

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION**

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

Roll Call and Announcement of Hearing Procedure: Judy Moler, Chair, called the meeting to order at 6:04 p.m., reviewed the hearing procedure and asked for roll call to be taken.

Members Present: Jerry Desch, Matthew McCurry, Judy Moler, Christi McKenzie, Jake Fisher, Chad Depperschmidt and Brian Aubert. With seven members present, a quorum was established.

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

Approval of February 12, 2018, Public Hearing Minutes: Mr. Aubert moved to approve the February 12, 2018, Public Hearing minutes, seconded by Mr. Fisher, and with a unanimous voice vote, the minutes were approved.

Communications: An email was received from Ms. Marge Ahrens with her comments regarding Chapters 5 and 6.

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. **CU18/01 by Rural Water District #8** seeking a Conditional Use Permit to establish a public use facility on property zoned "RR-1" Residential Reserve District and located at 3260 SE Tecumseh Road in Tecumseh Township. **(Continued To 04/09/18 Public Hearing).**

Mr. Beagle stated the applicant was requesting to continue until the May meeting. The property owners within the 1,000 foot radius of the applicant's location would be notified of the continuance.

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

Discussion of Planning Related Issues:

Discussion of Comprehensive Plan

Ms. Moler said they would not meet the County Commission's April deadline; however, they had indicated the Planning Commission could request additional time. Ms. McKenzie moved to postpone until May. The motion died for a lack of a second.

Discussion was held on the amount of time to include in their extension request. Time was needed to finish their review and complete the revisions. Also, the two new Planning Commissioners would need to review the Plan. The County Commission would need time to review and make their decision before the election.

Mr. Desch moved to have the Planning Commission complete their final work by the July meeting in order to provide it to the County Commission in August; seconded by Mr. McCurry. Further discussion on the time frame and their response to the County Commission was held. Mr. Desch withdrew his motion and Mr. McCurry withdrew his second.

Mr. Aubert moved to request a 90-day extension and then evaluate as they get closer to that date, seconded by Mr. McCurry. Discussion followed. There was concern they hadn't got to the key issues. Minor changes had been proposed.

With a vote of **7-0-0**, a request for a 90 day extension to the County Commission was **Approved**.

Ms. Moler said they would proceed with the review of Chapter 7, Implementation.

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Mr. Beagle said Chapter 7 was the culmination of the preceding six chapters. Implementation would be achieved by using the following tools: land division regulations, zoning regulations and Capital Improvement Programming. Strengthening intergovernmental cooperation between the county and existing service entities was proposed. Once approved, the plan would be a reference document to be utilized to make land use decisions over the next 20 years and updating the zoning/subdivision regulations should be considered.

Mr. Beagle stated 46,552 people were living in the unincorporated area and had caused great impacts: loss of agricultural land, disruption of agricultural operations and created an unrealistic expectation for public services. Families were interested in a rural lifestyle and continued to move to the unincorporated area.

Mr. Beagle indicated the city's ETJ and UGA were discussed in prior chapters. In 2015, the UGA was included in the city's Land Use Growth Management Plan and may be the future city limit through annexation. The city and the county would both need to define their development expectations in order to be successful, particularly in the UGA. Several options were noted.

Mr. Beagle stated an existing farm with a primary residence could also have an accessory farm related residence as part of the same parcel in the proposed two agricultural areas.

Mr. Beagle said existing parcels of record could be developed without having to meet any additional requirements and expectations set by the plan or ultimately as a result of the adoption of any rezoning and subdivision regulations. Currently 2,228 vacant residential parcels could be developed by meeting the minimum requirements and securing a building permit.

Mr. Beagle stated the current plat exemption process caused a parcelization of the unincorporated area and the process should rarely be used for non agricultural land divisions. When land is converted from agricultural to residential use, the residential parcel came with a different set of expectations. A review of the factors could not be completed like a proposed subdivision. Most non agricultural land divisions would result in a plat of subdivision. Plat exemption should be prohibited for commercial/industrial divisions; environmentally fragile locations; and locations that are economically valuable for commerce.

Mr. Beagle covered the guidelines for plat exemption for the two proposed agricultural areas and the Urban-Rural Transition Area. The Urban-Rural Transition Area is located between the city and the agricultural areas. A key goal was to preserve agricultural land while recognizing the city wanting to direct urban/suburban scale development towards the city. A shared goal for the city and the county would be to promote responsible development.

Ms. Moler commented the County Commission had asked a number of questions for this chapter.

Mr. Desch asked if anyone had thought of amending the required amount of acreage and frontage. He was concerned they were only thinking about today and not 20 years out. Services would be demanded then and how would the county provide for those. They had been given a massive task. The problem seemed to be the control that would be necessary. The county had minimal growth in the last 20 years unlike other places. He wondered how everyone could be convinced that this was good, not necessarily today, but overall. As an example, Topeka's streets were not good for various reasons and now there was a mess in trying to replace every street. There could be a similar mess in the county and the county will be spending money to repair the roads. It was where the divergence of cost came in because everyone in the county pays for the roads. We're not having the density of taxation coming in. Maybe there could be a compromise or would the battle continue with the property owners who wanted to strip their ground off as opposed to the Planning Commission who would say that wasn't a good idea.

