

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of Planning Commission Meeting of April 25, 2016

Item 1. Call to Order.

Item 2. Approval of the Agenda

CHAIRMAN SCHERER CALLED FOR THE APPROVAL OF THE AGENDA. VICE CHAIR JOHNSON MAKES A MOTION TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER NOLL SECONDS THE MOTION.

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	Aye	Aye	---	Aye	Aye	Aye

The motion carried unanimously, 5-0.

Item 3. Roll Call & Swearing In

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
Present	Present	Present	Absent	Present	Present	Present

Staff Member Sam Henderson, Zoning Administrator and Erin George, Planner I, were also present. Erin George swears in Denise Streeter as a member of the Planning Commission.

Item 4. Approval of the March 28, 2016 minutes.

Chair Scherer asked if there were any corrections or additions to the minutes and mentions a few items to be corrected.

ACTION: *VICE CHAIR JOHNSON MAKES A MOTION TO APPROVE THE MARCH 28, 2016, MINUTES WITH CORRECTIONS, COMMISSIONER FINLEY SECONDS THE MOTION.*

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	Aye	Aye	---	Aye	Aye	Aye

The motion carried unanimously, 5-0.

Item 5. Public Hearing

Chairman Scherer opened the public hearing.

PR2016-04: A request to consider the Final Plat of the Holland's Haven Subdivision, a one (1) lot subdivision, at the request of Taylor and Cody Holland.

Z2016-04: A request to rezone Lot 1 of Holland's Haven Subdivision from "AG" District to "RR" District, at the request of Taylor and Cody Holland.

Chairman Scherer asked the members if there was any ex parte communication or conflicts of interests regarding the requests and seeing none proceeded with the staff report.

Mr. Henderson presented the staff report for PR2016-04 and Z2016-04.

Chairman Scherer asked for questions of Staff.

Vice Chair Johnson: Do you send letters to, so this all goes to Douglas County, right? The 1000 foot area goes into Douglas County, right?

Mr. Henderson: No, sir.

Commissioner Noll: From the map it's a quarter mile from the east?

Mr. Henderson: It doesn't quite go into Leavenworth County, this is the county line, right here. That's Leavenworth. This is probably like 7 or 800 feet from Leavenworth County.

Chairman Scherer: The petition area does not go into Leavenworth County.

Mr. Henderson: The one mile buffer does.

Vice Chair Johnson: Why do we have the 2 mile map here?

Mr. Henderson: That's for the LESA score.

Vice Chair Johnson: I guess for technical information if it was right on the line, it went into Leavenworth County, would you notify those property owners as well?

Mr. Henderson: Yes, sir.

Vice Chair Johnson: And they would have some standing or some ability to comment on it?

Mr. Henderson: Just as much as anyone else in that 1000 foot radius of notification. Even though they would be in a separate county the use may impact them as well. It's like, for example, I think it was last year but it could have been 2 years ago now, but the sand plant down on Lecompton Rd. that notification area did actually end up going into Douglas County so we did end up notifying those folks, I think it was like 1 or 2 that actually had property and then we also notified the Road and Bridge Department down there for Douglas County just because the traffic uses that road down there quite frequently. If it was, for example, the next area over and the notification area did go into Leavenworth County they would receive notification.

Commissioner Streeter: And we've got notification in the city when you've had something in the county, I mean we're in the same county, but still. I just thought that was interesting when we got a conditional use.

Mr. Henderson: For the cities, there's a notification area that was agreed on in like 1999 and if a request falls in that notification area for the cities we notify the city clerk or the city administrator and if it's a county property that does about the city we do notify property owners within the city limits, 200 feet.

Vice Chair Johnson: And that's 3 miles around the city, right?

Mr. Henderson: It depends on the city. It's different for each city just depending on, a lot of it came from the comprehensive plan growth area the implements area. It's not a 3 mile radius.

Commissioner Noll: On this one picture you have it says view of residential property north of subject property, is that supposed to be north or south?

Mr. Henderson: No, there is a residential property and it is zoomed in quite a bit, but it was taken from down here because the elevation is a little higher and it's this property right here.

Commissioner Noll: Okay, I call that west.

Mr. Henderson: It is west, but it's north from where the camera was.

Chairman Scherer: Other questions for Staff? I have a question for the LESA is the land slope affect the LESA score? When you do the LESA score does the land slope actually affect the score?

Mr. Henderson: I don't believe so, there's a soil type that goes into the calculation and based on the slope of the land the soil could be different.

Chairman Scherer: Some of the slopes on that land don't look terribly useful to me for farming. Other questions for Staff? In that case, do you have anything that you'd like to say in support of your application at this time?

APPLICANT PRESENTATION

Applicant: The only thing I have to say is that we're trying to make it conform to the county regulations. It was split without us being able to have any impact on how it was zoned so the ability for us to build relies on it being rezoned so that's why we're going through the proper, legal ways for it to get rezoned. So we can have an opportunity if we want to build on it some time. It was not any impact upon ours of how it was rezoned. We didn't have an opportunity to say it needs to be split into 40.

Chairman Scherer: Any questions for him at this point?

Commissioner Finely: I was wondering if you could give a little history of Holland's Haven?

