

MINUTES OF THE SHAWNEE COUNTY PLANNING COMMISSION

Monday, January 12, 2009
Shawnee County Annex
6:00 PM

Roll Call and Announcement of Hearing Procedure: Mike Murray, Chairman, called the meeting to order, reviewed the hearing procedure, asked that roll call be taken and a quorum was announced.

Members Present: Bruce Henriksen, Kurt Young, Dave Ireland, Nancy Johnson, Dave Macfee, and Mike Murray. With six members present a quorum was established and the meeting was called to order. Mr. Murray welcomed Nancy Johnson as a new Planning Commission member.

Members Absent: Marie Carter.

Staff Present: Barry T. Beagle, Planning Director, Gloria Obregon, Administrative Assistant

Approval of September 08, 2008 and October 13, 2008 Minutes, Public Meeting: Minutes of the September 08, 2008 and October 13, 2008 meeting were approved with a motion from Mr. Henriksen, second by Ms. Johnson and a unanimous voice vote.

Communications: Mr. Beagle stated he would be providing commission members additional information relating to the WRAPS presentation along with the presentation.

Ex Parte Communication by Members of the Commission: There were no Ex Parte communications declared by members of the commission.

Declaration of Conflict of Interest by Members of the Commission or Staff: There were no declarations of Conflicts of Interest by members of the Commission or staff.

Election of Officers

- **Election of Chairman**

Mr. Young nominated Dave Macfee as Chairman; Mr. Ireland motioned for nominations to cease and a vote be taken, second by Bruce Henriksen, and with a unanimous voice vote Mr. Macfee was elected as Chairman.

- **Election of Vice Chairman**

Dave Ireland nominated Bruce Henriksen as Vice Chairman and asked for nominations to cease and a vote be taken; second by Bruce Henriksen and with a unanimous voice vote Mr. Henriksen was elected as Vice Chairman.

Discussion of Planning Related Issues:

1. **Introduction to Watershed Restoration and Protection Strategy (WRAPS) Presentation.** Mr. Rick Davis, Middle Kansas WRAPS Coordinator, and, Mr. Tom Huntzinger, Upper Wakarusa WRAPS Coordinator were present to introduce the Planning Commission to the WRAPS program and the efforts of the individual WRAPS programs which include all of Shawnee County.

Mr. Beagle said he invited Mr. Davis and Mr. Huntzinger to the Planning Commission to introduce and explain their respective programs within Shawnee County. The WRAPS program provides a

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watershed approach in dealing with water quality issues. Since these two (2) programs are active in Shawnee County, it is believed the Planning Commission would benefit from the information.

The WRAPS coordinators providing information to the commission tonight will be giving other presentations to various organizations in the future. Mr. Beagle then distributed additional informational to commission member and introduced Mr. Davis, coordinator of Middle Kansas WRAPS program.

Mr. Davis defined resource management as a combination of economics, policies and science to study, manage and restore natural resources and eco systems and is an area of land that catches rain and snow and drains or seats into a large stream, lake or ground water.

Mr. Davis displayed a map of Middle Kansas WRAPS and stated Watershed management involves monitoring water and runoff for contamination, ensuring adequate vegetation cover to prevent runoff and monitoring of fish, wildlife and plants for signs for stress. Watersheds also provide water for drinking, cleaning, recreation, etc. The Middle Kansas WRAPS covers the upper two-thirds of Shawnee County and includes various watersheds.

Mr. Davis discussed concerns of the water quality of Lake Shawnee and Shunga Creek and issues involving watersheds, which in general include:

- Nonpoint source pollution issues.
- **TMDL's** (TMDL is a calculation of maximum amount of a pollutant that a waterbody can receive and still meet water quality standards)
- Flooding issues
- Environmental Protection in general
- Source water
- Water base recreation

There are basically two (2) different kinds of water pollution, one being a **point source**, which is identified as discharge from a pipe, ditch or other defined resources and a **non-point source**.

A **non-point source**, may be permitted, are numerous, and often disperse sources over an extended area. Some Identifiable sources are:

- In the rural west Topeka, there are problems with bacteria from livestock activity in streams
- Water run-off from parking lots
- Eroding stream banks

Watershed management includes WRAPS groups, which receives money from the EPA (Environmental Protection Agency) and down through KDHE (Kansas Department of Health & Environment), the Clean Water Act, and is dispersed to approximately thirty-six (36) different WRAPS projects across the state. Mr. Davis stated there are four (4) different phases to receive funding, and stated this is the third year for Middle Kansas WRAPS to receive funding.

