

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of Planning Commission Meeting of April 24th, 2017

Item 1. Call to Order.

Item 2. Approval of the Agenda

CHAIRMAN SCHERER CALLED FOR THE APPROVAL OF THE AMENDED AGENDA PRESENT TO THE COMMISSION AT THE START OF THE MEETING. COMMISSIONER FINLEY MAKES A MOTION TO APPROVE THE AGENDA AS PRESENTED. SECRETARY NEWMAN SECONDS THE MOTION.

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
DNV	Aye	---	---	---	Aye	Aye

Dustin Parks made mention that the only change on the Amended Agenda included the addition of the swearing in of Stephen Phillips

Item 3. Swearing in of Stephen Phillips – Erin George read the oath.

Item 4. Roll Call

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Present	Present	Present	Present	---	Present	Present

Staff Members Erin George, Planner I, and Dustin Parks, Zoning Administrator were present.

Item 5. Approval of the March 27th, 2017 minutes.

CHAIRMAN SCHERER ASKED IF THERE WERE ANY CORRECTIONS OR ADDITIONS TO THE MINUTES.

CHANGES NOTED: PAGE 12 – A QUOTE BY VICECHAIR JOHNSON INCLUDED A QUOTE BY DUSTIN PARKS. AMENDED TO INCLUDE THE PROPER SPEAKER – PAGE 6 – ADDED “WE” TO A PARAGRAPH

ACTION: *SECRETARY NEWMAN MAKES A MOTION TO APPROVE THE MARCH 27TH, 2017 MINUTES AS AMENDED, COMMISSIONER FINLEY SECONDS THE MOTION.*

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
DNV	Aye	Aye	Aye	---	Aye	Aye

ITEM 6: Public hearings

First Hearing: Z2017-03

Chairman Scherer – The first hearing tonight is Z2017-03. A request to rezone a piece of property commonly known as 5466 Clark Rd from the Rural Residential district to the Suburban Residential district at the request of Daryl Goodnow. At this time, I'll ask if any members of the planning commission have any conflicts of interest or any exparte communication? Seeing none, I'll ask the staff for their report.

Dustin Parks – Alright, this is very similar to a hearing we had last year where the individual was doing a boundary shift and the resulting piece was smaller than their existing zoning. This is the location of the request (referencing projected map). Here is Clark rd, and this is 50th. The request is being made by Daryl Goodnow, right here, and what is happening is the property on the south is essentially absorbing acreage from Mr. Goodnow due to a boundary shift. This is the current zoning map. There is SR here, and across the street then surrounding the site on three sides is Rural Residential with Ag behind the property. The Ag property is actually owned by the owner of the land to the south of Mr. Goodnow. This the notification boundary. This is a general overview of my report. The property in question is currently 9.95 acres, we published the notifications as required, the area is not in the SFHA, the current entrance meets the road department standards of a 30 foot residential entrance and since no new parcels are being created they had no issues, it is located in Jefferson County rural water district number 1. This property has not officially been boundary shifted yet. They wanted to go through this process before finalizing this transaction. The planning commission may recommend approval or denial and based on what we've done in the past and the condition of this property we're recommending this be approved. It's pretty cut and dry.

Chairman Scherer – Could you explain the split for us?

Dustin Parks – Sure. In your packet there was a copy of the plat, or survey, for what is going on. The map shows the existing parcel, and what would be the newly created boundary lines. The legal description on the next page shows each piece individually, and a full legal for tracts 2 and 3 so that they can be filed as one legal piece of property.

Chairman Scherer – Thank you. Does the applicant wish to say anything to the application?

Daryl Goodnow – I'm Daryl Goodnow. I don't really think I have anything to add, pretty much everything has been said.

Chairman Scherer – At this time I'll ask if there are any questions for the applicant? Is there anyone who wishes to speak in favor the of the application?

Levi Starky – I live on the south side of the property here. I believe it would be a good thing for each of us and a good thing for the county.

Chairman Scherer – Thank you, could you identify yourself please?

Levi Starky – Oh, yeah, sorry. I’m Levi Starky

Chairman Scherer – At this time I’ll ask if there is anyone who wishes to speak against the application? Hearing none, I’ll ask if there anyone who wishes to speak in regard to the application? Seeing none, I’ll close the public comment portion of the hearing so that we can make a recommendation. Any discussion?

