

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of Planning Commission Meeting of October 24th, 2016

Item 1. Call to Order.

Item 2. Approval of the Agenda

CHAIRMAN SCHERER CALLED FOR THE APPROVAL OF THE AGENDA. MATTHEW FINLEY MAKES A MOTION TO APPROVE THE AGENDA AS PRESENTED. VICE CHAIR JOHNSON SECONDS THE MOTION.

Votes were taken by Ayes and Nays as follows:

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

The motion carried unanimously, 5-0.

Item 3. Roll Call (Recording starts here)

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

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

Item 4. Approval of the September 26th, 2016 minutes.

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

ACTION: *COMMISSIONER WHITE MAKES A MOTION TO APPROVE THE SEPTEMBER 26TH, 2016 MINUTES, VICE CHAIR JOHNSON SECONDS THE MOTION.*

Votes were taken by Ayes and Nays as follows:

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

The motion carried unanimously, 5-0.

Item 5. Public Hearing of PR2016-08 and Z2016-08 - Applicant had not arrived – Chairman Scherer Moved to Item 7.

Item 7. Old Business, General Staff Report

Zoning Administrator Parks updated the Planning Commission on case PR2016-07. Discussion was had about the future of the comprehensive plan, the nature of future cases and tiny house regulations changes/creation. During this discussion, Staff asked if the Applicant's agent could be reached by phone and hold the hearing by phone. Zoning Administrator advised that would be fine.

Steve Tufte was reached by phone, and placed on speaker phone for the hearing.

Item 5. Public Hearing of PR2016-08 and Z2016-08

Matt Scherer: *At this time, I'm going to open the public hearing for PR2016-8 and Z2016-08 a request of final plat for the Shughart Acres subdivision at 14961 US 24 Perry and a request to rezone lot 1 of that subdivision from RR to SR. Is Steve on the line?*

Erin George: *Hey Steve, can you hear okay?*

Steve Tufte (By phone): *Yeah.*

Matt Scherer: *Since Steve is the only one here, I'm going to dispense with the regular stuff about the hearing, except to ask if there is anyone on the planning commission that has a potential conflict of interest or has had ex parte communication with regard to the application. Since we have no one who will be testifying, except Steve in some regard. At this time, I'll ask staff for an over view of the applications.*

Dustin Parks: *I'll make this pretty quick, it's pretty cut and dry on this one. As you stated when you said what the requests were for a 2 lot subdivision and the other case that we're doing simultaneously is the request to rezone lot 1 of that subdivision. The location of the request is right here (referencing map on projector) and is being requested because of this division here. Since it doesn't qualify for an ag lot split. The current zoning, as you can see, for the whole parcel is RR. Right across the street is SR, a large AG tract, and a cemetery. This is the notification area which is 1000ft around the property. We did have one request for information as you'll see in the staff report from the neighbor to the west. All that neighbor wanted to know was the reason behind the split. We stated that's not really a question for us, that would be for the applicant at the hearing. This is a close up of the division. You'll see down here, this is the current entrance to the property. They are proposing that this lot (Lot 2) have access here (referencing Lot 1's access) However, after talking with K-Dot they stated they could have an entrance here (middle of lot 2) or on the west side of the property. Currently, based on the situation as it stands, they could have access to US 24 there (pointing to west side on map) or in the middle of the property. So it does have access to 24, it doesn't have to have that easement as the only access. There is floodplain on the property. The southern probably third of the property. That floodplain does go up into the residence area where their residence and buildings are. Steve has actually been working on doing a LOMA and sending that to FEMA to get those buildings out. They do qualify for a LOMA so we're waiting to hear back from FEMA to see if they can get the buildings out. Steve, how long ago did you submit that?*

Steve Tufte (By phone): *Actually, what we did what was building elevation certificates, and we're not submitting those for a Loma.*

Dustin Parks: *Oh, Okay. I thought Daryl was talking about getting the LOMA too. So I apologize about that.*

Steve Tufte (By phone): *Actually, because these were. The actual house and buildings are about 4 to 6 feet above the base flood elevation. So they were, with that kind of, (incomprehensible) with the exception of the ditches, most of the property is above the base flood elevation. It's just in an Approximate Zone A according to what they had it*

mapped, but we proved out that all of the buildings were 4 feet or more above that flood elevation. I Think, I can't remember, if I forwarded those to you or not, Dustin, but I'll go ahead and get those sent to you.

