JOHNSON COUNTY PLANNING COMMISSION  
Johnson County Administration Building  
Board of County Commissioners Hearing Room, Third Floor  
111 South Cherry Street  
Olathe, Kansas  

MINUTES OF REGULAR MEETING  
March 28, 2017  
5:45 p.m.  

A. CALL TO ORDER  
A meeting of the Planning Commission of Johnson County, Kansas, was convened at 5:49 p.m. on Tuesday, March 28, 2017, and was called to order by Roxanne Morse, Vice Chairman, with the following members present and participating; to-wit: Dennis Bollin, Pete Oppermann, Jason Meier, George Lund and Teri Atwell. Also present were Brian Pietig, Paul Greeley and Karen Miller, Johnson County Planning Department.  

Vice Chairman Morse: I'll call the March 28th meeting of the Johnson County Planning Commission to order.  

B. APPROVAL OF AGENDA  
Vice Chairman Morse: Any changes to the agenda? [None.]  

C. CONSIDER MINUTES OF PREVIOUS PLANNING COMMISSION MEETING  
Vice Chairman Morse: Any additions or corrections to the October 25, 2016, minutes? [None.]  

Motion by Mr. Bollin, seconded by Mr. Lund, to approve the minutes of the October 25, 2016, Planning Commission meeting.  

Motion passed unanimously.  

At this time, Paul Greeley, Planning Department, introduced and welcomed Teri Atwell, the newest member of the Johnson County Planning Commission.  

D. ZONING BOARD CONSOLIDATION  
Brian Pietig, Interim Planning Director, appeared before the Planning Commission and made the following comments:  

Mr. Pietig: Good evening. We are here to discuss and get comments and a recommendation from the Planning Commission about our recommendation for two consolidations. We’re looking at the Northwest and the Southwest zoning boards consolidating, as well as the South-Central and the Aubry-Oxford zoning boards, combining those two into one board, with a slight adjustment on 175th Street. Here is a map that shows that outline. The slight adjustment is this area south of Olathe. That would be part of the western consolidated board, is our thought there.  

Just a little discussion. The zoning boards were created in 1984. There have been six consolidations since then. The last was the Aubry-Oxford in 2009, about eight years ago. Here’s what the county looked like in 1984. And then, you step through that -- 1988, 1994, kind of five-year segments, 2004, 2009, 2014 -- if you were to look at the 2017 map, you would see even more areas around Edgerton, Gardner, Spring Hill, Overland Park; Olathe has annexed more of this. That’s the natural progression of our county, and I know you folks are well aware of that.
We've grown anywhere from seven to ten thousand folks a year for decades now. We're 580,000 people, which is a continuing trend. So, some of the issues we've run into recently with our zoning boards is that we have that shrinking area due to annexation, and the jurisdiction of the County is decreasing. We don't see any end in sight. So, we thought that we would look at this consolidation.

Other issues we've run into most recently is we were having some quorum issues, getting folks to attend. And it's hard. You folks know. This is not an easy job to volunteer for, in the evenings, read all that material, etc. It's a thankless job. So, it's tough to find folks to do that. And with that decreasing pool, when we have quorum issues and we cancel meetings, that's a big impact to our folks, people who are trying to get a business going. There are just a lot of issues, and keeping things moving is important to us as a County. So, consolidating gives us a larger area to select folks from to be on those zoning boards. So, you get a couple of zoning boards instead of four or six. You start to get more consistent decisions because these folks are meeting regularly. We have some zoning boards that don't meet at all that often. Southwest and South-Central don't meet nearly as often as the Aubry, or even the Northwest. They get familiar with staff. They understand what the reports are saying, what their duties and roles are. So, there's a lot of good reasons for wanting to consolidate these as they go forward.

What I would like to do tonight is hear from the Planning Commission and the public your thoughts on consolidating. There are pros and cons to it, and we're certainly aware of that. We will be discussing the same issue with the zoning boards and getting their thoughts on it. From the Planning Commission, we're looking for a recommendation. From the zoning boards, we're looking to get their thoughts and comments in order to convey those to the Board. We plan to put this item in front of the Board and have them consider that, have them hear your recommendation, have them review the comments that are made by both the public, as well as other zoning boards. The effective date of that will depend. We need to meet with the zoning boards about getting that on their schedule. It will probably take three or four months, depending on when the boards get together again. Some don't meet frequently. And then, we'll bring all that information back.

If the Board were to approve this, we would designate new members. We're thinking a size of seven for the zoning board. The state statutes allow for a membership of 5, 7 or 9, and we feel 7 is the right size. Five is a little too small; nine might be too much, to find that many folks. We will determine locations, and we'll give an orientation to those members, explaining to them what their role and duties are for that zoning board.

So, with that, I'll see if there are any questions. Again, we're looking forward to hearing comments, hearing from the public, and receiving a recommendation from this body.

**Vice Chairman Morse:** Any questions from the board?

**Comm. Opperman:** I do. The first thing that comes to my mind is, in consolidating the boards, are we going to be putting too much on you individuals to cover the whole county? That would be a question I would have. That's a lot of stuff they have to study. Like you said, Brian.

**Mr. Pietig:** Well, the Southwest and South-Central zoning boards aren't meeting that often. There would certainly be more work; that's undeniable. But, we don't see it having that significant of an impact.

**Comm. Opperman:** So, what you're going to end up with is maybe more dedicated people, and maybe they're not overworked because some of the zoning boards don't meet that often, people don't show up, they don't sign anything, etc. You hope to get more done this way, I take it.

**Mr. Pietig:** I agree. Yes.

**Comm. Atwell:** One, I don't mean any disrespect, but I'm on a zoning board, and we have stuff quite often. We are the board that didn't meet for two months because of circumstances that had never come up before. We lost one who moved out of the district, and Glenn abruptly resigned.
So, that’s the zoning board that had the two months without a meeting. But, we are very dedicated. It does take a lot of time.

A couple of questions that I had for Paul at our last zoning board meeting. It got brought up to me that it was a cost-saving measure, on top of wanting to narrow the pool so you’d have meetings every month. So, my question would be: Is it a cost savings to the County, that the County is going to be saving dollar-wise to consolidate? Because in my opinion, by doing that, we’d probably have to come here, and you’re just transferring the financial burden of time and travel onto the person who is volunteering. So, to me, if you want to keep people volunteering, you want to ask them for as little time as possible. County employees obviously get paid. So, that’s one of my questions, and comments on top of that.

