

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of the Planning Commission Meeting of July 25th, 2022

Item 1. Call to Order – Chairman Benyshek was absent from the meeting. Vice Chair Scherer presided.

Item 2. Approval of the Agenda

Commissioner Johnson moved to accept the agenda as presented and Secretary Asher 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	Vacant
---	DNV	Aye	---	Aye	Aye	--

Motion Passed 3-0

Item 3. Roll Call

Tim Benyshek Chairman	Matt Scherer Vice Chair	Tiffany Asher Secretary	Stephen Phillips	Paul Johnson	Greg Hazen	Vacant
ABSENT	PRESENT	PRESENT	**PRESENT	PRESENT	PRESENT	--

**** Commissioner Phillips joined after the start of the meeting, during the staff report for the first case.**

Item 4. Approval of the June 27th, 2022, meeting minutes.

Vice Chair Scherer asked if there were any corrections for the minutes. There was one correction to the minutes. He then asked for a motion to approve the minutes with the correction. Chairman Johnson moved to approve the minutes and Secretary Asher 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	Vacant
---	DNV	Aye	---	Aye	Aye	--

Motion Passed 3-0

Item 5. Public Hearing

Vice Chair Scherer explained the commission meeting procedures to the public and opened the public hearing.

Vice Chair Scherer 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.

- I. **PR2022-02 & Z2022-03:** A request to consider the Mongold Subdivision No. 2 a replat of lot 3, block A of the Mangold Subdivision and an adjoining tract of land. This proposed subdivision would consist of 2 lots and is generally located at 7464 Old 24 Rd. Also, a request to rezone lot 2 of the Mongold Subdivision No. 2 from Ag to Rural Residential. This request is being brought by Terry and Cindy Mongold of the same address.

During this time, staff asked who was here for the first case. The applicant, Terry Mongold was present. The other applicant, Daniel Boyce was present via Zoom.

Vice Chair Scherer asked staff to give their report. Staff gave their report. After their report, Vice Chair Scherer asked the board if they had any questions for staff.

Commissioner Johnson: So, this is added to the subdivision or is this a new subdivision now with extended acreage?

Dustin Parks (Staff): Technically, it's a new subdivision. Because of the new addition of land. They could have just called it a replat or they could have named it and so since they named it the Mongold Subdivision No. 2, it is technically a new subdivision with that new addition of land. But the addition of his piece, of Mr. Mangold's piece, into a subdivision was required in order to fix that zoning issue. So, it's kind of because they named it Mongold Subdivision No. 2 instead of just a replat. It's kind of a semantics thing at that point. But yes, it will be filed as a new, if approved, it will be filed as a new plat.

Commissioner Johnson: So, we're adding the 2.89 acres to the 15.4 acres?

Dustin Parks (Staff): I mean, no, they're actually taking away some from the 15-acre piece and giving it to the two-acre piece. They're making the 2.89-acre piece a total of four and they're taking it away from that 15-acre piece. So, it'll be a total of four acres and a total of 14 acres, and they'll both be a part of the Mongold Subdivision No. 2.

Commissioner Johnson: Last question, once this is done, is it possible to come back and ask for further subdivision?

Dustin Parks (Staff): Is it possible? Yes, but it would be very, very unlikely due to both the floodplain that's there, we have regulations in place for any buildable lots that are built majority in the floodplain or that are presented a majority in the floodplain. Plus, there is, oddly enough, a lack of frontage because old 24 doesn't extend all the way to the end of that property. So, while it's possible, in a technical sense, I don't see a way without extending old 24 further east, thus involving KDOT with a new road, that anything would be obtainable. So possible, but very, very difficult.

Commissioner Johnson: Thought I would ask.

Vice Chair Scherer: Other questions for staff. Welcome, Steve. I should ask if you have had any ex parte communication or potential conflict of interest on this.

Commissioner Phillips: No.

Vice Chair Scherer: Thank you. Seeing no more questions from Planning Commissioners this time. Mr. Mongold, would you like to let us know what you had in mind here.

