

**PLANNING COMMISSION REPORT  
FOR PLANNING COMMISSION DISCUSSION AND ACTION  
(PUBLIC HEARING HAS BEEN HELD):**

PC Staff Report  
08/21/06

**ITEM NO. 2:            ADOPTION OF SUBDIVISION REGULATIONS FOR LAWRENCE AND  
THE UNINCORPORATED AREA OF DOUGLAS COUNTY, JANUARY 26,  
2006 EDITION**

**TA-01-02-06:** Pursuant to the provisions of K.S.A. Chapter 12, Article 7, consider making a recommendation on the adoption of "Subdivision Regulations for Lawrence and the Unincorporated Area of Douglas County, January 26, 2006 Edition." This set of regulations replaces Chapter 21 of the Code of the City of Lawrence, Kansas, with Article 8 in the Land Development Code of the City of Lawrence, Chapter 20 of the Code of the City of Lawrence [adopted July 1, 2006] and replaces in its entirety Article 11 in the County Code, thereby establishing new standards for rural residential development and updated subdivision design standards and development criteria for the platting of lands within the incorporated limits of Lawrence and within the Unincorporated Area of Douglas County. The "Subdivision Regulations, January 26, 2006 Edition" is a general and complete revision of the City of Lawrence and Douglas County's existing, jointly adopted Subdivision Regulations [re: Ordinance No. 5257 and Resolution No. 81-11, and amendments there to] and as such, affects all divisions of land within the corporate limits of the City of Lawrence and the unincorporated area of Douglas County. The "Subdivision Regulations, January 26, 2006 Edition" is incorporated by reference as if fully set forth in this notice. Copies of the "Subdivision Regulations, January 26, 2006 Edition" are available for review at the Office of the Lawrence-Douglas County Planning Department, City Hall, 6 E. 6<sup>th</sup> Street, Lawrence, Kansas. The "Subdivision Regulations, January 26, 2006 Edition" is also available at [www.lawrenceplanning.org](http://www.lawrenceplanning.org). **TA-01-02-06** and **TA-01-03-06, AND CPA-2006-01** are companion documents that together create new Rural Development Regulations within the existing zoning and subdivision regulations of Douglas County. Initiated for public hearing by the Board of County Commissioners on January 25, 2006. *This item was deferred from the May Planning Commission meeting to allow consideration of alternate text drafted by a sub-committee of the Planning Commission. The alternate text is also posted at [www.lawrenceplanning.org](http://www.lawrenceplanning.org).*

**STAFF RECOMMENDATION:** Planning Staff recommends the Planning Commission take action to approve the proposed new Subdivision Regulations for the City of Lawrence and Unincorporated Area of Douglas County and forward them to the City Commission and Board of County Commissioners with a recommendation for adoption.

**Reason for Request:** Subdivision Regulations are one of three major tools provided by State Statutes to implement a comprehensive land use plan. At the same time a diagnostic review of the City's Zoning Ordinance was done, the City and County Commissions initiated a similar diagnostic review for the current subdivision regulations. The proposed subdivision regulations are based on this diagnostic review.

In addition, a number of new provisions concerning the division of land in the unincorporated areas of the County are included in the new draft of the subdivision regulations. These new rural development provisions incorporate various elements of the extensive research and the recommendations from the Rural Planning Committee's effort to prepare a new rural planning and development chapter for *Horizon 2020*; plus, they represent a consensus of the County Commission attained as a result of the numerous working sessions Ms. Linda Finger conducted with the Board of County Commissioners to arrive at the proposed language initiated for consideration at this meeting.

An alternate set of regulatory provisions affecting the way land may be divided in the unincorporated areas of the county have been drafted and reviewed by a special committee (Rural Issues Committee) appointed by the Planning Commission Chair at the conclusion of the public hearing held during the May 24<sup>th</sup> Planning Commission Meeting. The specific sections of the subdivision regulations that have alternate language proposed by this special committee include 20-804, 20-805, 20-806, and 20-807. These four sections are found in Attachment 8.

Adoption of the Subdivision Regulations, a regulatory tool to help implement *Horizon 2020*, is consistent with Kansas State Statutes.

#### **RELEVANT GOLDEN FACTOR:**

- Conformance with the Comprehensive Land Use Plan for the community is the relevant factor that applies to this request. Adoption of new regulatory tools, one of which is the subdivision regulations, is an implementation step in Chapter 13 – Implementation, of *Horizon 2020*, The Comprehensive Plan for Lawrence and Unincorporated Douglas County.

#### **ASSOCIATED ITEMS ON THIS AGENDA**

- **TA-01-03-06 (ITEM NO. 3) AND CPA-2006-01 (ITEM NO. 1)** are companion documents that together create new Rural Development Regulations within the existing zoning and subdivision regulations of Douglas County. The County Commission recommended these revisions as part of their work on new rural development regulations in the County. Upon the unanimous consensus of the Board of County Commissioners, these items were initiated for public hearing on January 25, 2006.

#### **STAFF REVIEW**

There are eight major attachments provided with this staff report. They are:

1. A timeline of the major events that have occurred, which have led up to the current version of the Subdivision Regulations under review for adoption;

2. An overview of major changes made in the draft Subdivision Regulations since the Planning Commission last discussed them in March 2005. This document bears a similar title and has a footer dated March 7, 2006.
3. A table summarizing issues that have been incorporated into the current document per the direction given by the Planning Commission at the December 9, 2004 Mid-Month Meeting. Where section numbers have changed, both the old and new section numbers are provided.
4. A table, coded with yellow and red in the page number field, outlining specific issues with identified sections of the Subdivision Regulations that were discussed by the Planning Commission at the December 9, 2004 and March 9, 2005 Mid-Month Meetings. Within the table, each item identifies a general summary of the comment made, and the directions given to staff for what to do with the comments. Where section numbers changed, both the old and new section numbers are provided.
5. A document summarizing the key points associated with five new land use development options offered in the draft subdivision regulations as they were initiated by the Board of County Commissioners in January 2006. These new provisions are specifically related to how rural development outside the incorporated cities may occur within the urban growth area and the rural area lying beyond the urban growth area.
6. A list of identified issues or text changes that should be reviewed and any appropriate changes incorporated into the document before final approval is given to the new subdivision regulations. The draft subdivision regulations bearing a 'Draft – July '06' watermark across the page incorporates the majority of these issues. The text changes are represented with the use of SMALL CAPS TEXT. Staff still needs to double check the list to make sure all these issues are resolved in the latest draft of the regulations.
7. The Subdivision Regulations, January 26, 2006 Edition bearing a 'Draft – July '06' watermark, which includes some additional minor modifications rolled into it that both the Board of County Commissioners and Rural Issues Committee had agreement on. This is the complete provisions for the City of Lawrence and Unincorporated Areas of Douglas County, Kansas.
8. The final attachment contains the proposed text revisions developed by the Rural Issues Committee for the following sections of the regulations: Section 20-804, Conservation-Cluster Developments in the Urban Growth Areas; Section 20-805, Large Parcel Property Divisions in Urban Growth Areas; Section 20-806, Property Divisions in the Rural Area (Outside the UGAs); and, Section 20-807, Certificate of Survey, Administrative Review Procedures. Two separate versions of Sections 20-804, 20-805 and 20-806 are included; one shows the existing text to be removed and the other one shows proposed new text that replaces what is being removed. The recommended revisions to Section 20-807 are less substantial in scope so they are shown in the one version provided in this attachment.

## **SUMMARY**

The draft Subdivision Regulations have appeared on three previous Planning Commission agendas where the public has been given an opportunity to comment on the proposed new regulations. The draft Subdivision Regulations, January 25, 2006 Edition, first appeared on the March 15<sup>th</sup> agenda;

then, on the next two regular meeting agendas in April and May. In addition to these opportunities for public comment, the proposed new Subdivision Regulations have been posted on the Planning Office website since late January so people could view the document and submit written comments to the Planning Office.

The Planning Commission also has discussed the draft Subdivision Regulations at the April 12<sup>th</sup>, May 8<sup>th</sup>, 10<sup>th</sup> and 15<sup>th</sup> Mid-Month Meetings. Additionally, the Rural Issues Committee appointed by the Planning Commission Chair following the May 24<sup>th</sup> Planning Commission meeting, met on June 13<sup>th</sup>, 16<sup>th</sup>, 20<sup>th</sup> and July 6<sup>th</sup> to discuss the package of proposed rural regulations and draft alternate text to what was initiated by the Board of County Commissioners in January for specific sections of these regulations that apply to how land may be divided in the unincorporated area of Douglas County. Those provisions, having alternate text reflecting the recommendations from the Rural Issues Committee, have been posted on the department's website for approximately one month.

As with the City's Land Development Code, staff anticipates text amendments to the subdivision regulations will be necessary during an inaugural period of time once they become effective. This observation is not based upon a belief by staff that the proposed regulations need additional time before they are ready to be adopted; rather, it is a recognition that with increased readership and the actual application of these new provisions to development projects comes an increased awareness of any areas in the regulations that need further clarification.

#### **PROFESSIONAL STAFF RECOMMENDATION**

Planning Staff recommends the Planning Commission take action to approve the proposed new Subdivision Regulations for the City of Lawrence and Unincorporated Area of Douglas County and forward them to the City Commission and Board of County Commissioners with a recommendation for adoption.

### **ATTACHMENT 1 --- Timeline of Major Actions: May 1996 – July 2006**

#### May 1996

- The Lawrence-Douglas County Metropolitan Planning Commission adopted Horizon 2020, the new comprehensive land use plan.

#### January 1997

- The Lawrence City Commission adopted a revised version of Horizon 2020 that included maps and reorganized text [PC endorsed revision]

#### May 1998

- Board of County Commissioners adopted a revised version of Horizon 2020 that included revisions to the Urban Growth Area and rural development. [CC and PC endorsed this revision]
- An implementation strategy in Horizon 2020 was the revision of “development regulations” that implement the comprehensive plan.

#### In 1999

- The City Commission hired Duncan Associates to analyze the City's zoning ordinance and the joint Subdivision Regulations.

#### In 2000

- Duncan Associates completed the **DIAGNOSTIC REPORT** on the zoning ordinance and subdivision regulations.
  - It provided the framework for drafting revisions to the zoning and Subdivision Regulations.
  - The City accelerated portions of the code revisions to receive assistance on sexually oriented business & licensing, the sign code, the rental housing ordinance/definition of family, and a study of adequate public facilities.
  - Duncan Associates was then contracted with to write the revisions to the development code [zoning and Subdivision Regulations].
- The County Commission added on to the City's contract with Duncan Associates to have the County Zoning Regulations reviewed and a **DIAGNOSTIC REPORT** produced.
  - This report provides a framework for the current working draft of the county zoning regulations that will be released in late 2006 for public review and comment.
  - The County Commission accelerated portions of the contract in rewriting the code to address the pressing issues of home occupations in the County and sexually oriented businesses. These code provisions were amended into the existing zoning regulations in 2001.
- An advisory committee with representatives from many different sectors in the community was established by the Planning Commission. This was the **Zoning and Codes Advisory Committee**, or ZAC, for short. Their role was to be a barometer for the consultant on proposed text language so the revisions being written were “normalized” for Lawrence.

