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# Planning & Zoning

VOLUME III ISSUE I

NOVEMBER 2009

## Flood Insurance Rate Maps Going Digital

It is important for property owners to know their flood risk. The Federal Emergency Management Agency's flood hazard maps, known as Flood Insurance Rate Maps (FIRMs), are an important tool for identifying flood risks and guiding the County in making floodplain management decisions. Beginning with flood maps distributed on or after October 1, 2009, FEMA will distribute maps and Flood Insurance Study (FIS) reports via a digital medium. Since 2003 (the beginning of the modernization project) FEMA has achieved a 50- to 75- percent reduction in the number of flood maps distributed in paper form. Jefferson County's new

DFIRMs may reflect a change in a property owner's flood risk. Properties may be mapped into higher risk zones, have changes in their Base Flood Elevation (BFE), be mapped into



Digital Flood Insurance Rate  
Maps

lower risk zones or remain in the same zone. These changes may affect the flood insurance requirements and the options available. When buildings are mapped into a

high-risk zone or the BFE changes it could result in higher flood insurance premiums. Policy holders with Properties mapped into low – or moderate -risk zones (where flood insurance is optional) from high-risk zones may receive a refund of the difference in premium and, although mandatory insurance coverage may not apply, it is at the lender's discretion to require coverage. Property owners should be reminded that risk has been reduced, not eliminated – the water does not know the line has been redrawn! Check with your insurance agent to compare your options.

## The Charm of Planning (& Zoning)!

There is no magic wand in Planning; although many think it is arbitrary and capricious – there is a method to the madness! Planning is not new by any means -it brings with it a nice history of city grid systems, grand plans (think Washington D.C.) and park systems. In Jefferson

County, Zoning Regulations were adopted to manage growth and preserve prime agricultural land for a nice start. If you are new or old! to the County and want to discuss options for your business, our office can provide information regarding where similar businesses are in the

county – ignoring the location of your potential rival for customers can be detrimental to your new business – or old for that matter. Parking standards and location requirements may also apply. Discussing the best location for your business is a good start.





Family Members are able to live on-site without going through the BZA for temporary solutions.

# CUPs and Family Living Space

With the adoption of the new Regulations in March 2009, the ability of property owners to place additional living space on their property was placed in the list of items available for a Conditional Use Permit. Conditional Use Permits flow with the land and, upon approval by the County Commission, a property owner may place what is commonly known

as a family apartment on their property. The ability to place a second home on property isn't new; however, the application was formerly presented to the Board of Zoning Appeals and the home would be temporary through a special exception request. Guest houses are still allowed; however, the use is only for temporary guests, not a college stu-

dent needing a place to stay while in school. Call the Planning & Zoning Office for more information.



Protest Petitions are generally filed by landowners within 1000 feet from the project. They may only be filed after the Planning Commission and the public has heard the request. This insures the public is well-informed regarding the request they wish to protest.

# Impact of Protest Petition Reduced

In July 2009, the Kansas Legislation approved a bill that provides an opportunity for quarries or mining operations to expand current operations and/or open new operations in Jefferson County without the requirement of a supermajority (unanimous) vote by the County Commission

when a valid Protest Petition is filed by adjoining property owners. All other zoning requests require the unanimous vote when a valid protest petition is filed. Previously, if a petition against a rezoning or Conditional Use Permit were filed in the office of the County Clerk within fourteen

(14) days after the date of the conclusion of the public hearing, signed by the owners of twenty percent (20%) of the total area within a 1000 feet of such request, such request could only be passed by unanimous vote in Jefferson County. The new legislation pro-

*(Continued on page 3)*

### Permit Fees

Change in Use (to Residential Structure)	\$400.00
Residential Structure	\$400.00
Additions to Residential Living Area	\$100.00
Other Residential Additions (Decks, Porches or additions to these)	\$50.00
Change in Use (to Accessory Structure)	\$75.00
Accessory Structure (Garages, Sheds, Barns)	\$75.00
Additions to Accessory Structures	\$50.00
Commercial Structures	\$200.00
Additions to Commercial Structures	\$100.00

# Referral Areas and Historical Property



With the adoption of the new Regulations, the Cities of Perry, Meriden, Ozawkie, Valley Falls, Nortonville, Winchester, McLouth and Oskaloosa were invited to review and adjust their referral areas.

Referral areas are allowed by Statute and provide the

cities with the ability to review matters within a three-mile radius of the city limits. Each city's review of any matter includes the ability of the city to provide services presently and in the future. Although some cities may not have a radius of three-miles, statute does prohibit any referral area

from encroaching on another cities' ability to extend into the allowed radius.

