one other question for you, on your consistency with the Comprehensive Plan, you say, the plan does not define the elements rural character that establish a sense of place. So, this is subject to interpretation?

Dustin Parks (Staff): Well, I feel that most of them are subject to interpretation. That's kind of how zoning works. But this is based on precedent that we've done in the past. And so based on the precedent that the county has done overall, including approving a nine-lot subdivision and a rezoning at this location in the seventies. Yes, I would say that this meets the character, the rural character of the area, especially going down in density.

Vice Chair Scherer: Dustin, to follow up on what you just said about private roads. This doesn't actually have very much to do with this particular case, but I want to make sure I understand that you're saying that essentially, private roads will not be permitted on new subdivision plans.

Dustin Parks (Staff): As of 2009, yeah, the 2009 regs that were passed actually said that private roads would no longer be accepted. Now, that is, again, a regulatory thing that as they were applied for private roads, a private road is defined as

something where like an HOA or a village district or something like that has both maintenance control and the county has not agreed to take over maintenance of that road. So, while a private entity can build a road, for instance, we had a subdivision over by the golf course, that had a cul-de-sac that was a named road that was built and then accepted into the county road network. So that is not a private road. But yes, in short, our regulations as of 2009 state that private roads will not be permitted.

Chairman Benyshek: Any other questions by Commissioners for staff at this point in time? If there are none, if the applicant is present, or on the Zoom meeting, if they wish to make a statement at this time, you are good to do so.

Steve Knull (Applicant): Can you hear me? No, I'm, I'm fine. If you guys are okay with this that the way we've set it up and made the changes. Really don't have anything to say.

Chairman Benyshek: Not to back you up but if you could state your name and address for the record on the meeting here.

Steve Knull (Applicant): My name is Steve Knull and I'm with my wife Jan Fitzgerald. And we're in Colorado, Elizabeth, Colorado. Do you need the street address?

Chairman Benyshek: If you could please.

Steve Knull (Applicant): 35414 Running Brook Lane, Elizabeth, Colorado.

Chairman Benyshek: Thank you. And anything further to state, if not I will see if the commission has any questions of the applicant at this time, now's the time to do so. Okay. There's no questions for the applicant. Thank you for your comments. Let's see here. Now at this time we'll ask for public comment. If there's anyone present or on the Zoom meeting, that are in favor of this application, you would come forward or unmute yourself on Zoom, now's the time to do so. Well, okay. It does not look like we have anybody commenting in favor of the application tonight. So, I will go ahead and open it up to the room and on our zoom call here, we'll start in our meeting room here first, if there's anybody who would like to give testimony who has imposed of the application, now is your time to take the podium and state your name and address.

Rick Ellis (10071 118th St): Hi, my name is Rick Ellis, I live at 10071 118th Street and I own the property directly west of the property that we're discussing here. And I, I'm opposed to this replatting, because I believe that if it was platted in the 70s, that it should remain that way. I feel that we're catering to somebody that doesn't even live in our county.

Dustin Parks (Staff): I'm sorry to interrupt, could you guys speak up, please, we're having a hard time hearing.

Rick Ellis (10071 118th St): Okay. I'm opposed to this replatting, because I feel that since it was platted one way, in the 70s, whatever that date was that if we go to replat it, then we're just catering to one individual and we're not taking into consideration the people that actually live in the county, especially the ones that live directly near this, this rezoning issue. So, if this does go through with the replatting of the five plots, like they're, they're talking, I'm I'm wondering, how close can they build to my property line? Does anybody have an answer on what they can build? And how close they can build?

Chairman Benyshek: Dustin do you have any comments on that direct question there?

Dustin Parks (Staff): Yes, so it's based on which zoning classification they're in. So, for you specifically, lot four, which is Rural Residential, that would be 50 feet from the front property easement on the roadside, and then 20 on the sides, and then 30 from the rear. So, for your property, specifically, it would be 20 feet and 15 of that is taken up by utility easement that they can't build in already.

Rick Ellis (10071 118th St): So, within 20 feet of my property line I could have somebody's front door, if this goes through, is that what we're saying?

Chairman Benyshek: That is the answer. Yes.

Rick Ellis (10071 118th St): Okay. What what can be built on this property? Can they build any kind of house they want? Can it be a \$10,000 used trailer house or what can it be?

Chairman Benyshek: I mean, I would presume, like any structures that are built in the county, they are going to have to go through the permitting process to gain a building permit. Now, Dustin, you can elaborate maybe a little more on the permitting process and what is allowed to be built on Rural Residential classified property. I do not have those details.

Dustin Parks (Staff): So, we don't allow singlewides anymore. We haven't since 2009. Now, that doesn't mean that they don't crop up, but they're not permitted. So, there are times we have to go out and send folks letters and that kind of thing, you know, but they're obviously noticeable when they kind of just show up. Beyond that, Jefferson County has not adopted building code. so, if a person wanted to build, you know, 400 square foot tiny home, they could do that if a person wanted to put up a 3700 square foot house, they could do that. So, it wouldn't be a single wide. We do have residential design manufactured home standards, which you know, are kind of like modular homes. They have design standards that they have to meet in order to qualify for a building permit. but beyond that, since Jefferson County has not adopted any building code it would be any structure that would be permissible.

Rick Ellis (10071 118th St): Okay, I guess my next question is, this is a heavily use wildlife corridor, and I realize that that that's not a sensitive issue as far as endangered species or anything, but I do have a lot of problems with trespassers on my property. If they build a house on that lot four, which is next to mine, I believe it's lot four, who's responsible for putting a fence up to keep people off my property. Because, as stated in the last meeting, the current owners already walked my big ditch to see all my deer trails.

Chairman Benyshek: Well, if this point, as far as disputing who was to put up a fence or not, I mean, and the comment towards people walking in your property, I fully realize that is a huge nuisance and inconvenience. But at this point in time, as far as questions related to who would be responsible for building a fence on a property line, that does not pertain to our zoning case tonight, so you're more than welcome to contact, you know, the zoning office, at your own convenience for that, but I don't believe we will have an answer for you at this meeting tonight.

Dustin Parks (Staff): And also, just to jump in there, we don't permit fencing. So, we don't permit any kind of fencing in the unincorporated areas of Jefferson County.

Rick Ellis (10071 118th St): Okay, excuse me, so on this replatting of this to five lots, is there a possibility that they could all come off Ferguson road, and come down the south side of those three plats on the north and come over the hill to the west to get to that fourth, that fourth division, and then they could be responsible for the road until they can talk the county into or not taking over that they wouldn't be coming off 118th Street, and it would be somewhat similar to the original platting of that piece of property only they'd have less lots. Is that a possibility?

