

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of Planning Commission Meeting of September 26th, 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 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.

Item 3. Roll Call

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

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

Item 4. Approval of the July 25th, 2016 minutes.

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

ACTION: *COMMISSIONER WHITE MAKES A MOTION TO APPROVE THE JULY 25TH, 2016 MINUTES, COMMISSIONER NEWMAN SECONDS THE MOTION.*

Vice Chair Johnson complimented the staff on providing specific and in depth minutes.

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 of PR2016-07 and Z2016-07

Chairman Scherer covered the rules of order in regards to public comments and then opened the public hearing.

Chairman Scherer asked Dustin Parks to present the overview of the case.

Dustin Parks: *What you have in front of you is a fairly simple three lot subdivision. As it was stated they'll be rolling into a rural residential for two lots and one will remain agriculture due to its size. The Subdivision itself will have a 15.5-acre piece a 36+/- piece and the remainder is about 100+ acres. The location of the request is there at the corner of 142nd and Wise rd. It's a little small, I apologize (referencing the image projected on the screen) but right now this is the 15-acre piece as it currently exists and then the other pieces will be here. That leaves each piece having frontage along Wise rd. which also means that the larger agriculture piece won't have enough frontage to split again without re-platting. That plays in the LESA in that this is also in the enhanced agricultural overlay. The enhanced agricultural overlay suggests that areas such as this need to remain largely agricultural. It's my opinion that these sizes of lots would also fall under that. With a roughly 40-acre piece and a 100-acre piece that can't be split further, I believe that still qualifies as ag protection. (At this point the power-point locks up) As I said the LESA is highly rated for preservation for this area, but as I said with the smallest lot being 15 acres, I still feel this qualifies. It does appear to meet all subdivision regulations as they stand currently.*

Chairman Scherer: *Do we have any questions for staff at this time?*

Dustin Parks: *I guess I should comment that there is a structure on the 100-acre piece that we may have to resolve some issues with, because there is no building permit for it. We found it doing a review using google photography. So that's something we may need to consider getting a permit for, in hindsight.*

Vice Chair Johnsons: *I figure the best way to answer this. I'm intrigued with your statement that this preserves the agricultural nature of the area. So, when you say that, being the market gardener that I am and dealing with smaller acreages etc It will be hay ground, it will be pasture. When you say agricultural nature how do you define that?*

Dustin Parks: *Well, for me personally, how I define that is growing up on 800 acres. I have a feeling for what ag ground is and what it can be. This, as you can see behind the error code here, this is a stream here, there is floodplain back here (pointing to the eastern side of the property) you've got a lot of tree ground here, and the structure is located roughly in this area, but the pasture ground that it is now, with the ability to put two houses, one on this piece and one this piece, I would see it remaining largely pasture ground. I wouldn't see them developing further than that. As I said, if they did, they would have to go through a re-plat. With the down south property, there's actually Suburban residential subdivision right down here (Pointing south of the southern lot in this proposed subdivision.) There are also these smaller lots right up there (Pointing to the north west of the proposed subdivision) So in this area particularly there's already quite a bit of development. I feel this would help curb future smaller lots, because of the sizes they're platting.*

Vice Chair Johnson: *So, does your comment about agricultural nature apply to lot 1 too? The 36 acres?*

Dustin Parks: *Yes, it does.*

Chairman Scherer: *Other Questions?*

Chairman Scherer: *I'd like to ask: Is there a structure on Lot 1? Or, Lot 3, pardon me, I meant Lot 3. The 15 acre.*

Erin George: *There's a house on that one.*

Chairman Scherer: *And then I was going to ask if you could explain why you're bringing them together so to speak. If my understanding is correct, there's two separate tracts plus the 15.*

Dustin Parks: *They're splitting the 15, I mean the 140 and then that 15 is included in the plat.*

Erin George: *There was an ag split. So, because of that, they have to include it and plat the whole thing.*

Chairman Scherer: Other Questions?

