

# Jefferson County Planning & Zoning Oskaloosa, Kansas

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## OFFICIAL

### OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

#### Minutes of Planning Commission Meeting of July 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 WHITE 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	---

The motion carried unanimously, 3-0.

**Item 3. Roll Call**

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

Staff Member Erin George, Planner I, was present. Ms. George swears in Vice Chair Johnson for his renewed term. Commissioner Streeter arrives during the Public Comment portion of the meeting.

**Item 4. Approval of the June 27, 2016 minutes.**

Chair Scherer asked if there were any corrections or additions to the minutes.

**ACTION:** *COMMISSIONER WHITE MAKES A MOTION TO APPROVE THE JUNE 27, 2016 MINUTES, VICE CHAIR JOHNSON 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	---

The motion carried unanimously, 3-0.

**Item 5. Public Comment**

*Commissioner Streeter arrives.*

*Chairman Scherer noted that there were no members of the public present to make comments.*

**Item 6. Old Business and General Staff Report:**

**Old Business:** *Mr. Henderson reviewed the status of the previous month's cases and reviewed the quarterly building report numbers.*

**Item 7. New Business:**

*Mr. Henderson informed the Planning Commission that he had submitted his resignation to the County Commission effective August 5 and that the process to hire a new Planning and Zoning Administrator had begun. However, due to the likelihood that the new hire would not take place before the date of the August Planning Commission the County Commission had advised to postpone that meeting until a new Administrator had been hired.*

*Mr. Henderson presented a training on the "Golden" Factors that had been requested at the June Planning Commission meeting. The presentation and accompanying memo is included in the folder as an attachment to the minutes. Commissioner Finley takes leave of the Commission to attend to other commitments, quorum was maintained and the meeting continued. General discussion included what might be considered Agricultural use and what constitutes a detrimental impact on surrounding properties. Mr. Henderson reiterated that the staff report would ideally present the facts in a neutral manner and the Planning Commission would need to make a recommendation and if their recommendation was based on the "Golden Factors" or some other reasonable matrix it should be adequate. Concerns were raised as to what documentation was presented to the County Commission to contribute to their decision to which Mr. Henderson explained that the minutes and staff report complete with the Planning Commission's recommendation were submitted to the County Commission. The purpose of conditions placed on CUPs was also discussed, i.e. to mitigate any negative effects which might not satisfy the "Golden Factors".*

*Mr. Henderson gave a presentation of an example "C-R" Commercial Recreation District regulation including potential uses obtained from the February public input meeting and similar district uses from other counties in Kansas.*

*Vice Chair Johnson: Did Finney County have a Commercial Recreational District?*

*Mr. Henderson: Yeah.*

*Chairman Scherer: It blows my mind, too, and I used to live there.*

*Vice Chair Johnson: And what did it surround?*

*Mr. Henderson: It didn't surround anything it was just an option for folks. Folks out there enjoy their golf and they enjoy different things and it was just a way to get some of those uses that are outdoor type of recreation uses and get them separated from the commercial uses that are more conventional so that people have something. They're not trying to say, hey this is allowed in the commercial and just have it in an area where it's not appropriate as opposed to further out maybe on a larger piece of property you can have that zoned commercial recreation and maybe do a driving range or a shooting range or a zoo or something like that.*

*Chairman Scherer: Is there anything else besides the golf course, I'm just curious.*

*Mr. Henderson: In the county, off the top of my head I don't recall any commercial recreation, there might be a couple of camp grounds.*

*Commissioner Streeter: In Jackson County they have the, they released the coyotes, what is that?*

*Vice Chair Johnson: You mean hunting preserves?*

*Commissioner Streeter: Hunting preserve. There's the bird controlled bird.*

*Mr. Henderson: That would be an example of a use, and in Finney County they have a buffalo range, but it's just zoned AG. It's not zoned Commercial Recreation. I don't think they allow hunting or any kind of visiting. It's just kind of a free range buffalo herd on several thousand acres.*

*Vice Chair Johnson: Part of Ted Turner's?*

*Mr. Henderson: It's a US government owned property.*

*Mr. Henderson continues the presentation.*

*Chairman Scherer:* I really like your definition but several of those are essentially buildings. I don't know if that's an oversight or if that's a re-edit if you added usually outdoors later. Bowling alley, art gallery.