Mr. Beagle stated the Planning Commission had never had this level of discussion about Shawnee County's future and trying to visualize their decisions into the future. What were the fiscal ramifications for the land

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use decisions or changes because they affected everyone. There would always be a demand for services. Matching land use and projected land use density with available infrastructure was the same process used by cities/communities across Kansas or the country. We are allowing plat exemptions with no consideration of infrastructure. This planning process was future oriented and had an effect of redirecting future growth and development to areas where services currently exist before continuing to build into more traditional rural/agricultural areas where services may not exist. It seemed the biggest hurdle to get across concerned agricultural land and recognizing it for its own inherent value, production and capability. Commodity prices had not really changed. Responsible development would need to be defined. From 1960-2010, 71 percent of the county's population growth occurred in the unincorporated area. How were they providing services for that growth and were they creating a sense of place. They were talking about complete streets, sidewalks, trails. Some people wanted those amenities. There were expectations of elbow room, green space, etc. Maybe there was a different way to grow.

Mr. Depperschmidt thought if people wanted those amenities, they should remain in one of the cities. Some people wanted to get away from that lifestyle. He grew up in a rural environment and would argue that they should have planned accordingly for the future and bought more acres.

Ms. McKenzie stated people moved to the country to have more room and space so they could appreciate their surroundings; however, there were neighbors that had sold their land in acre lots. Not only was it the creation of amenities but also maintaining what people purchased in order to appreciate their surroundings.

There was discussion regarding commercial and industrial locations, the South Topeka Economic Growth Corridor (STEGC) and Mars. Presently, the Planning Commission had no policy document to identify where to locate commercial and industrial locations as well as the infrastructure to accommodate them. Citizens expressed their concern when both of those proposals were considered. During those considerations, the Planning Commission had nothing to refer to. Guidelines would have helped them as well as JEDO or Go Topeka. The Planning Commission had no way to evaluate a proposed case for a dog kennel, construction shop, tree nursery, motorcycle race track, etc. without any guidelines. If a group like Tyson wanted to come in, the Planning Commission would be facing the same questions. The function of the Comprehensive Plan was to be a blueprint for the future. So, if Mars wanted to build in the Half Day Creek area, the Planning Commission could say no. It was one of the reasons why there was so much data analysis in preparing a Comprehensive Plan. A plan would also create an understanding amongst the county, City of Topeka and the other cities in terms of their growth expectations for the future. This plan was recommending a defined future growth area for these types of land uses.

Also, it was mentioned that the county had no environmental issues currently; however, the Comprehensive Plan would protect the county 20 years from now so it would remain clean and safe for all citizens.

Urban blight in the city was not being resolved so people wanted to relocate. There is a nice highway network to utilize to reach a location within a ten minute drive. The county would provide the focus for where development occurred in either the Urban-Rural Transition Areas or the Residential Growth Area. Hopefully existing services would be available to support that development as opposed to development all over. Over time, with continued growth, they would need to redefine the growth expectations and set new boundaries for those areas before the end of the 20 year plan.

Concern was expressed about the fire protection requirements included in the plat exemption guidelines. It was noted that plat exemptions have existed for 60 years and the zoning and subdivision regulations have existed since the 1950s. People have not been able to do whatever they want. They have to abide by the rules. No one would be verifying each deed to make sure it was compliant. People would be informed of the new changes and it would be no different than their understanding of the three acres and 200' frontage requirement. It would now require an eight minute response time and be located within 1,000 feet of the nearest fire hydrant. Those standards have been in effect for decades across the country. People should

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be able to look at the maps included in the Transportation, Utilities, and Public Services chapter and determine if they are within the appropriate response time or proximity to a fire hydrant.

There was concern that the numbers and figures in the plan were constantly changing. It was noted that any updates from the previous year could be made during an annual review of the Comprehensive Plan.

Ms. McKenzie suggested adding a date in place of the word “recently” in the second paragraph on page 151. They needed to review the numbers and give them context.

There was discussion regarding the requirements for adequate facilities and services in the Urban-Rural Transition Area.

Mr. Beagle offered to answer any questions on the sections of Subdivision and Platting, Zoning and Capital Improvements Programming. With no questions, he then reviewed the plan implementation matrix which lists the goals, activities, types, groups, timing and tools to implement the goals and recommendations suggested from each chapter. Ms. McKenzie suggested adding the page numbers from the implementation matrix to the goals and recommendations at the end of each chapter and vice versa to make it easier to read and understand. There was concern that the items listed under the Activity column seemed to be directives.

Mr. Beagle reviewed and provided information on the County Commissioner’s questions covering Chapter 7.

Ms. Moler asked how they wanted to proceed with the process. Mr. Beagle indicated that each chapter would be converted to a Word document so changes could be identified and reviewed. It was determined that they would review the Introduction/Ford and Chapters 1 and 2 at the next meeting.

Ms. Thadani will check with Mr. Crowl as to how to proceed with the Planning Commission’s request to the County Commission for an extension of time.

Adjournment:

Mr. Fisher moved to adjourn, seconded by Ms. McKenzie, a unanimous voice vote declared the public hearing be adjourned, which was at 8:55 p.m.