It was also brought up that they wanted to meet more frequently, to have a meeting every month so everyone would get used to it. The plan was one and done. Again, to me, that’s transference. Instead of being the County employees being paid to travel, being paid to do their job, it feels like they’re pushing the burden of the frequency onto the volunteer. And I think that may cause an issue in getting people to serve.

Mr. Pietig: The question I heard was about cost-saving – and Paul, jump in here if I say something that contradicts what your thoughts are – we don’t see this as one of the reasons, is cost-savings. The cost of having the meetings is fairly insignificant.

Comm. Atwell: Well, I will tell you that I believe that came from Commissioner Brown.

Mr. Pietig: It’s not one of the reasons that we’re talking about, and no, I [inaudible] identify a significant cost savings.

Comm. Bollin: How will this be divided amongst the people in the county? Because in the rural area, there are a lot of people that farm. Will there be a volunteer amongst the farming community also? Or will it just be citified farmers?

Mr. Pietig: Well, this is still the unincorporated area, so it would not be in the city jurisdictions that are part of these zoning boards. How these have traditionally been filled is the commissioner that represents the area – which would be Commissioner Brown and Commissioner Klika – make appointments.

Comm. Bollin: Okay. Most of the people on the south end are people who work in the city and live in the rural area. They don’t farm. I’m one of the few that farms in the rural area. Most of the people want asphalt to their doorstep, practically. So, that was my main question. If they want everything to be just so-so, when you’re farming, you can’t have everything just so-so. That was my main question.

Mr. Pietig: I guess that sounds more like a comment than a question.

Comm. Bollin: Well, a question and a comment.

Mr. Pietig: Okay. Thank you.

Comm. Atwell: I do see your point. You have active farmers that are agricultural, do their business, they know agricultural statutes. And if you’re going to leave the city folks on the zoning boards who have no clue what agricultural statutes of the State of Kansas say, that’s going to be a problem.

Mr. Pietig: I guess the comment is that, if this were approved, that the commissioners are sensitive, and maybe look for individuals from the farming community to be represented on these boards.

Comm. Bollin: At least one member from the farming community on each board.
Mr. Pietig: Okay. Thank you.

Comm. Meier: I have a number of comments, and maybe a question or two. And I will say this. I am on the Aubry-Oxford zoning board, and you’re not the only board that has had issues. I think we also missed two months. And, for the record, I want to apologize to any applicant that was coming up, because it really frustrated me. I try to attend every meeting that I can. I think I’ve missed one in three years, and it was just kind of frustrating that we couldn’t get people there. The docket’s just getting bigger and bigger, and it’s not fair to the applicant. So, I appreciate what you all are trying to do to consolidate, to try to solve the problem. So, I’m all on board to try and solve that problem. Whether this is the way to do it or not, I don’t know. At first, I was kind of against it for the same reasons. I didn’t want to drive all the way to Spring Hill for a meeting — or wherever that meeting ends up happening. Maybe it alternates locations. Maybe that makes it a little easier. So, the drive time was one of my concerns, because it is a volunteer position. But it is, again, only once a month. So, I figured if I come over here and I live 30 minutes away, I can do this once a month, and that once a month. But, for me, I’m definitely dedicated — just like you all — because I love my community. I want to make sure that growth happens in the right way, in the area of the county that I love.

So, I guess that’s just kind of a statement. I don’t know that I have a whole lot of questions. I know you said 7 members. If there’s nine members, do you still only require four?

Mr. Pietig: No. And you’re hitting on the reason why we didn’t feel comfortable with 9. First of all, finding 9, and then, the quorum increases to 5.

Comm. Meier: Okay. Well, if we’re consolidating two boards of seven, I would think we could find nine. Maybe nine is too much. I think there’s already plenty of opinions on every one of these boards, so, more people just means it lasts longer. And I don’t think you’d make any better decision with 9 versus 7. That’s all I had to say. I don’t really have any questions. I appreciate what you are trying to do. We’ll see as this goes on. Are we voting? Well, I guess we can’t vote tonight because we don’t have enough people here to vote on this. Is that right?

Mr. Pietig: Do we have a quorum here? I assume we do.

Mr. Greeley: There are six members here. It’s my understanding it would be seven for a quorum. I don’t think our expectation was that you would vote. You can certainly provide staff with a consensus opinion. We’re keeping track of these individual comments, which will be shared. So, no formal recommendation was expected. Just a discussion, thoughts, some feedback for the Board of County Commissioners.

Comm. Meier: Okay. Well, from that standpoint, I’m generally for this if it solves the issues of the zoning boards not being able to have enough members show up for a quorum. But again, I think in the situation you had with your board, it’s maybe a little different. I don’t know if there’s dedication from all the members on our board to be there. I mean, there have been some who haven’t been there in a long time. We just need to find somebody else that has the time, and cares enough about it to do it.

Mr. Pietig: You folks know that it isn’t easy. It’s a tough job. I know it’s one night a month for the meeting, but you’re reviewing materials, asking questions, etc. It takes time.

Comm. Atwell: First of all, this the dedication my zoning board has. My zoning board, please stand up. Show me how many of you guys are her. [Pause.] On top of that, we have one in the audience that wants to be on the zoning board, put an application in last October. It is not all the zoning board’s problem. It’s the county commissioners. They have to find people to serve in those. When they get an application that comes across their desk from someone who wants to serve, they need to follow through with that application. We have, I think, two people who have been waiting. So, it wouldn’t have even been an issue. You guys would not have had two meetings missed by
Vice Chairman Morse: I am representing the Oxford Township, and served on the zoning board for more than 25 years. And the issue of consolidation came up years ago. In fact, I think the first year I came on the Planning Commission. Chris Iliff from Aubry and I were asked to study the issue. Both of us, at that time, said we didn't want anything to do with one another. That was because Oxford was on the fringe area of Overland Park. Now, we're both near Overland Park. But we had completely different interests and things that we were dealing with. You know, greater density, more city-like types of development. Of course, then, we were annexed. But, Aubry at that time was still very rural, and wanted to protect that. They didn't want any part of what was going on in our township. So, we had a difference of philosophy at that time. But, over the years, we got developed and annexed. And then Aubry started feeling some of the development from the cities, etc.

So, in 2009, when we lost our last parcel of developable land, we saw no reason to continue as an individual township. So, I did approach our county commissioner and said I thought it was time. That's when we merged. Last I heard was that you don't have that many applications. We were busy all the time. We always had a quorum. We always had a meeting. But, the biggest issue here might be between this city-type development and the density, versus the agriculture. I think maybe that's what some of you are feeling, that you won't be represented. And we felt very strongly that we wanted the people in our community to be represented, and that their thoughts were different than somebody in Aubry Township. So, I can see where that is the problem. We have to make sure that both of those entities are well represented on the board if we do consolidate. I'd like to see the numbers on the different zoning boards and how many meetings they're having.