*Mr. Henderson:* The bowling alley and the art gallery, I think we're kind of throw ins. Bicycle sales rental and repair shops are kind of deal with outdoor recreation even though it does happen within a building.

*Mr. Henderson reviews a list of potential by right uses for a C-R District.*

*Chairman Scherer:* I missed that in the memo, when I saw your definition, I liked that but now as we look at these.

*Mr. Henderson:* There are some of them that definitely aren't but then they kind of fall into a thing where, well this is allowed and this is kind of a similar use or this might be involved with this use but if it doesn't say that it is allowed then it is a conditional use and so, for example if I wanted to do a bike sales, rental, and repair shop and have a video arcade on the side I'd need a CUP for the video arcade. So that video arcade is definitely something that's happening inside of a building and is not in any way related to outdoor use but it's something that could be an accessory to any one of these that may come up to interpretation that, no that's not allowed. Hotels, motels, hostels and lodges, those are also buildings but they can also cater to folks who are out on the lake or out at any of these other outdoor kind of recreation.

*Chairman Scherer:* Would it make any sense to take that definition and say related to recreation on Lake Perry?

*Mr. Henderson:* Sure, definitely, that would make sense.

*Chairman Scherer:* We could do without bowling alleys perhaps.

*Mr. Henderson:* I think that one was on the list from other counties. Again, this is not something I'm submitting to you for approval right now, this is proposed as an example, anything could possibly happen at this point. This is just a list of things that could happen.

*Chairman Scherer:* It's important to have a list so we can refine our thinking.

*Mr. Henderson:* It's just a way to frame a discussion, frame in your minds what could potentially go on in this district.

*Mr. Henderson resumes the presentation.*

*Vice Chair Johnson:* Would hunting reserves fall into either of these lists?

*Mr. Henderson:* I want to say that, I think that's actually considered an agricultural use.

*Vice Chair Johnson:* So, if you have agricultural land then you can hunt deer or elk or whatever?

*Mr. Henderson:* Yeah, and I think that was based off of a court case and a recent Attorney General opinion as well that actually referenced that court case in Kansas.

*Vice Chair Johnson:* Well, I'm still troubled by doing this as a ribbon around the lake as opposed to particular dots or spots.

*Mr. Henderson:* I think that's a valid concern.

*Vice Chair Johnson:* Because I think this would open, and I'm not very excited about service station convenience stores getting an entitled right.

*Chairman Scherer:* Certainly on the ribbon I would agree with you on that. I'm not sure on the button one.

*Vice Chair Johnson:* I'd be more open to that for that discussion. My question is how do you, the depth of which you involve property owners in and around these sites and a full fair hearing about how this is going to be laid out.

*Chairman Scherer:* I'm never sure about this, this is an overlay district, right? So if they want to rezone their property they have to go through a public hearing process, but once it's rezoned then they have the right to change the use.

*Mr. Henderson:* Yeah, so, the way that the other commercial districts and industrial districts work in Jefferson County is with that rezoning they're supposed to come to you with a site plan that says what they are wanting to do, but future development of that property would not require them to resubmit a site plan to you for approval. For example, a year and a half ago or maybe 2 years now, a gentleman who wanted to rezone a property south of Meriden and do an insurance business there. That's now zoned, I think CP-1, and so if he had sold that to another person who wanted to do like a grocery store in that building they wouldn't have to come back here and get that approved they could just, because it is CP-1, and they'd have room there as long as they could meet the other zoning requirements, parking and things of that nature, they could have a grocery store there if they wanted to.

