

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION**

**Monday, January 8, 2018 – 6:00 PM
Shawnee County Annex**

Roll Call and Announcement of Hearing Procedure: Pat Tryon, Chair, called the meeting to order at 6:06 p.m., reviewed the hearing procedure and asked for roll call to be taken.

Members Present: Pat Tryon, Jerry Desch, Brian Jacques, Matthew McCurry, Christi McKenzie, Judy Moler 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.

Mr. Jacques moved to add an item to the agenda as C1. Discussion on the Election of Officers; seconded by Ms. McKenzie. With a vote of **7-0-0**, the item was added to the agenda.

Approval of December 11, 2017, Public Hearing Minutes: Mr. Beagle indicated the December 11, 2017, Public Hearing minutes were not available and would be presented for approval at the next meeting.

Discussion on the Election of Officers: Ms. Moler moved to delay the election of officers pending the reappointment of Mr. Tryon and Mr. Jacques, seconded by Ms. McKenzie. With a vote of **7-0-0**, the election of officers was postponed.

Communications: Mr. Beagle provided the commission with a copy of an email sent by Marge Ahrens.

Ex Parte Communication by Members of the Commission: None were indicated.

Declaration of Conflict of Interest by Members of the Commission or Staff: None were indicated.

Zoning and Subdivision Items:

- 1. Kelly Subdivision (Preliminary and Final Plat Phases) [P17/01]** by M L Surveys LLC for property located at NE 62nd Street in Soldier Township.

Mr. Beagle stated the request, if approved, would establish a one-lot residential subdivision known as Kelly Subdivision on property located on the south side of NE 62nd Street. The applicant desires to divide their 15.47-acre tract into two (2) residential parcels only one of which conforms to the plat exemption criteria. Since the subject property does not conform to the minimum 200' frontage requirement, a plat of subdivision was required. The plat was consistent and compliant with the terms and conditions of the Shawnee County Subdivision Regulations. The subject property has an existing point of access on NE 62nd Street that would be retained. No other changes to the property were proposed with the exception of building a home. A drainage report was reviewed and approved by the Shawnee County Public Works Department. Water would be provided by Shawnee County RWD #4. Sewage disposal would be provided by an onsite sewage disposal system. Staff was recommending approval of the preliminary and final plat as presented.

With no questions for Mr. Beagle, Mr. Tryon asked if the applicant had a presentation.

Martin G. Long, M L Surveys LLC, 4711 NE Meriden Road, Topeka, KS 66617.

- Representing the applicant and completed the survey.

Mr. Aubert asked for the costs for platting the parcel and the drainage report. Mr. Long said the cost for platting the parcel was \$3,000 and the drainage report cost was approximately \$1,500.

With no members of the public to speak in favor or in opposition and no discussion among the Commissioners, Mr. Tryon closed the public hearing and asked for a motion.

Mr. Jacques moved to recommend Approval of the proposed subdivision; seconded by Mr. Aubert. With a vote of **7-0-0**, the preliminary and final plats were **Approved**.

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Public Comment on Non-Agenda Planning and Zoning Items: None were indicated.

Discussion of Planning Related Issues

Comprehensive Plan

Mr. Tryon read the Comprehensive Plan Hearing Procedure and commenced the work session by asking for public comment on Chapter 4, Land Use and Design.

Marge Ahrens, 1238 SW Mulvane Street, Topeka, KS 66604.

- Was not formally speaking on behalf of the League of Women Voters.
- Studied planning/zoning with League study committees and in other locations over a long period of time.
- Surprised to find data showing land use planning was largely an economic issue for a whole community.
- There were documented large savings for restricting land uses for exurban development because of economics.
- The county's taxation was unique with the highest level of taxation per valuation in the country and our sales tax was higher than 93% of other Kansas communities.
- The proliferation of separate taxing units answers the call of the requests for services that it takes to provide for the people whom we allow out into the county.
- Our number of school districts was unique and was decided long ago largely by the districts themselves.
- We are seeing the results of not having a land use plan. Riley and Douglas County both have plans.
- Policies could still be created that would offer good paybacks to the county and also may address the issue of high taxation for the whole community.
- It wasn't just people out in the county but the whole community who paid according to the research.
- If we don't start land use planning then we continue to have nothing and so far the results weren't good.
- The county has a problem if there wasn't enough water pressure in some parts to put out a fire.
- They were representing the whole county which was connected to the city for income, survival, shopping, culture, etc.
- The great challenge would be to figure out how to relate this land use plan to the county.
- Urged them to seek more economic insight from experts.