Chairman Benyshek: Sorry, Dustin, I'm going to have to defer to you on that question there too.

Dustin Parks (Staff): As I stated earlier, private roads aren't allowed. And so based on our regulations, that's not a possibility at this time, as we, as we talked about in the last one, they could kind of go back and draw in a road and that kind of thing. But that's not what they applied for. So that hypothetical situation, I can't really allude more to because is it possible, potentially, but it's kind of outside of my paygrade to be honest, that's more of a County Commission decision since that would be against the current regulations.

Rick Ellis (10071 118th St): So, I guess, I guess my my thing is, if this was originally platted in a certain way, not for trying to replat it to something else, because the regulations have changed. But yet, you can't make them put in a road off on Ferguson Road to get to those properties in a legal way. Because one road down the middle of those properties, they could get to each individual property with one road?

Chairman Benyshek: Well, my answer to that question is, is that is not the application presented before us tonight. Now, to answer your question direct to whether that is a possibility or not. I mean, I would rely on Dustin's opinion on whether that is possible. I don't know if that is classified as a private road which has been spoke of here immensely tonight, but that is not the packet of information that's been or the replatting and rezoning of the property that has been presented. So, we

are looking at it on this case, as proposed versus I guess you'd say not to sound rude but taking ideas of where the road could go.

Rick Ellis (10071 118th St): Fair enough. I'm just looking for ideas. Because I feel that we're taking 100% opposition here from the county, the people in the county, and we're catering to somebody that doesn't even live in the state. We're trying to rezone something that was zoned in the seventies to cater to somebody that doesn't even live here and throw everybody's wishes that live here out the window. And I feel that that's what the zoning board is doing to us. Not to be rude. I understand you guys have jobs to do. I'm just trying to find a common ground where we could come off a Ferguson Road with one road, would make a lot more sense to me.

Chairman Benyshek: I understand your concern. I don't have a direct answer for you other than that, we hear your concerns with the plat here. So, thank you for your time.

Rick Ellis (10071 118th St): Thank you. Okay. Thank you.

Chairman Benyshek: I apologize. We do have a question for you from the Commission. Sorry.

Vice Chair Scherer: Yeah, not to put you on the spot. And actually, not given that the previous plat allowed for nine homes, I believe? Do you have a preference between what is presented versus the nine homes on just on the number of lots? Which would you prefer?

Rick Ellis (10071 118th St): I guess five or nine is that what you're asking essentially?

Rick Ellis (10071 118th St): Well, I'm afraid, personally, that if we allow, you know, land speculators, or whatever you want to call this, to come in from out of state, buy up our County, and build subdivisions, that if we allow this to happen on this piece of property, it will be happening everywhere in the county. And that's what my fear is, is we're going to be like Douglas County and Johnson County and Wyandotte County, we're just going to be a living community for the big cities, and we're giving up our rural Jefferson County. So that's why I'm against this. Not that, if the gentleman that owns the property would want to come out and build one house up on top of the hill and live there. Welcome. You know, in my opinion, that's pretty much the rest of the community is like. But I think that we're trying to divide that up for a profit. And I don't think that's in the best interests of people in Jefferson County, even though that there is more tax dollars coming in, we get that. But we think that the towns and the communities ought to be in the towns and communities not in the rural areas. And that's why I'm against it. So, if they brought one drive in, or you and like the original plot off of Ferguson, that really doesn't matter to me, if there's five or nine, I'm not gonna really be in favor for it anyway. But that's what it was originally platted for, and I feel that's what we should stick with.

John Schonfeldt (9820 118th St): John Schonfeldt, 9820 118th St, my property is diagonal, the corners would be across from theirs. You know, the last meeting, we talked about the access off 118th. And I think that's what almost everybody here is opposed to? Is the drives coming off 118th? I think they're incorrect in their assumption that there's already is why on that three-acre track. We live there, we drive that road all the time and almost everyone will tell you there's no way inaudible). So, they're adding two drives on 118th, not one like they stated earlier. And if I understand this regulations of the approach off Ferguson is a matter of whether it needs to go in as a county approved paved road and not be called a private road. Is that true?

Chairman Benyshek: What the applicant has presented right now they're not presenting any private road to be constructed at this point in time. But in the packet, any driveway that is to come off of Ferguson, Ferguson road for instance, they'd be looking at a potential of two driveways, one for the lot one and one for lot five, and then a shared driveway which is the one that is I guess, per the paperwork nonexistent and then they show in our packet that there is an existing driveway entrance onto lot four. So, the so the proposal is not for a private road, it would be for what a total of three/four, I guess if the one truly is nonexistent there on lot four, but I believe that if it was stated in the application that it's 30 foot driveways that are the minimum standard in the county. And now between lot three and two here on the map, they were proposing a shared driveway and extending that to be a 40-foot driveway on there.

John Schonfeldt (9820 118th St): So how can that be a shared driveway and be a gravel driveway?

Chairman Benyshek: Essentially, and I'm speculating here, it would be one driveway splitting, basically, for two separate lots.

John Schonfeldt (9820 118th St): My question is that if they resubmitted their request, and put that road in, like Rick was talking about off Ferguson, like the original plat showed it, it's just a matter of the owner doesn't want to go to the expense of putting in a road as approved by the county. So, he's trying to avoid that. So again, we got somebody coming in from out of state speculating on land in our neighborhood. And the county is going to cater to the stranger basically. Our biggest opposition is the driveways off 118th St. That's the Abate traffic way, they've already had one event this spring, they're getting ready to have one this next weekend. They've seen him hauling bleachers back there today. And traffic is just unbelievable during that Abate weekend. I mean, it's day and night. So, I think it's a safety issue. But I don't think the owner should the property owner should be able to avoid the cost of putting in a county approved road, just to cater to their whims, they should have researched that before they bought the property if that's a big issue.

