

February 15, 2022

To: Planning Commission
Fr: Jay C. Leipzig, AICP, Director
Sean Pendley, AICP, Deputy Director
Karen Miller, Senior Planner
Re: Discussion of 2020 Planning Commission Priorities

At the previous Planning Commission meeting on January 25, 2022, the annual review of the Rural Comprehensive Plan (comprehensive plan), which is a state statutory requirement intended for the periodic review of the comprehensive plan to determine whether it is obsolete and in need of updating, prompted Planning Commissioners to consider their upcoming priorities.

Background: As a practice, Planning staff often plans an annual winter workshop hosted by the Planning Commission and attended by members of the Board of County Commissioners, zoning boards, and Board of Zoning Appeals. The purpose of the workshops are to provide a review of the previous year's activities, a summary of the upcoming year's planned projects, and education for the various boards.

As an example, the most recent workshop was hosted by the Planning Commission on January 28, 2020. The "2020 Strategic Action Plan for the Planning Commission" (attached) was considered at the 2020 Planning Commission Workshop. Additionally, Dr. Bonnie Johnson, program director and professor with the University of Kansas' Urban Planning Program and also a former Johnson County planner, discussed her research on planning staff reports and Richard Lind, Assistant County Counselor, discussed utilizing the Golden Factors when considering zoning and conditional use permit applications.

Subsequent workshops have been disrupted by Covid and by consideration of the solar facility regulations. However, as normal operations resume, County staff is tentatively scheduled to discuss "Public Meeting Procedures" at the June 2022 Planning Commission meeting.

Staff Activity:

- *List Compiled/Table Created:* In response to the Planning Commissioners' above request to consider upcoming priorities and as with the 2020 Strategic Plan, Planning staff has compiled their recommended priorities based upon previous strategic plans, general discussions at Planning Commission meetings, issues noted upon review of the comprehensive plan and staff's professional opinion and have summarized the recommendations in the attached table.
- *Planning Commissioner Input:* Planning Commissioners were also queried for their top priorities for future work. Three Planning Commissioners submitted recommendations, which have also been summarized and added to the table.

Next Steps:

- *Refining Priorities:* Planning staff suggests the following process to refine the current priority list:
 - discuss the identified priorities at the upcoming meeting,
 - amend the table to reflect additional priorities identified,

- submit to Planning Commissioners to vote on their top three highest priorities (outside of the meeting), and
- discuss the refined priorities at a subsequent meeting.

Attachments: Planning Commission Future Discussion Topics: Planning Staff and Planning Commissioner Recommendations

2020 Strategic Action Plan for the Planning Commission

Submitted Priorities from Commissioners Iliff, Rast and Grise

Planning Commission Future Discussion Topics

Feb. 14, 2022

Planning Staff Recommendations

	Complexity Level	Description of Issue
1.	Moderate to High	Provide training to Planning Commissioners on topics such as public meeting procedures, the goals and policies of the comprehensive plan, and open meeting laws.
2.	Moderate to High	If requested, provide further comment to the Board of County Commissioners regarding regulating solar facilities. <i>The Board of County Commissioners are currently considering draft regulations recommended by the Planning Commission.</i>
3.	High	Review and update the New Century and Executive Airport Comprehensive Compatibility Plans due to recent developments surrounding these areas. <i>These plans are part of the Rural Comprehensive Plan. Staff has reviewed the plans and drafted a request for proposal (RFP).</i>
4.	High	Review and update the <i>Conceptual Land Use Plan, Sunflower Army Ammunition Plant</i> , due to recent annexations. <i>This plan is a part of the Rural Comprehensive Plan.</i>
5.	High	Begin preliminary work regarding an update to the Comprehensive Plan and Zoning Regulations. <i>The Planning Commission has been previously briefed regarding funding appropriated for the updates. In preparation for such work, a zoning regulation audit was completed and presented at the January PC meeting. Audit recommendations include updates to the signage, telecommunication, and minimum infrastructure requirements and overall document organization.</i>
6.	High	Update the sign regulations in response to US supreme court case requiring that sign regulations should be “content-neutral”. (Reed v. Town of Gilbert, decided in 2015.)
7.	High	Update of the telecommunication regulations to align with FCC requirements including “shot clock” requirements and also to address “small cell” technology.
8.	High	Update the Minimum Infrastructure Requirements within the Zoning and Subdivision Regulations.

9.	High	Consider allowing a Minor Land Division beyond a tract split that is administratively approved (as opposed to a Plat -- which requires a public hearing).
9.	Moderate	Consider amending the Zoning Regulations regarding the keeping of animals in the RUR, Rural district on less than 10 acres.
10.	Moderate	Consider updates to the Minimum Subdivision Standards and the Minimum Infrastructure Requirements regarding the dry sewer policy and adding sewer easement requirements. Requested by the Wastewater Department in response to recent policy changes.
11.	Moderate	Consider changing maximum size for administratively approved Accessory Dwelling Units (ADUs) located in the RUR, Rural District on at least 10 acres from 900 sq. ft. to 1,200 sq. ft.