Mr. Jacques was concerned about the cost. The county had a number of school districts. Maybe they were due to our legal culture or the way the county had developed. He wondered if there would be this number of school districts if the city had forced people to stay in the city. Ms. Ahrens had been informed that USD 501 had rejected the idea of taking in Seaman and Washburn Rural. Young professionals were choosing to live in a different school district. It seemed there was a rivalry. There was an economic issue. Dealing with all the special service districts was complex but so was trying to determine how the whole community would pay for exurban development because it couldn't pay for itself.

Mr. Desch asked about the American Farm Trust research indicating farm and forest require \$.35 cents per \$1 in generated tax revenue. Ms. Ahrens stated they said it took very few public services to maintain farm land but that development out into that area cost more than it could give.

Carol Marple, 10249 SW Wanamaker Road, Wakarusa, KS 66546.

- Thought a comment made at a previous meeting was pertinent to this one.
- Mr. Post indicated his friends moved to the country because they wanted to live there with no neighbors.
- That was all well and good but the land you don't want someone to build on was for sale.
- Those people lived there 20-25 years. Some may remember the price of land was 20-25 years ago.
- To avoid having neighbors, they could afford to buy the land next to them or across the road with the equity in their land.
- They shouldn't have the right to control everyone else. We are based on a democracy.

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John Birtell, 6420 SW 93rd Street, Wakarusa, KS 66546.

- Concerned about how the plan would affect him leaving 160 acres to his wife and three grown children.
- Understood he could give one of his children land but then they would have to plat.
- Wanted to know how the platting process worked.
- Knew it was a big task and the county needed to be protected in some ways.
- Hoped it wouldn't be at his expense in wanting to give his children some land.
- Thought it could be done in a way that didn't affect people like him giving land to their children.

Mr. Beagle explained the platting process. If the plan was adopted, it would not become regulation. The zoning and subdivision regulations would need to be revised to match the plan. The plan would provide direction for the best way fiscally and environmentally to plan for the county's future for long-term sustained success. There were limitations recommended in the plan for those who had land located within the exclusive agriculture use area or the agricultural conservation area. An existing farm, regardless of size, could be subdivided off to create: a residential tract that had no relationship with the farm or a second home to be built and occupied by a family member or an employee.

Jim Kaup, 3128 NW 43rd St., Topeka, KS 66618.

- Served on the Steering Committee and the Planning Commission in 2003 when they worked to create a plan and had received universal support from township officials, fire districts, etc.
- Thanked them for continuing their work because it was important to have a Comprehensive Plan.
- The most fundamental problem seemed to be with land use development and land use regulation.
- The three acre lot had not only affected how growth and development occurred but also hampered it.
- An expectation had developed over the years from the three acre exemption for folks who had farmland and whether it would be a legacy farm where land would be divided off for offspring or whether it was going to be used as a retirement fund. There was a private financial interest by selling off land for \$20,000 an acre for residential development versus \$3,000 for crop land.
- The regulations had created the expectation that they would never be changed but that wasn't how things worked and there was no guarantee.
- Thought the proposals in Chapter 4 relating to how the three acre exemption would be modified were an appropriate step given all the concerns, the public interest and the private financial interest.
- It wasn't land use planning to be able to divide off three acres at a time with the necessary frontage and not recognize the consequences for that in terms of public services, municipal services, impacts upon roads and then the interior of the sections.
- When driving around the county, it was apparent how the strip development impacted the ability to develop at urban densities farther into the sections.
- There may not be a whole lot that can be accomplished to modify the current development pattern.
- Suggested a change in wording could help to dispel the perception of government coming in and telling people what they can do with their land.
- Some people who moved out of urban settings into the rural or exurban areas of the county were surprised by the coyotes, gravel roads, etc. Other counties had dealt with that as well. Posters were posted in courthouses around the state providing information to people who were thinking about buying land in the county. It was letting buyers know that the level of municipal services would be different.

