

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of the Planning Commission Meeting of August 23rd, 2021

Item 1. Call to Order.

Item 2. Approval of the Agenda

Commissioner Benyshek moved to accept the amended agenda as presented and Vice Chair Rudolph seconded.

Votes were taken by Ayes and Nays as follows:

Paul Johnson Chairman	Gale Rudolph Vice Chair	Matt Scherer Secretary	Stephen Phillips	Tim Benyshek	Vacant	Vacant
DNV	Aye	Aye	Aye	Aye	--	--

Motion Passed 4-0

Item 3. Roll Call

Paul Johnson Chairman	Gale Rudolph Vice Chair	Matt Scherer Secretary	Stephen Phillips	Tim Benyshek	Vacant	Vacant
DNV	Aye	Aye	Aye	Aye	--	--

Item 4. Approval of the July 26th, 2021, meeting minutes

Chairman Johnson asked if there were any corrections for the minutes. He then asked for a motion to approve the minutes. Secretary Scherer moved to approve the minutes as presented and Commissioner Benyshek seconded.

Votes were taken by Ayes and Nays as follows:

Paul Johnson Chairman	Gale Rudolph Vice Chair	Matt Scherer Secretary	Stephen Phillips	Tim Benyshek	Vacant	Vacant
DNV	Aye	Aye	Aye	Aye	--	--

Motion Passed 4-0

Item 5. Public Hearing

Chairman Johnson explained the commission meeting procedures to the public and opened the public hearing.

PR2021-06 and Z2021-10: A request to consider a preliminary and final plat of Anderson Acres, a two-lot subdivision of 17.63 acres +- located at 16946 13th St, Lawrence, KS 66044. Also, a request to rezone Lots 1 and 2 from Rural Residential to Suburban Residential. This request is brought by Marion Anderson of the same address.

During this time, staff asked who was here for the first case. The applicant, Marion Anderson, her real estate agent, Mr. Miller, and the applicant's surveyor, Steve Tufte were all present via Zoom. John Jacobs, a neighbor, was in person for the case.

Chairman Johnson asked if anyone had ex parte communications with someone involved in the case or if a member has a potential conflict of interest regarding this case. No one had.

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

Vice Chair Rudolph: Mr. Chair, I do have a question. Kelly, when reading that you were saying that no house is planned but they do have to have the water provisions provided before approval.

Kelly Woodward (Staff): Yes, we have a condition, we have a regulation that states at final plat, they have to have secured that water supply. That was a recently adopted amendment is my understanding from this governing body. I mean this body and the governing body. Excuse me.

Chairman Johnson: Further questions by Commissioners.

Vice Chair Rudolph: No, I have no further questions. Thank you, Kelly.

Chairman Johnson: Kelly, I have a couple of questions for you. I was looking at John Heston's letter about this. Lot one has an existing house on it, right?

Kelly Woodward (Staff): That's correct.

Chairman Johnson: So, he says there is an existing house with the wastewater system that will be on this lot.

Kelly Woodward (Staff): He means that the wastewater system will be contained within those new lot boundaries, I believe.

Chairman Johnson: And then he said a site visit was not made. So, there was no inspection of the current wastewater system.

Kelly Woodward (Staff): That's correct.

Chairman Johnson: Since it's an existing house as within the boundaries, then no site visit is required.

Kelly Woodward (Staff): We have a meeting with Crystal next week to discuss issues like that, with the Health Department and what she would like to have done.

Chairman Johnson: And when you say that the second lot that they want to build on, what constitutes water rights being secured? Water supply being secured?

Kelly Woodward (Staff): Well, just reading from the regulations, it says that it should be a statement, letter, or contract stating that access to water has been obtained, purchased and/or secured.

Chairman Johnson: So, what's the difference between purchased and secured?

Kelly Woodward (Staff): I didn't write the language.

Secretary Scherer: But we did.

Kelly Woodward (Staff): Yeah.

Chairman Johnson: Well, I mean, in essence, to provide a building permit, there has to be some, some payment, some formal written agreement with the Rural Water District for water supply to that lot.

Kelly Woodward (Staff): Right. The main concern that I had was that they put a cutoff date on their letter, their feasibility study that said that water would be available. And so, I suggested that you put a condition of approval on there since that is something that terminates. And so, they're not guaranteeing water past that date, you know, and I had no idea whether this would be completed by that date. It is possible it could be completed by that date. But also, I don't know when they're going to actually purchase that or make that commitment to the water district.

Chairman Johnson: And there's no debate in this particular case. You know, I know we're not going to get into the Washington Estates tonight, but about availability of water, and structural changes or enlarging the pipes or whatever to come in. If the Rural Water District says we can supply it, then that's good enough for the county.

Kelly Woodward (Staff): We have a typical form that we have people fill out where they check whether or not improvements are required with the water supply. We did not get that form. So, I don't necessarily have that answer. But I think the applicant's representative is here that has discussed this with the water district who could probably provide you with some additional information

Chairman Johnson: Was it a necessity that such a form from the Rural Water District should have been supplied?

Kelly Woodward (Staff): It's in the application, but I accepted a letter in this case.

Chairman Johnson: Okay. Matt.

Secretary Scherer: Kelly, I don't remember the specifics of that regulation, but does it say a building permit or a plat.

Kelly Woodward (Staff): It's the plat. Right now, we're only talking about the plat.

Secretary Scherer: Okay. Thank you.

Chairman Johnson: Any further questions by Commissioners for staff at this point? Seeing none, then...I should have said this a little earlier, so I apologize for that, but obviously, we're into the public hearing, it's now in session. So, when giving testimony, please introduce yourself and provide your address. Please make all comments directly to the Planning Commission. Please refrain from repeating what has been said before. Please avoid involving personalities. Be as factual as possible. The order of testimony after the staff report, which we just heard is, the applicant may make a presentation. Those who wish to speak in favor of the application are then heard, those who oppose the application are heard. Those who are neutral on the application are heard than the applicant can make a rebuttal statement. Planning Commission reserves the right to question anyone who provides testimony, the chair reserves the right to swear in anyone who provides testimony. So, excuse me, since we've gone through the staff report, I'll ask if the applicant at this point has further comments or testimony on the staff's report or other details about this case?

Applicant Marion Anderson: Marion Anderson, 16946 13th Street, and I'm the owner of the property and a stranger in a strange land, so I'm going to ask Mr. Miller to field most of the questions, but if you have one for me, I'm happy to answer it. Thank you.

Mr. Miller (Applicant's real estate agent): I'm her real estate agent, so I'll be representing her in this deal. But as of now, we don't have any further questions or testimony.

Chairman Johnson: Commission members have any questions for Mr. Miller at this point? Mr. Miller, can you answer probably some of the speculation about water supply issues?

Mr. Miller (Applicant's real estate agent): What's the question being asked?

Chairman Johnson: I'm sorry, I don't have it, which Rural Water District serves this application?

Mr. Miller (Applicant's real estate agent): 13.

