

**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 <u>sale</u> "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	20-804(f)(1)	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		<i>change made</i>
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	20-810(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>added</i>
8-78	20-815(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	20-810(b)	typographical error	Replace the word "designed" with "designated" in the definition of Floodplain	<i>added</i>
	20-815(b)			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.

Land Use Development Options: [section 20-805]		Large Parcel Property Divisions (allowed within Lawrence UGA , Service Areas 2, 3A/3B, 4 and within UGAs of other incorporated cities)
<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 Acres 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.

<b>Land Use Development Options: [section 20-806]</b>		<b>Property Divisions in Rural Area (outside the UGAs)</b>
<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>		
<b>- Road frontage &amp; surfacing</b>		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.
<b>- Rural Water</b>		A water meter is not required but parcel size can be reduced to 3 acres when a meter is available.
<b>- On-site sewage management system</b>		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 [fully compliance with platting Stds and regs]</b>		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>

Section No.	Recommended Text Change: Revision, Addition, or Deletion
	<p>industrial development, as well as the availability of public services required for that development, specifically a municipal water and sewer, an extensive network of streets, public transit and other such services (such as municipal fire protection or senior services). Development not providing such services may be considered nonurban or rural.</p> <p>"Urban Density" - A residential density created by lots, blocks and streets resembling the built and developed density of neighborhood's of the city for which an urban growth area was projected and adopted.</p> <p>"Waiver" - The relaxation of rules or regulations in situations where the literal implementation is impractical or infeasible and the general intent and spirit of the regulations can be achieved.</p> <ul style="list-style-type: none"> <li>Revise the following existing definitions to read as follows: <ul style="list-style-type: none"> <li>"Benchmark" to read "...and City or County Datum."</li> <li>"Director of Zoning" to read "Douglas County Zoning and Codes Director"</li> <li>"Easement, Private" to read "A right-of-way granted for limited use of land for a <del>public</del> private purpose."</li> <li>"Historic Structure" renamed to be "Historic Landmark"</li> <li>"Hydrologic and Hydraulic Study" revise section reference number to "An engineering study that is done in accordance with the Lawrence Development Code 20-1204(c)."</li> <li>"Improvement" revise section reference number to " "</li> <li>"Infrastructure" to read "Facilities and services needed to sustain manufacturing, residential, commercial and all other land uses or activities under the control of a governmental agency. Infrastructure includes water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire stations, parks, schools, and other similar type uses."</li> <li>"Ingress" to read</li> <li>"Lot of Record" to read</li> <li>"Major Thoroughfares Plan" to read "Major Thoroughfares Map(s)" and revise definition to be:</li> <li>"Minimum Elevation of Building Opening" to read</li> <li>"Neighborhood Plan" to use definitions in Hierarchy of Plans</li> <li>"Area Plan" to use definitions in Hierarchy of Plans</li> <li>"One-Hundred Year Flood" – delete definition</li> <li>"Parent Parcel" to remove reference to 'planning areas'</li> <li>"Private Drive" to read</li> <li>"Road or Roads" to refer to "Street or Streets"</li> <li>"Rural Area" to read "Urban Growth Areas of incorporated cities and to delete 'planning area'"</li> <li>"Private Street" to read "Street, Private" and revise definition</li> <li>"Road, Private" add to definitions</li> <li>"Street/Road, Stub" to be two separate definitions</li> <li>"Subdivision, Major" to correct section reference number</li> <li>"Subdivision, Minor" to correct section reference number</li> <li>"Subdivision Regulations" to correct section references</li> <li>"Urban Growth Area" rewrite to be two definitions; one to apply to "Urban Growth Area, Lawrence" and one to apply to "Urban Growth Area"</li> </ul> </li> </ul>
	<p>Note: Universal changes are needed to the following terms in this document:</p> <p>'septic system' to 'on-site wastewater sewage management system'</p> <p>'Director of Zoning' and 'County Codes Officer' to 'Douglas County Director of Zoning and Codes'</p>

## **20-804 Conservation-Cluster Developments in the Urban Growth Areas**

### **(a) Purpose**

~~The purpose of this Section is to allow for an alternative to conventional rural residential development that may be administratively approved and that will: 1) preserve and maintain environmentally or geographically sensitive areas; and, 2) preserve and maintain the sites of historic landmarks or other historic features. The clustering of development parcels within the Urban Growth Areas is allowed to accomplish an easier transition from rural development to an urban scale and density of future development after annexation into a city. This Section is designed to address the unique impacts on future development caused by divisions of smaller parcels of land in the Urban Growth Areas, as those are the areas expected to be absorbed into a City within the planning period of the adopted Comprehensive Land Use Plan.~~

### **(b) Applicability**

- (1) A division of a parcel of land that is less than forty (40) acres in area, ~~but at least twenty (20) acres in area, and~~ that is located in Service Areas 2-4, of Lawrence's Urban Growth Area or in another City's Urban Growth Area, may be approved according to the Conservation-Cluster Development provisions of this Section.
  - (i) ~~For purposes of determining compliance with the 20-acre minimum parcel area, an entire half of a quarter-quarter section (e.g. West ½ of the SE ¼ of the SE ¼) shall be deemed to be a 20-acre parcel.~~
  - (ii) ~~In calculating the size of a parcel, the parcel size shall be deemed to include one half of the adjoining road right(s) of way if this inclusion is necessary for the parcel to conform to the applicable minimum parcel size, but this calculation shall not be used to increase the computed parcel size by more than five (5) percent.~~
- (2) ~~A division of a parcel land that is less than forty (40) acres in area, but at least twenty (20) acres in area, and that is located in Service Areas 2-4, of Lawrence's Urban Growth Area, or in another City's Urban Growth Area, but which is not made according to this Section, must be made in conformance with the standards set forth in Section 20-805(h) or another city's appropriate standards and pursuant to the procedures provided in Section 20-809, Major Subdivisions.~~

### **(c) Immediate Development Acreage and Future Development Acreage**

Lands divided pursuant to Section 20-804(b) shall be developed as a Conservation-Cluster Development and shall contain an Immediate Development Area and a Future Development Area in accordance with the following requirements.

- (1) Immediate Development Area.

The Immediate Development Area of a Conservation-Cluster Development shall not exceed sixty percent (60%) of the total acreage of the proposed development. Residential Development Parcels ~~and Street/Roads~~ shall be located only in the Immediate Development Area. Residential Development Parcels shall be located in

a manner that minimizes adverse impacts to the Future Development Area. Development of the Immediate Development Area, to the greatest extent practicable, shall conform to the following requirements:

- (i) Minimum Parcel Acreage.
  - ~~a. Three (3) acres; or~~
  - ~~b. One (1) acre; provided, that each one-acre Residential Development Parcel shall be adjacent to two (2) acres, which are:~~
    - ~~1. subject to restrictive covenant that requires this two (2) acre area to be used for the location of lateral lines for an on-site sewage management system servicing the dwelling located on the one-acre parcel; and~~
    - ~~2. included in the Future Development Area.~~
- (iii) Location of Residential Development Parcels.

Within the Conservation-Cluster Development, each Residential Development Parcel shall be developed in accordance with the requirements in this subsection:

  - a. Clustered to take access from Cross Access Easements to minimize access to the adjacent public right(s)-of-way.
    - 1. Cross Access Easements shall be established by a separate legal instrument, acceptable to the County Attorney and the easement shall be dedicated to the County.
    - 2. Upon annexation into a City, the cross access easements shall be dedicated to the City, as public road right(s)-of-way, to allow for construction of Street/Roads to meet the then current city Street/Road standards.
  - b. Planned and laid out to allow for future subdivision at an urban scale commensurate with the zoning regulations of the annexing city.
- (iv) Utility – Water. All Residential Development Parcels shall obtain water from a publicly treated water source.
- (v) Access to ~~Future Development Area~~. All Residential Development Parcels shall have direct physical access to the ~~Future Development Area~~, either by being contiguous thereto or by a dedicated pedestrian easement, as set forth in Section 20-810(f)(4).
- (vi) Utility – Wastewater. All Residential Development Parcels shall have an on-site sewage management system approved by the Director of Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment.

- (vii) County Health Code Restriction in Floodplain. On-site sewage management systems shall be located outside the FEMA designated regulatory floodplain.
  - (viii) Building Envelopes. ~~The Immediate Development Area shall not contain any land identified in Horizon 2020 as an environmentally or geographically sensitive area or the site of an historic landmark or historic feature. The buildable area for each Residential Development Parcel within the Immediate Development Area shall be defined by Building Envelopes.~~
  - (ix) Steep Slopes. The Building Envelopes of Residential Development Parcels shall not contain any slopes greater than fifteen percent (15%).
  - (x) Minimum Frontage and Entrance Spacing Requirements. Residential Development Parcels must meet minimum parcel frontage and entrance spacing requirements established in the County's adopted "Access Management Resolution," Resolution No. HR-06-xx-xx ~~that~~ are based on the classification of the road upon which the Residential Development Parcel is proposed to have access.
  - (xi) Drainage Easements. If any portion of the Residential Development Parcel lies in a FEMA designated regulatory floodplain, or if drainage Channels or Swales exist on the Residential Development Parcel that carry runoff from adjacent property or public Street/Roads, the FEMA designated regulatory floodplain or drainage Channel or Swale shall be protected by tax grant of an Easement, or other similar device, evidenced by separate legal instrument, as may be required by the Planning Director and acceptable to the County Attorney.
- (2) ~~Future Development Area~~  
~~The Future Development Area~~ shall meet the requirements set forth in this subsection:
- (i) Minimum Requirement. A minimum of forty percent (40%) of the total Conservation-Cluster Development shall be designated as ~~Future Development Area~~.
  - (ii) ~~Horizon 2020. Land in the proposed Conservation-Cluster Development identified in Horizon 2020 as environmentally or geographically sensitive areas or sites of historic landmarks or historic features, shall be included in the Future Development Area.~~
  - (iii) Conservation Easement. ~~Land within the Future Development Area, which is identified in Horizon 2020 as being an environmentally sensitive area, a geographically sensitive area, or the site of an historic landmark or historic feature~~ shall be made to the greatest extent reasonably practicable, subject to a conservation easement to permanently retain the environmental, geographical or historical characteristics of the land and prevent any use of these areas that will significantly impair or interfere

with the environmental, geographical or historical characteristics of this land. The conservation easement shall be in a form provided by the County or in a separate legal instrument, satisfactory to the County Attorney.

