

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION**

**Tuesday, May 8, 2018 – 5:30 PM
Shawnee County Annex**

Roll Call and Announcement of Hearing Procedure: Judy Moler, Chair, called the meeting to order at 5:32 p.m., reviewed the hearing procedure and asked for roll call to be taken.

Members Present: Judy Moler, Jerry Desch, Brian Aubert and Christi McKenzie. With four members present, a quorum was established and the meeting was called to order. Jake Fisher and Matthew McCurry arrived shortly after roll call.

Members Absent: Chad Depperschmidt.

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

Communications: Mr. Beagle stated he provided them Issue Papers for the County Commission's questions on Chapter 4. Also, he included an updated copy of the Comparison of Area County Subdivision Standards for reference.

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.

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

Discussion of Planning Related Issues:

Discussion of County Comprehensive Plan

Ms. Moler indicated Ms. McKenzie would review Chapter 4.

Ms. McKenzie reviewed the revisions to Chapter 4. The following changes were discussed and consensus was achieved:

- Cover Page—The second sentence was changed to: ~~Because~~ The land use plan is a statement of policy, public and private decision makers depend on it to guide individual actions such as land purchases, project design, and the review and approval process.
- Page 82—In the last sentence of the second paragraph in the left column, change “need” to needs.
- Page 87—Added before the first paragraph was: Development Pattern.
- Page 87—After the fourth sentence in the fourth paragraph of the left column, the following sentence was added: The unincorporated area of Shawnee County would be the 11th largest city in Kansas, if it were a city.
- Page 87--In the first paragraph of the middle column, the following was deleted: ~~It is worth noting that the City of Salina is the 10th largest city in Kansas and has a population of 47,707. Thus, the unincorporated area of Shawnee County would be the 11th largest city in Kansas if it was a city.~~

Discussion was held on the paragraph due to concerns about the wording of the paragraph and whether it should be included. A number of comments and suggestions were made. It was determined they would table the discussion and come back to it after the remainder of the chapter was reviewed.

- Page 92—The first paragraph was changed to: As depicted on Figure 4.11B on page 93, ~~there are~~ 2,228 parcels in the unincorporated area of Shawnee County ~~that~~ remain undeveloped.

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION
Tuesday, May 8, 2018**

- Page 94—The last sentence in the paragraph in the middle column was changed to: Nearly all non-agricultural land divisions should occur through the subdivision and platting process. ~~for Non-Agricultural land use.~~
- Page 94—Change Item 2 to: Many public services, including roads, sidewalks, parks, fire and police protection cannot be supported at exurban density ~~cannot be supported at this density.~~

Discussion was held regarding the third sentence in the second paragraph on page 96. Revisions were suggested. It was determined they would table the discussion and come back to it after the remainder of the chapter was reviewed.

- Page 97—Before the second paragraph, add the title: Guidelines.
- Page 97—In the paragraph following Guidelines, remove the words: ~~These are:~~
- Page 101—In the last sentence of the first paragraph, change “~~as~~” to are.
- Page 101—Change the second bullet point under Half Day Creek Residential Growth Area to: Residential development should only be approved at suburban densities.

Discussion was held as to why residential development was only being approved at suburban densities in the Half Day Creek Residential Growth Area. It was noted that there was an expectation that it would develop at densities that were supported by the current sanitary sewer system. The current plat exemption criterion is three acres and 200’ frontage on a public improved road. Suburban density can only be achieved through platted subdivisions. Within this area, it was expected that land would not be developed using the plat exemption criteria and would only be through a plat of subdivision process.

Dan Warner, City of Topeka Planning Department, 620 SE Madison, Topeka 66607.

- Generally the policy is to not encourage any more sewer extensions outside the city.
- The city would support it if the line was already in place and the property was platted.
- There are vacant platted lots and urban subdivisions that were approved previously in the county outside the city and there was an expectation that sewer would be in those subdivisions at some point in the future.
- There were approximately 1,000 residential lots that have already gone through the process and have been approved.

Mr. Beagle indicated suburban scale development would help to defray the initial cost of building the sanitary sewer system. There had been discussion with the city about possibly considering this area to be an expanded urban growth area. The city stated there were already 1,000 platted lots they would recognize and honor but they didn’t want any additional urban density development in this area within the 2040 horizon of their Land Use Growth Management Plan. With nothing to prevent the creation of rural residential lots stripped out along township and county roadways, the county would never realize suburban density development that tied back to the sanitary sewer. The sewer would run right through back yards but there was no requirement to connect. The plan indicates particularly as it relates to the Half Day Creek Residential Growth Area that it be held in suburban reserve which meant you could not continue rural residential development in this area in order to capitalize on the connection to the sanitary sewer. Any development that occurs should occur at a suburban density. The plan creates whatever is considered to be the land use model linked to this area but also for all Shawnee County. It is recognizing that this is an area that should ultimately develop at suburban densities with properties being connected to a public water supply and a public sanitary sewer system.