Applicant: Just a history of the property in general?

Commissioner Finely: Yeah.

Applicant: Okay. The one 60 and then the 80 to the west and then the 80 to the north was my wife's great-grandfather's property he passed away I think about 2 and a half years ago and when he passed away it was split it was just deeded it was not properly rezoned it was split so we decided to purchase some of that property from her parents so we can own part of the family farm.

Chairman Scherer: Other questions?

END APPLICANT PRESENTATION

OPEN PUBLIC COMMENT

Chairman Scherer asked if there was anyone who would like to speak in favor of the application.

Seeing no one Chairman Scherer asked if there was anyone who wanted to speak in opposition to the application.

Chairman Scherer noted that there was only one member of the public present and she did not want to speak for or against the application and closed the public comment portion of the hearing.

CLOSE PUBLIC COMMENT

Vice Chair Johnson: Question for Staff, is there a possibility to break this into 2 Rural Residential Lots?

Mr. Henderson: Yeah. It could be split at some point in the future. I believe that they have about 900 feet of frontage there on Wild Horse Rd. so as long as they were able to meet the 4:1 depth to width ratio it could be split into two 15 acre properties. They would just have to meet the Subdivision Regulation requirements. That opportunity does exist. If they wanted to split it into more than that it would just depend on how they wanted to do that. If it was to be more than just a lot split it would have to be re-platted and that would come back through the Planning Commission for review. It could be split one time via a Lot Split which is an administrative process that would not come back through the Planning Commission after it is subdivided. Prior to it being subdivided it cannot be a Lot Split. If it was 40 acres or larger it could be an AG Split. So, there's a Lot Split and there's an AG Split.

Vice Chair Johnson: Okay, I guess I was not familiar with that subtlety. A lot split would have to be, what would be the minimum size of lots to be able to do it out of 30 acres?

Mr. Henderson: Again, as long as they met the Subdivision Regulation requirements for depth to width and frontage, as long as they were 10 acres or larger it wouldn't need to be rezoned and so it wouldn't have to come back through the Planning Commission, if for example they wanted to split off 2 acres in the corner, they could do that, but since it was less than 10 acres it need to be rezoned, also.

Commissioner Noll: Technically that part lot can only be divided one time and it would fall under the regs and have the depth to width ratio.

Mr. Henderson: Right, so a residential lot, if it's subdivided can be split one time as long as the resulting lots still meet the depth to width ratio and frontage requirements for a zoning district. If for example it's Rural Residential and they don't want it rezoned then the resulting lots will have to be larger than 10 acres.

Chairman Scherer: Can you have more than 2 resulting lots?

Mr. Henderson: No. As far as I'm aware.

Vice Chair Johnson: So if this was 38 acres instead of 29 then could you get three 10 acre lots out of it?

Mr. Henderson: No, I think you can only split a lot one time with a lot split. So if they wanted to re-plat into more than 2 lots they could do that. It would have to come back through the process and likely it wouldn't have enough frontage for that to meet the depth to width ratio if they wanted to go all the way the way back to the east so they would probably plat a road back in to there and that's down in Sarcoxie Township, as well, so that would probably meet some fairly stiff resistance based on previous experience.

Commissioner Streeter: The Road Department says something about 39.93 acres and I guess I just that the applicant is aware that the Road Department that the location of the entrance be reviewed before installing and that Wild Horse is the only road that entrances could be off of?

Mr. Henderson: It's the only road that it fronts on. The map here shows this is Wild Horse Road here, it goes along the whole frontage and then if 13th Street continued it would have frontage there and could possibly have entries there but 13th Street ends right here.

Commissioner Streeter: Okay.

General discussion of the Road and Bridge Department letter ensues there appears to be a typographical error in the heading that caused some confusion. The letter was addressed to the applicant and had correct information in the body, however the error appears to be the result of using a form letter.

Chairman Scherer: Other discussion or is somebody prepared to make a motion?

ACTION: COMMISSIONER NOLL MAKES A MOTION TO RECOMMEND APPROVAL OF PR2016-04 AND Z2016-04 BASED ON STAFF'S FINDINGS. SECRETARY NEWMAN SECONDS THE MOTION.

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	Aye	Aye	---	Aye	Aye	Aye

The motion carried unanimously, 5-0.

Staff informed the applicant when the case would be submitted to the County Commission for a final decision and let them know they would receive notice prior to the meeting.

Comprehensive Plan Review: The annual review of the Jefferson County Comprehensive Plan.

Mr. Henderson presented the staff report for the Comprehensive Plan Review.

Vice Chair Johnson: If you're on a paved road then it doesn't play into this, but if you're building on a gravel road?

Mr. Henderson: I asked some additional questions, which is why I waited to mail out the packet until Tuesday last week and their Planning Director has not yet gotten back to us with those.

Commissioner Noll: So the \$5500 a one-time shot at the time of subdividing or re-platting or what is the, I guess, criteria?

Ms. George: I think for building permit.

Commissioner Noll: Oh, so it's the building permit, okay.

Chairman Scherer: Do they actually asphalt the road or is that just a fee that they assess? I've been driving through Leavenworth County on business and there's a lot of gravel roads.