Otherwise, the consolidation, of course, was good for us, I can see consistency in making decisions. I know that's been a problem in the past, where one board will go one way, and a similar application in another township would get ruled completely differently. It's kind of like we were contradicting ourselves. So, I can see that it would be beneficial to have fewer zoning boards. More consistency on decisions on similar applications. Are there any other township board members that are here this evening, besides the ones that were asked to stand? Teri, did you invite them to come? Is that why they're here?

Comm. Atwell: Well, yeah. We extended the invitation at our zoning board meeting last week, and they all wanted to be here because they have a stake in our community. So, they would all like to get up and speak.

Vice Chairman Morse: Yes. If you would like to make some comments at this point, please approach the podium. Give your name and address. We won't limit the time at this point, but keep it brief, and try not to repeat what someone else has said.

Mr. Greeley: Just to mention – and Brian may have said this – we sent a notice of this meeting tonight to every zoning board member. Some obviously have come; some others, not. We also offered to communicate the concerns and comments they may have if they just wanted to call us or email us, or something like that. I didn't get any response from any other zoning board members. Just wanted to mention that.

Vice Chairman Morse: And the intent is to introduce this at individual meetings, by Brian?

Mr. Pietig: We do plan to be at the next zoning board meetings. Aubry-Oxford has a heavy agenda, so we might skip that one. Again, we're not looking for a recommendation from them. This is the recommending body.
Hank Deters, 14676 Gardner Road, Gardner, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Deters: I'm also a member of the Southwest Zoning Board. I think the reason you see a lot of us here is because, I'm second generation zoning board, and the second sibling that was on the zoning board. My father was on it, and I know there are other members of our board that are the same. We farm in the rural community around Gardner, and we feel that that community has its own type of — Well, you mentioned the two zoning boards had two different decisions. That might be because those two communities have two different ideas of their community. We want the autonomy of our district to be able to decide on our district. I don't want to decide on the north district, or the east district, because I'm not in that community. I represent my community because I want to. We don't have trouble with volunteers, obviously. And I realize the election just recently caused, you know, he put his application in October, along with another gentleman. And when you have a change of commissioners, that's kind of hard for that to happen. So, we've had problems because we've had seats that weren't filled. I believe four at one time. So, once those seats are filled, we're having a quorum, and we're meeting. I think we've only missed three months because we didn't have something for our agenda. So, we keep pretty busy.

I think you'll find from the rest of the folks here that we're all rural, and we like our rural-ality, if that's a word. And we want to make sure that we keep our community the way we see our community. If you want consistency in decisions, all of the zoning boards' recommendations go to the County Commissioners. That should be where the consistency arises. I mean, every zoning board reports to the county commissioners. There's that consistency that you're looking for.

Comm. Meier: If I could make a quick comment to one of Mr. Deters' comments. You said that every community has their own vision for their community. I know with Aubry-Oxford, we did a fairly extensive master plan for the entire area, and I know that if we consolidated with, I believe it's South-Central that we would consolidate with, I really don't know what character they're looking for in their community. So, it would be an education process for whoever is still on the board to understand that. We would have to educate ourselves, and whether the passion is still there or not, I think I would still be okay with it, because we want to do what's best for our community. I think all of Johnson County would be our community. I kind of feel that way. Anyway, I think that's an excellent point, and I'm glad you brought that up.

Katie Hoffman appeared before the Planning Commission and made the following comments:

Ms. Hoffman: I'm a former zoning board member, and a former Planning Commission member. I came because I care. I'm very interested. Actually I am opposed to consolidation of the township boards. Each township zoning board is unique unto itself. No one knows the issues and the land better than the residents of those areas. The local residents know the history of the land and how it evolved. They know the governance needed for the area. The local residents wouldn't presume to know what's best for another area. That isn't to say they're not interested, but they would have researched and have an educated opinion. The populations are varied, the residents aren't interested to know the dynamics of another area, but they want the responsibility to determine use in their areas. And the autonomy of the Southwest Consolidated Zoning Board and its citizens would be lost. We all want to make decisions for all to prosper. And, continuity is important, as well. The southwest area is more rural than any other area of the county. There's lots of agriculture. The local uses are being challenged by commercial interests, but, to make a worthwhile opinion [inaudible] makes a tremendous learning curve. The best thing for the rural area, and the best thing for a more urban area. And, zoning boards are volunteers, and I think the Southwest Consolidated Board is very interested, and attendance was almost always a quorum. And I think if there is a new zoning board and there are only so many people, I can foresee that people may think, "Well, that's in the northwest part of the county, I don't know about that, so I guess I won't go tonight." So, I think that will be an excuse. Life should be made easier for
volunteers. Do you really want the population of another area determining what goes on in your area? Yes, there should be like decisions, but Aubry-Oxford area, really, when you get down to it, they really don't care about the Southwest Consolidated Zoning Board's actions. They care, but they don't really care.

So, don't forget the rural area. It is very significant to Johnson County. We have autonomy, and combining loses in every way. So, I think we should not consolidate. Thanks.

Darren Shafer, 35400 West 191st Street, Edgerton, appeared before the Planning Commission and made the following comments:

Mr. Shafer: I'm also a member of the Southwest Consolidated Zoning Board, and thank you to all of you for your time in volunteering. I know one time a month is a lot for me, so, two times is [inaudible]. Especially when you have kids.

I'm not going to say much more than Mrs. Hoffman or Mr. Deters. I do concur with what they both said. I think at the Southwest Consolidated Zoning Board, we do a very, very good job. I also agree with Teri Atwell on the reason why our board has not been filled to this point, due to some of the decisions of the BOCC. Hopefully those will be rectified.

Just a couple of items I would add. Familiarity of the area is very important for members of the board. I know with our board, there are several members, if we have an agenda item come up, they will go through the research, they will drive the township and see where that location is at, do their own research, which I think is very important. Can we still do that when we're consolidated? Yeah, but it's probably going to be more of a hardship. You're talking more time away from the family, more money going to maintain the vehicle, gas, etc. So, at this time, I'm opposed to it. Thank you.