Secretary Newman – I’ll make a motion to approve Z2017-03 based on staff’s findings.

Chairman Scherer – There is a motion to approve Z2017-03 based on staff’s findings.

Commissioner White – I’ll second it.

Chairman Scherer – We have a second, is there any further discussion? Seeing none, all of those favor of the application, excuse me, in favor of the motion please say Aye. Those opposed same sign? It appears unanimous. Staff can tell you when it will go in front of the county commission.

Dustin Parks – It looks like it will go in front of the county commission on May 15th. Our hearings are usually between 1:30 and 2. We will send you out a letter going over all of this.

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
DNV	Aye	Aye	Aye	---	Aye	Aye

5-0

Chairman Scherer – Our next hearing is PR2017-05 and Z2017-04 a request to consider the peaceful scenic acres subdivision, a two lot subdivision and to rezone lot one as Suburban Residential. At this time, I’ll ask if any members of the planning commission have any conflicts of interest or exparte communication? Seeing none I’ll ask staff for their report.

Dustin Parks – As stated this is a request to consider the Peaceful Acres subdivision which is a two lot subdivision and a request to rezone. Currently it’s all zoned Rural Residential and they would like to do something very similar as the last one in going from Rural Residential to Suburban Residential on one of their lots. Here is a map of the area (referencing the projected map). This is the north side of Perry Lake. This is 118th and here is Ferguson rd. At this curve right here on the west end of 118th begins Army Corp ground. Here’s a little bit better zoomed in map of the area. The Steffey family owns all of the land on the south side of 118th across from this request. Here is the current zoning map. There’s Rural Residential to the east, Ag ground to the north, Rural Residential to the south and Army Corp/Government own land to the west. This is a map of the floodplain. It looks like it’s close to the floodplain, but this hill would suggest far otherwise. It drops pretty drastically toward the lake right here so they won’t be in danger of flooding. As you can see in the pictures in your packet the house sits much farther up hill from where I was taking pictures. Here is notification boundary which is 1000ft from the parcel. This is the preliminary from the plat. As you can see on the elevations, it drops drastically from the house to the pond and even more so towards the lake. Lot one will be 5.39 acres and lot two will be 17.48 acres. Here’s what the final plat would look like, you can see the lot lines more clearly. The house is over here (referencing the plat) there’s another residence down here (referencing the Steffey residence on the south side of 118th.) Again this is the general overview of the report. The general size being 22.87 acres, we

published and notified as required, there is no SFHA on the property. The existing entrance at 9352 118th does not meet current Road Dept standards due to site distance but it is grand fathered in. The existing entrances on proposed lot 2 also do not meet current road dept standards due to sight distance but is also grandfathered in as well. No additional entrances will be possible on Lot 2 because of the sight distances. There is a pretty good curve there. Lot 1 will consist of 5.39 acres. There will be an existing house and wastewater system on this lot. It appears that all the lateral field will be located on Lot 1 and meet the required setbacks, but due to the terrain and location of the surveyor's stakes, it was hard to make an adequate determination. There is very little space available to enlarge the system should fail occur in the future. A pump station may have to be installed to pump wastewater uphill to the west. Lot 2 will consist of 17.48 acres. There is an existing system on this lot that served a mobile home at one time. Should someone build on this lot, the system could be used, or there is plenty of area to install a new system. We fielded no questions about this request. We reviewed the plat and found that it did meet the requirements. The planning commission may recommend approval or denial. We recommend approval for this one because it fits with in the regulations.

Chairman Scherer – Any questions for staff?

Vice Chair Johnson – The existing entrance at 9352 118th does not meet current road department standards due to sight distance but is grand fathered in. Could you help me with that?

Dustin Parks – As far as I know, it's grandfathered in. That is a blind curve, and it's right here. In today's standards it wouldn't fit the bill, but because it was installed before they developed those road department standards it's grandfathered in.

Commissioner Finley – And we can't change that? Not that we we'd want to, but nothing we do will further endanger them?

Dustin Parks – For what we're doing here, correct. Since there are no more residences further up the road. If they were to build another drive, it would probably have to go down to lot two, which considering the hill is pretty unlikely.

Chairman Scherer- Could you show us where those entrances are?

Dustin Parks – Sure. Let me go to a different slide. The house sits here, and the entrance sits right in here. So with this curve right here, the entrance is really tight. There are actually signs up there that say “Hidden Entrance” that's how blind that curve is.