#### In 2002

- The Planning Commission intensified their interest in rural development issues, but from a broader perspective. The PC created a subcommittee to research what the issues were and develop recommendations for policy revisions to *Horizon 2020*. Any policy revisions adopted into the comprehensive plan would be implemented by the revisions to the development code [County Zoning and Subdivision Regulations]. The Rural Planning Committee (RPC) started meeting on this

topic beginning in late 2002 and they continued holding regular meetings until early in the Spring of 2005.

#### In 2003

- ZAC reviewed drafts of the Subdivision Regulations.
- The draft revisions were put on hold until the City, County and Planning Commission could decide on an amendment to the URBAN GROWTH AREA in Horizon 2020.

#### In 2004

- A new Urban Growth Area boundary around the City was adopted into *Horizon 2020* in January 2004 by both the City Commission and County Commission.
- The County Commission directed staff to investigate cluster development regulations for the UGA and develop a recommendation for their consideration.
- In August 2004, the RPC began discussion of a proposed new chapter for *Horizon 2020* that would focus on rural planning and development. The RPC met with key stakeholders during the next several months to present the recommendations within the proposed new chapter. These meetings, along with discussion among the RPC members, continued over approximately the next 6 months and lead to many revisions of the draft chapter.

#### May 2005

- County Commission begins discussion with Planning Staff on rural development issues and possible regulatory actions to pursue.
- County Commission directs County Attorney to draft a Home Rule Resolution to create a moratorium on Building Permits.

#### June 2005

- The RPC presents the final draft [8A, dated May 23, 2005] of Chapter 13 – Rural Planning and Development to the Planning Commission and asks to have it initiated for a public hearing at the July meeting.
- County Commission adopts HR-05-6-5 creating a moratorium on the issuance of building permits and essentially raising the acreage to 10 acres for a Residential Parcel to receive a permit.
- County directs staff to develop issues that need to be addressed in the regulations.
- County directs County Engineer to proceed with development of Access Management Regulations for County Roads.

#### July 2005

- A public hearing was held by the Planning Commission on the RPC proposed new Chapter 13 – Rural Planning and Development amendment to *Horizon 2020*. At the conclusion of the public hearing, the PC unanimously voted to approve the comprehensive plan amendment.
- Consultant hired to work with staff on development of revisions to Subdivision Regulations.
- Staff outlined 6 specific issues to address rural development concerns raised by Planning Commission and shared by County Commission: revisions to subdivision regulations; revision to county zoning regulations; revisions to Horizon 2020 existing chapters; adoption of access management standards for county roads; develop criteria and map for land use map for evaluation of rural development proposals; encourage reevaluation of city's contracts with RWDs within UGA

#### August 2005

- City Commission on August 16, 2005 received the recommendation from the PC for adoption of the comprehensive plan amendment to add new chapter to *Horizon 2020* pertaining to rural

development and planning. The City Commission votes unanimously to defer action on the amendment until after the County Commission acted on the plan amendment.

- August 22, 2005, the County Commission receives the recommendation from the PC concerning the proposed comprehensive plan amendment to *Horizon 2020* that would add a new chapter addressing rural development and planning issues. The County Commission chose to take no action on the amendment at that time.
- County Commission considers draft recommendations from staff and consultant on amendments to Subdivision Regulations and requests revisions to draft text.
- County Commission meets in joint session with City Commission to present their work on rural development regulations.
- County Commission reconsiders floodplain text amendments to Article 28 in County Zoning Regulations and directs staff to revise document to make the freeboard requirement within the UGA the same as within the City of Lawrence.

#### November 2005

- County Commission considers revisions to draft Subdivision Regulations and approves development criteria for rural development.
- County Commission continues work reviewing Access Management Regulations drafted by Keith Browning, Douglas County Public Works Director.
- County Commission requests revised timeline for public hearing process for text amendments to Subdivision Regulations, Zoning Regulations, and *Horizon 2020*.
- County Commission extends Building Moratorium until May 31, 2006, with adoption of HR-05-11-07.

#### December 2005

- Staff completes revisions to Draft Subdivision Regulations incorporating the Planning Commission recommended revisions decided during the December 9, 2004 and March 9, 2005 Mid-Month Meetings. These revisions are based on the red/yellow/green tables included with the staff report as Attachments 3 & 4.

#### January 2006

- County Commission initiates text amendments to Subdivision Regulations, Zoning Regulations and *Horizon 2020*.
- County Health Department reports to County Commission that they can support strengthening existing regulations to restrict any portion of an on-site sewage management system from being located within the regulatory floodplain.
- Staff works with County Attorney on review and revision of text amendments to Subdivision Regulations.
- Staff works with County Attorney on drafting Resolution for Access Management and minimum frontage and entrance spacing requirements.

#### March 2006

- County Commission initiated text amendments to Subdivision Regulations, Zoning Regulations and *Horizon 2020* appear on the Planning Commission Meeting agenda for public hearing.
- A public hearing was conducted for the proposed new Subdivision Regulations and at the conclusion of the public hearing the commission voted to defer the item to the April meeting.
- The Planning Commission asked staff to inform the media that written comments from the public could be submitted in writing on the subdivision regulations and all of the other rural development related items up until 5:00 p.m. on March 29, 2006. However, (spoken) public comment would not be taken at the April Mid-Month meeting.

- The Planning Commission also directed staff to place on the April Mid-Month Agenda a further discussion of the proposed Subdivision Regulations and indicated they wanted to lengthen that meeting to two hours to allow for more time to discuss this item.

#### April 2006

- Discussion of the proposed Subdivision Regulations by the Planning Commission during the April 12<sup>th</sup> Mid-Month Meeting.
- Additional public comments were accepted on all the items related to the proposed Subdivision Regulations and rural development issues during the regular meeting on April 19<sup>th</sup>.

#### May 2006

- The Planning Commission held three Mid-Month Meetings (May 8<sup>th</sup>, 10<sup>th</sup> and 15<sup>th</sup>) for the purpose of discussing the proposed Subdivision Regulations and related items.
- At the May 24<sup>th</sup> meeting, the Planning Commission accepted additional public comments on the proposed new regulations and related items with them.
- At the close of the public hearing, the commission voted to defer all the related items until the August 21<sup>st</sup> meeting to allow time for a specially appointed subcommittee to discuss, review and draft alternate language for the relevant sections of the Subdivision Regulations that address how land may be divided in the unincorporated area of Douglas County.
- On May 31<sup>st</sup>, the Board of County Commissioners voted 2-1 to extend the Building Moratorium until December 31, 2006.

#### June 2006

- The Rural Issues Committee, appointed by the Planning Commission Chair at the May meeting, met on June 13<sup>th</sup>, 16<sup>th</sup>, and 20<sup>th</sup> to discuss and formulate their recommendations on text changes to the Board of County Commissioner's initiated language for Sections 20-804, 20-805, 20-806 and 20-807 of the proposed Subdivision Regulations.
- On June 22<sup>nd</sup> the Rural Issues Committee met with the Board of County Commissioners to discuss the direction that the committee was going with respect to proposed alternate language for these sections of the regulations.
- Ongoing discussions between the County Commission and staff related to the proposed resolution establishing Access Management Regulations for all roads lying outside the cities within the County.

#### July 2006

- The Rural Issues Committee met for the final time on July 6<sup>th</sup> to finalize their recommendations for alternate language to the BOCC initiated language for Sections 20-804, 20-805, 20-806 and 20-807 of the proposed Subdivision Regulations, which would be presented for discussion during the August 21<sup>st</sup> Planning Commission Meeting.
- Proposed alternate language for these sections and the complete updated draft of the Subdivision Regulations were posted on the Planning Department website in late July.
- Ongoing discussions between the County Commission and staff related to the proposed resolution establishing Access Management Regulations for all roads lying outside the cities within the county.



**ATTACHMENT 2 --- Overview of Major Changes since March 2005 Planning Commission Review**

---

**Section 20-801 General**

- EXEMPTIONS subsection (d) revised to add townhouse exemption back into regulations for lands within City of Lawrence
- formatting changed for consistency with Development Code and remainder of document
- EXCEPTIONS subsection (e) deleted
- DETERMINATION OF ELIGIBILITY FOR EXCEPTION subsection (f) deleted
- VESTED RIGHTS subsection (g) renumber to (e) and subsection (2) rewritten to apply separately to Lot of Record created in City of Lawrence and Lot of Record created in Unincorporated Area of Douglas County
- Attorneys (consulting firm and county attorney) have reviewed text under Vested Rights and suggested language changes referencing State Statutes have been incorporated into January 26, 2006 edition

**Section 20-802 General Review and Approval Procedures**

- AUTHORITY TO FILE APPLICATIONS, subsection (a) modified to delete Planning Commission or Governing Body authority to initiate plats to be consistent with State Statutes
- FORM OF APPLICATION, subsection (b) revised to include new administrative review process of Certificate of Survey
- formatting changes were made to section for consistency with Development Code and remainder of document

**Section 20-803 Limited, Staff Review Procedures**

**Section Deleted**

- Section from March 2005 version was eliminated
- Administrative Approval of Lot Splits and Consolidations for Platted Lots rewritten as a New Section, 20-808 Minor Subdivisions

**Section 20-803 Property Divisions in Service Area 1, Lawrence Urban Growth Area**

**NEW SECTION**

- Establishes as prerequisite to development annexation into city of Lawrence
- Establishes the requirement for development shall be that of Major or Minor Subdivision in Article 8 of Development Code or Chapter 11 of County Code, whichever is applicable to the land being proposed for development

**Section 20-804 Conservation-Cluster Developments in UGAs**

**NEW SECTION**

- Purpose.  
statement establishes this is an alternative to conventional rural residential development within UGAs of cities and it establishes that this is an administrative process
- Applicability subsection establishes minimum size of 20 acres and maximum size of less than 40 acres
- Development Acreage is defined as two types: Immediate Development Area and Future Development Area
  - maximum limit set for Immediate Development Area (IDA) as 60% of total development acres
    - Added new subsection (ix) to add requirement for "minimum frontage and entrance spacing

requirements” to be consistent with criteria in sections 805 and 806.