- (iv) Restriction on Subsequent Divisions. ~~The Future Development Area, not within an environmentally or geographically sensitive area or the site of an historic landmark or historic feature, shall be restricted from any further division or development~~ by a legal instrument that is satisfactory to the County Attorney, until the land is annexed by a City.
  - a. This instrument shall be binding upon the owner and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city.
  - b. This instrument shall be in recordable form and shall be recorded with the Register of Deeds.

**(d) Conservation-Cluster Developments – After Annexation**

---

- (1) Land divided in accordance with this Section shall not be eligible for subsequent division until the land has been annexed by a city.
- (2) Additional divisions or development of the Immediate Development Area shall be made in accordance with Section 20-810.
- (3) ~~After annexation, divisions or development of any portion of the Future Development Area not subject to a conservation easement, shall be made in accordance with the Subdivision Regulations of the applicable city.~~

**(e) Application**

---

Any person having legal or equitable interest in property that meets the criteria required by Section 20-805(b) and (c) may file, with the Planning Director, an application for a division of land in conformance with this Section. The completed application must: satisfy the requirements of Section 20-802; be submitted with an approved application form supplied by the Planning Department; and, shall be accompanied by:

- (1) the applicable review and recording fees;
- (2) proof of legal or equitable interest in the property; and
- (3) proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid.

**(f) Administrative Review**

---

The Planning Director shall review all applications for divisions of land, pursuant to this Section, in accordance with the Certificate of Survey administrative review procedures set forth in Section 20-807.

## **20-804 Conservation-Cluster Developments in the Urban Growth Areas**

### **(a) Purpose**

---

The purpose of this Section is to allow for an alternative ADMINISTRATIVE APPROVAL PROCEDURE to LARGE PARCEL PROPERTY DIVISIONS IN THE UGA FOR rural residential development WHEN IT will: 1) preserve and maintain environmentally or geographically sensitive areas; and 2) preserve and maintain the sites of historic landmarks or other historic features. The clustering of development parcels within the Urban Growth Areas ON LESS THAN 40 ACRES is allowed WHEN IT INVOLVES THE DEDICATION OF A CONSERVATION EASEMENT TO CONSERVE AND PROTECT LAND THAT IS WORTHY OF CONSERVATION. THE RESIDENTIAL DEVELOPMENT PARCELS ARE CLUSTERED TO MITIGATE IMPACT ON THE RESOURCES TO BE PRESERVED AND TO ANTICIPATE FUTURE DEVELOPMENT PATTERNS FOR THE REMAINDER OF THE PROPERTY AFTER ANNEXATION.

### **(b) Applicability**

---

A division of a parcel of land that is less than forty (40) acres in area that is located in Service Areas 2-4, of Lawrence's Urban Growth Area or in another City's Urban Growth Area, may be approved according to the Conservation-Cluster Development provisions of this Section. In calculating the size of a parcel, the parcel size shall be deemed to include one-half of the adjoining road right(s)-of-way.

### **(c) Immediate Development Area and Conservation Area**

---

Lands divided pursuant to Section 20-804(b) shall be developed as a Conservation-Cluster Development and shall contain an Immediate Development Area and a Conservation Area in accordance with the following requirements.

#### **(1) Immediate Development Area.**

The Immediate Development Area of a Conservation-Cluster Development shall not exceed sixty percent (60%) of the total acreage of the proposed development. Residential Development Parcels and THE CROSS ACCESS EASEMENT SERVING THESE PARCELS shall be located only in the Immediate Development Area. Individual Residential Development Parcels SHALL ONLY TAKE ACCESS FROM THE CROSS ACCESS EASEMENT AND shall be LAIDOUT in a manner that minimizes adverse impacts to the Conservation Area. Development of the Immediate Development Area, to the greatest extent practicable, shall conform to the following requirements:

- (i) Minimum Parcel Acreage. The minimum Residential Development Parcel size shall be three (3) acres.
- (ii) Location of Residential Development Parcels.  
Within the Conservation-Cluster Development, each Residential Development Parcel shall be DESIGNED AND developed in accordance with the requirements in this subsection:
  - a. Clustered to take access from a Cross Access Easement to minimize access POINTS to the adjacent public right(s)-of-way.
    - 1. Cross Access Easements shall be established by a separate legal instrument, acceptable to the County Attorney and the easement shall be dedicated to the County.

2. Upon annexation into a City, the cross access easements shall be dedicated to the City, as public road right(s)-of-way, to allow for construction of Streets WITHIN THEM to meet the then current city Street standards.
  - b. Planned and laid out to allow for future subdivision OF THE RESIDENTIAL DEVELOPMENT PARCELS INTO PLATTED LOTS at an urban scale commensurate with the zoning AND SUBDIVISION regulations of the annexing city.
- (iii) Utility – Water. All Residential Development Parcels shall obtain water from a publicly treated water source.
  - (iv) Access to Conservation Area. All Residential Development Parcels shall have direct physical access to the Conservation Area, either by being contiguous thereto or by a dedicated pedestrian easement, as set forth in Section 20-810(f)(4).
  - (v) Utility – Wastewater. All Residential Development Parcels shall have an on-site sewage management system approved by the Director of Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment.
  - (vi) County Health Code Restriction in Floodplain. On-site sewage management systems shall be located outside the FEMA designated regulatory floodplain.
  - (vii) Building Envelopes. THE IMMEDIATE DEVELOPMENT AREA SHALL NOT CONTAIN ANY LANDS IDENTIFIED AS WORTHY FOR RESOURCE PRESERVATION IN SECTION 20-810 (j). The buildable area for each Residential Development Parcel within the Immediate Development Area shall be defined by Building Envelopes.
  - (viii) ACCESS. THE CONSERVATION-CLUSTER DEVELOPMENT SHALL HAVE DIRECT ACCESS TO A PAVED ROAD. ONE ACCESS SHALL BE ALLOWED FOR THE ENTIRE DEVELOPMENT UNLESS A SEPARATE ACCESS POINT IS NECESSARY TO ALLOW ACCESS TO THE CONSERVATION AREA TO PREVENT INTRUSION OR DAMAGE TO THE RESOURCES BEING CONSERVED AND PROTECTED.
  - (ix) Steep Slopes. The Building Envelopes of Residential Development Parcels shall not contain any slopes greater than fifteen percent (15%).
  - (x) Minimum Frontage and Entrance Spacing Requirements. Residential Development Parcels must meet minimum parcel frontage and entrance spacing requirements established in the County's adopted "Access Management Resolution," Resolution No. HR-06-xx-xx. THE FRONTAGE AND ENTRANCE SPACING REQUIREMENTS ARE based on the classification of the road upon which the Residential Development Parcel is proposed to have access.

- (xi) Drainage Easements. If any portion of the Residential Development Parcel lies in a FEMA designated regulatory floodplain, or if drainage Channels or Swales exist on the Residential Development Parcel that carry runoff from adjacent property or public Street/Roads, the FEMA designated regulatory floodplain or drainage Channel or Swale shall be protected by tax grant of an Easement, or other similar device, evidenced by separate legal instrument, as may be required by the Planning Director and acceptable to the County Attorney.
- (2) CONSERVATION AREA.
- The Conservation Area shall meet the requirements set forth in this subsection:
- (i) Minimum Requirement. A minimum of forty percent (40%) of the total Conservation-Cluster Development shall be designated as a CONSERVATION Area.
  - (ii) SENSITIVE LANDS WORTHY OF CONSERVATION. LANDS THAT ARE OR CONTAIN THE RESOURCES IDENTIFIED IN SECTION 20-810(j) SHALL BE DEEMED TO BE WORTHY OF CONSERVATION.
  - (iii) Conservation Easement. LAND THAT IS OR CONTAINS THE RESOURCES IDENTIFIED IN SECTION 20-810 (j), such as FLOODWAYS, BASED ON THE FEMA'S ONE-HUNDRED YEAR STORM; FLOODPLAINS, BASED ON THE FEMA'S ONE-HUNDRED YEAR STORM; JURISDICTIONAL WETLANDS; STREAM CORRIDORS; PROMINENT NATURAL GEOGRAPHIC FEATURES WITH ROCKY OUTCROPPINGS; STANDS OF MATURE TREES OR INDIVIDUALLY SIGNIFICANT MATURE TREES; AND, ARCHAEOLOGICAL AND HISTORICAL SITES, to the greatest extent reasonably practicable, shall be subject to a conservation easement to permanently conserve and protect the environmental, geographical or historical characteristics of the land and prevent any use of these areas that will significantly impair or interfere with the environmental, geographical or historical characteristics of the land. The conservation easement shall be in a form provided by the County or in a separate legal instrument, satisfactory to the County Attorney.
  - (iv) Restriction on Subsequent Divisions. THE CONSERVATION AREA SHALL BE RESTRICTED FROM ANY FURTHER DIVISION FOR DEVELOPMENT PURPOSES. DEVELOPMENT SHALL BE LIMITED TO THOSE USES ALLOWED AND ANCILLARY TO THE CONSERVATION EASEMENT RESTRICTIONS, SUCH AS RECREATIONAL TRAILS, ARBORETUMS, OR PRACTICE SPORTS FIELDS, by a legal instrument that is satisfactory to the County Attorney, until the land is annexed by a City.
    - a. This instrument shall be binding upon the owner and all of its successors and assigns, and shall constitute a covenant running with the land.
    - b. This instrument shall be in recordable form and shall be recorded with the Register of Deeds.