Dustin Parks: *Okay. If they're that high, then it's recommended they get the LOMA just to get them out of the floodplain at some point. Since they're probably trying to sell this, then the person that buys it could also try to get the LOMA with those elevation certificates. There's the report. It's not in a RWD and it's not in any Ag Overlay District. The waste water system was installed in 2009 and met requirements, there's the stuff about us fielding the question from the neighbor and so those staff comments there about receiving letter of map amendments is incorrect at this point. I would still suggest that the applicant or the people that buy it go through with that because it will help in the long to get those properties up out of the floodplain. If they're already high enough. That's pretty much the entire overview.*

Chairman Matt Scherer: *Questions for Staff? Could you tell us where it's located on 24 Hwy. Is it near Perry or Bill Town or where?*

Dustin Parks: *Right there, where it curves up (pointing to map) then Perry is there on the west.*

Erin George: *Those are the S curves.*

Chairman Matt Scherer: *Oh, that's the S Curves? Okay. Other questions?*

Vice Chair Paul Johnson: *Well, I didn't see in the staff report the surveyed lay of the land.*

Dustin Parks: *Oh, the Topography?*

Vice Chair Paul Johnson: *Right. What's the building that would be in Lot 2?*

Dustin Parks: *That's just an AG structure. That's what they're using to store their equipment for this field.*

Vice Chair Paul Johnson: *When would K-Dot make a determination on the second entrance.*

Dustin Parks: *They already have. They applicant is working with K-Dot to decide where they want it. K-Dot told me directly that they could have one of those two locations. It's just up to the applicant which one they want to go through.*

Chairman Matt Scherer: *Any other questions?*

Denise Streeter: *So there's already a house on Lot 1?*

Chairman Matt Scherer: *Steve, do you have anything you'd like to say on behalf of the applicant?*

Steve Tuft (By phone): *Well just that, a little history of it is that Daryl Shughart and Gail the two brother's; Their dad passed away a few years back so the reason for the whole thing is that neither one of them is going to be needing the living quarters. The natural thing was to split out the residence with the buildings and sell that. Then the two brothers are going to keep the crop ground and just continue farming that as they're doing now. So that's a brief purpose and objective as to why they're platting it.*

Chairman Matt Scherer: *Any more questions for Steve? (after a pause) I've got a completely unrelated one for either Steve or Staff: Is that a drainage ditch or a modified stream?*

Dustin Parks: *Drainage Ditch I believe. Steve, that's a drainage ditch, right?*

Steve Tufte (By phone): *Right. It is. And actually, the boundary line is the in the center of that drainage ditch. That drainage ditch has been in there, believe it or not, since the 1800's. It's I guess, there's a creek up at the road that's actually called Jaybird Creek, but it dissipates quite a bit and basically dry but once a year.*

Chairman Matt Scherer: *Do you happen to know if there's a district responsible for that ditch or it's a land owner owned ditch?*

Steve Tufte: *Oh as far as I know it's just a property owner ditch.*

Chairman Matt Scherer: *Other Questions? (after a pause) Okay, for the record I'd like to point out there is not public present other than Steve Tufte via phone. So at this time I'm going to close the public comment portion of this hearing so we may prepare a recommendation for the county commissioners. Are there questions for staff that we need to deal with yet?*

Vice Chair Paul Johnson: *This is probably for staff; Obviously they said they wanted to keep it in crop land? Lot 2? But, new owners would have an ability to construct housing that one?*

Dustin Parks: *It would be, yes. There's enough ground, they've got the frontage. They could definitely build a house if they desired to, or if they sold it and the new owners wanted to they could do that as well.*

Vice Chair Paul Johnson: *They could also split this? Possibly into a two or three. But then it would have to come back here?*

Dustin Parks: *They'd have to replat it.*

Vice Chair Paul Johnson: *They'd have to replat it in order to do that?*

Dustin Parks: *Yeah, and with the frontage there they may be able to split it in half. But K-Dot may make them run a frontage road.*

Denise Streeter: *What about a cul-de-sac? Could they put a cul-de-sac in?*

Dustin Parks: *Well, yeah, but that would be a public road and I doubt anyone would pay for that just for 10 acres. They'd have a build a public road to put a cul-de-sac in there if they wanted to do that.*

Chairman Matt Scherer: *You mentioned that the only source of water is by well. I assume there's an existing well for the existing house? Steve, this is perhaps for you; Is it a productive well that's sufficient for the house? And if there is another house built would there be a problem in getting water?*

