

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION**

**Monday, December 11, 2017 – 6:00 PM
Shawnee County Annex**

Roll Call and Announcement of Hearing Procedure: Pat Tryon, Chair, called the meeting to order at 6:18 p.m. and asked for roll call to be taken.

Members Present: Pat Tryon, Jerry Desch, Brian Jacques, Judy Moler, Christi McKenzie, Matthew McCurry and Brian Aubert. With seven members present, a quorum was established and the meeting was called to order.

Staff Present: Barry T. Beagle, Planning Director; Joelee Charles, Administrative Assistant; Joni Thadani, Assistant County Counselor.

Approval of November 13, 2017, Public Hearing Minutes: Mr. Jacques moved to approve the November 13, 2017, Public Hearing minutes, seconded by Ms. Moler, and with a unanimous voice vote, the minutes were approved.

Communications: There were no communications from 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.

Zoning and Subdivision Items:

There were no cases for consideration.

Public Comment on Non-Agenda Planning and Zoning Items

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

Discussion of Planning Related Issues

Comprehensive Plan

Mr. Tryon reviewed the Comprehensive Plan Hearing Procedure. They proceeded with the work session so they could discuss and work through the document. Public comment would be requested only on the chapters being reviewed. The Introduction (Pat Tryon), Chapter 1 (Judy Moler) and Chapter 2 (Brian Jacques) were assigned at their November meeting. Mr. Tryon then asked for public comment on the assigned chapters. No comments were received.

Mr. Tryon requested to move the fourth bullet point to the beginning of the list in the Vision Statement in the Introduction chapter.

There was discussion on the questionnaire. The meaning of the responses needed to be clarified. Concern was expressed during the process on the effectiveness of the current land use regulations. With over 300 responses, participants had ranked their answer for each question on a variety of different topics. The lack of interaction during the process was criticized. The public was invited to participate in a number of activities and those were documented in the plan. More participation would have been preferred.

There was discussion regarding the Forward and the Introduction. It was indicated that the vision points in the Vision Statement weren't ranked but were meant to follow the overall organization of the plan. There was concern about the first vision point. 46,000+ residents had ended up in the county. Some of the sprawl possibly came from the City allowing water/sewer and the subdivision rules and some of it had formed piano keys. The comparison to Salina was confusing. It was noted the number was meant to provide some

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sense of reference. Possibly the sprawl was created from the City's failed attempt to annex Sherwood and should be included in the document. Annexation could not be accomplished now since it was an improvement district. Sherwood's population possibly played significantly into the overall number. Participants had questioned the location of the 46,000+ residents at several of the meetings and were assumed to be in the Urban Growth Area. It was suggested to add a tiered number to quantify the number instead of relating it back to Salina and create a map to show how many people live in each area and include a more elaborate history. The Planning Commission needed to determine if the first vision point was a problem and to what extent and decide if it was their goal to preserve agricultural land.

Mr. Dow said they tried to define what the 46,000+ meant in the Introduction/Demographics chapters. People had moved out into the county for various reasons. There were no building codes. The city had extended water/sewer lines. There were suburban school districts added. Also, they didn't have to plat neighborhoods and have well thought out subdivisions with the three acre plat exemption. They could divide off three acres and build when they wanted. All of those had led to the sprawl over time. With the county expected to grow, they needed to know how to distribute that growth. The city changed its policy in extending water/sewer services into the unincorporated area which seemed to indicate they didn't want to have any more suburban density development outside of the UGA and they would be responsible for maintaining that expensive infrastructure. For subdivisions approved prior to the change, the city was committed to providing those future services for the several hundred lots within the three mile area. The city's plan projected growth of 11,000 people through 2040. The county would need to determine how closely they should work with the city on how to distribute that population within the county as a whole.

The term "we" as stated in the Forward was determined to mean the citizens of Shawnee County.

There was a suggestion to remove either the first or third vision point since they seemed to be duplicative.

Mr. Aubert indicated during the process a bullet point had been removed from the Vision Statement: "Preserving personal property rights". He thought it should be included and wondered if anyone else agreed. Mr. Beagle said it was further explained on page 7 as to what it meant in terms of private property rights. Mr. Tryon suggested it might be better to say "Protecting personal property rights".

