

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

**Monday, June 20, 2018 – 6:00 PM
Shawnee County Annex**

Roll Call and Announcement of Hearing Procedure: Judy Moler, Chair, called the meeting to order at 6:05 p.m., reviewed the hearing procedure and asked for roll call to be taken.

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

Public Hearing on the Shawnee County 2037 Comprehensive Plan

Ms. Moler welcomed and thanked all those in attendance. She indicated public comment in favor will be heard first and then from those speaking in opposition. Each speaker will need to first state their name and address and sign the log. They would each have five minutes to speak but could requested additional time.

Ms. Moler stated in 2015, the Board of County Commissioners had authorized \$114,500 to hire a planning consultant to assist Shawnee County in the preparation of a comprehensive plan. In the spring of 2016, the various groups began their work. The original plan was created by focus groups and partners (government, school, economic development, etc.). In August 2017, the Planning Commission approved the plan and submitted it to the County Commission for their consideration. The County Commission rejected it in October 2017 and sent it back to the Planning Commission with a list of questions. Since that time, the Planning Commission has met several times a month to work through the questions in order to meet the County Commission's July 3 deadline.

Ms. Moler stated the amended plan was available on the Planning website along with the issue papers that were prepared to answer the County Commission's questions. She thanked the Planning Commissioners and county staff for their assistance in completing the task.

Ms. Moler asked for public comment from those who were in favor.

Leslie, Prentice, 4020 SE 37th Street, Topeka 66605.

- The Topeka Shawnee County League of Women Voters strongly favors the revised plan. Confident and pleased in the way it was developed. It aligns the county with its peer counties in the state/nation. It promotes efficiency in providing local government services which will save taxpayer dollars.
- Since 1983, their official position on local land use planning and zoning states land must be regarded as a resource of the community to be preserved/protected and a commodity to be bought/sold.
- Believes the Planning Commission's goal is to promote a system of long-range planning.
- The League of Women Voters of Kansas and the United States have similar official positions.
- Thanked them for their efforts in constructing the plan and recommending it to the County Commission last fall.
- The 22 person steering committee represented a broad spectrum of community interests.
- The county's team diligently collected community input using a wide range of tools.
- The team held discussions, reviewed studies, talked to stakeholders and consulted authorities.
- This impressive plan draws a clear picture of our past/current conditions, sets forth goals based on collected data, focuses on the entire community's welfare and provides recommendations for carefully planned development, rather than haphazard, as required by Kansas law. It contains the information that plans are intended to convey.
- Under the law, an approved comp plan is a guide to ensure sound development as well as "wise and efficient expenditure of public funds."
- Not pleased with the county's unique failure to adopt a plan which has tarnished our image.
- Shawnee County is the third most populous in Kansas and the only large county that does not have a plan.
- The counties surrounding us and other peer counties in Kansas are successfully using their plans.
- Douglas County's plan was created 26 years ago.
- Shawnee County is also the only capital county in our nation without a plan.
- Throughout the country, there is widespread use of comp plans. Our county deserves the benefits of this tool as well.
- Uncontrolled development in the county has harmed our county and our capital city.
- As of the 2010 census, over 46,000 residents live outside the county's five cities which is significantly more than other comparable counties and Topeka's lack of population growth is likely one result of that.
- Studies show sprawl generates less tax revenue per acre than more compact residential development.

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION
Monday, June 20, 2018**

- Sprawl away from existing infrastructure results in higher costs for providing basic services like roads, police and fire protection and those costs are ultimately passed along to county taxpayers.
- This plan to encourage development in areas near existing infrastructure is wise and will cut costs.
- The county must spend start up money now in order to curb these expenditures in the future.
- There is concern of the impact the plan may have upon the 800+ farms. Rightfully so, the Planning and County Commissions will have to work to balance the welfare of our community with individual property rights.
- The 170,000+ other residents who are not farmers cannot be overlooked. Their financial and other interests must be fully considered also.
- It is past time for Shawnee County to adopt a comprehensive plan.
- The League urges the revised plan to be approved and be recommended to the Shawnee County Commission.