Steve Tufte (By phone): *As far as having the lot 2 share that well? Yeah, typically what we've had in most cases where there is a private well is that they would have some kind of lease agreement where they share the well. I haven't heard of any misgivings or problems with that where people share a well. Although there's always something. More than likely there's district water service available. A lot of time, when the first lot is sold, it will be written into the deed as a reservation of water rights.*

Chairman Matt Scherer: *Are there any other questions or is anyone ready to make a motion?*

Denise Streeter: *Is someone living in that house? This has been residential for a long time? I guess I just wanted to understand that this has been kind of a farm stead.*

Vice Chair Paul Johnson: *I think right now, lot 1 is being sold. So it's been occupied, but right now it's up for sale.*

Denise Streeter: *I just feel that it's a grandfathered thing in my eyes. I just wanted to confirm that it's an active farmstead and had been.*

Chairman Matt Scherer: *I need a motion to either approve or recommend disapproval.*

Denise Streeter: *I would make a motion to approve.*

Chairman Matt Scherer: *We have a motion to approve PR2016-08 and Z2016-08 based on staff recommendations and findings.*

Matthew Finley: *Second.*

Chairman Matt Scherer: *We have a second is there further discussion? (after a pause) Hearing none, all in favor say Aye? We have a vote of 3 to 1. Can you let Steve know when this goes before the County Commissioners?*

Action: *A seconded motion to approve cases PR2016-08 and Z2016-08 was made. Voting was as follows:*

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	Nay	---	Aye	Aye	Aye	---

The motion carried, 3-1.

Dustin Parks: *November 14th, 2016.*

Steve Tuft (By phone): *And it was approved?*

Dustin Parks: *Yes, it was recommended for approval.*

Steve Tuft (By phone) *Okay, well, apologize to those folks for us not being there. We're really sorry. Thanks a lot Erin. Bye Now.*

Chairman Matt Scherer: *For the record I'll note there is no one here for item 6 so we are ready for Item 8.*

Item 8. New Business

Discussion was had between staff and the planning commission in regards to proposed changes to the comprehensive plan, creation of tiny house regulation and the Outdoor recreation overlay district. It was discussed how hopefully in the next two to three months, Staff can prepare to discuss changes to the regulations regarding tiny houses and the outdoor recreation district, and how those would tie into the potential changes for the comprehensive plan. Discussion was also had about the two upcoming cases in November.

It was emphatically stated by planning commissioners, that it should be a necessity for the applicant to be present during the hearing. Staff agreed and requested that the board make a motion to adjust our applications to state that the applicant must be present.

Vice Chair Paul Johnson: *I move that it is a necessity that the applicant be present at our planning meetings.*

Dustin Parks: *What we can do is just add that to our applications and not create any new regulations for it.*

Chairman Matt Scherer: *That can be done without adding regulations?*

Dustin Parks: *Yes.*

Vice Chair Paul Johnson: *I made the motion.*

Chairman Matt Scherer: *We have a motion on the floor to ask staff to develop the means to make sure that applicants must be present for all hearings. Do we have a second?*

Denise Streeter: *I would second that motion. It's very hard to understand who's talking about what when someone is on the phone. Sometimes you can hook computers together, but it's hard for this type of thing. Anyway, the one it was done tonight, I think shouldn't be done.*

Dustin Parks: *In the past, I've had experts on the phone. People who would call their experts on the phone so we could ask them questions, but the applicant was present. This was the first time I've had the applicant on the phone, basically. Like I said, circumstances pending, I wouldn't like to repeat this as well.*

Chairman Matt Scherer: *Further Discussion? Hearing none, those in favor of the motion please say Aye? Vote was unanimous. (4-0)*

Action: *A seconded motion to ask staff to develop the means to make sure that applicants must be present for hearings. Voting was as follows:*

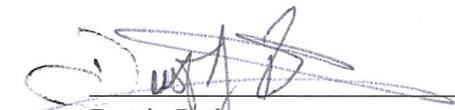
Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	Aye	---	Aye	Aye	Aye	---

Motion carried 4-0

Discussion was had about who holds responsibility for determining water availability. Staff advised planning commissioners that in Jefferson County the Health Department determines if a property has sufficient water available for building permits.

Item 9. Adjournment

Action: Commissioner Streeter made a motion to adjourn. Vice Chair Johnson seconds the motion. Motion carried unanimously. The meeting was adjourned at approximately 7:55 PM.

Minutes taken by: 
Dustin Parks

Approved: Nov. 28, 2016
Date

Chairman: 
Matt Scherer

Secretary: 
Brandon Newman