

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of the Planning Commission Meeting of August 28th, 2023

Item 1. Call to Order

Item 2. Approval of the Agenda

Vice Chair Scherer moved to accept the agenda as presented and Commissioner Johnson seconded.

Votes were taken by Ayes and Nays as follows:

Tim Benyshek Chairman	Matt Scherer Vice Chair	Tiffany Asher Secretary	Stephen Phillips	Paul Johnson	Greg Hazen	Gale Rudolph
DNV	Aye	Aye	Aye	Aye	Aye	Aye

Motion Passed 6-0

Item 3. Roll Call

Tim Benyshek Chairman	Matt Scherer Vice Chair	Tiffany Asher Secretary	Stephen Phillips	Paul Johnson	Greg Hazen	Gale Rudolph
PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT

Item 4. Approval of the July 24th, 2023, meeting minutes.

Secretary Asher moved to approve the minutes and Commissioner Rudolph seconded.

Votes were taken by Ayes and Nays as follows:

Tim Benyshek Chairman	Matt Scherer Vice Chair	Tiffany Asher Secretary	Stephen Phillips	Paul Johnson	Greg Hazen	Gale Rudolph
DNV	Aye	Aye	Aye	Aye	Aye	Aye

Motion Passed 6-0

Item 5. Public Hearing

Chairman Benyshek explained the Commission meeting procedures to the public and opened the public hearing. Chairman Benyshek asked if any Commissioners currently have any ex parte communication with the applicants or any conflict of interest towards this case that would exclude them from giving a vote this evening. There were none.

PR2023-09 and Z2023-09: A request for the preliminary and final plat of the Wilson Estates subdivision, a three-lot subdivision located off Detlor Rd. between 43rd St & 54th St, Meriden. This request is being made by Stephen & Judy Wilson of 4585 Detlor Rd., Meriden, KS 66512. There is also a request to rezone Lots 1 & 2 of the proposed subdivision from “AG” Agricultural to “SR” Suburban Residential.

During this time, staff asked who was here for the first case. The applicants were present. There was one other person present during this case via Zoom, Marla Rice.

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

Chairman Benyshek: All right, thank you, Dustin. I do have just one quick question. Maybe I didn't do a good enough job reading through your packet here, but is there a specific reason why the two lots are going to Suburban Residential versus like Rural Residential?

Dustin Parks (Staff): Yeah, acreage, because they're less than 10 acres.

Chairman Benyshek: I figured that I just couldn't remember the exact size on there. So okay. And then as far as the driveways I know we've talked about the existing driveways and stuff to get into that big 58-acre tract there going along Detlor I assume there's already a driveway there. I'm sorry on my printouts I couldn't really see real well on the map there or the plat if there was an existing driveway or if they were going to put one in?

Dustin Parks (Staff): So, it's capable of getting an entrance and when I look at the aerial, it looks more like they make use of kind of coming up from the house. So, it looks like they kind of travel from the house, but you can also see down here, this entrance here....

Chairman Benyshek: It's not up there, but I'm looking. Matt had a picture here. I'm guessing where you're pointing.

Dustin Parks (Staff): So, it's not showing up for you guys? Okay, well at the top of Lot two at the north end of Lot two, there's kind of an entrance there that is kind of graveled and that's on the other side of that drainage ditch. And so if that's the entrance they choose to use for residents and they don't have to really worry about that one for Lot two, which is that southern lot, but it looks like for the big lot in the middle, the 58 acres, it looks like they access that from the house, but they are more than capable of getting an entrance for that lot separately. And the applicant might be able to state whether or not if there is one. Our aerial photography just doesn't look like there is one. There might be a mound entrance, kind of just to the south of what they're proposing to be their Lot one, but I'm not sure.

Chairman Benyshek: No, that's fine. Fair enough. So other questions here? And I know, Tiffany's got a question here.

Secretary Asher: Just a quick one. It's in your staff report. The recommendation says Staff recommends approval of the application as proposed with the revised preliminary and final plat. Are there revisions?

