

# Jefferson County Planning & Zoning Oskaloosa, Kansas

---

## OFFICIAL

### OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

#### Minutes of Planning Commission Meeting of January 28<sup>th</sup>, 2019

**Item 1. Call to Order.**

**Item 2. Roll Call**

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Present	Present	Present	Absent	---	Present	Absent

**Item 3. Approval of the Agenda**

*Vicechair Johnson moved to approve the Agenda – Commissioner Scherer seconded.*

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Aye	Aye	---	---	DNV	---

**Item 4. Approval of the Dec. 17th, 2018 Minutes**

*Commissioner Scherer recommended changes to a few sections of the minutes, Commissioner Scherer moved to approve as amended – Vicechair Johnson seconded*

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Aye	Aye	---	---	DNV	--

**Item 5. Public Hearing**

**PR2019-01 and Z2019-01 a request to consider the final plat of the Hurd Hill subdivision. A lot subdivision, and a request to rezone lots therein.**

**Chairman Finley asked Staff for their report** – Staff began giving their staff report.

**Chairman Finley asked for any questions regarding the report –**

**Vice Chair Johnson** – asked if the proximity to existing Rural Residential zoning was enough for staff to recommend approval and how much weight staff gives to taking away ag ground. Staff responded that they give as much weight as the regulations allow and that the property is already being used in the manner in which it being presented.

**Commissioner Scherer** – asked why there was no easement stated for the property to the east to have access. Staff stated the reason for that is due to the applicant owning the property to the east side and they purchased this property in order to give themselves ownership of their driveway, but due to the section line it will always be a separate parcel.

**Chairman Finley asked the Applicant to give his presentation –**

**Mary Hurd (applicant)** – Stated that the reason for the split was to own their driveway and potentially give their grandkids a residential parcel in the future.

**Chairman Finley** – Asked if the driveway easement led to a quarry on the east.

**Mary Hurd** – Clarified that the easement goes to their house, and that they don’t live on the northern lot of their proposal.

**Chairman Finley** – Stated that now the reasoning for the division made more sense. Staff apologized for not making that clearer in the staff report.

**Commissioner Scherer** – stated that with the clarification he would like to speak to Commissioner Johnson’s earlier comment in that the smaller piece will probably remain in ag since there is no longer an easement and is essentially an extension of the applicant’s larger piece.

**Chairman Finley** – asked the applicant to confirm if the septic tank had finished being installed. Mary Hurd confirmed that it had been.

**Chairman Finley asked the board if they had any questions for the applicant – seeing none, he asked if there were any members of the public who would like to speak in favor or against the case – seeing none he asked the board for final discussion or a motion.**

**Commissioner Phillips made a motion to approve PR2019-01 and Z2019-01 – Commissioner Scherer seconded**

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Aye	Aye	---	---	DNV	---

**Motion Passed 3-0**

**Chairman Finley moved to case PR2019-02 – a request to consider the Final plat of the Faherty Farms subdivision which is a 2-lot subdivision.**

**Chairman Finley asked Staff for their report** – Staff gave their report on this case.

**Chairman Finley asked the board if there were any questions for staff – There were none.**

**Vicechair Johnson** – asked staff if K-DoT was asking the applicant to share a drive way for both lots – Staff confirmed this to be the case. Vicechair Johnson then asked staff to clarify their comments on vacating the easement. Staff stated that since the easement was on the plat itself they have to vacate it through the county commission or replat the property in order to get rid of it. They stated that K-DoT also gets a say in whether it can be vacated. Vicechair Johnson then asked if there was a way to move around that requirement from K-DoT. Staff stated that with enough money and time, it would be possible, but it’s not feasible.

**Chairman Finley asked the Applicant to give their presentation**

**Mr. Robbins (applicant)** – stated that he just wanted to split the property for his future son in law and daughter.

**Chairman Finley asked if there were any questions for the applicant –**

**Vicechair Johnson** – asked what the current ag use is and if they intended to keep that use moving forward. The applicant stated that it was being hayed, and they intended to keep that going forward. Vicechair Johnson then asked about the gas storage wells on the property and how they operate. The applicant stated that he wasn’t entirely sure what the agreement between the gas company and the people who owned the property prior to him had been.

**Vicechair Johnson** – asked how the storage wells worked and what gas was being stored. The applicant stated that the neighbors set up the agreement and they weren’t sure which company still owned the pipes. Vicechair Johnson asked if the company used it for storage and the applicant stated that they weren’t sure and don’t benefit from it being on their property. Staff clarified that mineral rights can be divided by separate documents and property owners can sell different minerals and retain others.

**Chairman Finley then asked if anyone in the public wished to speak in favor of the application. Seeing none, he asked for those opposed, seeing none he closed the public comment portion of the hearing. He then opened the floor for the board to ask questions of Staff or a motion.**

**Commissioner Scherer made a motion to approve PR2019-02– Commissioner Phillips Seconded –**

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Aye	Aye	---	---	DNV	---

***Motion Passed 3–0***

**Item 6. Public Comment** – None made

**Item 7. Old business** – Staff and the board discussed previous cases.


**Item 8. New Business** - Staff discussed the next month’s hearings and future appointments to the board

**Item 9. Adjournment – 8:12 PM**

Minutes taken by:   
Dustin Parks

Approved: 2-25-19  
Date

Chairman:   
Matthew Finley

Secretary:   
Brandon Newman