John DeGrande, 27615 West 191st Street, appeared before the Planning Commission and made the following comments:

Mr. DeGrande: I am also on the Southwest Consolidated Zoning Board. You know, you're talking about the agendas, packing more stuff into them. To me, what that sounds like is long meetings. We've had a couple meetings that have lasted until after 10 o'clock, and if you start packing more stuff into there, people aren't going to want to volunteer to be there until midnight, even once a month. Local people know the local areas, like they've said before. And I think most people who bring items to a zoning board, they want to know that those local people are there. They do not want someone from miles away listening to their problem, I'd guess you say, and coming down on it. It's like, "Who are they to tell me? I want the local people, people I know, people in our community." And if they say no, that means a little more than somebody from, you know, a farther-away place.

The only other thing that I had was to talk about my own appointment. I, too, put in my application, and it was several months before I got an appointment. I thought, you know, I'm here, I'm going to volunteer, I'm doing it for free – What's the hang-up? And I think a lot of people in the area don't even know these positions are open, when they're open. It's word of mouth. I was recruited by an outgoing zoning board member. So, that's part of the problem with getting people on the board, is you have to get the information out there that we need someone. And put them on KCPT, or whatever, which I think Paul said they do. But, that doesn't reach everybody. That's all I have to say. Thank you.

David Wolf, 26020 West 183rd Street, Gardner, appeared before the Planning Commission and made the following comments:

Mr. Wolf: I'm also a second-generation zoning board member. I think they covered everything, but I wanted to comment on the appointments that have been longer ago than just last year. It's been going on the last two or three years, with people trying to get positions filled. That's been up
to the County Commission. My position is on the township board, so my position is an elected position. That, and there haven’t been very many meetings that I know that we’ve missed over the years. Everybody is pretty dedicated. I’ve missed my fair share of meetings, but I work for the fire department. So, if I can attend and there’s a quorum issue, I try and make it there.

Also, like John was saying, if you are going to consolidate the meetings, they are going to last into the evening, and you’re still looking at a volunteer board to do that. Those are the issues I wanted to add. Thank you.

Vice Chairman Morse: Thank you for your comments. I would expect that staff will be bringing this back to us after they’ve met with all the zoning boards. They might want to consider maybe not all of the consolidations, and take a look at the individual zoning boards again, and see if they are ready. Just like ours wasn’t ready at a certain time, and others were.

Mr. Pietig: Thank you for the discussion. We will come back after we’ve had discussions with the zoning boards, share those comments with you, and see if we can’t get a recommendation, one way or the other. Thank you.

Vice Chairman Morse: Thank you. If you didn’t sign in when you came in, please sign in before you leave.

E. ZONING REGULATION CHANGES

Mr. Greeley: First, we’ve had some delays with Planning Commission meetings, and we haven’t had a meeting in several months. I appreciate your patience. As you know, the matter that we’ve been talking about over the last year or so – regulating non-agricultural uses in agricultural areas, sometimes called agritourism – is the last major thing that we’ve talked to you about. We’re still working on that. We’re having internal discussions between the Planning Department and the Legal Department. We wish we had something better to share with you right now, but we don’t.

In the meantime, to use your time wisely and efficiently, because we don’t like to not have meetings, don’t like to not be able to move forward with important things, as you’ve seen on your agendas for many years, there has been an outstanding item called "Future Zoning Regulation Changes." That’s been something in the back of our minds that we needed to bring forward to the Planning Commission. The list on the zoning regulation changes is long. So, we thought we would get you back together and talk about the consolidation, which is important, but also take some time to introduce some minor changes to the regulations that are on our list of things that we need to go through the Planning Commission, and ultimately to the Board of County Commissioners, as far as regulation changes. We’ve categorized those edits, updates, changes, into things that we believe are easy to do; fairly straightforward; things that are a little more involved; and then, bigger items that are fairly involved. We didn’t want to put a very-involved item on your plate right away, given the matter that’s on hold that I just mentioned. We would like to get that matter resolved before we bring anything big to you. But, we’ve got some big stuff. There’s been some supreme court decisions at the federal level that affect our sign regulations. We need to take a look at those. There have been some things that happened at the federal level regarding cellular towers, small cell sites, and other kinds of things. Our regulations need to be amended to address those kinds of things. Those are pretty big items to tackle, and we’re going to be bringing those to you at some point.

However, in the meantime, we have some issues we think are minor. You may not think they are, so, we’ll find out here in a minute. Karen is going to do a high-level review of these items. And then, we’d like some feedback from you on, are these things we can move forward on? Or, are these things that need more discussion? At some point, we will schedule a public hearing. We’re not planning to do that tonight, but maybe we can do that two months from now, if some of this is straightforward enough that we can start to make some headway on this long list of future regulation changes that you’ve seen on your agenda for many years.
So, Karen is going to go over this with you. Thank you. We will be interested in your thoughts.

Ms. Miller: Thank you. I am going to go through a draft of the regulations and touch base on what the changes are that staff recommends. On page 2 of the draft, Article 15 starts out with Development Plan Procedures. A development plan is a roadmap on how to do development. It has a site plan, elevations, addresses infrastructure. Section 5 deals with the relationship of the preliminary and the final development plan. If you notice, that is just a big glob of words right there. So, I thought, well, while I'm working on this particular paragraph, I would go ahead and pull it apart and give it captions, just so it's more readable, so that people reading the regulations can find the various issues. So, that's one change to this, is I pulled the separate ideas apart and gave them headers.

I'll start with B on the bottom of page 2. The preliminary development plan term for independently-approved preliminary and final development plans. That's usually a bigger project. You go through the details with the preliminary development plan, and then, later, you submit a final development plan. So, when we say the term of the preliminary, that's what we mean. It's how long you have between the time the preliminary plan is approved and your final is applied for. And we want a definite term. That's important because as time changes, the neighborhood changes. So, there's a certain shelf life to this set of site plans and elevations. Also, the way the different departments and entities deal with infrastructure changes. The way the Public Works Department deals with roads is a lot different now than 20 years ago. So, once a preliminary is approved, we want the final to come in fairly quickly, and we want the project to be built in a timely fashion, so that it falls under current regulations.

So, B starts out with a term of one year. You have one year after your preliminary is approved to get your final in. That's not a change. On top of page 3, there are two changes. One is with the idea of a time extension. We understand that once the preliminary plan is approved, that sometimes the developer needs a little more time to get coordinated. So, we recommend that instead of one extension—which is how it is currently written—to allow two extensions. So, within that year, if it becomes clear they need more time, they can ask for an extension, and get a one-year extension. If there's still some sort of issue that they need to work through, they can ask for an additional extension.