Terry Mongold (Applicant): I just think it's a good idea for the neighbors, they've been there for quite a few years and I'm getting older, I had plans to do things there but things have changed and I thought they got kids might as well let them

have some ground so they can further their livelihood, and grow with their family and try to make them happier. So, they just been real good neighbors. So that's about it. I just want everything right. So, it doesn't come back on them or on me saying this wasn't done right, so I think everything's pretty kosher.

Vice Chair Scherer: Any questions for the applicant?

Commissioner Johnson: So, we're adding two acres to the 2.89 acres. And then, and that's what the final plat for the Mongold Subdivision No. 2 says?

Terry Mongold (Applicant): Yes, right.

Commissioner Johnson: And then what's the size of the other, 14?

Terry Mongold (Applicant): It'd be down to 14 yes. I'm just making my property smaller and making theirs larger.

Commissioner Johnson: And is there a building on this now four-acre plot?

Terry Mongold (Applicant): On that 4 acres there is a house and a building there already. Yes.

Commissioner Johnson: And so, your thought is that you'll build on this 14 acre?

Terry Mongold (Applicant): I'm not going to build on the 14 acres. No.

Commissioner Johnson: But you have the capability to do it?

Terry Mongold (Applicant): But I have no plans of doing that.

Dustin Parks (Staff): As a point of clarification, Paul, there is already a house on that piece as well. Both pieces are currently developed with houses.

Terry Mongold (Applicant): Yeah, on the 14 acres or the 15 acres, we have our own house there. And then a shop and an outbuilding.

Commissioner Johnson: Last question, outside of the shop and the house you have, what is the use of the land at this point?

Terry Mongold (Applicant): Just nothing really.

Commissioner Johnson: You're not cash renting it? You are not haying it?

Terry Mongold (Applicant): No, well Vernon Deere, I let him come in and cut the hay. He does it the old-fashioned way. He has his mower then he takes a fork, piles it, and hauls it off. But that's it. I don't have no use for the hay so might as well let him have it for nothing.

Vice Chair Scherer: Other questions for the applicant? I think you mentioned when Dustin was talking about lack of rural water district that you do have a well.

Terry Mongold (Applicant): Yeah, we both have wells. Yeah.

Vice Chair Scherer: I was just clarifying that to make sure. Do we have anyone on who wishes to make comments about this application that is before us? We have really crowded quarters in here, but I will go ahead and formally ask if there is anyone who wishes to speak in favor of the application. And seeing no one, I'll ask if there was anyone who wishes to speak, speak in opposition to the application. And again, seeing nobody I'll ask one last time if anybody wishes to speak

before I close the public comment portion of this hearing. I am going to close the public comment portion of the hearing so the planning commission can discuss the application and make its recommendation to the County Commission.

Commissioner Johnson: This might go to the applicant. So how long have you had the private water wells?

Terry Mongold (Applicant): Ever since the house has been built. The whole area up there, Ellsworth. It's all well water and the rural water district stops up there at the corner of 237 North. So, all that area is all well, it's been that way for, say 100 years.

Commissioner Johnson: And so, droughts or problems with the change that that goes on with.....

Terry Mongold (Applicant): No, right where we're at, there's no issue with water, we have water running in the ditch 24/7. And down low east of our house, if I use the post hole digger, which I have, if I go down three foot, I have water coming out of there. So right now, the state can't even get down here to mow like they were supposed to because they call it sugar, sand and the springs, it's just running water.

Commissioner Johnson: I appreciate that. Thank you.

Vice Chair Scherer: Further discussion. I apologize for looking at the screen so much I just don't get in the habit of looking at the camera. So that's why I'm not looking at you. I'm prepared to accept the motion if anyone wants to give one.

Secretary Asher: I'll give it a shot. Let me pull up what it says. I make a motion to approve application Z2022-03 rezoning application and PR2022-02 final plat application as proposed.

Commissioner Hazen: I'll second.

Vice Chair Scherer: Any further discussion? Seeing none, all in favor, please raise your right hand and that's unanimous. The recommendation will go to the County Commissioners on a date and I'm pretty sure that Dustin is looking that up right now.

