

MINUTES OF THE SHAWNEE COUNTY PLANNING COMMISSION

Monday, August 11, 2014
Shawnee County Annex
6:00 PM

Roll Call and Announcement of Hearing Procedure: Brian Jacques, Chair, called the meeting to order, reviewed the hearing procedure, and asked for roll call to be taken.

Members Present: Brian Jacques, Dave Macfee, Pat Tryon, Nancy Johnson, Lynn Marolf and Matt Appelhanz. With six members present a quorum was established and the meeting was called to order.

Members Absent: Christi McKenzie.

Staff Present: Barry T. Beagle, Planning Director; Joelee Charles, Administrative Assistant and Ashley Heidrick, Assistant County Counselor.

Approval of May 12, 2014, Public Hearing Minutes: Mr. Jacques stated the minutes were sent out earlier that day so approval would be delayed until the next meeting.

Communications: There were no communications by staff.

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

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

Discussion of Planning Related Issues

Mr. Jacques stated the only Agenda item was a presentation by the City of Topeka's Planning Department and asked Mr. Beagle to make the introductions.

Mr. Beagle introduced Mr. Bill Fiander, City of Topeka's Planning Director, and Mr. Dan Warner, City of Topeka's Comprehensive Plan Manager. Mr. Beagle said they would be providing an update of the City's Comprehensive Plan.

Mr. Fiander thanked Mr. Beagle and the Planning Commission. He said they had been working on an update for 1½ years to their Land Use and Growth Management Plan which was adopted as a joint City/County document in 2003. He said the Land Use portion covered inside the City and the Growth Management portion covered the fringe development on the border and outside the City. Copies were provided of the slideshow and also a larger map of the entire urban growth area. He said the City applied for a grant through the EPA two years ago which resulted in a consultant conducting a 2-day workshop on sustainable communities with an emphasis on planning for economic and fiscal health. The recommendation was to change their Comprehensive Plan so that it aligned more with economic and fiscal health. The City's Planning Commission then proposed forming a technical advisory team of community developers, realtors, engineers and land use lawyers to develop the proposal. Their challenge was: "How can the City of Topeka support growth in a way that is economically sustainable?" To emphasize that point, he shared some statements from the City's 1940 Comprehensive Plan : There has been a pronounced shifting of population near the outskirts of Topeka and to the unincorporated areas of Shawnee County; It has caused depreciation of the value of residential property in the older parts of the city; It has proceeded to the point that, unless checked, the economic structure of the entire community will be seriously endangered.

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He said it showed the idea of growth management for fiscal health was not new and an issue they have been dealing with.

Mr. Fiander reviewed a trends summary slide which listed the following: Population leakage-city residents share cost of services through property taxes; Low density sprawl pattern-More costly to provide services; Unbalanced investment-Lower investment in the older areas; Unplanned growth-Development that has occurred and has made it hard to grow compactly; City was fighting an uphill battle because 14% of land value was tax exempt.

Mr. Fiander commented on a population graph comparing Topeka and Shawnee County's population from 1960-2010. The City's population since 1960 has plateaued for the last 50 years. The County's population more than doubled.

Mr. Fiander commented on Topeka's share of County population graph. He stated Topeka's share of County population at its highest was 84% and has continued to drop to 71% from 1960-2010.

Mr. Fiander commented on the 1960-2010 City/County Share of Population-Shawnee County and Douglas County. He said they compared the share of population between the cities and counties from 1960-2010. Two out of 10 new residents were inside the city and in Douglas County there were 8 out of 10 that were inside the city. He said that Douglas County did not have as much utility extensions outside the city and their subdivision rules were more pro-urbanization and they also required annexation to develop. He said if the Topeka's population had grown at the 1960 share which was 84% of population inside the city, it would have added 23,000 residents which would equal \$6-10 million dollars per year in property tax at 6-10 mills/year. He said it was a significant economic and fiscal health to be sustainable for a city.

Mr. Fiander said they looked at density--compact development. He said density was more cost effective to serve. The larger number of people you could serve on the same number of roads, water lines, fire stations, police officers was more cost effective and provided more return on investment. Since 1960, he said the land area in the city went up 65% and the population grew to 7%. He said that was disparaging. He said basically there was the same population as now. With the spread of the boundary, they were serving more or less the same population in a much more expensive way as more roads have to be built, etc. He said it wasn't all residential growth. He compared the population densities of Topeka, Lawrence and Manhattan since 1950. During that time, Topeka's density has decreased. Lawrence and Manhattan's density are both higher than Topeka at present. He said these trends were not necessarily good for sustainability and cost effective service delivery.

Mr. Fiander reviewed the slide covering the 1990-2013 Residential Building & Demolition Permits in Topeka and the Shawnee County (3-mile area). There were a number of demolitions. The building permits issued showed the majority being for areas on the fringe.