- Revised subsection (ix) to (x) Drainage Easements and revised text in subsection to refer to ‘FEMA designated regulatory Floodplain’ instead of a “Special Flood Hazard Area.
- “Universal change” made to reference in 804 to ‘County Counselor’ to change it to the more appropriate term “County Attorney.”
- (vi) Entrance and Intersection Spacing. Revised title to “Minimum Frontage and Entrance Spacing Requirement” and revised text of subsection to refer to county adopted access management resolution. [consistent revision in all three sections, 20-804, 20-805, and 20-806]
  - minimum limit set for Future Development Area (FDA) as 40% of total development acres
  - titled subsections as (i) Minimum Requirement; (ii) Horizon 2020; (iii) Conservation Easement; and (iv) Restriction on Subsequent Divisions
- Residential Development Parcel size minimum development standards established:
  - 3 acres, may go down to 1 acre if 2 adjoining acres are within FDA and are contractually tied to 1 acre tract for sanitation purposes until annexation and connection to municipal sanitary sewer System
  - cross access easements permitted to enhance ability to cluster development parcels, upon annexation, cross access easements are dedicated for public road purposes
  - future layout for subdivision into urban scale lots required
  - rural water meter required (text refers to this as ‘publicly treated water source’]
  - compliance required with county sanitation codes
  - compliance required with minimum frontage and entrance spacing standards adopted by County as part of Access Management Standards
  - building envelopes required and restrictions on where development can occur are established
  - drainage easements on Immediate Development Area are required when need exists
  - conservation easements are required within Future Development Area for lands identified in Horizon 2020 as environmentally or geographically sensitive or where sites of historic landmarks or historic features exist
- Conservation-Cluster Developments – After Annexation. Section revised to apply to all cities that can annex lands in Douglas County.
- Subsequent divisions by an administrative review procedure are prohibited
- Certificate of Survey administrative review procedure is required

## **Section 20-805 Large Parcel Property Divisions in the Urban Growth Areas** **NEW SECTION**

- Purpose
  - establishes this as an alternative to conventional rural residential development within UGAs of all cities
  - established that this is an administrative process
- Applicability subsection establishes minimum size of 40 acres
  - deleted subsection (3) which was repetitive of subsection (1)(ii)
- Development Acreage is defined as two types: Immediate Development Area and Future Development Area
  - revised subsections to have consistent headers with section 804 and 806
  - revised text in subsections (1)(i) through (xii) and (2)(i) through (v)
  - maximum limit set for Immediate Development Area (IDA) as 60% of total development acres
  - minimum limit set for Future Development Area (FDA) as 40% of total development acres
- Residential Development Parcel minimum development standards established:
  - 3 acres to 20 acres depending on classification of road fronted by Development Parcel
  - access required to be to a hard-surfaced road

- restrictive covenants required to be filed for Immediate & Future Development Areas, one requirement of which is the development of a 'Build Out Plan' for the pre-planning of further, future divisions of development areas into streets, easements and urban sized lots
- restrictive covenants prohibiting additional divisions are binding on all property owners until annexation of entire development
- rural water meter (publicly treated water source) required for each residential development parcel
- compliance required with county sanitation codes
- compliance required with minimum frontage and entrance spacing standards adopted by County as part of Access Management Standards
- compliance with minimum road rights of way standards in Subdivision Regulations
- building envelopes required and restrictions on where development can occur are established
- drainage easements on Immediate Development Area are required when need exists
- conservation easements are required within Future Development Area for lands identified in Horizon 2020 as environmentally or geographically sensitive or where sites of historic landmarks or historic features exist
- Subsequent divisions by an administrative review procedure are prohibited
- Process for land division through platting established in (h) Large Parcel Property Divisions in Lawrence's Urban Growth Area Not Made in Accordance with 20-805(a)-(g)
  - section title revised to delete reference to the specific UGA of one city (Lawrence) as the section applies to all four cities' UGAs
  - revised reference to 'Sections 2-4' to "Service Areas 2-4"
  - (3) Development Access. Removed reference to 'full maintenance' when describing 'hard surfaced road'
  - (5) Entrance and Intersection Spacing. Revised title to "Minimum Frontage and Entrance Spacing Requirement" and revised text of subsection to refer to county adopted access management resolution. [consistent revision in all three sections, 20-804, 20-805, and 20-806]
- Certificate of Survey administrative review procedure is required

## **Section 20-806 Property Divisions in the Rural Area (Outside the UGAs)**

## **NEW SECTION**

- Purpose
  - Establishes this as an alternative to conventional rural residential development in the Rural Areas, outside the UGAs of incorporated cities
  - Establishes this is an administrative process
- Definition subsection establishes the meaning of four (4) terms used throughout this section: Original Tract, Parent Parcel, Residential Development Parcel, and Rural Area
- Applicability subsection establishes that minimum size of Parent Parcel is 20 acres; Original Tract can be any size as long as it is at least 20 acres; multiple Parent Parcels may be created from an Original Tract if minimum road frontage and entrance spacing standards can be met
- (d) Parent Parcel Division. Revised this section to include subsections headers for (i) through (ix)
- Residential Development Parcel size minimum development standards established:
  - 3 acres, when there is a publicly treated water source (rural water meter) for the development; 5 acres if water is from other than publicly treated water source
  - if multiple Parent Parcels are created from an Original Tract, Residential Development Parcels are encouraged to be clustered
  - compliance required with county sanitation codes
  - compliance required with minimum frontage and entrance spacing standards adopted by County as part of Access Management Standards
  - building envelopes required to be shown on Residential Development Parcels if they include

- lands identified in Horizon 2020 as environmentally or geographically sensitive or if they include sites of historic landmarks or historic features
- conservation easements are required for any lands identified in Horizon 2020 as environmentally or geographically sensitive or where there are sites of historic landmarks or historic features
- (vii) Entrance and Intersection Spacing. Revised title to "Minimum Frontage and Entrance Spacing Requirement" and revised text of subsection to refer to county adopted access management resolution [consistent revision in all three sections, 20-804, 20-805, and 20-806]
- (ix) Conservation Easements. Revised 'County Counselor' to "County Attorney"
- (e) Appeals. Deleted subsection in this location. Consolidated Appeals process and notification in 20-807(h)
- Property Divisions in the Rural Area Not Made in Accordance with 20-806(a) through (g).
  - Revised this section to include subsections headers for (1) through (10)
  - Revised (5) Entrance and Intersection Spacing. Revised title to "Minimum Frontage and Entrance Spacing Requirement" and revised text of subsection to refer to county adopted access management resolution. [consistent revision in all three sections, 20-804, 20-805, and 20-806]

#### **Section 20-807 Certificate of Survey, Administrative Review Procedures**

**NEW SECTION**

- Purpose
  - Establishes this as the administrative review procedure for the creation of Residential Development Parcels within the UGAs or within the Rural Area of the County
- Planning Director is given the authority to review and approve applications for land divisions made under sections 20-804, 805 or 806 in accordance with the process set out in this section
- Contents of a Certificate of Survey are established and all requirements must be met for a Certificate of Survey to be approved.
- Building Envelopes are required to be shown on each Residential Development Parcel
- A parcel of land can apply & be approved ONE TIME for a Certificate of Survey, after which the full review and development procedures outlined in the Major Subdivision section (20-809) apply
- Review criteria for a Certificate of Survey include conformance with the Comprehensive Land Use Plan, Major Thoroughfares Map(s), and the logical continuation of any street/road affecting the land in the parcel the Certificate of Survey covers.
- Review process shall occur within 30 days of submittal of a complete application
- Established an Appeals process from administrative approval procedures in 20-804, 20-805, and 20-806, which includes a notification process of appeal to property owners within ¼ mile of the Certificate Of Survey site.

#### **Section 20-808 Minor Subdivisions**

**NEW SECTION**

- Purpose
  - Establishes this is an administrative process for existing, platted lots both within the City of Lawrence and within the unincorporated area of the County
  - Establishes that this is a one-step process with the Planning Director given the authority to approve minor subdivisions
- Applicability subsection establishes the parameters of the Minor Subdivision section are:
  - within the city limits, platted lots may be split into 4 or fewer platted lots as a minor subdivision when no new streets or easements are created and no existing streets or easements are vacated
  - within the unincorporated area, a platted lot may be split into 2 platted lots as a minor subdivision when the minimum lot area is met for county sanitary code requirements; rural water meter is available, access is to a hard-surfaced road; no new roads or easements are created; setbacks and frontage & entrance spacing requirements are met
- Minor Subdivision process can result in the creation of up to 4 additional lots through the splitting of

platted lots or can result in a reduction in the total number of platted lots through the merger or consolidation of platted lots <ul style="list-style-type: none"> <li>Minor Subdivision disallowed when it will create, by defacto, a Major Subdivision</li> <li>Minor Subdivision process permitted to apply only once to platted lots, any further divisions or consolidations are required to follow the Major Subdivision requirements</li> <li>Requirement that 'certificate that all taxes and special assessments' be paid prior to split reworded to apply separately to lots within the City of Lawrence and lots within the unincorporated area of the County</li> </ul>	
<b>Section 20-809 Major Subdivisions</b> <ul style="list-style-type: none"> <li>Section numbering revised, now section 20-809</li> <li>Revisions made to this section based on Planning Commission direction on comments received at Listening Sessions in Fall '04 and Winter '05</li> </ul>	<b>Formerly – Section 20-804</b>
<b>Section 20-810 Subdivision Design Standards</b> <ul style="list-style-type: none"> <li>Numbering revised, now section 20-810</li> <li>Formatting of section revised</li> <li>Revisions made to this section based on Planning Commission direction on comments received at Listening Sessions in Fall '04 and Winter '05</li> <li>Tables in (4)(ii) Cross Sections Rural Area, (5) Grades and (6) Radii of Curvature revised based on review comments and recommendations from Keith Browning, County Engineer</li> </ul>	<b>Formerly – Section 20-805</b>
<b>Section 20-811 Public Improvements</b> <ul style="list-style-type: none"> <li>Numbering revised, now section 20-811</li> <li>Revisions made to this section based on Planning Commission direction on comments received at Listening Sessions in Fall '04 and Winter '05</li> </ul>	<b>Formerly – Section 20-806</b>
<b>Section 20-812 Contents of Plats</b> <ul style="list-style-type: none"> <li>Numbering revised, now section 20-812</li> <li>Revisions made to this section based on Planning Commission direction on comments received at Listening Sessions in Fall '04 and Winter '05</li> </ul>	<b>Formerly – Section 20-807</b>
<b>Section 20-813 Administration and Enforcement</b> <ul style="list-style-type: none"> <li>Numbering revised, now section 20-813</li> <li>Revisions made to this section based on Planning Commission direction on comments received at Listening Sessions in Fall '04 and Winter '05</li> </ul>	<b>Formerly – Section 20-808</b>
<b>Section 20-814 Building Setbacks, Enforcement, Exceptions</b> Numbering revised, now section 20-814 <ul style="list-style-type: none"> <li>Revisions made to this section based on Planning Commission direction on comments received at Listening Sessions in Fall '04 and Winter '05</li> </ul>	<b>Formerly – Section 20-809</b>
<b>Section 20-815 Interpretations, Rules of Construction and Definitions</b> Numbering revised, now section 20-815 <ul style="list-style-type: none"> <li>Revisions made to this section based on Planning Commission direction on comments received at Listening Sessions in Fall '04 and Winter '05</li> </ul>	<b>Formerly – Section 20-810</b>