**(d) NOTICE TO NEARBY PROPERTY OWNERS**

---

- (1) WRITTEN NOTICE OF THE PROPOSED DEDICATION OF A CONSERVATION EASEMENT AND THE PROPOSED DIVISION FOR RURAL RESIDENTIAL PURPOSES SHALL BE MAILED TO THE **OWNER** OF RECORD OF ALL PROPERTY WITHIN ¼ MILE OF THE SUBJECT PROPERTY. THE NOTICE SHALL BE SENT BY THE APPLICANT BY REGULAR MAIL, POSTAGE PRE-PAID. THE MAILING ADDRESSES FOR PROPERTY OWNERS WITHIN THE ¼ MILE NOTIFICATION AREA SHALL BE OBTAINED FROM THE DOUGLAS COUNTY REGISTER OF DEEDS. THE APPLICANT SHALL PROVIDE EVIDENCE OF PROOF OF MAILING FROM THE U.S. POST OFFICE, AND SUBMIT THIS AT THE TIME OF SUBMISSION OF THE CERTIFICATE OF SURVEY APPLICATION TO THE PLANNING OFFICE. A CERTIFICATE OF SURVEY APPLICATION SHALL BE CONSIDERED INCOMPLETE WITHOUT PROOF OF MAILING FROM THE U.S. POST OFFICE. THE NOTICE SHALL PROVIDE:
- (i) A BRIEF DESCRIPTION OF THE LOCATION OF THE PROPERTY PROPOSED FOR DIVISION;
  - (ii) THE PROJECTED DATE A CERTIFICATE OF SURVEY APPLICATION WILL BE SUBMITTED TO THE LAWRENCE/DOUGLAS COUNTY PLANNING OFFICE;
  - (iii) A CONTACT TELEPHONE NUMBER AND ADDRESS FOR THE PROPERTY OWNER PROPOSING THE DIVISION FOR RURAL RESIDENTIAL PURPOSES; AND,
  - (iv) THE LETTER SHALL INCLUDE THE FOLLOWING STATEMENT AND INFORMATION:

NOTICE OF PROPOSAL TO DIVIDE LAND LOCATED AT [ROAD ADDRESS OR GENERAL DESCRIPTION SUCH AS; A ½ MILE NORTH OF THE INTERSECTION OF X ROAD AND Y ROAD ON THE EAST SIDE OF THE ROAD] FOR RURAL RESIDENTIAL DEVELOPMENT PURPOSES.

THIS LETTER IS BEING SENT TO THE **OWNERS** OF PROPERTY ADJOINING AND WITHIN ¼ MILE OF THE BOUNDARIES OF THE PROPERTY PROPOSED FOR DIVISION FOR RURAL RESIDENTIAL DEVELOPMENT. THE PURPOSE OF THIS LETTER IS TO PROVIDE GENERAL INFORMATION TO THE RECIPIENT AND/OR **OWNER** OF PROPERTY OF A PROPOSED OR POTENTIAL CHANGE IN LAND USE.

- (2) THE FAILURE OF A PROPERTY OWNER WITHIN THE ¼ MILE MAILING DISTANCE TO RECEIVE THE WRITTEN NOTICE WILL NOT AFFECT THE VALIDITY OF THE APPLICATION FOR A CERTIFICATE OF SURVEY

**(e) Conservation-Cluster Developments – After Annexation**

---

- (1) Land divided in accordance with this Section shall not be eligible for subsequent division until the land has been annexed by a city.
- (2) Additional divisions or development of the Immediate Development Area shall be made in accordance with Section 20-810.
- (3) NO DIVISIONS OR INTENSE DEVELOPMENT OF ANY PORTION OF THE CONSERVATION AREA SHALL BE PERMITTED AFTER ANNEXATION. LIMITED DEVELOPMENT THAT IS COMPATIBLE

WITH THE CONSERVATION EASEMENT ON RECORD AND THE PRESERVATION OF THE NATURAL OR MAN-MADE RESOURCES FOR WHICH THE EASEMENT WAS GRANTED, MAY BE PERMITTED FOR RECREATIONAL OR OPEN SPACE PURPOSES, IN ACCORDANCE WITH THE ZONING REGULATIONS OF THE ANNEXING CITY.

**(f) Application**

---

Any person having legal or equitable interest in property that meets the criteria required by Section 20-805(b) and (c) may file, with the Planning Director, an application for a division of land in conformance with this Section. The completed application must: satisfy the requirements of Section 20-802; be submitted with an approved application form supplied by the Planning Department; and, shall be accompanied by:

- (1) the applicable review and recording fees;
- (2) proof of legal or equitable interest in the property;
- (3) proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid;
- (4) PROOF OF MAILED NOTICE TO PROPERTY OWNERS WITHIN ¼ MILE OF THE PARCEL BEING PROPOSED FOR THE CONSERVATION-CLUSTER DEVELOPMENT; AND,
- (5) AN ORIGINAL AND THREE (3) copies of a Certificate of Survey that complies with ALL requirements of Section 20-807; EXCEPT THAT A 'BUILD OUT PLAN' SHALL ONLY BE REQUIRED FOR THE IMMEDIATE DEVELOPMENT AREA.

**(g) Administrative Review**

---

The Planning Director shall review all applications for divisions of land, pursuant to this Section, in accordance with the Certificate of Survey administrative review procedures set forth in Section 20-807.

## **20-805 Large Parcel Property Divisions in Urban Growth Areas**

### **(a) Purpose**

The purpose of this Section is to allow an administrative approval procedure for divisions of land to accommodate rural residential development on large land parcels that are located within the Urban Growth Areas of cities in Douglas County. The procedure contemplates that forethought and design considerations will be employed to identify the ultimate urban scale residential development of the large land parcel prior to any division occurring, and that based on these considerations, three acre or larger Residential Development Parcels may be created when they allow for future divisions through a 'Build Out Plan' of the Residential Development Parcels, at some future time, to create urban scale and density lots. These regulations will result in Residential Development Parcels that retain their rural character for the immediate future, but will also allow for more efficient transition to urban scale development as subsequent circumstances dictate.

### **(b) Applicability**

- (1) A division of a parcel of land, that is forty (40) acres in area or larger, that also is located in Service Areas 2-4, of Lawrence's Urban Growth Area, or in other Cities' Urban Growth Areas, may be approved pursuant to the provisions of this Section.
  - (i) For purposes of determining compliance with the 40-acre minimum parcel area, an entire quarter of a quarter section (e.g. SE ¼ of the SE ¼) shall be deemed to be a 40-acre parcel.
  - (ii) In calculating the size of a parcel, the parcel size shall be deemed to include one-half of the adjoining road right(s)-of-way OR EASEMENTS if this inclusion is necessary for the parcel to conform to the applicable minimum parcel size. ~~, but this calculation shall not be used to increase the computed parcel size by more than five (5) percent~~
- ~~(2) Divisions of parcels of land, that are forty (40) acres in area or larger, that also are located in Service Areas 2-4 of Lawrence's Urban Growth Area, or in other Cities' Urban Growth Areas, not made in accordance with Section 20-805 (a) (g) must be made in conformance with the standards set forth in subsection (h) of Section 20-805 and with the procedures set forth in Section 20-809, Major Subdivisions.~~

### **(c) Immediate Development Area and Future Development Area**

Large Parcel Property divisions of land made according to this Section shall consist of two components; Immediate Development Area and Future Development Area and shall be made in accordance with the requirements of this subsection.

- (1) Immediate Development Area.
  - (i) Maximum Development Acreage. The Immediate Development Area shall not exceed sixty percent (60%) of the total acreage of the Large Parcel Property division that is covered by an application submitted pursuant to this Section. The Immediate Development Area may further be divided into individual Residential Development Parcels subject to the requirements of this Section.