Chairman Johnson: Okay. So, they have supply available to, would they have to run for making any structural changes to supply water to this second plot?

Mr. Miller (Applicant's real estate agent): From our understanding nothing out of the ordinary other than adding the water meter.

Chairman Johnson: Okay. All right.

Steve Tufte (Applicant's surveyor): Mind if I chime in on this, I'm the surveyor?

Chairman Johnson: Well, is there anyone else who wants to speak in favor of this application? Let's start there. We have somebody here in the audience in the Commission room. So please step to the...

Chairman Johnson: Your name and address?

John James (1634 Patterson Ln): John James 1634 Patterson Lane. And I am in favor of this. But I do have a couple of questions. I believe that they've been answered just in watching the process on there, as I understand there is a pending sale, which they intend to build a house, which is where the water and all that comes into play. My concern is, if an individual purchases this property, can they then subdivide without any further hearing, knowing that the Suburban Rural is between one and 10 acres? Because this falls into that if it's recategorize or rezoned?

Chairman Johnson: I would, I may defer to Kelly for an answer on that.

Kelly Woodward (Staff): Anytime that you do any further subdividing of property, you would have to go back through a public hearing, have another application to replat it, basically.

John James (1634 Patterson Ln): Okay, that answers my, the only concern that I have. I'm in favor of this. Thank you.

Chairman Johnson: Is there anyone else who would like to speak in favor of this application?

Steve Tufte (Applicant's surveyor): Yes.

Chairman Johnson: Okay. Your name and your address.

Steve Tufte (Applicant's surveyor): Steve Tufte, the land surveyor for the project. 7531, US 59 Highway, Oskaloosa, and I just wanted to address the water issue. Um, what we've been doing on on all the plats is we give a, we have not used the application, the official application that's, that's available on the website. It, it states on there, that's an optional item. And what we've always done is have the water district, basically give us a letter or an email guaranteeing, which is what the application wants you guys to be able to see, the water service is guaranteed for these lots for lot. And so that's what we got from this gentleman at Rural Water 13. However, I said, well, it's for 60 days. And Kelly mentioned that too. Well, that's, you know, what about beyond that? So, I mentioned that to the manager, and he said, well, he says that's our policy, we cannot state in a letter any more than 60 days, he says, but I can tell you that there's plenty of water plenty pressure, there'll be no problem serving that on into the future and then some. So that was kind of how he stated it. And I said, well, can they come back to you in a few months? At the end of the 60 days, to get another letter saying it's good for another 60

days? Yes, he said. So that was how the water kind of became a little bit of an issue, there was that 60-day timetable, which, again, normally we just get a letter stating that water service is guaranteed, we as far as having to procure or buy the meter, or have it purchased, we found that it's really hard to do on from the owners. And a lot of times it's a son or daughter that's going to build on this lot. And what they intend to do is get a home loan when they build the building, and then they buy the meter too, they are \$6,000 to \$8,000 apiece. So, it's really hard for them, they can't even get up a loan to get that water meter ahead of time. Because the bank first thing calls me up and says we need the legal description. And I say well, I can't give a legal description until it's platted. So, it's kind of a, you know, a circle there, they can't get the money until I give them a legal to their lending institution. And so, it just works out a lot better if I just get them to guarantee they have service. And it's been it's been working. And we had a little bit of a different one there, Paul.

Chairman Johnson: Well, it's helpful understanding kind of how this this process evolves. And but what is what is the Rural Water District asking for? I mean, when they say that, yes, we have water because there's a 60-day limit on it. But the Rural Water District isn't asking for any upfront money to guarantee at least a portion of the meter?

Steve Tufte (Applicant's surveyor): No, because they I guess it's kind of like the, this product, there's plenty of product available but who knows if next month somebody swoops in and does something and then it'll be gone for you. So, we have it now. But you know, it's guaranteed right now, but we only got so much of a window. I think it's more there. The water board each district has a water board and I think that's more there. You know, the way their policy they like to have it, but I imagine in the past they sometimes had ran into trouble where they said yes, we have a meter for you and the guy or gal didn't buy it for two years and and they ended up in a bad spot there.

Chairman Johnson: Kelly, do you have any comments on how this process works out?

Kelly Woodward (Staff): All I'm doing right now is interpreting the regulations that you have. That's why I gave you a condition of approval, that not that he have it tonight, but that they do get it in the future, before we release it for recording. So, he'll be able to say that the plat is approved. You know, there are so many different water districts in this county. So, I don't know if each of them has the same rule or requirement. I'm just enforcing your rules and requirements.

Chairman Johnson: Got it. Thank you.

Commissioner Benyshek: Paul if I might jump in here a little bit and comment. Being in the bank business, I will say that whatever Rural Water District 13 does here with the 60-day cut off, I will tell you, we've dealt with many Rural Water Districts between Jefferson, Jackson, Shawnee, etc. And in my experience, it's not usually common to have a 60-day window, to have that approved more more often than not, it's usually they will issue a letter or an email. Like we have here tonight stating that, you know, water is available on site, unless further notice is given down the road at the time, you know, they intend to build or purchase the water meter, there are cases where they may have to pay extra if meters aren't available at that time, but the water is available because, as you heard water meters can cost anywhere from \$6,000 to \$8,000. Well, if they've got plenty of meters available, it may cost you \$6000. But if they have to go out and purchase an additional meter and do a little bit of extra work to provide service. Next thing you know that price is passed on to the purchaser of the property or who intends to build so I mean, I will agree with Mr. Tufte of that Rural Water District 13 here must have some different regs or something in place than some of the other water districts surrounding them, because that's a little uncommon, from what I've seen in my experience, but that's all I have to comment on there.

Chairman Johnson: Are there any other ones online that want to speak in favor of this application? Seeing none, is there anyone on this virtual meeting that would like to speak against this application? Is there anyone online that would like to make a comment or a neutral comments on this particular case?

Kelly Woodward (Staff): We do need Mr. Miller's address for the record.

Mr. Miller (Applicant's real estate agent): Yep, this is Shane Miller. My address is 1007 W. Howard Place, Louisburg, Kansas 66053.

Chairman Johnson: Is that good Kelly. So, at this point, I'll close the public hearing portion on this case and see if the Commissioners have any other questions or concerns on this case. Steve, do you have any questions?

Commissioner Phillips: No, I don't, it kind of sounds like the applicants have done all they can do about water though.

Chairman Johnson: Okay. Well, if there are no further questions by Commission members or that then this Chair is ready for a motion at this point.

Secretary Scherer: Mr. Chairman, I recommend that we, excuse me, I move that we recommend to the County Commission to approve rezoning application Z2021-10 and plat application PR2021-06 with the following condition. The plat shall not be released for recording until proof of water in the form of a statement, letter, or contract from Water District 13 stating that the access to water has been obtained, purchased and/or secured for the undeveloped lot is presented to the county. In addition, recommend to the County Commission that they approve a rule exception pertaining to the perimeter side utility easement that is encroached upon and accept the dedication of rights-of-way and easements which for those of you that have it is essentially Kelly's motion, recommended motion.

