

Jefferson County Planning & Zoning

Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of the Planning Commission Meeting of June 26th, 2023

Item 1. Call to Order

Item 2. Approval of the Agenda

Commissioner Rudolph moved to accept the agenda as presented and 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

Motion Passed 4-0

Item 3. Roll Call

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

Item 4. Approval of the May 22nd, 2023, meeting minutes.

Dustin Parks (Staff): Mr. Chairman, I don't have any additions or corrections, but I did want to note that, it was kind of brought to our attention that, when motions are being made, especially for cases, and you know, for approval or denial, at the last meeting, and I looked over some minutes from the previous meeting and some of the previous minutes there needs to be a call for discussion. So, you know, is there a motion? Is there a second? Any discussion? And then, you know, give 10 to 15 seconds, and then we can move on. But there hasn't been a call for discussion on some of those, so, we just need to make sure we're doing that in the future.

Chairman Benyshek: You just cracked the whip on my parliamentary procedure. Thank you. Is there approval for the minutes?

Vice Chair Scherer 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

Motion Passed 4-0

Commissioner Johnson: I'm sorry. I should have said this earlier. So since now that we've been integrated from the Planning Commission into the Board of Zoning Appeals, will we be signaled when one of those cases before the Board of Zoning Appeals comes up?

Dustin Parks (Staff): Well, just like we said last time, Paul, we will send you a packet and you'll get an agenda. It's a separate, it's an entirely separate thing. So yeah, you'll get a packet in the mail, if there's a BZA case. And you'll be notified, you know, just like we do for the Planning Commission, so it'll have its own separate agenda. Now, we didn't say this last time, but on the Planning Commission agenda, under the adjournment item, we'll put that you know, the Planning Commission will adjourn and reconvene as the Board of Zoning Appeals. So, it'll kind of be in multiple places.

Commissioner Johnson: Okay. Thank you.

Chairman Benyshek: I was under the assumption, yes, that since we did not receive a case packet for that, there would be no BZA after our meeting.

Commissioner Johnson: Could there be an emergency request for....

Dustin Parks (Staff): No, BZA cases require public hearings just like regular cases.

Commissioner Johnson: So yeah, I just want to know the technical landscape of what we're dealing with here.

Commissioner Rudolph: And Paul, we haven't had one for a long time. So, it's just like this, so it's easy peasy.

Commissioner Johnson: I just, you know, I hate to be surprised and want to be prepared.

Dustin Parks (Staff): Oh, yeah. We'll make sure that everyone's notified.

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.

PR2023-05 and Z2023-05: A request for the preliminary and final plat of the Cote Subdivision, a four-lot subdivision located at the Southeast corner of Clark Rd and 50th Street. This request is being brought by Vicky and Michael Cote of 4910 Clark Road, and Riley Starr of 4954 Clark Rd. There is also a request to rezone Lots 1,2 and 3 of the proposed subdivision from "AG" Agricultural to "SR" Suburban Residential while Lot 4 would remain zoned as "AG" Agricultural.

During this time, staff asked who was here for the first case. The applicants, Vicky Cote, Riley and Chris Starr and their surveyor Jess Noll from Landplan Engineers were present.

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: I just have one real brief question. Dustin, I assume on the, I guess it would be the easterly boundary of lot two then, I assume where they're cutting that down to be even with lot one, the portion they're cutting down there, the back end of it, is gonna go back to Ag zoning. Is that correct?

Dustin Parks (Staff): Correct. Since it would be incorporated with the larger acreage there, yeah. With that movement, that whole piece becomes, what's lot four, would be proposed to be Ag, so yes.

Chairman Benyshek: Okay. Very good. Other questions by Commissioners for staff? Go ahead Matt.

Vice Chair Scherer: Dustin, this is a little bit wonky I guess, but I just realized that there's a thirty foot existing right of way dedicated apparently in 2009? I can just barely read the note on the small version of the plat, but do you know what that's about? You'll see it about one quarter of the way up from the south boundary line on the west side just above the twenty foot right of way.