Chairman Scherer: *Seeing none, at this time I would like to ask if there is anyone who would like to, Oh, the applicant is here I guess. As I said, it's been a few months and we're out of practice.*

David Lady (applicant): *Yes, my name is David Lady, and I'm the current owner of the land that we're proposing to split into two lots. It's actually just over a little above 38 acres I would sell and retain the 100 acres in the middle. The purchaser is Eric Noll, I don't know if you know Eric at all, he just built a house outside of Nortonville and he has no interest in building anything on the 38 acres, and plans to use the pasture for cattle. That's my understanding. I don't have any intention of building a residence on my land or anything either.*

Chairman Scherer: *Any questions for Mr. Lady?*

Vice Chair Johnson: *Mr. Noll could build something on that 36 acres if he wanted to?*

David Lady: *My understanding is yes.*

Vice Chair Johnson: *Obviously if you get this rezoned as you wish, you don't plan to build something, but that's a possibility. If it were sold.*

David Lady: *Correct.*

Vice Chair Johnson: *I only say that because it... Good intentions today are not what is set in law and you know, zoning regulations as this property is rezoned. So, I'm appreciative that Mr. Noll only wants to run cattle today, but you know, with this change there are other options going forward in the future.*

Chairman Scherer: *Any questions?*

Chairman Scherer: *I might ask if it's not intended as a (inaudible) is there any reason that you didn't just take that 36 acre lot and extend it across the entire quarter section and make it 40+ acres?*

David Lady: *Yeah, there's a bluff there with a significant drop off down towards the creek so it really wasn't, for his purposes it really wasn't something he was interested in. And so we just structured so that I would end off with an even 100 acres at the end of it. He's really most interested in the pasture land. Once you get further east, it gets really rough.*

Chairman Scherer: *And could you enlighten me, is that gas line a major line?*

David Lady: *You know, I don't much about the gas line to tell you the truth. I've not heard from anybody.*

Chairman Scherer: *So it's not a major impediment to developing on it?*

David Lady: *No, no.*

Margaret Farris: *That gas line was put in, when Eldon owned the property. Uhm, Oh Gosh, that had to be back in the sixties when that gas line was put in. To my knowledge the last we heard that it would have to be replaced before they could ever use it. So, that was the last we heard*

Chairman Scherer: *Ma'am, for the record, could you introduce yourself?*

Margaret Farris: *Margaret Farris, We live on the 14242 Wise Rd. Just north of his property. It's hard to say his property since it was in the Farris Family for almost 150 years.*

Chairman Scherer: *Other Questions? At this time, I have to go through this even with two of you there. I'll ask if there's anyone who would like to speak in favor of the application beside the applicant?*

David Lady: *I don't have anything to add.*

Chairman Scherer: *And hearing no-one I'd like to ask if there's anyone who would like to speak in opposition the application?*

Margaret Farris: *I'm sad to see it done. If it has to be, it has to be. It's hard. Progress I guess. Which part of that will be Eric's?*

David Lady: *This Lot 1.*

Margaret Farris: *All of that right there?*

David Lady: *Yeah, primarily what borders what your property. Except for down by the creek.*

Margaret Farris: *Down where the little pond is now?*

David Lady: *Correct.*

Margaret Farris: *Yeah, I know Eric. I used to work with his Dad.*

Chairman Scherer: *I'd like to ask if there is anyone else who would like to speak with regards to the application. I'd like to note for the record that the only two people present have spoken. Are there any questions?*

Commissioner Streeter: *I was curious to see those other residential areas.*

Dustin Parks: *You've got the Sharp subdivision down here, and then you've got these up there. Those aren't subdivided, but they're smaller lots.*

Chairman Scherer: *Hearing no questions I'm going to close the public comment portion of the hearing and ask the planning commission members if they have*

Commissioner Newman: *I have a questions for staff:*

Chairman Scherer: *Thank you for that because I couldn't think of how to get out of that sentence.*

Commissioner Newman: *Did you find the building? Is that what that is?*

Dustin Parks: *That's it, right there. It was added at some time without a building permit. We can ask for one in retroactive to get one before the plat can be filed. You can make that a condition.*

Commissioner Newman: *Do we know what the building is?*

Commissioner Streeter: *Did you put the building up?*

David Lady: *I did and it's just a storage. It's a 28 by 40 metal structure that's used to store equipment. I guess I'll plead ignorance. I thought if you were living there, there would be a need.*

Chairman Scherer: *Any questions for staff or further discussion regarding the applications? Is anyone prepared to make a motion?*

Vice Chair Johnson: *We're considering both of these?*

Chairman Scherer: *Yes, we're considering both of them together. Actually, I'll ask staff what your preference is. Because we've had different staff prefer different things.*

Dustin Parks: *It technically, I guess you've probably heard this before too, the subdivision should be voted on first and then approval of the rezoning because technically there's nothing to rezone if the subdivision isn't approved.*