ATTACHMENT 3 --- These issues have been incorporated into the document per PC direction at the Dec. 9 2004 PCMM II meeting					
Page #	Section #	Comment type	Public Comment	PC Direction to Staff	comment
8-3	20-801(a)(1)	added language for clarification of purpose of Subdivision Regulations	add to second line, after which "is an initial step in urbanization"		<i>change made</i>
8-4	20-801(2)(i)	word usage question	is "consistent with" the same as "conforms to"		<i>change made</i>
8-4	20-801(2)(ii)	added language for clarification of purpose of Subdivision Regulations	add to end section "and facilitate the development of new neighborhoods;"		<i>change made</i>
8-4	20-801(2)(ix)	added language for clarification of purpose of Subdivision Regulations	add to end of section "and design subdivisions in a manner that supports multi-modal transportation;"		<i>added</i>
8-5	20-801(2)(c)	added language for clarification of purpose of Subdivision Regulations	add after of sale "or transfer"		<i>change made</i>
8-5	20-801(d)(2)	typographical error	use of "exception" rather than "exemption"		<i>change made</i>
8-5	20-801(e)(1)(i)	editorial comments as to townhouse provisions and use in existing code	townhouse developments have used this provision and it should be clear that this applies only to developed properties, as is the case in the current subd. regs. If the intent is different than current usage, it shouldn't be.		<i>no change required/ editorial comment</i>
N/A	20-801(e)(4)	added language for clarification of purpose of Subdivision Regulations	this should only apply to "existing" private streets in the rural areas. Add "existing" before private street in first sentence.	All Green issues staff should go ahead and make revision noted in public comment column.	<i>section deleted from SR</i>
N/A	20-801(f)(1)	added language for clarification of purpose of Subdivision Regulations	replace "other person" with " the owner's agent"		<i>section deleted from SR</i>
N/A	20-802(h) Now Certificate of Survey	question raised	is a plat of survey different than an exception plat of survey?		<i>exception plat deleted</i>
8-32	20-804(d)(4)	added language for clarification of purpose of Subdivision Regulations	add to sentence "adopted area plans and neighborhood plans; and,"		<i>change made</i>
8-32	20-804(d)(6)	added language for clarification of purpose of Subdivision Regulations	add to the end of the sentence, "and conforms to the overall drainage basin master plans."		<i>change made</i>
8-35	20-809(d)(6)	statement on proposed language	putting the acceptance of dedications at the preliminary plat stage is important as it allows the governing bodies to may the necessary adjustments before the final plat stage. This should speed up and simplify the process. There is a possible conflict in wording in later sections, however.		<i>no change required/ editorial comment</i>
8-36	20-804(i)(5)	statement on proposed language	Is it correct that this indicates if a final plat conforms to the approved preliminary plat and other regulations that the Planning Commission does not need to review the Final Plat?		<i>change made</i>
8-39	20-805(a)(3)	statement on proposed language	Easements for gravity sewerage and stormwater drainage should be added here.		<i>change made</i>



ATTACHMENT 3 --- These issues have been incorporated into the document per PC direction at the Dec. 9 2004 PCMM II meeting				
Page #	Section #	Comment type	Public Comment	PC Direction to Staff
8-40	20-805(b)(1)(i) 20-810(c)(1)(i)	added language for clarification of purpose of Subdivision Regulations	add to end of sentence "and the natural drainage pattern of the land underlying the subdivision;" or add after utilities "including natural storm drainage patterns"	<i>comment</i> <i>change made</i> <i>plus added</i> <i>text</i>
8-40	20-805(b)(1)(ii) 20-810(c)(1)(ii)	added language for clarification of purpose of Subdivision Regulations	add to end of sentence "and adequate storm drainage from each building site, such as provision of swales between lots;"	<i>change made</i>
8-40	20-805(c)(2) 20-810(c)(2)	statement on proposed language	somewhere there should be a provision for sidewalks to connect in both directions. Cul-de-sacs create discontinuous sidewalks that go nowhere.	<i>no change</i>
8-41	20-805(c)(3) 20-810(c)(3)	statement on proposed language	a graphic illustration is needed to accompany this text	<i>graphics not</i> <i>added</i>
8-41	20-805(d)(2)(i) 20-810(d)(2)(i)	statement on proposed language	require that all subdivisions have platted streets that terminate at boundary lines. A simple requirement is that all streets connect	<i>change made</i>
8-41	20-805(d)(2)(iii) 20-805(d)(2)(iii)	statement on proposed language	The graphics appear to show local streets connecting to arterials streets. This type of urban planning creates land-locked residential areas. Alvarado is an example of how this can be applied poorly as W. 15th was considered a collector when local streets were allowed to connect to it	<i>graphic</i> <i>unchanged</i>
8-43	20-805(d)(4)(i) 20-810(d)(4)(i)	statement on proposed language	Thank you for these standards (an asterisk is missing next to "cul-de-sac"	<i>change made</i>
8-45 & 8-49	20-805(d)(7)(v) 20-810(d)(7)(v) 20-810(f)(4)(iv)	statement on proposed language	Pedestrian easements should be at the end of all cul-de-sac bulbs to allow uninterrupted sidewalks. Sidewalks on these easements should be constructed at the same time as the subdivision	<i>change made</i>
8-46	20-805(d)(8)(ii) 20-810(d)(8)(ii)	statement on proposed language	Define in the ordinance what "adequate assurances" are	<i>definition</i> <i>needed / see</i> <i>pg 8-73</i>
8-48	20-805(f)(4)(i) 20-810(f)(4)(i)	add subsection	Add an "h" to state that "Connector streets shall be designed within neighborhoods to connect to these neighborhoods service areas. These connector streets shall have sidewalks on both sides"	<i>change made</i>
8-49	20-805(i) 20-810(i)	statement on proposed language	Thank you. Please see Outline for further remarks	<i>no change</i> <i>required/</i> <i>editorial</i> <i>comment</i>
8-52	20-806(c)(2)(i) 20-811(c)(2)(i)	typographical error	Add the word "than" after "less"	<i>change made</i>
N/A	20-808(1)(a)(1)(i) 20-813(1)(a)(1)(i)	statement on proposed language	This should be 'Exception Plat of Survey', not 'Exception Survey of Plat'	<i>section</i> <i>deleted from</i> <i>SR</i>

ATTACHMENT 3 --- These issues have been incorporated into the document per PC direction at the Dec. 9 2004 PCMM II meeting				
Page #	Section #	Comment type	Public Comment	PC Direction to Staff
8-72	20-809(b)	added language for clarification of purpose of Subdivision Regulations	Add "or intensity" after "density"	<i>comment</i> <i>change made</i>
8-73	20-814(b)	typographical error		
8-75	20-810(b)	added language for clarification of purpose of Subdivision Regulations	for Access Control, add "and" after "arterial streets"	<i>change made</i>
8-78	20-815(b)	added language for clarification of purpose of Subdivision Regulations	Add the words "detached dwelling" to the definition of Cluster Subdivision after "single family"	<i>change made</i>
8-78	20-810(b)	added language for clarification of purpose of Subdivision Regulations	Add to floodplain definition, "as determined by the Federal Insurance Study <i>or governing body</i> "	<i>added</i>
8-78	20-815(b)	typographical error	Replace the word "designed" with "designated" in the definition of Floodplain	<i>added</i>
				all Green issues staff should go ahead and make revision noted in public comment column.
<b>Summary of Public Comments from Individuals on draft Subdivision Regulations</b>				
Betty Lichtwardt				
N/A		"Good point" in the Subdivision Regulations	Requirement that sidewalks be on both sides of local streets	
N/A		"Good point" in the Subdivision Regulations	Similar standards recommended for UGA as City (which should ease transition following annexation)	
N/A	20-805	Related to design standards	All streets should be required to connect and at least 1-2 streets in a subdivision should connect to the boundaries on the next subdivision	



**ATTACHMENT 4 --- These issues were discussed by the Planning Commission at the Dec. 9, 2004 PCMM II meeting and the March 9, 2005 PCMM meeting.**

Page #	Section #	Comment type	Public Comment	PC Directions to staff
8-4	20-801(a)(2)	recommended different word choice	replace "should" with "must"	Keep "should"
N/A	20-801(e)(1) section eliminated	request for clarification	Is it really the intent to allow these exceptions in the UGA, excluding Service Area 1, and outside the UGA?	Clarify that exceptions are prohibited in the UGA, Service Area #1 and within C of L.
N/A	20-803(a)(1) section eliminated	added language for clarification of purpose of Subdivision Regulations	the exceptions survey plat is said to only apply outside the UGA in Douglas County but doesn't it also apply within the UGA, just not service area 1?	Revise this section to make the same as 20-803(e)(1) Prohibit flag lots and incorporate text from county access mgmt/road frontage requirements.
Universal change made to "unincorporated area"	20-803(b)(1) 20-808(b)(1) see pg 8-88 for definition for unincorporated area	statement on proposed language	the purpose of administrative plats as stated in this section is subverted by the text in the subsequent sections.	Modify language to clarify intent. Do a document search for the terms: Unincorporated Areas; Unincorporated Portions; and Unincorporated Territories. Pick one term and define it and use it for all.
8-28 through 8-31	20-803(b)(2) 20-808 section rewritten -- only applies to platted lots ALSO need to add a definition for 'flag lot' and prohibit use in residential subd. [see pg 8-39 and 8-77]	statement on proposed language	This could be a loophole and should not apply to any unplatted lot unlimited in size. Recommendation is that this be limited to no lots over 5 acres and that only 2 lots be allowed to be created using this process. There should be a max. size limit on the original parcel as well as on the lots created through this process. The original lot size should not be greater than 10 acres. To allow larger would circumvent the intent to integrate neighborhoods; an example of this is the Legend Trail Addition along W. 15th Street.	Clarify this does not apply to unplatted lands, develop text that limits or restricts the use/application of flag lots [prohibit as residential lots].
8-29	20-803(b)(2)(iv) new section 20-808(d) provides criteria	statement on proposed language	There need to be criteria established for that the Planning Director will use to evaluate eligibility for this process. These regulations have many ways to avoid formal platting and this will make them difficult to manage as well as follow. More concise language is needed.	Develop more concise language to provide the general criteria for when a property is and is not eligible for this option.
8-29	20-803(b)(4) 20-808 need to revise (d)(2) to add "access"	statement on proposed language	The basic need for administrative plats is to record all land divisions and subsequent ownerships. The serious result of allowing large lot admin. plats is that they will have access only to major thoroughfares and no patterns for internal circulation will be shown. When resubdividing later by formal platting process, the resulting smaller subdivision could be landlocked.	County Public Works Director is developing access mgmt standards and road frontage requirements similar to JOCO's CARNPS plan. These need to be incorporated into subd. Regs.