Mr. Fiander reviewed the slide covering the City of Topeka Neighborhood Health 2011 which showed a composite of neighborhood health with the categories of: Healthy, Out Patient, At Risk and Intensive Care. He said that although they were doing better and as they target areas, globally when they pull back and look at the area, they do have an area where infrastructure and services were in place but they were not seeing much of reinvestment in those areas as they should. He said one of the things in terms of density and the growth of the City, when they talk about growth of the City, they talk about urban densities. He said compact development was one of those themes. The city has to keep their shape and stay compact. In order to do that, they need to groom areas to grow into and to be urbanized. They would want larger tracts that were not developed and split up so that they can eventually be urbanized in a higher density. Density helps but if you already have an area that was divided into 3 and 5 acre and long strips of residential lots with low low density. Some of that had to do with the City extending utilities over the years outside the City

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and not require annexation. He said it was unique to Topeka and Shawnee County. He said we couldn't go back and undo any of it. He asked what they could do moving forward to still achieve some kind of compact development.

Mr. Fiander said they would next cover the Numbers & Lines of the current 2025 plan. Adopted in 2003, there was a 30-year growth projection that identified residential growth areas and employment areas (industrial type employment). He said it was pretty advanced. There was no plan at that time for the City and County that really established where they would grow. He said the projections were fairly big. The 2025 plan projected 90,000+ people over that 30 year period. He said there were large growth areas and it wasn't based on realistic numbers. It made the city plan to be less compact. He said a few years later realizing this they shrunk it down for their purposes. They adopted a municipal service area which shrunk the City down to a more realistic area. The issue with that was since it was really a utility service area (water and sewer only), it didn't look to see if all city services could be provided in an affordable way. It was something they needed to consider. As of 2007 the Municipal Service Area did require annexation to hook up to city sewer and water. He said it was a revolutionary thing after all those years of not requiring it.

Mr. Fiander said in this update they looked at some of the deficiencies of the current plan and took into consideration what the best practices would be for fiscal health. It really came down to being: Fiscally Responsible=City needs to be able to afford all five services in an area (roads, police, fire, water and sewer). If those services were not there and they could not afford to bring them there or they were not planned in a way that they would be there in a short amount of time, maybe it was not a good place to be growing into; Sustainable=Must be compact, keep our shape and have density. The more sprawl, the harder it was and more costly it was to serve; Planned=Developments really should follow infrastructure. If you want an area to grow, the best incentive for an area to grow, sink your infrastructure there. They were still playing catch up with their infrastructure.

Mr. Fiander said the pillars to support this vision: Compact Development; Investment in Place/Add Value Where We Are; Return on Investment; Urban Development "Follows" Infrastructure & happens inside the City; Connected, Mixed Use, Walkable Neighborhoods; Focus on Making it a Place People Want to Live First; Transportation/Housing Choices; Economic Diversity.

Mr. Fiander said this update would focus on four key changes: Define a true growth area—what areas could the city affordably grow into and stay compact; Those areas we are not ready to move into—identify those and adopt rules and policies so that we are able to grown into those in the future; Recommendation for a 20 acre lot standard in an urban growth area—help us grow into future areas; Require annexation for utility service—some exemptions to that that we could make administrative that would grandfather lots could still tie onto city water/sewer but that new developments would not be able prior to annexation. He said as the city was growth they were bumping into certain areas that were developed beyond the city limits without annexation but they have consented. So they are starting to bump into those areas.

Mr. Warner said the first change they were proposing was to adopt a true urban growth area in the existing municipal service area and create service tiers within that area. The service tiers would be based on having all five city services available and affordable with compact boundaries, a true future city limits. They would develop a concurrency policy which meant that development would follow infrastructure.

Mr. Warner said in the urban growth area they would establish service tiers to direct investment and development. Tier 1—Priority service area for the urban growth area was the existing city limits (5 services); Tier 2—Short-term growth area; Tier 3—Long-term growth; Employment Tier. The first three tiers were meant for compact residential type neighborhood. The employment tier was going to be more elastic. He provided some examples of the types of tiers and the areas they covered. He said they would want to see redevelopment occur within Tier 1 as a priority.

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Ms. Johnson asked if it included the Mars industrial park. Mr. Warner said it was.

Mr. Warner said most recently they decided to calculate the number of vacant platted residential lots that were currently within the city. He said there were approximately 1,100 parcels single family platted lots within the city.