Cody Steffey (12126 Harper Rd): Cody Steffey, 12126 Harper Rd., just down the way from this property. We're here again. And it's about the same as last time, you know, we left the meeting last time thinking oh, they'll come back with some better ideas, or they were going to change the way the zoning was maybe change where the entrances are coming off but effectively, they changed nothing. Nothing that we said, or the community said was taken into consideration for it. In terms of maintaining rural character, Dustin talks about that in his presentation, and he says that it maintains rural character in the County, I don't know, five lots on 30 acres those are pretty small lots maintaining the rural character when we talk about that, is that what we want all over this county. That's what we're rolling for. Over by Meriden, you get down south of there, on K4 towards Topeka and it's nothing but house, after house, after house, after house. If we keep allowing this stuff to happen, and these people get away with this, that's what we'll have in this county. You will not have a rural county. That's what's important to me. This does not maintain rural character, if it was up to me, I wouldn't want any house on there. But it's not. And I'm with the rest of the people here. And if that person wants to come in, they want to buy their 30 acres, I want to build a house on it. I'm all for that. That's awesome. But when you want to take this ground, I know it split up to nine already. You want to take this ground, you want to put it down in these little bitty chunks put these houses on there, have people living next door to each other. That is not rural. Their definition of rural and my definition of rural are apparently different. And it's up for speculation like you said. There is no entrance off of 118th on that one little pie lot that's down there. I'm sorry if I'm coming off as I'm angry at you guys. I'm not. I'm just passionate about this. Okay. There's not an entrance coming off of 118th, there's no whistle in that ditch. The other concern that I have is it is a high traffic wildlife corridor. If it stays at nine, which is what I think it should stay at and I'll tell you why in a minute. If it stays at nine. What is the minimum requirement for acreage to build a house in Jefferson County? Three acres. That bottom lot remains to that is where that creek is. That is where the animals traveled through that corridor. There was a deer that was hit on that road. Just yesterday, I saw the counters that were down there, that county had booked counters down there to check the traffic. There's a deer that was hit there. So, it's affecting the wildlife you go putting the drive in there and a drive up the side of the hills is affecting the wildlife, okay, and two its effecting the income that we could make downstream of that, because the wildlife traveled through there. I don't want to do this. But if Rick wanted to lease his ground up for hunting, or if my parents who lived down off 118th, just next to Rick wanted to lease or ground up for hunting, it's not going to be an option now. It's not going to be wildlife traveling through there. It's going to restrict it. And that's taken income potential income from them. It affects us we live there. They don't. Do the right thing.

David Steffey (11895 Ferguson Rd): My name is Dave Steffey, and I live just to the north on 11895 Ferguson Rd. I have one statement to make. I purchased my 40 acres 20 plus years ago, knowing that ground was plotting, knowing there was going to be an entrance potentially someday. That's where I want to get it. That's why I want to keep it. That's why I'm against this. Thank you.

Ed Lindsey(10485 Hardin Dr): I'm Ed Lindsey, I live at 10485 Hardin Dr. You scared me with that private drive thing because they named my driveway. I'm saying I bought a property back in the seventies. We knew that was there. We knew it was plotted to go to Ferguson Road. And that was fine. We understood that. And when I bought property, I knew that, and I didn't say anything. When they bought the property. They knew that. Why are we changing it? Leave it at nine lots. Bring it out to Ferguson. That's all we are asking.

Mahlon Steffey (9541 118th St): I'm Mahlon Steffey, I live on 118th St, live in the old farmhouse down the way I'm one of the farmers on the road. This is going to affect us totally if you put this kind of thing out there for us to have to deal with. This is ridiculous. We don't need 100 people that are to deal with when my cows get out and get on these people's yard. What's going to happen? I'd rather take care of one yard than nine yards. Does that make sense? I can't guarantee you them cows don't get out when them bikers go by there. They do all that revving and carrying on and them cows take off for a run. What am I gonna do when cows all go through there? That guy isn't gonna like it and also on your septic tank stuff. I saw the county guy come over there and even get out of his truck. I purposely sat there and watched him and to see what he did. All he's depending on satellite photos. That is nothing but rock ledges. You ain't gonna tell me that that septic systems all like what he says all pretty and beautiful. Please respect us and keep agriculture the way it should be. Instead of making it citified. Thank you.

Chairman Benyshek: Do we have anyone else in the meeting room here with public comment or opposition here?

Roger Bostwick (9578 110th St): Roger Bostwick. I'm at 9578 110th St., there in Ozawkie. This was platted 50 years ago for nine, and at that time, there were brochures in this county and that said this is gonna rival the Ozarks, a new lake Perry it's gonna be as beautiful as the Ozarks. How come those nine have not been developed in those 50 years? There's got to be a reason and a lot of that's probably what we're discussing tonight. It's a rocky area and is not the best building site. And the place that you're just talking about that number four, that corner drive, like I said there's no tube and there is a pretty small area. And to get back up to four around that corner, it'd be very difficult to get any firefighting or emergency equipment back in that. And my question is, what's the difference between a driveway and a private drive, I mean, classification wise, what's the specifics for that.

Dustin Parks (Staff): So, a driveway is legally defined as an as an entrance off of public right of way. So, when we say that they have provided a shared entrance, that is a private driveway, right, like every other house has a private driveway. However, a private street, or private road is something that is used as frontage, but doesn't have public access, and isn't maintained by the county. So, we have regulations in place that says we only allow up to two lots to have a shared entrance. So, in this case, you're dealing with a shared driveway, which is the shared entrance. But if you had like what was asked earlier about a road going along the southern border for the three lots to access, you know, all the way back to four and the lots on the north, and then the lot five on the south. That basically turns into because it's more than two lots, that becomes a private street. It's just a regulation definition. And again, that was, you know, put back that was put in place in 2009. I actually looked up the number just in case somebody wanted to know it because usually Matt asks these kinds of questions when he wants to know exactly what the private street stuff is. In our Subdivision Regulations, in Article four, which deals with the design standards for subdivisions, it says just number 12, and that section just says private streets, there shall be no private streets platted in any subdivision. And that's what it means is it means that we don't allow lots that are only accessible by means of a private nonpublic street, if that makes sense.

Roger Bostwick (9578 110th St): Thanks. I think you pretty much answered my question was allowed two properties to share what no more than two properties? That's kind of what I was looking at the private drive and what's your what's a private road and what's a driveway? So, you answered that with saying that you only allow two. But I still have questions on that number four. And that small corner where they're wanting to where they say there's a drive, and I wanted to put it right, that's a very small angle corner, I don't know if you can get it much of a 30-foot road by the time you clear everything out there in that corner. And then where they're wanting to put the drive the shared drive on two and three, that's the steepest part of that rocky bank, you're gonna have a safety issue. You're gonna have to either cut that out, and then you're gonna have the blind alley way with the bikers coming through there, they're still behind kind of difficult because you'll have to sheer rock walls where that drive comes out of there. And you know, safety issue there was with any cars coming down the road, bikers, anything else coming down that road, it will be a blind location. So that's between two and three is probably one of the worst locations to come out of 118th. But there is or if they could find a way of doing off of Ferguson's even if they had to build a private road. I think Ferguson is still your better shot and all the way around, not just for safety, but for emergency equipment as well. Thank you.