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

- Attended some of the meetings and knew the hours of work and thought that has been put into it.
- Supports their work and asks the plan be approved and sent to the County Commission.
- Concurs with Ms. Prentice's comments.
- Appreciates the work that has been done.

With no additional comments in support, Ms. Moler asked for public comment from those who were in opposition.

Frank Meade, 3524 SE 37th Street, Topeka 66605.

- Wasn't necessarily opposed.
- Has lived by Lake Shawnee his whole life and is concerned about the dam's stability since it leaks and has been determined to be a high hazard dam based on studies the county completes every ten years.
- Four lanes in front of the dam increase the risk level.
- Most of the property below the dam in the inundation area is in the city and thought it was a mistake that the county gave up total control of something their liable for to the city.
- The city has zoned the area below the dam as residential and multi residential.
- By law, it is a high risk dam and the county is liable for it and all the areas below that.
- Believes it should be included in the plan.
- Thought the county should have an agreement with the city to have the right to veto any plans the city may have in the inundation area for housing and other things.
- The state's regulations state housing below a dam is not recommended.
- Has difficulty in working with the city. The city planning approach is that they control all so there will probably be some difficulties in establishing control of that area.
- Has been trying to build a business park on the city's east side for two years and has been unsuccessful. The first one, at Lake Shawnee, was written off. City planning did some things that made it virtually impossible. In two years, they have spent \$100,000 directly and indirectly another \$100,000. Has not been able to get a simple plat.
- Said one Topeka business with over 50 well paid employees was also trying to build in Topeka. It may be moving to Lawrence instead because they can't get things resolved. Jobs could be lost and it is not a small number.
- Planning is very important in the growth and development of Topeka which hasn't been exactly robust.
- Things being done are very important and need to be done very carefully so as to not destroy our growth potential.
- Liability factors should be included in the county's planning.

Joseph Ledbetter, 330 SW Country Club Drive, Topeka 66614.

- He and his two clients, Fred Sanders and House of the Lord Church, are landowners in the county and opposed to the plan.
- Clients have been opposed to the prime farmland definition.
- There are 300 square miles carved out for farmland and no shortage of it in Kansas and any of the surrounding counties have vast amounts of farmland and not well populated except Douglas.
- The county has 172,000 people but 550 square miles of which 490 is outside the city.
- We are compact in the city and the suburbs around the city.
- We have a lot of urban sprawl in the county and it has nothing to do with not having a plan but is due to the fact that the city extended its water lines outside the city which most cities do not.
- Entrepreneurs and good development services inside the city create economic growth, not comprehensive plans.
- Agrees there is a terrible problem in the city with development. Has nothing to do with this plan outside the city limits.
- Most commercial development should occur inside a city; however, if bureaucrats object to everything and don't care about entrepreneurs and developers, there will be inactivity. Has talked to a number of them and thinks there are some reforms coming.

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION
Monday, June 20, 2018**

- The county has a GDP that is down -6% in the last 12 years.
- In spite of all the hoopla about sales tax and great plans, etc., we have lost Essex Wire and Adams Business Forms.
- All of these plans have consequences but they have nothing to do with the comprehensive plan.
- Passing a plan will not create economic development but will regulate the people outside the city who don't want it.
- With no plan, we are unique. We like it the way it is and want to be left alone outside the city limits.
- The three mile area controlled by the city also deals with some "urban sprawl" issues that have been talked about.
- Shared a quote: "Better a little caution than a great regret."
- We've waited and not implemented a plan and didn't think there was a good reason to implement one.

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

- Owns a farm with her husband.
- Has attended almost every work session.
- Thanked the members of the Planning Commission for their hard work and long hours on an impossible task.
- Some of the Planning Commissioners did not have any say on the original plan.
- Mr. Depperschmidt and Mr. Fisher came in just a few months ago and right in the middle of it.
- Has not changed her opinion and is still not in favor.
- Wants to know why they should give up their individual rights and the right to do what they want with their farm.
- Has no help to make money to pay their taxes which are more than the average homeowner in the city.
- Farmers pay a lot of taxes.
- Why can't we be unique and why do we have to be like other counties.
- No law requires the county to have a comprehensive plan.
- Of the 22 committee members who helped draft the plan, who were farmers or landowners and would they want to have something to pass down to their family or allow their grandchildren to build on their property or to be able to sell their property since farmers generally don't have health or nursing home insurance and want to live in a good facility in their twilight years.
- No farmer takes that lightly because when the land is sold, there is no job. Land has been passed down from generation to generation and the decision to sell it is never easy.