- (ii) Minimum Residential Development Parcel Area. Each Residential Development Parcel must have a minimum area of:
  - a. 3 acres when fronting onto a local road;
  - b. 5 acres when fronting onto a collector road,
  - c. 10 acres when fronting onto a minor arterial; and
  - d. 20 acres when fronting onto a principal arterial.
- (iii) Building Envelopes. Residential Development Parcels shall be planned and arranged to allow for future subdivision of these parcels into lots at an urban scale and density that conforms to the development regulations of the city who's Urban Growth Area the development is located within. Building Envelopes shall be shown on each Residential Development Parcel.
- (iv) Development Parcel Access. Each Residential Development Parcel shall have direct access to a hard surfaced road.
- (v) Minimum Road Right(s)-of-way. If the Large Parcel Property division is located adjacent to public road right(s)-of-way that does not meet the minimum width standards of Sec. **Error! Reference source not found.**, approval of the application for division of land pursuant to this Section will be subject to the condition that the Subdivider dedicate, by separate instrument to the County, one-half the additional land necessary to bring the road(s) adjoining the Large Parcel Property division to the required right-of-way standard based on the road's classification established on the Major Thoroughfares Map in the Comprehensive Land Use Plan. All necessary Dedications shall be by separate instrument, satisfactory to the County Attorney, and filed with the Register of Deeds. No final action may be taken on the Certificate of Survey until this additional road right-of-way has been dedicated.
- (vi) Minimum Frontage and Entrance Spacing Requirements. Residential Development Parcels must meet minimum parcel frontage and entrance spacing requirements established in the County's adopted "Access Management Resolution," Resolution No. HR-06-xx-xx. THE FRONTAGE AND ENTRANCE SPACING REQUIREMENTS ~~that~~ are based on the classification of the road upon which the Residential Development Parcel is proposed to have access.
- (vii) Utility - Water. Each Residential Development Parcel shall obtain water from a publicly treated water source.
- (viii) Steep Slopes. The Building Envelopes of Residential Development Parcels shall not contain any slopes greater than fifteen percent (15%).
- (ix) Drainage Easements. If any portion of the Residential Development Parcel lies in FEMA designated regulatory floodplain, or if drainage Channels or Swales exist on the Residential Development Parcel that carry runoff from adjacent property or public Street/Roads, the FEMA designated regulatory floodplain or drainage Channel or Swale shall be protected by grant of Easement, or other similar device, evidenced by

a separate legal instrument, as may be required by the Planning Director and acceptable to the County Attorney.

- (x) Utility – Wastewater. Residential Development Parcels shall have an on-site sewage management system approved by the Director of Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment.
- (xi) County Health Code Restriction in Floodplain. Lateral lines for on-site sewage management systems shall be located outside of the FEMA designated regulatory floodplain.
- (xii) Restrictive Covenants. Property in the Immediate Development Area shall be subject to a restrictive covenant as set forth in subsection 20-805(d).

(2) Future Development Area.

The Future Development Area shall meet the requirements set forth in this subsection.

- (i) Minimum Requirement. The portion of a Large Parcel Property Division not included in the Immediate Development Area shall be designated Future Development Area.
- (ii) ~~Horizon 2020. All lands proposed for Large Parcel Property Divisions in accordance with this section, which are identified in Horizon 2020 as environmentally or geographically sensitive areas or sites of historic landmarks or historic features, shall be included in the Future Development Area.~~
- (iii) Conservation Easements. ~~Land within the Future Development Area which is identified in Horizon 2020 as being an environmentally sensitive area, a geographically sensitive area, or the site of an historic landmark or historic feature shall be,~~ to the greatest extent reasonably practicable, subject to a conservation easement to permanently retain the environmental, geographical or historical characteristics of the land and prevent any use of these areas that will significantly impair or interfere with the environmental, geographical or historical characteristics of this land. The conservation easement shall be conveyed to the County by separate legal instrument, satisfactory to the County Attorney
- (iv) Restriction on Subsequent Divisions. The Future Development Area, not within an environmentally or geographically sensitive area or the site of an historic landmark or historic feature, shall be restricted from any further division or development by a legal instrument that is satisfactory to the County Attorney, until the land is annexed by a City.
  - a. This instrument shall be binding upon the owner and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city.

b. This instrument shall be in recordable form and shall be recorded with the Register of Deeds.

(v) Restrictive Covenant. The Future Development Area shall be subject to a restrictive covenant as set forth in subsection 20-805(d).

**(d) Restrictive Covenants**

---

The Immediate Development Area and Future Development Area each shall be restricted by a separate instrument, satisfactory to the County Attorney, which shall:

- (1) incorporate by reference and have attached as an exhibit the [Build Out Plan](#);
- (2) require future division of the Residential Development Parcels to conform to the [Build Out Plan](#), subject to the requirements of this Article;
- (3) for the Immediate Development Area, limit each Residential Development Parcel to a building site for one principal dwelling unit until annexation into a city and municipal water and sanitary sewer service are extended to the building site;
- (4) for the Future Development Area, prohibit further divisions of land or Development until the expiration of the Future Development Area designation;
- (5) restrict the location of structures within the Immediate Development Area to Building Envelopes that have been created to allow for the future subdivision of the Immediate Development Area into lots of an urban scale and density that avoids interference with planned future Street/Roads, easements and setbacks;
- (6) be binding upon the owner and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city; and
- (7) be in a recordable form and be recorded with the Register of Deeds.

**(e) Application**

---

Any person having legal or equitable interest in property that meets the requirements of this Section may file, with the Planning Director, an application for a [Large Parcel Property Division](#) in conformance with this Section. The completed application must satisfy the requirements of Section 20-802, be on an approved application form supplied by the Planning Department, and shall be accompanied by:

- (1) the applicable review and recording fees;
- (2) proof of legal or equitable interest in the property;
- (3) proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid;

- (4) CERTIFICATE OF MAILING FROM THE U.S. POST OFFICE FOR LETTERS MAILED TO PROPERTY OWNERS WITHIN ¼ MILE OF THE PROPERTY PROPOSED FOR DIVISION FOR RURAL RESIDENTIAL PURPOSES;
- (5) a Build [Out Plan](#) illustrating the following with respect to both the Immediate Development Area and Future Development Area:
  - (i) a realistic future urban lot and block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the [Subdivision Design Standards](#) set forth in Section 20-810 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;
  - (ii) the layout of future Street/Roads; provided that, local Street/Roads shall be planned to provide Street/Road connections to adjoining parcels, neighborhoods, or future development open spaces, at a spacing of six hundred to eight hundred feet (600'-800'), as a means of discouraging the reliance on County and State roads or highways for local trips;
  - (iii) easement locations for utilities and stormwater drainage;
  - (iv) locations of Building Envelopes for each Residential Development Parcel to accommodate future subdivision into urban scale lots; and
  - (v) supplemental written information, demonstrating how public utilities may be extended to the subdivision to accommodate future urban scale development.
- (6) ~~four (4)~~ copies of a Certificate of Survey conforming to the requirements of Section 20-807.

**(f) Administrative Review and Consideration Procedures**

---

The Planning Director shall review all applications for [Large Parcel Property Divisions](#) pursuant to this Section in accordance with the Certificate of Survey administrative review procedures provided in Section 20-807.

**(g) Developable Acreage and Development of Future Development Area**

---

- (1) Land divided pursuant to subsections (a) through (g) of Section 20-805 shall not be eligible for subsequent division until the land covered by the [Build Out Plan](#) has been annexed by a city.
- (2) Development of the Future Development Area shall occur in accordance with the [Build Out Plan](#) unless the developer establishes that changed circumstances exist or the appropriate city's plans for the area covered by the [Build Out Plan](#) recommend a different type of land use. In this later instance, development shall conform to the then current plan recommendations.
- (3) Upon annexation, all divisions of land in the Immediate Development Area or Future Development Area shall be made in accordance with Section 20-809, Major Subdivisions for the city of Lawrence, or in accordance with the Subdivision Regulations set forth in the annexing city's regulations.

(h) ~~Large Parcel Property Divisions Not Made in Accordance with 20-805(a)-(g)~~

---

~~A division of a parcel of land that is forty (40) acres in area or larger, and that is located in Service Areas 2-4, of Lawrence's Urban Growth Area or in another City's Urban Growth Area, but which is not made according to subsections (a)-(g) of Section 20-805 shall be developed in accordance with the requirements of this subsection and shall also be made pursuant to the procedures provided in Section 20-809, Major Subdivisions.~~

- ~~(1) Minimum Development Acreage. A subdivision created in accordance with this subsection shall be a minimum of forty (40) acres in area. In calculating the size of a subdivision, the minimum acreage shall be deemed to include one half of the adjoining road right(s) of way, if this inclusion is necessary for the subdivision to conform to the minimum development acreage, but this calculation shall not be used to increase the computed size by more than five (5) percent.~~
- ~~(2) Minimum Lot Area. Lots in subdivisions developed according to this subsection shall be a minimum of three (3) acres in area.~~
- ~~(3) Development Access. A subdivision created in accordance with this subsection shall be located adjacent to a hard surfaced road.~~
- ~~(4) Building Envelopes. All Lots shall be laid out, and Building Envelopes shall be created, in anticipation of future subdivision into lots of an urban scale conforming to the then current Lawrence Development Code or another City's Regulations, whichever is applicable.~~
- ~~(5) Minimum Frontage and Entrance Spacing Requirements. Subdivisions must meet minimum frontage and entrance spacing requirements established in the County's adopted "Access Management Resolution," Resolution No. HIR-06-xx-xx that are based on the classification of the road upon which the Subdivision is proposed to have access.~~
- ~~(6) Lot Access. All Lots shall have access only to internal hard surfaced subdivision roads.~~
- ~~(7) Utility Water. All lots shall obtain water from a publicly treated water source.~~
- ~~(8) Steep Slopes. Subdivisions developed in conformance with this subsection shall not create any lots with Building Envelopes that contain slopes greater than fifteen percent (15%).~~
- ~~(9) Utility Wastewater. All Lots shall have an on-site sewage management system approved by the Director of the Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment.~~
- ~~(10) County Health Code Restriction in Floodplain. On-site sewage management systems shall be located outside the FEMA designated regulatory floodplain.~~

## **20-805 Large Parcel Property Divisions in Urban Growth Areas**

### **(a) Purpose**

---

The purpose of this Section is to allow an administrative approval procedure for divisions of land to accommodate rural residential development on large land parcels that are located within the Urban Growth Areas of cities in Douglas County. The procedure contemplates that forethought and design considerations will be employed to identify the ultimate urban scale residential development of the large land parcel prior to any division occurring, and that based on these considerations, three acre or larger Residential Development Parcels may be created when they allow for future divisions through a ['Build Out Plan'](#) of the Residential Development Parcels, at some future time, to create urban scale lots. These regulations will result in Residential Development Parcels that retain their rural character for the immediate future, but will also allow for more efficient transition to urban scale development as subsequent circumstances dictate.

