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8-21-06

To: The Douglas County Lawnc Planning Commission

From: Patricia S. Ireland, former 20 year Douglas County resident, and currently looking hard for a house in rural Douglas County  
(Current address: 1212 N. Lookview Dr., Olathe, KS 66061  
Phone: 913-620-6753)

Please excuse my handwritten correspondence. My computer printer is not working.

Re: Subdivision Outside of  
the UGA

I was my understanding from the May Planning Commission meeting and the current letter from the Douglas County Commissioners to the Planning Commission that both bodies of government do not want new subdivisions in the UGA. (See below)

Hopefully, those are editing error and will be take care of in the final document  
Thank you for all your efforts to preserve rural Douglas County

See page 2 for my concerns

## 6. Page 8-23; Sec. 20-806

**"(d) Parent Parcel Division**

(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, or 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 Platified converted into one or more lots through full compliance with the procedures and standards of this Article.~~ *Please Add: Is prohibited unless it conforms to the Comprehensive Plan, the county zoning regulations and the provisions of this article.*

**CONCERN:** We thought that the Planning Commission and the County Commission had agreed not to allow platting for residential developments in the Rural Area.

## 7. Page 25; 20-807; Certificate of Survey, Administrative Review Procedures

**"(c) Applicability**

(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.~~

**CONCERN:** We thought that you weren't going to permit platted subdivisions in the Rural Area for residential subdivisions.

## 8. Section 20-807; Certificate of Survey, Administrative Review Procedures

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

(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.~~

**CONCERN:** We thought that you weren't going to allow platting for residential use in the Rural Area.

**LIST OF CONCERNS AND COMMENTS REGARDING THE DRAFT SUBDIVISION REGULATIONS**  
**Submitted by the League of Women Voters of Lawrence-Douglas County Land Use Committee**  
August 16, 2006

Please note: Wording suggested to be eliminated has been shown in red ~~strikeout~~. Wording suggested to be added is in red ***bold italics***.

**1. Page 8-3; Sec.20-801 **General**,**

**“(a) Purpose and Intent (2)(i):**

- (2) The **Subdivision Regulations** of this Article are designed, intended and should be administered to:
- (i) ensure that **Development** in the City and in the **Unincorporated Area** of Douglas County is in accordance with the **Comprehensive Plan**; any adopted **Area Plans** covering the subject **Subdivision**; the applicable **Zoning Regulations** enacted to implement those plans;and the Lawrence/Douglas County MPO Transportation Plan;”

EXPLANATION: The term “area plan” is defined in the Definitions section as:

**“Area Plan [OR SPECIAL AREA PLAN]** ~~A general design plan for a designated neighborhood or planning area showing proposed Collector Streets, Marginal Access Streets, and concepts of Local Streets, school and park sties, and general land use areas for the neighborhood developed by the staff. A PLAN THAT IS NOT A COMPREHENSIVE PLAN; WATERSHED OR SUB-BASIN PLAN; SECTOR PLAN; OR NEIGHBORHOOD PLAN.”~~

CONCERN: The language limits what type of planning a subdivision must conform to, thus eliminating the planners’ ability to plan in advance except in a very dysfunctional, piecemeal way. All of these general and specialized plans, especially watershed and neighborhood or sector-sized neighborhood-type plans (in undeveloped areas) must be employed in order to adequately plan “build-out” acreage in the UGA, as well as infill developments in the existing areas. Solution: Add “Watershed plans, Sector plans, neighborhood planning areas, neighborhood plans, in addition to “area plans.”

**2. Page 8-4: Sec. 20-8-1(a)(2)(v) *Please see needed additions***

- “(v) provide ***adequate*** and accurate records of all land **Divisions**;”
- Also please add: “(v) establish building lines.”***

CONCERN: The basic function of subdivision regulations is to accurately and appropriately map land for present and future lot and tract ownership boundaries by legally mapping (platting) when land is being divided or recombined. In addition the mapping should establish the lot lines so that set-backs and other regulations can be accurately enforced. Both of these provisions are in our existing regulations. These provisions should probably be listed first, because this is the priority function of platting.

