

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

**Monday, June 4, 2018 – 5:30 PM
Shawnee County Annex**

Roll Call and Announcement of Hearing Procedure: Judy Moler, Chair, called the meeting to order at 5:38 p.m., reviewed the hearing procedure and asked for roll call to be taken.

Members Present: Judy Moler, Brian Aubert, Christi McKenzie, Jake Fisher, Matthew McCurry and Chad Depperschmidt. With six members present, a quorum was established and the meeting was called to order.

Members Absent: Jerry Desch.

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

Communications: Mr. Beagle stated he provided them the remaining Issue Papers which were not included in their original agenda packet.

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 said they would be reviewing the revised chapters as well as the corresponding Issue Papers. If changes were needed, let her know so they could discuss them. A vote was needed at the end of the meeting.

Mr. Beagle stated the County Commission's questions and suggested modifications were grouped into 58 different question sets. He had answered each of the questions with an Issue Paper to provide the Commission with resource information in hopes of making it easier for them to answer the questions. He said the Planning Commission needed to review and decide if the Issue Papers were sufficient or needed additional changes. As previously emphasized by Mr. Desch, the Planning Commission needed to address each question and provide a response. He suggested a review of the revised chapters and Issue Papers and make any additional changes, if needed.

The following revisions were noted:

Forward and Introduction

Page 1

- The second sentence in the first paragraph was changed to: ~~We~~ The citizens of Shawnee County are committed to working together to forge a shared future, aware of our connections to each other and respectful of our differences.
- In the Vision Statement, the first bullet point was deleted.
- In the Vision Statement, the fourth bullet point is now first: Promoting responsible growth and development
- In the Vision Statement, the second bullet point is now: Protecting personal property rights

Page 4

- Left column, third paragraph, second sentence was changed to: For context, the total population living outside of Shawnee County's five cities would be comparable to the eleventh largest city in Kansas, Salina, has a population of 47,707.
- Left column, third paragraph, third sentence, changed "conflicts" to conflict.
- Left column, fourth paragraph, first sentence, changed "excercises" to exercises and "permiting" to permitting.
- Middle column, second paragraph, first sentence, changed the comma at the end of the sentence to a period.
- Box titled "Comprehensive Plans Perform Three Critical Functions", Item 1 was changed to: Practical: Establishes a legal basis recommendation for regulating land subdivision & use.

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Page 6

- Left column, first paragraph was deleted.
- Middle column, second paragraph, second sentence, changed “estaboish” to establish.

Page 7

- Left column, fourth paragraph, second sentence, changed “impose” to imposes.
- Right column, bullet point titled “Responsible Development”, the first sentence was replaced with: Growth continues to occur in the undeveloped area.
- Right column, added a bullet point and language titled “Economic Development”.

Ms. Moler suggested a change to the Issue Paper, Question Set: 3, Pg. 4, Subsection 1)—Change the last sentence to: change “shat” to what. Mr. Beagle suggested they review and make any changes to the corresponding Issue Papers. The two most significant Issue Papers in this grouping are Question Set 3 and Question Sets 4, 5, 7, 13 & 14. There was discussion about information being placed on the Planning website for the public to read.

Chapter One

Mr. Beagle indicated there were no changes in Chapter 1. Ms. Moler stated there were two Issue Papers to review. Mr. Beagle indicated the Issue Paper for Question Sets 8 and 9 dealt with the City’s Land Use and Growth Management Plan 2040 that was adopted in 2015. Their plan took a different approach for how to best accommodate future growth and development in a fiscally responsible manner. Just as with any of the other four cities within Shawnee County, we want them to be successful. Our plan is recommending we support the city’s efforts, particularly as it relates to the Urban Growth Area because it is the area of immediate expansion and annexation opportunity; therefore, we should work in agreement with the city, particularly in the UGA portion of the ETJ. However, in the balance of the ETJ outside the UGA, there would still be the opportunity for the city and the county to work together to achieve growth and development expectations for the balance of the ETJ. Otherwise, we support, at least through the language in the plan, the city’s effort to capture and accommodate growth and development within the UGA. Ms. McKenzie thought the last two paragraphs in the Issue Paper were the most important. They indicate what our intentions are in working with the rural area and the cities and the partnerships as well as to develop, grow and protect the county. Those two paragraphs really answer the question. It was the county’s job to partner together. Not necessarily to pass judgment. She thought the paragraphs really encapsulate what we are trying to do. Ms. Moler agreed and liked Ms. McKenzie’s comment about how we couldn’t always have our way. It is important to be part of the whole.