### **(b) Applicability**

---

- (1) A division of a parcel of land, that is forty (40) acres in area or larger, that also is located in Service Areas 2-4, of Lawrence's Urban Growth Area, or in other Cities' Urban Growth Areas, may be approved pursuant to the provisions of this Section.
  - (i) For purposes of determining compliance with the 40-acre minimum parcel area, an entire quarter of a quarter section (e.g. SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ ) shall be deemed to be a 40-acre parcel.
  - (ii) In calculating the size of a parcel, the parcel size shall be deemed to include one-half of the adjoining road right(s)-of-way OR EASEMENTS if this inclusion is necessary for the parcel to conform to the applicable minimum parcel size.

### **(c) Immediate Development Area and Future Development Area**

---

Large Parcel Property divisions of land made according to this Section shall consist of two components; Immediate Development Area and Future Development Area and shall be made in accordance with the requirements of this subsection.

- (1) Immediate Development Area.
  - (i) Maximum Development Acreage. The Immediate Development Area shall not exceed sixty percent (60%) of the total acreage of the Large Parcel Property division that is covered by an application submitted pursuant to this Section. The Immediate Development Area may further be divided into individual Residential Development Parcels subject to the requirements of this Section.
  - (ii) Minimum Residential Development Parcel Area. Each Residential Development Parcel must have a minimum area of:
    - a. 3 acres when fronting onto a local road;

- b. 5 acres when fronting onto a MAJOR OR MINOR collector road,
  - c. 10 acres when fronting onto a minor arterial; and
  - d. 20 acres when fronting onto a principal arterial OR FREEWAY.
- (iii) Building Envelopes. Residential Development Parcels shall be planned and arranged to allow for future subdivision of these parcels into lots at an urban scale that conforms to the development regulations of the city who's Urban Growth Area the development is located within. Building Envelopes shall be shown on each Residential Development Parcel.
- (iv) Development Parcel Access. Each Residential Development Parcel shall have direct access to a hard surfaced road.
- (v) Minimum Road Right(s)-of-way. If the Large Parcel Property division is located adjacent to public road right(s)-of-way that does not meet the minimum width standards of Section 20-810(d)(4) approval of the application for division of land pursuant to this Section will be subject to the condition that the Subdivider dedicate, by separate instrument to the County, one-half the additional land necessary to bring the road(s) adjoining the Large Parcel Property division to the required right-of-way standard based on the road's classification established on the Major Thoroughfares Map in the Comprehensive Land Use Plan. All necessary Dedications shall be by separate instrument, satisfactory to the County Attorney, and filed with the Register of Deeds. No final action may be taken on the Certificate of Survey until this additional road right-of-way has been dedicated.
- (vi) Minimum Frontage and Entrance Spacing Requirements. Residential Development Parcels must meet minimum parcel frontage and entrance spacing requirements established in the County's adopted "Access Management Resolution," Resolution No. HR-06-xx-xx. THE FRONTAGE AND ENTRANCE SPACING REQUIREMENTS are based on the classification of the road upon which the Residential Development Parcel is proposed to have access.
- (vii) Utility - Water. Each Residential Development Parcel shall obtain water from a publicly treated water source.
- (viii) Steep Slopes. The Building Envelopes of Residential Development Parcels shall not contain any slopes greater than fifteen percent (15%).
- (ix) Drainage Easements. If any portion of the Residential Development Parcel lies in FEMA designated regulatory floodplain, or if drainage Channels or Swales exist on the Residential Development Parcel that carry runoff from adjacent property or public Street/Roads, the FEMA designated regulatory floodplain or drainage Channel or Swale shall be protected by grant of Easement, or other similar device, evidenced by a separate legal instrument, as may be required by the Planning Director and acceptable to the County Attorney.

- (x) Utility – Wastewater. Residential Development Parcels shall have an on-site sewage management system approved by the Director of Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment.
  - (xi) County Health Code Restriction in Floodplain. Lateral lines for on-site sewage management systems shall be located outside of the FEMA designated regulatory floodplain.
  - (xii) Restrictive Covenants. Property in the Immediate Development Area shall be subject to a restrictive covenant as set forth in subsection 20-805(d).
- (2) Future Development Area.  
The Future Development Area shall meet the requirements set forth in this subsection.
  - (i) Minimum Requirement. The portion of a Large Parcel Property Division not included in the Immediate Development Area shall be designated Future Development Area.
  - (ii) SENSITIVE LANDS WORTHY OF CONSERVATION. LANDS THAT ARE OR CONTAIN THE RESOURCES IDENTIFIED IN SECTION 20-810(j) SHALL BE DEEMED TO BE WORTHY OF CONSERVATION.
  - (iii) Conservation Easements. LAND THAT IS OR CONTAINS THE RESOURCES IDENTIFIED IN SECTION 20-810 (j), such as FLOODWAYS, BASED ON THE FEMA'S ONE-HUNDRED YEAR STORM; FLOODPLAINS, BASED ON THE FEMA'S ONE-HUNDRED YEAR STORM; JURISDICTIONAL WETLANDS; STREAM CORRIDORS; PROMINENT NATURAL GEOGRAPHIC FEATURES WITH ROCKY OUTCROPPINGS; STANDS OF MATURE TREES OR INDIVIDUALLY SIGNIFICANT MATURE TREES; AND, ARCHAEOLOGICAL AND HISTORICAL SITES, to the greatest extent reasonably practicable, shall be subject to a conservation easement to permanently conserve and protect the environmental, geographical or historical characteristics of the land and prevent any use of these areas that will significantly impair or interfere with the environmental, geographical or historical characteristics of the land. The conservation easement shall be conveyed to the County by separate legal instrument, satisfactory to the County Attorney
  - (iv) Restriction on Subsequent Divisions. The Future Development Area, not within an environmentally or geographically sensitive area or the site of an historic landmark or historic feature, shall be restricted from any further division or development by a legal instrument that is satisfactory to the County Attorney, until the land is annexed by a City.
    - a. This instrument shall be binding upon the owner and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city.

- b. This instrument shall be in recordable form and shall be recorded with the Register of Deeds.
- (v) Restrictive Covenant. The Future Development Area shall be subject to a restrictive covenant as set forth in subsection 20-805(d).

**(d) Restrictive Covenants**

---

The Immediate Development Area and Future Development Area each shall be restricted by a separate instrument, satisfactory to the County Attorney, which shall:

- (1) incorporate by reference and have attached as an exhibit the [Build Out Plan](#);
- (2) require future division of the Residential Development Parcels to conform to the [Build Out Plan](#), subject to the requirements of this Article;
- (3) for the Immediate Development Area, limit each Residential Development Parcel to a building site for one principal dwelling unit until annexation into a city and municipal water and sanitary sewer service are extended to the building site;
- (4) for the Future Development Area, prohibit further divisions of land or Development until the expiration of the Future Development Area designation;
- (5) restrict the location of structures within the Immediate Development Area to [Building Envelopes](#) that have been created to allow for the future subdivision of the Immediate Development Area into lots of an urban scale and density that avoids interference with planned future Street/Roads, easements and setbacks;
- (6) be binding upon the owner and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city; and
- (7) be in a recordable form and be recorded with the Register of Deeds.

**(e) NOTICE TO NEARBY PROPERTY OWNERS**

---

- (1) WRITTEN NOTICE OF THE PROPOSED DIVISION FOR RURAL RESIDENTIAL PURPOSES SHALL BE MAILED TO THE [OWNER](#) OF RECORD OF ALL PROPERTY WITHIN ¼ MILE OF THE SUBJECT PROPERTY. THE NOTICE SHALL BE SENT BY THE APPLICANT BY REGULAR MAIL, POSTAGE PREPAID. THE MAILING ADDRESSES FOR PROPERTY OWNERS WITHIN THE ¼ MILE NOTIFICATION AREA SHALL BE OBTAINED FROM THE DOUGLAS COUNTY REGISTER OF DEEDS. THE APPLICANT SHALL PROVIDE EVIDENCE OF PROOF OF MAILING FROM THE U.S. POST OFFICE, AND SUBMIT THIS AT THE TIME OF SUBMISSION OF THE CERTIFICATE OF SURVEY APPLICATION TO THE PLANNING OFFICE. A CERTIFICATE OF SURVEY APPLICATION SHALL BE CONSIDERED INCOMPLETE WITHOUT PROOF OF MAILING FROM THE U.S. POST OFFICE. THE NOTICE SHALL PROVIDE:
  - (i) A BRIEF DESCRIPTION OF THE LOCATION OF THE PROPERTY PROPOSED FOR DIVISION;
  - (ii) THE PROJECTED DATE A CERTIFICATE OF SURVEY APPLICATION WILL BE SUBMITTED TO THE LAWRENCE/DOUGLAS COUNTY PLANNING OFFICE;

- (iii) A CONTACT TELEPHONE NUMBER AND ADDRESS FOR THE PROPERTY OWNER PROPOSING THE DIVISION FOR RURAL RESIDENTIAL PURPOSES; AND,
- (iv) THE LETTER SHALL INCLUDE THE FOLLOWING STATEMENT AND INFORMATION:

NOTICE OF PROPOSAL TO DIVIDE LAND LOCATED AT [ROAD ADDRESS OR GENERAL DESCRIPTION SUCH AS; A ½ MILE NORTH OF THE INTERSECTION OF X ROAD AND Y ROAD ON THE EAST SIDE OF THE ROAD] FOR RURAL RESIDENTIAL DEVELOPMENT PURPOSES.