Chairman Benyshek: Any further public comment and opposition in the room here at the moment? Seeing none other at the moment we'll go to any participants on the Zoom portion of the meeting right now. Is there anyone listening right now on the Zoom call that wishes to speak in opposition of the application? I'll give one more chance if there is then that's over so we're not coming back to this. So, if there is no one further in opposition on the application, I know it may sound kind

of silly, but is there anyone with a general neutral opinion of the application or has any further comment towards the application of this point? And at this point in time, if there's no further public comment towards the application, I would just ask the applicant if they are still on the call at this time if they would like to give a rebuttal at this time.

Steve Knoll (Applicant): Yeah, we're still here. Again, I suppose would like to say that we're going to come off of 118th on the corner lot, so we're actually turning 10 properties into five and so we're making a driveway up that anyway, and there's still going to be a driveway off a Ferguson road for property nine and one I believe, the nine acre parcel and the one and the five acre parcel on the corner so that all in all nine properties if we had to put nine properties in the road isn't scary as far as the price that's not what's stopping us is the density I was to put that in and then build nine houses in there. I just see that as a massive homes all around and lots of people I'd like to cut this down five-acre parcels like we have it and make that density better.

Jan Fitzgerald (Applicant): Yeah, we did it to please the people from the last meeting because they didn't want the density. And that 40-foot shared driveway somebody said that they were worried about fire trucks getting in there. How wide is your driveway? 40 foot is going to be plenty of room for a fire truck.

Chairman Benyshek: Thank you. If there's no further comment at this point in time, we will go ahead and close the public comment portion of this case. This point in time, it'll be deliberation only between the Planning and Zoning Commission and ask for no further public comment at this point. So, at this point in time if there's any further questions by Planning Commission members for staff or discussion that needs to be had between members here, we are at that point in the meeting here.

Commissioner Johnson: Dustin, can you walk us through exactly where this entrance onto 118th for lot four is?

Dustin Parks (Staff): I can show you where Road and Bridge said the existing entrance was. Let me pull up their letter. I may have to share my screen here. I'm going to share my screen right quick. Okay, so the entrance that they're referencing. So, here's Ferguson and 118th St.

Chairman Benyshek: If the public can keep the comments down at this portion please so we can hear staff and commissioners talk back and forth I understand this as a heated topic but it doesn't help us for the outcome of this meeting when we get interrupted here so not trying to be the the hammer and the gavel here but if we could please keep it down I'd appreciate it.

Dustin Parks (Staff): I pointed to the wrong spot. I apologize about that.

Vice Chair Scherer: So, I looked at their letter from Road and Bridge I don't believe they state there's one off 118th St.

Dustin Parks (Staff): No, they state that the place that they want one needs to be improved so because the they access that field from here, but it does need to be improved so it is not classified as an existing insurance by Road and Bridge. You are correct. I apologize. So, it would be one improved, one new improved entrance and then one brand new entrance.

Chairman Benyshek: I don't I'm going to interrupt here Dustin real quick, and I'm going to ask members of the public here and I don't mean to sound too backwoods here but is it somebody just driving over basically the road through a ditch to get that field?

Cody Steffey (12126 Harper Rd): There's an old entrance where a fence was old, barbed wire fence. That's what they're calling an entrance.

Chairman Benyshek: Alright, that's, I appreciate the details there, I am just trying to get it straight there.

Dustin Parks (Staff): Yeah, it looks like an old mound entrance.

Chairman Benyshek: But I assume that still goes the same as what the Road and Bridge Road even you know, I guess if the improvements to the existing drive in if we'll call it there would still have to meet Road and Bridge standards for the improvements?

Dustin Parks (Staff): Correct.

Commissioner Johnson: Dustin, what's your best guess on where the entrance would be for lot two and three, if it's a shared entrance.

Dustin Parks (Staff): That one I can give you a little bit more specifics on. So, it is 660 feet from this corner here. I got to share my screen again. All right, I'm going to use Google photography here just to kind of show. So, 660 feet this is the aerial photography I'll overlay it on ours. So, when you're looking at 660 feet now keep in mind what's the lots shown are the old lots. You're looking at roughly here on this property.

Commissioner Johnson: Subject to Road and Bridge approval for safety?

Dustin Parks (Staff): Well, so that entrance that the location was flagged and discussed between the surveyor, the applicant, and Road and Bridge. Now the how they decide to build that entrance would be at the time with Road and Bridge between Road and Bridge, the applicant, and whoever they get to build the entrance. But yeah, that's a Road and Bridge standards they would have to adhere to since they would have to potentially install culverts and that kind of thing. And with that rock ledge being there, that's something that because Road and Bridge does the installation of culverts, the applicant has to buy the materials and so that's something Road and Bridge would have to take into account Yes.

Chairman Benyshek: Any other questions by commissioners or staff or any of the participants in the meeting?

Commissioner Johnson: Dustin what's the county's ability, or I've heard the applicant the last meeting say that they were interested in a certain respectable construction mode for development and for their particular lots? What ability does the applicant have to set certain standards for construction of particular homes or sites? And is that something that the County Commission approves or is involved?

Dustin Parks (Staff): So, there are a couple avenues that any individual can take. So, there are deed restrictions that you can put in place so that when a property is sold, you can say, you know, only x size homes can be built, you know, that sort of thing, you can put those requirements on the plat itself or you can file covenants that, you know, deed restriction covenants that say, you know, by purchasing this property, you're agreeing to the covenants and the covenant state, you can only build a home of x square feet. That sort of thing. For instance, you know, a lot of times I'll use, the most recent one that we had was the one I referenced earlier with the cul-de-sac, you know, they said no homes of less than 2400 square feet. And so, you can put those kinds of restrictions in as a property owner, anytime you divide land or even sell land, as far as the County Commission involved with, if they're put on as part of the plat, like if they're noted on the plat, then they become part of the case. And so, by that avenue, the County Commission would technically be involved with that by, you know, approving or disapproving or requesting changes, as with the Planning Commission at that point, but if it's through just restriction covenants, that kind of thing. That's less likely the County Commission would be involved because that's something between the property owner and the people buying the property. It's something we have reviewed in the past where somebody has provided those to us, and we've reviewed them and read over them. But from a zoning perspective, from a regulatory perspective, since we don't have adopted building code, it's nothing we can enforce. So, it has to be through restrictive covenants, and those have to be enforced by the property owners. So, like homeowner's associations, or building like the village districts have, you know, boards, that kind of thing.