Chairman Johnson: Is there a second?

Vice Chair Rudolph: I would like to second.

Chairman Johnson: Seconded by Gale. Further questions, or information needed on Matt's motion?

Votes were taken by Ayes and Nays as follows:

Paul Johnson Chairman	Gale Rudolph Vice Chair	Matt Scherer Secretary	Stephen Phillips	Tim Benyshek	Vacant	Vacant
DNV	Aye	Aye	Aye	Aye	--	--

Motion passed 4-0

CU2021-03: A request to consider a Conditional Use application for a rock quarry at an existing commercial site located on the west side of US-59 Highway between Fairview Rd and McCall Dr. This request is brought by owner King's Construction Co., Inc of 205 Walnut St, Oskaloosa, KS 66066.

During this time, staff asked who was here for this case. Applicants, Taylor (King) Norris and Kent King and Applicant's Agent Ben Kramer were on the Zoom call. No one from the public was on the call or present for the case.

Chairman Johnson asked if anyone had ex parte communications with someone involved in the case or if a member has a potential conflict of interest regarding this case. No one had.

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

Chairman Johnson: So, that's the end of your report Kelly?

Kelly Woodward (Staff): Yes, it is.

Chairman Johnson: Commissioners, do you have any questions of staff at this point?

Commissioner Benyshek: Paul, this is Tim here, I do have one question. And this might be a kind of a double question, or the applicant may address this when they come to their part here. Obviously, I know it indicates in the application that they don't intend to do any blasting on site, and it's all going to be excavated and you know, take it to the rock crusher. If

the applicant were then to find rock that's better feasible or suitable for blasting, would they have to come back to the Planning and Zoning Board or the Commissioners to update their conditional use permit to allow blasting on the site? Or is that covered in this initial or initial conditional use permit?

Kelly Woodward (Staff): That's a really good question, because I think the communication about no blasting comes with some of those email communications back and forth, that may not be in the actual application. If that's something that you want clarified, it might also be a good condition of approval to add to number one where it says....

Commissioner Benyshek: Well, and where I'm going with that as if blasting would eventually occur, let's just say in theory, and it may not, you know, obviously the concussion off of that with very close adjoining properties and the city limits being close on that. I don't know how far a concussion can reach off of a blast from a site, but I would assume it's a fair distance there. But we can address that with the applicant as well when it comes up here.

Commissioner Phillips: This is Steve, I have a question.

Chairman Johnson: Go ahead Steve.

Commissioner Phillips: It was stated that there's anticipated a very small percentage of rock would be direct sale to the public. Is there anything in this that would actually limit that or?

Kelly Woodward (Staff): No, no, I don't think so.

Commissioner Phillips: I wonder if we might want to think about that just because of added traffic if there were to be lots of sales to the public.

Chairman Johnson: Other questions by Commission members? I have one question for now. I have a lot more questions probably for the applicant at this point than for Kelly. Kelly, walk me through, how do these public hearings work on the various phases of the reclamation plans?

Kelly Woodward (Staff): Well, I can see why they don't didn't want to submit the reclamation plan at this time, because they don't even really know if you're going to approve their conditional use yet. You know, there again, we have a regulation that says it's required at time of application, it's not being provided at time of application. So, my only ability to deal with that is to say put a condition of approval that it will be provided at a later date. That was how I handled that.

Chairman Johnson: So, when you say a public hearing, does that mean before the Planning Commission or just a general public hearing?

Kelly Woodward (Staff): Well, I mean, if the County Commission decided they wanted to have a public hearing, I guess they could have the public hearing. But let me see what it says exactly for the quarry divisions. Okay, says a plan for reclamation of the site shall be prepared and submitted as part of the application. The plan shall indicate a timetable for the reclamation to the proposed use of the site and general plan of the proposed use. The reclamation plan submitted shall be binding only to the extent that said plan shows the intent of the applicant for reclamation. The actual reclamation plan may be amended at such time the applicant is ready to begin such reclamation, however, the amended plan must be approved by the governing body before reclamation work may begin. Said approval of a revised reclamation plan shall require a public hearing under the same procedure as the original conditional use permit, which means coming back to you in my mind, because that is where the original conditional use permit was heard.

Chairman Johnson: Did I see? Make sure I read it right. But we're talking about four phases for reclamation in this?

Kelly Woodward (Staff): Well, I assume there's four phases of reclamation, there are four phases of mining.

Chairman Johnson: Okay. Are there further questions for staff at this point? Seeing none right now then we'll ask if the applicant wishes to make a statement at this point.

Ben Kramer (Applicant's Agent): Good evening, Ben Kramer, Kramer Consulting 2335 SE Tecumseh Rd, Tecumseh, Kansas. I want to thank Kelly and her staff for preparing this presentation for the commission. She's done a great job and and she's asked questions of us. I think we worked through this fairly well and been trying to get a good application here. I'm here. I did prepare the application for King's Construction. And I believe they are here also. And I'll be glad to answer any questions that you have. The only topic that I see that I had a little bit of question I want to make a clarification on is on the fence. We showed the 75 feet because that was the gap in the trees between the rock quarry and that residence. There are pretty substantial trees, there's a pond, there's also a berm along that side of the property, which gives some some buffer to that residential area. So, I'll let Kings speak to that if they want to and that's really all I have and if there's any questions for me, I'll be glad to try to answer them. Thank you.

Chairman Johnson: Mr. King do you want to make a statement at this point?

Anna Driscoll (Zoom Meeting Coordinator): That's Taylor Norris and I don't believe she has audio?

Kelly Woodward (Staff): I don't know who Taylor Norris is?

Anna Driscoll (Zoom Meeting Coordinator): They contacted me before the meeting and oh, Taylor, can you speak?

Taylor Norris and Kent King (Applicants): I'm sorry. We can. Are you getting a lot of feedback for me?

Anna Driscoll (Zoom Meeting Coordinator): Not right now.

Taylor Norris and Kent King (Applicants): Okay. We just don't have audio or video on our computers, but we are we have called in. So, this is Taylor Norris. Formerly Taylor King, Norris is my married name. Kent King is here with me, we're both representing King's Construction today. We, there's a couple things I do want to clear up, just regarding the fence. You know, we we will be very accepting of whatever we kind of need to do here to make those neighbors happy as if they want a fence obviously, we thought we created a plan with Ben that was going to suffice that. We have been in communication with those neighbors, and they are cooperative. And you know, we have a good standing relationship with them. But if the Planning Commission would, you know, we just don't want that to be something that's going to hold this up. So, we, like I said, we'll be flexible, there also. Moving on from that, we do, we had to get a mine reclamation plan in place where we actually, we at least had to apply with one for the State, the Department of Agriculture. I'm not sure how that didn't get through all the paperwork, but I'm looking through here and you guys don't have a copy of it. So, it's not detailed. But it is approved from the Department of Agriculture, I can pass that along after this is done. But it is just, it's literally just a mine application for a new site registration. It's been sent into the State. And it's, it's got a reclamation program with it. So, I can get that out to you guys after this is done. Or I can do it through Ben or whatever. But I'm assuming that you guys are going to want something that's a little bit more detailed. But just so you do, just so you are aware there is information out there with the State with that already attached.