Mr. Warner pointed out a couple of examples of what redevelopment could do in the city. He said the College Hill area's pre-development value of that area was a little more than \$300,000 per acre in appraised value in 2012. After redevelopment, the per acre value, the appraised value was \$1.4 million per acre. The value went up considerably by redeveloping with a mixed use compact development. He said 900 Kansas Avenue was recently redeveloped. He said the pre-developed appraised value was \$250,000 and now was \$2.4 million in appraised value per acre. He said Bill Curtis Junior High, a redevelopment with some multi-family units in the school and some incidental development on the remainder of the property. The pre-appraised value per acre was \$11,000 and now post appraised value \$880,000. He said the key point here was there was much more value in an area where we didn't need to add police, fire, new water/sewage lines. They were able to get real value out of that area by redeveloping that property. Mr. Fiander said the real impact it would have on the surrounding property. Which was something that was forgotten. The investment made on that specific property not only helped greatly the property itself but the property that was surrounding it. It was in an unstable area and that investment alone had a indirect impact on the area around it. Mr. Beagle said he worked on that project.

Mr. Warner reviewed the Tier 2 areas which were contiguous to the city in the urban growth area. It could support five urban services in the future. The two primary considerations for Tier 2 would be having an urban road and having fire coverage.

Mr. Warner said Tier 3 was basically the bulk of the remainder the urban growth area. It may not be contiguous to the city and don't have all the services. He said Tiers 1 and 2 were most ready for future urbanization with all 5 services. Tier 3 was not ready until the areas graduated to Tier 2 status with a major investment in infrastructure or some other urban service. He said Tiers 2 and 3 should be protected so that the city could grow in a fiscally responsible manner when ready for urbanization.

Mr. Warner said they projected at their flat growth rate adding 11,000 people in the next 25-30 years. If we filled in just those vacant platted lots on the edge of the city, we could gain about 2,700 people in the city. If we developed Tier 2 to urban density, we could gain about 3,300 people. Overall it would total about 6,000 people within Tier 1 and 2. We would need about 5,000 to accommodate Tier 3. Mr. Fiander said Tier 3 would need to accommodate 5,000 people just with a flat growth rate. They were not taking into any consideration any type of development and were being conservative. They hoped there would be in the downtown area and gain some population there. Even if nothing changed, one thing was strategic investment.

Mr. Warner covered the employment tier and these areas are planned for and already zoned industrial. He said they wanted all the new parts to be compact. The return on investment for developing a large parcel of a business might make it cost effective to extend a sewer line.

Mr. Warner said in the current subdivision regulations, they currently have platting authority over the 3 mile line. Currently, anyone with 3 acres, 200 feet frontage could build a residence without any approval. They were proposing to change that minimum to 20 acres with some design standards and less rigorous plat (a minor plat) which would help preserve the real character but also allow for urban growth down the road. Mr. Warner provided some examples. He said the exemption would be 20 acres with 300 foot of frontage. Mr. Fiander said there would be an exemption for getting approval. He said right now there was no need to

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get city approval if you had more than 3 acres and 200 foot of frontage. He said they wanted to goose up the exemption but it didn't mean you couldn't do less than 20 acres. You would have to get approval to meet design standards. Mr. Warner provided some examples.

Mr. Beagle asked if someone could secure a building permit in the 20% portion. Mr. Fiander said the idea was to go back to a cluster development type. If you could put your smaller lots into an area that allowed the rest of it to grow and still plan for future densities, you could depending on if you could get septic. Maybe you could get two houses on that 20%. It would just depend. As long as it was designed so that it could have a shared drive that would one day be a potential road and had lots on either side of it. The 20% would be flexible as far as they were concerned.

Mr. Marolf said it had been mentioned several times about compacting the population so they wouldn't have to add police and fire. He said he didn't really quite follow that train of thought. He said he thought they would need to be added even though they would be making better use of the property. There still would be more people to serve. He asked if they agreed. Mr. Warner said they would have more people to serve but serving more people in the same area and getting more value to pay for those services. He said if they annexed an area, the fire department would have to serve that area. Mr. Marolf said they would be serving 20 houses versus a development of 250 houses which would take more personnel. Mr. Jacques said it would probably add an additional truck but it was the buildings and the land that were the expensive things. Mr. Fiander mentioned the fire station at 21st and Urish. He said it could serve 1,000 people or 10,000 people. He said they had made an investment and by jumping into an area that was 2½ miles beyond their call zone or 4 minute response time was undermining the investment they just made. They would rather have their response area filled up and planned for. He said they need to be in areas that they already serve. He didn't know what the break point was. But in an urban setting, it made no sense to have a very low density population to serve when you have invested in an urban service model.

Mr. Marolf asked if they had any statistics on the average age of the population of Topeka now versus 1960 or 1980. Mr. Fiander said they could get it but didn't have it with them.

Ms. Johnson asked if they were doing anything (such as expansion) for the poorer neighborhoods (i.e., Avondale or Oakland). She said walkability was mentioned. She has worked on a number of committees where comments were made about not having gutters or sidewalks to make these neighborhoods come up to standards or do they just not care or were they only looking at new neighborhoods. Mr. Fiander said the very first priority was within the city limits. He said he couldn't emphasize that any more. He said it was never said in the plan.