**3. Page 8-4; Sec. 20-8-1(a)(2)(ix)**

- “(ix) encourage the reduction of vehicular congestion and support ~~urban multimodal~~ transportation and design standards in a manner that supports multi-modal transportation;” AND ENCOURAGES PEDESTRIAN AND BICYCLE TRAVEL

CONCERN: The wording needs clarification. Cities have to be designed to support multi-modal transportation by employing appropriate urban design standards that functionally support public transportation by increasing density around bus stops and designing neighborhood street systems to allow pedestrians close and direct access to bus (transit) stops.

**4. Page 8-5; Sec. 20-801**

**“(c) Applicability**

Unless expressly addressed as an exemption in Section 20-801(d) below, no **Lot**, tract or parcel of land shall be divided into two or more parts for the purpose of sale, transfer or **Development**, whether immediate or future, except through the procedures and in accordance with the standards set forth in this Article.”

**Please add: “For property within the incorporated City of Lawrence, no building permit shall be issued unless the property is platted. If subdivision is required then the subdividers shall plat all of their contiguously owned lands that are not platted.”**

EXPLANATION: The suggested addition comes from our existing regulations. The regulations must include all changes to lot configurations including combining and recombining lots.

**5. Page 8-22; Section 20-806 Property Divisions in the Rural Area (Outside the UGAs)**

**“(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 **minimum maintenance or full maintenance** new Roads; and, that the division is made in accordance with the requirements in this subsection.”

“(ii) **Development Access.** Each Residential Development Parcel shall have access to a full maintenance road; **Also please add: existing on the effective date of these regulations.**”

EXPLANATION: There are between 70 and 100 existing “Roads on Record but not Traveled” that can be opened and raised to “full maintenance status.” This could lead to a proliferation of unexpected developments and unanticipated road maintenance costs if a “cut-off date” isn’t adopted, and the term “new” better defined..

**6. Page 8-23; Sec. 20-806**

**“(d) Parent Parcel Division**

(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, **or** 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~~ **Please Add: is prohibited unless it conforms to the Comprehensive Plan, the county zoning regulations and the provisions of this article.**”

CONCERN: We thought that the Planning Commission and the County Commission had agreed not to allow platting for residential developments in the Rural Area.

**7. Page 25; 20-807; Certificate of Survey, Administrative Review Procedures**

**“(c) Applicability**

(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.~~

CONCERN: We thought that you weren’t going to permit platted subdivisions in the Rural Area for residential subdivisions.

**8. Section 20-807; Certificate of Survey, Administrative Review Procedures**

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

(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.~~

CONCERN: We thought that you weren't going to allow platting for residential use in the Rural Area.

## 9. Section 20-208 Minor Subdivisions

### "(c) Applicability

(1) Within the City of Lawrence, a platted Lot may be split into 4 or fewer Platted Lots by using the **Minor Subdivision** procedures of this section; provided, that no new **Street** or extension of an existing **Street** is created, or a vacation of **Streets, Alleys, Setback Lines, Access Control** or **Easements** is required or proposed; **Please add: "and all lots created through the Minor Subdivision process conform to all applicable City and/or County Codes and regulations."**

COMMENT: This doesn't preclude creating land-locked lots, for example.

## 10. Page 33; 20-809 Major Subdivisions

### "(b) Applicability

The Major Subdivision procedures of this section apply to all Subdivisions that are not eligible for review in conformance with the Certificate of Survey Administrative review Procedures." **Please add: "or to the Minor Subdivision process."**

## 11. Page 44; Section 20-810 Subdivision Design Standards

### "(d) Streets

#### 2) Connections

(ii) **Streets** shall provide for **Street** connections to adjacent undeveloped land in accordance with the adopted Major Thoroughfares Plan." **Please add: "Where feasible all subdivision streets shall be designed for vehicular and pedestrian traffic to interconnect, both internally and externally, to all adjacent subdivisions."**

COMMENT: There isn't any statement that actually requires subdivisions to interconnect for vehicular and pedestrian traffic. Our current problems of lack of walkability stem from each subdivision being separate and exclusive within neighborhoods and between neighborhoods. Our older neighborhoods interconnect because at one time all streets were required to connect.

## 12. Page 44; Section 20-810 Subdivision Design Standards

### "(d) Streets

#### 2) Connections

(iii) No new **Subdivision** shall be approved in which more than ~~FIFTY~~ THIRTYFIVE (35) residential **Lots** or potential residential dwelling units, or more than 25,000 square feet of nonresidential space will have access to the public road system via a single outlet to the arterial and collector Street system as shown on the adopted Major Thoroughfares Plan."