Dustin Parks (Staff): Yes, so technically, there was a revision. So, what we sent out to the public, the title of the final plat had contour map. And the surveyor provided us with the one that said final plat, that is technically a revision of the document. But unlike the one we had previously, where they had changed where the road goes, it was more of a textual revision, and so it didn't really require us having to postpone anything.

Secretary Asher: Alright, perfect. I just wanted to make sure what we were voting on.

Chairman Benyshek: Other questions? Matt?

Vice Chair Scherer: I have two, one of them I am pretty sure Dustin has already answered. The application highlights and the text says Lot two will remain Rural Residential. But they're both going to Suburban Residential.

Dustin Parks (Staff): So that's a mistype. Yeah, that's my fault. Yeah, Lot one and Lot two are both proposed to become Suburban Residential.

Vice Chair Scherer: Second question is a little harder, maybe. Is that drainage ditch, a private ditch or is that the responsibility of the drainage district?

Dustin Parks (Staff): That I don't know for sure. Maybe the applicant might be able to answer that. I don't see it as an easement. Because usually the ones that are handled by a district are an easement. They didn't mark it that way on the plat and I didn't notice it in research. But that doesn't mean that there's not an agreement.

Vice Chair Scherer: Yeah, there's lots of districts that are a little bit loose about that. Thank you.

Chairman Benyshek: Any other questions? Paul.

Commissioner Johnson: What's, what's the date of this FEMA Floodplain map?

Dustin Parks (Staff): The most recent maps we have were approved in 2010, I believe.

Commissioner Johnson: So, this is beyond my expertise or understanding here. So, is there an update coming?

Dustin Parks (Staff): Just to give you an example, the previous county I worked for, their maps were from 1988. Their maps are still from 1988. So no, I highly doubt that there's a revision coming anytime soon. And even if there was, they take upwards of two to three years to get approved. Because there's public viewings, there's public reviews, there's public comment periods, there's internal reviews, then they've got like a six-month window where they have to allow for updates and that sort of thing. And then any revisions to those maps can take months. So, if there are updates coming, I'm sure they are well more than five to 10 years out. And that's assuming that there are any coming.

Chairman Benyshek: Go ahead Matt.

Vice Chair Scherer: I just add that that's a detailed study. So, it's not going to change very much.

Dustin Parks (Staff): Yeah, that's a really good point, even if they did, they probably wouldn't change that much, because of the detailed study, they might be able to get a little bit more accurate, because they might be using LIDAR instead of you know, newer topography.

Commissioner Johnson: So, to follow up, so if there is an update by FEMA relative to the floodplain here, then whatever construction for divisions we're making to this land, just stays with what we have with the 2010 maps?

Dustin Parks (Staff): I'm going to try to parcel that a little bit. So, FEMA no longer has what they call a prefirm, which is a structure built before the Flood Insurance Rate Map. That's what firm means. So, in this case, no, they would be built under regulation that we have now with the maps we have now. But if the maps changed in the future, they would then be subject to whatever the new maps reflect. But like Matt said, I highly doubt that they're going to change so much in this area for this particular property, that we'd have to really worry about it. Because of the flooding source, and the drainage ditch, kind of keeping everything contained there. So, any structures that are built, there's a chance that they would have to adhere to updated floodplain mapping, but I really doubt it for the area.

Chairman Benyshek: Well to summarize what I was saying Dustin is basically related to Paul that, you know, seeing in the banking industry we've seen, I've seen one property in 15 years that was constructed, or a structure that was built and was not in a floodplain or special flood zone area, that ended up, the maps changed and then was in a special flood area. And consequently, they were then required to obtain flood insurance from the bank side of it kind of deal there. But I was just saying if they own the property outright and there's no liens against it and no requirement. I believe it's at their own risk at that point.

Dustin Parks (Staff): Insurance wise, yes. But they'd still be beholden to any kind of floodplain regulation in effect at the time. But insurance wise, yeah, it's kind of between them and the mortgage company.