Commissioner Noll: I'd be curious if it's a set \$5500 if you're 5 miles from asphalt or if you're a ¼ mile from asphalt. I'd have a hard time paying \$5500 if I was ¼ mile from the hard top but if I was 6 or 8 miles and I was going to cause a bunch of hurt I could swallow that one easier.

Mr. Henderson: Another question that we asked. How they administer it I'm not sure. It could go into a pool where they have an annual cycle of improving a certain distance of road to asphalt every year one of those, again I asked them for information they gave me their resolution. I asked more questions and hadn't heard anything back.

Commissioner Noll: You know there is pretty good area of asphalted roads there and there's a fair amount of houses on them. You get all over their eastern half of the county.

Mr. Henderson: The closer you get to Kansas City, probably. One of the main obstacles for Jefferson County, and it may be the case for Leavenworth County as well, is acquisition of additional right-of-way. For a lot of the gravel roads they're not wide enough, the right-of-ways are not wide enough, to have full 24 foot wide driving surface that's asphalt plus ditches. A lot of the roads are only 20 feet or 18 feet wide, the driving surface, and so the county would necessarily need to acquire more right-of-way and that can be a lengthy process and it can cost money, even if the right-of-way is donated via some kind of easement it can still take time to write up resolutions and talk to property owners and things of that nature so there's a high cost in that way. But, one of the things that we do in Jefferson County is that when properties are split either through an Ag Split or a Lot Split or through a plat is we do require them to dedicate additional right-of-way to meet current county standards and so if they have insufficient width of right-of-way, say I'm on 190 million Street and it's only got a 30 foot wide right-of-way and it's supposed to be 60 feet and I need to dedicate an additional 15 feet of right-of-way, we require that of them if they're going to split the property so that there's at least that width, the proper width on one side and that way in the future if the north side or the east side or whatever the opposite side is comes through and they want to do something then we require that of them as well so we have the required width at that point.

Commissioner Noll: Does that take place every time a property changes hands? Or just on an Ag Lot Split or something? Because I've bought 2 different farms that I remember I didn't know the exact details, but when we surveyed them they made the comment that they added additional right-of-way in reference to what was there.

Mr. Henderson: No, it should just be when it's gone through some kind of split.

Commissioner Noll: One was a ¼ with a house and 3 acres and one was an 80 with a house and 3 acres both of them.

Mr. Henderson: Yeah, and so if you split off the houses then yeah we would have required it.

Commissioner Noll: They were both Ag Lot Splits.

Mr. Henderson: So if it comes through an Ag Split or a Lot Split or a subdivision Plat we do require that additional right-of-way be added.

Vice Chair Johnson: So is Leavenworth County the only county in the state that has impact fees?

Mr. Henderson: They are the only ones that I could find. It's surprisingly not easy to find. They're not labeled. I don't know that they want to advertise that they have these types of fees or what but I went through a number of county websites and searched for impact fees, state statutes don't reference them hardly at all, there's Attorney General's opinions, one or two, and them most of them have to deal with impact fees for mining and Kansas prohibits excise taxes on mining even sand. So that's how the Attorney General opinions reflected impact fees and excise taxes. There's not a whole lot of those around, at least searchable and I did not get on the horn to talk to individuals. I figured look it up first and then ask questions which is the case with Leavenworth County.

Vice Chair Johnson: And the association of counties probably doesn't have that either.

Mr. Henderson: No, they don't, actually. I looked at that as well. I think one of the things that can be addressed is that the next time the county redoes the comp plan if they hire a planning firm that specializes in comprehensive plans they can also do research into the feasibility of the county adopting some type of impact fee for development. That might be the best way to go those firms tend to have more resources at their disposal than your typical county employee.

Vice Chair Johnson: So do we have Ball Park on amounts or is that the struggle, because obviously we want police out there or sheriffs, obviously the Health Department is it too much to expect that we have a ball park figure of what expansion means, especially if they're not tied to a city, what the county is looking at cost-wise?

Mr. Henderson: I don't know that the other county departments have a breakdown of that. I did not look into that.

Chairman Scherer: It would be a really crude estimate but you could take Road and Bridge's budget and divide it by how many miles of road there are. There's a first order estimate of how much it costs per mile.

Vice Chair Johnson: How about the Sheriff's Department how far can you extend what resources you have today and then if you 10,000 people or 5,000 people.

Mr. Henderson: We can take the tax, because both the Sheriff and the Road and Bridge Department have their own tax funds and that can be divided multiple ways, mileage or per capita or one of those, and then we can take the mill levy and see what a \$100,000 house would generate.

Chairman Scherer: So, if I remember your memo right you sort of recommended that we wait on that?

Mr. Henderson: Yes, again just because I don't feel I'm equipped to really make a recommendation on that at this point and so, it may be a version of kicking the can down the road, but with a specific item that deserves a better analysis than I'm able to give it in order to make a recommendation for or against as a point of which that can be done most easily I believe it would be re-doing the comprehensive plan. At that point not only can you employ a firm that has more resources but also you can get public input and get each. The feeling of that is I'm sure that most people that already have a house wouldn't mind pushing most of the costs off on people who don't yet live in the county.