Oskaloosa choose to enlarge their referral area into the full extent allowed. Meriden made a few adjustments based on future growth patterns guided by

*(Continued on page 3)*

# Impact cont'd...

(Continued from page 2)

provides that a quarry or mining operation could be approved by two (2) members of the County Commission – protest petition or not. The Legislature’s action has raised concerns that other special interests may also request the same ability to dispense with the protest petition requirement of a unanimous approval to open shop in the County. The ability to charter

out of the legislature’s depositing of property owner rights is in the County Commission’s hands through Kansas Home Rule. In reaction to the new legislation, there are a few Kansas counties making plans to “charter out” of the lesser requirement for quarries as they are concerned for the adjoining property owners’ right to protest quarry requests.

**PROTEST PETITION**

SECTION I  
The undersigned, property owners, protest the proposed change of zoning for property described as Case No. \_\_\_\_\_, zone change from Request No. \_\_\_\_\_ (District) to \_\_\_\_\_ (District), or Conditional Use Permit

SECTION II: Protester(s)

a) Signature \_\_\_\_\_ Property Owned (legal description)  
Typed or Printed Name \_\_\_\_\_

b) Signature \_\_\_\_\_  
Typed or Printed Name \_\_\_\_\_

(If land is not platted, insert notes and bounds description in the space provided above.)

**ACKNOWLEDGMENT**

STATE OF KANSAS )  
COUNTY OF JEFFERSON )

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county and state, came to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

Notary Public: \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**ALL SIGNATURES MUST BE ACKNOWLEDGED**

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

# Referral Areas cont'd...

(Continued from page 2)

Economic Development Officer, Jim McGrath. Changes were deemed unnecessary by the remaining cities.

A recent tower request brought the notice of the Historical Society of Kansas regarding notification of projects that occur with the environs of historical property (State or National Register).

Interestingly, any project occurring within 1000’ of property and/or historical structures registered with the National and/or State Registers must be approved by those entities.

There are quite a few structures located within the city limits of Oskaloosa that affect projects taking place within the unincorporated areas of the county in addition to properties located North of Meriden

(Threshing Bee Grounds) and Shawnee County. The County also has several bridges on the State Register. Knowledge of these areas is essential to any future projects: from building a new barn or requesting a change in zoning.



**Buck Creek School**

# Analysis for Development Projects

Jefferson County Zoning and Subdivision Regulations provide for the creation of small and large development projects. You have seen quite a few developments in the past years from Black Bear Farms Subdivision on 94<sup>th</sup> Street to Rock Creek Ridge Subdivision on K4 Highway. Both of these subdivisions were pro-

posed and approved to have lots with access points on County Roads and a State Highway. Ousdahl Subdivision No. 2 was approved with an interior road. Interior road standards include the requirement that the road be paved; the developer pays for the construction of the

road, the engineering studies for the design of the road and the maintenance of the road for the first two years before the road is brought fully into the County road maintenance system. The County’s approval of developments are contingent upon the availability of infrastructure but mostly involve environ-

mental and location factors. Some Kansas Counties actually require that new developments of three lots or more develop an interior road and pave the County road to the nearest main paved road.



## Jefferson County

### Planning & Zoning

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### CONTACTS FOR PROPERTY PURCHASE COMPLAINTS

HUD

**Kansas City Regional Office**

Region VII

400 State Avenue

Room 507

Kansas City, KS 66101-2406

GENE LIPSCOMB

Deputy Regional Director

(913) 551-5462

(913) 551-5469 Fax

Office of RESPA and Interstate Land Sales

Room 9146

Department of Housing and Urban Development

451 7th Street SW

Washington, DC 20410

Better Business Bureau [www.topeka.bbb.org](http://www.topeka.bbb.org)

#### PLANNING COMMISSION MEMBERS

Tim Bailey, Chair

Darrell Hammond, Vice-Chair

Paul Johnson, Secretary

Bret Frakes

Roger Wood

Bonnie Kramer

This Newsletter is for informational purposes only. Please contact the P&Z office for more specific information regarding your project.

We're on the Web at  
[www.jfcountyks.com](http://www.jfcountyks.com)

## BUILDING PERMIT APPLICATION PROCESS

Application for your building permit is through the Planning & Zoning Office. Please bring a copy of your paid tax receipts for all property owned in the County and the Real Estate Deed for the parcel on which you wish to build. Please note that a wastewater consultation may be required.

### Commercial/Industrial Area Map



Jefferson County Planning & Zoning Department

This map was created for Jefferson County Government use. It is not a legal survey. Jefferson County will not be held responsible for any errors or misinterpretations on this map.