Chairman Benyshek: Correct. So, okay, I'm sorry. Gale, Greg, Steve, any further questions of Dustin before we move into public comment here? I'm seeing none. Okay. So, the next portion of it is into our applicant presentation and public comment section of the hearing here. So, when we do this portion, we just ask that the following rules are observed. When giving testimony, please introduce yourself and provide your address. Please make all comments directly to the Planning Commission. Please refrain from what has been repeated already. Please avoid involving personalities, be factual as possible. And as far as the order of public testimony, the applicant may make a presentation, and then those who wish to speak in favor of the application will be heard, then those who oppose the application will have a chance to be heard. And if necessary, the applicant can make a rebuttal statement. And the last few things the Planning Commission reserves the right to question anyone who provides testimony, and the Chair reserves the right to swear anyone in that provides testimony. So, with that being said, if we have the applicant or applicant's representative, if you'd like to make any brief comments or statements or presentation on the hearing case here, now's the time to do so.

Stephen Wilson (Applicant – 4585 Detlor Rd., Meriden): Okay. Yeah. My name is Steve Wilson. I live at 4585 Detlor Rd. and yeah, from what I've heard, you're on track with everything and the floodplain, the property is, where anybody would build, is way high. It's definitely up out of the floodplain. But other than that, pretty much got it all. Planning on moving and selling our house and in the process, we have divided off of the farm ground and in the process, we thought we'd go ahead and do the seven acres since it's kind of off by itself.

Chairman Benyshek: Thank you. Are there any questions by board members at this point in time for the applicant? Matt.

Vice Chair Scherer: I'll ask is that a private drainage ditch?

Stephen Wilson (Applicant – 4585 Detlor Rd., Meriden): To my knowledge it is yeah. It generates off of the tail end of that property up there and it starts to get bigger and bigger as it gets down to us. It's not like Muddy Creek.... (inaudible) It's just a private drainage easement.

Vice Chair Scherer: Oh, yeah. Thank you.

Chairman Benyshek: Paul.

Commissioner Johnson: So, what's the, the large lot now used for?

Stephen Wilson (Applicant – 4585 Detlor Rd., Meriden): Agricultural.

Commissioner Johnson: So, is that hay or is it cropland or both?

Stephen Wilson (Applicant – 4585 Detlor Rd., Meriden): Both cropland and little bit of hay.

Commissioner Johnson: So, grain crops, corn, soybeans?

Stephen Wilson (Applicant – 4585 Detlor Rd., Meriden): Yes, we've got it rented out, so whatever he wants to plant but it's been soybeans so far.

Commissioner Johnson: So, out of 50 are there, how many acres? 58? 53?

Stephen Wilson (Applicant – 4585 Detlor Rd., Meriden): Yeah.... (inaudible...).

Commissioner Johnson: So, 40 acres crop ground? 13....

Stephen Wilson (Applicant – 4585 Detlor Rd., Meriden): There's some woods in there that eat up some of that but mostly, yes.

Commissioner Johnson: So, it's been tenant farmed for a period of time?

Stephen Wilson (Applicant – 4585 Detlor Rd., Meriden): Yes. We've been there 47 years.

Commissioner Johnson: So, the neighbors are farming the ag ground?

Stephen Wilson (Applicant – 4585 Detlor Rd., Meriden): Her father owned it before we did. We inherited it. So, it's family farm I should say.

Commissioner Johnson: Any pasture on it? Any livestock?

Stephen Wilson (Applicant – 4585 Detlor Rd., Meriden): Well, we sold we sold them all. To get ready to move. We did have like eighty head on part of it, but it hasn't been for quite a while.

Commissioner Johnson: Thank you.

Chairman Benyshek: Any further questions before we move on here?

Dustin Parks (Staff): Mr. Chairman I did just a rough calculation just to kind of answer Paul's question. Roughly 49 acres of that piece is currently used as either crop ground or hay ground, 49 of that 58. The rest of that is from the rough math is the tree ground.

