

MEMORANDUM

TO: Douglas County, KS

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RE: Preliminary Issue Identification Memorandum

Introduction and Overview

Douglas County, in collaboration with Clarion Associates, is in the process of conducting a comprehensive diagnostic review of the County’s zoning and subdivision regulations (jointly referred to as the “land use regulations”) that include County Code Chapter 11: Subdivision Regulations, and County Code Chapter 12: Zoning and Land Use Regulations.

The goals of this project are to:

- Improve clarity, structure, and usability of the land use regulations for both staff and applicants;
- Identify strengths and weaknesses in the current regulations, including outdated or restrictive standards that may hinder housing, economic, or agricultural development;
- Evaluate how the zoning and land use regulations do (or do not) align with adopted comprehensive and area/specific land use plans;
- Assess administrative processes under the City/County planning agreement;
- Identify opportunities for alignment and enhancement between land use regulations and adopted policies and processes; and
- Provide strategic, actionable recommendations to modernize the zoning and land use regulations and support future updates.

This memo describes the preliminary issues identified from Clarion’s review of Douglas County’s current land development regulations and supporting background materials and feedback received during stakeholder meetings that were held on January 28 and 29, 2026. This summary is not intended to be an exhaustive list of topics for the Land Use Diagnostic Review, but rather an initial identification of key themes and issues that will be refined to inform the final Diagnostic Review. The project team met with the following groups to discuss their experience navigating, administering, and interpreting the land use regulations as well as the overall priorities for what development could/should look like for the County in the future:

- Douglas County Zoning and Codes Staff
- Douglas County Public Works Staff
- Douglas County Board of County Commissioners
- Lawrence-Douglas County Planning Commission

- County Administration
- Douglas County Open Space and Heritage Conservation Staff
- Township Board Members and Rural Water Representatives
- Lawrence-Douglas County Planning & Development Services
- Lawrence Municipal Services & Operations
- Rural Fire Districts

Key Issues and Opportunities

The issues identified in the memo are grouped into the following themes:

1. Modernize Zoning to Reflect County Growth Priorities and Infrastructure Capacity
2. Manage Land Divisions to Balance Level of Service
3. Clarify County Direction Within Plan 2040
4. Improve Administration of Planning Applications and Process

Each of these themes is expanded on below, including identification of specific issues to address through future updates to the regulations. These issues will be described in more detail in the final Diagnostic Review.

MODERNIZE ZONING TO REFLECT COUNTY GROWTH PRIORITIES AND INFRASTRUCTURE CAPACITY

With increasing demands on roadways, water supply systems, and emergency services, the County's zoning regulations play a critical role in guiding the location, scale, and intensity of development in unincorporated areas. Stakeholders identified a wide range of feedback regarding necessary updates to the zoning regulations including areas that would benefit from clearer language, restructuring, or new standards. As the County's primary regulatory framework, the zoning regulations serve as the central mechanism for addressing many of the issues identified in other sections of this memorandum.

The following list captures those issues that emerged during stakeholder discussions. As the Diagnostic Review is drafted, we will continue working with staff to identify additional gaps within specific chapters or sections that may not have been raised during those discussions.

Zoning Districts

- Consider creating a Public/Institutional zoning district for governmental and public service uses such as cemeteries, fire stations, and other public buildings and facilities.
- Consider creating an Open Space zoning district to facilitate agricultural and natural resource conservation with limited future development options as recommended in the Open Space Plan.
- Assess the current standards for the Village District and explore rezoning Vinland, Pleasant Grove, Stull, Lone Star, and Clinton.

- Reevaluate minimum frontage requirements in all districts to align with roadway classification and access management standards.
- Evaluate the list of setback and height exceptions that clearly identifies the type of structure that can encroach and how large the encroachment can be based on location (front, side, and rear yards).
- Consider additional overlay districts for agricultural preservation, wildlife corridors, or other environmentally sensitive areas.
- Evaluate the General Provisions of current Section 12-302 of the Zoning Code and clarify:
 - When infrastructure is required;
 - Adequate public facility standards that require ability-to-serve letters (e.g., Rural Water District);
 - Minimum standards for traffic studies including allowable and required methods to address traffic concerns
 - Stormwater and drainage plan requirements; and
 - The requirement to comply with Chapter 9 (Public Works) of the County Code and all other standards established by Public Works including, but not limited to, the road construction, entrance, and utility installation standards.