Mr. Davis said the first year of funding for WRAPS included stakeholder recruitment, which he explained and stated WRAPS groups are not regulatory, but are voluntarily based. The second year established watershed goals and they are now in the implementation stage. The WRAPS vision involves local agencies, federal and state agencies and non-governmental organizations.

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Mr. Ireland asked Mr. Davis how their organization was funded. Mr. Davis said they were funded by the EPA, and funds are dispersed to the Kansas Department of Health and Environment and Watershed Management sections. Mr. Davis said data is received from KDHE, who takes water samples and relays problem areas. He also spoke about this year's funding process and the projected 3-year funding cycle. Mr. Ireland asked Mr. Davis to identify the word "groups", which Mr. David explained.

Mr. Murray asked who the two presenters were employed by. Mr. Davis said they are both contractors for a group called The Kansas Alliance for Wells and Streams (KAWS) and further explained how the funding process.

In summary Mr. Davis stated the concept he was trying to convey was their project is ongoing and will continue and they will be working on Shunga Creek as well as Lake Shawnee because of the bad water quality problems. He also encouraged the involvement of commission members as well as others.

Mr. Beagle commented he had previous conversations regarding potential land use applications and how water quality issues could be addressed. Mr. Davis said natural resource management and all the facets of it would of course include water, but could also include noise, odor problems, solid waste, etc.

Mr. Tom Huntzinger, coordinator for the Upper Wakarusa WRAPS gave his presentation, stating the Upper Wakarusa WRAPS significance is that it contributes to Clinton Lake, which is a public water supply for the city of Lawrence, and includes nine (9) rural water districts, some of which are in Shawnee County. A substantial amount of the water supply is in Douglas and Shawnee County and the major motivation for designating the Upper Wakarusa Watershed was to protect Clinton Lake as a public water supply. This source of water supply has been shut down several times in the last five (5) years due to water quality problems, which were primarily taste and odor.

Mr. Huntzinger said KDHE has made determinations which streams exceed water quality standards, which is the basis for prioritizing within the WRAPS program. The Upper Wakarusa Watershed has a leadership team, consisting of stakeholders who represent the city of Lawrence, the three (3) conservation districts in the three counties, with the exception of Wabaunsee County and includes state agency staff and livestock and crop land owners. The stakeholders, through deliberation and decision process determine the direction of activities for the WRAPS program.

The challenges are sediment and the attached nutrients, which is basically excess runoff and picks up fertilizers and other chemicals that are applied to the land. With the sediment in Clinton Lake filling up the lake faster than the Corp of Engineers projected, the life of that water supply is less than what was expected. Nutrients encourage algae, which cause taste and odor problems with the water, takes up oxygen and impacts fish and wildlife. There is also a concentration of bacteria in the Wakarusa River and Clinton Lake which exceed the standard, poses a health risk for contact recreation and affects the water supply. Mr. Huntzinger continued to relay other areas that contributed to water problems.

Mr. Beagle asked Mr. Huntzinger if septic systems had been identified as a source of bacteria contributing to the problem? Mr. Huntzinger said septic systems are a source for bacteria that applies to dysfunctional septic tanks and there are programs where the conservation district will pay for part of the expense of pumping a septic tank out and will provide technical assistance.

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Mr. Huntzinger stated they would like to get the cows out of the creek and try to engage livestock operators to try to put vegetation in the creek that is less palatable and also talk about fencing, corrals, water pumps to pump water out of the stream, and other objectives.

They are also looking at crop lands that are farmed adjacent to the stream channel, which makes the stream bank unstable and puts nutrients in close proximity. Mr. Huntzinger spoke on dysfunctional conservation practices and its impact. He said discussions would also involve farmers, detailing how to enhance conservation practices. There is also a group called No Till Of The Plains, which is a multi-state organization and presents information on no tilling. They also have discussions with suburbia, as they are interested in the interface between the suburban and rural areas.

The WARPS coordinators have spoken to Douglas County Planning Commissioners, and will continue discussion with other groups in the future. Mr. Huntzinger discussed the three (3) watersheds they will be focusing on and the problems associated with them, particularly sediment.

Mr. Huntzinger asked for the support of the Shawnee County Planning Commission in protecting water resources and water quality within Shawnee County, and asked for help in developing a natural resource inventory, which he outlined.