Commissioner Johnson: Could the County Commission put a request that the plan include a certain designation of home size.

Dustin Parks (Staff): Probably not.

Commissioner Phillips: Given that we don't have building codes. I don't, it just doesn't make sense to me that we could request it.

Dustin Parks (Staff): If we had building code or design standards for building codes, or sometimes they're called theming standards, like some places, sometimes you'll go to like, you know, an area and you'll see a Walmart that has like red brick. Those kinds of things. If we had design standards, or that kind of thing for our zoning districts, then yes. But since we don't have building code, and we don't have anything like that, no, I don't see really an avenue where the County Commission could request that for a residential home development of any size.

Commissioner Johnson: One other question? First of all, thanks, Dustin, those are helpful to fill in the blanks here. I understand that Jefferson County is struggling with the issue of building codes. And if we had building codes, how would we enforce them, and how do you pay for it, and there's a long debate about that. And as we write a new comprehensive land use plan over the next two years is primarily for the audience here in the room, then that's the discussion point that I think the county needs to consider, but this questions for the applicant. Are your plans to build on one of these lots?

Steve Knull (Applicant): Yes, can you hear me? Yeah, were planning on building on the 10-acre parcel. So, we have looked at the road the driveway to build on the top, of the back of that 10-acre parcel.

Commissioner Johnson: Is that lot four then?

Steve Knull (Applicant): Yeah, I think so.

Chairman Benyshek: Okay, thank you. That's that's the, I believe the only question we have there. Before we move forward here, one last time, I guess for any of the commissioners on board, any further questions for staff or the applicants or the any other participants in the meeting here?

Commissioner Johnson: This may be for you, Dustin. But I see in our packet that we've had signatures from people who are concerned about this development. Now that we're moving on this new replat as such, what are the procedures or are the signatures that people had gathered prior relevant to this new replat?

Dustin Parks (Staff): I'm going to try to parcel that question as best I can, because I'm not quite sure what you're asking.

Chairman Benyshek: Basically, Dustin, he's asking if the people who signed the petition heard the last, or I shouldn't say the last case, but the same case, different months still pertain to this month.

Dustin Parks (Staff): So, you're dealing with, obviously two separate cases, two separate meetings, not cases. And each of those are equally as valid. But they're how to how to parcel this. So, from a zoning perspective, from a legal standpoint, these are informational petitions, right? Because they're for the Planning Commission. They show information for the Planning Commission, they're provided to us as public comment. And those are showing how many people signed on to those public comments, right. So, in the public comment portion of things, they are both equally valid. The last meeting, it's not like the last meeting didn't happen. This is just a continuation. And those signatures most of them. And I have to be honest, I didn't compare the signatures. I'm not I'm not a forensic scientist to compare signatures. But I would assume a vast majority of the same people signed on to the same to the same one. This time, they just use one piece of paper for the signatures instead of multiple signature pages. That being said, it is not the same as a protest petition, which I'll cover, regardless of what happens. I'll cover at the end of the of the hearing

Chairman Benyshek: Does that satisfy your question there Paul?

Commissioner Johnson: I think his last comment about you're going to cover the actual technical needs for a protest petition after this case is decided tonight, right?

Chairman Benyshek: Yeah, we will get that essentially what Dustin is pointing out is the signatures on the opposition against this zoning is informative to the fact to letting us know how many people are oppose are opposed to this application versus being any type of legal or legal recourse or petition protests in opposition to like a Zoning Board of Appeals type situation.

Dustin Parks (Staff): So maybe a better way to describe this is the petition they brought forward as public comment can encompass more than just that 1000-foot radius. So, they can get more neighbors involved in that petition for public comment versus a protest petition, which only involves the people within 1000 feet of the notification area. So, but again, I'll describe that regardless of what happens.

Chairman Benyshek: Any further comments for staff or the applicant or participants in the meeting. Speak now because we're moving on. Okay. At this point in time, I, I guess I would turn to our fellow commission members here and either seek a motion for approval or denial, or if we have potential amendments that we would like to throw in or conditions on this application. We'll hear those at this time.

Commissioner Phillips: I would move approval using the recommended motion that Dustin provided to us. If it needs to be read, I will let him read it. But I recommend approval per his recommended motion.

Chairman Benyshek: So essentially, if I heard that correct, Steve, you have basically moved to approve the application per the staff report that's presented to us?

Commissioner Phillips: Correct. And I'm adopting the motion as Dustin prepared it.

Chairman Benyshek: So, we have a motion on the table to approve our application here PR2022-01 and Z2022-02? Would I have a second at this point in time from any of the commission members?

Commissioner Hazen: I would second.

Chairman Benyshek: Okay, there's a second from Greg on this application. At this point in time, we will put it to a vote. So, all those commission members in favor of the motion and the second please raise your right hand.

Votes were taken by Ayes and Nays as follows:

Tim Benyshek Chairman	Matt Scherer Vice Chair	Tiffany Asher Secretary	Stephen Phillips	Paul Johnson	Greg Hazen	Vacant
DNV	Nay	Aye	Aye	Nay	Aye	--

Motion passed 3-2

Chairman Benyshek: We have a three to two vote for approval of the application, PR2022-01, Z2022-02. So that motion would carry forward, as approved. I will make the comment here and this is to the applicant and participants here. The Planning and Zoning Commission is a recommending body to the County Commission. The County Commission has the final say so on approval or disapproval of this case. And I believe either Dustin or someone can inform us of when this would go before the County Commission.

Dustin Parks (Staff): If you permit me Chairman, I'll go ahead and describe the protest petition process.

Chairman Benyshek: Yes, present that as well since there is strong opposition to this case on here.