Planning Commissioner Recommendations

Description of Issue		
		<p>Discuss increasing public awareness and ability to more meaningfully participate.</p> <ul style="list-style-type: none"> a. Goal – Review process for more timely and transparent for citizens. b. Change certified letter notification from property owners within 1,000 ft. of subject property to property owners within 1 mile of subject property. c. Expand project information included within the notice. d. Notify citizens of options for voicing opinions.
		<p>Discuss increasing Planning Commission and BOCC awareness of repeated permit violators.</p> <ul style="list-style-type: none"> a. Goal – Create a transparent grievance remedy and policy for citizens regarding CUP violations. b. Certified letter notice to property owners within 1 mile of subject property. c. Under certain circumstances, the BOCC, zoning Board, or members of the public can request a public hearing with a recommendation from the zoning board and final decision by the BOCC. BOCC actions can include modification or revocation of permit. d. BOCC and zoning board notification of stop work orders.

		Review conditional use permit (CUP) categories. Further define if necessary.
		Comprehensive plan – discuss upholding the plan and defining its future vision.
		Discuss policy for zoning boards and Planning Commission to receive tax and subsidy information.
		CARNP review and rural road update. Discuss possibility for new paradigm for upgrading rural roads.
		Review application process – simplify and streamline.
		Review of open meetings laws.

2020 Strategic Action Plan for the Planning Commission

1. Create and define additional amendments to further define the requirements of the Planned Rural Zoning District in accordance with the Planning Commission recommendations and subsequent Board of County Commissioners approval related to the Development Patterns and Trends Sub-Committee. These amendments will provide additional flexibility for applicants for parcels that are difficult to develop due to natural or infrastructure issues and will ensure compatibility with the adjacent Cities development patterns.

Lead: Karen Miller March 2020
2. Review and development of edits in regard to the previously adopted Dry Sewer Policy in conjunction with recommendations and review by the Wastewater Department.

Lead: Karen Miller April 2020
3. Review and development to minor edits to the setback provisions in the Rural and Residential Zoning Districts as well as a discussion and possible refinement of terms for proposed Conditional Use Permits which will follow a standardized term length based upon best practices in regard to the type of use.

Lead: Karen Miller April 2020
4. Review and development of edits to the Johnson County Subdivision Regulations pertaining to the Kansas New Wireless Deployment Act. These stipulations require that once an application is submitted, staff has 45 days in which to review and make an initial determination of whether to approve or if additional stipulations are necessary in regard to regulations.

Lead: Jeff Malotte May 2020
5. Review and development of edits to the Johnson County Subdivision Regulations pertaining to the Sign Regulations consistent with State and Federal Laws. This item includes review and discussion of sign code regulations so that they are viewed as content neutral. Staff will be utilizing recently adopted regulations by the cities of Overland Park and Lawrence as model Ordinances for review.

Lead: Pamela Hayhow June 2020
6. Review and development of proposed edits to the Johnson County Subdivision Regulations pertaining to the keeping of animals in the Rural Zoning District on properties less than 10 acres and consistent with the agritourism provisions.

Lead: Diane Wicklund July 2020
7. Consider amending the Zoning and Sub-division Regulations to allow solar installations as an accessory structure, and not as a specific review criteria. This item may also be considered with possible changes to wind and turbine installations as a component of overall changes to Chapter 23 in the Zoning and Sub-division Regulations.

Lead: Jay Leipzig August 2020
8. Begin preliminary work regarding an update to the Comprehensive Land Use Plan and Sub-division Regulations. This will include preparatory work to begin the consensus building process for the Comp Plan and the Subdivision Regulation updates.

Lead: Karen Miller September 2020

Priorities for Planning Commission

Chris Iliff

1. CARNP Review/ Rural Road update and possibility for new paradigm for upgrading rural roads.
2. Review of application process for possibility of simplifying/streamlining process.
3. Report from legal department on open meetings laws; review of propriety of meeting with interested parties without revealing such meetings to the rest of the Planning Commission.