THIS LETTER IS BEING SENT TO THE OWNERS OF PROPERTY ADJOINING AND WITHIN ¼ MILE OF THE BOUNDARIES OF THE PROPERTY PROPOSED FOR DIVISION FOR RURAL RESIDENTIAL DEVELOPMENT. THE PURPOSE OF THIS LETTER IS TO PROVIDE GENERAL INFORMATION TO THE RECIPIENT AND/OR OWNER OF PROPERTY OF A PROPOSED OR POTENTIAL CHANGE IN LAND USE.

- (2) THE FAILURE OF A PROPERTY OWNER WITHIN THE ¼ MILE MAILING DISTANCE TO RECEIVE THE WRITTEN NOTICE WILL NOT AFFECT THE VALIDITY OF THE APPLICATION FOR A CERTIFICATE OF SURVEY.

**(f) Application**

---

Any person having legal or equitable interest in property that meets the requirements of this Section may file, with the Planning Director, an application for a [Large Parcel Property Division](#) in conformance with this Section. The completed application must satisfy the requirements of Section 20-802, be on an approved application form supplied by the Planning Department, and shall be accompanied by:

- (1) the applicable review and recording fees;
- (2) proof of legal or equitable interest in the property;
- (3) proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid;
- (4) PROOF OF MAILED NOTICE TO PROPERTY OWNERS WITHIN ¼ MILE OF THE PARCEL BEING DIVIDED FOR DEVELOPMENT PURPOSES;
- (5) a [Build Out Plan](#) illustrating the following with respect to both the Immediate Development Area and Future Development Area:
  - (i) a realistic future urban lot and block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the [Subdivision Design Standards](#) set forth in Section 20-810 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;
  - (ii) the layout of future Street; provided that, local Streets shall be planned to provide Street connections to adjoining parcels, neighborhoods, or future development open spaces, at a spacing of six hundred to eight

hundred feet (600'-800'), as a means of discouraging the reliance on County and State roads or highways for local trips;

- (iii) easement locations for utilities and stormwater drainage;
  - (iv) locations of Building Envelopes for each Residential Development Parcel to accommodate future subdivision into urban scale lots; and
  - (v) supplemental written information, demonstrating how public utilities may be extended to the subdivision to accommodate future urban scale development.
- (6) ONE ORIGINAL AND THREE (3) copies of a Certificate of Survey conforming to the requirements of Section 20-807.

**(g) Administrative Review and Consideration Procedures**

The Planning Director shall review all applications for [Large Parcel Property Divisions](#) pursuant to this Section in accordance with the Certificate of Survey administrative review procedures provided in Section 20-807.

**(h) Developable Acreage and Development of Future Development Area**

- (1) Land divided pursuant to subsections (a) through (g) of Section 20-805 shall not be eligible for subsequent division until the land covered by the [Build Out Plan](#) has been annexed by a city.
- (2) Development of the Future Development Area shall occur in accordance with the [Build Out Plan](#) unless the developer establishes that changed circumstances exist or the appropriate city's plans for the area covered by the [Build Out Plan](#) recommend a different type of land use. In this later instance, development shall conform to the then current plan recommendations.
- (3) Upon annexation, all divisions of land in the Immediate Development Area or Future Development Area shall be made in accordance with Section 20-809, Major Subdivisions for the city of Lawrence, or in accordance with the Subdivision Regulations set forth in the annexing city's regulations.

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

### **(a) Purpose**

---

The purpose of this section is to provide an alternative to the division of property in the Rural Area (outside the UGAs) that may be administratively approved. Horizon 2020, the Comprehensive Land Use Plan, strongly encourages that residential development be located in the Lawrence Urban Growth Area or within the Urban Growth Areas of the other incorporated Cities' in the County. Horizon 2020 also recognizes the need for some suitable residential development in the Rural Area of Douglas County, therefore, this Section provides a pattern for grouping suitable residential development to minimize the adverse effect on agricultural character and use of land within the County, while ensuring additional efficiencies in the provision of public infrastructure and services to these residential developments.

### **(b) Definitions**

---

When used in this Section, the following terms have the following meanings:

- (1) Original Tract – an area, parcel, site, piece of land or other property that is under the same ownership, is the subject of a development action, and from which a Parent Parcel is created.
- (2) Parent Parcel – a surveyed area, site or land division created for the sole purpose of a residential development action.
- (3) Residential Development Parcel – a ~~Residential Development~~ Parcel created by the division of a Parent Parcel, for the purpose of construction of one single-family residential dwelling unit and permitted accessory uses, buildings and structures.
- (4) Rural Area – the area of the County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.

### **(c) Applicability**

---

Land located within the Rural Area may be divided into two individual Residential Development Parcels according to the following requirements:

- (1) The owner of the land must identify a tract of land, which shall be a minimum of twenty (20) acres, in accordance with this Section. The tract identified for division according to this subsection shall be known as the "Parent Parcel". The land from which the Parent Parcel is identified shall be known as the "Original Tract". An Original Tract may be composed of an individual parcel or a combination of adjacent parcels UNDER A SINGLE OWNERSHIP [not separated by public right(s)-of-way] that share common boundary lines.
  - (i) For purposes of determining compliance with the 20-acre minimum tract area, a transfer of an entire half of a quarter-quarter section (e.g. West ½ of the SE ¼ of the SE ¼) shall be deemed to be a 20-acre tract.

- (ii) In calculating the size of a tract, the tract size shall be deemed to include one-half of the adjoining road right(s)-of-way OR EASEMENT if such inclusion is necessary for the tract to conform to the applicable minimum tract size. ~~, but this calculation shall not be used to increase the computed tract size by more than five percent (5%).~~
- (2) To initiate a division of land according to this Section, the owner must submit an application to the Planning Director, on a form provided by the Planning Department ~~with~~ ACCOMPANIED BY AN ORIGINAL AND THREE COPIES OF a Certificate of Survey prepared in conformance with Section 20-807(d). The Certificate of Survey shall illustrate and identify the Original Tract, Parent Parcel, Residential Development Parcels and all environmentally or geographically sensitive areas or sites of historic landmarks or historic features.
- (3) ~~Land located within the Rural Area, not divided according to Section 20-806 (a) – (e), must be made in accordance with the standards set forth in subsection (f) of Section 20-806 and with the procedures set forth in Section 20-809, Major Subdivisions.~~

#### **(d) Parent Parcel Division**

---

- (1) A Parent Parcel may be divided ONE TIME into two individual Residential Development Parcels, only if the Planning Director finds: ~~that~~ the property is being subdivided for single-family residential purposes; ~~that~~ the division does not involve or result in the creation of any new Roads; and, ~~that~~ the division is made in accordance with the requirements in this subsection.
  - (i) Minimum Residential Development Parcel area. Each Residential Development Parcel shall have a minimum area of:
    - a. 3 acres, if the Residential Development Parcel obtains water from a publicly treated water source; or
    - b. 5 acres, if the Residential Development Parcel obtains treated water from a private well;
  - (ii) Development Access. Each Residential Development Parcel shall have access to a full maintenance road;
  - (iii) County Health Code Requirements. The applicant has provided evidence that each Residential Development Parcel will satisfy all applicable health and sanitation requirements;
  - (iv) ~~Clustering.~~ Where a Parent Parcel has previously been identified and filed of record from an Original Tract, any subsequent Parent Parcel identified from that Original Tract shall, where practicable, be located with one boundary line adjacent to the previously created Parent Parcel to encourage ~~clustering~~ of residential development to facilitate the efficient provision of infrastructure and other public services.

- (v) Minimum Frontage and Entrance Spacing Requirements. Each Residential Development Parcel must meet minimum parcel frontage and entrance spacing requirements established in the County's adopted "Access Management Resolution," Resolution No. HR-06-xx-xx ~~that~~ are based on the classification of the road upon which the Residential Development Parcel is proposed to have access.
  - (vi) Building Envelope. Where a Residential Development Parcel includes lands identified in Horizon 2020 as being an environmentally or geographically sensitive area or the site of an historic landmark or historic feature, these areas and sites identified shall not be included within the Building Envelope.
  - (vii) Conservation Easement. Land that has been identified in Horizon 2020 as being an environmentally sensitive area, a geographically sensitive area, or the site of an historic landmark or historic feature shall be made subject to a conservation easement to permanently retain the environmental, geographical or historical characteristics of the land and prevent any use of these areas that will significantly impair or interfere with the environmental, geographical or historical characteristics of this land. The conservation easement shall be conveyed to the County by a separate legal instrument that is satisfactory to the County Attorney
- (2) With respect to any division made according to subsections (a) through (e) Section 20-806, the subsequent Residential Development Parcels shall be considered parcels but shall not be considered Lots as defined in this Article. Each Residential Development Parcel shall be eligible for the issuance of building permits for a single-family dwelling and permitted accessory uses, buildings and structures. Use for any other purpose, construction of more than one single-family dwelling, or further division of the Residential Development Parcel shall be permitted only after the Residential Development Parcel has been PLATTED ~~converted~~ into one or more Lots through full compliance with the procedures and standards of this Article.