**ATTACHMENT 4 --- These issues were discussed by the Planning Commission at the Dec. 9, 2004 PCMM II meeting and the March 9, 2005 PCMM meeting.**

Page #	Section #	Comment type	Public Comment	PC Directions to staff
8-32	20-804(d)(5) 20-809(d)(4)&(5) ALSO proposed text added see 20-809(d)(6) AND see 20-815(b) for definition of major subdivision [pg 8-87]	added language for clarification of purpose of Subdivision Regulations	delete "shown thereon" to not limit the consideration to only streets shown on the major thoroughfares plan. There is also the need to provide detailed regulations for local and minor collector streets.	Specific changes: Delete the "all" in the first line; delete the "all" in the 2nd line; delete "as shown thereon" and define what is and is not a major subdivision. General Comments: add language that requires -- a logical connection of streets between adj. subdivisions; requires conformance with the MTM and adopted neighborhood/area plans for street layout; specify what are "streets impacted by the subdivision" so it is clear the intent; provide language for some flexibility in street connections at edges of subdivisions based on topographic considerations documented by public improvement plans; provide for weighing of criteria so that good connectivity, if accomplished, would allow some flexibility in meeting other design standards.
8-33	20-804(e)(1)(ii) 20-809(e)(1)(ii) --- no change made / logical sequence is at time of building permit	statement on proposed language	there is also a need [to what is in (d)] to have each proposed lot show that it will have a site that allows proper drainage away from the foundation of each building proposed on a lot. An example of this is in the floodplain regulations in the development code.	Require a stormwater drainage plan for each platted lot -- either @building permit time or prior to the filing of the final plat, whichever is the more logical sequence.
8-34	20-804(e)(4)(iii) 20-809(e)(4)(iii) See proposed text	statement on proposed language	the language has to assume that the plat still must conform to the ordinances, such as not creating a private street, when dedication is not accepted, within the city limits outside a Planned Development.	Add a requirement to show the building envelope and drainage plans in plat submittals. Review language to reflect the fact that drainage impacts in rural areas may extend well beyond the next adjacent subd. or parcel.

**ATTACHMENT 4 --- These issues were discussed by the Planning Commission at the Dec. 9, 2004 PCMM II meeting and the March 9, 2005 PCMM meeting.**

Page #	Section #	Comment type	Public Comment	PC Directions to staff
8-38	20-805(a)(2) 20-810(a)(2)(i) - changed to 'adjacent lot'	statement on proposed language	Design requirements in transition areas need to be included. Lot sizes between incompatible uses in transitional areas would include a method to control scale. Lot sizes should be the same at peripheral areas of denser or more intense transitional uses. Each lot should have a building site designated on it that shows how stormwater will be drained away from the building foundation. This requirement has been lacking in our regulations since adoption of the Stormwater Master Plan in 1996. It is important to have swales between lots as part of the initial design. The excuse of not having this in the Subd. Regs. is that it is in the building code, if that is the case, the Planning Commission should find out exactly where it is in the building code and how it is enforced. Would it be feasible to send a questionnaire allowing anonymous replies on how many households have this type of problem with stormwater from adjacent lots?	Delete the phrase about 'adjacent development' as it clarifies nothing.
8-42	20-805(d)(3)(i) 20-810(d)(3)(i) change made	statement on proposed language	The safety of residents should take precedence over the ability of arterial streets to absorb intersections with local streets. This situation should not be allowed	Clarify that safety is the intent in this section. Also add language to address the safety issue. Should provide language such that a waiver or variance might be justifiable if there is a steep slope. Also write text to restrict the # of cul-de-sacs per subdivision and define why this is with clarifying language that the intent is to balance street design with connectivity and integration of all lots in a neighborhood for access purposes.
8-44	20-805(d)(7)(i) 20-810(d)(7)(i) -- need to add a process for waivers and a definition for waivers to distinguish from variances	statement on proposed language	Cul-de-sacs should be discouraged. The limitations noted here perhaps should be under waivers	Discussion centered on 'waivers' versus 'variances'. Usage of both and which is right, which isn't. Public comment was to do away with variances and just have waivers but PC didn't want to do that -- they just adopted a new definition of variance and want to pull that one over into the new subd. Regs. They do, however, see a need for a waiver section if it's purpose can be clearly defined.

**ATTACHMENT 4 --- These issues were discussed by the Planning Commission at the Dec. 9, 2004 PCMM II meeting and the March 9, 2005 PCMM meeting.**

Page #	Section #	Comment type	Public Comment	PC Directions to staff
8-48	20-805(f)(3) 20-810(f)(3) -- change is 'on hold' until new bldg code adopted	statement on proposed language	Easements for drainage swales, grade away from foundation must be added. This applies to slab foundations as well	Building Codes should deal with this. Language should be added that mimics or complements BC language.
8-48	20-805(f)(4)(i) 20-810(f)(4)(i)	statement on proposed language	Residential areas must be designed as neighborhoods or residents will have nothing to walk or bike to. Neighborhoods should be designed with conveniences or, if not able to support immediately, with reserved areas	No action taken -- public comment is simply commentary
8-48	20-805(f)(4)(iii) 20-810(f)(4)(iii) - change added	statement on proposed language	Make this mandatory, "shall", not "may"	Change text to "should" to be a guideline not a hard and fast requirement.
8-49	20-805(g) 20-810(g) -- change after P&R Ch in H2020 is revised	statement on proposed language	Make the donation mandatory, not a political decision. Other communities make this a requirement.	Use text in upcoming ch.. revision to Horizon 2020 for new Parks, Recreation and Open Space upgraded chapter.
8-50	20-806(b)(4) 20-811(b)(4) -- revised from may to 'shall'	statement on proposed language	Make this mandatory, "shall", not "may"	This should be changed to "shall" but clarify whether this applies to all or some of the subsection standards being met.
8-51	20-806(c)(1)(iii) 20-811(c)(1)(iii)-- don't know if followed up on	statement on proposed language	This may conflict with 20-804(f)(1) [20-809(f)(1)]. As the CC accepts dedications at Prel Plat and doesn't see Final Plat, there should be a process that waivers granted by the CC are conveyed to the PC	Staff asked to check to see if this section conflicts with KSA and with another section in subd regs -- 20-804(f)(1) [20-809(f)(1)]
8-52	20-806(c)(1)(v) 20-811(c)(1)(v)-- change added	statement on proposed language	Why must pedestrian easements be so wide (20')?	Change this to '12 foot' and see why P&R can't live with this dimension. Could also check what other cities regulations require.
8-53	20-806(d)(4) & (5) 20-811(d)(4) & (5) revision would be needed to county sanitation code	statement on proposed language	A side issue-the county needs a system for continuing inspections of existing septic systems to ensure they are working properly	This is not in the Subd Regs. It is part of the County Sanitation Code and therefore under the auspices of County Health Dept. and Health Bd to change or not.

**ATTACHMENT 4 --- These issues were discussed by the Planning Commission at the Dec. 9, 2004 PCMM II meeting and the March 9, 2005 PCMM meeting.**

Page #	Section #	Comment type	Public Comment	PC Directions to staff
8-67	20-807(b)(2)(xii) 20-812(b)(2)(xii) -- change made to refer to prel. plat for grading/drainage plan see 20-809(e)(1)(ii)e and 20-815(b)	statement on proposed language	As the Final Plat is the only permanent subdivision document filed with the Register of Deeds, it should include all drainage and structural elevations	If the plat is phased the grading/drainage plan should also be phased and provisions to do this should be in this text. Delete 'structural elevation' from this section as it is not appropriate on a final plat. Add a new section to subd regs that defines and explains what a grading/drainage plan is and when it is required. Refer to the new section in this section.
8-67	20-808(2)(ii) 20-813(b)(2) -- conflicts removed in 20-809(f)(1), 20-809(i)(5), 20-811(c)(1)(iii)	statement on proposed language	Does this section conflict with 20-804(f)(1) [20-809(f)(1)] and 20-804(i)(5) [20-809(i)(5)]?	This section appears to conflict with section 20-804(f)(1) -- which is similar to conflict in 20-806(c)(1)(iii). Fix the text to eliminate the conflicting provisions.
8-69	20-808(1)(b) 20-813(f) -- change needed; text recommended in staff report	statement on proposed language	The distinction between a 'variance' and a 'waiver' is not clear. Recommend using 'variance' for a BZA action and a 'waiver' for PC to distinguish	Clarify difference between a variance and a waiver -- which is right for this section and when to use the existing definition of variance.
8-69	20-808(1)(c)(ii) 20-813(f)(2)(i) -- no conflict	statement on proposed language	State law requires that undue hardship heard by the BZA may not be caused by circumstances created by the applicant	Make sure this section is not in conflict with KSA
8-73 through 8-89	20-810(b) 20-815(b) -- change needed; text recommended in staff report	added language for clarification of purpose of Subdivision Regulations	Add a definition for development permit and then add a section that requires such a permit. This prevents destruction of natural areas that don't require issuance of a building permit.	Clarify what constitutes grading the land in preparation for development vs. stripping the land. Definition needs to be developed for 'land disturbance' and 'grading'. May have a conflict in subd regs between definition of floodplain and definition in development code. Revise to make it one definition.
8-72	20-810(b) 815(b)	statement on proposed language	For the definition of Reserve - could a neighborhoods center that includes some commercial uses be included here? Smaller commercial areas usually don't happen until neighborhoods have developed.	This is a zoning concern, not a subd. regulation concern.