Mr. Tryon suggested changing the sentence on page 4--"It may recommend changes to land use or division regulations but does not create new regulations." Mr. Aubert wondered how that statement agreed with #1 in the Critical Functions. He wondered if they were guiding decisions or establishing a legal basis for regulation. Mr. Tryon wasn't comfortable with the statement and thought the document would recommend things but not necessarily point to new regulations.

There was discussion regarding the bullet point--Responsible Development on page 7. It was suggested to remove the first sentence and add the sentence "Growth continues to occur in the undeveloped area". The environmental resources survey completed through the WRAPS program should be mentioned. There seemed to be an emphasis on rural lifestyles when it should be much broader in terms of responsive development. There was a continuing interest and demand to live and build homes in the unincorporated area. The sentence regarding rural lifestyles was included during the process because it was something people had indicated at every public meeting.

Mr. Tryon suggested removing the first paragraph on page 6. There was no need to indicate a plan wasn't in place. Ms. McKenzie wondered if this 20 year plan would make sense in 20 years. Mr. Jacques said the city's plan indicated they wanted growth and where they wanted it to happen. Our plan was not indicating that. It wasn't giving direction in the same way. We don't have all the tools the city has. It was a way to direct growth. It was active words as opposed to reactive words. Mr. Tryon thought instead of saying we've never had a plan, it needed to state why it was important.

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Mr. Tryon requested them to review pages 8 and 9 and asked if it was really important to be that specific as to how many people came to the meetings. Mr. Jacques thought it was important because there was a very small group of people that actually showed up at many of them. There was lots of different ways that we tried to engage them. Mr. Tryon thought it could be said there was a meeting but no one showed up.

Mr. Tryon asked if anyone had any other suggestions. There were none. It was requested to move on to the County Commission's items in Exhibit A. Mr. Jacques thought it was their responsibility to give the County Commission an answer to each of the questions.

There was discussion on the questions in Exhibit A—Pg. 1. The origination of the statement was in question. Possibly the Loss of Agricultural Lands section was the source but information to back it up should be included in the Vision Statement. They had talked about adding references back to indices and other research since the statements didn't seem to be supported. It was felt they didn't need to answer it in the document but should be able to inform the County Commission what source was used. They were encouraged to review the meeting summaries/statements from the stakeholder meetings/steering committee discussions in the appendix and look at the survey since it had identified some of the priority issues. Some responses indicated the preference for rural areas to remain rural and more should be done to protect agricultural land. They would need to decide whether there was enough detail to provide sufficient reference. The charts showing Agricultural Economy and Preservation of Natural Landscapes were the reason the County Commission had asked the question. It was noted those two items were located towards the bottom of the charts. Some of the information from the stakeholder meetings should be provided. The Planning Commission would need to decide whether they were in agreement or not.

Discussion was held on the questions on Exhibit A—Pg. 4. The answer to the first question should be no. It was suggested to cross reference the statement with the implementation chapter so it would clearly identify the Comprehensive Plan was a guide. It was noted that each community handled their comprehensive planning process differently. Most introductory chapters defined what a comprehensive plan was and its purpose so those reading it realized it wasn't implementing new regulations but a guide to be used for decision making and setting policy.

Mr. Jacques suggested their response to the exhibit should be one paragraph for each item and refer it back to the appropriate section. Ms. Moler said it would show the Planning Commission took it seriously. Mr. Tryon said they would review the remaining questions in Exhibit A—Pg. 4 at a later time.

Discussion was held regarding the first question on Exhibit A—Pg. 7. It wasn't meant in terms of overall economic output but only specific to agricultural production. It was suggested to change it to agricultural production and state where the number came from. It was noted the agricultural output data came from the U. S. Census of Agriculture. That data indicated how much acreage there was in the county for corn, wheat, cattle, etc. and showed how the size of the farm/ranch land had contracted over time. The census data was consistent with the county's data. They had talked about the 45 square miles that had been converted but didn't look at how the value of the dollar had changed. A general conclusion was made that if you lost land, you were going to have less output whether it was hay, crops, cattle, etc.