Vice Chair Johnson – So following up that, the existing entrances on proposed lot 2 also do not meet current road dept standards due to sight distance but is also grandfathered in as well. No additional entrances will be possible on Lot 2. So, we're going to grandfather in an unsafe entrance for that too?

Dustin Parks - The Road Department did, yes. Not us. The Road the Department. Road and bridge is in charge of all non state entrances and accesses to the roads.

Vice Chair Johnson – So we have no, no authority to question whether that's proper sighting or whether the county commission should consider that possible hazard?

Dustin Parks – For the existing entrances, no. They are grand fathered in. If they were proposing new entrances, yes.

Vice Chair Johnson – Grandfathered in from?

Dustin Parks – They were put in before the existing regs.

Chairman Scherer – Other questions for staff at this time? Seeing none, I'll ask if the applicant would like to make a presentation?

***** The Microphone Reception was poor***** At this point Delvis Steffey and his son discuss the condition of the ground, his intention to give it to his grandson, the use of the entrance and how long it had been in the family.

Vice Chair Johnson – I guess what I would say is, that this is for your present plans for the land. If it's granted and for whatever reason you sell it then there are other opportunities to build on that lot. So it's like, we're looking at this in terms of long standing development of this land. Your immediate plans are what they say are, and that's great, but that's not what the final conclusion is for what the land can be used for.

Chairman Scherer – Any other questions?

Commissioner Finley – I would assume you've owned this for a while? When did the road come through?

Mr. Steffey - That road came in when the army corp built the lake in the 60's. Then they made a park out of that ground over there.

Commissioner Finley – My second question is, it speaks about a mobile home on lot 2, what was it used for and how long was it there?

Mr. Steffey – I was working in Kansas City and I had a guy working for me, and I let him put a mobile home out there on the property. It's got a septic tank. We'd like to keep this property together in the family.

Chairman Scherer – Any other questions for the applicants? Seeing none, I'd like to ask if there is anyone who would like to speak in favor of the application? Seeing no-one I'll ask if there is anyone who wishes to speak in opposition to the application? Is there anyone who wishes to speak to the application before I close the public comment portion of the hearing? Seeing no-one I'm going to close the public comment portion of the hearing so that can make a recommendation.

Vice Chair Johnson – Well, this maybe for staff, I want to go back to this grandfathered in perspective. Can the planning commission, is it possible for the planning commission to get recommendations from the road department on what would be acceptable or safe entrances for these two properties? Can we build that in to recommendations for approving these lots?

Dustin Parks – You can build it in as far entrances being approved by the road department. In terms of the existing lots, it would be a separate thing. They're already there and they're grandfathered. You could say any future entrances would need to be approved, but that's how we currently operate any ways. So, you can, but it's almost redundant because the road department has to approve all future entrances anyways and on Lot 2, there is no place that would be suitable for another entrance. They've

already said that Lot 2 has the only entrance it can get, even though that one doesn't even meet current road standards.

Chairman Scherer – Any other questions or comments for staff?

Stephen Phillips – I move we approve it.

Chairman Scherer – We have a motion to approve, I assume based on staff's findings?

Stephen Phillips – Yes.

Secretary Newman – I'll second it.

Chairman Scherer – We have a second, any discussion? Seeing none, all of those in favor of the motion please say aye. Those opposed? We have one dissenting vote. Again staff will advise you of the date this will go in front of the County Commission

Dustin Parks – As stated earlier, the County Commission will see this case on May 15th between 1:30 and 2.

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
DNV	No	Aye	Aye	---	Aye	Aye

Passed 4-1

Chairman Scherer – Our next case is PR2017-04 and Z2017-02...Is that correct?

Dustin Parks – Yeah, that's right.

Chairman Scherer – Okay. A request to consider the final plat of the Sarcoxie Estates Subdivision, a 4 lot subdivision at the corner of 35th and Union and a request to rezone lots 1 through 4 of that same subdivision to Rural Residential. I'll ask members of the planning commission if they have any conflicts of interest or exparte communication regarding the application? Seeing none, I'll ask for the staff report.