Mr. Henriksen asked Mr. Huntzinger who, at this time does the inventory. Mr. Huntzinger said the WRAPS is currently having discussion with Barry, as well as Douglas County in working together on the project together.

Mr. Ireland said he did not understand if there were numerous agencies in the county working with them, why were they coming to the Planning Department when the problems they talked about were handled through soil conservation departments at the state level. He also stated if the WRAPS groups are not Ex Officio or a Resolution, they cannot make laws, and the only thing he can see is the groups become a snitch for the EPA. He continued to say they go out and locate problems and go back to the EPA and state there is a problem, and referenced a situation that occurred a few years ago in Pottawatomie and Jackson County where he owned land and he was not pleased with the outcome due to the fact he was informed they wanted to start fencing main streams to keep the cattle out of because it was polluting the area of Tuttle Creek, which was already 75% filled up with fill.

Mr. Huntzinger said the problem is that there is a natural resource that is at risk and the various aspects of water quality are a responsibility everyone has, including this group, landowners, state agencies, etc. He also commented on enforcement processes, that determine where contaminants are coming from and stated point sources are required to have permits, and when in violation, an enforcement process takes over. Their program is not an enforcement program, but an opportunity to address water quality characteristics, working with various groups.

Ms. Johnson asked if the inventory would be completed by watershed area or by the counties. Mr. Huntzinger said the inventory would have to acknowledge political boundaries, that being Douglas and Shawnee County and the roll of Mr. Davis and Mr. Huntzinger is to see if they can get the two counties together in identifying natural resources that need to be protected and those that are impaired. Ms. Johnson also commented if in prior years Planning Commissioners had addressed water quality, there would not be the need today to do so, and she sees the commissioners roll as a

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proactive approach. Mr. Huntzinger said through the identification of source problems they can do a better job of protecting water quality, which is what they are proposing.

Mr. Ireland also reference a report in 2003 that stated the water quality problems in the Kansas River and Clinton Watershed was less than 1% being produced by livestock and crop land, and the majority of the problem was with homes that improperly disposed of insecticides and pesticides and applications not being administered by quality individuals who did not know what they were doing.

Mr. Huntzinger said he would not accept the argument for Clinton Lake, but the Kansas River is a reason for Mr. Davis and himself to speak to commission members regarding an urban environment and its impact on the watershed.

Mr. Young asked if the natural resource inventory would start with specific areas within the global watershed district. Mr. Huntzinger said their motivation would be to start in those areas, but it is a holistic system, and looking at spatial analysis methods, it is just as easy to start with the whole watershed rather than to try to fix a piece at a time. Mr. Young said he believes there is a natural tie between what the coordinators are trying to accomplish and their job as planning commission members. Mr. Young asked the time frame for a completed inventory of the Wakarusa Watershed, and Mr. Huntzinger said a range would be somewhere between 4-6 months to 2 years, depending on the personnel involved with the inventory.

Mr. Henriksen inquired about the costs of the inventory. Mr. Huntzinger stated a guess would be around \$30,000 to \$35,000, and would not be surprised if the cost rose to \$50,000, and said the data would have to be in a system that is manageable in order for it to benefit everyone.

Mr. Murray asked for an explanation of the acronym TMDL. Mr. Huntzinger said it refers to Total Minimum Daily Load, which is the lowest amount of contaminants that is allowed to be discharged in a stream without it exceeding the water quality standards for that particular stream.

Mr. Murray inquired if natural resources would then require additional guidelines and become part of commission member's consideration for future projects. Mr. Beagle stated that while natural resources is not part of the existing language for land use projects, commission members had previously talked about breaking down a Comprehensive Plan down into smaller components, one of which included a natural resource inventory, and once a natural resource base is developed it remains and can be built upon.

Mr. Young said any Shawnee County resident that receives water from Douglas County Rural Water District No. 3 would benefit from the data compiled and inventoried. Mr. Davis verified a lot of the water that is in Clinton Lake gets piped back into Shawnee County through rural water districts.

Mr. Beagle discussed with commission members the outcome information that would be obtained from the natural resource inventory and its value to Shawnee County. Mr. Huntzinger spoke of existing water supply reservoirs that are no longer efficient for water supply and are being addressed because of that problem.

Mr. Granville Davidson spoke to commission members, stating he has approximately 50 years of resource management experience and shared historical information on dredging in a reservoir and the impacts of dredging.

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Concerning item number two on the Planning Commission agenda, which is the Endorsement of Natural Resource Inventory, Mr. Beagle said the WRAPS coordinators were hoping to see an expression of support by Planning Commission members and ultimately the support of the Board of County Commissioners, however, there was nothing binding about what is being requested.