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	Vacant
---	DNV	Aye	Aye	Aye	Aye	--

Motion passed 4-0

- II. **PR2022-03 & Z2022-04:** A request to consider the Hilltop Subdivision. This proposed subdivision would consist of a single lot and is generally located on the north side of 54th between Buck Creek and Republic roads. Also, a request to rezone this lot from Agricultural to Rural Residential. This request is being brought by Diana Dunkley and Arnold Feinberg of 15638 54th St.

During this time, staff asked who was here for the first case. The applicants, Arnold Feinberg and Diana Dunkley were present via Zoom.

Vice Chair Scherer asked staff to give their report. Staff gave their report. After their report, Vice Chair Scherer asked the board if they had any questions for staff.

Vice Chair Scherer: Thank you Dustin. I have a question that isn't actually directly about the application. Can you explain briefly why there's a two-mile gap in the ag enhancement zone in this area?

Dustin Parks (Staff): No, I really can't. So, I really think it has to do with the fact that Buck Creek, Republic, and 54th right there. Because it's supposed to be on either side of a paved road so much distance and that distance depends on where it is. And so, I think with the, because keep in mind, this was done well before my time here, but I believe that with the addresses, with the number of residences in this area, and with 54th kind of doing this. I think they thought it was best just to put about the section lines there, north and south. But that is me making an assumption. I'm not 100% sure why there's that big of a gap.

Vice Chair Scherer: Well, thank you, I was just curious. Are there any questions more..... (inaudible).

Commissioner Johnson: First of all, I want to thank Dustin and staff for having a block here at the top of your report about public correspondence at the time of writing this report. I meant to mention that on our first case tonight and I think it's important to highlight what kind of reaction these particular cases are getting at this point. I do want to go to the Road and Bridge letter. Is Road and Bridge coming up with a pretty definitive entrance for where a driveway could go for this lot?

Dustin Parks (Staff): For this specific lot, yes. It was marked where they wanted the entrance, and Road and Bridge, when they went out for their inspection, said you're going to have to move it 400 feet to the west. I have a feeling and we can get into this later it's not really pertinent to this specific case that that may become more and more prevalent in future cases. But this one in particular, yes. It's not often that we see you know, a specific 1413 feet... but yes, they went out and measured and said you're going to have to move it here and then they gave a precise location to where that would be.

Commissioner Johnson: So, can you put up one of the maps to show where that would precisely be?

Dustin Parks (Staff): Yeah, you guys can see a map now, right? It's not PowerPoint. Just making sure I was showing the right thing Okay, so with the Road and Bridge letter stating, it's going to be a little more, may not be exact Paul. It won't be survey accurate. Okay, so 1413 feet east of Buck Creek. So, if I measure 1413 feet east of Buck Creek that's going to be roughly here. Right in there.

Commissioner Johnson: Thanks for the details.

Dustin Parks (Staff): Yep.

Vice Chair Scherer: Other questions for staff? Seeing no other questions, Mr. Feinberg, do you have anything you'd like to say?

Arnold Feinberg (Applicant): No, it's just it's a family member that wants to help preserve the farm. I think everything's in order as far as the Planning Commission and zoning. It just didn't get platted correctly when we did the Earthworks one, so we had to go back and basically follow the current rules, which we've done.

Vice Chair Scherer: Did everyone hear that? I had a little trouble myself. So, are there any questions for the applicant?

Commissioner Johnson: So, is there a family member that's intent on building on this lot once it is properly zoned?

Diana Dunkley (Applicant): Yes.

Vice Chair Scherer: Other questions? I believe they're the only ones still left on the Zoom meeting. I'll note for the record that there's no other public attending the meeting at this time. So, unless there are further comments from the applicants, I'm going to close the public hearing portion of this hearing. Okay, I'll ask Planning Commission members if they have any discussion they want to pursue or any further questions for either staff or the applicant or if someone wants to make a motion.

Commissioner Johnson: I have an informational question. This might be for staff. So, we have this 120-day time limit to nail down a meter from the rural water district.

Dustin Parks (Staff): That's what the letter says, yes.

Commissioner Johnson: So, with deliberations by the County Commissioners over the last few months, that's sufficient that since there's the availability of water that that issue is then settled?