Ms. Johnson pointed out the areas on the map with stars. Mr. Fiander said the stars were areas they would need to invest in for future populations, not the current population. He said growth would be needed outside the city to help reciprocate inside the city. Cities didn't start out poor. Everyone that started a city paid for what they have. He said it broke down over time so additional revenue was needed to support the tax base that was in place to maintain and repair. It was operation and maintenance costs over time not new stuff. He said the neighborhoods that were new were paying in one way or another for their local roads in front of their houses and the water and sewer. He said over time it was much more cost effective for the city to be investing in where people were at right now. He said she was right and they needed to be investing in the older areas. He said if they had to grow further outside, it would only be done if they could afford to do it and if it would make them more compact. They didn't want to undermine the whole idea of helping the core of the city. He said the city's boundary used to be pretty compact. Today it was very jagged and had linear fingers and stuff that was much harder to serve. He said it put more pressure on the townships and the county outside the city to maintain roads that shouldn't be as heavily traveled. He said the number one priority was in the city. The stars shown on the map were for new population in the next 25 years. They would need to grow into it but only after they invested in Tier 1.

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Ms. Johnson said the most tell-tale map was the neighborhood health maps because this was a conglomeration of five maps that look at safety, crime risk, walkability, bike ability, etc. She said that those in social services saw a dividing line in Topeka and that was Washburn. If you went west of Washburn, there was a very affluent society. If you went east of Washburn, there was a much poorer society. She said she was not seeing an investment. With the ½ cent sales tax, new sidewalks were not included. But taking up old sidewalks and putting in new ones was. She said she was seeing sidewalks going in all over the place and wasn't sure if they were ADA accessible because they didn't look wide enough. She said she loved what they were doing. She said she hoped they weren't jumping ahead and not taking care of within the city. She said that was her soapbox. Mr. Fiander said he understood and appreciated her comments. He said they took great pains to listen. He said the downtown project was the poster child for compact development and unleashing the sort of value they could get in the older areas. There were 30,000+ people downtown in an area the tenth of size of what it would be otherwise. On a per acre basis, the value was tremendous. He thought it was the direction they have been moving at the city. It was sort of reflecting that mood which was the fringe growth was not their priority but needed to plan for it. They didn't want to keep playing catch up. They needed to go back in and find more of the core areas and play a little catch up and that was their number 1 priority. They want to grow from within, inside out and not necessarily outside in. He said they were looking at completing a pedestrian master plan. \$2½ million was pledged at the end of this sales tax to help start that implementation. He said he knew it didn't get included this time but he thought there was a commitment on the older core areas. There were no easy answers but they started with where they invested and that was the infrastructure.

Ms. Johnson complemented them and said she had worked with them for approximately 10 years and the change and emphasis at the city was much more customer friendly and much more willing to listen. Realizing that pedestrians and bicyclers and ADA were very important to our society, she thought with the complete street movement, the bicycle plan and getting the state/federal money for that helped. She commended them on the progress they were making. Mr. Fiander said a lot of it seemed feel good. He said they were trying to show it made economical and fiscal sense. And if it didn't, they shouldn't be in that game. If it was truly a feel good thing and didn't help their bottom line in some way and get a return on investment and help us attract more development into an area, they shouldn't be doing it. He appreciated her comments.

Mr. Warner said they were currently water/sewer lines outside the city. For example, if a person had 12 acres and wanted to run a water line in front of the house, they would have to annex to get water service. If they were 2 miles outside the city, there would be no way they would annex. They don't have any other service there besides the water line so they would have to apply for an annexation exemption. There was two items they could claim and go to the city council to approve the annexation exemption. He said it was an awkward process for the council and staff to deal with. They were proposing to make the annexation exemptions administrative. The hardship would include the grandfathered pre-2007 lots in areas with water lines. As an example, if an owner has 12 acres with a water line close by, it would be no big deal and they would sign a consent to annex somewhere down the line and they would get the water service. If they had to extend the water line to reach that 12 acres that was not a hardship, it wouldn't be supported. Mr. Fiander said that would also include new lots. Mr. Warner stated economic development would mean industrial, another possible exemption. Not retail or residential but an industrial type. Development within the employment tier. He said part of the problem was there were water/sewer lines that run outside the city. Mr. Fiander said if there was a reason to go from a 3 to 20 acre minimum, the city should be approving subdivisions. He said the problem remained more rural and not urban. They were trying to look at where their services were right now and see if those were really intended for more urban development. Mr. Warner said Tier 2 also included areas that they called unilateral annotations which were properties that the city has bumped up to and consented previously or the city surrounded those properties. Tier 2 included those areas which were more affordable to annex and also make the city more compact. He said

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a good example was the Hidden Valley Subdivision. He said they included in the plan to update their future land use map which included some major changes such as: Promoting nodal commercial and mixed use designations at intersections; Removing the neighborhood plan areas from the future land use map and directing to those plans for future land use policy; Reflecting the new urban growth area. Mr. Fiander said they wanted to be careful of the projections for land use outside the city being confined to where they would grow as a residential neighborhood versus an employment area. They didn't get very specific. There were some instances where they delineated some land use because it was contrary maybe to that area.