Mr. Huntzinger explained the information to be compiled, which would include existing data from various agencies and well as newly gathered information, would be cost effective if administered by technical staff, such as geographic specialist, as their expertise would be needed in developing and maintaining the project. Mr. Beagle further explained the process of obtaining the data and how it might be handled through an RFQ (Request For Qualifications), and then proceed with an RFP (Request For Proposal).

Mr. Beagle reiterated to commission members, at present, no money is being requested, nor are there any regulations associated with the proposed natural resource inventory, the WRAPS group is simply asking for endorsement from Planning Commission members. (**Item No. 2** on the agenda)

With discussion ending, Mr. Young motioned for commission members to endorse the presentation given by the WRAPS Coordinators, recognize the importance of a natural resource inventory and convey the endorsement to Shawnee County Commissioners, with the understanding there is no intent nor is it implied any money will be requested for the project at this time. Mr. Henriksen second the motion and with a unanimous voice vote the motion was **Approved**.

Mr. Ireland motioned to postpone discussion of agenda item No. 3, however, the motioned died for lack of a second. Mr. Murray stated due to the agenda items commission members will address at next month's public hearing, he believes it would be better to continue with the agenda at hand. Mr. Henriksen agreed it would be beneficial continue as well, and discussion continued.

3. Potential Work Project for 2009, Proposed work projects were presented by Mr. Barry Beagle.

Mr. Beagle stated there are two (2) objectives for 2009:

- To further define and advance the planning program in Shawnee County
- Address the needs of the program based upon the application of current regulations

The work program would help to continue to define what the Planning expectations are for Shawnee County through a Planning program. The program would involve both short term and long term projects, which he outlined. Another factor of the program would include the partnership with other neighboring cities in Shawnee County, such as Auburn, Willard, Rossville, and Silver Lake, etc.

Work projects would be developed through the program, which would help to fulfill the goals and objectives of the program. Mr. Beagle also suggested community input meetings, and spoke of the success of the previous quadrant meetings that were held in 2004. He stated the biggest disappointment was the department has not been able to implement recommendations that were discussed.

Mr. Beagle stated one long term project was the recommendations that came out of the Heartland Visioning process. Short term projects were identified internally, and included establishing some form of temporary use regulation that would address activities that are seasonal or by event. He

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also discussed Home Use Occupation standards noting they could be adapted to be more reflective of a rural environment.

Another project would attend to the notion that when one moves out into the county, there are no rules or standard's, therefore one is able to have a home and conduct a business at the same time on their property. Mr. Beagle continued to provide thoughts on how the issue could be approached. An additional project would be to address accessory dwelling units, commonly known as Granny Flats or Mother-In-Law Quarters, which the Planning Department receives many calls on. Under the current zoning regulations of RR-1 (Residential Reserve District) and RA-1 (Rural Agriculture District), which are the two (2) most common in unincorporated Shawnee County, there can only be one (1) primary structure (living quarters) per lot, unless the owner is able to split the lot so that each consists of a 3 acre minimum and 200 feet of frontage on a public maintained road.

An ongoing project would include training for Planning Commission members, which has never been afforded to members and could comprise Planning Law, Planning Commission Ethics, etc.

Mr. Beagle is also looking at posting annual or other scheduled meetings with Shawnee County Commissioners, so Planning Commission members can receive feedback about areas that are important to them.

External projects would also be looked at, such as the US 24 Highway Corridor Management Plan, the T-Link project and others, which members could take the recommendations from the project and incorporate them with planning processes. Mr. Beagle noted the project know as Heartland Healthy Neighborhood, which commission member Nancy Johnson is directly involved with and incorporates best management practices.

Commission members offered the following comments on the proposed work program:

- Mother-In-Law Quarters need to be discussed
- Going back out into the community for input is significant and evening meetings would be held
- The review of home based businesses is important
- Through the summary of previous public meetings and future meetings a base could be built
- Planning Commission Training is good

Mr. Beagle said based on comments by commission members he would present a definitive program identifying the priority items possibly by the March public hearing.

Public Comment on Non-Agenda Planning and Zoning Items

There were no comments offered.

Discussion of Planning Related Issues

There were no comments offered.

Adjournment:

Mr. Ireland motioned for adjournment, second by Mr. Macfee and with a unanimous voice vote the meeting was adjourned at 8:03 pm.