Priorities for Planning Commission

Lindsay Grise

- **Project/Initiative #1 – Increasing Public Awareness and Ability to More Meaningfully Participate**
 - Increase the mandatory permit/zoning application or modification certified letter notice (paid by applicant) from **1,000 ft to 1 mile**
 - This change is consistent with other areas that are more rural and would allow more community knowledge and, if so desired, ability to participate in the process.
 - Included in the certified notice described above, the planning department would prepare a **1-2 page executive summary** of the proposed application/project or modification. Such executive summary shall include, if applicable:
 - A simple written description of the original project and the modification (or new project)
 - Key drawings which the applicant has provided to the community, including a plan view drawing of the project with labeled streets
 - A description of what, if any, studies have been performed by the applicant (noise study, traffic study, environmental impact study, etc.)
 - A list of potential positive and negative impacts to the community from applications of this type (not specifically related to this particular project), which may include:
 - Positive
 - Increased revenue to neighboring stores
 - Energy supply to the community
 - Residential housing provided to the area
 - Negative
 - Increased traffic or modified traffic
 - Increased or modified ambient noise
 - Safety concerns
 - Environmental impacts
 - Finally, the certified notice shall provide:
 - An internet link where the landowner can access the full application packet
 - The contact information (phone and email) of the county employee that is charged with answering questions and aggregating concerns about the application.

- **Project/Initiative #2 – Increasing Commissioners and BOCC Awareness of Repeated Permit Violators**
 - Background:
 - More and more, projects involve an applicant obtaining multiple permits (grading permit, dig permit, SWPP permit, conditional use permit, air permit, etc.)
 - Recently, the Zoning Board of Appeals was confronted with an application where a conditional use permit holder had repeatedly violated other county-issued permits (so many so and to such a degree that the applicant was issued a stop work order by the county)
 - Unfortunately, the county currently does not have regulations that provide a process for neighboring landowners to voice concerns about repeated violations, nor does the zoning board or BOCC have knowledge of these violation (or an ability to hear and determine whether all of the applicant’s permits should be reviewed, modified, or potentially revoked).
 - Instead, there is only a process **within** each permit type and not looking at violations for a project **as a whole**.
 - Mandatory certified letter notice, to members of the public within 1 mile of the project, providing a description of any project which receives a stop work notice (or red tag notice) and a brief description of who at the county (email and phone) the public can contact to get more information regarding violations.
 - New regulation where member of the public within 1 mile of a project can file **a request for a public hearing agenda item** regarding any project that has had 2 or more permit violations within the three years prior (which can comprise of a single permit being violated or single violations of multiple permits). Specifically, the Zoning Commission shall be provided:
 - A copy of the county-issued permit violations (including any stop-work orders/red tags) on the project
 - A summary of the permit holder’s remediation (if any) of the violations
 - The Zoning Board shall have the right, based on information received on the aggregate of permit violations, to prepare a recommendation to the BOCC that either:
 - Admonishes the permit holder against further violations
 - Recommend modifications to any or all of the project’s permits that provide more restrictive controls, notification of violations, or further limitations reasonably tied to the applicant’s demonstrated failure to follow permit requirements
 - Recommend revocation of any or all of the subject permits
 - The BOCC shall then have a public hearing regarding the aggregate of the permit violations and shall have the right to:
 - Admonish the permit holder against further violations
 - Modify to any or all of the project’s permits that provide more restrictive controls, notification of violations, or further limitations reasonably tied to the applicant’s demonstrated failure to follow permit requirements
 - Revocation of any or all of the subject permits
 - In addition to the above process, the Zoning Board and BOCC shall be provided written notice of any project which has been issued a stop work order and, by majority vote, initiate the process above.

Priorities for Planning Commission –

Kelly Rast

1. Review of Zoning Board Regulations
 - Review stated CUP's allowed... possibly more defined
 - Review Process > more timely and transparent for the citizens/residents
 - * increase notification/mailling perimeter From 1000' to 1 mile (especially in unincorporated areas)
 - * staff to send out a thorough summary of CUP application with a hyper link to full application
 - * examples of options or resources that residents can utilize to inform them of actions they have at their disposal to voice their grievance or concerns about stated CUP (hyperlink on summary)
 - Create a transparent grievance remedy and policy so citizens feel that there is a pathway to utilize in the event an applicant does not adhere to CUP and stipulations.
 - Agenda item added at Zoning Board Meetings for staff to present any appropriate grievances re past applicants not adhering to CUP so Board members are informed and appropriate action can be discussed and determined.
2. Discuss the importance of The Comprehensive Plan
 - make sure it demonstrates transparency, consistency and continuity.
 - define how the Comprehensive Plan will be adhered to and enforced.
 - define the future vision of the unincorporated areas, especially western Johnson County.
3. Discuss the importance and implementation of a policy for both Zoning Boards and Planning Commission Board members to receive relevant tax information and subsidies as it may effect applications and or regulations in regards to land usages when requested.
4. Discuss the draft of Bylaws
 - 2.04.05
 - 2.04.06
 - 3.01.02 “states all members have and share equal rights, privileges, responsibilities, and obligations....” However under 4.09 it states “...the Chairman shall rule on disqualifications”.
 - 4.09 Conflict of Interest > entire section
 - 4.10 “Each member of JCPC shall abide and be subject to the Board’s Code of Ethics. If this statement is true and in the Board’s Code of Ethics has a section outlining Conflicts of Interest then one would think the JCPC section of Conflicts of Interest would reflect the same language for consistency