Dustin Parks (Staff): That plays into the date for the County Commission meeting as well. So, the protest petition by state law is set out so that any property owner, excluding the applicant within 1000 feet, I'm going to go ahead and share my screen again, if that's okay, there. Let me get this pulled up right quick. So, we send out those notification letters to everyone within 1000 feet of the property. And so, then what we do is this map that you see here, let me zoom out a little bit is what we call our buffer map. And this is the property boundary that has 1000 feet off of those property boundaries. And so, anyone who owns property within 1000 feet can sign a protest petition. And the protest petition how that works is we have them both online. There are some up there presently, and then they're also in the clerk's office. By state law, they have to be turned into the clerk's office and so if you bring them down to us, we're just going to tell you to take them upstairs to the clerk's office. But there is an instructions sheet on there that describes the process. Unfortunately, since it's kind of a legal document, we can't tell you how to fill it out. But I can tell you that all the information you need is either on your

deed for your own property, or it's on the letter that we send you. And then if you follow the instruction sheet and the letter that we send you, you should be able to get them filled out with no problem. That said, they have to be filled out within 14 days of the end of the Planning Commission meeting. And all protest petitions are, are a document that says I property owner, am opposed to this case. And I would like to basically codify my disagreements with the Planning Commission's decision. So, the Planning Commission, since they recommended approval on a vote of three to two, we take that information to the County Commission. And then that hearing would right now be scheduled for July 18th. Now, I've already talked to the county clerk about this because there's because of voting, they're actually going to not have the room you guys are in right now is going to be used for voting, so they can't have a County Commission meeting there. Right now, the tentative plan is to have the July 18th, meeting at the city building here in Oskaloosa. So just kind of catty corner from the courthouse. But you're going to want to pay attention to the County Commission's agendas, because that's where these are posted. Where the meeting times and stuff is, it will be at the earliest July 18th. And I say earliest because the protest petitions have to be put in place within 14 days, day one starts tomorrow, you can turn these in starting tomorrow. And they do have to be notarized, but there is a notary in the County Clerk's Office. So there, they can notarize it for you right there. And then, I mentioned earlier, the letter that we sent out, that letter is the notification letter you got for this hearing that we sent out about a month ago. If you need a copy of that letter, you can get one actually at the County Clerk's office because we give a copy of that letter to them. Because we send the same letter to everyone who's in within 1000 feet, and it has all the case information has general location and all that stuff on it. So, protest petitions once 20% of the land in the blue area has been turned in on protest petition. Then that triggers a, as long as those protest petitions are valid, it triggers a three fourths majority by state law for voting of the County Commission. But since we only have a three-person board, that means it triggers unanimous voting for us. So, what that means is, is that if 20% of the landowners in that blue area, turn in protest petitions, and they're all and they're valid. And the County Commission triggers that that majority vote or that unanimous vote? The County Commission has to vote unanimously to essentially in this particular case, to pass it, they would have to vote unanimously.

Commissioner Phillips: Isn't it 20% of the people who people who own 20% of the land not 20% of the landowners?

Dustin Parks (Staff): It's 20% of the land in the blue area. Correct. Sorry, did I say landowners? I meant to say 20% of the landowners that equate to 20% of the land in that blue area. So, you know, like, for instance, I haven't done the math, but it looks just looking at it. It looks like probably if like Mr. Ellis and Dave Steffey and John Schonfeldt filed protest petitions, that's probably well over the 20%. Mark. But hopefully that describes the protest petition, I went a little bit more than we normally do. But it's I know that this hearing has been contentious. And I want to make sure everyone was aware of what the protest petition did, and what the protest petitions like the proper kind of footing for them.

Chairman Benyshek: Dustin, I have a couple of quick questions. And I think we have some participants that have a couple questions here. What time does the County Commission usually meet on these cases?

Dustin Parks (Staff): So usually the meeting time is they start their meetings at one and usually our times are 1:30. But I don't know I won't know exactly what time the case is, that's actually set on their agenda. So that's why I said you're going to have to kind of look at them, but it would probably be 1:30. Or at the earliest, it'll be 1:30.

Chairman Benyshek: If they showed up at one, they're safe is what you're telling me?

Dustin Parks (Staff): Yeah. If they want to sit through the normal, boring parts of the County Commission meeting, yes. But yeah, so if you show up at one, you should be fine. And again, right now, it's tentatively over at the city building for that meeting.

Chairman Benyshek: At city hall here in Oskaloosa?

Dustin Parks (Staff): Correct.

Chairman Benyshek: Ok.

Dustin Parks (Staff): Both to accommodate people and because they can't use the room, you're in.

Chairman Benyshek: And then hang on Dustin, I do have one question from public comment here.

David Steffey (11895 Ferguson Rd): Do each of us have to file this petition, or we can all sign one petition?

Dustin Parks (Staff): There's very little I can answer about these because they're a legal document. But this is one of the things I can answer. So, every property owner has to fill out their own protest petition. And if you happen to own multiple pieces of land within that blue area, then you have to fill one out for each piece of land you own in the blue area. So, for instance, Mr. Schonfeldt, technically, you've got two pieces of property there that are in the blue area, so you would have to fill out two petitions. Because it's per property per property owner.

Chairman Benyshek: I think that, appreciate your explanation and clarification there Dustin. So that is as far as on this case is all I have for the rest of the evening. Like to thank the applicant, all our public participants in the room and on zoom here. So, we are moving on our agenda here and you are welcome to stay for the rest of the meeting. But if you choose not to, I fully understand.

Item 6: COMMENTS FROM THE PUBLIC ON ITEMS THAT ARE NOT ON THE AGENDA

Chairman Benyshek: Moving on here, I believe that if I have the right agenda in front of me, that is the only case we have this evening. So, we'll move on to item number six here. And that's, we'll try to go through this pretty quick comments from anybody still currently in the meeting here, commissioners that are not on the agenda? Yes, I'll just take one moment here. I apologize. I don't know if, Greg, I know you have joined us this evening here, so, I don't know if you have any comments or anything to speak of. And not to put you on the spot but I guess in a roundabout way, welcome, welcome to the group and we appreciate you being here.

Commissioner Hazen: Well, thanks. I look forward to working with you.

Commissioner Johnson: How about a little background?

Chairman Benyshek: Yeah, I was going to say, actually, we could probably all go around the room here. But Greg, since you're unmuted, if you want to get us started off here, we can if you just want to give a little bit of background information about, I guess, maybe what you do and how you came to be on the Planning Commission here. Hopefully, nobody twisted your arm too hard to join.

Commissioner Hazen: No, I live down on Republic Road between 3rd and 13th. Lived in Jefferson County since 1985. Not always at this address. But I'm retired now and worked in the environmental field. I served with Steve on the Board of Zoning Appeals and just kind of interested in giving back to the community a little bit.

Chairman Benyshek: Very good. We sure appreciate it so well. We'll continue with our Zoom participants. Steve, I'm sure you need no introduction, but we'll give you one anyway, how about that I?

Commissioner Phillips: Lived in Jefferson County since 1993 in the same house. I'm a lawyer. Started out on the Board of Zoning Appeals with Greg then joined the Planning Commission, I forget when and have been on for quite a while now.

Chairman Benyshek: And Tiffany?