And then, if you look at 1-A, that's the second change. So, an initial time extension shall be applied for prior to the expiration of the preliminary plan. That is putting the words down to codify what we intended with the regulations. If you read the current regulations, it's not really clear that you're supposed to apply for your extension prior to the expiration. The reason for that is to give it a definite term. It would be a disaster if someone got an approved preliminary plan, and 20 years later, they came back and asked for a one-year extension. So, it firms up that idea of having an ending time.

On page 3, if you look at 2 and 3, they're the same. The only thing different is adding headers, to help you pick out the new information. Are there any questions before I go on? [None.] All right.

At the bottom of page 5, we move on from the idea of the term of a preliminary development plan to the term of a final development plan. So, once a final development plan is approved, it's the time they have to get organized and get a building permit pulled and start construction. So, we strengthened the idea that the developer needs a reasonable amount of time to get organized, but we do need a definite ending time. So, we recommended moving the term for final development plan from 18 months to 2 months [sic]. Then, we also recommended taking out the endless extensions that the regulations allow now. Right now, the way it is written, there is a term of 18 months unless such period is extended by the board upon written request by the applicant. That's very vague, and it can result in some projects running on for a very long time.

Vice Chairman Morse: Karen, I think you meant to say two years instead of two months.
Ms. Miller: You’re right. Thank you. Are there any questions?

Comm. Meier: Yes. Do you see this issue a lot, where projects are being delayed more than 18 months? Is there a reason why it’s 18 months? Because I can tell you that most cities that I work in, I mean, it’s six months to a year after a final plat, and you’ve got to start the whole process over again.

Ms. Miller: We were trying to be reasonable since we were taking away the idea of extensions for the final. Are you recommending that we keep the 18-month term for a final development plan?

Comm. Meier: No, I think it’s fine. I just didn’t know if there was any reason, or if there were a lot of other issues where this was occurring. I understand with the application that you’re talking about. It’s going to take a while to get that one going. But, I like the idea of not being able to extend indefinitely. I think it makes sense that if the developer cannot get their ducks in a row within two years, that they have to start the process over. Because a lot changes in two years.

Ms. Miller: Okay. Thank you. Any other comments? [None.] Okay. So, I’ll move to page 6, a new article. This article is title Supplemented Use Regulations. We’re looking at the section for temporary uses, which are administratively approved. That’s because the use is seasonal or temporary. Number 2 has a clarification that certain types of contractors’ offices can be approved. The reason we brought this up is that we’ve had some road projects, and if you think of it as linear, they’re not just one site. We just wanted to make it clear that when you have something like a road project, it’s okay to be close to the site. You don’t actually have to be on the site to have a contractor’s yard. We had that come up a couple years ago. Any questions? [None.]

Article 23 is the next subject, on page 76. It’s Conditional Use Permits. Section 4-A is under Group A, conditional use permits — those are conditional use permits allowed in basically any district. Right now, we’re allowed to have CUPs for bed and breakfast establishments. That’s a problem in that we don’t have a definition of bed and breakfast establishments. So, instead of coming up with a new definition, we just chose to further describe it. So, bed and breakfast establishments are establishments in which the owner resides on the premises, and in which rooms and breakfast are provided to paying guests. So, people can’t live in one house and accumulate a bunch of different houses and rent them out and not live there. So, we wanted to nail down that traditional idea of a bed and breakfast to where it’s your house, you’re living there, you rent out a room, basically. Any comments? [None.]

Next section is Section 6, Standards for Conditional Uses. In particular, the standards for communications towers. As Paul mentioned, at some point in the future, this will need a bigger overhaul because of federal regulations for the small cell sites. But, for now, we have some things we would like to add. Under the preface on page 7, I added, “Encourage the placement of towers in the interior of large parcels.” That basically is putting on paper kind of what’s worked in the rural district. Some of our best sites have been towards the center of large parcels, and just gives staff leverage when they’re talking to the telecommunication providers to say, you know, this is one of our goals, and we want to encourage this.

On page 9, staff recommends increasing the initial term for towers from 5 years to 10 years. The reason for that 5 years to begin with is, back in about 1997 when we wrote these regulations, the communications towers were fairly new, and the providers weren’t playing very nicely together. They were kind of pulling dirty stunts on each other. We were concerned about co-location, about encouraging co-location, and we wanted these towers to come back every five years so we could check to make sure that they are allowing other antennas on their towers. That’s turned out to not be a problem. Co-location is beneficial to everybody. So, it’s something that we don’t have to really look at.

On page 10, the change is to take out the provision for interference with public safety. Back in 1997, it was newer technology, and we were concerned about interfering with police and fire. So,
we wrote this. It went all the way to the Tenth Circuit Court of Appeals, and this provision right here was struck down because it was determined that the FCC has jurisdiction over this. So, we cannot do this, so we have to take it out.

The last recommendation for change to this section is page 12, having a waiver so that the landscaping and screening requirements can be adjusted. The reason for this is there was this application by Blue Valley High School, and the base of the tower happened to be under the bleachers. So, it’s silly to require shrubs underneath bleachers, and we didn’t have any waiver – I don’t remember how we settled it. So, we’re recommending this waiver.

That’s all of the recommended changes for communications towers. Any comments about those? [None.]

The next set of changes is Article 26, which deals with preliminary plat analysis reports. That’s the report that gets handed in with preliminary plats, and the purpose of that report is to provide an overview of what’s around the site, the soil types, the characteristics, what infrastructure is serving the site, and what infrastructure needs to be provided for the project. So, on the bottom of page 16, we suggest addressing Section E, which addresses the septic systems. The way it’s written now, it’s very rational, it looks good on paper. It suggests an initial screen, requiring percolation tests. And then, if the percolation test shows that there’s some sort of problem with the septic, then you do a soil profile analysis. Well, the problem with this in particular is that the Environmental Department hasn’t done – and doesn’t recognize – the percolation test for the last 20 years. So, it’s just an outdated requirement. Environment’s opinion of percolation tests takes away that initial screen, basically. So, to address this situation, the last paragraph on the bottom of 16 sets out that if you want to do a soil profile analysis for all the home sites, you can. A soil profile analysis is the thing that the Environmental Department recognizes to determine if a site is adequate for a septic system. So, the main question is: Can you do a septic? Typically places you cannot do a septic system are on bodies of waters, floodways; incredibly steep slopes; areas of earth disturbance. That type of thing. And the way to do a soil profile analysis is you have a bulldozer come out to the site, and you go to the location where you want the septic system. The bulldozer digs a whole, and then, the Environmental Department performs the analysis. So, for each site, the soil profile analysis costs about $450, which is paid to the Environmental Department, and then, whatever the bulldozer costs.