Chairman Benyshek: Okay. Well, at this time, if there's anybody on Zoom, it doesn't look like we have anybody other than the applicants in attendance for the audience, if there's anyone who wishes to speak in favor of the application, now would be the time to be heard. Okay, so moving on, if there's anyone on Zoom or present in the audience who wishes to speak in opposition of the application, now would be your time to be heard. Okay, just want to allow for plenty of time there, but doesn't look like we have any additional comments. Normally, with comments, we would ask the applicant to make a rebuttal statement. But I don't think there's anything in that category potentially, this evening, either. So, we will go ahead and close the public comment and presentation portion of the hearing here and move into the action portion of the hearing here. So, with that being said before we would move or seek a motion on this case, are there any further questions either for or sorry, by Commissioners for staff at this point? And if there are none, I would seek a motion.

Secretary Asher moved to approve PR2023-09 and Z2023-09. Vice Chair Scherer seconded.

Votes were taken by Ayes and Nays as follows:

Tim Benyshek Chairman	Matt Scherer Vice Chair	Tiffany Asher Secretary	Stephen Phillips	Paul Johnson	Greg Hazen	Gale Rudolph
DNV	Aye	Aye	Aye	Aye	Aye	Aye

Motion Passed 6-0

Item 6: COMMENTS FROM THE PUBLIC ON ITEMS THAT ARE NOT ON THE AGENDA

No public

Item 7: OLD BUSINESS, GENERAL STAFF REPORT

Dustin Parks (Staff): Alright, so old business, the County Commission at their last meeting where they did the Planning Commission cases went along with all the Planning Commission recommendations. So, they approved the Gatz Estates, they're just south of Valley Falls, they approved the Elliot Subdivision that was to the west of Oskie here, and then they denied the request for the Mitchell Subdivision that was on the west side of the county. There on 114th. So, they did go

along with the Planning Commission's recommendations on those. As for the update on the Comp Plan. So, I have a meeting, a Zoom meeting with the consultants on the sixth. That's where we're going to talk about the next steps getting the steering committee formed, what his recommendations are for that, in terms of getting other participation. I still have Paul and Matt down to participate in the steering committee, is that correct?

Commissioner Johnson: Yes.

Vice Chair Scherer: Yes.

Dustin Parks (Staff): Okay. Anyone else want to volunteer, we only really need, from the steering committee, one person from the Planning Commission, but we can have multiple people. So, if anyone else wants to volunteer for that, just let me know. And then, after that meeting, we're going to kind of, he and I and his team, are going to kind of outline what our next steps are. He's coming in to meet the County Commission, and kind of show some of the data they've already gathered, they've been working already on getting data. They've been working on, they've got a videographer coming down to do some aerial photography, and that sort of thing, here soon, and he's going to present some of that information to the County Commission on the 18th. But I should have an email update out to you guys after my meeting with him on the sixth to kind of give just a brief, you know, here's what the plan looks like, here's how we're looking at forming the steering committee, just to keep you guys involved. Because a lot of the meetings that we're going to do, where we need public comment and that kind of thing, are going to be in the evenings. But I want to make sure that everyone's informed, especially the members of the steering committee, because some of that stuff will be discussed, once we get into approving sections of it and reviewing sections of it, that'll be done at Planning Commission meetings. So, I want to make sure the Planning Commission has got information as to what's happening between Planning Commission meetings so that nothing's really sprung on you. But that is really all I have in terms of update for the Comp Plan. I don't have any more information than that, because I haven't really talked to Keith with Marvin Planning Consultants beyond that, so I should have more information for you guys the week of the sixth.

Commissioner Johnson: Do you have a sense of how large this steering committee will be?

Dustin Parks (Staff): No, I don't. Not yet. I'm guessing probably at least 10 members, probably more. I don't want to go over 20 mainly because at that point, it's like wrangling cats. But hopefully, we can get between I'm guessing probably, my ideal range would be probably 12 to 16 people.

Commissioner Johnson: So, do you have a sense of the key players to have on the steering committee?