- Page 101—Change the last sentence under Agricultural Conservative Area to: There ~~is~~ are a ~~substantial~~ number of vacant residential parcels of record in this area; this plan recommends that homes be built on these parcels before new parcels are created through the plat exemption process.

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION
Tuesday, May 8, 2018**

- Page 103—Change the second sentence in the second paragraph to: There ~~is~~ are a ~~substantial~~ number of vacant residential parcels of record in this area; this plan recommends that homes be built on these parcels before new parcels are created through the plat exemption process.
- Page 103—The third paragraph in the middle column was changed to: Some are concerned that the comprehensive planning process will lead to burdensome regulations or decreased land values. If the community through its comprehensive plan has determined how it wishes to grow and develop to meet future expectations, the adoption of land use regulations designed to meet those expectations would not in and of itself be considered burdensome. It is only if such regulations impose restrictions or standards that bare no relation to the adopted plan that allegations of burdensome regulations could be made. As long as there is a nexus between a community's plan for its future and the regulations that are designed to move the community forward based on the long term prescriptions of the plan, it would avoid the appearance of which would to avoid a disconnect between long range plan and regulations. Expectations about the continuance of current regulations, including farmers who rely on plat exemptions to pay for retirement, are worried about these changing and the elimination of flexibility. County codes geared toward public safety, including septic system regulations and buildings codes, were not typically viewed as burdensome, but these concerns must be considered during plan implementation.
- Page 103—After the first sentence of the first paragraph in the right column, add: Kansas State University has produced a publication titled *Living in the Country* that helps people not familiar with life in the country to understand what to expect before making a decision to move to the country. The Shawnee County Conservation District website provides access to the document to give the general public much needed information to “promote a harmonious environment for all.”
- Page 104—In the left column, in the heading of LU-1, change ~~Limit~~ to Encourage.
- Page 104—In Item 3 in the middle column, delete the second bullet point.
- Page 104—In Item 4 in the right column, change ~~possibility~~ to possibility.
- Page 105—In Item 3 in the left column in the second bullet point, change ~~area~~ to areas.
- Page 105—In Item 7 in the middle column in the first bullet point, add after the first sentence: The U.S. Agriculture Department (USDA) defines farm as “any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the year.”

Ms. McKenzie concluded her review with the exception of the items that were tabled earlier.

Mr. Beagle stated he had provided them Issue Papers for the questions related to Chapter 4 to review. They had been wrestling with how the county should accommodate growth and development in the unincorporated area and whether the county can continue to employ the plat exemption and current existing subdivision regulations allowing for lots with three acres and 200' frontage to be created. In review of the subdivision regulations of the counties surrounding Shawnee County, they looked at land use and land division differently. He suggested they look at other counties' guidelines around them and how they accommodate ag land conversion to residential or any other type of use.

There was further discussion on the first paragraph on page 90. Various suggestions were made to change the wording. It was felt that the paragraph was going to cause a lot of problems.

Mr. Desch moved to delete the first paragraph on page 90, seconded by Ms. McKenzie. With a vote of a 5-1-0 (with Ms. Moler dissenting), the paragraph on page 90 will be deleted.

There was further discussion on the third sentence in the second paragraph on page 96. Suggestions were offered to change the wording.

**MINUTES OF THE SPECIAL MEETING
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Tuesday, May 8, 2018**

- Page 96—The third sentence in the second paragraph was changed to: Nearly all feedback from public meetings has expressed a desire to keep the rural areas in Shawnee County rural, and to protect rural lifestyles while allowing continued rural residential growth.

Ms. Moler indicated their next meeting was a regularly scheduled meeting. Mr. Beagle stated there was one case to consider for a conditional use permit. They would also review Chapters 5 and 6.

Mr. Desch offered some comments. He recently spoke with a county resident whose son had purchased a piece of adjoining property because it had been landlocked and he was the only one who could buy it. Also, a resident could not run his power equipment at his house because there was not enough voltage. Westar had to restring all the poles and transformers because of the continuation of houses and trying to stretch the utilities all the way out, miles from the city.

Adjournment:

Mr. Fisher moved to adjourn, seconded by Mr. Aubert, a unanimous voice vote declared the public hearing be adjourned, which was at 7:41 p.m.