

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION**

**Monday, February 12, 2018 – 6:00 PM
Shawnee County Annex**

Roll Call and Announcement of Hearing Procedure: Jerry Desch, Vice-Chair, called the meeting to order at 6:08 p.m., reviewed the hearing procedure and asked for roll call to be taken.

Members Present: Jerry Desch, Matthew McCurry, Judy Moler, Jake Fisher, Chad Depperschmidt and Brian Aubert. 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; Joni Thadani, Assistant County Counselor.

Approval of December 11, 2017, and January 8, 2018, Public Hearing Minutes: Mr. Aubert moved to approve the December 11, 2017, and January 8, 2018, Public Hearing minutes, seconded by Ms. Moler, and with a unanimous voice vote, the minutes were approved.

Communications: None were indicated.

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.

Election of Officers:

- **Election of Chair:** Mr. Desch called for nominations for chair. Mr. Desch moved to nominate Mr. Aubert as Chairman; the motion died for a lack of a second. Mr. Aubert moved to nominate Ms. Moler as Chairman; seconded by Mr. Desch. After a roll call vote, Ms. Moler was elected as Chairman and proceeded as Chairman.
- **Election of Vice-Chair:** Ms. Moler then called for nominations for vice-chair. Mr. Desch moved to nominate Mr. Aubert as Vice-Chair; seconded by Mr. Depperschmidt. After a roll call vote, Mr. Aubert was elected as Vice-Chair.

Mr. Beagle welcomed the new members to the Planning Commission: Chad Depperschmidt and Jake Fisher. Mr. Depperschmidt stated he has lived in the county for 14 years and works for the Kansas Department of Wildlife, Parks and Tourism. Mr. Fisher indicated he has lived here since 1993 and works for the Kansas Corporation Commission. Ms. Moler welcomed them to the Planning Commission.

Zoning and Subdivision Items:

1. **Pleasant Hills Subdivision No. 3 (Preliminary and Final Plat Phases) [P18/01]** by Schmidt, Beck & Boyd Engineering, LLC for property located at 6016 NE Olympia Street and 340 NE 60th Terrace in Soldier Township.

Mr. Beagle stated the request for Shawn Johnson and Andrew Gritman, if approved, would replat two adjacent tracts of land to accommodate a land swap of equal size between the two parcels except for the redefinition of the common lot line between the two tracts. Everything else would remain the same including access off of their respective streets. The replat as proposed was in compliance with the requirements of the Subdivision Regulations. Staff was recommending approval of the replat as submitted.

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

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Rick Schmidt, Schmidt, Beck & Boyd Engineering, LLC, 1415 S. Topeka Blvd., Topeka, KS 66612.

- Representing Mr. Gritman and Mr. Johnson.
- The land swap would make it more compatible for each owner.

Mr. Desch asked why both parties wanted to complete the replat. Mr. Schmidt stated the biggest reason was due to a drainage channel that affected both tracts and made them unusable with the current configuration. The swap would allow them to have more usable land.

The public hearing was closed since there were no members of the public to speak in favor or in opposition. With no discussion among the Commissioners, Ms. Moler asked for a motion.

Mr. Desch moved to recommend Approval of the proposed subdivision; seconded by Mr. Aubert. With a vote of **6-0-0**, the preliminary and final plats were **Approved**.

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

Discussion of Planning Related Issues:

Discussion of Comprehensive Plan

Ms. Moler asked if there were any public wishing to make comments regarding Chapter 5 and Chapter 6.

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

- Comments had been made about the creation of piano keys not being advantageous.
- Farming was their livelihood.
- Provided data and a map showing the 80 acres of native grassland they had divided into building tracts which created piano keys.
- Was concerned about the possibility of not being allowed to do what they wanted with their land.
- During the 1980s, farmers had to decide whether or not they wanted to stay in business.
- With one house or a number of houses down the road, services were still provided.
- Had compiled the property tax for each address from the Shawnee County Appraiser's website.
- Those houses brought in \$53,951.84 in property tax.
- If the 80 acres had remained in grassland pasture, it would have generated approximately \$1,894.44 which was quite a difference for the county.
- The farmers seemed to be the most responsible because they made their livelihood from the land.
- When you talked about development that wasn't good, it was generally due to the developers.
- Didn't think enough credit was given to the farmer.
- They had also paid for the water line to be installed.