**ATTACHMENT 4 --- These issues were discussed by the Planning Commission at the Dec. 9, 2004 PCMM II meeting and the March 9, 2005 PCMM meeting.**

Page #	Section #	Comment type	Summary of Public Comments from Individuals on draft Subdivision Regulations	Public Comment	PC Directions to staff
				Betty Lichtwardt	
	N/A	concern/suggestion		Asked that the Planning Commission pay particular attention to Exemptions & Exceptions section to not encourage urban development outside cities	accepted as commentary/ no change requested by PC
	N/A	concern/suggestion		There should be a method for preserving unincorporated areas for agricultural, farming and related uses. Suggested Transferable Development Rights (TDR's) be developed to do this. PLEASE NOTE: this is a zoning regulation, not a subdivision regulation issue.	accepted as commentary/ no change requested by PC
	20-803(a) & (b) section deleted/ rewritten as 20-808	concern/suggestion		Administrative plat approval process should have a maximum lot size associated with it. That should be the defining criteria to determine if a plat approval can be administrative	accepted as commentary/ no change requested by PC
	20-8 section deleted	concern/suggestion		Exemptions, when allowed, should be limited to 40 acres, not 20 acres, as in RPC draft	accepted as commentary/ no change requested by PC
	20-801(d)	concern/suggestion		Also concerned about too large a maximum lot size in Lawrence is a waste of unincorporated land	accepted as commentary/ no change requested by PC
	20-801(d)	concern/suggestion		No residential development should be permitted in the unincorporated areas unless directly tied to agricultural uses	accepted as commentary/ no change requested by PC
	20-805 20-810	Related to design standards		County roads need to be planned better. All roads need to be planned for more than just automobiles	accepted as commentary/ no change requested by PC
	20-805 20-810	Related to design standards		Regulations should require more than just a sidewalk to connect the bulbs of cul-de-sacs	accepted as commentary/ no change requested by PC
	20-805 20-810	Related to design standards		Cul-de-sacs should be allowed only as a last resort	accepted as commentary/ no change requested by PC
	20-805 20-810	Related to design standards		Areas should be designed FIRST as an entire neighborhood	These issues should be addressed by the RPC's work on a new chapter to HORIZON 2020. Comments accepted as commentary on regulations/ no change requested by PC



**ATTACHMENT 4 --- These issues were discussed by the Planning Commission at the Dec. 9, 2004 PCMM II meeting and the March 9, 2005 PCMM meeting.**

Page #	Section #	Comment type	Public Comment	PC Directions to staff
8-85	20-805 20-815-- change needed; see text recommended in staff report	Related to design standards	Connector streets that are completely internal to a neighborhood are needed to move through a neighborhood without connecting to arterials on the periphery	Add a definition to subd regulations that defines what a 'connector' street is and the use it serves within a neighborhood for internal circulation. Provide in design standards for when and how neighborhoods should be designed to incorporate this category of street.
N/A	20-805 20-810	Related to design standards	Neighborhoods should be designed to accommodate ½ mile sections that most people will walk; need smaller schools, more schools and neighborhood shopping that has pedestrian and other access from the neighborhoods	These issues should be addressed by the RPC's work on a new chapter to HORIZON 2020. Comments accepted as commentary on regulations/ no change requested by PC
8-69	20-808(c) 20-813(f)	concern/suggestion	Variances are confusing. Can the Planning Commission call what they grant a waiver instead of a variance?	Previously discussed by PC / action for staff to take in above table
N/A	20-806 20-811 other communities do stormwater management by drainage basin	concern/suggestion	Subdivisions should have to conform to an adopted (stormwater) drainage plan before they can be approved	Review this concern with Chad Voigt, city's stormwater engineer and see what his long-term plans recommend. What do Lenexa, Olathe and Overland Park do??
N/A	20-801(d)	concern/suggestion	Expressed interest in how the draft Subdivision Regulations would address agri-tourism. Suggested that minimum lot sizes of less than 40 acres would not be viable for these kind of uses Dorthea Jackson	This is a section that RPC is working on in their draft chapter revision to Horizon 2020.
N/A		concern/suggestion	Concerned with setting minimum lot sizes too low. Expressed need for property owners to re-coup the cost of extending utilities across multiple (ghost) lots to serve their immediate development need.	accepted as commentary/ no change requested by PC
				<b>Explanation of color coding:</b>

**YELLOW** indicates ministerial or minor changes that the Commission may wish to look over  
**RED** marks topics identified as major discussion points

<b>Land Use Development Options: [section 20-804]</b>		<b>Conservation-Cluster Development (allowed within Lawrence UGA , Service Areas 2, 3A/3B, 4 and within UGAs of other incorporated cities)</b>
<b>Min./Max. Acreage Required</b>		A minimum of 20 acres; a maximum shall be less than 40 acres.
<b>Maximum Development Acreage – immediate</b>		Immediate Development Acreage shall not exceed 60% of total development acreage.
<b>Minimum Development Acreage – future</b>		Future Development Acreage shall be at least 40% of the total development acreage.
<b>Minimum Residential Development Parcel (RDP)</b>		Minimum RDP is 3 acres. May reduce to one (1) acre if adjacent to 2 additional acres that are part of Future Development Acreage, and are covenanted to the one acre parcel for sewage purposes until area is annexed by a city and municipal sewers are extended to serve the development.
<b>Site Requirements:</b>		
<b>- Road frontage &amp; surfacing</b>		Minimum road frontage for Conservation-Cluster Development is based on the type of road the development lies adjacent to and takes access from. Individual Residential Development Parcels shall be clustered to take access from a cross access easement that meets the entrance spacing requirements in the county's adopted access management standards.
<b>- Rural Water</b>		Required to be from a treated water source; either a rural water meter or municipal water line.
<b>- On-site sewage management system</b>		Sewage system is required be entirely outside the FEMA designated regulatory floodplain.
<b>Restrictions on land use/ H2020 sensitive lands</b>		Building envelopes are required on each RDP and lands identified in Horizon 2020 as environmentally or geographically sensitive or as site of historic landmarks or features shall not be contained within the building envelopes. Lands with steep slopes (>15%) are also not permitted to be within the building envelope.
<b>Access Management Stds.</b>		Road classification standards are established in Ch. 8 of Horizon 2020. The county's Access Management Standards identify minimum road frontage and recommended entrance spacing requirements based on the different classifications of road. These standards are separately adopted by County Home Rule Resolution.
<b>Drainage Easements</b>		A tax grant or drainage easement is required for any portion of a RDP that lies within FEMA designated floodplain, existing drainage channel or existing drainage swale. It is required to be filed at the Register of Deeds in a form acceptable to the County Attorney.
<b>Conservation Easements</b>		Within the Future Development Area, lands identified in Horizon 2020 as environmentally sensitive, geographically sensitive or the site of an historic landmark or historic feature shall be made subject to a conservation easement and filed as a separate instrument at the Register of Deeds in a form acceptable to the County Attorney.
<b>Administrative Process</b>		This is a one time administrative process. A Certificate Of Survey is the administrative review process and it is outlined in section 20-807 of the subdivision regulations. Land divided as a Conservation-Cluster Development is ineligible for further divisions until it has been annexed by a city. Any portion of a Future Development Area not covered by a conservation easement, upon annexation, would be eligible for division in accordance with the annexing city's adopted regulations.
<b>Plat/Subdivision Process [fully compliance with platting Stds and regs]</b>		This option is only available to a property owner upon annexation by a city as the minimum acreage required for platting a subdivision within the UGAs is 40 acres and a Conservation-Cluster subdivision may not be as large as 40 acres.



<b>Land Use Development Options: [section 20-805]</b>		<b>Large Parcel Property Divisions (allowed within Lawrence UGA , Service Areas 2, 3A/3B, 4 and within UGAs of other incorporated cities)</b>
<b>Min./Max. Acreage Required</b>		A minimum of 40 acres; no maximum lot acreage.
<b>Maximum Development Acreage – immediate</b>		Immediate Development Acreage shall not exceed 60% of total development acreage. Property within the Immediate Development Acreage shall be subject to restrictive covenants.
<b>Minimum Development Acreage – future</b>		Future Development Acreage shall be at least 40% of the total development acreage.
<b>Minimum Residential Development Parcel (RDP)</b>		Minimum RDP acreage is: 3 acres when fronting on a local road; 5 acres when fronting on a collector road; 10 acres when fronting on a minor arterial road; and, 20 acres when fronting on a principal arterial road.
<b>Site Requirements:</b>		
<b>- Road frontage &amp; surfacing</b>		Minimum road frontage for a Large Parcel Property Division is based on the type of road the development lies adjacent to and takes access from. Road access for each Residential Development Parcel (RDP) is required to be to a hard-surfaced road.
<b>- Rural Water</b>		Required to be from a treated water source; either a rural water meter or municipal water line.
<b>- On-site sewage management system</b>		Sewage system is required be entirely outside the FEMA designated regulatory floodplain.
<b>Future Division Planning and Building Envelopes</b>		Prior to creation of any Residential Development Parcel is the development of a build out plan that includes parcel and road/access layouts & building envelopes for the entire development that anticipates the future subdivision of these RDPs into lots at an urban scale and density after annexation by a city. The "Build Out Plan" shall be filed with the Restrictive Covenants as part of the Large Parcel Property Division and be binding on all owners and successors.
<b>Restrictions on land use/ H2020 sensitive lands</b>		Building envelopes are required on each RDP. Lands with steep slopes (>15%) are also not permitted to be within the building envelope. All lands identified in Horizon 2020 as environmentally or geographically sensitive or as site of historic landmarks or features shall be included in the Future Development Acreage.
<b>Access Management Stds</b>		Road classification standards are established in Ch. 8 of Horizon 2020. The county's Access Management Standards identify minimum road frontage and recommended entrance spacing requirements based on the different classifications of road. These standards are separately adopted by County Home Rule Resolution.
<b>Drainage Easements</b>		A grant of easement is required for any portion of a RDP that lies within FEMA designated floodplain, existing drainage channel or existing drainage swale. It is required to be filed at the Register of Deeds in a form acceptable to the County Attorney.
<b>Conservation Easements</b>		Within the Future Development Area, lands identified in Horizon 2020 as environmentally sensitive, geographically sensitive or the site of an historic landmark or historic feature shall be made subject to a conservation easement and filed as a separate instrument at the Register of Deeds in a form acceptable to the County Attorney.
<b>Administrative Process</b>		This is a one time administrative process. A Certificate Of Survey is the administrative review procedure and it is outlined in section 20-807 of the subdivision regulations. Both Immediate and Future Development Acreages Sewage system is required to be subject to restrictive covenants that limit additional divisions until annexation, except when covered by a conservation easement, in which case no further divisions are allowed.