Dustin Parks (Staff): I believe that was part of.... let me look on the map just to be safe before I speak out of turn here. Usually, we don't worry about, you know, existing right of ways that are involved in the roads, but I believe that was part of a road widening. Oh, yeah, I believe that was, I don't have it all directly in front of me, so I apologize, but I believe that was part of a road widening at that point because it's just the existing road right of way there.

Vice Chair Scherer: That was what was puzzling to me because we had a twenty foot right of way on the Ag split.

Dustin Parks (Staff): Yes. Just down south, you'll see that previous right of way of twenty foot, but that was done in 2005. And then it looks like about four or five years later, they expanded the road there a little bit.

Vice Chair Scherer: Okay. Thank you.

Commissioner Johnson: So, what are the future lot splits for lot number four? And can there be another Agricultural lot split off that Agricultural piece?

Dustin Parks (Staff): No. Once a piece does one Ag lot split, no matter how big it was to begin with, you know, if, if it was, let's just say it's eighty acres, and they do one Ag lot split, that's it. Any future splits must go through the platting process, which is why we're here. Because that split on the northwest corner wasn't permitted, because it was done after the Ag lot split. What potential there is, I mean, depends on the road frontage and the availability. But they would have to come back through this process again, and replat lot four so it'd be a public hearing process. And they would be kind of limited because of the floodplain there on 50th. So, you know, I can't say the number that can be proposed, because, you know, I mean, technically, somebody could walk in and propose two acre lots all the way across there. But regardless of what they would propose, it has to come through our office, and then thus the Planning Commission and County Commission.

Chairman Benyshek: Very good. All right. Any further questions of Commissioners, before we move on here? Seeing none, we will go into the applicant presentation of the public hearing here. And before we do so, I would just like to go over our guidelines real quick here before we do 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 using, or I'm sorry, involving personalities. Be factual as possible. And as far as our order of testimony goes, the applicant will have an opportunity to make a presentation, and then those who wish to speak in favor of the application will be heard. Same with those who oppose will have an opportunity to be heard. And then, if necessary, the applicant may make a rebuttal statement. And also the Planning Commission reserves the right to question anyone who provides testimony, and the Chair reserves the right to swear in anyone who provides testimony during our hearing here so, with that being said, I'll open it up now to either applicant or applicant representative if you have any presentation or comments on the matter that you'd like to make. Okay, well, no comments by the applicant this evening. I guess I'll ask if there's anyone who'd like to speak in favor of the application? Seeing none, anybody who would like to oppose the application being proposed? Seeing none, we will jump over the rebuttal statement portion as well, since there's nothing to rebut there. So, we will move on to the Commission action portion of our hearing here. So, I guess before I would seek a potential motion for approval or denial, are there any further questions of staff before we would move on? Seeing none, I guess I would ask if the Commissioners would have a motion at this point in time.

Vice Chair Scherer moved to approve PR2023-05 and Z2023-05. Commissioner Hazen seconded.

Votes were taken by Ayes and Nays as follows:

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

Motion Passed 4-0

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

No public left.

Item 7: OLD BUSINESS, GENERAL STAFF REPORT

Dustin Parks (Staff): So, I'm going to be honest, and I'm going to be quick, mainly because my wife has been caring for our newborn for going on 14 hours now, so I'll probably have to stay awake quite a while when I get home. That said we did have our child. She was born, my wife went into labor on midnight, the night of our last Planning Commission meeting. So, I got home and about two hours later, we were at the hospital. So, she waited long enough. With that said, the old business portion, the County Commission approved the Moore subdivision. They did take into account the extension or the requests to not allow further extensions or exemptions on that road. They did want me to also specify that should the Planning Commission feel a recommendation is necessary to feel free to go ahead and make it as a recommendation because they can choose to either take it or leave it. So, there's no need to worry about making it a suggestion. County counsel actually felt that that was more appropriate to make the recommendation than just a simple suggestion. But beyond that, I don't really have anything else for old business at this time.