Chairman Johnson: Any further statements by the applicants at this point? I'll see if Commissioners at this point have questions for Ben or Taylor or

Secretary Scherer: Mr. Kramer, does MSHA have a fencing requirement for the perimeter of the mined area?

Ben Kramer (Applicant's Agent): I'm not sure on that we'd have to check.

Secretary Scherer: Thank you.

Taylor Norris and Kent King (Applicants): I'm not sure on that either. MSHA does have a lot of regulations. So, I'm sure that they do have some feedback there. But and we have been, we have that line, we have that application approved through MSHA already too. So, I'll dig out that paperwork and and see what I can provide Ben.

Chairman Johnson: Further questions by Commissioners at this point? Go ahead Matt.

Secretary Scherer: I'm not sure you have an answer for this. But do you have an idea of how long you expect the rock source to last? Given your estimated use?

Taylor Norris and Kent King (Applicants): Yeah, we just have the estimated use, we really don't know how long that will be available to us. It's you know, it's a natural resource. So, we don't know how long it will be there.

Chairman Johnson: So, who laid out the four phases of development then? And what's your time frame on those?

Taylor Norris and Kent King (Applicants): Well, this isn't something that we're going to staff up every day all day, you know, like a, like a general rock quarry. So, the phases are split up by the area that we know for sure, right now, which area has rock and that's phase one? The rest of the phases, we haven't been able to, you know, get familiar with too much right now. But we, we just anticipate that phase one will last us a while. I don't have, two to three years. Yeah, if we're able to produce actually, the tonnage that we are anticipating, it's going to be when we have jobs that are close here, we may have the crusher out there, and we might be supplying rock to it and you know, supplying that job. And then we may go six or seven months without any activity out there.

Chairman Johnson: So how did you arrive at the figure of 20 to 25,000 tons a year?

Taylor Norris and Kent King (Applicants): We believe that phase one has the capability of producing that if we were to go to that capacity.

Taylor Norris and Kent King (Applicants): This is Kent King, the president of King's construction. The way we came up with the tonnage basically was figured on the thickness of the ledge over the certain area that we in the different phase. One of the main things that we were striving for, in trying to come up with this was to give some of our men in the wintertime, where we can't work out on other projects, that we could produce rock there and try to make rock ourselves. And then we'd have a source of the material later on in the year that we could use. We have made a lot of recycled material already, recycled concrete, recycled asphalt off of projects. And there is a big demand for it. And we're finding that almost every rock quarry around right now is stretched to the limits. And we have a lot of people asking us for rock. And we have a demand on in for our own needs. So, we just thought that if we can get this permit through that we would try to make some of our own rock that we could use on different projects. And in some cases, we can probably mix some of the material from that with some of the recycled material. And we were to make a very good product. And it is a very good product. Then the way that we came up with the volume, and how much was there, was we figured the thickness of the ledge over a certain area as to how long it's going to take us. Everything that we're going to do here we're going to do with with a hydraulic breaker that's on a track hoe. That's how we will break the rock down to where it is be able to be a viable product that we can put in a crusher. And we will not use dynamite. We don't and we don't plan on running that big of an operation. One of the big things here is basically to try to give some of our men some work in the wintertime, we can do it so that that's why we came up with this idea. We want to see how it's going to work for us. And if it works, then we might find another site somewhere else. But for right now we'd like to try starting here. Beings we already own the land.

Chairman Johnson: Did I read in part of the information that you may possibly be supplying some of the rock needs for Jefferson County Road and Bridge?

Taylor Norris and Kent King (Applicants): Well, maybe down the road. Right now, we got to see how it's going to work for us. Right now, it's going to be our material that we will use on projects and, and we won't allow other people to come in and get the product. Right now, we want to, we want to control that. And we don't want too much traffic in and out. We use this particular site not only for, we have fuel storage there, we store some of our equipment. We store pipes and, and different things like that. So, we use this area a lot. And we don't want to, we don't want to sacrifice that use. But we want to try to make some rock out what rock is there now. We're gonna see how that will work. If it comes to it, that looks like it's going to work out fairly decent. We'll probably offer that up to the county. I'm not going to tell you that we won't. We have sold some what we call crushed millings to the to the county. We did do that one other time from this particular area. But right now, we don't plan on doing that. But we have had interest from the Road and Bridge to do this. I want you to know that. They were highly interested in us.

Taylor Norris and Kent King (Applicants): I just want to piggyback on that real quick our crusher is, it's portable, it is used a lot of places in the middle of cities. You know, in rural areas, it's very quiet, not dusty. We do have dust mitigation measures in place as well. But you know, we recycled a lot of aggregate right in the middle of Lawrence a couple years ago. We're doing it right now in Leavenworth. It's something that is really not very disruptive. It's not loud. So, you may not even know that it's happening in those places. But you know that it is and that's where some of the material that we sell sometimes comes from. But I just wanted to note that because a lot of people don't know very much about rock crushers.

Chairman Johnson: So yeah, well, that was another question I had, was do you have a decibel rating for when your crusher's working at maximum output?

Taylor Norris and Kent King (Applicants): It should be on that the air emissions test that I sent, it should also have the decibel rating on it, it might not - that is definitely information that I can get you when it's running at full capacity. I don't have it in front of me right now. If it's not on that report, then I'll have to, I'll just have to get it for you. We don't have any tests that require that a state mandated but the information is out there.

Chairman Johnson: So, I know this is a variable operating season for what you know. And I guess you're going to move this rock crusher in and out of this particular side. But if it as you said if you're going to use it for crushing rock during the winter to build up a, you know back, you know, supply for your projects year round. What during the winter, we talking about running this crusher four or five hours a day?

Taylor Norris and Kent King (Applicants): No, usually when we're running, we try to run six to eight hours anyway. And when our crusher will produce, if we got got the rock there and we're supplying it into the crusher, we can make a couple 100 tons an hour. So, you know, through a good day. And we can make 8-900 maybe 1000 tons a day. And I don't anticipate by the time that we prepare the rock and get it ready to crush it. We will crush much more than two or three days a week. Because if we're breaking all the rock it takes quite a bit of time to get that rock crushed down and get it ready. Get it cleaned up and get ready to put in the crusher and the crushing part is usually, usually the least work the most work is getting prepared to go into the crusher.

Chairman Johnson: If I lived in a house 100 feet away from this, would I hear this crusher?

Taylor Norris and Kent King (Applicants): 100 feet. Yeah, you'll hear it. I mean, it's it's a diesel motor. And it's running. It's got mufflers and everything on it. You'll hear some of the crushing action. But you'll mainly probably hear the motor and it's just the motors pretty much, just steady. It's not up and down unless you shut it down. So, the most noise you'll hear is the diesel engine. And it does have a good, it's got a great big muffler on it. It's not, it's not something that's real loud. You can probably hear the conveyors running some. I mean, if you're standing next to the crusher, you're gonna want to probably put earplugs in. I mean, it's just that's normal with a diesel engine and normal with a piece of equipment. The house is more than 100 feet away. I don't know from where we would be crushing. It's probably 3-400 feet?