Mr. Aubert asked about the condition of the road before the property was divided. Ms. Marple stated they were gravel and they were gravel presently.

With no further public comment, Ms. Moler then called for a review of Chapter 5, Housing and Neighborhoods by Commissioner McCurry.

Mr. McCurry provided a detailed summary of Chapter 5, Housing and Neighborhoods. He reviewed specific data in regard to various aspects of housing, historic development patterns, housing unit numbers, the number of building permits issued, occupancy trends, vacancy rates, tenure, housing affordability, the difference in home age and value, income versus housing costs, future conditions, quality neighborhoods and the goals and recommendations.

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There was discussion concerning a deficiency in units in the lowest income range in Figure 5.16: Affordable Housing Analysis prepared by the U.S. Census Bureau. Given the extremely low income household ranges, more than likely the market itself would not be able to bear the cost associated with meeting that housing demand. Subsidized housing programs through Section 8 and other state and federal programs would be necessary to build affordable units within that income range. It appeared more needed to be done. Even with the current programs covering units that fit those affordable ranges, there was a deficiency of 6,517 units being affordable for households within that income range in Shawnee County.

Ms. Moler stated the County Commission had asked if they should actively pursue public housing and land banking projects. Mr. Beagle said a Comprehensive Plan provided information on the state of a community. If housing was recognized as a component part of our community, affordability ranges should be reviewed throughout all income spectrums and possibly explore the possibility of doing something to meet that need.

Mr. Beagle stated the Future Conditions section indicated the plan was based on a guided growth approach to accommodate future growth and development compared to historical trends. Based upon past trends in Figure 5.18, the county's population is projected to grow by 14,599 by the year 2040, of which 11,926 would occur in the unincorporated area and 2,332 in the city. The projected units were also shown. Based on the guided growth approach, the city's population is projected to increase by 11,000 people. If the projected population increase of 14,599 is true, it would leave 3,359 people to live elsewhere in the unincorporated area. In looking at the population projections, whether they were based on past historical trends or with the more guided approach, it was how it would translate into the number of housing units to realize that population growth. For the most part, the Comprehensive Plan was recommending to follow the guided growth approach as opposed to the traditional practice of land development.

Discussion was held on the city and county's projected populations. There would be additional review of the expansion population within the urban growth area in order to verify the numbers were correct.

Ms. Moler said the County Commission had asked about the \$300,000 seed money. Mr. Beagle stated the County Commission instructed the building code committee that a building code program had to be 100 percent self supporting. A fee-based program requiring no taxpayer support was proposed with an estimated start-up cost for staff and supplies of approximately \$300,000. It would have been implemented in a two-phase process. Phase 1 included adopting the codes and requiring an affidavit of code compliance. The fees collected would be placed in a special account until \$300,000 was collected and they would be used to hire the staff (a chief building official, a combination inspector and a support staff member) and purchase the supplies. At that point, it would be 100 percent fee based and the additional fees collected would be used to support the program. No seed money would be required and no public dollars would be used. It was projected to take about three years to raise the \$300,000. Currently, the program has not been implemented; however, building codes were adopted but homes were still being built on the honor system. When a building permit application was submitted, a completed Affidavit of Code Compliance was required that acknowledged that building codes were in place and the structure would be built in accordance with the building codes. No field inspections are required which means there is no way to verify if construction is being completed in accordance with the code. The County Commission set up the program under the guise of what was called a private cause of action. If there was a dispute, it would be a lawsuit between the homeowner and the contractor to resolve questions of code compliance. Normally there would be plan review for new construction. A set of plans would be submitted and checked against the codes to make sure a proposed structure was designed correctly. The codes adopted by the county mirrored the city codes so there would be consistency between the two. Currently, there was no plan review or any field inspections so it was still buyer beware.

Mr. Desch asked Mr. Fiander, City Planning Director, who determined the permit value for a home in the city. Mr. Fiander said the applicant submitted the value as part of the permit. But if there was something that seemed to be out of line, they would check and ask the builder to verify. They didn't do any

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predetermined set value on so much per square foot. Ms. Moler asked if they sent someone out to check the construction. Mr. Fiander said there were field inspections.