Vice Chair Johnson: So, can I ask you about one of the sentences you have in the second report, you say Jefferson County is subject to similar development driving factors as Leavenworth County but these factors are reduced and therefore do not generate the same pressure to develop, because the pressure to develop is less in Jefferson County these types of fees may discourage further development of the county. Is that your editorial comment or your best guess analysis of the difference of development pressure between Leavenworth and Jefferson?

Mr. Henderson: Right, yeah that is opinion based off of proximity to Kansas City and the other developing suburbs of Johnson County they apply more direct pressure onto Leavenworth County as they're the next county in line and so because people are pushing out and wanting to live there having to pay some additional fees may not be a great hurdle to them. Jefferson County, while we do feel some pressure from Lawrence and Topeka it's not nearly as great as the westward pressure from the Kansas City Metro Area and we're still insulated from that expansion through Leavenworth County and so until people quit finding what they want in Leavenworth County, Jefferson County won't feel the pressure to develop at as high a pace so, 2 things 1 pro, 1 con, we establish impact fees now then we have a history of them and then can stand behind them that much stronger, that would be on the pro side. On the con side if we develop a fee at this point which might be prohibitively high we stunt people's desire to come in and develop in Jefferson County which can be, I guess, a pro or con depending on your mindset.

Secretary Newman: Who makes the fee? Like, who decides how much the fee is the \$820.70?

Mr. Henderson: The fees are supposed to be tied with an actual cost, and so for example the cost per mile to upgrade a road from a gravel road to an asphalt road plus maintenance on that. Something is supposed to be tied with it. If a single family house is going to produce 8 trips a day and if those 8 trips are going to cost the county \$1 in maintenance plus if it costs \$5500 to upgrade a gravel road ½ a mile from gravel to asphalt those are those types of considerations that are supposed to go into the development of those fees. That is how the fees are supposed to be able to stand up to legal scrutiny. If someone doesn't like your fees they can take the county to court and the judge then, based on how they're presented, would make a decision if they fit within a rational nexus and that rational nexus is, is the amount of the fee justified by those different things that go into it.

Vice Chair Johnson: Is it only for roads then? So, I mean obviously people want police protection out there. They expect other services from the county.

Mr. Henderson: Typically those services are paid for in taxes, not in these type of fees. The fees are for more based on sewer or water or roads is generally what typically the fees are used for. The other services; health, ambulance, fire, police are generally something that is funded through a tax instead of a fee for service.

Commissioner Noll: It does seem like going through years and years of them that the roads is the number one thing that is always brought up, especially if there's neighbors that have a conflict against it. They'll speak in opposition to it. Would you agree with me that the roads are typically always the main issue?

Mr. Henderson: Yeah.

Secretary Newman: I think that's something we're going to fight, too, because I want to take some of my grandpa's ag land and build on it and I think that some of his neighbors won't enjoy the more traffic.

Commissioner Noll: The traffic doesn't bother me, I just have a hard time dividing good farm ground.

Chairman Scherer: It's really hard to take the farm market road and determine how much cost it is to maintain that and then put a lot of homes on that and figure out how much difference it makes. That's real tough to do and they're still using it for the other use, too.

General discussion of recent property tax rates ensues.

Mr. Henderson reiterates the alternatives before the Planning Commission with regard to the Comprehensive plan review.

Vice Chair Johnson: I So, I want one general question and then a couple questions on the commercial recreation overlay. I was intrigued with this second paragraph on page one about we should restrict large development areas where there are no plans for extension of services and then I see where we're talking about schools and infrastructure do we, is there an agreement with the school districts, I mean is there a method by which our comprehensive plan and where the school districts plan on growing that there's some discussion about that?

Mr. Henderson: Not that I'm aware of.

Vice Chair Johnson: So that was just flagged in the overall comprehensive plan and listed as an idea but nothing tangible?

Mr. Henderson: In a perfect world the various units of the county government, whether that's the different departments in the county proper or the cities or the school districts, they would take the comprehensive plan and use that as a guiding principle in their own strategic development plans, however it is my experience that that is not usually the case and so to my knowledge, and again it's not very deep I'm not aware of many things that the school districts are doing to push out into the county.

Vice Chair Johnson: Well, I think that's helpful but there are still a couple questions about the commercial recreation overlay. If I'm right and my history might be a little bit, correct me here, I think we have 14 federal reservoirs in the State of Kansas. Part of my question was, and I think Matt's confirming this is 14 Army Corps of Engineers reservoirs out there, do any of the counties have a commercial recreation overlay that we're talking about here?

Mr. Henderson: No, some of the other counties do have commercial, at least these type of uses, as a part of their existing commercial districts and so they do have the zoning and they have them as part and the zoning districts are able to go around the roads that lead to their reservoirs. The ones I looked at for comparison around Manhattan, Tuttle Creek and Milford, so we looked at those and also Lake Shawnee around Topeka.

Commissioner Noll: Is like Banner Creek there west of Holton.

Commissioner Streeter: That was a watershed dam.

Commissioner Noll: Is that just considered a watershed dam then?