Dustin Parks – As stated, this is a request to consider the final plat of the Sarcoxie Estates Subdivision, a 4 lot subdivision, a 4 lot subdivision of at least 10 acres per lot. The subdivision would allow for up to 4 total residences including the one currently being built on the property. So this would allow for three additional. The general location of the request is on the south side of 35th where 35th and Union Rd meet. Also, if approved, a request to rezone lots 1 through 4 of that subdivision from Ag to Rural Residential. Generally located in the same spot. This is the location of the request (referencing projected map) here is Union, this is 31st and here is Lake Dabanawa and here is circle S ranch. The surrounding, on all sides but to the east, are AG. Rural Residential is to the east. There are, within a mile or so, are SR and RR to the south. Here is the SFHA there is none that would be of any concern to this property. Here is the buffer area. The 1000ft radius of notification outside of the property for individuals that we notify. This is a preliminary plat. This one shows, as the earlier one did, all of the elevations the creek which has no floodplain on it. The two outside lots are 14.6 acres and the two inside lots are 10. This is what the final plat would look like. This is my general report. It shows the Ag all around and the Rural Residential to the east. The total acreage currently is 48.5. We published and notified as

required, there is no special flood hazard area. The road report says that the entrance on what would be Lot 2 was already approved and provided an address on June 14th, 2016. It is possible for other entrances on the other lots but they must be reviewed before installation due to limited sight distance and materials that may be needed. This is located within Jefferson County Rural Water 13. They have marked that well water would be their choice of water availability.

The health department says that: The Jefferson County Health Department received a request for an Environmental Consult to split the above referenced property into four lots. This consult was completed by using the soil maps and aeriels. No site visit was completed. Lot 1 will consist of 14.59 acres. The west half of this lot is the only buildable location. The soils on this lot are of the Pawnee and Martin Series. Both soils are moderately well drained and permeability is slow. The east half of this lot is of the Vinland Soils. These soils are formed in material weathered from silty shale. A conventional system, such as a septic tank and lateral field, cannot be placed in these soils. Lot 2 will consist of 10 acres. The only buildable site, according to the soil book, is going to be to the north on the lot, where there are some Martin soils. The location of a house on this lot will be critical to allow enough space for a wastewater system. The south half and east half of the lot area of the Vinland soils. There is currently an open permit to construct on new home that will be on this lot. Have not been notified that either the wastewater system or the home has been constructed. The permit will expire June 8, 2017. Lots 3 and 4 will consist of 10 and 14.60 acres respectively. Soils on these lots are of the Martin and Shelby Series. Shelby soils are moderately drained and permeability is moderate.

I'll go ahead and read the full road report: Lot 2 was already approved for an entrance and issued an address on June 14, 2016 at the following location: On the South side of 35th St approx. 1958ft W of Union and it will require a mound entrance. It was given the address of 19103 35th St. It is possible for other entrances on the other lots but any future entrance must be reviewed before installation due to the limited sight distance (i.e. curves, hills) and materials needed.

As I stated earlier, a building permit was issued on the property. Number 12713 on June 14th of last year for a dwelling.

We did field two phone calls from neighbors. Both phone calls were general inquiries. One did not state direct opposition, but did state they would like to see the rural areas of Jefferson County protected and stated they would send a letter. Did we hand out that letter?

Erin George – I don't think so.

Dustin Parks – Let me look in the box... I don't see it. Would you mind checking on my desk downstairs?

Erin George – Sure

Dustin Parks – Would you like me to pause while she runs and grabs that?

Chairman Scherer – No, go ahead.

Dustin Parks – Okay. My comments for this hearing are; This section of 35th street sees above average traffic due to the proximity of Circle S. Ranch however the Public Works director has stated that the creation of 4 residential lots should not create a substantial increase in traffic nor should the roads have any noticeable degradation due to normal daily commuter traffic. This property is located within the Ag Enhancement Overlay District. It does have proximity to other Rural Residential properties and is moderately rated for Agricultural Protection using the LESA method of determination. Now I will state that this was within about 5 points of being on the side of Highly rated. Neither the building currently being built on the property, nor the materials it is being built with, should be considered as part of this hearing. The current owner is allowed to have a residence on the original 40 acres, and thus the structure is

permitted. Jefferson County does not have building codes, so the materials with which the dwelling is constructed are not regulated. To give you background on that. What's being constructed is what is considered an earth house. They use recycled materials like bottles, tires, glass bottles and stuff like that. Since we don't have building codes, that is permitted in Jefferson County. Staff reviewed the plat and found that it appeared to meet the Subdivision Regulation requirements. (At this time, Erin returns with copies of the letter submitted via email by Joyce Williams and passes it out to the planning commissioners) I'll pause and give you guys a chance to read that. (A roughly 50 second time frame passes while the planning commissioners read the letter) The planning commission may recommend approval of the request based on the following, or deny request. Due to the fact that it meets the regulations, we do recommend that it is approved.