Aaron D. Perry, 6336 SW 93rd Street, Wakarusa, KS 66546.

- Was not aware of the plan until his neighbor told him about it.
- Originally from southern California, the military brought him here and he has been in Kansas for over 20 years.
- The rural climate is why he stayed.
- Recently declined the possibility of a huge promotion at the Northern California VA Medical Center and chose to stay here because he relates a whole lot better with his rural community.
- Has not had a chance to read the plan but if it has anything to do with the city saying how he should live out in the country, he is opposed.

Elmer W. Hubener, 6237 NW 94th Street, Topeka, KS 66618.

- He's opposed to it because it's telling everyone out in the county what they can do.
- Trying to raise the acreages that they have to have.
- People are moving to other counties and elsewhere.
- If you want a rural feeling, you'll want to have at least 3-5 acres and not have everyone tucked in around you.
- You want to be able to ride a horse, have animals.
- You can't do that if the city tries to take over everything.
- Would be forced to either live with nothing or go into another county if these rules are applied.
- Didn't understand why the people in the rural area didn't get to vote instead of a commission.
- If rural peoples' lives are going to be restricted with such a comprehensive plan, they should be able to vote.
- It will affect the city. They might be able to figure out a way to get more taxes and a whole bunch of other things.
- Not going to help the inner city redevelop.
- People in the county and surrounding counties spend their money here. The extra sales tax helps support and builds up Topeka.
- So far, it has not gotten a whole lot better.
- Any project they've tried to get started on has been cancelled because of the city commission trying to promote the vacant lands that are closer to downtown Topeka.
- There are a lot of commissioners that are doing a lot of things that are not helping.
- His family had some proposals to have some ground that is inside the city limits developed and it didn't happen because of the commission.

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION
Monday, June 20, 2018**

Robert Lee Palmer, 210 West 4th Street, Auburn, KS 66402.

- Lives in Auburn and the family farm is located on 103rd Road.
- Wondering who this was going to benefit because it wasn't going to benefit him.
- The third generation to own his farm.
- It's against the rural landowners.
- The average homeowner in Topeka is not going to benefit from these restrictions.
- Asked if his land will be worth less if he can't sell it off for housing.
- There are a lot of people out there who want five acres so they enjoy the quietness of the country.
- Lives on the very south edge of Auburn with no one behind him. A friend told him he was lucky because he lives on the other end of Auburn where the houses are jammed together and it's noisy all the time.
- There's a difference between what you can legally do and what is right or wrong. This is wrong to take land that he owns and tell him what he can or can't do with it.
- Should be able to have his kids or other relatives build a home there if they want to and if the plan goes through, he doubts very much that it will ever happen.
- This is for the developers and attorneys in and around Topeka and who would be the only people to benefit from it.

Steven Burrell, 2731 SE 32nd Street, Topeka, KS 66605.

- He's the third generation and trustee of his parents' estate, a farm of 80 acres, at 94th and Rochester Road.
- Twenty years ago his father platted the farm for housing and it hasn't been recorded with the Register of Deeds but they have it there and it is there for them to use as they see fit.
- There was another generation coming up behind him that may want to build on the property.
- Didn't see why in this plan that you can only have one house other than the farm house on a parcel of property.
- Forty years ago Shawnee County established the requirement of a minimum of three acres and 200 foot of frontage on an improved road due to septic issues at 46th and Highway 75 because developers had built too many houses in a small area. That has done well for the county over the last forty years and didn't see any reason to change it.
- Was trying to solve a problem that doesn't exist.
- The reason 47,000 people live outside the city because the city's taxes are too high. They are living outside of it in order to get their taxes dropped.
- If you have a lot of people living out in the county, sure the taxes will go up but they'll pay the taxes and it's their right to do that.
- It wasn't someone's right to say the taxes were going to go up in an area and prevent development.
- A couple of other things in the plan surprised him.
- Basically it was the authors of this plan seem to be lamenting the fact that we're going to lose some farm ground and like some of the people have said, there's a lot of farm ground in Kansas.
- We're losing population in Kansas.
- So leave it the way it is.
- Once enough pressure comes up on these suburban areas, the people with three and five acre tracts will sell out and the developers can buy that property and develop a housing unit.
- Didn't see any reason to do this at the level that it's being done now.
- Thinks that it is wrong because the plan is proposing only one additional house can be built on a property.