*Chairman Scherer:* So it's sort of one of those things that during the hearing is sort of contingent upon us to think about that broader sense.

*Vice Chair Johnson:* Absolutely.

*Commissioner Streeter:* But the public meeting the ribbon came out as the preferred on your survey.

*Chairman Scherer:* Was it substantial or was it close?

*Mr. Henderson:* It was like 11-2 or 10-1. There weren't as many people that voted on that portion of the survey as on the earlier portions of the survey. I'm not opposed to, if I was still here and I'm sure that whoever is hired to take my place would not be opposed to holding additional public input sessions. There's places around that we can have, down in Perry, maybe one over in Meriden. Well, probably not over in Meriden because that's kind of outside the area of influence really Oskaloosa for kind of the northern folks is most convenient for staff but maybe Ozawkie, I'm not sure what facilities are available in Ozawkie, but Perry has a couple places that could potentially hold a meeting and have 100-200 people there. The community college down there and the high school. So it wouldn't be a real big deal to notify folks again of possibly 2 more public hearings take place one in Perry and one in Oskaloosa for folks that want to make those and be kind of similar and maybe a more refined list, say this is kind of what the Planning Commission has been talking about they want your input on if you support these. It would be probably a different meeting than what happened in February more of a presentation and then of do you like these, do you not like these, if you don't like a certain one or a few list what those are. If you think there are some that should be allowed on here but aren't what are those? That can be done via the internet or instant polling or even on paper for folks who don't have their smart phones with them or don't have a smart phone. Again, we can ask them more about a ribbon or about a target area. It's easier to start out smaller and expand than it is to start out large and contract as far as regulations go. It's easier to loosen it up than it is to tighten it up and so it wouldn't be a big deal, I don't think, to start out smaller and see how it goes or even refine the scope of where the ribbon is at to certain areas. The overlay can always be amended. One of the things that isn't taken advantage of here in Jefferson County it was more so inside the city limits of Garden City is amending the comprehensive plan to do what you want it to do. So, for example if I owned a property over here on 59 Hwy north of Oskaloosa just outside of like the city commercial area and I wanted to do a commercial business, it's not in the commercial overlay but I could request that overlay be amended to include the property and then request to rezone. So those types of things can happen.

*Vice Chair Johnson:* Did you send, do I remember right, that you sent out a number of letters to land owners?

*Mr. Henderson:* Yeah, we sent out about 350 or so letters to property owners that had their property fall under that ribbon and we had about 60 individual show up probably represented between 30 and 40 property owners some of them brought their family with them, their spouse, to attend the meeting which is actually a pretty good turnout. 10%-ish turnout is decent in my experience. We may have more folks show up if we have a meeting down in Perry where it might be seen as closer to where some of them live even though it is probably sixes for some of them and then to have the questions more narrow in scope and say which of these do you support all of these, yes, no, do you support some of these, which do you not support and have them list that out. Which do you think should be added, if any and then you know we did have some folks that wanted areas of that ribbon excluded like from 39<sup>th</sup> Street south to 24 Hwy on Ferguson. And then there are some areas on that ribbon that should probably be excluded are I think it was Westlake Rd. from 92 Hwy south for like a mile or 2 where it's mostly just residential properties. It would be a good area to have excluded because there are already residential properties and the use there is predominantly residential but it was included in that because it was on Westlake Rd. That area wasn't set in stone it was, again, kind of an example of what could this possibly look like.

*Vice Chair Johnson:* There's no easy way to do an economic analysis of if we let these particular uses in that what it will do to property values?

*Mr. Henderson:* I'm not sure what exactly would go into that, there's not a whole lot of development in the county of those types of uses already to give an example of which would be I think what that kind of study might ideally be based on. We might be able to ask the appraisers to kind of make a comment on what they think would happen. I don't know if they'd be able to do that.

*Vice Chair Johnson:* It seems like that would be some of the questions that land owners would have.