Land Use Specific Standards

- Conduct a comprehensive review and audit of the Use Table to ensure that use permissions, use-specific standards, and approval processes are appropriately aligned with the intent and development capacity of each zoning district.
- Assess whether certain long-term, higher intensity uses (e.g., mini-storage facilities, event centers, and heavy equipment storage) should no longer be permitted through CUP and instead require rezoning into a district designed for those uses with formal site plan review.
- Identify the pros and cons of establishing a list of uses prohibited in all zoning districts in the county. Review the list to ensure it does not unintentionally create nonconformities and where existing legal uses are impacted, include clear standards that recognize their legal status and establish provisions for continuation and modification or expansion.
- Consider adding an accessory use table to clarify the relationship between accessory and principal uses and set limits on size and operational characteristics.
- Consider adding uses that are currently only permitted through the temporary business use procedure to the use table and allow approval through a standard process (e.g., CUP).
- Tie use-specific standards to roadway classification (including private roads) based on traffic capacity and functional characteristics.
- Reassess residency requirements in agricultural districts when business activity is proposed.

- Update accessory dwelling unit standards to allow detached units on lots less than six acres. Coordinate updates with the County Health Department, including any necessary modifications to the Sanitary Code.

Development Standards

Stakeholders consistently noted that several development standards assume an urban context and therefore do not fit rural road, drainage, or utility conditions.

- Evaluate and revise parking and landscaping standards that mirror City development to better reflect rural conditions where the supporting infrastructure may not be available.
- Consider updating the outdoor lighting requirements to support dark sky friendly principles and limit light pollution by introducing measurable light trespass, light output, and light color limitations with more stringent standards near open space, wildlife habitat areas, and other environmentally sensitive lands.
- Consider adding stream setback standards to protect stream buffers.

Procedures

- Consider creating one set of common review procedures that lays out the details of those steps of the review process that are standard for most application types such as pre-application meetings, application submittal, public hearing scheduling and notice, and post-decision actions (e.g., approval expirations and appeals).
- Consider revising the appeal procedures to: (1) clearly identify which standards are appealable to the Board of Zoning Appeals (BZA), (2) clarify the appropriate review path for standards that are not appealable to the BZA, and (3) clarify when a Variance goes to Planning Commission or Board of Zoning Appeals.
- Consider strengthening the Variance procedure and review criteria to require that the requested variance is the minimum necessary to allow reasonable use of the property and that no alternative options are feasible through the zoning regulations or by other processes.
- Consider removing review timelines from the zoning regulations (unless required by state or federal law) and maintain them internally to allow for adjustments without formal text amendments. Coordinate all review timelines between County Zoning staff and City Planning staff to ensure they are workable across both departments.
- Evaluate the temporary business use procedure to identify the use types that most often use the process and if there are alternative routes for those uses to follow. This may include: modifying eligibility requirements, establishing a clear definition of “temporary,” or modifying the terminology, and limiting renewals.
- Clarify the threshold between minor and major site plan modifications or amendments and assess which entity should be responsible for processing those applications.

- Expand administrative review authority for minor modifications to certain dimensional or design standards in the zoning regulations with clear limitations and review criteria (e.g., maximum 5-10% allowable modification).
- Assess whether decision-making authority is appropriately assigned to the Planning Director and Zoning and Code Director throughout the regulations.

Nonconforming Regulations and Vested Rights

- Evaluate the impacts of existing but undeveloped parcels on long-term infrastructure capacity and build-out patterns.

Enforcement

- Review the enforcement provisions of Chapter 12-313 and determine if there should be additional allowances for the County to withhold accepting an application or delaying a decision on an application based on factors such as prior code violations or unpaid taxes.
- Establish a clear process to adjust or revoke an approved CUP.