Mr. Henderson: So the counties that we looked at did have these types of uses available in their existing commercial districts. The recommendation for a specific district comes from the general reluctance, it seems, of folks to want to have a general commercial area in most areas other than around cities or on the highway proper and so what this commercial recreation overlay would do is say, these are either appropriate for that, or more appropriate for that, commercial recreation district, probably not appropriate for heavy commercial use, but these lighter traffic uses which are oriented toward the lake and recreation on the lake would be more appropriate in this area that surrounds the lake. So you might get some crossover in uses like say a convenience store/gas station that type of thing is something that's allowed in a regular commercial district might also be allowed in the commercial recreation district but you wouldn't see a strip mall in the commercial recreation district, that's a strip mall as in commercial use not as in sexually oriented business, those types of heavier uses wouldn't be appropriate in these areas. You might see something like a boat sales or repair as opposed to an automotive store, automotive repair type thing but so there are some similar uses but the commercial recreation would be more tailored towards the recreation uses.

General discussion of other comparable reservoirs ensues Marion Lake and Lake Shawnee were mentioned.

Vice Chair Johnson: So did Douglas County handle this, did they have a commercial recreation overlay?

Mr. Henderson: They don't have an overlay that I'm aware of. Again they're like the Manhattan/Riley County where they do have these uses in their more specialized commercial zone but they still have a larger crossover of uses.

Vice Chair Johnson: My last question would be then, so we make our recommendations and we want to put in a commercial recreation overlay and then something specifically is going to be brought back to us that says here are the uses that meet this light commercial lake oriented businesses that would go in the commercial overlay. I mean, we're going to see something on paper that says here's.

Mr. Henderson: Some recommended uses, which you would either approve or say we like these ones but we don't like these ones again we did take a list of the uses that you've seen before to the public meeting and the results from the surveys again the 14 respondents suggested that the uses that were presented seemed to be appropriate but also that these other uses here in item 3 might also be considered that staff didn't have up there. So the folks suggested car/boat/atv automated wash facilities, that type of thing, bicycle repair shops, that type of thing and so those were uses that the public said, hey this might be something that's cool as well because there are bike trails around Lake Perry, there are ATV trails around Lake Perry folks go there they get muddy they want to wash off maybe make \$10 off them. Those aren't, to my knowledge there aren't a lot of facilities around to wash their toys around Lake Perry.

Chairman Scherer: Other discussion or comments?

Commissioner Streeter: So these would just be amendments that we are discussing, these 2 pages, or so it wouldn't be a total redoing of the comprehensive plan which the last sentence if we go that way would be to get it into the budget.

Mr. Henderson: Right. That would be the desired outcome. Just so the County Commission is aware of that and so they can comment on it.

Chairman Scherer: Is there anybody her who's actually pushing for a complete overhaul of the comprehensive plan immediately?

Commissioner Finley: I was thinking, I was reading through it today, and the statistics are really from 15 years ago, so I was think that that might be something we could do here, you know we're almost 5 years out, a little less than 5 years from 2020 so maybe we could update our statistics now to have a better view of how those goals have been met how they hadn't been met. I don't know how much that would cost and what kind of work input that would take. That was just something I was thinking about. What would you guys think?

Mr. Henderson: Which statistics?

Commissioner Finley: Population growth obviously, but you were also dealing with new construction which I believe I've seen those from Wayne Ledbetter and stuff, there are a lot of tables. I mean just educational attainment, I know those would be pretty labor intensive, but also income rates.

Mr. Henderson: Yeah, there's a lot of that information that's available through the census.

Commissioner Finley: So it's maybe something that we should look up first?

Mr. Henderson: We can look at that kind of information.

Vice Chair Johnson: Building starts, value of buildings and so forth.

Chairman Scherer: So, I think the other 2.

Mr. Henderson: If you feel like you want to take a look at that information before you make a recommendation on what you want to do we can come back next month. If completely redoing it is something that you are not considering then that's not something that is as pressing, again it's not necessarily an impact on the budget cycle.

Chairman Scherer: I personally suspect that we all thinking about the same. The only thing we're really interested in is the commercial recreation.

Commissioner Noll: The only thing, and I don't know exactly how this would be or if it's even possible, I know Paul and I visited with you about it as well, if there is some way we could balance upon a subdivision of land that falls into the higher, the LESA evaluation, if it falls within the moderate to high category of rated for preservation, I feel like that should have an impact upon, because basically right now all it is is it's just mentioned but it has no impact whatsoever upon yes it's approved or no it's not. I feel like it makes no difference whatsoever. If the subdivisions that have gone through would have been in the upper 99th percentile of highly rated for farmland preservation it would have still made

absolutely no difference whatsoever. And any comparison to one that was moderately or low like the one that was slightly into the moderate category like the one that went through earlier this evening there has been some that have been moderate to high and that isn't even, as far as I'm concerned, it isn't even just a slight reference. It makes no dictation into the actual, what actually comes about.

Commissioner Streeter: You mean from the zoning or from the County Commissioners?

Commissioner Noll: Both. We visited about this.

Vice Chair Johnson: The whole vision of the comprehensive plan was trying to, you know, protect certain agricultural land in the county and it didn't translate into the actual regs for zoning or subdivision regulations. So I think what we're asking for is how do we step that up? How do we build that more into the decision making by the County Commission?