*Mr. Henderson:* Typically speaking the rezoning itself, the potential to rezone could increase property value if the area is ripe for that kind of development. As far as impacting surrounding properties it shouldn't raise their taxes because their taxes won't change if they don't rezone. They won't be charged commercial taxes on a residential property. But the valuation of that land will be based off residential purposes. It won't be assessed or valued on a commercial valuation because it's a residential property.

*Vice Chair Johnson:* So if we do kind of a side to that question, I know during the comprehensive plan that there was discussions about the number of visitors that come in and around Perry Lake and so is that

part of what we're trying to glom onto is pulling more economic impact out of the few hundred thousand?

*Mr. Henderson:* Yeah, about 250,000, I think if I recall correctly currently. In the heyday I think it was closer to a million visitors a year. But since the other reservoirs have been established, I think Perry was one of the first reservoirs. It may not have hit a million but it was close to a million. So, visitors have dropped I think part of that is to keep those 250,000 coming as well as maybe saying there's changes in the county, there's some new things going and draw some more folks. Or, you know those 250,000 people aren't probably unique, they're probably maybe 75,000 people that come 4 times a year and so they may bring a friend with them next time and increase that way or come 2 or 3 times more a year.

*Chairman Scherer:* It's the one major thing we have in the county that's an attraction.

*Commissioner Streeter:* And it takes up quite a bit of room.

*Chairman Scherer:* Other questions?

*Vice Chair Johnson:* I have a couple of last questions. I've been saying that before, but I'm curious about your fiscal note that you talked about. I don't know if you want to go through any more of this. I read all of that.

*Chairman Scherer:* I had one question about one of those items and that was the lot size.

*Mr. Henderson:* That was kind of somewhat random not really random but arbitrary is that it's similar size to the current commercial/industrial zoning district size requirements.

*Chairman Scherer:* That seems awful large for certain uses.

*Mr. Henderson:* It does, but it would be large enough to accommodate an outdoor use, or something that requires parking and septic and things like that. CP-3 is 2 acres CP-1 and 2 is 1 acre and IP-1 and 2 is 2 acres and then the minimum depth and width here.

*Chairman Scherer:* We might want to think about that.

*Mr. Henderson:* And another thing, too, that size as well could provide an opportunity for buffering from surrounding properties as well either through natural vegetation or putting a fence on the property line and making sure that there's space to kill sound.

*Vice Chair Johnson:* So, I'm curious about the fiscal note. How much did we spend generally on developing our existing comprehensive plan?

*Mr. Henderson:* I don't even know if there's records of that. It was 2000 when that happened.

*Vice Chair Johnson:* What's the ballpark you're thinking about and what kind of monies do you have in your equipment reserve fund?

*Mr. Henderson:* Probably \$20,000 back in 2000 considering the product that we have to deal with seems pretty accurate. Usually speaking you pay for what you get with regard to Comprehensive Plans. If they cost more they generally put out a much better product because they have experience and they're in demand and so I've spoken with 4 or 5 different agencies just going to conferences and asking questions as well my buddies back in good old Finney County are also in the process of submitting RFPs for their county comprehensive plan as well and so I'm thinking \$50,000 would be a good ballpark figure to get a decent company to come in and look at the comprehensive plan and give it a fair shake. We do have that amount in our equipment reserve there has to be some transfers that go on in order for us to be able to use that for the comprehensive plan as far as I'm aware but as long as the County Commission approves that that could be used potentially to fund that and not have to actually get a line item \$50,000 increase in our annual budget for 2018-2019.

*Vice Chair Johnson:* Would we also do, as opposed to how we handled it this time where we did the comprehensive plan and then 7 years later we did the zoning and subdivision regulations that you know some of us had questions about how that matched up would we synchronize?

*Mr. Henderson:* That could be something that's done. That might impact the cost, for sure, but we could put out in an RFP/RFQ and if that's in the scope of work then that will be addressed in the bids that are received as a result of that.

*Vice Chair Johnson:* Well, reading the tea leaves do you think our County Commissioners are eager to get this process started?