Chapter Two

Page 28

- Middle column, paragraph under Soil and Agriculture heading, the second and third sentence was changed to: Approximately 55 percent of Shawnee County is designated by the United States Department of Agriculture (USDA) as prime farmland, and farmland with the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops and an adequate and a favorable temperature and growing season, are not excessively erodible or saturated with water for a long period of time. ~~a~~—Another 23 percent is designated as farmland of statewide importance.

Page 32

- Left column, first paragraph, fourth sentence, changed “having” to have.
- Middle column, third paragraph, second sentence, changed “are” to is.

Page 41

- Left column, first paragraph, the first sentence was changed to: These considerations ~~are important~~ can be beneficial to help Shawnee County thrive ~~while ensuring~~ and help ensure that the county respects the land’s capacity to be developed.
- Left column, NR-1, Item 1 was changed to: Ensure Evaluate the need for a level of review either by developers or planning department staff to prevent development from encroaching on steep slopes, wetlands, or floodplains.
- Middle column, NR-2, Item 5 was added as follows: Utilize the Environmental Constraints map (Fig. 2.12) that was developed as part of the comprehensive plan.
- Right column, NR-3, Item 3 was added as follows: Evaluate the need for the county to update its zoning and subdivision regulations and other requirements.

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- Right column, NR-4, Item 1 was changed to: ~~Require~~ Evaluate the need for coordination of water retention and drainage where multiple dwelling units are within a certain distance of each other.

Ms. Moler stated the Issue Papers prepared for Chapter 2 were for Question Sets: 10, 11 & 12 and 14. Mr. Beagle stated Question Set: 10 included information from the Natural Resource Conservation Service with respect to the definition of prime farmland. Question Sets: 11 & 12 talk about discouraging development on fragile lands and encouraging the protection of lands with positive environmental features. Ms. McKenzie asked if we currently discourage development in floodplains, wetlands and steep slopes. Mr. Beagle said the only environmental feature that is regulated today is floodplains. There are no criteria as it relates to any other environmental feature. A drainage report is required if a subdivision plat is proposed in order to evaluate the possibility of additional run off. Ms. McKenzie requested that information be incorporated. Mr. Aubert asked if there would be an extra level of review to discover the topography for the building permit process. Mr. Beagle stated there were different levels of review.

Chapter Three

Page 44

- Right column, last sentence was changed to: On the consumer side, educating new rural residents on ~~what~~ services they could expect was also mentioned as important to create expectation for services, development, and costs.

Page 50

- Right column, first paragraph, third sentence, deleted ~~bicycling and~~.

Page 67

- On page 67—In the map title, changed “cellphone” to Cell Phone.

Page 68

- Left column, first bullet point, change “Mary’s” to Marys.
- Left column, second bullet point, changed the two references of “Wabunsee” to Wabaunsee.
- Per discussion, it was agreed that some of the language needed to be removed as follows: Middle column, first paragraph, second sentence, changed it to: According to the Kansas State ~~Department~~ Department of Education K-12 Statistics page, the County also has ~~four three~~ several privately accredited schools ~~including Kennedy Academy, Lutheran Schools, the Southard School Menningers, and TARC.~~

Page 74

There was some discussion on the improvement of roadways and how additional homes and traffic impact those. It was asked whether the third and fourth sentences in the first paragraph of the middle column and the similar language in the green box in the right column on page 74 were necessary. There was no objection to remove the two sentences in the first paragraph of the middle column. It was agreed to keep the language in the green box in the right column.

- Middle column, first paragraph, deleted the third and fourth sentence: ~~Assuming it is not necessary to acquire additional right-of-way or relocate utilities, it typically costs \$1 million per lane per mile to pave a road. As all roads need at least 2 lanes, paving a 1 mile road can be expected to cost at least \$2 million per mile.~~
- Right column, last paragraph, last sentence, changed “fees” to fee.
- Right column, last paragraph was deleted and moved to the beginning of the first paragraph on page 76.