Chairman Johnson: Well, I think it would be helpful to have a decibal rating on what we're talking about here, given the siting and where this is at. But you're bringing water in with one of your water tanks for the crusher? That's right?

Taylor Norris and Kent King (Applicants): Yes, when we're running the crusher to keep the dust down, we apply water. We have a tank that is hooked right to the crushing operation and injects water. So, it keeps the dust down.

Chairman Johnson: And is there a fluid that comes out of the crusher?

Taylor Norris and Kent King (Applicants): Fluid? Is that what you said fluid that comes out of the crusher? Little bit of water. But that's you know, it doesn't inject it into the air or anything. It's injected into the, right into the impactor. Right as it's being crushed. So, it doesn't develop a dust. It has little jets on it that direct the water flow right into.

Chairman Johnson: So, there is not a stream of water coming out of it after you've crushed rock?

Taylor Norris and Kent King (Applicants): No, no, we got, I don't know whether you call it a sprinkler, or it's got a little jets that squirt the water in there. It's not like we got a river coming out. But if it does, it does keep the dust down. And

we've crushed right in the middle of downtown Lawrence. We were down on 40 Highway and right by the new hospital. We were right there we crushed 1000s of tons of rock right there. We were right next to Sixth Street. We were right there by the highway. And long as we kept the water going, we never had any problems.

Chairman Johnson: I want to circle back to this question of how long this is all going to last. So do you have the engineering analysis to know just how much, how many tons of rock we're talking about on 20 acres here.

Taylor Norris and Kent King (Applicants): We honestly didn't go that far with Ben as to him to do an analysis and as we dug down, we found the ledge, we expose an area of the ledge to see how much rock was there. And that's how we determine the different phases. And we determined how much rock we thought we could get. If it gets to where the rock is not the best quality, I'm not going to tell you it's, it's the limit on this rock is not the, not the top, it's not the top grade one rock. But for material, or road rock material, it's very good for that. And we thought, if we could make some of this stuff like this, then we'd have a product that we can use on our projects. And then we could in turn, sell. And maybe, and maybe if it got to the point where it was, we were working pretty good at it, then we can maybe in turn sell some to the county, because we were approached by the Road and Bridge department. And we did talk to them about this, if they would be interested, if we made enough that we could sell some, but we don't anticipate hundreds of 1000s of tons. I think we told you we were going to make maybe 20 to 25,000 pounds. And that would be a lot of rock for us. Because we don't run our crusher every day. Our crusher is something that basically is a sideline for us. When nothing else, when we can't do the regular dirt work. We try to crush a little rock.

Chairman Johnson: Any other questions by Commissioners for the applicant at this point? Seeing none, I'll see if there's anyone on this call that would like to speak in favor of this application? Seeing none, is there anyone on this call at this point that would like to speak in opposition to this application? I'm told that there's none on this call. Is there anyone on this call that wants to provide information or neutral comments on this particular application? Seeing none at this point, then I will close the public hearing portion of this case and see if the Commissioners have further questions or comments on this case at this point.

Secretary Scherer: Mr. Chairman I have a real quick question for the applicant. I assume you're aware dust control is the proposed permit condition. I just wondered what kind of dust control system you plan to use. For the roads, I'm sorry, not...

Taylor Norris and Kent King (Applicants): We will also be using the water truck for the roads, that has a sprayer on the back. And we do that on state projects and road projects all the time every day. So that's what suffices. And that's what we will use. And we have a direct route to 59 Highway. So, we don't have very much rock road to contend with. All the rock road will be on us. And we will exit right out on 59 Highway.

Chairman Johnson: Any other questions or comments by Commissioners at this point, I have closed the public hearing portion. So, I guess my my last question will be for Kelly. So given that our regs say that there is supposed to be a proposed reclamation plan as part of this application.

Kelly Woodward (Staff): She said she has one and that if she wants to provide it before the County Commission meeting, we can give that to them. It does say that if they amend the development plan, later that it goes through that public hearing process.

Chairman Johnson: And the other issue that I think it was Tim that brought up about the potential if they thought it was advantageous to do some blasting at that site. How does that play against our conditional use permit?

Kelly Woodward (Staff): You can clarify in the first statement that it doesn't include the sanitary landfill, construction, demolition, landfill or blasting? You could recommend that. I think they said they weren't going to do blasting and told you that other process they were going to use to get the rock out. So, I mean, everything that was said tonight will be in the minutes. It will be documented in the minutes.

Commissioner Benyshek: Yeah, and Paul, this is Tim, just to clarify, I mean, and the applicant's statement, they, I guess, reassured me on the blasting side of things. So, I don't have any further comments towards that.

Chairman Johnson: I thought I would raise it, you know, clarification at this point.

Commissioner Phillips: I have a question for Kelly if I could? I know, we've talked about this before, but if this piece of property were to be sold, does, does the permitted use run with the property? Or does it terminate then?

Kelly Woodward (Staff): Typically, when somebody gets a conditional use permit and development plan approved, then that runs with the land and there is the opportunity for a new... Did you guys hear that? Because I saw internet connection and unstable sign. Okay, there is an opportunity for that conditional use to continue as long as they, the new owner, follows all the conditions of approval and follows the development plan. You know, obviously, it's more complicated in this one, because of them needing some new state permits and things for a new person to do the mining, I would think. But I don't think that'd be too extensive. It would not terminate automatically if Kings stopped doing it. Unless they stopped doing it for a period of time, which I can't remember if that is six months or whatever. And then it would expire.

Chairman Johnson: Does that answer your question, Steve?

Commissioner Phillips: Yes. Thank you.

Chairman Johnson: Kelly, just for my basic understanding, what is an MSHA permit?

Kelly Woodward (Staff): That was a safety. I don't have the acronym in my head for that. But it was a safety-related permit.

Chairman Johnson: Alright, like OSHA, some version of OSHA,

Kelly Woodward (Staff): Mine, Safety, and Health Administration. OSHA for mining.

Chairman Johnson: Okay, so no further questions or comments from commissioners?

Secretary Scherer: Mr. Chairman, I do have a question for you. Would you like us to go through the potential conditions one by one, or would you prefer somebody just made a motion? Since there are 13 to 14 of them.

Chairman Johnson: And but you have referenced that these were the recommendations made by the staff?

Secretary Scherer: Not in my motion? No.

Chairman Johnson: Well, that would be a be a clarifying position then.

Secretary Scherer: I'm just wondering if it might be easier for us if we went through them without a motion.

Chairman Johnson: We could do that. So do so let's start into to it.

Secretary Scherer: Can we ask Kelly to put them on screen.

Chairman Johnson: I'm sure she could do that. So, number one does not include sanitary landfill or construction demolition landfill use for this site?