Dustin Parks (Staff): Yes. Since a feasibility study has been done, and the rural water district sends an email stating that water is available, I mean as long as they purchased the meter within that that 120-day window, that meets our criteria.

Commissioner Johnson: So, if the family member comes back in six or eight months and there's not a water source from the rural water district, then that issue has been settled?

Dustin Parks (Staff): Yes.

Vice Chair Scherer: Any more discussion? Is there anyone who wishes to make a motion?

Commissioner Hazen: I would move that we approve the proposal using the staff supplied motion.

Commissioner Phillips: Second.

Vice Chair Scherer: Any further discussion? Seeing none all in favor, please raise your right hand. And that's unanimous.

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	Vacant
---	DNV	Aye	Aye	*ABSTAINED	Aye	--

***3-0 Vote - however, an abstaining vote counts towards the majority per Planning Commission bylaws – this brings the total to 4-0**

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

NO PUBLIC LEFT AT THIS POINT

Item 7: OLD BUSINESS, GENERAL STAFF REPORT

Dustin Parks (Staff): So old business, just an FYI. On the 118th and Ferguson Road Subdivision, the County Commission has elected to go visit the site to determine if the site distance for the proposed entrance location does meet a safety standard. So, they are doing that next week. I'll be on site as will the surveyor to make sure, because they requested the surveyor mark where they go, and there have been accusations of pins being moved out there. So, he's going to mark them the day before, and then he's going to go out there to confirm at the meeting, that they're where they're supposed to be so that the County Commissioners can visit the site and determine sight distance with the Road and Bridge department present. And then they'll schedule the final hearing for that after then. And from that, I'll make this quick. I'm assuming that we're probably going to get some more stringent entrance requirements for our platting process. Historically, we haven't had anything other than if the Road and Bridge Department says an entrance is permitted. It is a pretty common practice to actually put them where the entrances are going to go, or where an approved entrance was discovered on the plat itself. And so, I'm not 100% sure, but I'm guessing that those conversations may creep up here shortly. So, I'll keep you guys apprised to that if those conversations do arise. It may come down to just making sure that the Road and Bridge department does, like they did with this letter, where it's you know, your entrance at this location, this many feet has been approved. That wouldn't require a regulatory change. That's just a little bit more thorough work on the Road and Bridge department. So, we'll see what happens with that.

Vice Chair Scherer: Did you say that it would not require a change in regulation?

Dustin Parks (Staff): For the Road and Bridge department to be more accurate in their letters wouldn't require a regulation change? I don't believe that it would require a regulation change for us to ask for them on the preliminary and final plats either or at least on the preliminary because it's just more information on the preliminary but it may require a regulation change to require them on the final plat. Yes, not a problem. Let's see, trying to think of any other old business. The County Commission still has the RFP. But like I said earlier with the budget hearings, I don't anticipate hearing anything, at least until probably after the August 23rd meeting, I think is, August 22nd, because that's when they vote to approve the budget. And I imagine I'll hear something after then. Most of the budget for this is already secured on the planning and zoning side of things because we have kind of those reserve funds, but they still have to allocate those funds to that. I don't anticipate them doing that till after the budget hearings.

Vice Chair Scherer: Paul has a question.

Commissioner Johnson: So, has any information gone out from your office to particular bidders or planners?

Dustin Parks (Staff): We can't do that until after the County Commission approves the RFP. So, after that happens, we've got that big list of them that we'll be sending stuff out to, but we can't do that till after the County Commission approves the RFP.

Commissioner Johnson: And a question on the 118th St. development, was a protest petition sent to the County Commissioners?

Dustin Parks (Staff): More than one, yes.

Commissioner Johnson: Those are valid protests petitions.

Dustin Parks (Staff): Enough valid protest petitions reached the County Commission to warrant them having to go with a unanimous vote. Yes.

Commissioner Johnson: Last question, back to the Comprehensive Plan, so how much can you share with Planning Commissioners at this point, the scope of the RFP that you're thinking about?

Dustin Parks (Staff): You guys already have a copy of it. I can email out another one, if you'd like. But I can share the whole RFP.

Commissioner Johnson: That would be great.