Commissioner Asher: Sorry, I can never figure out how to unmute. I'm Tiffany Asher. I actually probably live fairly close to you then. I live off Stairstep. I worked for an architect in Lawrence. And so, while I have always wanted to be on a Commission, it really didn't suit me to do one in Lawrence, because I'd have to recuse myself for monthly probably projects that we work on. So, when I moved to Jefferson County, three years ago, now, I think, I just thought, hey, we don't really work in Jefferson County, so it'd be a way to get involved and be on the other side of things.

Chairman Benyshek: Very good. Thank you.

Commissioner Johnson: So, I bought my 40-acre market garden farm in southern Jefferson County in Rural township in 1980. Started market gardening in 1985. So, I garden full time during the summer, and I've worked as a legislative advocate around the state capitol, actually, since 1978. So those are kind of two sides of my schizophrenic existence.

Chairman Benyshek: Thank you. Matt?

Vice Chair Scherer: Oh, I have been in Jefferson County since 1991, I think and on the Planning Commission for about a dozen years. I'm a retired civil engineer and worked for the Kansas Department of Agriculture most of my career.

Chairman Benyshek: Good. And once again, I'm Tim Benyshek and I've been here in Jefferson County, actually, eight years as of June 23rd. So, I lived over here in the Oskaloosa area for the majority of that time, been 15 years now in agricultural and commercial banking. So, I currently work over on the west end of the county for Denison State Bank. And so, I get the opportunity to see all sorts of deals and development and stuff come across the desk there. So, I've been Oh, I don't know on the commission now, what three years, three, four years, and just most recently, the newly elected chairman so you're getting my first meeting tonight. But anyways, okay, any other, anything else to go over that's not on the agenda? If not, we're gonna move right on to old business here on the general staff report if Dustin has anything for us?

Item 7: OLD BUSINESS, GENERAL STAFF REPORT

Dustin Parks (Staff): Yeah. Okay, so the Board of County Commissioners, I've got a couple of things, Board of County Commissioners does have the draft RFP. There were only two of them one week, and they were gone one week. So, I didn't get it to them until recently. So, they're, they're reviewing it now. So, I expect some comments back within the next couple of weeks from them. And then I'll, you know, make adjustments, and go from there. The other thing I wanted to bring up was during the meeting, somebody mentioned that they saw the traffic counter for this 118th. It was cut within an hour of being placed on 118th. It was placed on an 118th at 7am on I believe Tuesday or Wednesday of last week and at 8am it was cut.

Chairman Benyshek: So, in other words, they were vandalized, someone took their scissors out there and snip snip.

Dustin Parks (Staff): No, no, it was off the road in the ditch that they cut it, so it wasn't like a farm implement had come across there, it was a clean cut. So just a heads up that, you know there's a little bit more going on here, then I think we may all be aware of. But that said, I was trying to get traffic count numbers for this meeting tonight, they were supposed to get them to me this morning and Road and Bridge called me and said, hey, so I can give you numbers for an hour. And I thought they were saying because you know, they forgot to put it out there. And nope, it's because the line was cut within an hour of being placed. So that said, we should have traffic counts for other cases coming up, because I'm requesting them in advance. But that's all really the old business I have. Now they did approve the RV and boat storage from Shyler Meyer last week, and the resolution was approved today. So that should be in the paper, hopefully this Thursday. And then from there, we have to get it filed with the deeds office and get a hold of him for the payment for that after it gets published. And then he'll be good to go there. And since he's on the on the call, he can now know that we'll be contacting him hopefully later this week, if not early next week for the payment and stuff for that. And that is all the old business I have.

Commissioner Johnson: Quick question Dustin. On that RFP on the Comp Plan have the commissioners settled on a certain price.

Dustin Parks (Staff): No, I put the price that we had discussed in there around \$200,000 and I'm waiting on comments from them, so I imagine that will come as part of that discussion.

Item 8: NEW BUSINESS – Discuss upcoming Accessory Dwelling Unit Text Amendment.

Chairman Benyshek: We're going to be moving on to new business here and just have discuss the upcoming accessory dwelling unit text amendment. I'll be real honest, I remember talking about the accessory dwelling units, but I don't necessarily remember the text amendment that was out there about it.

Dustin Parks (Staff): Well, so we don't have one yet. That's why you don't remember. What I wanted to do was discuss that we're going to be bringing one to you. We didn't have, I wanted to discuss it with you, before I put it in the paper for publication that we'd have a hearing on it. Because we're going to do need to do some draft language on it. But essentially what I'm doing is, so we have a couple of options. First off, what is an accessory dwelling unit. An accessory dwelling unit is kind of otherwise known as like a mother in law's quarters, an apartment kind of in a garage or secondary living unit in a shed that kind of thing. Presently, we allow for guest houses and that's it. And we have had, over the years, we've had many, many requests at least once a month, if not way more for mother in law's quarters, or you know, I've got sick family that we need a place for, that kind of thing. And a lot of our surrounding communities, Douglas County, Leavenworth County, Shawnee County, they all have some kind of accessory dwelling unit regulation that says you can live, or you can build a second additional permanent residence. It can't be rented out, you can't use it as an Air B&B, but you can let people live in it. And that solves a lot of those problems of people having to go through the Board of Zoning Appeals for public hearings for sick parents or sick children. It you know, solves the whole like, I've got family who's coming back because my kids a freeloader out of college and once a place to stay, but I don't want them in the house, that kind of thing. But more than that, it allows for, you know, like, kind of like Paul had discussed way back when we did our tiny house stuff, you know, like seasonal labor, stuff like that, that you can, you know, kind of let come live and you know, they can work on your farm and move on. You know, and so we're looking to allow one accessory dwelling unit that could, it would get its own address. That's up to the Road and Bridge Department not me. But we have to keep things into account like you know, they have to be built in a way that either allows them to be split up if need be or that allows them to never be split up. Douglas County has some very specific regulation in place to allow the accessory dwelling unit to be built so far away from the house. But any land division or anything has to meet a whole bunch of criteria. Because we do run into this sometimes in grandfathered pieces of property where somebody has two full time houses and then they go to split it, but they're far too close to each other, so they don't meet setback requirements. Or we run into, you know, where people have three or four houses, and they all share an entrance. This is actually part of where the private road thing came into play in 2009. They all share an entrance and then somebody decides to sell their piece. And now you're dealing with a private drive with none of them have frontage. How do you get those? Is it a travel easement? There's all kinds of mess for it. So, we have to take that into account. So it's not going to be a simple like blurb definition like we've done in the past, this is probably going to be a page worth of regulation revolving around these accessory dwelling units, but I'm hoping that we can get that done in a manner that allows us to accommodate a lot of the requests we're getting and make it easier for folks instead of having to go through public hearings to let their sick parents live on their property.