Secretary Scherer: I'm in agreement with Tim. Frankly, I think that we should just go ahead and say no blasting permitted, as part of this condition. If you have an editable version that might be easier.

Kelly Woodward (Staff): Let's see. I can do it. I just can't go full screen. So, what do you want to say?

Secretary Scherer: I suggest it just say this site shall not be used for a sanitary landfill or construction or demolition landfill, nor shall blasting be permitted.

Chairman Johnson: Any other comments by Commissioners on that one?

Secretary Scherer: I ...inaudible... the comments on my number two and three.

Chairman Johnson: So, number two, Matt.

Secretary Scherer: I recommend deleting it. Not to go back through the discussion we had the last time we included other agency permits as conditions of our own, but I don't think it's appropriate and I don't think it's necessary. And they have their own requirements and all the administrative powers that they can force the applicants to do exactly what they're supposed to do.

Commissioner Phillips: This is Steve, I agree.

Chairman Johnson: So, we x out number two.

Secretary Scherer: She corrected it on the screen.

Chairman Johnson: Okay. So, they renumbered them all?

Chairman Johnson: Got it. So, the new number three.

Secretary Scherer: I'd also recommend deleting that one, although it's less onerous than number two, but I don't see the point to it.

Chairman Johnson: But when you say applicable, I mean, I could see about state and federal regulations but how about local that speaks to, you know, our own quarry regulations.

Secretary Scherer: I don't have any trouble with that, although we're going to do those in detail as we get further. Yeah. A general one just says the applicant shall ensure continuous compliance of all county regulations. I would have no problem with that at all.

Chairman Johnson: Any other problems with that by commissioners?

Commissioner Benyshek: Sounds good to me.

Chairman Johnson: Okay. Number four.

Secretary Scherer: I would recommend deleting the last sentence, although I'm not sure I quite understand where Kelly's coming from there. But the first sentence....

Kelly Woodward (Staff): Well, I didn't make up the last sentence. That's just something you've had in permits before.

Secretary Scherer: Yeah.

Kelly Woodward (Staff): I mean, it's in our code anyway.

Secretary Scherer: I think we lost you Kelly.

Commissioner Benyshek: Oh, you're muted Kelly.

Vice Chair Rudolph: I was able to hear her. I believe she stated that it was in the code anyway.

Kelly Woodward (Staff): Okay, can you hear me now? Okay. Sorry. Yeah. That was just out of some of your approvals from other quarries. I don't think it needs to be there. If you're talking about the reclamation bond thing.

Secretary Scherer: Yes.

Kelly Woodward (Staff): We have that in our regulations anyway. Well, actually, we might not. Yeah, we probably don't. We have bonds for other public improvements, but we don't have for that.

Chairman Johnson: So, because the State's going to take care of it, we don't need to worry about reclamation bonds.

Secretary Scherer: The State of Kansas does require bonds for reclamation.

Kelly Woodward (Staff): So, you want to take that last sentence out?

Secretary Scherer: That's my recommendation. Yes.

Commissioner Benyshek: I'd be fine with that too, Matt. I mean, that's overlapping what the state already requires.

Chairman Johnson: Gale, are you good with that? So, do you have other changes to these recommendations.

Secretary Scherer: Well, I think 5, 6, and 7 are fine. Those are our regulations and properly our business. I'm a little confused about 8. My confusion is not that we are going closer than the 100-foot setback, but that we aren't actually setting a distance that they must be from the property line. So, it seems to me like the second phrase should say except that the overburden may be stored within the 100-foot setback but no less than 30 feet from the property line or right-of-way line and then continuing the rest of the sentence.

Kelly Woodward (Staff): Is that right?

Secretary Scherer: I'm going to ask Gale to make sure that I did that right, because the last time I worded something like that, I got it backwards. But I think that's right.

Vice Chair Rudolph: Looks good. Thank you, Kelly.

Commissioner Phillips: Would it be better to say no closer than 30 feet?

Secretary Scherer: Yes. Probably would be.

Commissioner Phillips: I'm a little confused the way it is.

Secretary Scherer: Yeah, that's what happened last time. Then nine is fine. I think we should discuss 10 based upon what the applicants said. I would delete 11. I would delete 12, because I believe they're required by another state agency to have the erosion control plan. I would delete 13. Just because I don't think it says anything.

Kelly Woodward (Staff): This one?

Secretary Scherer: The fencing one. I think your numbering got changed.

Kelly Woodward (Staff): Yeah.

Secretary Scherer: Yeah, I'm sorry. I'm using the original number. And I'm up in the air about the operational report. But I would personally delete it as well.

Kelly Woodward (Staff): It would be fine with me.

Chairman Johnson: I think I would oppose that, and I think the County Commissioners need to be in this game. I think they need to have reports coming back to them on a periodic, you know, schedule so that everything else is going by them that they are abreast and up to date on how this project is evolving? But since I can't vote on anything, I guess.

Commissioner Phillips: Is it something that would be remembered in five years anyway? I mean, is it really gonna happen? I think we've had that come up before.

Vice Chair Rudolph: Well, and because they're gonna have to do the reclamation, you know, when they get ready to reclaim a section they're going to have to come before anyway, and that would be one way to keep on top of how things are progressing.

Chairman Johnson: I think you're right, Gale, but I see a lot listening to the comments by the applicants, etc. That there seem to be a lot of uncertainty about how exactly all, how the reclamation plans are going to lay out? I mean, how soon are they going to get through phase one? And when exactly is that going to be over and on to phase two, and I'm and, maybe the county doesn't want to care or, you know, doesn't want to monitor, that may be the case.

Commissioner Phillips: Maybe this is something that it's up to the County Commissioners to put in if it's something they want. Or we could add the language if requested by the Commissioners. I don't want to put King in the position of breaking the rules five years from now if nobody remembers or cares.

Secretary Scherer: That's much of my concern is we've got a condition here that could turn into a gotcha condition.

Commissioner Phillips: Yes, exactly.

Chairman Johnson: Well, I mean, what Kelly said was that before they go before the County Commission on on this CUP, that they're going to have some more specificity around reclamation plans. And if that actually comes to play, then, you know, I'm comfortable with it. But I think there ought to be some parameters laid out to how this project evolves over time.

Secretary Scherer: It's my understanding, correct, that there is a plan that's been submitted to the Conservation division of Department of Ag?

Kelly Woodward (Staff): I think that's what Taylor said.

Taylor Norris and Kent King (Applicants): Yes, that's correct. We had to, in order for us to get a site approved, we have to have a quarry site approved through the state, which has been done by us already. We had to have a reclamation site sent to them. So, we have that, we have a reclamation plan. So, we have that done. It just didn't get it didn't get sent to Ben to get over to you guys.

Chairman Johnson: So, does that reclamation plan involve all four stages?

Taylor Norris and Kent King (Applicants): Yes.

Chairman Johnson: So, you gave the state then some insight into how this project is going to evolve over time?