Page 76

- Left column, beginning of first paragraph, language is added from the last paragraph on page 74.
- Left column, second paragraph, third sentence, changed “have” to has.

Page 77

- Middle column, first paragraph, first sentence, changed “are” to is.

Page 78

- Right column, TI-3, Item 4. was deleted.

Ms. Moler asked if anyone had any questions or concerns about the Issue Papers prepared for Chapter Three. There were none.

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Chapter Four

Page 80

- Cover Page, second sentence was change to: ~~Because t~~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

- Left column, second paragraph, last sentence, changed “need” to needs.

Page 87

- Left column, added before the first paragraph: Development Pattern.
- Left column, fourth paragraph, after the fourth sentence, added: The unincorporated area of Shawnee County would be the 11th largest city in Kansas, if it were a city.
- Middle column, at the end of the first paragraph, 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.~~

Page 90

- Middle column, the first paragraph was deleted.

Page 92

- Left column, 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.

Page 94

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

Page 96

- Left column, second paragraph, the third sentence was changed to: ~~Nearly all f~~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.

Page 97

- Left column, before the second paragraph, added the title: Guidelines.
- Left column, second paragraph, deleted: ~~These are:~~

Page 101

- Left column, first paragraph, third sentence, changed “as” to are.
- Middle column, second bullet point is changed to: Residential development should only be approved at suburban densities.
- Right column, changed 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.

Page 103

- Left column, second paragraph, the second sentence was changed 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.
- Middle column, the third paragraph 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

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~~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.

- Right column, first paragraph, after first sentence, added: 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.”

There was some discussion on the accuracy of the data provided in the green box on page 103 in the left column as well as the difference in the unincorporated populations for the counties listed. It was indicated that the information had been reviewed and was verified to be accurate.

Page 104

- Left column, in the heading of LU-1, changed “Limit” to Encourage.
- Middle column, Item 3, deleted the second bullet point.
- Right column, Item 4, changed “possibility” to possibility.

Page 105

- Left column, Item 3, second bullet point, changed “area” to areas.
- Middle column, Item 7, first bullet point, added 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. Moler asked if there were any questions or concerns regarding the Issue Papers completed for Chapter 4. None were indicated.

Chapter Five

- Cover Page—In the third sentence, changed “are” to is.

Page 113

- Figure 5.10, changed “Tenture” to Tenure.

Page 120

- Left column, fourth bullet point, changed “ensure” to ensures.
- Left column, second paragraph, last sentence, changed “are” to is.

Page 121

- Figure 5.18, changed the title to: ~~Projected Housing Development Demand—All Shawnee County~~ Guided Growth Scenario.

Page 122

- Left column, second paragraph, second sentence, changed “have” to has.

Mr. Beagle asked for them to call or email him if they had any questions regarding the Issue Papers.

Chapter Six

Page 130

- Left column, first paragraph, first sentence was changed to: Existing conditions for Shawnee County ~~include~~ can be analyzed by investigating its income, labor force, educational attainment, and jobs and industry.

Page 132

- Left column, second paragraph, last sentence, added a period at the end of the sentence.
- Middle column, second paragraph, second sentence, changed “loses” to losses.

Page 133

- Left column, first paragraph, first sentence, changed “informing” to forming.
- Left column, last paragraph, last sentence, added the following at the end of the sentence: in the manufacturing, construction, and education industries.

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Page 134

- Right column, first paragraph, first line, removed the following: ~~in the manufacturing, construction, and education industries.~~

Page 135

- Left column, first paragraph, third sentence, changed “lose” to have lost.
- Left column, first paragraph, last sentence, changed “Government” to government.
- Left column, last paragraph, second sentence, changed “job” to jobs.
- FIGURE 6.10, added Government before Jobs.
- FIGURE 6.10, deleted “by industry,”.
- FIGURE 6.10, changed “Government” in the table to Total Government.

Page 136

- Middle column, second paragraph, last sentence, changed “county’s” to County’s and added a period at the end of the sentence.
- Right column, first paragraph, first sentence, changed “is” to are.
- Right column, first paragraph, last sentence was changed to: These sectors, directly and indirectly, ~~direct, indirect, and induced effects~~ contribute roughly 29 percent of the county’s economy.

Page 137

- Left column, first paragraph, first sentence, deleted the comma after County and added a comma after Topeka.