Chairman Scherer – Any questions for staff at this time? Seeing none, would the applicant like to make a statement?

Mary Cronemeyer – My name is Mary Cronemeyer and we're just really excited about the opportunity to build an earth ship in Jefferson County. They build them a lot in New Mexico and we've visited with them and they're very cool. We're working with the KU engineering department to build this. Seth and Marcel are one of my good friend's grandson and they went to school to learn how to build them and we're just really excited about it.

Chairman Scherer – Are their questions for the applicant about the subdivision?

Commissioner Finley – It would be your intention to sell the other three lots?

Mary Cronemeyer – Not right now. The way we chose to divide it was between the alfalfa pastures. We didn't want to put it in the alfalfa. This was the prettiest little field to put it in, and Steve when he surveyed it said you might as well because you're pretty much dividing it any way.

Commissioner Finley – So it wasn't your intention to subdivide this originally?

Mary Cronemeyer - No, we just wanted to give them enough land to get the earth ship built, and that was 10 acres.

Chairman Scherer – Any other questions? At this time I'll ask if there is anyone else who would like to speak in favor of the application?

Seth (Unintelligible) – My name is Seth (Unintelligible) and my wife and I are building the house on one of the lots. We were advised, well we talked about doing an Agricultural lot split with our surveyor. He advised us to go this route, and so that's what we applied for. I'd like to speak in favor of it.

Chairman Scherer – Thank you. Is there anyone else who would like to speak in favor of the application? Hearing none, I'll ask if there is anyone who would like to speak against the application –

****Staff has elected to summarize the public comments against the application due to their repetitive nature****

Several spoke against the application at this time (See the attached Attendance log for a list of those present at the meeting). A majority of the complaints raised were against road condition, traffic, preserving agricultural land and scenery, dissatisfaction of the county's decision to allow an earth ship to be built, dissatisfaction about the amount of trash near and around the construction site, affecting the amount of food production available, not having more neighbors near by and fear of encroachment. Spouses each took turns voicing their opinions and many comments were reflective of the overall feeling by those speaking against that this would be bad for the area. Also, stated several times by those present was an apparent acceptance of one or two new homes on the property, but not 4. The time index on the audio file is 54 minutes 30 seconds to 1 Hour 11 Minutes and 30 seconds.

Chairman Scherer – Is there anyone else who wishes to speak against the application? Seeing none, is there anyone else who wishes to speak to the application before I ask the applicant if she would like to make a final statement? Would you like to make a final statement?

Mary Cronmeyer – I think they all just explained why Seth and Marcel want to live in that house. Thank you.

Commissioner Finley – This may not be the right time, but I have a question for the second applicant. It sounds as though you don't have enough capital to buy the entire piece of property you don't want to buy the whole property. So you asked to subdivide the 10 acres so that you can afford it and build the house is that correct?

Seth - That's correct.

Commissioner Finley - And we don't deal with the sewer, is that correct (directed at staff)

Dustin Parks – Correct.

Chairman Scherer - Any other questions for the witnesses? We can ask questions after we close the public comment portion of the hearing. At this time I'm going to close the public comment portion of the hearing so that we can ask questions and perhaps prepare a recommendation to the county commissioners. I have a question about water – normally we have a statement showing there is sufficient water, either from the RWD or private wells.

Dustin Parks – We didn't get a letter from the RWD. Mr. Tufte (the surveyor) stated he requested one, but we never got one. Since the lots were doing individual wells, we don't require a letter from the RWD.

Chairman Scherer – We don't have any indication if the wells would provide sufficient water for residential purposes?

Dustin Parks – That's a health department question. Since they handle sanitary sewer side, and residential water side... We would assume so since they approved a waste water system on that lot, but that doesn't necessarily mean they will on the others.

Chairman Scherer – Right, that's kind of where I was headed. Any other questions for those that testified or for staff?

Vice Chair Johnson – So, this is probably for staff. So, we're looking at, this is completely surrounded by Agriculturally zoned land?