Ms. Johnson asked if Heartland Park was in the city. Mr. Fiander said it was. Ms. Johnson asked if Montara was. Mr. Fiander said they were not. Ms. Johnson asked if they were thinking about taking them in. Mr. Fiander said no.

Mr. Fiander said their next step would be to hold some community information sessions. He said they wanted to get the Planning Commission's feedback as well. It was very important. He thought they might have a very different view and angle than the City's Planning Commission or maybe it was the same. He said he thought it was very important that they reviewed it. He said they would probably go out into the community in September and have a couple open houses. He thought maybe by October-November, they wanted to present it to the City's Planning Commission.

Mr. Jacques said he found it interesting the three projects they identified as urban renewal projects. All of which were in some way either credit projects or had some sort of city participation in them. Mr. Fiander said the one downtown and Curtis Junior High were both historic tax credit. No city dollars went into those. He said the city, county and the school district did rebate them for their neighborhood revitalization area so there was incentives but there was no capital cost per se which was a major difference. He said the incentives for the neighborhood revitalization areas target our at risk and intensive care areas. Historic tax credits were not a municipal or county incentive. He said the taxpayers at the local level didn't have to pay for them through our taxes. Mr. Fiander said our major incentive was where we put our infrastructure. He said he had noticed they do not have a lot of sidewalk projects in Hi-Crest. It was a major emphasis to rebuild some of these areas.

Ms. Heidrick asked if they had conducted a community survey prior to beginning this process and if it beneficial. Mr. Fiander said they did not complete a community survey per se. He said they started out with the EPA work sessions which were open to the community. He said they used that as a basis to move forward on the updates. They used Mindmixer (social media engine) on their website to post the questions and get answers back. He said it was a higher level of blogging. He said they got a good mix of people's views. He said they talked to Heartland Visioning. Their comment was that it was unbelievable how things they presented aligned with what they heard. He said they were testing out what they heard and building that into a draft plan and retesting it to confirm what they heard from the consultants, the people that came to the meetings, the governing body, the City's Planning Commissioners and the rest of the community.

Mr. Macfee asked how they were planning to get feedback from the community. Mr. Fiander said they planned to have three individual community informational meetings in September. He said they would do their normal reach out from the city standpoint to get social media, press releases, website and direct marketing to get the word out so the people could attend. He said they had some one-on-one type meetings with various groups.

Mr. Macfee asked if there was any strategy to reach people outside the 3-mile area. Mr. Fiander asked if he meant the 3-mile area or the city. He said they didn't have a strategy for outside the 3-mile area. He said outside the city they would love to hear feedback and any feedback they had. He said people don't normally care until there was something on their doorstep. If they were paying attention and they had some concern about growth happening which wasn't at their doorstep right now. Mr. Macfee said it seemed like

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the people in the 3-mile area should be interested. He said they were reaching more of a county point of view in those areas of how the city affects them. He said that would be the feedback he would be interested in seeing. Mr. Fiander asked Mr. Macfee how he thought it would affect them so they could possibly strategize better. Mr. Macfee said the changes in how they could develop areas and the lot size. Mr. Fiander said that occurred to them. He said it was something the city had never implemented but in the plan. He said they did the homework on what was left and there wasn't much left. He said a lot of it had already been broken up. He said they could potentially target some of those with the larger lots. He said there were people they talked to that thought there was too much. They would rather have a lower density rural lifestyle. So, if you just include people that it was going to affect, they would probably subdivide their 40 acre lot in the future. Probably missing more of the people that were already out there. Mr. Macfee said it was a good point and they didn't really know the answer to that. He said they might be aware they have been talking about a County Comprehensive Plan that didn't exist right now. He said it would be nice if it did. It would be nice if they could pursue that. At least the survey portion of it.

Mr. Beagle said they had discussed some of the strategy about how to approach the citizens of unincorporated Shawnee County and draw them into conversation about future growth and development realizing there was going to be an interface between the City and County and where those two come together. They would need to develop a mutual strategy that hopefully everyone could agree on. He said it had been a political hot potato as far as trying to get the County Commission to engage in a conversation of planning and making it an integral part of County government. And allowing us to plan for the future beyond just today. He said right now for example the 3 acre lot exemption was historic in Shawnee County. It has been in existence for decades and people seem to think it was tied to the state's constitution. In prior conversations to try and deal with that and to encourage more compact cluster development have met with extreme resistance. He said he didn't know what the sentiment of the population in the unincorporated areas today but that was part of our strategy of what ways to engage the citizens of unincorporated Shawnee County in a very targeted discussion about the existing pattern of development. Was it viable and are we doing a good job of being stewards of our environment. Are we conserving natural resources? Are we protecting agricultural lands? Are we making wise decisions about in the manner in which we are consuming land for development? He said they have not had that level of discussion with those residents. He said that was part of the strategy they were trying to get political buy in for. He said the 20 acre exemption has not been in conflict because the County Zoning Regulations also say on unplatted lots, 3 acres, 200 foot of frontage. So there hasn't been any conflict with the City of Topeka's subdivision regulations within the 3-mile area. However, if that changed and the City's subdivision regulations were amended so as to incorporate the 20 acre provision, automatically the County's Zoning Regulations would be in conflict with that because our County regulations state you could develop on a 3 acre tract of land. Since the City's subdivision regulations were controlling within the 3-mile area, it would now say it would be 20. He said there would need to be a joint level of discussion to reconcile those. It would have to be taken into consideration at some point.