Item 8: NEW BUSINESS

Dustin Parks (Staff): So, I was hoping to have a little bit more of an update. The County Commission has, since our last meeting, they did choose Marvin Planning Consultants. We have received the contract and it is with the county counselor right now being reviewed. So, I was kind of hoping we'd have it chosen by now and I'd have a little bit more of an idea of timeframe moving forward. But at this point, I don't know for sure when that's going to get approved. We haven't even entered, you know, any kind of revisions yet based on the county counselor. So, I'm in a holding pattern waiting on the county counselor at this point. I'm hoping that by July, the July meeting for the Planning Commission, I'll be able to have more information for you on what our next steps would be. And I'll be begging for volunteers, at least two from the Planning Commission, to be on the steering committee. I'll also, at the July meeting, have probably some more information at least paper wise, to give you for the Board of Zoning Appeals. You can also look at Article 27 in our current Zoning regs to kind of give you an idea of what the Board of Zoning Appeals does because it is outlined in our current regulations so that again is Article 27. But we'll get you some more information on kind of process and procedures and what's kind of expected. I'm hoping to have that for you guys before the July meeting. And we do have three cases in July. All of them, weirdly enough, are two lot subdivisions. One of them is in an ag enhancement area so I'll have LESA scoring information to go over on that one, but other than that, that is also all the new business.

Chairman Benyshek: Paul just had a couple quick questions for you.

Commissioner Johnson: So, Dustin, this contract with Marvin is going to get us a new update of the Comp Plan synchronized with Zoning and Subdivision Regulations?

Dustin Parks (Staff): Correct. Now, again, I don't know what form that's going to take. I don't know if we're going to do them side by side. Or if you know, as we do the Comp Plan sections, we work on the regs or if it's going to be we'll do the Comp Plan, and then the regs after. But when it's all said and done, we'll have an entirely new Comp Plan, not just an update and probably a vast majority of our regulations will also be new or updated to reflect the Comp Plan. Some of the stuff we have now works. So, some of it, we don't have to worry about updating, we just need to make sure we don't have to worry about replacing, we just need to update it to match the Comp Plan that we're working on, or we'll be working on. And I am a huge fan of not reinventing the wheel if we don't have to.

Commissioner Johnson: So, are we thinking of 18 to 24 months to have this completed?

Dustin Parks (Staff): That's the timeframe in the contract. Yeah.

Commissioner Johnson: And what are your thoughts, and what has Marvin said specifically about coordinating the steering committee.

Dustin Parks (Staff): We haven't even entered that yet because we haven't even had a signed contract. So, the first step after signing the contract is me meeting with Marvin, to sit down and discuss how we start forming that steering committee. You know, what they've done in the past, what ideas they have, what ideas I have, and we're not even scheduled to really start that stuff until mid to late August, based on the RFP. So that's why I'm hoping we have everything kind of signed and outlined so that I can bring that information in July.

Commissioner Johnson: So, what's your comfort level with Marvin, doing this virtually, or internet based or trying social media? I mean, good luck trying to just drag people in to, you know, particular hearing dates....

Dustin Parks (Staff): It's a mixture, you know, we're going to have some in person meetings, and we're going to have places where folks can go online to, you know, fill out surveys and that sort of thing. I honestly think that it's going to be a little bit more interactive with the public than some people anticipate, mainly because of some of the cases we've had over the past year that have been a little controversial. And, you know, a couple of subdivisions, you know, a couple of conditional use permits. And so, I think people are paying a little bit of attention to it. And I think if we strike while the iron is at least lukewarm, we'll get way more interaction than we normally would just by saying, hey, come to this meeting. So I'm considering some of the stuff that I've seen that they've done in the past and with our IT department being as tech savvy as it is, I am not worried at all about getting engagement.

Commissioner Johnson: Last question. Do you think we have a good handle on what the key interest groups are in Jefferson County?