Taylor Norris and Kent King (Applicants): Well, the state requires that you submit a reclamation plan with your site plan, and they kind of have an idea of what kind of reclamation they want to see out of these things. So, they give you several options. It's actually a, it's a reclamation plan that they kind of lay out, you just get to choose which option you want to use. So yes, but all four of these areas will be reclaimed the same way. It's, you know, it's going to be the same type of planting and seeding and stuff like that back on all four areas just at different times.

Chairman Johnson: But did you give a rough estimate, then, to KDA about when phase one would be done and phase two and phase three.

Taylor Norris and Kent King (Applicants): No, they don't require that.

Chairman Johnson: Okay, thank you. Further comments Matt?

Secretary Scherer: No, Mr. Chairman, but I would be willing to make motion if it's in order.

Chairman Johnson: Well, certainly in order.

Secretary Scherer: Mr. Chairman, I move that we recommend to the County Commission approval of CU2021-03 based on staff's findings with the following conditions, which should be the ones that are up on the screen at this time. I believe we have 11 conditions left.

Kelly Woodward (Staff): Now, are we getting rid of the last one?

Secretary Scherer: Oh, well, in my motion, we are yes. Somebody wants to put it back in we can talk about it, I guess.

Kelly Woodward (Staff): Because then we had 1,2,3,4,5,6, and I have to change this, 7,8,9. Are you keeping the privacy fence one?

Secretary Scherer: I did not, no.

Kelly Woodward (Staff): I don't think we really talked about some of these. So, you want this one off? Is that correct?

Secretary Scherer: You know Kelly, maybe we should go ahead and say a 75-foot privacy fence that's shown on the development plan shall be placed?

Kelly Woodward (Staff): Well, it's shown on the plan, so it's already to be implemented.

Secretary Scherer: Okay

Kelly Woodward (Staff): Now you are down to eight.

Secretary Scherer: I lost count.

Kelly Woodward (Staff): Do you want to look at them again?

Secretary Scherer: Yes, because I only count seven.

Kelly Woodward (Staff): Okay, maybe I missed deleting one.

Secretary Scherer: Yes, you missed deleting number two. Oh, no, you didn't? I'm sorry. There are eight.

Kelly Woodward (Staff): We just changed that one.

Secretary Scherer: Yes, we just changed that one. I have the same number you do now.

Chairman Johnson: So, let's quickly walk through these eight. What are there?

Kelly Woodward (Staff): You want me to do that? Or Matt?

Chairman Johnson: Well, somebody to do it.

Kelly Woodward (Staff): Alright. The first one is that the application and approval doesn't include the sanitary landfill construction, demolition landfill or blasting. And then you changed it to continuous compliance with all applicable county

regulations since we're just controlling local. And then about submitting that reclamation, prior to the closure of each phase for that public hearing before you and the review and approval by the governing body. Dust control on the onsite vehicular routes and that access road. We don't tell them how to control it, they can do their water truck. Then about the lighting in case they add any lighting, ensuring that. So there's two different setback things, there's this one which has to do with quarrying activity. And the code says it shall be at least 100 feet from the right-of-way and 30 feet from all property lines. So that's actual mining activity. And then there's a different one in the code that says no buildings, equipment, quarry products, or other material shall be erected or stored within 100 feet of any property or right-of-way line. But this was to let them put that overburden within that 100-foot area. So, you changed it to say the overburden can be within that 100-foot setback, but no closer than 30 feet from any right-of-way or property line. If you want me to write that out, I can instead of ROW. And then the last one was just confirming their hours of operation and days of the week.

Chairman Johnson: Do I have a second for Matt’s motion?

Commissioner Phillips: Steve second.

Chairman Johnson: Further questions?

Secretary Scherer: Of course. Kelly, do you have any concerns about eliminating the privacy fence or at least eliminating the distance?

Kelly Woodward (Staff): No, I didn't get the chance to go out and look at the site and I just cannot get away from here. And if he says there's a pond and there's trees and they have talked to their neighbor about it, then I think that's a good thing.

Chairman Johnson: Any comments Gale?

Vice Chair Rudolph: No, looks good to me as well.

Chairman Johnson: Final comments, Tim?

Commissioner Benyshek: No, I'm okay with the amended motion.

Votes were taken by Ayes and Nays as follows:

Paul Johnson Chairman	Gale Rudolph Vice Chair	Matt Scherer Secretary	Stephen Phillips	Tim Benyshek	Vacant	Vacant
DNV	Aye	Aye	Aye	Aye	--	--

Motion passed 4-0

Item 6. Public Comment: There was none.

Item 7. Old business:

Kelly Woodward (Staff): I would like to give you an update on what happened in the County Commission meeting today. They initiated a text amendment for allowing the creation of two lots on the ag lot split applications. Currently, the regulations state that ag lot splits can only create one additional lot through that process. Some of you may be aware that there's also a separate process whereby somebody can create, split off, a parcel that's 40 acres or more through the exempt split process. I guess sometimes in the past, people have submitted ag lot split applications that actually created a new 40-acre parcel and a new small ag lot split parcel at the same time on one document. My interpretation was that is not compliant with the code, because it creates two new lots for an ag lot split application where it says you can only create one. So, I recommended if they do want to allow the simplification of that process, and allow both those parcels to be created on that

ag lots split survey document, that they need to amend the code to say that that new 40 acre parent parcel that meets the requirements of an exemption can be created via the ag lot split survey in addition to the new lot that's the subject of the ag lot split application. So, they initiated it, it will be coming to you in September for consideration. And then your recommendation would potentially go back to them in October for their decision.

Commissioner Phillips: Can you give an example I'm really confused.

Kelly Woodward (Staff): Okay. So, let's say that someone has an 80-acre parcel or maybe even 120-acre parcel. Ag lot splits allow you only a one time split of that existing lot. So, if they were just to do ag lot split, to create that one additional new lot, let's say they want to create a 10-acre parcel for somebody, then they wouldn't be able to further split that 120-acre piece, or it would be now it'd be 110 acres in the future unless they platted it. So, what they've always done is we've said, well, if you want to try to preserve that ability to have multiple ag lot splits in the future, you can do an exempt split. And an exempt split just means you're exempt from the subdivision regulations. If you're creating a lot that's 40 acres or more in size, as long as it meets, you know, frontage and lot size and all these other standards, you can just do a deed or survey to create that 40-acre lot without going through the subdivision process. Are you following me so far?

Commissioner Phillips: Yeah, so if somebody just sells 40 acres of farmland off a bigger parcel that's an ag lot split?

Kelly Woodward (Staff): No, that would be just exempt from the subdivision regs, and they can't just sell it, they have to actually create it by a deed or a survey to make a new lot. It has to have frontage. It has to be a certain dimension. So, let's say they do that what you just asked about Steve, they create three 40-acre parcels from that 120-acre parcel. And then they have the ability to create three more ag lot splits, or one per 40-acre parcel. Okay, which is fine. You know, people have done that, that's always been done here. It's just that I was asking them to do it, do the exempt split first to create those new parent parcels, so that when they do the ag lot split, they will only be creating that one new lot from that parent parcel.