Page 139

- Left column, first paragraph, first sentence, replaced “Currently,” to As of 2017.
- Left column, second paragraph, first sentence, added the after “in”.
- Left column, second paragraph, second sentence, changed “retailers” to retailers’.
- Left column, last paragraph, change “&” to and.
- Middle column, first paragraph, first sentence, added may after “initiatives”.
- Middle column, fourth bullet point, changed it to: Small ~~B~~business ~~A~~awards.
- Middle column, last paragraph, changed “KANZA” to Kanza.
- Right column, second paragraph, first sentence, changed “to” to too.

Page 140

- Middle column, Item 1, changed “skillset” to skill set.
- Right column, first paragraph, first sentence, changed the “&” to and.

Page 142

- Left column, last paragraph, second sentence, changed the “&” to and.
- Right column, before the last paragraph, added a space to separate paragraphs.

Page 143

- Right column, second sentence of the paragraph, changed to: The Oregon and California Trails traversed Shawnee County from ~~east-to-west-to-east~~, roughly along the alignment of US-40 Highway east of Topeka and US-24 Highway west of Topeka.
- Right column, third sentence of the paragraph, changed “were” to was and “ferry’s” to ferries.

Page 144

- ED-3, Added Item 3: ~~Foster and support a local food movement~~ Encourage/support development of community-based food systems to help support Shawnee County’s agricultural industry, increase access to locally produced fruits and vegetables, and encourage residents to keep their food dollars here in the county.

Ms. Moler acknowledged there were only two Issue Papers related to Chapter Six.

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Chapter Seven

Page 148

- Left column, first bullet point, at the end of the sentence replaced the comma with a semicolon.
- Left column, second bullet point, add at the end: ; and.
- Left column, third bullet point, add a period at the end of the sentence.

Page 151

- Left column, first paragraph, third sentence, replace the comma with a period.
- Left column, first paragraph, last sentence, add a period at the end of the sentence.
- Left column, first sentence of the second paragraph, change the beginning to: ~~Recently,~~ In 2015,.

Page 153

- Left column, first paragraph, first sentence, change “particularly” to particularly.
- Left column, second title, add RESIDENTIAL before GROWTH.

Page 154

- Middle column, last bullet point at the top, add a period at the end.
- Right column, second bullet point, change “are” to is.

Page 156

- Left column, first paragraph, third sentence, change “makes” to make.

Page 158

- Middle column, last bullet point, add a period at the end of the sentence.

Page 159

- NR-1, GOAL #1, first sentence, change to: “~~Ensure~~ Evaluate the need for a level of review either by developers or planning department staff to prevent development from encroaching on steep slopes, wetlands, or floodplains.
- NR-2, add: GOAL - #5, ACTIVITY - ~~In the short term, u~~Utilize the Environmental Constraints map (Fig. 2.12) that was developed as part of the comprehensive plan, TYPE - Policy, GROUPS - SNCO Planning, TIMING - Ongoing/Short, TOOL - Zoning, Sub Regs.
- NR-3, add: GOAL - #3, ACTIVITY - Evaluate the need for the County to update its zoning and subdivision regulations and other requirements, TYPE - Policy, GROUPS - SNCO Planning, TIMING - Short (By 2020), TOOL - Zoning, Sub Regs.
- NR-4, GOAL #1, first sentence, change to: ~~Require~~ Evaluate the need for coordination of water retention and drainage where multiple dwelling units are within a certain distance of each other.

Page 160

- TI-3, remove GOAL #4.

Page 161

- LU-1, goal description, change “Limit” to Encourage.

Page 162

- H-3, GOAL #3, remove “Set expectations for” and replace with Provide information for the benefit of. The Timing should be changed from “Short (By 2020)” to Ongoing.

Page 163

- ED-3, add GOAL - #3, ACTIVITY - ~~Foster and support a local food movement~~ Encourage/support development of community-based food systems to help support Shawnee County’s agricultural industry, increase access to locally produced fruits and vegetables, and encourage residents to keep their food dollars here in the county, TYPE - Action, GROUPS - SNCO Planning, Interest Groups, TIMING - Ongoing, TOOL - Cooperation.
- ED-5, GOAL #1, change “Find” to Explore.