COMMENT: The illustration shown here should be cited as an example of how not to plan a subdivision, especially for access.

**13. Page 48; Section 20-810 Subdivision Design Standards**

**"(9) Private Streets and Roads**

(iii) Before Douglas County will consider a request to assume maintenance of any existing Private Street, by Dedication or otherwise, the property must be ~~platted~~ and the Street or road must be brought into compliance with all applicable Street and right-of-way standards."

COMMENT: This is not consistent with the other Rural Area regulations.

**14. Page 49; Section 20-810 Subdivision Design Standards**

**"3) Drainage Easements"**

COMMENT: In situations where land is flat, please require swales between lots, and interconnect these with the storm drainage system of the subdivision, similar to what is required in the Regulatory Floodplain developments in floodplains.

**15. Page 50; Section 20-810 Subdivision Design Standards**

**"(g) Parks, Open Space Schools and Other Public Facilities**

The Planning Commission shall ~~encourage or~~ require the donation, reservation, or Dedication of sites for parks, open space, schools and other public facilities in accordance with the Comprehensive Plan for Parks and Recreation in the amount of 5 percent of the total land area of a residential subdivision plus \$600 per lot for each single family dwelling Lot."

COMMENT: Unless this is made mandatory, it won't happen. Most modern communities have this requirement. You need to consider in more detail just what the financial requirements should be. Our membership also wants any land donations to be usable parkland, especially in areas where playgrounds are deficient.

**16. Page 76; Section 20-815 Interpretations, Rules of Construction and Definitions**

**"Area Plan [OR SPECIAL AREA PLAN]**

~~A general design plan for a designated neighborhood or planning area showing proposed Collector Streets, Marginal Access Streets, and concepts of Local Streets, school and park sites, and general land use areas for the neighborhood developed by the staff. A PLAN THAT IS NOT A COMPREHENSIVE PLAN; WATERSHED OR SUB-BASIN PLAN; SECTOR PLAN; OR NEIGHBORHOOD PLAN."~~

COMMENT: This definition of an area plan as being the only defined plan for urban design to apply to a subdivision (see Section 20-801 Purpose and Intent (a)(2)(i)) makes the subdivision regulations inoperable as a tool for community and neighborhood design and function.

**THE FOLLOWING LIST ARE FROM THE DRAFT MODIFIED RURAL SUBDIVISION REGULATIONS**

**1. Page 1 of Section 20-804 modified,**

**(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.

COMMENT: The effect of not having a minimum parcel size for Conservation Cluster Development could result in 5-acre parcels lining county roads in areas where they abut floodplains or woods or other extensive linear land features worthy of conservation. Please see illustration on last page of “804\_modified” file.

## 2. File 805\_modified, page 6;

### (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.

COMMENT: The manner in which this is worded sounds as though only the Future Development Area needs to be annexed in order for more unincorporated subdivisions to occur in the Immediate Development Area. Please clarify the meaning here.

## 3. File 806-modified, page 2;

### (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 **minimum maintenance or full maintenance** Roads; and, the division is made in accordance with the requirements in this subsection.

(ii) Development Access. Each Residential Development Parcel shall have access to a full maintenance road; **Please add: " existing on the effective date of these regulations."**

COMMENT: There are between 70 and 100 existing “Roads on Record but not Traveled” in Douglas County. If they were to be opened and raised to full maintenance status (a not uncommon practice) the resulting additional residential uses and roads could substantially impact the County and townships service and maintenance costs.

## 4. File 806-modified, page 3;

### (d) Parent Parcel Division

(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 **prohibited. 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.**

COMMENT: We thought that you weren't going to allow platting for residential use in the county. This must be a mistake.

## 5. File 810-waive\_to\_design\_standards, page 3;

### (c) Blocks(2) Length

(ii) **Rural Area Block** length for [Local Streets](#) within the [Rural Area](#) shall not exceed 1,320 feet in length (centerline to centerline of Streets) unless all rights of-way for continuation of all [Streets](#) shown on the Major Thoroughfare Map are dedicated or reserved for future development and the [Subdivider](#) demonstrates to the satisfaction of the Decision-Making Body that a [Block](#) must be greater than 1,320 feet in length because

physical conditions preclude a [Block](#) length of less than 1,320 feet. Such conditions may include, but are not limited to, [severe topography](#) or the existence of natural resource areas such as wetlands, [Floodplains](#), wildlife habitat areas, steep slopes or woodlands.