Evelyn Davis, 2928 SW 103rd Street, Wakarusa, KS 66546.

- Work for the Conservation District for Shawnee County.
- The information for those considering purchasing property and moving into a rural area was located on their website.

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Robert Lee Palmer, No Address Provided.

- Owned the family farm with his brothers. They assumed they would be able to leave it to their eight children to build houses or sell if they needed the money.
- Concerned the plan was going to interfere with that.
- No one seemed to have a definition of what valuable farm ground was.
- The price of pasture land was mostly up by those wanting to buy land and build a house.
- If that was taken away, the price of land would go down because it wasn't going to make much.
- Was taking away his rights as a landowner without any compensation.
- If the plan was approved with only one child being able to build a house, it wouldn't be worth much.
- Wanted an explanation of what was being planned.

Mr. Tryon indicated they would be reviewing Chapter 5 and Chapter 6 at the next meeting. The public hearing was closed and Mr. Jacques proceeded with discussion on Chapter 4.

Mr. Jacques said Chapter 4 seemed to relate to the friction between public/private concerns. They heard low density development was more expensive than high density development and the cost to provide services (police, fire, water, etc.) was more expensive. He had read some articles that seemed to support that. He suggested they reference where the data came from. Some land owners thought they could use their land as they wanted. For the others in the community who were paying due to that should be able to provide input. The city's Comprehensive Plan directed growth by confining services to the urban growth areas where services already existed which was more efficient. The Planning Commission had reviewed requests from those who provided services to county citizens. They had never discussed planning for those services but had always been reactive. New subdivisions required right-of-way easements and those allowed the county to expand roadways to meet the needs as development occurred. With the 3 acre exemption, there was no right-of-way designation to the county. When a road needed to be expanded, the county had to get it by eminent domain and pay everyone living on that road in order to widen it for everyone's benefit. It would seem that those who wanted the benefit of building and developing would have to allow for an easement in order to accommodate the vehicles they were putting on the road. No sidewalks, parks, green space, etc. were being developed because there was no planned development. Ms. Ahrens' memo had indicated the city's sales tax was 9.15 percent and in the top 93 percent of all Kansas counties. He didn't know if the tax was due to the city's plans or due to the city providing services to all county citizens because it was the only way they could pay for them. Shawnee County's property tax rate was 1.49 percent of the home value compared to 1.26 percent and 1.29 percent in Riley and Douglas County. Possibly the difference was due to their planning or their cost to provide services was lower.

Mr. Jacques asked if the city officials were contacted. On page 82 it explained how our planning process was tied into the various cities. There was also mention of an interlocal agreement between Silver Lake and the county.

Mr. Beagle said they met with the mayors from all four cities about their growth expectations for their communities. Rossville and Silver Lake did not anticipate expanding in the near future due to existing legacy farms and the floodplain that encompassed their communities. They would work to grow within and take advantage of any remaining vacant lots, etc. Willard was much smaller and impacted by the floodplain. Auburn was looking to accommodate future growth with their sewer system upgrade. In working together to define the standards for future growth and development, they could ensure the growth was commensurate with their services, utilities, etc. Also, annexation would probably be discussed.

Mr. Jacques asked if Auburn officials had provided feedback and approved the information on page 104-LU-3, #2. Mr. Beagle said they would meet with them to share the specific recommendations included in the plan.

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In review of the first paragraph shown on page 87, it was determined that it described the map on the previous page. A header will be added.

In review of the first paragraph in the middle section of page 87, there was a reference to the City of Salina that was confusing. It was determined the reference to the City of Salina should be removed and a sentence should be added about it being the 10th largest city in Kansas.