Mr. Macfee said he thought he recalled from their trip to Manhattan that they had implemented a 20 acre lot size but then changed it. He asked Mr. Beagle for clarification. Mr. Beagle said when it was first implemented it achieved its intended purpose and tried to capture most of the residential population growth within the city where they could achieve urban density. But over time, people with more financial means could buy a 20 acre tract of land so they were losing agricultural land which Riley County placed an extremely high value on. Everything was done first and foremost to protect land in the unincorporated area for agricultural production and secondarily for residential land use. Modifications were made in their recent Comprehensive Plan update to come up with a different concept than just 20 acres. Within Riley County, they were not fractured between various entities of fire districts, rural water districts, etc. They have one fire district and one rural water district. They have been more successful and maybe a different ethos in Riley County since agricultural land reigns supreme. Whereas here because of urban pressures, etc., ag land

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has been seen as a commodity to be consumed. It became the most easily consumed land. He said our experience has been completely different than Riley County.

Mr. Macfee said our challenge was identifying where the City/County intersect. Our goals and what we want. He said roads seemed to be one of the big ones. They have seen that with the initiative to renew the sales tax. It seemed there was some interest to intersect there. He said they could do a better job of talking about it. Mr. Beagle agreed. He said with no land use policy they didn't have an infrastructure land use connection. They were not looking at what the impacts were of low density sprawl and the demand that was creating for infrastructure improvements. He said we were elongating it over a much low density development across a longer linear miles of roadways which were before a rural gravel road and now there was a higher demand by the people living on those roadways to improve them to a higher standard as a dust free permanent surface. In looking at the land use infrastructure connection and what would be the best way to make it work, should everything be capital induced as what the City has advocated that planned growth means that growth follows infrastructure. We have made an economic investment that was affordable and could build the roads out and that would be the area to develop. We have growth and development in parcel fracturing all over the unincorporated area which may seem low density because it is 3 and 5 acres but still creating a demand for services. Mr. Macfee said it was a great goal but where would the money come from to put the infrastructure in as opposed to the way it was done now. The area was developed and then the tax base was there to do the road work.

Mr. Fiander said they were approaching it to the best of where they already were. Where they have their roads and services. it was the most cost effective thing for a city to do. The next cost effective thing was to plan for areas to grow into. Until they were ready to grow beyond their means, they needed to take care of whatever they have without significant more capital investment. They have to recycle/re-use. He said that was what the last ½ cent sales tax was about. You don't grow into an area before you can afford to. Mr. Macfee said until some business comes along and wants to put in a new super center. Mr. Fiander said a conversation has to happen before an area was brought into a city. They have to ask if they are ready for what comes along. Could they afford to bring it in. He said they shouldn't be approving commercial development that didn't have arterial standard roads developed.

Mr. Beagle said the proposed tier concept was a good concept. He had worked with it previously at various agencies. In one of those agencies, the city and county worked together to develop a tier system that set out the expectations for growth and development and infrastructure package that would support the tiers. This model would give them the opportunity to potentially partner with the city. He said they could potentially offer recommendations to the County Commission to jointly plan. Otherwise, the county needed to get their house in order for the balance of unincorporated Shawnee County and what the expectations are. They could look at the model for either partnering or further discussion.

Mr. Jacques questioned whether they could outgrow the 3 mile area in during the 25 year plan period. He didn't think so. To some extent they controlled their own destiny for the next 50 years depending on how fast Topeka grew. He asked if the County Planning Commission should be thinking about the anticipation of the City's future growth. Obviously, the 3 acre tracts were an issue. He asked if they should be looking at things like that from their perspective.

Mr. Fiander said they had a unique situation in Topeka/Shawnee County. He said they had created some of the issues jointly. He said they were assessing where they would go from here and if it was in their best interest to continue. He said he was speaking from the City's standpoint. Looking at the fiscal health was first and foremost. He said what made the most sense for them was to have room to eventually grow into an urban density. He said if there was a rule out there that was going to prevent that then they were going to change that because that wouldn't help them be sustainable. If the city was not sustainable, then they were all in a bunch of trouble. They would like to work with them, particularly, on changing the subdivision

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rules. He said it was already policy in their current plan. It didn't give them much guidance on how to implement it. He asked if they needed to propose nothing less than 20 or ask if someone developed less than 20 acres, here was a way to still work with their design and still accommodate urban density in the future.