Dustin Parks - Except for the east side, yes. The east side has two rural residential lots.

Secretary Newman - Can you bring that map up?

Dustin Parks- Yeah, sure, one second.

Vice Chair Johnson – I guess I have a couple of questions. 1, because those two residential lots exist, that means that our proclivity is that we're just, it's more like that we're just going to keep subdividing? We'll just keep taking agricultural land out making more Rural Residential lots. Is that staff's thinking?

Dustin Parks – No.

Vice Chair Johnson - But since those exist, it's in more favor to take Agricultural land into residential because those two exist?

Dustin Parks - In this instance, it would be. As you said, because they exist, the location seems favorable to create rural residential there and within a about a mile there is plenty of SR and RR to the south. If all of that was Agricultural land, and these were the only two residential lots around, this would be different. But, with those RR lots and these RR and SR lots this nearby, and under the LESA Scoring, this area is suitable for Rural Residential zoning. Whether or not it's favorable and whether or not it's the right decision for the land is up to you and the county commission. I just make sure that it fits the regulations.

Vice Chair Johnson – Well, under the LESA scoring, when I look at this it's highly rated for ag land preservation, moderately rated for farm land preservation. Here's my other question. We had a battle here a while ago about Circle S and the road impact and what was happening. We had Bill Noll in and he was talking about what he was dealing with in terms of his budget and in terms of road conditions. He was pretty blunt in saying "I'm out of money. I'm struggling with maintaining these roads and I don't have extra money to help with this." So now, we're going to plot another 4 lots in there hoping that it's not excessive traffic, but I guess to me I'm wondering whether as the planning commission we bring into the discussion the impact to the roads and what it means, you know, and when I hear neighbors and people say that they might live with one extra plot but we're going to put 4 in there, is there a tipping point about what's sane development policy for Jefferson County.

Dustin Parks – I'm sorry, but I didn't catch a question.

Chairman Scherer- There wasn't one. How much of the area is in the Ag overlay?

Dustin Parks – The whole area is. Even down here (referencing the area on the map reflective of the several SR and RR zoned lots.) Now, the AG enhancement overlay was added AFTER these lots were zoned, which is why the LESA Score didn't go lower. I took into account that these were there before the Ag enhancement so I didn't take into account in the LESA scoring that these were so close.

Chairman Scherer – So the LESA score would have been higher?

Dustin Parks – Lower. Had I taken these into account the score would have been lower on the scale for preservation.

Chairman Scherer- The idea being that you didn't consider them in the scoring.

Secretary Newman – Are there any residences built nearby on those two lots? (referencing the RR lots to the East)

Dustin Parks- Yes, each has a residence.

Commissioner Finley – Could we zoom in on that?

Tyler Petrie – Could I ask a question? If we're allowing building houses out of recycled materials, how do the property taxes get evaluated?

Chairman Scherer – I can tell you that no one here can answer that question.

Dustin Parks – That's an appraiser's office question

Commissioner Finley – To continue my question, I'm just curious whether or not their entrance butts up to 35th or not.

Dustin Parks – I tell you what, let's do something we haven't done before. I figured traffic would be one of the big concerns raise, so I did something I haven't done before. We're going to watch a video.

****At this point, staff plays a video recorded from a dashboard mounted camera to show existing entrances and current road conditions****

Commissioner Finley – Regarding those entrances, you probably don't know if those are grandfathered in?

Dustin Parks – The road department will have to take those entrances into account, for any new entrances put in.

Commissioner Phillips – Are we open for discussion now?

Chairman Scherer – The planning commission is.

Commissioner Phillips – I'm new here so I don't know if the LESA score of 323 is a precedent or not. What have you decided in the past.

Dustin Parks – The LESA score is broken up into three sections. Not rated for Protection, Moderately Rated for Protection or Highly Rate. The bottom box on this page shows what that means. The score just reflects the total of all the above categories. If it had gotten 2 more points it would have been in the bottom tier of Highly Rated which is why I stated it was close. Its proximity to McLouth and its proximity to Lawrence is what knocked it into that category because it's close to schools.

Commissioner Phillips – So what has this commission recommended in situations analogous to this?

Chairman Scherer – We've gone both ways. We've seen LESA scores lower than this for a much larger subdivision not be approved, and we've also seen the opposite because we thought the area was suitable. I don't know that they had the exact same score. We don't see a LESA score very often.