There was discussion regarding the chart shown in Figure 4.8 on page 89. It was observed that 46% of the unplatted tracts were less than 3 acres and 2,300 of the 16,000 current existing tracts and lots were smaller in size. At one time, the 200' frontage didn't have to be continuous so there were some odd shaped lots. The chart didn't indicate the tracts considered to be existing lots of record. They were subdivided in the 20's-30's and predated the adoption of current regulations. The ones grandfathered were not distinguished. It was not known of the 2,300 that were grandfathered as opposed to the others that were created under a different standard. Prior to 1992, there was a dual standard to subdivide and meet the plat exemption criteria. If there was a minimum of 50' frontage on the roadway, a home could be built provided there was 500' of separation between dwellings. A lot of piano key and flag lots were the result which was problematic. In 1992, the standard was changed to the present requirement. Within the last ten years, the code was changed to require 200' of continuous frontage including the access. Before that access was not tied to the frontage. A driveway could be fishtailed from a neighbor's property which then created a nightmare for emergency service providers.

In review of the first paragraph on page 90, they needed to decide if this paragraph would be included. Property taxes were received from residential development but they would need to review the studies and determine if residential lots were a burden or a benefit. There were two variables to consider with residential land use: home value and density. The predominant emphasis was on low density residential development (single family) that was not self supporting but created a demand for services as opposed to supplying the necessary resources for those services. Services were supplied to an extent but then the people paid for and subsidized the balance. Also, when land was converted from an agricultural use to a 3 acre residential lot, the income from the farm/ranch would cease which would likely reduce the county's total income and a portion of the cost for services would also go up. Several thought this paragraph seemed to come across rather negative. The construction of a house would provide a one-time construction cost that was contributed to the county's economy. With farming or businesses, there was annual income. There was a suggestion to add these two sentences: "When they take property out of agricultural use, we reduce the overall economy in the county. Furthermore, residential uses will not contribute to the county's economy." They were reminded this section described the major land use types which had their own unique set of issues, requirements and definitions. Plat exemption was mentioned. There was some reference to it on page 94 as well as other places in the plan. It was determined the paragraph would be rewritten.

There was discussion held regarding how the revisions would be made to the document. The Planning Commissioner who was in charge of a particular chapter would assume responsibility for redlining it and bringing it back. There would be no motions or seconds until the very end of their review.

There was a suggestion to include what taxes were used to pay for services and identify who provided those services. There were questions as to what the cost would be for an existing water line on a street if growth had already occurred or the cost for development if a road was already partially completed. There were a lot of ways to look at it. If there were existing services, additional houses could be built without any additional cost. However, if there wasn't any oversight or rules, there was no review. There were issues that needed to be addressed like right-of-ways, widening the roads, etc. It was noted there were 100+ taxing units. Ms. Ahrens' memo indicated there were special service districts. Shawnee County offered an interactive map to locate the taxing district for each address. Another point to consider was there were costs associated with utilizing services in a number of areas where people were working in one jurisdiction,

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living in a different jurisdiction and going back and forth. People were using services even though they may not be a resident of that particular jurisdiction. More analysis was needed to break the costs down on a per unit basis and it wasn't known if there was that level of cost data across all the different jurisdictional units in the county. They were struggling with determining the cost associated with different types of development. It would be important for them to obtain studies so they could review them. At this point, they have had to assume that it was more expensive. Hopefully, those studies will give them some understanding. They would need to provide details to the County Commission showing how they came to that analysis. They had no additional information on fiscal impact that wasn't given to the steering committee. They also needed to consider the concerns they heard from the townships about zoning changes, proposed development and their affect on roads and the additional traffic. Other surrounding counties had also identified that low density development didn't pay its own way and the language appeared within their respective county plans. Those counties wanted to direct their future growth and development and didn't want development occurring just anywhere in their counties. It was suggested that it might be helpful to include the information from four or five different counties where they have referenced the same issue.

In review of the third sentence in the paragraph on page 92, it was pointed out that they had talked about the different development areas and how they were supposed to work. They should be proactive as opposed to being reactive when focusing resources on development and directing development.

In reviewing Figure 4.18, the Future Land Use Map on page 102, it was the beginning of where land use was referenced. The area covering the city's land use policy was shown. The city seemed to be driving and directing growth into areas where they wanted growth to occur.