Dustin Parks (Staff): Not yet. That's what I'm going to rely on the consultant for. He's done this before, in counties like Jefferson County.

Commissioner Johnson: So, school superintendents, someone from the water districts, volunteer fire folks?

Dustin Parks (Staff): Probably. I mean, I would like someone from the schools, I would like someone from probably someone from a realtors, you know, a local Realtors Association, maybe and, you know, a couple of business folks from different parts of the community, that kind of thing. You know definitely someone from at least a rural water district, I mean, we have several in the county. So then unfortunately, there's not like one person who we can go to that has to deal with all of them. But definitely, you know, at least one from one. But that will be something I'll talk about after the sixth when I have a chance to discuss that with the consultant.

Commissioner Johnson: So, has this been fully funded by the County Commission?

Dustin Parks (Staff): It was fully funded when they accepted the contract, yes.

Commissioner Johnson: So, 18-to-24-month timeline to finish this?

Dustin Parks (Staff): Correct. Possibly longer, but the contract is for 18 to 24 months. And like I said, they've already been working on stuff since we've, since we've signed the contract, they've been working.

Commissioner Johnson: They're gonna clue into the land bank, and they're gonna clue into.....

Dustin Parks (Staff): Paul, I don't know any of that yet, because I haven't met with the consultant to talk about the details.

Commissioner Johnson: Sorry. Thank you.

Item 8: NEW BUSINESS

Chairman Benyshek: Moving on here, new business. As far as next month's meeting, do we have a lock on how many cases we have?

Dustin Parks (Staff): We do, and it's a doozy, there are none. We have no cases next month, there's not a meeting next month. But we have several cases in October, and we'll probably be discussing the Comp Plan quite a bit in October. So, I felt like there were no cases and it was going to be a little bit too soon with the Comp Plan to really have a meeting about the Comp Plan. Because we're just getting off the ground with that. So, by October, hopefully, we'll have a steering committee at least meeting at least once by then. And we'll have at least three cases that I'm aware of in October, probably closer to five.

Chairman Benyshek: None of them are a rock quarry or a crypto mining facility?

Dustin Parks (Staff): Not yet, but you could have just jinxed us because they still have time to apply.

Commissioner Johnson: Quick question because I know this is tangential here. But do you have a sense of this highway improvement on the edge of Perry?

Dustin Parks (Staff): I'm going to direct all questions about that to KDOT or the County Commission. That is a Road and Bridge question and not something that I'm really purview to.

Commissioner Johnson: So, you don't know if it's three or five years it's going to take?

Dustin Parks (Staff): I purposely stay out of that kind of information. Because as soon as I go, yeah, they told me two years, and it's two years and a day, my head's on the chopping block.

Chairman Benyshek: It's got to be, other than having no meeting, maybe some sort of record here but we've been at it here for all of 47 minutes. So, and no, there's no Board of Zoning Appeals meeting, I saw that very clearly in Dustin's email.

Commissioner Johnson: So, we're going to get an update on what the Board of Zoning Appeals should do?

Dustin Parks (Staff): Did you read the email Paul?

Chairman Benyshek: When we have a case you'll get updated there.

Dustin Parks (Staff): No, that's not what the email said. The email said I'm actually working with the consultant to do a class. So yes, you'll get information on what the Board of Zoning Appeals does.

Commissioner Johnson: In October?

Dustin Parks (Staff): No, not in October. I haven't talked to the consultant yet.

Chairman Benyshek: Without further ado is there a motion for adjournment.

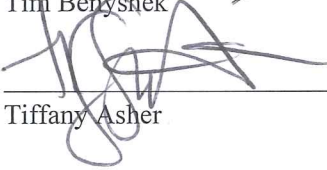
Secretary Asher moved to adjourn the meeting. Vice Chair Scherer seconded. All said aye.

Item 10: Adjournment – 7:50 PM

Minutes taken by: 
Erin George

Approved: 10-23-23
Date

Chair: 
Tim Benyshek

Secretary: 
Tiffany Asher