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

- Spoke to the commission before about his personal concerns.
- Lives with his wife on 160 acres and has three children.
- Has been often said part of that is a retirement plan and medical.
- If parents want to give their kids some property, they were allowed to do it.
- If he can only give one child a parcel of land, what about the others.
- It doesn't seem like a common sense way to write a plan.
- Opposed to it.
- Thinks there is plenty of land and we have all kinds of regulations about what to do with the septic tanks, land in the floodplain. Those laws apply to everyone.
- Follow that kind of format rather than coming up with this kind of plan. It doesn't make sense.

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION
Monday, June 20, 2018**

Arlen Kirkwood, 6638 NW 46th Street, Topeka, KS 66618.

- Thought there were a few people that sit behind a desk trying to figure out ways to run over other people.
- Trying to take away all of their freedoms.
- Between him, his father and two brothers, they have spent 22 years in the military fighting for freedom.
- This is one of the most un-American things that he has seen or heard of.

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

- The whole family operates over 3,000 acres in southern Shawnee County, Osage County and recently bought land in Wabaunsee County.
- There were two people in favor. One is Evelyn Davis who is a good friend and went to school together. The only difference is she was at the top of her class and he was at the bottom. He wants what Evelyn has. She got her land and got a permit and built a house.
- Has six grandchildren and he wants them to be able to do the same.
- Better turn this down.

With no one else to speak, Ms. Moler opened the meeting up for deliberation by the Planning Commission.

Mr. Aubert stated they have spent nine months going back through the plan. He voted the plan down the first time. Although they have made some positive changes, he still can't reconcile his thoughts and views and shares many of the views of the audience. He does not agree with many of the theories and hypotheses used to recommend some of the major regulation changes the plan is recommending. He believes most of the county residents especially those that live rural or wish to live rural seem to agree. He believes the plan is recommending burdensome regulations that could possibly cause decreased land values, cost to taxpayers, unnecessary and unneeded surveying costs, extra red tape and time consuming and frustrating platting processes that do not really enhance the public's health, safety or welfare. He does not believe the plan will achieve the intended effects in which it tries to address. He indicated he had some additional amendments for them to consider.

Ms. McKenzie thought some of the peoples' concerns came from thinking that the City of Topeka would be coming out to the county and telling them what to do. This plan does not involve the city. She doesn't live in the city. The city has regulations and boundaries to follow just like the County and Planning Commission does. She wanted to assure everyone that the city would not be coming out and telling them what they can do. She thinks Topeka is a fine city but it wasn't where she wanted to live.

Mr. Desch stated the city has exercised a legislative rule that says they can control three miles outside the city limits of Topeka and the county has no control there. Mr. Ledbetter's comment reminded him that most of the three acre tracts squatting along the roads came about because the city allowed water out there. If water had not been provided, it would have never happened. He doubted there were very many three acre tracts that included both septic and well water. He didn't like the idea of restricting anybody's right to do anything with their property; however, they can't have the third largest county in Kansas out on basically rural gravel or asphalt roads. One of the townships or the county has to maintain them. There were several comments about large tracts of ground. This will have no proviso over that. If someone wanted to give their children acreage to build houses, they could. He was concerned about the stripping of road frontage with three acre tracts. It has caused angst with everyone who owned acreage who wanted to sell it in three acre tracts. With 25 years working in real estate in the area, he was well aware of what is out there. He went to a planning commission conference in Salina that was attended by all the counties around Shawnee County. We are the only county that has this particular non control of what's going on inside of the county. He had made the motion the last time to approve it. As far as long-term planning, fire, sheriff, etc. would need some control. It is more difficult to build a road across three acres than it is a 150 foot lot. He knew there were a lot of people who wanted to live on three, five and ten acre tracts. But everyone pays for the services: roads, law enforcement and the fire department. He was sorry but his vote will still be the same as it was the first time. He truly didn't want to hurt anyone. There has to be a point where it stops. We can't have every county road stripped with houses and provide services.