There was discussion regarding the last sentence in the middle column on page 94. The current platting process and plat exemptions were completely different processes. There was a cost factor associated with the platting process, surveys and drainage reports. It was noted that surveys were required for plat exempted lots. They had reviewed some of the benefits. Not everyone had the same opinion. There was concern about what was existing. There were some section lined roads that were fairly well developed with 500' here and 1000' there of pasture land and 3 acres of pasture land was not that productive. So to not allow more development along where it already existed, it was disingenuous because they were talking about infill development. They were talking about the proper use of services that were already in place. There were other concerns about section land and the 3 acre piano keys. When looking at those, there was really no provision for inlets for roads. When talking about density down the road, there was no way to get inside unless it was taken by eminent domain. Hopefully, the platting process would help with that. With the plat exemption, there was no provision for roads. The County Commission had asked about the plat exemption size for the different areas that were designated. It seemed there was no plat exemption size. If it was just the right-of-way, it could be a requirement with a 3 acre exemption. It wouldn't be difficult to do. But it didn't address the other issues of interior roads, parks, sidewalks, trails, gutters, etc. Some of those things could be addressed. There had been a question about unintended consequences of development without a plat. Utility easement dedications, right-of-way dedications or public services may or may not be supported at whatever density of development because there was no control over 3 acre plat exemptions. Drainage issues were not looked at with regard to individual lot divisions. But with a subdivision, those things were looked at and planned for accordingly.

In review of the last sentence in the paragraph in the right column on page 94, it was asked if everyone agreed with the statement. Possibly the platting process itself needed to be more simplified and a more streamlined approach for some of it. It was noted that throughout the document, non agricultural plat exemptions were mentioned. It was stated earlier in the document that agricultural divisions should still be allowed to occur. It was determined that the sentence would be revised to indicate that it would be non agricultural.

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In review of the third sentence of the second paragraph on page 96, it was asked if they wanted to leave it in. Interactions with county residents early on indicated this item was not universal. There had been some mixed presentations at their hearings on this issue. It was mentioned that when they heard to keep Shawnee County rural, it equated to no subdivisions. Yet areas of rural Shawnee County were flagged to grow to urban densities. From the survey, it was hard to tell what context the people were answering the question and what they meant. Thought it was a heavy handed approach to say it was nearly all. There were existing lots that should for the most part satisfy growth of existing 3 acre lots. Both ends of the spectrums were identified. It was almost pointing to an extreme. It seemed the numbers were saying they we're sensitive to both but just didn't express it. Possibly there was a different way to meet in the middle. The document couldn't possibly anticipate every scenario. It was suggested that "nearly all" would be removed and add in some language talking about the desire to also have those types of 3 acre building lots of that size.

There was review of the last sentence in the last paragraph on page 96. It was asked if those could be determined without platting. The current locations of houses were shown on a map and it was known that public services were supplied to those houses. It could possibly be done. If you look at the city's plan, they know where they want growth to occur because they know where the resources were located. It was the list of other issues that resulted when there wasn't platting that weren't addressed. They have defined where they thought development should occur as shown on page 102. But was it being done in the best way that served everyone.

In regard to the second paragraph with the ten items listed on page 97, they needed to determine if they agreed with the list or if items needed to be removed. It was a general list of guidelines. There was nothing defined specifically in the plan. All the criteria associated with development would be contained within the zoning and subdivision regulations as well as the performance standards.

The Half Day Creek sewer project was identified as a planned residential growth area. The city had declined expanding their urban growth area to include it. In order to protect the system's capacity within that area, it was encouraged to be retained primarily for agricultural purposes and not be developed in the low density or 3 acre plat exemption but preserve the opportunity to develop it at urban densities commensurate with the sanitary sewer once the city was ready to expand into that area. In the short term, low density development would not be allowed because the cost of connecting properties to the sanitary sewer system would not be affordable. The city was informed that it would be proposed to the Planning and County Commissions that the area be developed after 2040 or after the city's defined urban growth area was fully developed. There was concern that if a lot of 3 acre tracts were created, it would then preclude the denser suburban level density that the existing sewer trunk line could support. The county would never recoup its initial investment of approximately two million dollars. Those who were connecting to it would never be able to afford the connection fee. The need to extend the sanitary sewer system was created in order to take in those subdivisions which were on failing septic systems.