There was discussion on the second question on Exhibit A—Pg. 7. The cost of public services would not generate enough tax dollars to pay for new services. The county would be subsidizing that growth and development. A breakdown was needed on the cost to pave a road based on the number of houses and the cost per house. They had talked about the expense to provide services to miles of three acre lots versus a subdivision. General analysis was done to put some actual numbers in the plan. There were many national studies to support this. It was the same everywhere in the country. The costs were not unique here. The County Commission wanted them to provide the data. The cost of very low density development came from studies that were done consistently over decades. The full range of public services wasn't reviewed; however, the cost of converting a gravel road to a two lane paved road was provided. The

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Half Day Creek sewer project was mentioned. The county had invested millions of dollars for the project. It wasn't certain if more people would be allowed to connect to it and whether the subdivisions that were previously approved were going to be vacated. The cost per lot increased when the lots decreased. Given the scope of this project, a detailed fiscal impact analysis could not be completed for this plan. Many communities across the country recognized that low density residential development did not pay for itself and was based on a variety of empirical studies done across the country. It was indicated that research could be provided to support it.

There was discussion on the third question on Exhibit A—Pg. 7. Contact was made with John Welborn, Noxious Weed Director, who acknowledged that people moving into the unincorporated area were not as familiar with property maintenance standards which resulted in problems. Mr. Welborn had asked for assistance from the Planning Commission to help in that regard and his response was documented. The County did have certain regulations that required property owners to be responsible for keeping noxious weeds under control.

There was a suggestion to add a bullet point for economic development under the Issues of County-Wide Concern. It was indicated that some of the top responses listed for the chart on page 11 didn't seem to be addressed. It was indicated that there were 320 responses to the survey and it was the biggest group of those received. There was a concern that the items listed under the second paragraph of the Questionnaire Responses wouldn't be helped by regulation and would be harmed by regulation. Some disagreed. The building code committee had talked about buying houses and not having any idea how they were built. At least having building codes would allow a person to buy a house that would include an inspection. Currently, houses were not being inspected.

Mr. Tryon talked about the information on Exhibit A—Pages 10 and 11. The bullet point, Avoid Burdensome Regulation, on page 11 seemed to be a recurring theme. Mr. Beagle indicated he disagreed with the first statement made at the first public open house indicating the plan would be creating new onerous regulations. It was a policy document intended to guide decision making in the future. It did seem to be a concern during the planning process.

There was discussion regarding the two questions in Exhibit A--Chapter 1. It seemed there had been growing pains about whether we were urban or rural. The bottom line as far as economic development was Topeka was the engine driving economic development so they couldn't be forgotten. The county had grown by 127% in 50 years and the city only 7%. In answering the first question, there was no way to know. As long as the city had the three mile radius and the county had no way to negotiate without a plan, it was the city's plan. In answering the second question, it was contrary to what previous trends had been. It was the reason that the intercity was dying and the city wanted to repopulate the empty places. The methodology could be discussed but it was the city's plan. The county and the city were once a joint Planning Commission and it didn't work. It didn't seem the questions were pertinent to the County. There was no need to keep track of what the city was going to do through time other than what happened in the three mile area. Approximately 9,000 people were living in the city's defined urban growth area and that was where the city anticipated providing public services to and possibly annex by 2040. It was 9,000 of the 11,000 the city wanted to grow by 2040. The entire urban growth area might not be annexed. A majority of their growth could come just through annexation of the existing development. It was anticipated that a large percentage of the 11,000 would come from existing homes that have signed agreements to be annexed. Or they were anticipating getting those agreements as things moved forward. The city was going to capture a certain percentage of the growth just as they have done historically. The trend was the county has grown much larger at a faster pace than the city. The County Commission's questions were posed in the sense that if the city's plan was realized, would that be contrary to what was happening in the county and how were they interrelated together. Possibly the three mile area would be adjusted if the city annexed the urban growth area but would stay the same until the city and county took action. Generally as far as the aging demographic, a large number of people in the unincorporated area were aging faster than the city

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as a whole. But there were a lot of younger families that have moved out to attend the three suburban school districts. One of the major changes in the city's 2040 plan was in the estimation of future population growth. It was a more accurate prediction of what future growth trends were than what the previous plan was. It was asked if the replacement population was figured into the statistics due to the aging population and the growth of the city and county being reduced. As stated in the plan, looking at attracting the younger populations to replace retirees and to form families would be an important consideration. There would be some generational changes.