Ms. Moler stated they were good people who were looking out as best as they could for the interest of Shawnee County. Some may not agree with how they vote. Last week, the Planning Commission heard a request from someone who wanted to put in a business on their four acres. It would have involved traffic, dust and all sorts of things. Their property was surrounded by other three and four acre lots. The Planning Commission denied the request because they had to decide what was best. It is always a balancing act. They all strongly feel that property rights are important. But, sometimes, a decision has to be made that denies something for someone in order to adhere to the greater good of the other property owners. She planned to vote in favor of the plan.

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION
Monday, June 20, 2018**

With no other comments from the Planning Commissioners, they reviewed amendments proposed by Mr. Aubert.

Mr. Aubert stated they had discussed two revisions to Chapter 7 at the last meeting that clarify existing lots of record. On page 149, Existing Parcels of Record, there was ambiguity in the definition of a residential parcel of record. He proposed to modify the language in the paragraph.

Mr. Desch asked if a specific parcel size was recommended. He asked to speak to the gentleman that commented about his family platting a piece of ground but did not record it with the Register of Deeds. He wanted to know if it was platted into tracts with streets and services, etc.

Steven Burrell, 2731 SE 32nd Street, Topeka, KS 66605.

- In 1996, his father platted the 80 acres on Rochester Road and 94th Street, almost $\frac{3}{4}$ of a mile of road frontage. About 210 feet per three acre plot. The land behind it would be for sale to someone who lives along there.
- It was platted because there was a proposal being considered to change the requirements and it was voted down.
- The County Surveyor's office got a copy when it was filed with their office.
- At that time, the plat didn't have to be recorded with the Register of Deeds so they didn't.
- Wanted to know if the plat was good since the county had a copy of it for 22 years.
- It is pending whether it will actually be executed.
- Also, they all have children that may want to live there some day.

Mr. Beagle defined the two different types of plats. A plat of subdivision lays out the property into lots, blocks, streets, utilities, etc. that goes through the formal process of review by the Planning Commission and ultimately gets approved by the County Commission and recorded with the Register of Deeds. A plat of survey shows how the property could potentially be developed or split out into individual tracts. In Mr. Burrell's case, it sounded like a plat of survey was done but was not formally approved as a plat of subdivision by the County Commission. The recording of the plat of survey did not create individual tracts. Those would only be created when deeds were prepared for the individual tracts and recorded with the Register of Deeds. The remedy to this is, unless there were any potential changes since the survey work was done, they could be recorded into individual deeds which would make them existing parcels of record. Therefore, they would be considered grandfathered with the adoption of the plan or any subsequent regulations.

Mr. Aubert indicated the first amendment was clarifying if you have an existing parcel of record recorded with the Register of Deeds prior to the adoption of any future land use regulations. Not just the plan itself. If the plan is adopted fully, they will look into modifying the land use regulation. It was indicating that those can be developed for single family residence.

Ms. McKenzie asked if the proposed amendment was needed to make it a stronger statement. Ms. Thadani stated there was concern with the way it was written. If someone has a parcel of land that has been recorded but was not yet residential, then it might be confusing. Mr. Aubert was suggested it be changed to "Existing parcels of record" instead of "Residential parcels of record". She thought it would make it stronger so that it would include any kind of parcel of record versus just residential. The intent was to indicate that we weren't talking about parcels of record that are other types of parcels. If a parcel was already recorded at the time the plan went into effect and as long as it was conforming with the standards that existed at the time it was recorded, it should still be able to be developed even if it doesn't meet the standards of what the plan sets forth.

Ms. Moler asked if the first sentence was being replaced. Mr. Aubert said there were two primary changes: changing "residential" to "existing" to make the clarification and to also change it so it is not the adoption of the plan that sets the precedence but the future land use regulations that would be modified.