Mr. Beagle asked Mr. Fiander if there were any plans to give the presentation to the Board of County Commissioners. Mr. Fiander said not until it was presented to the City Council. He said he thought it would be in October. He said they would be open to working together. Mr. Beagle said if there was some type of tacit endorsement of concepts that would give them the opportunity then begin to plan on working together. If there was no buy in from County officials, they could work together but it might not be shared by the County Commission. Mr. Fiander said he thought the Planning Commission was an advisory body to recommend. He asked if they could have more sessions. Mr. Jacques thought they could. Mr. Beagle said it was up to the Planning Commission.

Ms. Johnson said the second slide about the EPA workshop and planning for economic and fiscal health. She said that was certainly what they would want to plan for and if they did it as a joint venture it would be much more feasible and fiscally responsible as a governing group. She said you had the right hand working and the left hand working and not talking to each other and it made no sense at all.

Mr. Jacques asked the Planning Commission if it was something that made sense for them to discuss and possibly come up with a proposal. The Commission may not agree with it but at least they could provide some input on the issue.

Mr. Macfee said he thought they were talking about one specific area. He asked Mr. Fiander if the 20 acre minimum was in their regulation. Mr. Fiander said it was included in the current plan but not a rule yet. He said that when they have a development outside the city or a request for utilities, they used it as their benchmark. They look to see if they have a minimum of 20 acres. They take a closer look if there was some hardship that created the necessity to have water and be exempt from annexation. They talk to their City Council about the 20 acres as a policy. It was not a rule. Mr. Macfee asked if they had a subdivision regulation. Mr. Fiander said yes. Mr. Macfee asked if it currently stated the 3 acre minimum, 200 foot of frontage and if they were proposing to change that. Mr. Fiander said they were proposing to change the exemption to 20 acres.

Mr. Beagle said state law indicated that where a community has subdivision regulations. It said the division of any tract of land into 2 or more lots was a subdivision and therefore should be platted. He said as Topeka/Shawnee County had the 3 acre lot exemption to the requirement to plat dating back decades. Otherwise by state statute, it would just be the division of any land without that exemption into two or more lots. Then that would trigger a plat of subdivision in whatever form either as a minor plat or major plat.

Mr. Macfee questioned if they changed their regulation and the County doesn't, which one would trump. Mr. Beagle said if someone came in with a 3 acre lot and wanted to get a building permit in the unincorporated area, 3-mile area or not, then we would be running up against the City's subdivision plat authority. Mr. Macfee said so their authority would be higher. Mr. Beagle agreed. Mr. Fiander said to approve the permit, they would have to meet zoning and platting. Mr. Beagle said it would be checked against our zoning regulations so unless we amended our regulations from the 3 acre, 200 foot of frontage whereas the City's Subdivision Regulations that control within the 3-mile area would be a minimum of 20 acres. Anything less than 20 acres would have to go through the platting process. Mr. Beagle said he would have to deny it if they had anything less than 20 until they dealt with the City because they do the platting. Mr. Macfee said they've identified the need for them to look at that regulation and change it. He was wondering if the two directors as it was being drafted could coordinate or keep them aware of what was being changed. They could put it on their agenda.

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Mr. Beagle said in the past he got grief over the 3 acre minimum. If he had a conversation with the City and looked at something other than 3 acres and went 20, without approval by the County Commission. With no support, his hands were tied. He said it was the discussion they have had over the years about having a broad discussion with the citizens of unincorporated Shawnee County about our growth and development patterns. He asked if there was a different way they could employ a different development concept other than just 3 acre lot splits to achieve a cost effective and natural resource conserving way. They have been denied the opportunity to have that level of discussion.

Ms. Johnson said the City had made comparisons with Manhattan and Lawrence. She asked if Manhattan/Riley County and Lawrence/Douglas County had joint Planning Commissions. Mr. Warner said Lawrence and Douglas County did. Mr. Beagle said there was a Manhattan Urban Area Planning Board that controlled an area outside the city like a defined urban growth area. Everything beyond that within that the City of Manhattan even for that portion within the unincorporated area the City of Manhattan controlled. Everything else beyond that was controlled by Riley County.

Mr. Fiander said when they set up the urban growth area they put it where they thought it could grow into. Not just in 25-50 years. They were looking at a smaller area. They didn't want the big plan growth areas that they had in their current plan. They wanted to shrink it down into something that was realistic, affordable and compact. He said from the city's standpoint they didn't want to overreach and go beyond their means. That was where they got in trouble fiscally. He thought from that standpoint they should be on the same page. The question was how do you put protections in place so they could grow into those areas.