Chairman Scherer: *We've done it both ways, together and separate.*

Dustin Parks: *You can. As long as you don't do the rezoning first, you're okay. I'm good with doing it in the same one. As long as you don't rezone something that doesn't exist, we're good.*

Chairman Scherer: *So, as we consider this, we'll do it in the same motion unless there's a reason to do it separately.*

Vice Chair Johnson: *I move approval of PR2016-07 and Z2016-07.*

Chairman Scherer: *We have a motion to approve PR2016-07 and Z2016-07 and I assume with staff notations and recommendations?*

Vice Chair Johnson: *Right.*

Chairman Scherer: *We have a motion to approve, I need a second.*

Commissioner Streeter: *I would second it.*

Chairman Scherer: *We have second. Is there any further discussion?*

Commissioner Newman: *Would he still have to go get some sort of permit for the building that was built? How is that taken care of, that's my only question.*

Dustin Parks: *You can state, well I guess at this point you'd have to amend the motion, that before the plat can be filed they would have to get a retroactive building permit for it. That's really the best way to do that, to make sure the building permit is there if you want to do it at this meeting.*

Chairman Scherer: *So, staff's preference would be that we condition approval based on receiving a building permit.*

Vice Chair Johnson: *What are the parameters of issuing this retroactive building permit.*

Dustin Parks: *They would just have to come in and get the building permit from us and once it filed they can file the plat as long as they can get the building permit approved.*

Vice Chair Johnson: *So there are no special exceptions wise and placement wise it's a building a shed in essence that's cut and dry?*

Dustin Parks: *Yes.*

Vice Chair Johnson: *Well I move to amend my motion.*

Chairman Scherer: *We have a motion to amend the motion to include a requirement that the building permit be issued before the subdivision can be filed.*

Commission Newman: *I would second that.*

Chairman Scherer: *We have a motion and a second. Do we have any further discussion on the motion to amend? Hearing none All of those in favor of approving the amendment to the original motion, say Aye:*

ACTION: 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

Motion to amend the original motion passed unanimously, 5-0.

Chairman Scherer: *The Motion now stands for the approval of PR2016-07 and Z2016-07 based on staff's recommendations with the condition that the plat may not be filed until such a time as a building permit is obtained for the existing building on lot 2. Further discussion? I'd ask the applicant if he understand what the motion is at this time?*

David Lady: *I do, thank you.*

Chairman Scherer: *Those in favor of the motion say aye*

Action: 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.

Chairman Scherer: *Of course we haven't actually approved anything. We've just sent a recommendation to the county commission and staff will let you know when the County Commission will consider the final approval.*

Staff: *October 17th sometime shortly after 1.*

David Lady: *Is that a meeting?*

Dustin Parks: *Yeah, that's a county commission meeting.*

Erin George: *It will be in the same room here.*

David Lady: *Do I need to be in attendance? Because that might be difficult.*

Erin George: *It's recommended. You could talk to Steve Tufte too and see if he could should show up on your behalf.*

Chairman Scherer: *Ladies and Gentleman that is the only hearing we have. We invite you to stay because we have a public comment coming up and also other things to discuss and we'd be happy to have you stay.*

Item 6. Comments from the Public on Items that are not on the Agenda

Chairman Scherer: *I'll note for the record that there is no public left in the room. So Item 6 is done.*

Item 7. Old Business, General Staff Report

There was none

Item 8. New Business

Discussion was had between staff and the planning commission in regards to the new Planning and Zoning Directors preparedness to discuss changes to the comprehensive plan. Questions about how to incorporate the current regulations as well as the initial public guidance of the original comprehensive plan were discussed. Dustin Parks advised the planning commission that he has begun researching and will continue to research the proposed commercial recreation overlay to be prepared for discussion at yearly reorganization hearing in the spring.

Discussion was also had as to the viability of emailing planning commission packets as a cost saving measure. It was decided to provide both a digital and a physical copy of the planning commission packets to allow the planning commission time to see which they like better.

Item 9. Adjournment

Action: Vice Chair Johnson made a motion to adjourn. Commissioner White seconds the motion. Motion carried unanimously. The meeting was adjourned at approximately 7:54 PM.

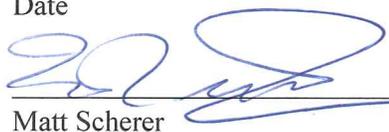
Minutes taken by:


Dustin Parks

Approved:

Oct. 27, 2016
Date

Chairman:


Matt Scherer

Secretary:

Brandon Newman