In discussion of Chapter 2, it was confirmed that the reference to USDA Prime Farmland came from a USDA report. A map included in the chapter showed where the prime farmland was located. The chart shown as Figure 2.1 was confusing. A copy of the questions would be provided to them in order to provide some clarity. It was thought that agricultural land should be valued for its importance in terms of quality of life. They should start emphasizing good planning vs. poor planning in terms of agricultural use. It wasn't only its economic value and its economic output that produced \$50 million dollars per year. The other part was the intangible about creating a sense of place. The rural environment in that by having agricultural land and its preservation that it was creating this unique rural environment that everyone can enjoy. Comments were made at the public hearings that Topeka should remain in Topeka and not bleed out throughout the entire county.

The natural resources inventory that was completed was mentioned in the plan but it was felt that more details of the inventory should be added.

It was asked if there was a reference to how large the county's agricultural processes were to the county such as a certain percentage of the county's GDP was coming from farming. It was noted that information on that was included in the economic development chapter.

There were already a lot of restrictions on what can be done in the floodplain and it was thought those should be added to the plan. Those prevent a lot of development.

It was asked how the process was handled as far as developing the goals and recommendations. It was indicated that those were an extension of the work that was contained in the chapter. If an issue or a need was identified then that was represented in the goals and recommendations that followed. It seemed the questions that came from the County Commission were more in line with the vision or expectation in taking these items and going forward. If you looked at the narratives earlier in the chapters, those were what formed the goal statements. It was thought there was some inconsistency in the words used such as discourage, ensure, encourage, prevent and allow.

In discussion of NR-1, it seemed a more stringent process was needed to ensure a review occurred before development occurred on those types of lands. It wasn't prohibiting development but ensuring a public review before it got to the building permit stage. It was asked if it was proactively discouraging rather than reactively discouraging. It was emphasizing the need for review. The Planning Commission heard cases for extraction pits but had no criteria to evaluate to make a decision. Those were very difficult decisions. If they were on farmland or wetlands, it was important to discourage it. Alternative wording was suggested to avoid using words like ensure.

The County Commission had asked who was going to create the standards for review, who was completing the review and how much was it going to cost. The plan was intended to give guidance and direction on things that were valued and important and how they were carried forward. It was asked if the goals were going beyond what a Comprehensive Plan was supposed to do and making it almost a regulation. It was noted the goals were indicating what was trying to be achieved. The numbered items below them were the recommendations that should be considered when updating the regulations to make them happen. It was thought that the Comprehensive Plan laid the policy foundation for whatever the issues that were being

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addressed and how it would be translated. If the plan was doing its job, it was going to give implementation steps for achieving sustainable development. The goals statements and recommendations were the translation from the text of the plan to how they were going to be achieved. It was thought maybe the language was a little strong. Possibly the language should be rewritten. It was suggested to point out the things that were already being addressed. It was felt it couldn't be quantified what new zoning and subdivision regulations would be or what the potential cost would be. If the plan was implemented and new regulatory standards were adopted then those requirements would be incorporated as part of the current regulatory process. No new staff would need to be hired to run a new process. But because of a lot of the new recommendations on intergovernmental cooperation, a new entry level staff person may need to be hired. It was thought the County Commission was not going to agree to additional regulations on a broad basis as opposed to saying they need to look at these various issues on a case by case basis and should be considered in the future. They needed to take baby steps. There would be no way to articulate what the potential costs would be. It was suggested to take the approach that these were things to consider and they had some value and they may be things to incorporate in the future. Not as direct as the current language. It was thought there should be a more generalized approach. It was pointed out that it was a twenty year document and wasn't a right now. It was noted there was a more comprehensive scope of review when it came to a plat of subdivision. There was review for good lot and street configurations, incorporating proper alignment of utilities, dedicating the proper right-of-way and constructing streets that were meeting certain minimum design standards. There was more review associated with subdivision plats as opposed to a plat exempt 3 acre parcel for which none of that was taken into consideration. It was also noted that having one lot that was 3 acres was probably not going to be a big deal but when you add it together and suddenly there was 35 lots along a one mile road. There would be some cumulative impacts. When going through the plat exemption process, there was no utility easements being designated or storm drainage easements. Then it becomes reactive and who was going to pay for it. It was thought the cumulative impacts should be considered too. And there was a big history of that because there were 20,000 homes in the county not just a couple hundred. It was suggested to rewrite it and say these were things that should be evaluated going forward and this was not a mandate that these have to be established but was something to be looked at as we go forward and consider the possibility of adopting some or all of these at some point. And take a very watered down approach in that way. There needed to be a balance between regulation that addressed these issues and the cost it would take to run them and the impact they would have on the landowners. It was felt they were going from a vacuum of no policy to implementing policy. They were talking about housing, economic development, natural resources and land use. If they were relevant, they were going to contain recommendations. They were going to evaluate where they were today, make an assessment of where we were today and then make a projection moving forward and what would be the responsible thing to do. There was going to be an impact associated with adopting a plan. It was asked if some of the goals were more important than others and was there a level of priority of what came first. It was suggested that there should be a reference to see Chapter 7 for further implementation of these goals. For each of the goals and recommendations within each chapter, those carried forward to the implementation matrix that laid out an action strategy for each. If anything had any value within the comprehensive plan then it should be realized as a result of going through the implementation matrix or taken out of the plan.