**(e) ~~Property Divisions Not Made in Accordance with 20-806(a) through (e):~~**

~~A division of a parcel of land that is located in the Rural Area, but which is not made according to subsections (a) through (e) of Section 20-806, shall be developed in accordance with the requirements of subsection (f) of Section 20-806 and also be pursuant to the procedures provided in Section 20-809, Major Subdivisions:~~

- ~~(1) Minimum Development Acreage. A subdivision created in accordance with this subsection shall be a minimum of eighty (80) acres in area. In calculating the size of a subdivision, the minimum acreage shall be deemed to include one half of the adjoining road right(s) of way, if this inclusion is necessary for the subdivision to conform to the minimum development acreage, but this calculation shall not be used to increase the computed size by more than five (5) percent.~~
- ~~(2) Minimum Lot Area. Lots in subdivisions developed according to this subsection shall be a minimum of three (3) acres in area.~~

- (3) ~~Development Access. A subdivision created in accordance with this subsection shall be located adjacent to a hard surfaced road.~~
- (4) ~~Building Envelope. All Lots shall be laid out, and Building Envelopes shall be created, in a manner that allows for future subdivision based on the then current Lawrence Development Code or another City's Regulations, whichever is applicable.~~
- (5) ~~Minimum Frontage and Entrance Spacing Requirements. Subdivisions must meet minimum frontage and entrance spacing requirements established in the County's adopted "Access Management Resolution," Resolution No. HR 06-xx-xx that are based on the classification of the road upon which the Subdivision is proposed to have access.~~
- (6) ~~Lot Access. All Lots shall have access only to internal hard surfaced subdivision roads.~~
- (7) ~~Utility Water. All Lots shall obtain water from a publicly treated water source.~~
- (8) ~~Steep Slopes. Subdivisions developed in conformance with this subsection shall not create any lots with Building Envelopes that have slopes greater than fifteen percent (15%).~~
- (9) ~~Utility Wastewater. All Lots shall have an on-site sewage management system approved by the Director of Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment.~~
- (10) ~~County Health Code Restriction in Floodplain. On-site sewage management systems shall be located outside the FEMA designated regulatory floodplain.~~

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

### **(a) Purpose**

---

The purpose of this section is to provide an alternative to the division of property in the Rural Area (outside the UGAs) that may be administratively approved. Horizon 2020, the Comprehensive Land Use Plan, strongly encourages that residential development be located in the Lawrence Urban Growth Area or within the Urban Growth Areas of the other incorporated cities' in the County. Horizon 2020 also recognizes the need for some suitable residential development in the Rural Area of Douglas County, therefore, this Section provides a pattern for grouping suitable residential development to minimize the adverse effect on agricultural character and use of land within the County, while ensuring additional efficiencies in the provision of public infrastructure and FUTURE MUNICIPAL services to these residential developments.

### **(b) Definitions**

---

When used in this Section, the following terms have the following meanings:

- (1) Original Tract – an area, parcel, site, piece of land or other property that is under the same ownership, is the subject of a development action, and from which a Parent Parcel is created.
- (2) Parent Parcel – a surveyed area, site or land division created for the sole purpose of a residential development action.
- (3) Residential Development Parcel – a parcel created by the division of a Parent Parcel, for the purpose of construction of one single-family residential dwelling unit and permitted accessory uses, buildings and structures.
- (4) Rural Area – the area of the County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.

### **(c) Applicability**

---

Land located within the Rural Area may be divided into two individual Residential Development Parcels according to the following requirements:

- (1) The owner of the land must identify a tract of land, which shall be TWENTY (20) ACRES WHEN ACCESS IS TO BE TAKEN FROM A LOCAL ROAD AND a minimum of twenty (20) acres WHEN ACCESS IS TO BE TAKEN FROM A ROAD WITH A HIGHER ROAD CLASSIFICATION THAN LOCAL ROAD, in accordance with this Section. The tract identified for division according to this subsection shall be known as the "Parent Parcel". The land from which the Parent Parcel is identified shall be known as the "Original Tract". An Original Tract may be composed of an individual parcel or a combination of adjacent parcels UNDER A SINGLE OWNERSHIP [not separated by public right(s)-of-way] that share common boundary lines.
  - (i) For purposes of determining compliance with the 20-acre minimum tract area, a transfer of an entire half of a quarter-quarter section (e.g. West ½ of the SE ¼ of the SE ¼) shall be deemed to be a 20-acre tract.

- (ii) In calculating the size of a tract, the tract size shall be deemed to include one-half of the adjoining road right(s)-of-way OR EASEMENT if such inclusion is necessary for the tract to conform to the applicable minimum tract size.
- (2) To initiate a division of land according to this Section, the owner must submit an application to the Planning Director, on a form provided by the Planning Department ACCOMPANIED BY AN ORIGINAL AND THREE COPIES OF a Certificate of Survey prepared in conformance with Section 20-807(d). The Certificate of Survey shall illustrate and identify the Original Tract, Parent Parcel, Residential Development Parcels and all environmentally or geographically sensitive areas or sites of historic landmarks or historic features.

**(d) Parent Parcel Division**

---

- (1) A Parent Parcel may be divided ONE TIME into two individual Residential Development Parcels, only if the Planning Director finds that: the property is being subdivided for single-family residential purposes; the division does not involve or result in the creation of any new Roads; and, the division is made in accordance with the requirements in this subsection.
  - (i) MINIMUM RESIDENTIAL DEVELOPMENT PARCEL AREA. EACH RESIDENTIAL DEVELOPMENT PARCEL SHALL HAVE THE MINIMUM AREA REQUIRED BY ARTICLE 18 IN THE COUNTY ZONING REGULATIONS FOR THE ROAD CLASSIFICATION IT TAKES ACCESS FROM. THE MINIMUM PARCEL AREA SHALL ALSO MEET THE COUNTY SANITATION CODE MINIMUM REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT THAT HAS AN ON-SITE SEWAGE MANAGEMENT SYSTEM;
  - (ii) Development Access. Each Residential Development Parcel shall have access to a full maintenance road;
  - (iii) County Health Code Requirements. The applicant has provided evidence that each Residential Development Parcel will satisfy all applicable health and sanitation requirements;
  - (iv) GROUPING DIVISIONS. Where a Parent Parcel has previously been identified and filed of record from an Original Tract, any subsequent Parent Parcel identified from that Original Tract shall, where practicable, be located with one boundary line adjacent to the previously created Parent Parcel to encourage THE GROUPING of RESIDENTIAL DEVELOPMENT PARCELS to facilitate the efficient provision of infrastructure and other public services.
  - (v) Minimum Frontage and Entrance Spacing Requirements. Each Residential Development Parcel must meet minimum parcel frontage and entrance spacing requirements established in the County's adopted "Access Management Resolution," Resolution No. HR-06-xx-xx. THE FRONTAGE AND ENTRANCE SPACING REQUIREMENTS are based on the classification of the road upon which the Residential Development Parcel is proposed to have access.

- (vi) **Building Envelope.** When a Residential Development Parcel includes lands identified for RESOURCE PRESERVATION in SECTION 20-810(j) such as FLOODWAYS, BASED ON THE FEMA'S ONE-HUNDRED YEAR STORM; FLOODPLAINS, BASED ON THE FEMA'S ONE-HUNDRED YEAR STORM; JURISDICTIONAL WETLANDS; STREAM CORRIDORS; PROMINENT NATURAL GEOGRAPHIC FEATURES WITH ROCKY OUTCROPPINGS; STANDS OF MATURE TREES OR INDIVIDUALLY SIGNIFICANT MATURE TREES; AND, ARCHAEOLOGICAL AND HISTORICAL SITES, A BUILDING ENVELOPE SHALL BE REQUIRED TO BE SHOWN ON THE PARCEL AND IT SHALL NOT INCLUDE THE AREAS AND SITES IDENTIFIED FOR RESOURCE PRESERVATION. A BUILDING ENVELOPE IS NOT REQUIRED ON A RESIDENTIAL DEVELOPMENT PARCEL THAT DOES NOT INCLUDE LANDS WITHIN THE CATEGORIES IDENTIFIED FOR RESOURCE PRESERVATION IN SECTION 20-801(j).
  - (vii) **Conservation Easement.** LAND THAT IS OR CONTAINS THE RESOURCES IDENTIFIED IN SECTION 20-810 (j), such as FLOODWAYS, BASED ON THE FEMA'S ONE-HUNDRED YEAR STORM; FLOODPLAINS, BASED ON THE FEMA'S ONE-HUNDRED YEAR STORM; JURISDICTIONAL WETLANDS; STREAM CORRIDORS; PROMINENT NATURAL GEOGRAPHIC FEATURES WITH ROCKY OUTCROPPINGS; STANDS OF MATURE TREES OR INDIVIDUALLY SIGNIFICANT MATURE TREES; AND, ARCHAEOLOGICAL AND HISTORICAL SITES, to the greatest extent reasonably practicable, shall be subject to a conservation easement to permanently conserve and protect the environmental, geographical or historical characteristics of the land and prevent any use of these areas that will significantly impair or interfere with the environmental, geographical or historical characteristics of the land. The conservation easement shall be conveyed to the County by a separate legal instrument that is satisfactory to the County Attorney
- (2) With respect to any division made according to subsections (a) through (e) Section 20-806, the subsequent Residential Development Parcels shall be considered parcels but shall not be considered Lots as defined in this Article. Each Residential Development Parcel shall be eligible for the issuance of building permits for a single-family dwelling and permitted accessory uses, buildings and structures. Use for any other purpose, construction of more than one single-family dwelling, or further division of the Residential Development Parcel shall be permitted only after the Residential Development Parcel has been PLATTED into one or more Lots through full compliance with the procedures and standards of this Article.