Dustin Parks (Staff): I think I have a good list, but I'm not really going to make any comments on that until I talk to them about, you know, what they've experienced in the past with other rural communities and who, you know, what I'll call sleeper stakeholders are, you know, where folks that you might not normally consider, you know, kind of might be more beneficial? You know, we obviously want somebody who represents, you know, schools, we obviously want somebody who represents surveyors, you know, people who are out there doing this work and what they're seeing and what they're seeing people request, you know, we obviously want somebody who's, you know, for the steering committee, you know, realtor wise, who's got, you know, their hand on what people are looking at doing. You know, I would, I would wink, wink, nudge, nudge Tim there and say, we probably want somebody from the banking industry, because we need to know what banks are looking to loan on, you know, that kind of thing, because that really can determine, you know, and I know, that changes, but it really can determine if, you know, historically banks have, you know, felt comfortable loaning on five to ten acres, but they don't feel comfortable loaning on forty acres. That can drive some decisions sometimes. But it also helps then get that information back out to the public to those, you know, people in those professions and those stakeholder groups. You know, and it goes without saying that, obviously, we want some folks, you know, who are heavily involved in agriculture in some fashion. Back home, we had Co-ops, and when they did the Comp Plan out there, we had a couple of Co-op members out there. Seed providers or a couple of, you know, large farm operation type folks, as well, as you know, because of our, you know, we also have a very good, thriving, small farm community, you know, micro farming, that sort of thing. And so, you know, we'll need a few folks from that. So, I have a good list in my head. But I kind of want to sit down with Keith, with Marvin, and go over, you know, what we're talking about, and what ideas they have to really flush that out.

Commissioner Johnson: So, what's the adequacy of our understanding of undeveloped, of already zoned, undeveloped lots in Jefferson County via what's in the land bank? I mean, do we have a good handle on what development we've already allowed, and it hasn't pursued, and you know, what we're looking at for breaking out, you know, more acreage like the land we had tonight?

Dustin Parks (Staff): Well, I think a lot of that will come as we begin doing things like inventory and the actual planning portion of the Comp Plan, to be honest. I mean, we have, obviously, we have a list of what Jefferson County owns. And we can see historically what has sold and what they've actually built on. We don't have that information gathered, frankly, because it hasn't really been worth our time in this office to try to do that yet. But I imagine a lot of that will be used when we do the Comp Plan. Because you know, we're gonna have to take some of that into account. And I've done heat maps before, I've had GIS do heat maps of where building permits and stuff are active. And, you know, it really depends on time of year and what's going on. But I think more of that will come out as we as we do the Comp Plan. I know that that's part of it, like I know that we're planning on that being a part of it, so that's why I'm saying I'm pretty sure that more of that will come out while we're doing the Comp Plan.

Commissioner Johnson: Thank you. Okay.

Chairman Benyshek: Well unless there's any further comments or questions? Oh, looks like Matt's got one here.

Vice Chair Scherer: It's just a comment. I'm gonna miss the July meeting. But just for your information, Dustin, I'm willing and interested in being on the steering committee, if you need a member, so I thought I just dropped that in there now.

Dustin Parks (Staff): Okay. And keep in mind, some of the meetings will probably be digital. We don't know how that's gonna take form yet, but I'll let everyone know and I'll send anyone who's interested in it, an email on, you know, better idea of what we're looking at, whether it's going to be you know, hybrid like our Planning Commission meetings because all the steering committee meetings aren't going to happen you know, after hours. Some of them are going to happen during the day, during normal business hours. I don't anticipate them lasting very long in the beginning. More getting to know us and figuring out what we're doing type stuff until we get a plan laid out, but just a heads up that some of them may be digital in nature.

Vice Chair Scherer: No problem for me, although I'm going to take the Chairman's lead and not be available digitally next month.


Chairman Benyshek: Alright, any further comments before we adjourn here? Okay, well, is there a motion for adjournment?

Vice Chair Scherer moved to adjourn the meeting. Commissioner Johnson seconded. All said aye.

Item 10: Adjournment – 7:52 PM

Minutes taken by: 
Erin George

Approved: 7-24-2023
Date

Chair: 
Tim Benyshek

Secretary: 
Tiffany Asher