Commissioner Phillips: How does this differ from a guest house?

Dustin Parks (Staff): So, a guest house we specifically limit, even though we don't have, we say temporary dwelling only. And an accessory dwelling unit would allow permanent residency. And so, we would still allow guest houses, but it would be an either-or situation, you can build a guest house, or you can build an accessory dwelling unit. But the guest house is purely temporary. And so, like if somebody has a sick family member, they can't live in the guest house full time, but they could live in an accessory dwelling unit full time.

Commissioner Phillips: Is the guest house the thing the Board of Zoning Appeals approves or is that still a third thing?

Dustin Parks (Staff): That's actually through us. That's just a building permit. The thing that the Board of zoning appeals approves is the like the temporary housing for sick families and that kind of thing. This would do away with that public hearing requirement. You know, because what I have in my mind is, you know, there's a lot of, I think useful applications. But the big one I see that we run into is such and such family member was diagnosed with this, and we need to keep them you know, near us, okay, here's this 90-day process you have to go through to get that to happen. Versus we can, you know, put a barn up and have them in a shop in the same amount of time. So, for me, that's where the accessory dwelling unit really comes into play. But like I said earlier with, with Paul, there's the, you know, the seasonal labor, there's, you know, letting kids come back for the summer, there's all kinds of stuff. So, it's almost to the point where the guest house would be redundant if they could do an accessory dwelling unit, and that's something we'd probably want to discuss. But I see them each having their own merits.

Commissioner Johnson: And do you get into the question of utilities? Does the guest house tie into the main dwelling? And how about sewer?

Dustin Parks (Staff): So right now, accessory or our guest house regulations say that you have to tie into the same utilities as the primary residence on the property. Accessory dwelling units, by definition wouldn't have to do that, because they're not temporary. So that means you could put them you know, you know, if your house is here, and on your property, and you know, there's a really good spot for another house 10 acres away, like that's, you know, you could put them there. And then they could have their own utilities and their own services. So that's what I meant when I said that I think both of them have their own merits. A guesthouse is designed to be just that it's attached like a pool house. It's attached to the existing utilities. But an accessory dwelling unit can be its own structure off and away from the house. At least that's my intention.

Commissioner Johnson: We're going to see that when?

Dustin Parks (Staff): It won't be at the next hearing because I couldn't get in time for it to be publicly notified. So, it will probably be August when I get draft language to you because I have to publish it the paper that we're going to discuss language. So, I'm hoping that by October we have something in the books. And I guess new business, we do have two cases next month.

Chairman Benyshek: Yeah, I was gonna ask if we had, how many cases we had, you said two?

Dustin Parks (Staff): Yep, they are two plats but they're both single lot subdivisions that are correcting old mistakes. So, somebody split something incorrectly and they're just wanting to fix it. So, they're both that way, which is no new buildings, no new lots, no new entrances. It's just they're correcting mistakes legally.

Vice Chair Scherer: If I can go back a moment to the accessory dwelling? Would it be possible to get us reference material next meeting, Douglas counties regulations or something like that?

Dustin Parks (Staff): I can, I can actually, that's kind of what I'm using is I'm using. To be honest, I'm using a weird amalgamation of Shawnee counties, Douglas Counties, and Leavenworth counties to try to put something together that fits more for us. Because like Douglas County has building code. Shawnee County has much more stringent stuff when it comes to land division. Leavenworth has different stuff when it comes to their roads, and you know, how you can divide property. But they all have accessory dwelling unit language that I kind of like in pieces, but I'll get you Douglas Counties, because that's kind of the most robust.

Commissioner Asher: We just did one in Douglas County. And there's things like it has to be a certain percentage, smaller than the main house. Like you said, it has to have its own drive. It has to there's a lot a lot.

Dustin Parks (Staff): Seeing like the percentage thing I don't know if I necessarily want to do because somebody might want to turn their existing dwelling into the accessory dwelling and build a new house.

Commissioner Asher: Yeah. So, what we did on this one, actually, is the new house that is being built, we just had to classify, it's bigger, we had to classify that as the main house. And then the old house was(...inaudible).

Vice Chair Scherer: It sounds like a complicated enough thing that I'd hate to get through it all in one meeting.

Dustin Parks (Staff): Exactly. Yeah, that's, that's why I said I'm hoping to have some draft language to you by August. And then, you know, maybe within a couple, two or three meetings, we can maybe hash it out. But yeah, I'll get you, I'll get you Douglas County's stuff for next meeting.

Vice Chair Scherer: Thank you.

Chairman Benyshek: All right.

Commissioner Johnson: Quick question for Dustin. Are you tracking what Johnson and Douglas County are doing on solar farm regulations?

Dustin Parks (Staff): Not at all.

Commissioner Johnson: I think it's something we need to flag because what, while we may or may not have commercial wind developments in Jefferson County, I think, you know, utility commercial industrial grade solar developments are coming.

Dustin Parks (Staff): Oh, it's a hot topic across the state right now, both wind and solar.

Chairman Benyshek: All right. I guess any other comment before we adjourn this evening? I will say as looking at the calendar here in front of me. And it looks like our next meeting would probably be the 25th of July, if I'm looking at the calendar, correct?

Dustin Parks (Staff): That is correct.

Chairman Benyshek: Okay, well, then I have an announcement in the announcement and that is that I will be in Florida on the 25th. And no, I will not be calling in via Zoom from Florida for that meeting. So, nothing like chairing the first meeting and then turning it over to the Vice Chair for the second meeting.

Dustin Parks (Staff): I was trying to give you an easier meeting for your second one.

Chairman Benyshek: This one wasn't really tough, it's just a lot of spirited individuals when it comes to this case.

Dustin Parks (Staff): But Tim, you need to stick around a little bit because we have to get you to sign the plat since it was voted to recommend approval. And then Tiffany at some point will have to have you come in and sign, but it won't go in front of the County Commission until the 18th of July. So, you have until then. But Tim, you have to do it now. We're going to make you do it now.

Chairman Benyshek: Okay unless there are other items to be discussed. I am looking for a motion for adjournment.

Vice Chair Scherer moved to adjourn the meeting. Commissioner Johnson seconded. All said aye.

Item 9. Adjournment – 8:49 PM

Minutes taken by: _____
Erin George

Approved: _____
Date

Chairman: _____
Tim Benyshek

Secretary: _____
Tiffany Asher