<b>Plat/Subdivision Process</b> [fully compliance with platting Stds and regs]	The minimum acreage for a subdivision in the UGAs is 40 acres which is ½ the size of the minimum acreage of a subdivision within the Rural Areas (outside the UGAs), which is 80 acres.
--	---

<b>Land Use Development Options:</b>	
<b>[section 20-805(h)]</b>	
<b>Min./Max. Acreage Required</b>	<b>Forty Acre or Larger, Platted Subdivisions (allowed within Lawrence UGA , Service Areas 2, 3A/3B, 4 and within UGAs of other incorporated cities)</b> A minimum of 40 acres is required to plat a subdivision within the UGAs of Lawrence, Baldwin City, Eudora or Leocompton.
<b>Maximum Development Acreage – immediate</b>	None
<b>Minimum Development Acreage – future</b>	None
<b>Minimum Lot Size</b>	Minimum RDP is 3 acres.
<b>Site Requirements:</b>	
<b>- Road frontage &amp; surfacing</b>	Subdivision access is required to be to a full maintenance road. Individual lots shall have access only to internal roads that are also hard surfaced. Minimum frontage and entrance spacing requirements adopted by the County as part of their Access Management Standards shall apply to platted subdivisions.
<b>- Rural Water</b>	Required to be from a treated water source; either a rural water meter or municipal water line.
<b>- On-site sewage management system</b>	Sewage system is required be entirely outside the FEMA designated regulatory floodplain.
<b>Building Envelopes</b>	A building envelope is required to be created for each lot based on the anticipation and planning for further subdivision of each county lot into an urban scale lot that would conform with the regulations of the city who's UGA the platted subdivision is within. Building Envelopes shall not include any lands with slopes steeper than 15%.
<b>Access Management Stds.</b>	Road classification standards are established in Ch. 8 of Horizon 2020. The county's Access Management Standards identify minimum road frontage and recommended entrance spacing requirements based on the different classifications of road. These standards are separately adopted by County Home Rule Resolution.
<b>Administrative Process</b>	This is NOT AN ADMINISTRATIVE PROCESS. It requires full compliance with Article 8, Subdivision Regulations.
<b>Plat/Subdivision Process</b> [fully compliance with platting Stds and regs]	The minimum acreage for a subdivision in the UGAs is 40 acres which is ½ the size of the minimum acreage of a subdivision within the Rural Areas (outside the UGAs), which is 80 acres.

Land Use Development Options: [section 20-806]		Property Divisions in Rural Area (outside the UGAs)
<b>Original Tract</b>		Must be at least 20 acres
<b>Parent Parcel</b>		At least 20 acres of land identified from the Original Tract and survey. It is from this survey parcel that Residential Development Parcels may be created.
<b>Maximum number of divisions per Parent Parcel</b>		Two Residential Development Parcels may be created from a Parent Parcel.
<b>Minimum Residential Development Parcel (RDP)</b>		Minimum RDP acreage is 3 acres when there is a publicly treated water source (rural water meter) and 5 acres when treated water is obtained from a private well.
<b>Site Requirements:</b>		
- Road frontage & surfacing		Roads access for each Residential Development Parcel (RDP) is required to meet the County adopted minimum road frontage standards for the classification of road being accessed. The road accessed shall be a full maintenance road.
- Rural Water		A water meter is not required but parcel size can be reduced to 3 acres when a meter is available.
- On-site sewage management system		Sewage system is required to be entirely outside the FEMA designated regulatory floodplain.
<b>Future Division Planning and Building Envelopes</b>		When a Parent Parcel has already been identified from an Original Tract and another Parent Parcel division is being considered, clustering is encouraged for the new Residential Development Parcels with those that have already been created. Building Envelopes shall not include any lands identified in Horizon 2020 as environmentally sensitive, geographically sensitive or the site of an historic landmark or historic feature.
<b>Restrictions on land use/ H2020 sensitive lands</b>		Lands identified in Horizon 2020 as environmentally or geographically sensitive or as the site of historic landmarks or features shall be made subject to a conservation easement.
<b>Access Management Stds</b>		Road classification standards are established in Ch. 8 of Horizon 2020. The county's Access Management Standards identify minimum road frontage and recommended entrance spacing requirements based on the different classifications of road. These standards are separately adopted by County Home Rule Resolution.
<b>Conservation Easements</b>		Lands identified in Horizon 2020 as environmentally sensitive, geographically sensitive or the site of an historic landmark or historic feature shall be made subject to a conservation easement and filed as a separate instrument at the Register of Deeds in a form acceptable to the County Attorney.
<b>Administrative Process</b>		This is a one time administrative process for each Parent Parcel. A Certificate of Survey is the administrative review process and it is outlined in section 20-807 of the subdivision regulations. An Original Tract may have more than one Parent Parcel if it meets the acreage and road frontage requirements for additional division. To create a second Parent Parcel, an Original Tract would need to have at least 40 acres, meet minimum road frontage requirements for the creation of a second Parent Parcel, and take access from a full maintenance road.
<b>Plat/Subdivision Process</b> [fully compliance with platting Stds and regs]		The alternative to this administrative process is compliance with the full subdivision regulations and section 20-806(e). A minimum of 80 acres is required to plat a subdivision in the unincorporated area of the County, outside the UGAs.

<b>Certificate of Survey Procedures</b>	
<b>Administrative Review Process:</b> [section 20-807]	
<b>When Required</b>	For Conservation-Cluster Developments (20-804), Large Parcel Property Divisions (20-805) and Rural Property Divisions (20-806)
<b>Eligibility for Certificate of Survey review and approval</b>	A Residential Development Parcel is eligible one (1) time for a Certificate of Survey review and approval. Subsequent reviews and approval will require full compliance with the Subdivision Regulations ( e.g. platting and dedication of easements and rights of way)
<b>Filing requirement</b>	A Certificate of Survey shall be submitted with an application for any of the administrative review procedures allowed under sections 20-804, 805 or 806. Approval of any of these procedures includes the requirement that an approved Certificate of Survey be filed at the Register Of Deeds.
<b>Information required:</b>	<ul style="list-style-type: none"> <li>Title block stating this is not a plat</li> <li>Note indicating no further divisions will be allowed to parcels created by survey without compliance with the applicable subdivision regulations of Douglas County or the annexing city</li> <li>Survey date, north arrow and graphic scale</li> <li>Written legal description and location map</li> <li>Dimensions of Residential Development Parcels with dashed lines for future lot layout based on Build Out Plan</li> <li>Location of public rights of way and easements</li> <li>Dimensions of existing structures in relationship to parcel lines and future lot lines from Build Out Plan</li> <li>Building Envelopes for each Residential Development Parcel</li> <li>Identification of areas designated in Horizon 2020 as environmentally or geographically sensitive or site for historic landmarks or features to show these areas are not included in the Building Envelopes</li> <li>Identify in a note the specific codes section the Certificate of Survey is being submitted under (such as, "sec. 20-804 Conservation-Cluster Development")</li> <li>Signed and acknowledged recitation of any restrictive covenants or conservation easements required to be filed with the proposed division(s)</li> <li>Signature of owner, properly attested</li> <li>Signature of licensed land surveyor with date of survey and seal</li> <li>Line for recording Certificate of Survey at the Register of Deeds</li> </ul>

Appeal procedure for appeal of administrative decisions related to items 20-804, 20-805 and 20-806 is addressed in section 20-807(h) and is to the Board of County Commissioners.



ATTACHMENT 6 --- Proposed Revisions Table to Subdivision Regulations, January 26, 2006 edition

Section No.	Recommended Text Change: Revision, Addition, or Deletion
Section 20-801 General	<ul style="list-style-type: none"> <li>• (d)(2)(iii) "any transfer by testamentary disposition" County counsel and consultant recommend this provision be removed as it is already covered by other laws.</li> <li>• (d)(2)(v) Should this provision be expanded to include the conveyance of land to a public entity such as a township, rural water district, county, etc.?</li> </ul>
Section 20-802 General Review and Approval Procedures	
Section 20-803 Property Divisions in Service Area 1, Lawrence Urban Growth Area	
Section 20-804 Conservation-Cluster Developments in the Urban Growth Areas	<ul style="list-style-type: none"> <li>• Add a new provision for Development Access. Require access for this type of development to be from a hard surfaced road.</li> <li>• (b)(1)(ii) 'five (5) percent.' The question has been raised as to whether the stated percentage is too small and should be increased. An alternative may be to remove it completely.</li> <li>• (b)(2) There appears to be an inconsistency in this provision that conflicts with the minimum 40 acre requirement in Section 20-805(b). Suggest this provision be removed to clear up the conflict.</li> <li>• (c)(1)(ii)(a)(1) The question has been raised as to whether the drive, once dedicated to the county, has to be built to meet the county road standards.</li> </ul>
Section 20-805 Large Parcel Property Divisions in the Urban Growth Areas	
Section 20-806 Property Divisions in the Rural Area (Outside the UGAs)	
Section 20-807 Certificate of Survey, Administrative Review Procedures	<ul style="list-style-type: none"> <li>• Revise 20-807(e)(2)(xix) to read 'The dated signature and seal of the Kansas licensed land surveyor responsible for the survey along with a statement indicating the Certificate of Survey complies with the Kansas Minimum Standards for Boundary Surveys.'</li> <li>• Add a new section 20-807(e)(2)(xx) to read "A line on the survey for the review date and signature of the County Surveyor along with a note saying 'Reviewed in compliance with K.S.A. 58-2005.'"</li> <li>• Adjust the existing section numbers 20-807(e)(2)(xx) and 20-807(e)(2)(xxi) to reflect the insertion of the previous new section. These sections become 20-807(e)(2)(xxi) and (xxii) respectively.</li> <li>• Add a new section 20-807(f)(6) to read "The Certificate of Survey conforms to the Kansas Minimum Standards for Boundary Surveys."</li> </ul>
Section 20-808 Minor Subdivisions	<ul style="list-style-type: none"> <li>• Add a new section 20-808(d)(9) to read "The Minor Subdivision conforms to the Kansas Minimum Standards for Boundary Surveys."</li> <li>• Add a new section 20-808(e)(3)(x) to read "A line on the survey for the review date and signature of the County Surveyor along with a note saying 'Reviewed in compliance with K.S.A. 58-2005.'"</li> <li>• Renumber and revise the existing 20-808(e)(3)(x) to become 20-808(e)(3)(xi) and modify the text to read "a signature and seal of the Land Surveyor licensed by the State of Kansas, who performed the survey for the Minor Subdivision map along with a statement indicating the Minor Subdivision complies with the Kansas Minimum Standards for Boundary Surveys."</li> </ul>
Section 20-809 Major Subdivisions	<ul style="list-style-type: none"> <li>▪ (a) Purpose section: Replace second 'Major Subdivisions' at end of first sentence to "Preliminary and Final Plats".</li> <li>▪ (d) Criteria for Review: add to end of sentence, "or a private street that has been approved as part of a Planned Development".</li> <li>▪ Add a new section 20-809(d)(8) to read "The Major Subdivision Plat conforms to the Kansas</li> </ul>