General Content and Formatting

- Conduct a comprehensive review of the zoning and subdivision regulations to ensure they are legally defensive and consistent with applicable state statutes.
- Replace advisory or ambiguous terms (e.g., “should,” “encouraged,” “may”) with enforceable language (e.g., “shall”) where standards are intended to be mandatory.
- Ensure consistency across other chapters in the County Code through clear cross-referencing and alignment of standards, including Chapter 7 (Nuisances), Chapter 10 (Solid Waste Management), Chapter 9 (Public Works), Chapter 2 (Animal Control), and Chapter 14 (Heritage Conservation Plan) of the County Code as well as the Douglas County Sanitary Code.

MANAGE LAND DIVISIONS TO BALANCE LEVEL OF SERVICE

Rural land divisions continue at a steady pace, and the number of buildable parcels has increased for decades. Rural residences are now a predominant land use in many areas, including fringe areas around incorporated cities. Township roads, built originally for agricultural access, are not designed for sustained rural residential traffic, and the density of these lots does not generate sufficient tax base for needed improvements. Additionally, varying capacity among Rural Water Districts contributes to uneven service ability.

Potential updates to the subdivision regulations include:

Shared City/County Regulatory Framework:

- Explore whether Douglas County and the City of Lawrence would benefit from maintaining separate subdivision regulations in their respective regulatory documents.
- Resolve internal inconsistencies and outdated references within the subdivision regulations that are challenging for staff, applicants, and surveyors to interpret across jurisdictions.

Subdivision Processes and Design

- Reevaluate the Urban Growth Area (UGA) and supporting adopted plans (e.g., Wakarusa Treatment Facility Plan and City of Lawrence Wastewater Master Plan), to determine whether it should function as a service area boundary based on capacity studies.
- Consider prohibiting rezoning from AG-1 to AG-2 outside of the UGA.
- Consider establishing clear standards and processes to be followed if a landowner petitions the County to create or extend a public road or to convert an existing private road to a public road.
- Evaluate which application types (e.g., creation of multiple buildable parcels, CUPs, Site Plans, or Rezoning) should require ability-to-serve letters (Rural Water District, Townships (roads), and Fire District) to verify service availability and clarify responsibilities for long-term maintenance.
- Clarify when and how traffic impact studies are evaluated and the specific details that must be addressed in the study.
- Clarify stormwater and drainage requirements including when drainage plans are required.
- Review subdivision design requirements to ensure standards related to road length, dead-end road limitations, and emergency access considerations are addressed.
- For more intense development, such as subdividing or development of multiple parcels, consider a process for infrastructure improvements, development impact fees, or other ways to offset public expense. Similarly, consider requiring integration of green space or open space to offset impacts of more intense development.

CLARIFY COUNTY DIRECTION WITHIN PLAN 2040

Douglas County staff, City of Lawrence staff, and elected officials acknowledged that Plan 2040 serves as the shared City of Lawrence and unincorporated Douglas County policy framework, but that its broad language has led to inconsistencies during development review. While the flexibility of the Plan allows decision-makers to weigh a range of growth and development priorities across the unincorporated areas, day-to-day application has been challenging for staff and landowners, particularly in the fringe areas around Lawrence.

Several stakeholders noted that the lack of a clear policy hierarchy between Plan 2040, subarea and sector plans, other adopted documents, and the zoning regulations has resulted in selective interpretation of policies and therefore inconsistent development outcomes.

Combined with the need for improvements to the zoning and subdivision regulations themselves as described in the sections above, this creates a challenging system for applicants, staff, and decision-makers to navigate. Opportunities to improve predictability and alignment include:

Competing City/County Policy Direction

- Identify where County priorities (agricultural preservation, infrastructure limitations, scale and type of future development) conflict with and/or align with City growth and annexation objectives.
- Clarify which goals and action items within the Plan represent the goals and values of the County and reference those specifically in development review criteria.
- When new County standards are in place, reinforce the role of Planning Commission in being able to make both City- and County-level zoning and land use decisions that reflect the appropriate jurisdictional values, infrastructure capacity, and long-term growth objectives.