The Half Day Creek Residential Growth Area was mentioned on page 101 and included four recommendations. A city map was reviewed that identified existing plat and subdivisions within the service area of the Half Day Creek sewer. The city indicated they would honor the commitment of these existing platted subdivisions that were not yet realized and allow those subdivisions to be built out. One thousand platted lots could still be developed by connection to sanitary sewer. So to protect against capacity and recoup the cost of building the sewer, the platted subdivisions should not be vacated but protected for future urban development. It was asked if they agreed with the recommendation. Utilities were available and services were relatively close. It was an ideal place to preserve and make it work at an urban density in the most cost efficient approach. It was indicated that in the undeveloped subdivisions where there were large sections undeveloped, streets haven't been put in. Because the growth of Topeka, it may take a number of years to build them out. There was no indication that anyone objected to the existing language.

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There was some discussion on the Agricultural Conservation Area located on page 101 and the map on the following page. Development would be limited to the existing lots. Something that might have been overlooked was the historic unincorporated villages within the county. They were unique and well established communities in some respect. By cutting off some of the 3 acre plat exemptions within the unincorporated area, these then become new nodes of opportunity for development because they already have an urban settlement pattern in place. It was providing opportunities for these little communities to continue to build out. It was asked how many lots were in that area. They were referred to page 93 where there was a map that showed all the existing vacant lots and vacant tracts. The County Commission had asked how those lots were identified and what was the minimum lot size was for plat exemptions in that area. It was thought there wouldn't be any lot exemption in that area. It was part of the proposal. There were existing building lots in there and they were identified as being existing lots of record. If they were vacant and they were part of the 2,200 that were scattered throughout the unincorporated area, it was being recommended that the first priority be to utilize those vacant residential lots for development first.

They were trying to give the County Commission as much information as they could. It was indicated that there were 2,200 lots located throughout the county. After further review, it was indicated there was a substantial number of vacant residential lots. It was asked what substantial meant. Maybe they should take the word "substantial" out. What was substantial to one person may not be substantial to another. It was noted that all of that information was available on the city's GIS system and it was mapped from that. It probably wouldn't take much to get an exact count within those areas. It was suggested to remove "substantial".

In referenced to the second sentence of the second paragraph under Exclusive Agricultural Use Area on page 103, it was suggested to also remove the word "substantial". They had previously discussed this area.

Also, on page 103, there was review of the third paragraph in the second column. More review was needed to be more comfortable with the benefits and the costs of this process. Language needed to be included regarding the expense for land division and then cite to the place where it's referenced. It was felt they needed to get more comfortable with the studies.

Also on page 103, there was discussion on the fourth paragraph in the second column. The County Commission did not like this paragraph. A representative from the Shawnee County Conservation District had spoke during the public comment and indicated that information was available. It was worth referencing. It seemed to be a good idea and to provide a source for that information. The Shawnee County Conservation's website included a document for people to review so they could understand what to expect when they moved to the country regarding road maintenance, schools, fire protection and insurance, etc. They could make an informed decision on how to prepare. The costs and services were mentioned. It seemed all of those taxing districts struggled with how to meet the needs. Those were real issues. On one hand they wish for more development and then on the other hand they don't know how they would deal with some of the other issues that come with it.

In reference to the Goals and Recommendations on page 104, one of the suggestions offered earlier in the meeting was to replace the word "limit" with "encourage". It was changing the language to be more positive. There were no concerns regarding LU-1.

There was discussion regarding the third bullet point under #1 In LU-2. In the unincorporated area there had been numerous occasions where large buildings were converted to a commercial use. In order to do that, proper approval was needed to get the correct zoning and everything else associated with that. If agricultural buildings were converted to some other use, the zoning regulations would have to be met.

In regard to #1 under LU-2, there was a discussion regarding home occupations. Basically, they were live-work arrangements. Currently, there was in our zoning regulations to deal with this type of conversion.