Mr. Beagle indicated Mr. Aubert had asked about the LUGMP and population projections of 11,000 by 2040. Mr. Fiander stated the 11,000 was new houses and new population. It was vacant land to be developed. Mr. Beagle said so, for example, if they accounted for the existing population that may be within the urban growth area, it could be 11,000+. Mr. Fiander agreed. It was what Mr. Aubert had said potentially it could be the greater share of the 14,600. Mr. Aubert said then the math would work out and we didn't have that 8,000 documented.

Mr. McCurry asked about accessory dwelling units. Mr. Beagle said currently there was no accommodation within the zoning regulations for accessory dwelling units such as a garage apartment, granny flat, etc. It was identified as something that needed to be looked at in terms of market affordability for housing.

Mr. Aubert thought a lot of the Comprehensive Plan was based on the completed survey. As far as the building code program, the citizens indicated a rating of 3 for the cost of housing, availability and housing quality was a strength. He didn't know if a program was really required. Contractors seemed to do a good job with new construction and they knew a building code was now in place. He didn't know how the \$300,000 seed money and ongoing permit fees that went to the general fund would be replaced. He didn't know if the cost was an actual benefit for the taxpayers. Ms. Moler asked how surrounding counties handled building code enforcement. Mr. Beagle said counties with a building code program had staff to complete plan review and field inspections and was the same process the city had.

Ms. Moler indicated the County Commission had asked on H-4 through H-6 about the funding, manpower and the issue of personal property rights. Ms. Moler then asked Mr. Aubert for a presentation regarding Chapter 6, Economic Development.

Mr. Aubert provided a detailed summary of Chapter 6, Economic Development. He thought the chapter was put together well; however, attracting younger citizens had been mentioned but didn't seem to be addressed and requested comments during their review.

On page 130, in the first sentence of the first paragraph, it was suggested to change the word "include" to "can be analyzed by". Figure 6.3 indicated the median household income increased from 1990 to 2000 but decreased as a result of the economic collapse and had not rebounded to the same levels before the crash. A lot of the county's income came from government. State government has lost several jobs. It wasn't known if the loss of state jobs was bringing down the median income but might be a factor.

On page 131, it showed the distribution of household incomes for the city and the remainder of the county. There was quite a difference in median incomes of different areas. It was an interesting trend.

On page 133, in the first sentence, there was a suggestion to change the word "informing" to "forming". Clarification was needed on the last two sentences in the last paragraph. The last sentence continued on page 134. Both seemed to be saying the same thing but worded differently. Mr. Beagle will follow up with Mr. Dow.

Figure 6.6 showed the population had increased and the labor force had decreased. They had talked about the county's aging population, bringing in younger citizens and their education. They needed to identify ways of bringing in young talent and potentially high education seekers. It was interesting that the labor force had dropped off and jobs came back up to meet the labor force which coincided with the unemployment rate dropping. The county outside the city had a lower unemployment rate than the city. It spoke to the higher level of education attainment.

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On page 134, farming didn't seem to be included in Figure 6.8; however, farming was discussed in the second paragraph. There had been a lot of discussion about farming and agriculture. Although it wasn't a significant factor in the numbers of jobs, it was, however, one of the economic engines in the county. It shouldn't be disregarded but it wasn't a big jobs earner. When times of high unemployment were reviewed, some of the other areas may be more important to focus on as far as county's future and what would happen with farm prices, etc. It was pointed out that farming was included in the ag./forestry/fishing/hunting category. The data was compiled by the U.S. Bureau of Economic Analysis and seemed to capture all the different income earners within those categories.

On page 135, in the middle of the first paragraph in the sentence beginning with "Other relatively. . .", change "lose" to "have lost".

On page 136, tourism was referenced. The impact was larger than would have been expected and brought in quite a bit of revenue. There was discussion about ways to potentially increase tourism. It was a big sector that should be investigated further.

On page 137, in the first sentence of the first paragraph, change the word "are" to "is". There was \$2.53 billion in retail sales and 90 percent was general retail sales. There were also a number of unincorporated county residents and those from other counties coming in to use our retail services. In the second sentence of the third paragraph, clarification was needed because there seemed to be a discrepancy in reading the chart and the figure associated with this sentence and should be reviewed by Mr. Dow. The numbers didn't add up. The demand for food and drink sales were lower which was an indicator that the residents were going outside the county for their food and drink.