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

### **(a) Purpose**

---

The purpose of the Certificate of Survey administrative review procedure is to provide an administrative process for creating an accurate record of the description and location of Residential Development Parcel divisions created in the Urban Growth Area of cities, in conformance with Sections 20-804 or 20-805, without requiring full compliance with the SUBDIVISION DEVELOPMENT regulations of Section 20-809, Major Subdivisions.

In the Rural Area (outside the UGAs), the Certificate of Survey administrative review procedure is to provide an administrative process for creating an accurate record of the description and location of Residential Development Parcel divisions in conformance with Section 20-806, without requiring full compliance with the SUBDIVISION DEVELOPMENT regulations of Section 20-809, Major Subdivisions.

### **(b) Authority**

---

The Planning Director is authorized to review and approve applications for land divisions made in conformance with Sections 20-804, 20-805 and 20-806, subject to the requirements of this Section. This administrative review procedure allows for an administrative approval process with final action by the Planning Director.

### **(c) Applicability**

---

An application for a division of land submitted with a complete Certificate of Survey shall be considered for approval in the following circumstances:

- (1) The proposed division meets the criteria of one of the types of division authorized by Sections 20-804, 20-805, or 20-806, for review in conformance with this Section.
- (2) Residential Development Parcels are eligible for Certificate of Survey approval only one time; further divisions of Residential Development Parcels which were created pursuant to Sections 20-804, 20-805 or 20-806 shall be made in conformance with Section 20-809, the Major Subdivision procedures of this Article.
- (3) For the purpose of interpreting the applicability of the Certificate of Survey administrative review procedure, any proposed development or division of land, which the Planning Director determines is intended to evade the Major Subdivision procedures of Section 20-809 because it would result in a *de facto* Major Subdivision through the combination of previous contiguous Certificates of Survey, is not eligible to use the Certificate of Survey administrative review procedure.

### **(d) Application**

---

Applications for Certificate of Survey administrative review procedure shall be submitted to the Planning Director in conformance with the general requirements of Section 20-802 and any specific requirements provided in this Article.

(e) **REQUIREMENTS AND MATERIAL TO BE INCLUDED**

---

A Certificate of Survey must comply with the following requirements:

- (1) The Certificate of Survey shall be legibly drawn on mylar with permanent ink or printed or reproduced by a process guaranteeing a permanent record and shall be eighteen inches (18") by twenty-four inches (24") in size.
- (2) The Certificate of Survey must show or contain on its face the following information; provided, however, that the Licensed [Land Surveyor](#) may, at his or her discretion, provide additional information regarding the survey:
  - (i) A title or title block including the quarter-section, section, township, range and principal meridian in which the surveyed land is located. A Certificate of Survey shall not bear the title "plat," "subdivision" or any title other than "Certificate of Survey;"
  - (ii) A note stating "This Certificate of Survey was not prepared for the purpose of the platting of land. No further divisions of the parcels created by this survey shall occur until the property is subdivided in accordance with all applicable Subdivision Regulations of Douglas County or the city into which it is annexed.";
  - (iii) The name(s) of the person(s) who own(s) the land and who commissioned the survey and the names of any adjoining platted subdivisions;
  - (iv) The date the survey was completed;
  - (v) A north arrow;
  - (vi) A written and graphic scale. (The scale must be one inch (1") equals thirty feet (30') or less);
  - (vii) A narrative legal description of the property surveyed, including a benchmark or other vertical reference point tied to the United States Geological Survey;
  - (viii) A location map showing the property surveyed in relation to property ownership lines within the same section and the nearest existing public right(s)-of-way;
  - (ix) The dimensions and locations of all of the parcels indicated on the survey, including dashed lines to depict the future urban lot layout in the [Build Out Plan](#). THIS REQUIREMENT IS NOT APPLICABLE TO SECTION 20-806 ~~if applicable~~;
  - (x) A numbering system or other clear and simple method of identifying each parcel within the Certificate of Survey;
  - (xi) The location and width of public right(s)-of-way, existing and proposed;
  - (xii) The location of any easements, EXISTING AND PROPOSED;

- (xiii) The dimensions of all existing Structures in relation to existing and proposed parcel lines, and based on the future lot layout shown in the [Build Out Plan](#). THIS REQUIREMENT IS NOT APPLICABLE TO SECTION 20-806 ~~if applicable;~~
- (xiv) Building envelopes shall be shown for every Residential Development Parcel and shall not include lands identified as environmentally or geographically sensitive areas or the sites of historic landmarks or historic features THIS REQUIREMENT IS NOT APPLICABLE TO SECTION 20-806;
- (xv) Except for divisions made in conformance with Section 20-806, Building Envelopes shall be designed to allow for the placement of rural residences on parcels that will facilitate ~~tax efficiencies in~~ FUTURE further subdivision of the Residential Development Parcel into city-sized urban lots;
- (xvi) A note stating the specific code section [20-804, 20-805, or 20-806] pursuant to which the division is being made;
- (xvii) A signed and acknowledged recitation of any restrictive covenants or conservation easements required by the proposed division with a line on the survey for the identification of the book and page in which the covenants or conservation easement are recorded;
- (xviii) The signature of the Owner, properly attested;
- (xix) The dated signature and seal of the Kansas licensed land surveyor responsible for the survey ALONG WITH A NOTE STATING: "THIS SURVEY COMPLIES WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS;
- (xx) A LINE ON THE SURVEY FOR THE REVIEW DATE AND SIGNATURE OF THE COUNTY SURVEYOR BENEATH A NOTE STATING: "REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005."
- (xxi) A line on the survey for the approval date and signature of the Planning Director; and
- (xxii) A line on the survey for the Register of Deeds filing information.

**(f) Criteria for Review**

---

An application for division of land requiring an approved Certificate of Survey shall be approved if, and only if, it meets **all** of the following criteria:

- (1) The proposed division meets the requirements for a division of land under Sections 20-804, 20-805 or 20-806, as applicable;
- (2) The Certificate of Survey meets all of the requirements of Section 20-807;
- (3) The proposed Residential Development Parcels and all other aspects of the proposed Certificate of Survey conform with the current Comprehensive Plan of Lawrence and Douglas County or, where applicable, the comprehensive plan of another city in Douglas County;

- (4) The Certificate of Survey conforms with the adopted Major Thoroughfares Map in the Comprehensive Land Use Plan for Douglas County and does not preclude or interfere with the subsequent logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Certificate of Survey;
- (5) The proposed Certificate of Survey is consistent with any conditions imposed on any previous division of any part of the same land; and
- (6) THE PROPOSED CERTIFICATE OF SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

**(g) Review and Action by the Planning Director**

---

- (1) The General Review and Approval Procedures set forth in Sec. 20-802 shall apply to all applications under this Section.
- (2) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.
- (3) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the Certificate of Survey conforms to all of the standards set forth in this Article, the Director shall sign and indicate on an original copy of the Survey "Approved as a Certificate of Survey under the Subdivision Regulations of the City of Lawrence & the Unincorporated Area of Douglas County" with the date of approval.
- (4) If the Planning Director finds that the Certificate of Survey fails in any way to conform to the standards set forth in this Article or that the proposed division is not eligible for administrative approval pursuant to this section the Planning Director shall refuse to approve the proposed Certificate of Survey and shall notify the Applicant by letter, within the 30 day review period, of the reason(s) for that refusal. If the deficiency or other reason for denial can be cured through action of the Applicant, the Applicant may submit a revised application and Certificate of Survey within forty-five (45) days after receipt of the letter and shall not be required to pay an additional fee. If the reason for denial is that the proposed division is not eligible for consideration as a Certificate of Survey, the Subdivider may submit an application for Major Subdivision approval.
- (5) If approved, the Certificate of Survey shall be recorded by the [Planning Director](#) with the Douglas County Register of Deeds. A copy shall be kept by the Planning Director, and a copy shall be furnished to the Applicant and to the County Zoning & Codes office.

**(h) Appeals Process for Sections 20-804, 20-805 and 20-806**

---

- (1) Upon the approval or denial of an application for a division of land under Sections 20-804, 20-805 or 20-806 a party aggrieved by the Planning Director's decision may appeal that decision to the Board of County Commissioners. To have standing to make an appeal, the party must have been the applicant or an owner of property within ~~1320 feet~~ A ¼ MILE of the Parcel that is the subject of the decision.
- (2) The Planning Director shall provide written notice of the filing of an appeal setting forth the subject of the appeal, the time and place and when the appeal shall be heard. The notice shall explain that there will be an opportunity to present evidence to the Board of County Commissioners and it shall be mailed to all owners of property within ~~1320 feet~~ A ¼ MILE of the land that is the subject of the appeal.
- (3) The County Commission shall set a hearing date for the appeal that is at least 15 days after written notice is sent to the appellant. The appellant shall have the burden of establishing by clear and convincing evidence that the Planning Director's decision was incorrect.