Section No.	Recommended Text Change: Revision, Addition, or Deletion
	<p>Minimum Standards for Boundary Surveys."</p> <ul style="list-style-type: none"> <li>▪ (e) Preliminary Plat: add '– Application' to make format consistent with other sections of code – renumber subsections with (1) becoming an unnumbered paragraph and replace references in this section to 'Major Subdivision' to "Preliminary Plat".</li> <li>▪ (2) Review and Action by the Planning Commission: (i)Revise last sentence to read:" The Planning Commission shall take final action on the Preliminary Plat at a meeting occurring not later than 60 days after the Commission's receipt of a Preliminary Plat that meets the requirements of these regulations." This makes the 60 day statutory 'clock' start at the Planning Commission level and not at the time a plat is submitted to staff for review. (vi) change this text to reflect the revision to (i). Suggested text: "</li> <li>▪ (e) add "plans" after the word 'improvements' in the first line</li> <li>▪ (f)(2) in the last sentence, change the phrase 'filing fees' to "review and recording fees"</li> <li>▪ (h)(1)(i) in the first line, change 'one year' to "eighteen months"</li> <li>▪ (i)(3) in the last line, change '3 business days' to "5 business days"</li> <li>▪ (j)(1) in the second line, change 'two business days' to "5 business days"</li> <li>▪ (k)(5) in the fourth line, change 'one year' to "eighteen months"</li> </ul>
<p>Section 20-810 Subdivision Design Standards</p>	<ul style="list-style-type: none"> <li>▪ (b)(1), revise to read: "Private Streets may only be approves as part of Planned Developments and are not allowed in the unincorporated area of the County;"</li> <li>▪ (b)(2) in the first line, add "in Lawrence" after the phrase 'Joint-Use Driveways'</li> <li>▪ (b)(5) revise this section to read: "Joint use access points may be approved within the Lawrence or the unincorporated area of the County when located within dedicated public street right of way or public road easement."</li> <li>▪ (d)(2)(ii) change 'fifty residential lots' to "thirty-five residential lots"</li> <li>▪ (d)(1)(v) provide definition for 'full purpose' road or delete term and revise sentence</li> <li>▪ (i) revise header to read: "Resource Preservation – City of Lawrence"</li> <li>▪ add new subsection (j) "Soil Tests" to read as follows: "Soil tests and sub-surface soil characteristics....."</li> <li>▪ soil testing required at preliminary plat stage – to address rock and soil characteristics for public improvements</li> <li>▪ (d)(4)(i) in table, cul-de-sac width does not match requirement in (7)(iii) [p.8-45] which is 60'; clarify with city engineer correct minimum and make these two sections consistent</li> <li>▪ (d)(4)(ii) in table, stratify existing row for collector to include major and minor collector roads; standards listed are for major collectors, add following as standards for minor collectors: min. width R/W 70', min. roadway width 28', traveled path same as major collector, min. shoulder width 2', shoulder paving &amp; sidewalks same as major collector</li> <li>▪ (f)(4)(iii) change minimum width from 20 feet to 12 feet</li> <li>▪ (f)(4)(i) h. – This section on connector streets is misplaced. Move from this section to (d)(3) Intersection Streets/Roads [p. 8-42]</li> <li>▪ (i) modify text in (1) to be consistent with section 20-1101 of the Development Code</li> </ul>
<p>Section 20-811 Public Improvements</p>	<ul style="list-style-type: none"> <li>▪ (a)(2) sentence is incomplete after "Improvements as are proposed,..."; complete sentence</li> <li>▪ (c)(2) delete (i) and revise (ii) to read: "The Planning Commission may recommend and the Board of County Commissioners shall be authorized...."</li> <li>▪ (d)(2) revise (ii) and (iii) to be consistent with proposed regulations in sections 20-804,805 and 806</li> <li>▪ (d)(6) change 'October 1977' to current date of sanitation code, "---"</li> <li>▪ (e)(2) delete section as rural subdivisions not proposed to be allowed without rural water; revise</li> </ul>

Section No.	Recommended Text Change: Revision, Addition, or Deletion
	<p>subsection (3) to replace “public water system” with municipal water system</p> <ul style="list-style-type: none"> <li>▪ (g) delete the phrase “Urban Growth Area” from first sentence</li> <li>▪ (g)(2)(ii) edited this section to require placement in rural subdivisions to be 30’ back from roadway ditch</li> <li>▪ (g)(2)(i) revise header of subsection to replace ‘RM-D’ with “RM12D”</li> <li>▪ (g)(8)(vi), Remove the following so it reads “At the time of application for a building permit, the Developer or builder of the Lot shall present certification (letter stamped by a licensed <del>Engineer or</del> Surveyor) to the building inspector to assure Lot corners are pinned and pins are found or set.</li> </ul>
<p>Section 20-812 Contents of Plats</p>	<ul style="list-style-type: none"> <li>▪ (a)(2)(v), first line, add after ‘wetlands’ the words “historic sites”</li> <li>▪ (a)(2)(xi) delete “and/or wells”</li> <li>▪ (a)(4)(i), add a new subsection g. to read: “phasing schedule if final plat is proposed to be phased”</li> <li>▪ (a)(4)(ii) b. delete “and/or wells”</li> <li>▪ (a)(5), add to header of section, “- City of Lawrence”</li> <li>▪ (b)(1), remove “licensed professional Engineer or”</li> <li>▪ (b)(2)(iii)b., add after ‘wetlands’ the words “historic sites”</li> <li>▪ (b)(2)(iv), delete “s,” and “Boundary survey of the Subdivision shall have an error of closure of not greater than one (1) in five thousand (5,000).”</li> <li>▪ (b)(2)(vii) add the following text at the end of statement to read “...and a note stating the plat conforms to the Kansas Minimum Standards for Boundary Surveys.”</li> <li>▪ Add a new section (b)(2)(xiii) stating “A line on the plat for the review date and signature of the County Surveyor along with a note saying ‘Reviewed in compliance with K.S.A. 58-2005.’”</li> </ul>
<p>Section 20-813 Administration and Enforcement</p>	<ul style="list-style-type: none"> <li>▪ (b)(2) revise the last line to read: “...of Dedications of Streets/Roads and easements:”</li> <li>▪ (c) revise the last line to read: “...public Streets/Roads and easements.”</li> <li>▪ (d)(1)(i) replace ‘Codes Officer of Douglas County’ with the title “Douglas County Codes and Zoning Director...” This will be made as a universal change throughout the document.</li> <li>▪ (d)(1)(i) add a subsection “d” to authorize issuance of a building permit for Residential Development Parcels created through Certificate of Survey Administrative Procedure</li> <li>▪ (d)(3), remove “Engineer or”</li> <li>▪ (e)(1), separate this section into two subsections, one for appeal of city administrative officer and one for appeal of county administrative officer. The appropriate section citation also needs to be provided. Recommended text follows: <ol style="list-style-type: none"> <li>(1) From Decisions of Lawrence/Douglas County Planning Director. Unless otherwise provided, a Person aggrieved by a decision of the Planning Director under these Subdivision Regulations may appeal the decision to the Lawrence/Douglas County Planning Commission in accordance with section 20-1311 of the Lawrence Development Code. Such appeal shall be filed within thirty days of the date of the letter, memo, staff report or other written representation of the decision of the Planning Director which was reasonably available to the Person aggrieved. An appeal not timely filed is barred.” and a new subsection to read:</li> <li>(2) From Decisions of the Douglas County Zoning and Codes Director. Unless otherwise provided, a Person aggrieved by a decision of the Douglas County Zoning and Codes Director under these Subdivision Regulations may appeal the decision to the Douglas County Board of Zoning Appeals in accordance with section 23-2 of the County Zoning Regulations. Such appeal shall be filed within thirty days of the date of the letter, memo, staff report or other written representation of the decision of the Planning Director which was reasonably available to the Person aggrieved. An appeal not timely filed is barred.”</li> </ol> </li> <li>▪ (f)(2)(i), first line, change ‘undue hardship’ to “unnecessary hardship”</li> </ul>

Section No.	Recommended Text Change: Revision, Addition, or Deletion
Section 20-814 Building Setbacks, Enforcement, Exceptions	
Section 20-815 Interpretations, Rules of Construction and Definitions	<p>(b) change reference to dictionary to be consistent with reference in Development Code, Article 17</p> <p>(b) add the following definitions to this section:</p> <p>“Access Easement” - An easement created for the purpose of providing vehicular or pedestrian access to a property.</p> <p>“Adequate Assurances”</p> <p>“Boulevard” - A tree-line roadway, or a multi-lane street with a landscaped median.</p> <p>“Drive” – A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure. Also referred to as a driveway.</p> <p>“Driveway Approach” – use the term “Driveway Apron” for consistency with Ch 16-302.1(B) of City Code. Proposed definition is “A paved area between the sidewalk and the street curb used by the property owner for vehicular access.”</p> <p>“Flag Lot” - A lot not fronting or abutting a public right of way except for a narrow strip of land providing access to the lot from the public right of way.</p> <p>“Grading” - The act of excavation or filling or a combination of both or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.</p> <p>“Land Disturbance” - Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.</p> <p>“Land Surveyor” - One who is licensed by the State of Kansas as a land surveyor and is qualified to make accurate field measurements and to mark, describe, and define land boundaries.</p> <p>“On-Site Sewage Management System” - A conventional, alternative, experimental or innovative sewage disposal system that meets the requirements for sanitation systems established by the Lawrence-Douglas County Health Department.</p> <p>“Pedestrian Way” - A public walk dedicated entirely through a block, from street to street, or providing access to a school, park, recreation area, or shopping center.</p> <p>“Public Water Supply” - A system for delivery to the public of piped water for human consumption that has at least ten (10) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year. This term includes any source, treatment, storage, or distribution facilities used in connection with the system.</p> <p>“Slope” - Degree of deviation of a surface from the horizontal; measured as a numerical ratio, percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run), and the second is the vertical distance (rise), as two to one. A two to one slope is a 50 percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90-degree slope being vertical (maximum) and 45 degrees being a one to one or 100 percent slope.</p> <p>“Street/Road, Connector”</p> <p>“Unnecessary Hardship” - The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute unnecessary hardship.</p> <p>“Urban” - An area generally characterized by moderate and higher density residential development (i.e., three or more dwelling units per acre), commercial development, and</p>