Commissioner Noll: I mean I appreciate you've done a lot of work to where every one you are you know are presenting the information of the LESA score and the evaluation, but I don't feel like that that has any validity with the end result.

Where you came from out west were things handled differently?

Mr. Henderson: Yeah, we didn't do any kind of LESA evaluation.

Commissioner Streeter: But there are other things in the comprehensive plan.

Mr. Henderson: Well, the Finney County Comprehensive Plan was done in like 1996 and it's not a great comprehensive plan and there's not a lot of subdividing out in the county. Most of the subdivision was in and around Garden City. You wouldn't find somebody out in extreme northeast Finney County. You just don't find anybody out there.

Commissioner Streeter: Maybe their comprehensive plan didn't even direct to preserve Ag. If it's your point that's what Jefferson Countians want then it should be stepped up.

Mr. Henderson: I believe that the LESA is definitely a factor, it's probably not the deciding factor. I think what the County Commission leans on is what the property owner wants to do with their property which is another thing that does need to be considered along with the comments from the neighborhood, but as far as splitting property goes I think they are concerned about the rights of the property owner. There are competing values for sure.

Commissioner Noll: I understand economics, you know, but that was my soapbox.

Mr. Henderson: One of the things that I think might be appropriate for LESA is, why are there 3 categories? Is there a threshold, which you kind of alluded to, once you pass that threshold should the recommendation be preserve as Ag Land or not rather than Low, Moderate, High. I don't think that there's been a case in the last 2 years where we've had a Highly Rated for Ag Land Preservation. There's been some higher Moderate ones, but most have been moderate unless they've already been a small separate 10 acre thing like we had tonight or they weren't in the Ag Overlay and so they're discounted by X percentage and so those things, does that scoring system need to be addressed? Maybe change that from a 3 category to a 2 yes or no.

Commissioner Noll: Is that something that is just Jefferson County or is that a statewide system that is used?

Mr. Henderson: It's not statewide. It's a tool for Jefferson County that was developed as part of the comprehensive plan.

Commissioner Noll: Okay, I did not realize that.

Commissioner Streeter: So the expert, whoever you had do the comprehensive plan it was something they used maybe.

Vice Chair Johnson: There were people that come to the meetings and echoed the reality that they moved here because of the rural nature. They wanted to keep the open spaces. They wanted the view sheds. That was why people, and obviously long term residents here, that was a clear indication by most of the public and that's why we tried to get the development around the 8 little cities, you know, let's move it down where services could be and then if you're going to run Ag areas the lets give a special, good reason for that and then the conundrum that we ran into is that we developed the comprehensive plan and then we came back 6 or 8 years later and did the zoning regulations and the subdivision regulations. The comprehensive plan is this theoretical document. This is our vision of what we want with the county and then you get down to the you know as the City Administrator and there wasn't a very close tie between what was hoped for in the comprehensive plan versus how things have played out at the road level and we've been echoing some of those concerns about this to Sam about that and trying to see how do we bring it into synch. Most of us don't think we need an absolutely comprehensive plan right now but.

Commissioner Streeter: But it is 5 years old. Is it older than 5 years?

Mr. Henderson: About 15.

Commissioner Streeter: It's about 15, well there might be a change in the feeling on that also. I mean that's quite a while, 15 years.

Mr. Henderson: Typically speaking, I mean, comprehensive plans their vision is 20 years but they are redone every 10 years or so because, you are correct, in that time people change their mindset, there's other impacts that come into play economically and that's why the vision is to reach out 20 years and plan for the future but the reality is you can't really see that far ahead and so that's why they are redone, usually every 7 to 10 years.

Vice Chair Johnson: The economic reality is that we have a broke county. It's not just because of Jefferson County it's because a lot of things have happened in starving certain revenue sources to counties property tax is such an integral part of keeping these counties solvent and we'll take any development is a piece of this puzzle.

Commissioner Streeter: And the big lake. You're right it changes the whole look.

Chairman Scherer: Am I correct in saying that we all agree that this is something that needs to be worked on? Do any of you believe we'll actually have a solution by the end of this year?

Commissioner Noll: Well, I don't think it's going to be feasible to do a major overhaul on the whole.

Chairman Scherer: I was thinking just on this particular topic.

Commissioner Noll: Right.

Chairman Scherer: If we could come together and put together an actual proposal, I think it's important, I was saying I have similar values on those things. Those of us that have been here for a while have had some problems with the disconnect between the comprehensive plan and the actual regulations and the reality. I think what we need to do for this process is tell the County Commissioners that A. the comprehensive plan as it exists is okay, we anticipate by the end of this year, perhaps, that we will have a recommendation for an amendment including supporting amendments to the other regulations however we'll continue to work on other issues that we identify and that's kind of our job.

Mr. Henderson: If you're going to make a recommendation to the County Commission you will have to include in that recommendation the items that you would like to include in the comprehensive plan, so this will be probably one of the more detailed motions that is just because we mentioned the 1 or 2 or 3 things that the Planning Commission thinks need to be addressed to make the comprehensive plan more applicable.

Chairman Scherer: Another thing that I think Sam is moving towards, is we complain about communication with the County Commissioners this is a way to communicate what we are thinking about to them.