Dustin Parks (Staff): But it's almost the exact same one that you guys approved prior to Kelly retiring. I just had to amend the budget a little bit, I increased it. Because of the change in inflation and that sort of thing, I just bumped it up by another 10%.

Vice Chair Scherer: Any other old business staff report?

Dustin Parks (Staff): Not on this end.

Item 8: NEW BUSINESS – Discuss upcoming Accessory Dwelling Unit Text Amendment.

Dustin Parks (Staff): If we're moving on to new business, the next meeting, we'll have two cases, a development plan amendment for an existing RV and boat storage. The one on 39th and Ferguson, the old lake bound store. The gentleman who owns the Harbor West purchased that and is going through a development plan amendment to be able to put up some buildings and clean that property up quite a bit. But since it was an unapproved conditional use permit because that's the legal way of saying it was grandfathered. It was operating under an unapproved conditional use permit as per our regulations. He's got to go through a development plan amendment to add structures and that kind of thing to the property.

Yes, they're on 39th and Ferguson, that one on the corner, the convenience store, and the RV Boat Storage, that's right there on the corner. And then, Washington Estates, the final plat hearing, at least part of it, we'll see. Still waiting on the final water letter. I was supposed to have that by now. But I haven't seen it. So it may be that we have the hearing and have to table it because that was one of the requirements for a final plat approval was that they had water secured, not just yeah, there's water available, but actually secured with the water district that they're entered at least into a contract for improvements. And we don't have that yet. Matter of fact, the only thing we have is the rural water district sent a letter that said that they haven't entered into a contract and that there's, they won't provide water to this to the subdivision until they are in a contract. So, we'll see what happens with that. We're just waiting right now on that letter. So, but we've notified Douglas County, we haven't heard anything from Douglas County yet. We got their application in early June. So, Douglas County is in their 30-day period. And then it'll go the first final plat hearing will be in August. So those are the only two cases in August. And then I know we do have some in September as well.

Vice Chair Scherer: And you want to discuss the accessory dwelling text amendment?

Dustin Parks (Staff): So, I was planning on a longer conversation with this, but then we had to shove Paul and Matt into a tiny little closet. So, I'm going to ask if you guys, over the course of the next month, I did send out those Douglas County, kind of the Douglas County's regulations on accessory dwelling units, if you could do me a favor and read through those. And if you see something that you would like to discuss as part of a draft for that, or there's a lot of stuff that I'm going to be hatching out of that just kind of cutting out completely since we don't have building code. But if you could email me over the course of the next month, you know, hey, this this and this are something that I'd be interested in looking at for ours. That kind of thing I can formulate more of a draft that I can bring before the board at the August hearing as well. And it won't be a something we vote on them because that has to be published and all that, but we can at least have a discussion about what it should look like. And then we can go from there. I'll include them with the with the RFP but that is all the new business I have.

Vice Chair Scherer: Anyone else have new business we need to consider?

Commissioner Johnson: I did read through the Douglas County regs that you sent out. So, I'm intrigued that the owner has to be an occupant of the property.

Dustin Parks (Staff): Yes. It's to prevent multi offsite rentals.

Commissioner Johnson: For Douglas County, the applicant is the one who's responsible to send out letters to adjoining property owners relative to getting approval for these changes.

Dustin Parks (Staff): Yeah, but that that won't happen here because it'll just be a building permit process for us. So, we don't, we're not going to make, it's not my intention, I shouldn't say we it's not my intention to have the public go through a basically a mild public hearing process for something that could be approved through a building permit. We're trying to make this easier for people. So, I would hate to....

Commissioner Johnson: It wouldn't route then to the County Commissioners?

Dustin Parks (Staff): Correct. Yes. This would be administratively approved is how I'm working on drafting it.

Vice Chair Scherer: Other discussion? Or other new business I guess I should say.

Dustin Parks (Staff): No more on my end.

Vice Chair Scherer: In that case I would entertain a motion to adjourn.

Commissioner Asher moved to adjourn the meeting. Commissioner Phillips seconded. All said aye.

Item 9. Adjournment – 8:02 PM

Minutes taken by:


Erin George

Approved:

August 22, 2022
Date

Chairman:


Tim Benyshek

Secretary:


Tiffany Asher