I’ve been talking with the Environmental Department, and they really prefer to do the soil profile analysis when people know where the building site is, right before they pull the building permit. So, there’s a bit of a timing problem with this. It doesn’t really make sense to, if you have five-acre lots, to go out and do a soil profile analysis on each parcel when you turn in your application for a preliminary plat. Because you don’t know where the house is going to go. And maybe your lot doesn’t sell for 10 years. There’s a whole list of things that went into this. So, this first paragraph is saying, you know, Yes, you can do a soil profile analysis on all these lots and turn that information in. Or, if you turn to page 17, the next paragraph says that alternatively, you can submit to us a statement that acknowledges that you haven’t done the soil profile analysis, and we haven’t analyzed each parcel. It acknowledges that you have to have a septic permit before you get a building permit. Also, it is required to put this on the final plat.

I know that was a lot of background. Are there any questions about this?

Comm. Lund: Yes. This is definitely for areas that are 5 acres or smaller, correct?

Ms. Miller: Yes. I took that 5 acres because that’s what the previous – The current regulations say that in areas where you don’t have sanitary sewers, you start looking at 5 acres. Now, the environmental sanitary codes says that in order to do a septic permit, you have to have at least 2 acres. The way I’m interpreting this is they threw in those extra acres, just to give you some
leeway. Because the way Environmental describes it is, if you have enough area, you can put in a septic system pretty much anywhere. You just can’t have bodies of water and that type of thing.

Comm. Meier: So, you are not saying that the minimum lot size is 5 acres.

Ms. Miller: No.

Comm. Meier: If you have 2 acres, still, the County is –

Ms. Miller: Correct. We’re concerned about screening for septic when you get towards those minimum lot areas. Any comments? [None.] So, on page 18, Article 28, is the article that spells out how to do lot splits. The approval standards for a lot split are set up with the following: “A lot split shall not be approved if one or more of the following conditions apply to the property involved in the proposed lot split.” So, I list F and H. F and H both apply to septic systems and screening to make sure that you can do a septic system. I am proposing to keep Section F that says, “Such lot split would result in a lot which, due to location of flood plain, bodies of water, excessive slope, or other natural constraints, would not contain adequate buildable area for its intended use. Where central sanitary sewers are not available, the required area necessary for an on-site wastewater disposal system is required by County regulation.” So, that kind of sets it up nicely. It tells you when you really can’t do a septic. H is kind of the problem of timing, again. It’s requiring the soil profile analysis, and it just doesn’t really make sense in a lot of cases to do that. For example, this would apply to when you’re splitting 40 acres into two 20’s. This would require a soil profile analysis on each 20-acre parcel, which is really a silly idea, because you know that somewhere there’s going to be a place for a septic system. So, we recommend keeping F and taking out H.

And then, after H, the next section is a whole other idea. It says, “If a lot split involves a previously-platted lot,” and we propose keeping it at that. You cannot have a lot split, an administratively-approved lot split, if you’re wanting to do this on a platted lot, because our regulations require to replat a platted lot if you want to further divide it. So, to further clarify that. Any questions? [None.]

The next topic is page 20, Article 30, Minimum Subdivision Standards. These standards apply when you’re platting ground. That’s the only time they apply. On page 20, Section 2, I recommend some corrections. The text is wrong. Also, page 20, Section 3, more corrections because the text is wrong. It’s basically miswritten. Section 5 starts with talking about sews again. Section 5 lists the required improvements. So, we just talked about the preliminary plat report. It’s having you look at septicis. And there’s a bit of a coordination problem, because this has to do with septic, too, but in a different way. The way it’s written is, it has this nice hierarchy like the other one, but this hierarchy is, you can look at the soil survey. If the soil survey tells you you have a problem, you have to do a soil profile analysis. Well, I talked with the Environmental Department, and the problem with the soil survey is they say it’s wrong half of the time. So, it’s just not a good screen, and they don’t recognize it as something they want to hang their hat on. The other problem is the timing issue we talked about, you know, when do you want to do this expensive soil profile analysis. It’s basically you want it before your building permit.

So, in recognition of those two issues, on page 22, we recommend that when you don’t have sanitary sewers, that you put a note on the plat, “Wastewater collection and treatment shall be available and provided in accordance with County policies regarding wastewater disposal and environmental sanitary code prior to issuance of building permits to allow construction of a dwelling.” And then, also, if the preliminary plat report causes you to do some more plats, add those plat notes, too. So, this is an attempt to consolidate those two issues, and also address the timing again. Are there any questions about this? [None.]

And then, I’ll just flag this note. Wastewater staff is looking at their policies, so, at some point, we might update how we handle sanitary sewers. But it’s a little too early now.
The last thing to look at is page 23, the minimum infrastructure requirements. We look at minimum infrastructure on a plat when we rezone, and we use it as a guideline when you have conditional use permits. That's when this infrastructure requirement comes into play. Section E talks about water. Category 2, which is at the bottom of page 23, it comes into play, not in the rural districts, but the higher-density residential and commercial and industrial projects. Their requirement for fire protection is just wrong. It's not what the fire code says. So, we recommend just taking it out and referencing whatever fire code is adopted at that point.

Lastly, we recommend taking out Appendix 3. We never use it. Any time we make a change to conditional use permits, we have to go through and change them all. It just makes it hard to be accurate. Any questions?

Comm. Meier: You did an excellent job of describing all of these changes. My question is, we don't have enough people here to vote on this tonight. Will you need to say all of this again at the next meeting?

Ms. Miller: No, they'll have the minutes. [Laughter.] I won't be repeating it. I have more that I could do, kind of housekeeping things. They might be a little more involved. This may come back in April, maybe do one more session, and then, I would suggest, if you're okay with that, maybe having a May public hearing. That would be my recommendation.

Vice Chairman Morse: We need a public hearing on this?

Ms. Miller: Yes.

Vice Chairman Morse: All right. I think you did a great job, Karen. It all makes sense.

Ms. Miller: Thank you. Oh, I forgot to mention. With spring break schedules and everything, the Legal Department did not get a chance to look at this, so there might be some changes. So, the caveat is that this is Planning staff recommendations. Thank you.

