

# Osage County Planning and Zoning Meeting

Osage County Courthouse

717 Topeka Ave.

Lyndon, KS

April 30, 2025

7:00 PM

**Opening** – Rodney Bergquist called the meeting to order at 7:00 pm

<b>Board Members Present:</b>	Rodney Bergquist	Jan Davis
	David Thompson	Sara Hogelin
	Jason Gilliland	
<b>Staff Present:</b>	Tricia Webb	Russ Ewy
	Colleen Mendoza	

**Approval of Agenda** – David Thompson moved to approve the agenda. Sara Hogelin seconded. Motion passed unanimously.

**Minutes** – David Thompson moved to approve the minutes. Jason seconded. Motion passed unanimously.

**Public Comment** – Rodney Bergquist opened up public comment to anything other than alternative energy.

**New Business** – None

**Old Business** – Comprehensive Plan

- Going over the changes to the draft. Russ will get the changes from Jan and Heather. Russ is showing what language was changed from recommendations from Sara and Tricia
- First change was to page 3 from Tricia to emphasize the legal basis of the comp plan. Ex: Road and Bridge being able to create a CIP to build a central area
- Page 4 – Tricia pointed out that the CIP isn't just for Road and bridge ex: Sheriff
- Sara wanted to add that there 105 counties
- Clarifications on city sewer and water
- Olivet is an incorporated city despite the address being Lebo
- Pg. 14 – Melvern's projection from WSU
- Went through each cities capacity to grow – sewer and water. Each town is about at capacity. It is clear that the majority of the cities would need to hire an engineering firm to do an assessment to grow
- The maps of the streams – Sara would like to see that.
- Ag land – LISA soil assessment program. More or less an objective rating system. That type of analysis hasn't born fruit. With ag to produce more per acre has offset

development encroaching into that prime farmland. The question becomes if someone wants to take 40 acres and build a subdivision, will we deny it based on the ag class? Probably not. Hasn't seen denying development based on the ag classification.

- David – are we still trying to encourage growth around the cities. If you do that, you automatically have sewer, water, it's all available. Many places in the county we do not have an extra spot for another meter.
- Russ – yes. We have certain developments that were developed without the financial sureties to remain stable and functional. Improvement districts invariable fail. What usually has is the state makes the county take over if it fails and that is just an extra burden spread on all of us. More on that specific topic will be in the subdivision report.
- Sara had requested that our unincorporated towns get mapped out. We know where our cities are, but we don't know where the unincorporated cities are on the map.
- Page 29 it talked about the lakes being prioritized for development. Tricia had notes on how we wished to be able to develop, we want to make sure to not pollute the water. She also mentioned the tourism tax on rentals and that needs to make its way into the plan.
- On page 36, Tricia had some data to add on the ag information. 23% of the counties employment is in the ag sectors and generates 70 million in related output.
- Colleen – asked about what content needs to be added for the Transient tax. Explained to the public what the tax is and that it can only be used on tourism.
- Russ went on to explain what STR's are. How we could put them into the zoning.
- Page 41 – Sara wanted to add “not at the expense of quality development” to “Therefore affordable housing should be pursued whenever possible.”
- Page 43 – last sentence addressing alternative housing to be rewritten to “Although the current zoning regulations have been amended in recent years to address alternative housing, future adjustments may be necessary to fully address the appropriate building types.”
- Russ introduced the changes and 180 by Tricia on building codes – wanted Tricia to explain what she is proposing
- Tricia – Proposes the county does an affidavit of code compliance once building codes have been decided. It has to be signed by property owner and builder as well as notarized. It removes the burden of paying an inspector and slowing down construction.
- Russ – It also takes the county out of liability and puts it on the contract between the builder and home buyer.
- Sara – likes the fact that the affidavit gives us something to work with. Codes would be nice in theory, but there's nothing to back it up. Was concerned that we would make more codes when we don't enforce what we have.
- Russ – on page 45, discussed the county / township road system. Also, a hybrid classification / county rural system – Pott, Clay – Douglas County are the only 3 that have that. Last time KDOT changed it was in 1979 and everyone has been denied since then.
- Russ – Road map – general comment was to increase the font size
- Page 52 – a publicly road has to be maintained. It's a double-edged sword. The county can negotiate with the development. A discussion that needs to be made on a case by case per the HOA.
- Page 54 – The development of trails. Discussion on should the whole section be struck based on the Community Survey results. We could understand that it may be important around Topeka. Russ doesn't think that anyone is going to ride their bike from Melvern

to Lyndon. The theory is that people would drive out, park and ride for a day. They may stop and get snacks, sodas, drinks before they go out on the trail.