Secretary Newman: Well, yeah, a couple meetings ago where somebody went to them first about the length width kind of thing and then when it came to us they already had passed it so it was kind of.

Mr. Henderson: In that regard, the County Commission is identified in the subdivision regulations as the body that's allowed to make exceptions to the subdivision regulations. So, rather than, when something like that comes up, rather than have the applicant in limbo up until the final meeting whether or not that is going to be something that the county allows and then we'll allow the request to go through on the merits as it stands I would recommend to them always to ask for that first and then be able to say to you all as a body the County Commission has reviewed their request for an exception so yes the exception should be allowed into the request and then you can consider it based on the merits of the request as opposed to we don't know if this is going to be approved by the count because we can't make that exception.

Chairman Scherer: I would hope that the County Commissioners if they were puzzled and needed to know whether or not that this was a good idea would say take it to the Planning Commission first. I don't know if they would do that, but hopefully. I think it's a really complicated situation, that's why we hold these hearings so they don't have to, and then we can summarize a recommendation.

Commissioner Noll: Sam, is this something that they will want an answer this month or necessarily?

Mr. Henderson: I don't know that they really have it on their radar, but it's in the bylaws for the Planning Commission to review it in February or as soon after as is possible.

Chairman Scherer: It's State Law, too.

Mr. Henderson: Well State Law says that you need to annually but doesn't specify which month.
General discussion of when the last review was made ensues.

ACTION: VICE CHAIR JOHNSON MAKES A MOTION TO DIRECT STAFF TO INFORM THE COUNTY COMMISSION THAT THE PLANNING COMMISSION HAS REVIEWED THE COMPREHENSIVE PLAN AND FINDS THAT IT GENERALLY MEETS THE NEEDS OF THE COUNTY HOWEVER THAT THE PLANNING COMMISSION RECOMMENDS THE FOLLOWING AMENDMENTS BE CONSIDERED:

1. A COMMERCIAL-RECREATION OVERLAY PLAN.
2. INTEGRATE THE PRESERVATION OF LAND THAT HAS BEEN RATED AS MODERATE TO HIGHLY RATED FOR FARM LAND PRESERVATION INTO THE REZONING DECISION PROCESS.

COMMISSIONER NOLL SECONDS THE MOTION.

General discussion of additional amendments ensues, none were added.

Votes were taken by Ayes and Nays and recorded as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	Aye	Aye	---	Aye	Aye	Aye

The motion carried, 5-0.

Item 6. Public Comment

Chairman Scherer asked for comments from the public on items that were not on the agenda.

Sally Landoll: I live at 6087 Ferguson Rd. I came tonight because Sam said that you were going to talk a little bit about the commercial overlay which I am extremely concerned about. Living on Ferguson Rd. right across from Happy Joy Acres, if you don't know about that it's not a pleasant place to live across the street from. She has not, the owners there or leasers or whatever are not pleasant. They have closed off that road. They've told me several times I can't walk on their road, but it's a public road, it's a county road. The county hasn't done a lot about that. It is a commercial, or conditional use permit, so it makes me very jumpy and very nervous about giving carte blanche to any person in the county along our road, any place in the county actually, giving them carte blanche by giving them a commercial zoning because that's forever. I really feel like that conditional use permit has outlived its usefulness, they've built a home, they're living there at the property that's supposed to be a business. So, that's my concern is that the recommendation, the permitting, the whole process that you have in place works pretty well, not perfectly, it never does. You're dealing with humans; but, to give anybody that kind of power I don't think would be suitable for that area. There's a lot of us that are homeowners. We do our very best to keep our properties looking good. I can't say the same for across the street. There's trash in the ditch, there's a mattress in the backyard, it's just ugly and I hate looking at it and it scares me for my property value, for my piece of mind, I'm like you, I want to preserve as much agricultural land as possible. It scares me to have too much business around. That's not why we moved out here. We moved out here because we wanted to be, if we could have afforded 80 acres or 160 acres we would have bought it, we can't and we probably never will but I like to see land when I come down. I don't like to see properties that are run down or businesses that have shut their doors or things that are unkempt. I don't like to see that and it really makes me nervous to give anybody, I wouldn't even want that zoning power, so that I have a commercial zone and now I can do whatever I want with my property if it falls within these regulations. Who is going to enforce that? Those are some of my concerns and I know my husband's concerns would be a lot more vehement, which is why I'm here and he's not, so that's why I was here tonight is just to hear what kind of the pulse was and to hear what your thoughts were on it going forward and knowing how aggressive I need to get as far as getting papers involved and if it's going to come up for a vote I need to do a campaign because I am serious, I will do whatever it takes to not let that happen to our area.

Commissioner Streeter: So you were at these public meetings?

Ms. Landoll: I was at the school, yeah and I really felt like a lot of people felt that way that they don't want to see a business next door to them and they don't want to see carte blanche given to some of the savory or unsavory characters in the county which we do tend to attract them.

Commissioner Finley: Do you recall what Happy Joy, they started out doing?