COMMENT: If you are not going to allow formal platting for residential use in the Rural Area, these standards may be misunderstood and perhaps should be in the applicable section (UGA) and not here.

**6. File 810-waive\_to\_design\_standards, page 4;**

(d) **Streets (2) Connections**

- (i) **Please add: Every subdivision shall provide for at least one street connection to each adjacent subdivision or future adjacent subdivision.** Any existing or Platted [Street](#) that terminates at the boundary line of a proposed [Subdivision](#) shall be continued into the subject [Subdivision](#) in such a manner as to provide [Street](#) connections to adjoining lands and [Streets](#) within the subject [Subdivision](#) or, in the case of a local [Street](#), may be terminated in a cul-de-sac.

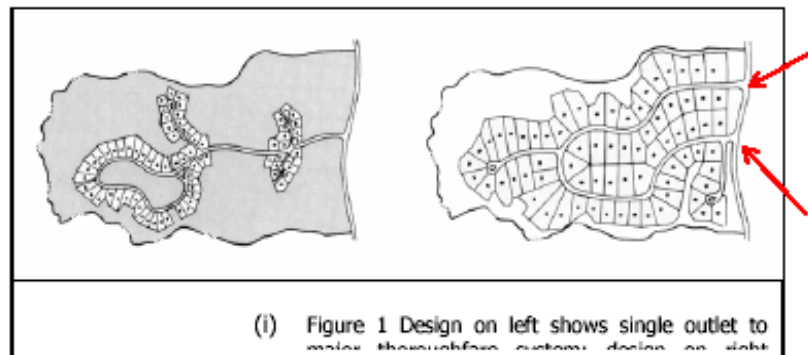
COMMENT: Streets must interconnect (and have sidewalks) because they are the safest routes for pedestrians, as well as allow vehicles (private automobiles and bicycles) to travel within neighborhoods to reach neighborhood destinations rather than being forced to use arterials.

**7. File 810-waive\_to\_design\_standards, page 4;**

(d) **Streets**

(2) **Connections**

- (iii) No new [Subdivision](#) shall be approved in which more than FIFTY-THIRTY-FIVE (35) residential [Lots](#) or potential residential dwelling units, or more than 25,000 square feet of nonresidential space will have access to the public road system via a single outlet to the arterial and collector [Street](#) system as shown on the adopted Major Thoroughfares Plan.



COMMENT: This is an extremely dangerous way to design streets intersecting to arterials. This should not be allowed. This illustration should be deleted or used as an example of what NOT to do.

(d) **Streets**

(9) **Private Streets and Roads**

- (iii) Before Douglas County will consider a request to assume maintenance of any existing [Private Street](#), by [Dedication](#) or otherwise, the property must be ~~platted~~ and the [Street](#) or road must be brought into compliance with all applicable [Street](#) and right-of-way standards.

COMMENT: How are you going to deal with this? This is inconsistent with the other non-platting provisions. A Certificate of Survey, perhaps?



# **League of Women Voters of Lawrence-Douglas County**

P.O. Box 1072, Lawrence, Kansas 66044

August 16, 2006

Holly Krebs, Chairman  
Members  
Lawrence-Douglas County Planning Commission  
City Hall  
Lawrence, Kansas 66044

RE: DRAFT SUBDIVISION REGULATIONS

Dear Chairman Krebs and Planning Commissioners:

Attached with this letter is a list of excerpts from the Draft Subdivision Regulations dated July 25, 2006. These refer to the annotations to the these draft regulations compiled for your consideration which we are including for you as PDF files on a CD. The list is of our priority concerns, and includes excerpts from the regulations with comments, explanations, and suggested changes to the draft regulations. We hope that you will find these comments and suggestions to have merit as you review of these regulations.

In addition to the annotated complete July 25, 2006 draft, we submitting to you on a CD, also annotated, the four modified drafts of the regulations that deal with the Urban Growth Areas (804\_modified, 805\_modified) and the Rural Area (806\_modified) as well as the proposed revisions to the Section on Subdivision Design Standards (810-waive\_to\_design\_standards). The list of priority concerns also includes excerpts from these files with our comments.

Thank you.

Sincerely yours,

Rusty Thomas  
President

Alan Black  
Land Use Committee

ATTACHMENT

CD Disks hand delivered