Ms. Thadani stated if the plan passes and it goes to the County Commission and they approve it, it wouldn't change the regulations that are currently in place. There would be an "in between" stage where a comprehensive plan which is supposed to be a guide and a policy to indicate how the county believes the regulations could or should be changed in the future. Mr. Aubert's language clarifies that it would only apply after the future land use regulations have been passed. The only way a regulation gets passed is that it goes through the process of being developed and then passed by the Board of County Commissioners at a later date. So, this plan would not change regulations. This plan makes a policy document to change regulations potentially in the future. Mr. Aubert wants to clarify that this would only apply after the future land use regulations were passed or if they are to be passed.

Mr. Aubert moved to change the wording of the paragraph in the plan on page 149 under Existing Parcels of Record in Chapter 7 to: "Existing parcels of record recorded with the Shawnee County Register of Deeds prior to adoption of future land use regulations should be allowed to be developed for a single family residence under the development standards

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION
Monday, June 20, 2018**

that existed at the time the parcel was created.”, seconded by Ms. McKenzie. Ms. McKenzie thought it was a really good amendment that clarifies things. Ms. Moler said it was what they talked about previously.

With a vote of **7-0-0**, the request to substitute Mr. Aubert’s language in the plan in Chapter 7 was **Approved**.

Mr. Aubert indicated the second amendment was exclusive to agricultural areas. He felt another clarification was needed in the second bullet point in the middle paragraph on page 151 which stated: “Subsequent proposed changes from agricultural uses to residential, commercial or industrial uses should require platting before either building permits and occupancy permits are issued by Shawnee County.” He was recommending it be change to: “Subsequent land divisions with proposed changes from agricultural uses to residential, 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 with the Shawnee County Register of Deeds prior to adoption of future land use regulations for the development of a single family residence under the development standards that existed at the time the parcel was created.” He felt it was clarifying again similar to the topic before that even in the agricultural areas if there is a proposed use change from agricultural to single family residence that platting is not required. But any change in use from agricultural to commercial or industrial would require the platting process.

Mr. Beagle stated the emphasis on whether a plat is required as Mr. Aubert has drafted is based upon a future division of a tract of land converting it from agricultural to residential, commercial, or industrial. Whereas the existing language says that any proposed change regardless of whether it is subdivided requires a plat of subdivision. As an example, if you had a three acre tract and it was being proposed to convert it from the present zoning to commercial. It would dramatically change the footprint of the property and how it would be used. Commercial land use would have differences in regard to utility installations, access, etc. So sometimes it doesn’t necessarily require a land division. It is the conversion of the tract of land from agricultural to a non-agricultural use that could still compel a division. It may not be creating a new parcel but creating a new issue associated with that parcel associated with its new use as a higher intensity use. He would suggest using the existing language in this case because he understood what Mr. Aubert was indicating but it would be tying it to a subsequent division of land. Any time you convert land from agricultural to a non-agricultural use, it should be subject to the platting process regardless of whether there is a land division.

Mr. Aubert asked for a recommendation in language to cross reference this comment with existing parcels of record. Mr. Beagle stated the only distinction would be to take residential out of this particular statement. And then it would just be the conversion of land to commercial and industrial uses would automatically, without a land division, would require a plat of subdivision.

Ms. Thadani stated that in some circumstances we would still need residential if they were doing a future division of land. Mr. Beagle said plat exemptions would still remain. Particularly in the urban rural transition area, we even allow for lots if they were in the agricultural areas and those would be realized without having to do a formal plat of subdivision. It would be creating a multi-lot residential situation and then the only plan by which to accommodate that would be through a formal plat of subdivision. If someone was just securing a building permit to build a home on a tract of land, then that could be done without having to require it be platted. Unless somehow that parcel was not compliant and platting would be the only way to make it compliant.

Mr. Aubert suggested to only add the second sentence: “Platting is not required for existing parcels of record recorded with the Shawnee County Register of Deeds prior to adoption of future land use regulations for the development of a single family residence under the development standards that existed at the time the parcel was created.” Just clarifying that platting is not required for a single family home. His concern is if residents have a 20 acre tract, the cost to get that platted and surveying is expensive.