F. UPDATE OTHER BUSINESS

Ms. Miller: I do have one thing. I was given a letter after the October Planning Commission meeting, a letter from Robin Jennison, the secretary of the Kansas Department of Wildlife, Parks and Tourism. We haven't met since I got this letter, so I haven't had a chance to distribute it. I'm going to hand it out. I know that you guys won't have a chance to read it, but I would suggest that you read it, and next time when you come back, I can give you the Legal Department's concerns and questions regarding the letter. The purpose of this letter is, when people come in and register as an agritourism use with the state, the department gives them a copy of this letter. The letter basically says to consider registered agritourism uses as being evidence that they're agricultural uses, and to consider giving them the agricultural exception.

Vice Chairman Morse: I have a note here that we have two guests that would like to address us. Please state your name and address.

Tucker Stewart, Kansas Livestock Association, 6030 Southwest 37th Street, Topeka, appeared before the Planning Commission and made the following comments:

Mr. Stewart: Thank you, Madam Chairman. We were asked to come here, and I'm going to focus on a topic that KLA has researched pretty extensively, and it was actually borne out of an issue in Seward County. We had a big dairy member call us and ask questions about building codes and zoning in Seward County. Subsequently, we did some research on any county that has zoning, and whether or not they are in line with Kansas statutes based on agricultural uses. So, what we found is that roughly 50 percent of all counties that are zoned are impermissibly regulating Agriculture. And, unfortunately, Johnson County is one of those counties that we see to be impermissibly regulating Agriculture. There is a state law that indicates if there's an agricultural use to the land anywhere in the unincorporated areas of the county — I'm talking

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anything that's rural residential, rural commercial, rural zoned agricultural, all those areas — if there's an agricultural use associated with the land, you can't regulate that agricultural use via zoning. That kind of confuses some people, but the statute I assume applies to Johnson County would be K.S.A 19-2960(d), which clearly indicates that no determination, rule or regulation shall be held to apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon. So, this issue has actually been handled by the Supreme Court on a number of occasions, and have fairly consistently found in favor of landowners. And one of those cases — Corbett v. Sedgwick — actually indicated that when you're dealing with agricultural zoning, that you err on the side of the landowner. So, the exemption is to be enforced in favor of the Agricultural use.

Just to give you a couple examples per state law of what Agricultural is. In Corbett, it was a hunting preserve. So, this hunting preserve was deemed to be an Agricultural purpose, thus, could not be zoned. In Miami County, there was a landing strip, a private airport, basically, where a farmer had his airplane in a shed, and he would use that airplane to check crops. There were complaints about the airfield, and the County said he couldn't have an airfield. The Supreme Court said no, it serves an Agricultural purpose because he's using that to land his plane, which he uses to check crops.

In Leavenworth County, an agricultural dwelling was deemed an Agricultural use. I don't believe Leavenworth is an urban county, so there might be some question in residential areas of Johnson County. But, we're really talking about Agricultural use rather than Residential, in most cases. Basically, it was where a farmer lived. He lived there, he had his field outside, and I believe a pig farm, as well. They said his home is basically his agricultural office, and therefore, isn't subject to planning and zoning. And in Lyon County, there was an incidental rock quarry. So, a guy was building a stock watering pond to water livestock, pulling rock out of that, selling the rock and using the rock to build a pond, ultimately to finish out a pond. They said, even though he was essentially selling the quarry rock, that rock quarry served an agricultural purpose because he was using it to build his pond, and that's where the pond actually ended up being.

There are a couple other ones that deal with feeding livestock, and it indicates animal husbandry, as well as feed lots, are Agricultural uses, and cannot be zoned by the County. Actually, there was a case out in Norton County, where there were a few farmers who didn't like the idea of a confined animal feeding operation coming in. They got the County to pass some stringent zoning regulations with regard to the slope of land, to inadvertently disallow this CAFO from moving in, and the Supreme Court struck that down and said, essentially, where the State is regulating animal feeding operations, the counties have no authority to prevent that from happening.

A couple examples of things that were deemed not Agricultural was horse training for racing purposes, as well as having a private track. That was deemed not Agricultural, and in that case, the court did indicate that horses are livestock, so, generally, that would be Agricultural, but they were being trained and used in a manner outside of the intent of the exemption. The same thing was for raising and keeping greyhounds for racing. It was the same conclusion that that was not Agricultural.

One thing that I would urge this Commission to do is, I mean, you're currently looking at the zoning regulations, but a lot of counties, to avoid this issue, simply do a disclaimer at the very front of their zoning statutes and says, "Notwithstanding the provisions herein, these zoning regulations shall not be applied to land deemed Agricultural use, or for Agricultural purposes." So, there's a million ways you can skin that cat, but it is fairly common in counties that are perversely having their zoning regulations not impact agriculture. So, we've been involved with Johnson County a little bit more, but we've just had another recent member come to us, concerned about a decision based out of the northwest zoning area that had to do with raising cattle. So, you know, I'm not saying you can't zone things, but basically, you can go down a list. I mean, imagine in your mind
what is agriculture, and it’s probably agriculture. So, you have a residence that has a big garden behind the house. You cannot have a regulation saying that garden cannot exist. You basically can’t prevent a person from growing their own food for consumption. The same would go for livestock. So, if you have goats, or chickens, or beef, or horses, for your own use or consumption—obviously, you wouldn’t eat horses, but for your own consumption, that’s something the County can’t interfere with in any of the unincorporated areas of the county.

Now, some cities obviously regulate against chickens and livestock in town, but they have what’s called Constitutional Home Rule Authority, which gives them a little wider latitude to regulate some of those things, even for city zoning. So, if you have an area of the county that gets annexed, and that person has raised chickens or has had farm ground there, the City cannot force them to give up that agricultural use. That agricultural use has to essentially go away on its own. You can’t tell them they can’t have those chickens anymore after annexation. Not only would that violate the grandfather clause, but there is some language with City zoning that says you can’t zone pre-existing agricultural uses, essentially.

So, we’re not here to discuss what is or isn’t agricultural. I just want to keep it in your mind that whenever you take up action on zoning regulations, really scrutinize those and make sure that they are not impermissibly regulating agriculture. I know there could be concerned citizens about the smell coming from livestock, or from chickens, or the dust kicked up when a farmer is working his field, etc. All those are concerns that you will hear from folks that are coming from the city and wanting to enjoy country living. I would amount to, you know, why live in the county versus the city? If you don’t want to be exposed to that stuff, live in the city. If you want a little more freedom, you tend to move towards the county.

So, I’d be happy to answer any questions. That’s my spiel on what is or isn’t agriculture. There could be some gray area, but a lot of times if you have in mind, you know, raising chickens to eat, that’s agriculture. That’s one of the most basic forms of agriculture. You go back in history, the Supreme Court said that hunting and gathering is agriculture. We’ve evolved from subsistence farmers, where we would plant our own food, for our own family’s consumption. That was subsistence agriculture. Then we moved into where we are today, where we can farm and feed not only ourselves, but also our neighbors. Obviously, that is still agriculture. I would welcome any questions.