- Jason – The trails have been a source of contention for years. His opinion would be to go with what the people said, he doesn't think we need to look at anymore, we have enough. He's seen the contention in the county on the cost of maintenance. He lives along one and there's very few people he's ever seen ride that trail, not enough people to justify it.
- David – He crosses the road over one and in 10 years he has never seen anybody on the trail except a four-wheeler, which is illegal. Wondered why the Amish haven't figured out to travel the trails because it would get them off the highways. Worried about them getting hit.
- All board members said to take it out.
- Discussion about the minimum maintenance roads and looking at vacating some.
- Page 57 - question asked why the county didn't have a designated park, rec – it has been put into the Goals and Objectives section.
- Page 57 – historical building – Sara – there are a lot of them that aren't being maintained. Jan likes the wording "work with other agencies". She didn't know if it could add to tourism. Russ reiterated it's not in the plan to land bank these properties. Tricia asked if there was a way to word it so that we're going / willing to provide a letter of support to those who are rehabilitating these buildings (not giving them money).
- Question about how do we regulate chemical spraying. It's an ag use, it seems to be a private civil matter.
- Jan – page 67 – 3<sup>rd</sup> paragraph would like to strike part of the last sentence – salvage yards and large-scale utility projects.
- Tricia wants STR discussed under residential land uses
- We could clarify where the access would be off of 56. We could put language in where KDOT has control of access and that has a limiting factor on the potential of development happening there.
- Russ discussed about how you want to try and designate areas where different land classifications would be helpful with planning.
- School districts and access to shopping are among the top factors of where people choose to live/develop.
- Russ thinks it's more important to have the commercial areas mapped.
- Jan page 72 – wants the whole section of implementation of land use recommendations – large-scale wind and solar – delete that whole section.
- David Thompson – he agrees with removing it. If the Commissioners vote to remove it, would it be a unanimous vote or a majority vote
- Russ explained why we should have it in there. We can put in something about no hazardous materials.
- Jason thinks it needs fine-tuned, not taken completely out.
- Collen – is wondering is in a matter of process does the county counsel look at this document?
- Russ – We would hope for that to happen.
- Page 79 – Jan – The way it's worded is that commercial land seems to be protected. Tricia – Thinks some commercial does need to be protected ex: when someone builds next to an existing Commercial property.
- Tricia went through the strikeouts she had – Incentives, when possible, to promote Commercial and Industrial development in and around communities. Our tax dollars

paying for those? It needs clarification. Where it would have Road and Bridge look at roads to vacate, it should have that for Economic Development to develop an action plan. It takes some of the elements out of the comp plan so it's not spelled out in the comp plan how Economic Development spends that money. Questioned the portion of providing grant writing and financial planning for incorporated cities as part of a countywide Economic Development program. Who pays for it? The county? Do we have a grant writer or do we pay another company? Is the county paying for more city services? Also, "To maintain a robust Economic Development program that includes all aspects of economic development in area municipalities and the county." If we implement a lot of these, we're basically making a joint economic development like larger counties. Is the county paying for all of it? Are the cities chipping in?

- Jason – agrees that the county should help, not pay for all of it. He would like clarification in that.
- Jan would rather focus on a county facility / project before grants and help the cities.
- Rodney – Then again, who is going to pay for it?
- Jan – would rather see our county focus on paying for something in the county than spend money on the cities.
- Rodney – The cities can't take care of the ballfields they have now. If it wasn't for the Jones foundation, there wouldn't be ballfields.
- Collen – feels like a lot of the things the Planning and Zoning Board tells her what they think a lot of these things are going to be ultimately addressed in the Economic Development Strategic Plan. So, to her, we can write whatever we want here, but that's where the prioritization will land the budget will have to come with that.
- Tricia – went over the new residences in the county over the last 5 years. Doesn't think we have a housing shortage in the rural areas of the county, it's in the cities.
- Colleen – agrees the cities is where we have issues mostly. It's the priority.
- Collen – the small communities don't have the resources or funding for the grant writing. That's where the county has come in to provide the grant writing and funding for them.
- Sara asks if there are grants for rural water grants.
- Colleen – it's her understanding there are water resources out there and they're some of the most competitive grants. Her focus is working within the communities doing infill lots first and then growing from there.
- Tricia – would like to see grants applied for to help current homeowners with waste water / winterizations.
- Russ – will get the changes made and refine the last chapter.
- David motioned to table this until the next meeting. Jan seconded. Motioned passed unanimously.

## **Board Members –**

## **Staff –**

- Tricia went over shorter office hours to be able to research STR's and ADU's. Cleaning up properties is not necessarily an easy fix. If we can clean up some, it's better than none. We currently have short-term rentals promoted as a 1 bedroom, but sleeps 10. Would like to avoid waste water issues.

**Adjournment –**

- David motioned to adjourn. Jan seconded. Motion passed unanimously.

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Rodney Bergquist, Chairman

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Jan Davis, Vice Chairman

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Tricia Webb, Land Development Director