Mr. Desch asked if a certain size was required. Mr. Aubert said it would include any. Mr. Desch was concerned. Platting was not required for existing parcels. He has a three acre parcel, he doesn’t need to plat it. Ms. Thadani stated it was referring to an existing parcel of record which was already platted or recorded so you wouldn’t have to plat it again anyway. Mr. Aubert said it referred to property already owned today. By forcing someone to plat was just unnecessary. Mr. Desch said he didn’t want to force anyone to do anything. He was thinking about Mr. Burrell’s plat, whether it was recorded, probably wouldn’t make it through this because it wasn’t recorded.

Mr. Aubert moved to add the proposed second sentence to bullet point #2 in the plan on page 151 under Agricultural Areas in Chapter 7 to read as: “Platting is not required for existing parcels of record recorded with the Shawnee County Register of Deeds prior to adoption of future land use regulations for the development of a single family residence under

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION
Monday, June 20, 2018**

the development standards that existed at the time the parcel was created.”, seconded by Mr. Fisher. There was no discussion by the Planning Commissioners.

With a vote of **7-0-0**, the second sentence of the proposed language in the plan in Chapter 7 was **Approved**.

Ms. McKenzie stated there was no required acreage amount proposed in the plan. It would be considered later by a committee. The plan was only a guide to look at on how the county was going to grow and develop and the legacy of our county for future generations to come or to enjoy: the quiet of the county, the beauty of Shawnee County, the beauty of the rivers, creeks, fields, and the cattle on the hill. That is what the recommendation is for. The plan is a just a recommendation to be cautious and to carefully plan how we develop our county. It doesn't say we're doing away with something. If the plan was read, it was very carefully worded to not be rules or laws but just recommendations and guidelines to use. She thought it is a concern because people thought the plan was saying something specific. It wasn't. She thought it was a misnomer that it was some kind of law that is included in the plan and it's not.

With no other proposed changes, Ms. Moler closed the public hearing. She thanked everyone for attending.

Ms. McKenzie stated at a previous meeting they had talked about whether to discontinue this process or keep working. She felt they needed to work on this plan and put in the time, no matter how many meetings. And they did work to make something they can be proud of to recommend to the County Commission that was from their voice and ideas and for the whole community. She appreciated the time and the passion that all those directly working on the plan put in to making a document that reflects the ideas of the county and preserving the county and taking care of the county and leaving a legacy to be proud of.

Ms. Moler stated if anyone had any questions to look at the Issue Papers located on the website. The County Commissioners asked them to answer approximately 56 questions. She said they helped Mr. Beagle to adequately answer the questions. They were very studious in their review. She asked if there was a motion.

Ms. McKenzie moved to approve and send the Shawnee County 2037 Comprehensive Plan with the amendments to the County Commission for their review, seconded by Mr. Depperschmidt. There was no discussion by the Planning Commissioners.

With a vote of **4-3-0 (Mr. Aubert, Mr. Depperschmidt and Mr. Fisher dissenting)**, the Shawnee County 2037 Comprehensive Plan as amended will be forwarded to the County Commission for their review was **Approved**.

Ms. Moler asked for a motion regarding the Issue Papers. Mr. Aubert requested to make a comment. He said they read them but they haven't made any changes. He saw them as an opinion piece that the County Commission can read through and either choose to agree or disagree. They offer a lot of extra information. They did a good job of writing them. He felt that they should be used in that manner. He didn't agree with them.

Mr. Depperschmidt moved to approve and send the Issue Papers to the County Commission for their review, seconded by Ms. McKenzie.

With a vote of **7-0-0**, the Issue Papers will be forwarded to the County Commission for their review was **Approved**.

Mr. Beagle indicated the recommendation would be submitted to the County Commission before July 3rd. Once it is received by the County Commission, it is up to the County Commission as to when it will be placed on the County Commission agenda. A public notice will be provided when that occurs. He suggested they review the County Commission agendas to see when it will be considered.

Ms. Moler, as the Chair, will write a letter to be forwarded with the plan. She suggested that the three people who voted against prepare a letter of dissent. Mr. Aubert agreed to prepare one. Mr. Beagle stated the deadline for him to receive those documents would be the last week of June.

Ms. Moler requested the revised plan be placed on the website. Mr. Beagle said that would be completed.

Adjournment:

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