Mr. Aubert suggested replacing the first sentence on page 149 under the title, Existing Parcels of Record, with the following: Existing parcels of record recorded with the SNCO Register of Deeds prior to adoption of this plan should be allowed to be developed for a single family residence under the development standards that existed at the time the parcel was created. Also, he suggested replacing the second bullet point on page 151 under the title, Agricultural Areas, with the following: Subsequent land divisions with proposed changes from agricultural to residential,

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commercial, or industrial uses should require platting before either building permits and occupancy permits are issued by Shawnee County. Platting is not required for existing parcels of record recorded prior to adoption of this plan for the development of a single family residence.

Ms. Moler asked Mr. Beagle if the updated language would require any changes to the Issue Papers. Mr. Beagle didn't believe it would. Mr. Weichert asked if he could speak.

Ivan Weichert, President and CEO-Topeka Area Building Association, 1505 SW Fairlawn Road, Topeka 66604.

- Suggested adding legally created lot of record.
- Plenty of parcels were created illegally that wouldn't and shouldn't qualify.

Mr. Aubert asked if those were created through the Register of Deeds office. Mr. Weichert said you could register anything. It doesn't make it conforming. Ms. Moler asked Mr. Weichert to provide information on his background. Mr. Weichert stated he was the Planning Director for three years and previous Zoning Administrator for Shawnee County. He knew that anyone could divide property but it didn't mean it was in compliance.

Additional discussion was held on the subject. Mr. Beagle suggested adding the word conforming in the second sentence between the words "existing" and "parcels" in the second bullet point under Agricultural Areas. If a parcel was not conforming it would then bring platting into the question. Ms. Moler stated Mr. Aubert and Mr. Beagle would work on the language and email it out. Since the Issue Papers were just provided to them, she suggested they review them and discuss at the next meeting.

In discussion for the expectations for the public hearing on June 20, the public will be informed that the Planning Commission has been working during the last seven months to revise and answer questions that were returned back with the plan after the County Commission rejected it. Most of the Planning Commission's changes were minor along with a few corrected misspellings. There were a couple of significant changes that would be noted. Also, the Issue Papers were prepared in response to the County Commission's questions. The public would then be invited to comment and make any suggestions. It was suggested there be a time limit for public comment. They could allow more time if someone needed it. Prior to the meeting, all of the information would be posted on the Planning website. A press release will be prepared and submitted to the media outlets. Press releases were sent out during the early part of the process but there were few who opted to provide the information to the public. With the possibility of a split vote, it was suggested it might be beneficial for the County Commission to receive a report prepared by the Planning Commissioners expressing their positions as to how they cast their votes.

For their meeting on June 11th, Ms. Moler indicated they would consider two planning cases. Mr. Beagle stated the first case would be heard by the Board of Zoning Appeals and the second case would be heard by the Planning Commission. They could spend some time during their informational meeting at 5:30 to discuss the differences between the Board of Zoning Appeals and the Planning Commission.

Mr. Beagle suggested the Planning Commission be the primary driver of the plan once the vote was taken. He encouraged them to be present to represent their viewpoints and to answer questions when the item is considered by the County Commission. They should consider preparing a memo providing the details of their work to be submitted along with the plan to the County Commission. Ms. Moler agreed. Ms. Thadani said it was unfortunate that previously the Planning Commission was negatively looked upon by the County Commission. At least one County Commissioner was very upset that no one showed up. The County Commission wanted the opportunity to ask questions. It was not known how long it will be before the County Commission would consider it. There is no time frame. The County Commission may spend time reading the plan and changing things or coming up with suggestions that they would like to approve instead. When the meeting date is announced, Mr. Beagle will notify the Planning Commission so they can plan to be there. She highly encouraged everyone to attend so they can represent their position.

Ms. Moler asked if they would vote at the public hearing to add things that were suggested or take things out. Mr. Beagle thought it would depend. If there were a lot of changes or recommendations, the Planning Commission would probably want to have time to review those. It would depend on the nature of what is discussed. The Planning Commission would have the ability, if needed, to come back and vote on another date. The deadline date to submit the plan to the County Commission is July 3.

Adjournment:

Mr. Fisher moved to adjourn, seconded by Mr. McCurry, a unanimous voice vote declared the public hearing be adjourned, which was at 8:09 p.m.