Chairman Johnson: Kelly you can present this in September to us and give us some real-life examples.

Kelly Woodward (Staff): And, and then there's another issue - we had a citizen disgruntled about right-of-way dedication. So, I provided the County Commission with three different options for if they were concerned that the right-of-way dedication, standards, and basis are not correct. So how it works currently is with ag lot split applications and with plat applications, we have street standards that govern the right-of-way width that we're shooting for. And it's based on the road classification that is in the Comprehensive Plan. We have a major thoroughfare plan map in the Comprehensive Plan. And you guys, I don't know if you' were around when this was adopted, it was adopted in 2001 with the Comprehensive Plan. So, it shows a map of the roads in the county, and which ones are major collectors, which are minor collectors, which are local roads. So, when I would go to review the ag lot splits and plats, I would see if that half of the right-of-way that those people would be dedicating with their new development meets what is required per our subdivision regulations based on that map. The regulations provide that the other alternatives for basing that right-of-way dedication could be other adopted plans and standards, which I'm not aware of any other adopted plans or standards for right-of-way dedication or right-of-way width, or the Planning Commission could recommend a certain right-of-way, and an engineer could recommend also. Notice that doesn't say Kelly gets to recommend how big the right-of-way needs to be. So, my suggestion was, since we're doing the Comprehensive Plan update, that they hire someone to do a build out analysis, and look at our current right-of-way widths that are in the Subdivision Regulations, look at our roads, make sure the map really reflects what should happen, and that our regulations are reasonable within that rural context. So just to do it as part of this Comp Plan update, that would be the long-term solution. I provided a short-term solution if they wanted to go for that. Which was putting a moratorium on ag lot split applications or any lot split applications, until we can hire an engineer to provide that separate standard that they could adopt by resolution. That would be a short-term solution. And then I also provided them with an immediate solution, which would be hire a consulting engineer to review these ag lot splits on a case-by-case basis. Or

could deny the ag split application and it can be appealed to the County Commission. What they moved to do today is to put a moratorium on requiring right-of-way dedication with ag lot splits or plats. So right now, there is no requirement for dedication of additional right away with those applications.

Secretary Scherer: Kelly, can I make a suggestion?

Kelly Woodward (Staff): Yes.

Secretary Scherer: I don't know for sure. But I think KDOT maintains a rural roads handbook or something along those lines. It may have something about recommended rights-of-ways.

Kelly Woodward (Staff): Who is that Matt?

Secretary Scherer: Kansas Department of Transportation? Of course, figuring your way through their bureaucracy might take some time, but it's a lot cheaper than hiring an engineer to do the same thing.

Kelly Woodward (Staff): Right. I don't know what they'll do. I just know that they're having a moratorium right now. And I don't know what they're looking at. Their main thing was they felt that they may need to purchase the right-of-way rather than require it to be dedicated. So, I'm not sure where they're going with that, they didn't initiate any changes right now on that. Other than the moratorium

Commissioner Phillips: So presumably, they're getting an opinion from the County Counselor?

Kelly Woodward (Staff): He was there today.

Secretary Scherer: The trouble in the long run is that you will have rights-of-ways along a road that are different widths as you go along. So, you will have to survey your right-of-way to know where to keep the contractor.

Commissioner Phillips: This seems significant. Yes.

Chairman Johnson: Any other general staff report Kelly?

Kelly Woodward (Staff): No, I don't have any other general staff report.

Chairman Johnson: Well, I have a bit of an old business question here. Didn't we go through such a battle about trying to clean up general leasing and merchandising? This thing, you know, this all the landfill problems and you know our supersite here and well, I know they were told to do this and that. Only reason I asked it is it's just, it's adjacent to this quarry project that we've just approved here. You know the status of whether, how far along they got up on cleaning out tires or debris?

Kelly Woodward (Staff): I know that they made an inquiry with us on something that they want to do on the site. So, this may be coming to you for something next month or well may be discussed next month, or we're kind of in the middle of something with that. Yeah, just Erin's clarifying, because she takes care of that work, that we're researching it and we haven't really had time to go over it yet.

Chairman Johnson: How long have we been at that?

Kelly Woodward (Staff): Erin, did you hear Paul?

Erin George (Staff): It was cleared up with the State. Everything was compliant as far as trash, debris, all that stuff. So, we'll get into it next month. That's all that needs to be said at this point.

Chairman Johnson: So, when did the state give it? When did when did we clean it up with the state?

Erin George (Staff): When Bill was here as Zoning Administrator. I have to go back through it with Kelly.

Kelly Woodward (Staff): Because everything's coming up for Kelly.

Item 8. New Business: Comprehensive Plan – work session including review of progress on the current Plan recommendations and preparation for joint meeting with Board of County Commissioners.

Chairman Johnson: That's why she can't get out from her desk to go look at the privacy fences out there. But anyway, okay, on the new business. And I know it's kind of late. And we keep punting this down the road about the Comprehensive Plan. I asked Matt about this when he got here this evening. When I looked at what you wrote about it. It said review of progress on the current plan recommendations. Was that in your comparison report?

Kelly Woodward (Staff): Yeah, no, there is a specific chapter in the plan that has some recommendations with assigned tasks. And people that the tasks are assigned to, so I was going particularly go through and look at the ones that were for the Planning Commission. And see you know; did that ever get done? Or is it still hanging out there? It wasn't covered that specifically in my compatibility report. But to be honest with you, with the recent citizen inquiry that took a lot of my time, I did not get that done.

Chairman Johnson: No, no problem with that. But can you send that information out to us?

Kelly Woodward (Staff): Yes, I can.

Chairman Johnson: So that at least - It's not part of that comparison report? Where was it again?

Kelly Woodward (Staff): It's in chapter four of the Comprehensive Plan. Let me make sure, no, it's in chapter three. So, let's just say, for example, you see over here in this column, PC and CC, the tasks, plan higher density residential development around cities in areas of urban influences identified in the plan. That was Planning Commission and County Commission. Things like that.

Chairman Johnson: So, we should, so those of us on the Commission should get out their old copy of the Comprehensive Plan that we all have. So, what are your practical recommendations of our best time to schedule it, another meeting with the County Commissioners?

Kelly Woodward (Staff): Well, September meeting is going to be very busy. How about November?

Chairman Johnson: All right. How high on their to-do list is any of this?

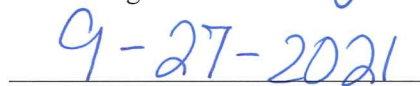
Kelly Woodward (Staff): I don't know.


Discussion was held about being able to meet in person again and having hybrid meetings.

Commissioner Phillips moved to adjourn the meeting. Vice Chair Rudolph seconded.

Item 9. Adjournment – 9:20 PM

Minutes taken by: 
Erin George

Approved: 
Date 9-27-2021

Chairman: 
Paul Johnson

Secretary: 
Matt Scherer III