Mr. Macfee said it sounded like they should carry on independently.

Mr. Tryon liked the idea of continuing discussions. He said he hated to think the city looked beyond the fence at an attractive area just to increase their density and that they make things happen and make decisions on that other side of the fence. He said that bothered him. He said if they could engage in discussion to talk about that. He said they really didn't have much say in terms of acquiring area in the 3-mile area. Mr. Beagle said the greatest regulatory authority the city has to exercise their planning is through subdivision regulations and through utility controls which tie in annexation. Mr. Tryon said his argument was that the decision to annex them in would not necessarily be land use it would be density driven. Mr. Fiander said annexation was driven by utilities. Mr. Tryon said he didn't know whether it was density driven or not. Mr. Beagle said this was policy level discussion. He said this was where they were at a disadvantage at this point.

Mr. Jacques said it might be better to wait until after November to have discussion.

Ms. Johnson asked if there would be animosity with the County Commission if they talked to the City regarding the comprehensive plan and working with them. Mr. Beagle said it wasn't to that level of discussion. He said he had talked with Commissioner Cook primarily to introduce him to the concepts as a newer Commissioner. Ms. Heidrick said Commissioner Cook had expressed support for exploring the option. Mr. Beagle said Commissioner Buhler was supportive of planning and taking a more proactive role. He said it took two votes for approval.

Ms. Johnson said money was allocated to start. Mr. Beagle said \$50,000 was added to supplement the budget. He said he had submitted a work program proposal to the County Commission. The program consisted of two steps. The first step was utilizing the \$50,000 to retain a consultant to help with a community survey. With the results, then they would be able to define major issues. They could then move on to a visioning process and talk about what the expectations would be in 20 years and how they would get there. Once they had that information, the second step was engaging K-State and their regional community planning program to help us develop a Comprehensive Plan. He said he didn't have two votes for a

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Comprehensive Plan but had 1-2 votes for the survey. He said that we were an urban area county and one of a handful of counties in the State of Kansas that followed the urban area planning statutes. The statutes say if you want to implement zoning and subdivision regulations in the unincorporated area within an urban area it has to be on the basis of an adopted Comprehensive Plan. He said the goal was to be compliant with state statutes. His goal was to create a planning program that honored the state statutes they were supposed to operate under. He said a survey would be good but would not ultimately lead to the production of a Comprehensive Plan. They would still be in conflict with their statutory requirements. He said nothing had been moved forward with the expenditure of the \$50,000.

Mr. Jacques asked if it wouldn't be the basis for convincing others to move forward with the planning program based on feedback from the community. Mr. Beagle said what was expressed to him was that they could use the responses and maybe it would help decide if they wanted to do a Comprehensive Plan.

Mr. Jacques asked if they would be better off to taking the money allocated and complete the survey. The Planning Commission could then say they had done everything needed to move to the next step. Mr. Beagle said he had not formally put a proposal before the County Commission but would do so if the Planning Commission wanted him to do so. Ms. Heidrick stated the Planning Commission had approved to move forward with the survey in May. Mr. Beagle said he would put the proposal before the County Commission. Ms. Johnson said she was concerned they would lose the \$50,000 and the County Commission would come back and question why it wasn't used if it was so important. Mr. Macfee said maybe going through the whole process would shed light on being out of compliance with state statutes. Mr. Jacques said maybe in November the city could present their plan to the Commission.

Mr. Beagle apologized for not moving forward on the community survey. His understanding of the statute was quite clear and wanted to make sure that in the end they were not doing the survey for the sake of doing a survey. It had a very focused purpose.. He said as a Commission they would need to advise a consultant to put together a viable survey. He said the consultant would be looking to them to define what type of issues they wanted to get a response from. He said he would like to have the whole Commission or a committee to work with him to work out the major topics.

Mr. Jacques questioned whether the plan in 2003 was a City/County plan. Mr. Beagle said they were a joint City/County planning program. The plan wasn't approved by the County Commission. He said the policy projections were county wide but it was never endorsed by the County Commission.

Mr. Jacques said it was the last time that anyone has looked at the unincorporated areas of Shawnee County in a planning manner. Mr. Beagle said he would work with the Planning Commission to develop the survey and get some solid answers on the major topic areas. Mr. Jacques said the first step would be to get it approved then a sub-committee could work on it. Mr. Beagle said that would be tremendous. He said he had numerous examples of various surveys that they could review.

Mr. Jacques asked if the City representatives had any areas or comments to provide. Mr. Fiander said he appreciated their time and comments. He said they were well taken.

Public Comment on Non-Agenda Planning and Zoning Items

There were no comments on Non-Agenda Planning and Zoning items.

Adjournment:

Mr. Macfee moved to adjourn, seconded by Mr. Marolf. A unanimous voice vote declared the public hearing be adjourned, which was at 8:17 p.m.