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The current regulations allowed for someone to have a home-based business that was confined to the dwelling. Only 25 percent of the dwelling could be devoted to that use. It would take out the storage of stock-in-trade, the ability to operate from a detached accessory building and the ability to store equipment and materials on the property. The scope was fairly limited. There had been more interest recently and they had cases where they gerrymandered a PUD to try to make a business work. From an economic development standpoint, maybe they should be encouraging those opportunities as unique economic commercial environments. It was asked if it would allow for the load and go type of business. The threshold limits would need to be defined and be developed further beyond the plan. It was being responsible but also providing flexibility. Currently, there was no mechanism to deal with it or even encourage it. And was it something that should even be allowed. There was a suggestion to add a couple more bullets to either #1 or #2 under LU-2 to make sure it was encapsulating the full range of uses. Presently, there were people out in the county who had a business for a number of years with no complaints and sufficient acreage. It seemed that these were the type of things to consider and find a way to allow them to operate. Business should be encouraged in the county.

In regard to the bullet point under #4 in LU-2, the County Commission wanted to know the source of the recommendation. It had been suggested by the Steering Committee.

There was discussion on the last bullet point under #3 in LU-2. Possibly the proximity to the highway could generate more intense commercial development than originally intended. Some of the uses listed were thought to be appropriate. Currently, there weren't many other major retail areas in the unincorporated area. A suggestion was made to investigate a commercial truck stop. There was still available acreage within Hunter's Ridge along 46th Street and along Button Road. The original idea of the retail area was to serve the residential development in the area and not be a regional mall type location. They were reminded to some extent that they were looking well out into the future. Buildings present today might need to be replaced in twenty years. It was good planning. The group agreed to remove it.

They had already discussed some of the items in LU-3. One of the County Commission's questions was why should the county support the efforts to annex neighborhood developments into the city and how it would impact Lake Sherwood and other neighborhoods. The language seemed to be indicating that before more lots were created, the available lots should be used. The County Commission had also asked why Shawnee County should agree to the city's comprehensive plan and urban growth area designations. In response, city sewer was required in order to have high density development. But it was more than just sewer. The city had the necessary services and infrastructure already in place. The investment was already made. It would seem to be more efficient for redevelopment activity to take place within the city limits first before spreading outward since they already have the available capacity to absorb new infill development and redevelopment. Also, the city was not getting any tax advantages associated with new development outside of their corporate limits. It would seem the future success of the entire county would be realized from the city and county partnering together. Also, the county wouldn't be successful in the future if the city continued to decline due to the lack of revenue or getting new investments. The city wasn't capturing the type of growth and development needed to be fiscally sustainable. They had previously talked about Auburn. It was indicated that a meeting with Auburn would be scheduled in order to provide them with the sections of the draft plan and get their feedback. There was a question as to the frontage requirement for plat exemptions since 200' and 300' were both mentioned. It was noted that portions of this area were located within the city's three mile extraterritorial jurisdiction and they now exercised the 300' rule. No changes were indicated for #4. Details of the Half Day Creek Growth Area were indicated in #5.

In addressing the questions posed by the County Commission regarding LU-4, it was thought the manpower issue would be addressed in the implementation chapter. As far as the impact on economic development and private property rights, the intention was not to prevent economic development but to streamline it. Data was needed to support development that was going to be more cost efficient on a county taxpayer basis.

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In regard to #7 in LU-3, it indicated how many farms were located in Shawnee County. Also, it mentions the 611 existing vacant residential parcels located outside the Topeka ETJ.

In regard to the first bullet point under #7 in LU-3, it was asked if there would be support in allowing one plat exemption per year which brought up a discussion regarding the definition of a farm. It was suggested they provide data to support the definition. The USDA and FSA were both mentioned as possible references.

Mr. Tryon indicated they would be reviewing Chapters 5 and 6 at the next meeting in February. Mr. McCurry volunteered to review Chapter 5 and Mr. Aubert volunteered to review Chapter 6.

Adjournment:

Ms. Moler moved to adjourn, seconded by Ms. McKenzie, a unanimous voice vote declared the public hearing be adjourned, which was at 9:28 p.m.