Ms. Landoll: It was originally I think, Charlie Rabe, one of our neighbors actually began that business, I don't remember when it the late 70's or early 80's he started that as a bait shop and I think he expanded it into a gas station I think had a couple of pumps there, they're no longer operational, they're still there which is an environmental thing, but we'll leave that off the table because yeah, but I think that was the original purpose of that and he lives on that 63rd Street or whatever that's right behind that and he eventually did sell that and I guess the conditional use went with it and it's changed hands more times than I know and we've been out there 16 years in December and it's just been a fiasco over there and it's been unkind person after unkind person moving in trying to get something going and not working and not being nice to us and not letting the school bus pick up our neighbor's kids in that driveway area just insanity, taking the gravel off the county road and putting it in their shop and not ever getting busted for that, but whatever. It's just those little things in life, the little thorns in your side the little decks on their recreational vehicles.

Vice Chair Johnson: So, would you favor a more strict conditional use process that would have very defined activities and time limited and somebody would check on it every so often?

Ms. Landoll: Yes.

Vice Chair Johnson: We've gone through a lot of battles and those planning process to. Because that's how Jefferson County was until we brought in the Industrial/Commercial Overlay and now we're looking at a Commercial-Recreational Overlays and that's what concerns me about what permitted activities are going to be up there and I'm also concerned about you know right now we're looking at a ribbon so it would be a ribbon around the lake as opposed to specific corners and we might be able to get a handle on, because absolutely. We talk about property rights.

Ms. Landoll: I think I was the one that voted for the target.

Vice Chair Johnson: And that's the dilemma. There are developers, realtors, and other people, commerce in this county that have this kind of euphoric vision of how that's going to work out and then you're the one that has the land. You're the one that is living with the consequences.

Ms. Landoll: I've always respected what this commission has been able to do. I don't always agree, but I've always respected the process and there's a whole lot of people out there that don't and that's why I don't like the commercial zone, because there's a whole lot of people out there that might have had that great vision to begin with but then reality sets in. This is a heck of a lot of work and boy I don't want to mow the grass every week or I don't want to pick up trash in the ditch or I don't want to do this or that, those things that need to be done to keep a property looking good and to keep a business flourishing. It's work and half the time I don't think that people understand when they get into those business ideas that this is a lot of work and that's my.

Vice Chair Johnson: The simple truth is that we don't have enforcement powers. We're not staffing.

Ms. Landoll: Exactly, and it's not your fault and I'm not blaming.

Vice Chair Johnson: We've talked about codes court and we've tried to say we need to put some teeth into some of this.

Ms. Landoll: And the reality is that we're a small county and we don't have the manpower to do that so adding one more level to make it easier for people is not necessarily a good thing. That's my opinion.

Vice Chair Johnson: I hear you.

Chairman Scherer: Thank you, we need to hear that. And just whatever reassurance this is if this goes anywhere there will be a public hearing and all that kind of stuff.

Vice Chair Johnson: Bring your neighbors and friends, relatives.

Ms. Landoll: Anybody I can drag off the street.

Secretary Newman: We might have to get a bigger room.

Chairman Scherer: That's what we've done before.

Ms. Landoll: I've been here for a lot, you know, for lots of meetings with you guys and I don't know that it's always been the same faces but you follow what needs to be done and you do the best you can and that's all I can ask for and that's all the county citizens can ask for but it's just, that's where I'm at.

Vice Chair Johnson: Can we get that in the notes?

Ms. Landoll: No, I know you do and I thank you very much for your service to this county. It's not an easy thing to do. So, I appreciate your time.

Chairman Scherer: I appreciate that you stayed this late in order to speak.

Ms. Landoll: Well, I wanted to at least say something, good, bad, or indifferent.

Item 7. Old Business and General Staff Report:

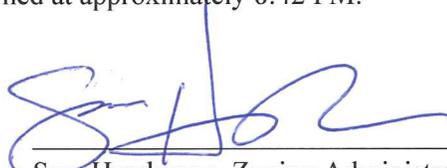
Old Business: *Mr. Henderson reviewed the status of the previous month's cases and gave a general update as to upcoming cases.*

Item 8. New Business: Vice Chair Johnson asked for staff's opinion about the County Commission's view about redoing the comprehensive plan or adopting a commercial recreation overlay. Staff stated that he felt that they were supportive of the idea but that they did not request the overlay. Vice Chair Johnson also asked about General Leasing and the status of their cleanup to which staff replied that KDHE closed out their cleanup case last year. Vice Chair Johnson also asked about the May meeting and Staff briefly described the requests for the following month.

Item 9. Adjournment

Action: Commissioner Noll made a motion to adjourn. Secretary Newman seconds the motion. Motion carried unanimously. The meeting was adjourned at approximately 8:42 PM.

Minutes taken by:



Sam Henderson, Zoning Administrator

Approved:

23 MAY 2016

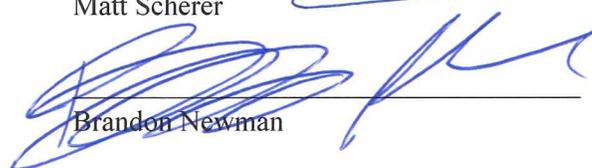
Date

Chairman:



Matt Scherer

Secretary:



Brandon Newman