*Mr. Henderson:* I think they know it is something that needs to be done. The current comprehensive plan is fast approaching the time where it needs to be renewed because it's only good officially through 2020. It should have been renewed 6 or 8 years ago because even though they are 20 year plans they usually should be on a cycle of 10 years because the comprehensive plan is a projection and with all projections the further you get out from the base the broader the cone of uncertainty becomes and so is it still applicable, is it not? That's kind of what your annual reviews are for, but also after 10 years or so it's good to re-adjust as well and that's something that kind of gets shifted aside priority-wise because it can be an expensive undertaking.

*Vice Chair Johnson:* Do you have a sense that they're getting pressure from realtors or from bankers or from other economic players in Jefferson County that this needs to happen?

*Mr. Henderson:* I mean other than the folks that kind of want to come in and change their land use I don't know that there's any. There's no pending projects that people are chomping at the bit saying we need your comprehensive plan to say that we can use the whole south half of your county for industrial purposes or anything like that. There's nothing like that, but it's still something as far as planning purposes go needs to happen. I think that's why we've gone 16 years since the last adoption of the comprehensive plan and not had a new one developed is because there's no real big stressors in that regard. But, it needs to be updated. It can be used as a tool to help develop the county in accordance with the how the people in the county want to see it developed. So it's good to have that. It's good to have a good one, not just a book that nobody reads but a plan that can be referred back to and is supported not only by the constituents of the county but of also by the elected officials.

*General discussion of how comprehensive plans are generally treated ensues. An annual retreat on a Saturday in February to review the comprehensive plan and have training was suggested.*

*Commissioner Streeter:* The Commercial Recreation is not part of the current?

*Mr. Henderson:* No ma'am. This district would be paired with the overlay which was referred to in Paul's comments the ribbon or the target which would be in the comprehensive plan and then this district would be allowable in areas covered by the overlay. That's kind of how those two would work together. It's an idea based off of one of the goals of the comprehensive plan being to help stimulate commercial development around Lake Perry. That would be appropriate for the area.

*Commissioner Streeter:* And that is already in the comprehensive plan.

*Vice Chair Johnson:* Wouldn't you have to integrate in to that then some of the problems, difficulties with certain development around the lake and the number of lots that are unused? Does it have to be a more integrated plan to go with trying to make the lake more viable?

*Mr. Henderson:* If those developments were all built out I think it would help with making development in the county easier as far as commercial goes. I think one of the biggest problems that Jefferson County has is that it's residents are not, there's not one mass, of population. It's spread out across the entire county and so when somebody comes in and sees there's 20,000 people in the county, but only 1200 people in each of the cities there's nothing there that can sustain any kind of commercial or industrial development. But, yeah, it can be worked out to help develop those improvement districts and provide a base for development that is definitely one of the ways that it can be done. It's kind of a chicken and the egg concept; will commercial development help the residential developments that are under development, and is that the way to go or if we focus on developing the underdeveloped residential areas as a way to build a base for commercial development. Commercial development and residential development: chicken and egg which comes first and you have to pick one and run with it you can't kind of hem and haw between the two.

**ACTION:** VICE CHAIR JOHNSON MAKES A MOTION TO POSTPONE FURTHER DISCUSSION OF THE C-R DISTRICT AND OVERLAY UNTIL AFTER THE NEW ADMINISTRATOR HAS BEEN HIRED AND HAS HAD AN OPPORTUNITY TO REVIEW THE MATERIALS, COMMISSIONER WHITE 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	---	---

The motion carried unanimously, 3-0.

**Item 8. Adjournment**

**Action:** Vice Chair Johnson made a motion to adjourn. Commissioner Streeter seconds the motion. Motion carried unanimously. The meeting was adjourned at approximately 8:40 PM.

Minutes taken by:   
 Administrator

Approved: Sept. 26, 2016  
 Date

Chairman:   
 Matt Scherer

Secretary:   
 Brandon Newman