Mrs. Atwell: Do you have copies of that court case and the state statutes that you could hand out?

Mr. Stewart: I don’t have copies with me, but I can email them to you. And I can give you copies of all the cases. I have eight cases listed and three statutes that could help.

Mrs. Atwell: I think that would be beneficial for everyone to be able to read those state statutes and apply them. So, if I understand you right, if the state deems it as Agricultural, it is an agricultural piece of ground, and somebody has crops in the ground, or there are cattle to birth, butcher, and feed your family, that is Agriculture, and is regulated by the state and not the county.

Mr. Stewart: In some instances. In the instances of confined animal feeding operations, the health implications and the permitting is run by the state, and solely the state. And in Norton County, you know, in issues where the state controls, the County cannot interfere with that. Basically create a more stringent regulation. Now, because counties only have statutory home rule authority, the legislature has statutory exemptions based on agriculture. And then, the court systems have come in and helped define what is or isn’t agriculture in these circumstances, but there’s also statutes in the state that could help define what agriculture is. For instance, K.S.A. 2-3203 – Agricultural Activity – means the growing or raising of horticultural and agricultural crops, hay, poultry and livestock, poultry and dairy products for commercial purposes. This includes activities related to handling storage and transportation of agricultural commodities. So, in some cases, you can cross-reference other statutes and figure out what is or isn’t agriculture, but in reality, the main
go-to statute is an exemption, and for Johnson County, it would be 19-2960 (d), which essentially says no determination, rule or regulation shall be held to apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon. So, that gives a clear direction that there’s no zoning authority for agricultural purposes.

Now, the Attorney General does have some opinions on how far that goes, and his most recent opinion says that now, you can ask them to provide documentation that shows they are agricultural, but that’s the extent of it. There’s no issuing of a conditional use permit, no denying a building permit. It’s just whether or not that person is agricultural. And I’m not sure if Johnson County has a mechanism for that. We view it as a matter of right, where you don’t necessarily have to go to the County. When a farmer calls us and says they’re getting ready to build a hay shed, what do they do, I tell them to build a hay shed. In some instances, like with the folks in Seward County, it was like, we’re getting ready to build a dairy parlor, what do we need to do? And we told them to build a dairy parlor. And they said, “Well, we kind of already went to the County, and they denied us.” So, it opened up a whole Pandora’s Box of issues to try to unravel that without going to court. And I think that’s the key. You don’t want to have to send people to court.

Comm. Meier: I don’t know that I would recommend anybody put a rock quarry in Johnson County without approval. I think that might be a cause for concern. I know you said it was for agricultural use for a pond, but I’m sure there’s a size limit to it. I know there are a number of things you discussed, but that one stuck out as, really?

Mr. Stewart: And it was really specific circumstances. They essentially had to quarry the rock to put the pond where they wanted to. So, they blew the rock, built it in, sold the rock, pond existed. So, the County was saying it was a rock quarry, and you can’t have a rock quarry in this part of the county because that’s a commercial activity. And he said, No, the only reason the rock quarry existed is because that’s where his stock watering pond is going to go. Now, I’m sure it would be different if someone was building a retention pond, or a recreational pond. Then there are state statutes that govern dams and certain size of ponds as well. But, it was specific to, it was being built for cattle water.

Vice Chairman Morse: Thank you, Mr. Stewart. We appreciate you taking the time to come and talk to us. We have touched on this issue in past discussions. I appreciate your comments.

Josh Roe, 1320 Research Park Drive, Manhattan, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Roe: I serve as assistant secretary at the Kansas Department of Agricultural. I was invited to come and share a few things, and also, I’ve been part of several agitourism task forces, and I have materials I’m going to hand out later tonight. I’ve presented at meetings in the past, and Karen was at those meetings, as well.

From the outset, I want to state that agitourism and zoning do not fall under the purview of the Kansas Department of Agriculture. As the Department of Agriculture, we’re very interested in our #1 objective, which is to support Kansas farmers, ranchers and agribusinesses, as well as the customers they serve. There is great economic opportunity happening there. It’s really neat. A lot of people are interested to learn that, when you look at how we define, and just look at the agricultural industry in general, all the way from those industries present, to support our agricultural production itself, and then, those industries that [inaudible] commodities, you put all those factors together and it’s a very big piece. You look at counties such as Johnson, when you look at the value added, the agricultural, and the inputs that are there, Johnson County, believe it or not, is actually a Top 3 county in terms of agricultural output in the state. People think of Johnson County as urban. In fact, I’m going to be speaking at an Overland Park chamber luncheon next week to talk about that.
In general, something I will be handing out does reference some things, and with permission from the business owner, a legal interpretation our legal staff made about a year ago and provided to a business in Overland Park. Kind of an overview of what agritourism activities are, how they are defined by the Department of Wildlife, Parks and Tourism, and, specifying that, you know, agritourism may have a recreational and entertainment purpose to it and still be considered as agricultural.

The other piece I wanted to mention is about the issue of agricultural nuisances, and how agriculture is defined in statutes. Tucker raised those, and it’s all clear on this hand-out that I will pass out to the group. A good example from this is, we see the importance of some of these agritourism businesses. A good example I can always go to is farm vineyards and wineries. Kansas has a number of fruit-producing grapes, probably in the neighborhood of 400 to 500 acres of grapes, which isn’t even a dot on the map compared to our other major agricultural commodities. But, when we look at the value of those grapes turned into wine, taxed, etc., and the value added there, if we look at the value of the wine and what it provides back, on average, one acre of Kansas grapes produces $33,000 in economic impact. That far exceeds anything we’re seeing in traditional commodities. It’s an interesting way to get involved in production agriculture because there aren’t stringent barriers to entry in terms of needing large tracts of land, large capital investments. So, they are very important businesses in our minds, and we’d like to see them succeed.

I’d be happy to answer any questions. I have some handouts, too. We’re just here as a resource, if we can be.

Vice Chairman Morse: Any questions for Mr. Roe? [None.] We appreciate you taking time to come here and speak with us. We will be discussing these things in future meetings over the next few months, I’m sure.

ADJOURNMENT

The next regularly scheduled Planning Commission meeting will be Tuesday, April 25, 2017, at 5:45 p.m.

Roxanne Morse, Vice Chairman

ATTEST:

Secretary to the Board