Growth Tiers and Annexation

- Review the Lawrence, Eudora, Lecompton, Baldwin City, and Edgerton annexation policies and draft a parallel policy for Douglas County that supports coordinated decision-making and shared growth objectives, and consider whether the County should establish interlocal agreements.
- Clarify annexation triggers, including when development intensity, water service, sewer service, or road improvements should require annexation or develop to City standards.
- Consider requiring a letter of inadmissibility from the relevant City for properties within a certain proximity to city limits (exact distance to be determined). If annexation is declined by the City, the appropriate development standards should be identified and the developer would be responsible for providing all necessary infrastructure and services at their expense.
- Align City and County expectations regarding the intent and function of the City established Growth Tiers, particularly Tier 2 areas intended to encourage annexation.
- Align City of Lawrence and County interpretation of whether parcels within the Urban Growth Area (UGA), including whether properties are intended to remain under County zoning or be annexed to the City and whether the Future Land Use Map designations reflect land uses if properties remain in the county or only after annexation.

Future Policy Considerations

- Consider adopting a Countywide Future Land Use Map to replace outdated subarea and sector plans, support implementation of County goals, and reflect County land and development constraints.
- Update and modify the Urban Growth Area (UGA) boundary to respond to current conditions, and the future feasibility of providing adequate utility and infrastructure.

IMPROVE ADMINISTRATION OF PLANNING APPLICATIONS AND PROCESSES

Under the 1969 Joint Resolution establishing the Planning Commission, the City of Lawrence is responsible for providing staff support and administrative services for those applications

and plans reviewed by the Planning Commission including CUPs, Rezoning, and the drafting of and subsequent amendments to subarea and sector plans. While this shared structure was intended to provide coordination between jurisdictions, the overlapping responsibilities, evolving development patterns, and staff resource constraints have resulted in confusion regarding application processing, review standards, and final decision-making authority. In addition to the internal review process and coordination, staff highlighted the need to strengthen procedural standards themselves including clarifying review criteria and more clearly outlining the steps required to obtain a decision on an application. Potential improvements to explore include:

County/City Planning Agreement

- Review the Joint Planning Agreement and assess whether staffing roles can be clarified or modified between City and County staff to ensure applicant/application continuity and effective cross-jurisdiction communication.

Application Processing and Submittal Requirements

- Clarify who determines application completeness and the requirements for an application to be considered complete.
- Explore allowing or requiring third-party technical review for complex applications at the applicant's expense.
- Consider allowing pre-application meetings to include Rural Water District and Township representatives to improve communication and coordination between agencies to limit negative development outcomes.
- Evaluate submittal requirements to ensure applications provide sufficient information to assess environmental sensitivity and infrastructure impact including, but not limited to:
 - Site selection analysis and statement of intent for larger or higher-impact development;
 - Environmental studies and related Mitigation Plans;
 - Archeological or cultural resource assessments where appropriate; and
 - Construction impact assessments for larger or higher-impact development.
- Update and review all public notice requirements across application types for consistency and clarity.
- Consider requiring City review for development in the county near City limits when properties are served by City utilities or when activities such as floodplain development or construction of new structures could impact City infrastructure or drainage systems.

Review Criteria

- Evaluate the review criteria for Rezoning, CUPs, and Site Plans to limit confusion and standardize interpretation across County and City staff and the Planning Commission.

- Incorporate analysis of cumulative traffic impacts on Township and County roads, stormwater system, water supply, and fire/other emergency response times and consider how this expanded review may impact staff capacity and resources.

Conditional Use Permit (CUP)

- Clarify expiration, revocation, and revision standards for CUPs, particularly for uses involving permanent site improvements where current time limits, inspection requirements, and revocation procedures may not be practical.

Next Steps

This memorandum identifies key issues and opportunities within the County’s existing land use regulations based on feedback received and Clarion’s review of Douglas County’s adopted land use regulations and planning documents. Next, the project team will hold meetings with the Planning Commission, Board of County Commissioners, and any other stakeholders as needed to discuss this memorandum. The memorandum will not be updated following the meetings, but will help inform further efforts in drafting the detailed Diagnostic Review, which will expand on these topics and explore various approaches for improving the County’s land use regulations.