Commissioner Finley – I think the majority of evidence points to recommending against, in my opinion, based on the water situation, lack of sewage facility availability, sight distances for road entrances as well as the testimony. I would also say that by not recommending this plat that we're not condemning what the owner is trying to do here, but I don't think it's the best way for them to do it.

Dustin Parks – They could build one more. If the plat is not approved, they could still go through the ag lot split process and build one more home.

Commissioner Finley – It’s not condemning their actions or anything.

Dustin Parks – It should be stated again that whether or not this is approve, the earth ship will be built.

Commissioner Phillips – And the nature of the house really isn’t our concern.

Chairman Scherer – Any other discussion? Or does anyone have a motion?

Commissioner Finley – So Dustin, how we do say, just that your findings were in error?

Dustin Parks – Yeah, that’s the process. It’s not offensive.

Chairman Scherer – Just that you disagree with staff findings, not that they were in error.

Commissioner Finley – I would move that we not recommend PR2017-04 to the commission based on the idea that staff’s finding were in error. Do we need to do the zoning as well?

Dustin Parks – The zoning doesn’t matter if you don’t recommend the subdivision.

Chairman Scherer – We have a motion to recommend to the county commission to deny PR2017-04 based on disagreement with staff’s findings.

Vice Chair Johnson – I’ll second that.

Secretary Newman – So, we’re voting to deny? I just want to be sure.

Chairman Scherer – Correct, we’re voting to deny. So, I have a question, you actually provided a list of reasons earlier in your discussion. Would you be interested in putting those in the motion?

Commissioner Finley- I move to amend my motion to include my reasons of lack of planning for water, sewer and entrances. I would also include in my motion the High LESA Score and public testimony.

Chairman Scherer – At this time we have a motion to amend the motion to include reasons of: Lack of planning for water and sewer, issues with entrances to the road way, the High LESA score and the testimony of the public.

Vice Chair Johnson – I would second that.

Chairman Scherer – We have a second. Before us now is the motion to amend the main motion. Any discussion? Seeing none, those in favor of the motion to amend please say Aye. Those opposed.

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
DNV	Aye	Aye	Nay	---	Aye	Aye

4-1

Chairman Scherer – The current motion is to recommend denial of PR2017-04 based on staff findings being in error due to a lack of planning for water and waste water, potential issues for entrances on the road way, high LESA scoring and testimony of the public. Any discussion? Seeing none, all those in favor of the motion which I will remind you is to deny, please say Aye. Those opposed? We have one Nay

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
DNV	Aye	Aye	Nay	---	Aye	Aye

4-1

Chairman Scherer- Ladies and Gentlemen that was our last public hearing. You are welcome to stay, and we actually have a public comment portion should you wish to stay. Since no-one is staying, let's take a 5 minute break. We'll resume at 8:30.

ITEM 7: Yearly reorganization of the planning commission.

o **Results:**

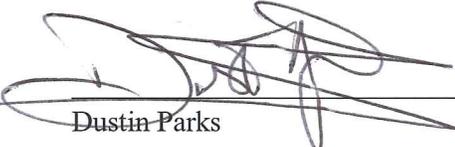
- **Matthew Finley was elected Chair**
- **Paul Johnson remains as Vice Chair**
- **Brandon Newman shall remain as Secretary until he moves and is removed from the board. At that time, Dustin Parks shall become the Secretary of the board.**
- **An amendment to the planning commission bylaws was suggested – Add 3 year term limits to Chairman position.**

Item 8: Old Business: Staff advised the commission on the status of previous cases that went before the Board of County Commissioners. No other old business was discussed.

ITEM 9: New Business: Staff advised the commission on upcoming hearings.

ITEM 10: Adjournment at 08:57 PM

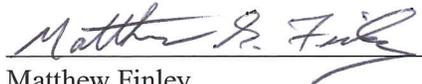
Minutes taken by:


Dustin Parks

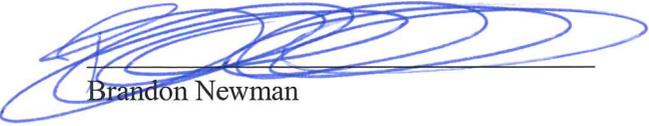
Approved:

5-22-17
Date

Chairman:


Matthew Finley

Secretary:


Brandon Newman