It was suggested to make NR-2 to read as NR-1 and say in the short term, utilize the environmental constraints map that was developed as part of the comprehensive plan. NR-3 was evaluate the need for the county update its zoning and subdivision regulations and other requirements and that would become the more medium to long term. NR-1 could be bullet points under NR-3. It was actually explaining when the public review would occur. Also, take out the word require in #1 of NR-4.

The questions that were asked by the County Commission regarding Chapter 3 were reviewed. In response, it was suggested there would be coordination between the Planning Department and Public Works. An implementation strategy was discussed to develop a county capital improvement program including funding strategies. It would be tying infrastructure to development and trying to get infrastructure ahead of development in making it more fiscally responsible and cost efficient. The relationship between

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Planning and Public Works would define maintenance of existing infrastructure, etc. It wouldn't necessarily be a manpower cost but a coordination and collaboration. It was indicated that more details would need to be included. It was asked if Public Works was involved during the creation of the plan. In the writing of the plan, was some of this encompassed in what was already being done and paid for and planned for. There was coordination with Public Works in receiving the information that was included in the plan. There was detailed information on what it cost to maintain roads on a per mile basis. There was a list of priority projects. The county has a half cent sales tax and has identified projects that were committed to being done. That information was received. It was indicated that the projects should be roads that Public Works maintained. Most of the ones that were for the half cent sales tax were relatively close to the city. There was a number of projects that were two lane roads currently that they wanted to widen to three lanes to have a center turn lane. Those were specifically listed.

There was a question regarding the growth area. It was stated that those came from the land use chapter. It was suggested to include a reference to that chapter. It was suggested to change "One" to "The" in the second paragraph in the middle section of page 76. In the land use chapter, it was identified where the growth areas should be and also identify several other areas where growth could occur. It was the only option. There was a question regarding the roads and infrastructure. On page 72, it showed the Infrastructure Opportunities Map. There was a lot of infrastructure in place north of Topeka that was currently undeveloped. There were other areas scattered throughout the county. There were some major differences between what the county was recommending in the land use chapter in contrast to what the city adopted in their plan. We're saying the entire Half Day Creek area should be developed after the UGA was developed. It came down to timing. There was so many issues that were interconnected it was hard to have a paragraph or a chapter fully encapsulate the issue. It was suggested to have an executive summary at the beginning of the plan so it would provide an overview of the entire plan. It would show how the population demographic rolls into transportation, infrastructure, etc. It would provide a snapshot view of the entire plan in the scope of a few pages. Maybe that would help to tie all the different chapters and the different concepts together. There were no standalone chapters. They were all connected. Providing references would be helpful. Including a glossary would also be helpful. It was felt that a lot of the work was already being done somewhere within the county. It just needed to be included to answer the questions. The county had a whole department who dealt with infrastructure and transportation. There was data in terms of maintenance cost per mile and improvement cost per mile.

Mr. Jacques volunteered to review Chapter 4 for the next meeting.

Adjournment:

Ms. Moler moved to adjourn, seconded by Mr. Aubert, a unanimous voice vote declared the public hearing be adjourned, which was at 9:40 p.m.