On page 139, it was pointed out that in this chapter and in other locations in the plan, the word "currently" was used frequently. This plan was going to cover the next 20 years. Maybe it would be beneficial to say "as of 2017" or "in 2017". The plan would be updated in future years. There was also a question as to how the JEDO and Go Topeka incentives would change over the next 20 years. It was indicating what another group was doing. It was suggested to include a date to reflect what was happening right now so they wouldn't be held to these incremental changes every time it was reviewed. It was noted that the plan was a reflection of current policies, standards and programs currently in effect. If anything changed, there would be an opportunity to make adjustments where needed during the annual reviews. They would need to engage Go Topeka and ask if there was anything that needed to be changed.

It was indicated that under Local Incentives in the first sentence, the word "to" should be changed to "too".

On page 143, in the second sentence under The Oregon & California Trails, "west-to-east" should be changed to "east-to-west". The possibility of bringing in schools, tours and ferry crossings in conjunction with the riverfront project was interesting and possibly tie in with the history of the Topeka Boulevard bridge.

On page 144, in the Goals and Recommendations section, it was suggested to include supporting a local food movement since the food and drink sales were lacking in the county. It would help support our agricultural economic development and residents would be keeping their food dollars here in the county and helping to build our economy. Also, ideas were needed to specifically target the younger demographic.

An item submitted by the County Commission indicated the plan seemed to imply that the county was providing a direct role rather than a supportive role regarding the organizations that promoted economic development. Mr. Aubert didn't understand that comment. The plan clearly had the words "Shawnee County supports the efforts."

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The County Commission had asked, "Does the limitation of land for residential development actually discourage the growth of our local labor force?" It seemed that jobs drove the labor force more than the availability of houses. The labor force would find sources of housing elsewhere if none was available.

There was discussion regarding the April deadline to ask for more time from the County Commission. Two new Planning Commissioners were recently added so it would seem an extension should be considered. With their review to date, issues and concerns have been identified and now the plan would need to be updated to reflect those. The questions posed by the County Commission would also need to be addressed. Discussion was held on the revisions and how those should be shown in the document so they could review them. Ms. Moler indicated she would meet with Mr. Beagle so they could discuss how to proceed. Some concern was expressed that the questions from the County Commission had not been answered.

Mr. Desch asked if any of the other Planning Commissioners had read the documentation that was sent to them. The documentation was very helpful except it was all based on subdivision sprawl which was not exactly similar to the county. He hoped they could provide enough detail so the County Commission would read it and maybe have a change of heart. He was opposed to this process when they started it. But long term it was the same way the city had kicked their can down the road over our streets and now we were all paying for it. Eventually that was what was going to happen in the county. There was a disproportionate amount of money being paid for people that were living in dense areas versus those living in rural areas. He hoped the two new Planning Commissioners could spend the time to review the information. He needed additional information on the costs that were indicated in the chapter he reviewed.

Mr. Beagle appreciated Mr. Desch bringing up the cost factors. In order to aid in their response to the County Commission, he hoped a fiscal impact study could be completed to show the revenue generated from different types of land uses and the costs of county government, school districts, etc. It could then be determined if all development was neutral or was everything a gain or were there actual net fiscal losses associated with different types of land use. The American Farm Land Trust pioneered a Cost of Community Services study that put agricultural on parity with commercial, industrial and residential development. Many other national studies have been completed. More importantly the studies indicated money was being lost as it related to low density residential sprawl compared to agricultural and other types of land uses. The information he had sent to them was related to national studies as well as other community studies. It was hoped that an economic study could be completed in order to look at the fiscal consequences from the preservation of agricultural land and the different types of development such as residential, commercial, office and industrial. It would possibly be the only way to answer the question regarding the fiscal impact for the different land use patterns within the county. Otherwise, they would have to rely on national and community studies that have been done across the country to answer that specific question.

It was asked if the County Commissioners had expected a study to be completed. Mr. Beagle said it was not included as part of the contract. The Comprehensive Plan was written based upon national studies that found single family residential development at low density did not pay for itself. The County Commission wanted proof; however, the only way to prove it would come from a completed study providing data on property tax revenue generated from residential land use versus agricultural land use and the demand for services. If the Planning Commission agreed, a study could be proposed to the County Commission.

There was discussion on two ideas proposed for the March meeting. The group decided to review Chapter 7, Implementation.

Adjournment:

Mr. Aubert moved to adjourn, seconded by Mr. Desch, a unanimous voice vote declared the public hearing be adjourned, which was at 8:20 p.m.