

MINUTES OF THE SHAWNEE COUNTY PLANNING COMMISSION

Monday, January 11, 2016
Shawnee County Annex
6:00 PM

Roll Call and Announcement of Hearing Procedure: Dave Macfee, Chair, called the meeting to order and asked for roll call to be taken. Mr. Macfee welcomed Jerome Desch as a new Planning Commissioner.

Members Present: Brian Jacques, Jerome Desch, Dave Macfee, Christi McKenzie, Matt Appelhanz and Nancy Johnson. With six members present a quorum was established and the meeting was called to order. Pat Tryon arrived after roll call was taken.

Members Absent: None.

Staff Present: Barry T. Beagle, Planning Director; Joelee Charles, Administrative Assistant; and, Ashley Biegert, Assistant County Counselor.

Approval of September 14, 2015, Public Hearing and October 19, 2015, Special Meeting Minutes: Mr. Macfee asked for approval of the September 14, 2015, Public Hearing and October 19, 2015, Special Meeting minutes. Ms. Charles stated Ms. Biegert was not present at the October 19th meeting so she suggested Ms. Biegert's name be removed from the minutes. Ms. Johnson moved to approve the September 14, 2015, Public Hearing minutes, seconded by Ms. McKenzie, and with a unanimous voice vote, the minutes were approved. Mr. Jacques moved to approve the October 19, 2015, Special Meeting minutes with the revision, seconded by Mr. Appelhanz, and with a unanimous voice vote, the minutes were approved.

Communications: Mr. Beagle indicated he had provided them with a handout covering the proposal regarding the appointment of the building code committee which he would review later in the meeting.

Ex Parte Communication by Members of the Commission: There were no Ex Parte communications expressed by members of the Commission.

Declaration of Conflict of Interest by Members of the Commission or Staff: There were no declarations of conflict of interest by commission members or staff.

Election of Officers:

- **Election of Chair:** Mr. Macfee called for nominations for chair. Mr. Jacques moved to nominated Ms. McKenzie as Chairman; seconded by Mr. Appelhanz. After a roll call vote, Ms. McKenzie was elected as Chairman.

Ms. McKenzie then assumed the Chair from Mr. Macfee and presided over the remainder of the public hearing.

- **Election of Vice-Chair:** Ms. McKenzie then called for nominations for vice-chair. Mr. Jacques moved to nominated Ms. Johnson as Vice-Chair; seconded by Mr. Appelhanz. After a roll call vote, Ms. Johnson was elected as Vice-Chair.

Zoning and Subdivision Items:

1. **Silver Lake Fire Station #64 Subdivision (Preliminary and Final Plat Phases) [P16/02]** by CFS Engineers, P.A. for property located at the northeast corner of NW 62nd Street and NW Leedy Road in Menoken Township.

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Mr. Beagle stated the request was for approval of a preliminary/final plat to create a one lot subdivision. It consisted of three acres and was currently zoned RA-1 Rural Agricultural District. It was intended for construction of an unmanned fire station which was approved by a Conditional Use Permit in 2015. It had been part of a larger 300 acre agricultural tract.

The preliminary plat as submitted conformed to the requirements of the Shawnee County Subdivision Regulations. It allowed for a dual drive access approach on Leedy Road with no other access permitted along Leedy or 62nd. It showed the proposed location of the fire station, access points, and septic system. As submitted, the plat was compliant. The final plat was also compliant and included all the requisite notes and dedications that appeared on the plat. Staff was recommending the preliminary and final plats be approved as submitted.

Ms. McKenzie asked if there were any questions for Mr. Beagle. Mr. Desch asked if it was a non-profit organization and would the property come out of the tax rolls. Mr. Beagle said the fire station was a public/government entity. They were not required to pay taxes.

Ms. McKenzie asked if the applicant was present and wanted to make a presentation.

Mr. Mike Adams, CFS Engineers, 2930 SW Woodside Drive, Topeka, Kansas 66614.

- Was with the company who prepared the plat and was available to answer any questions.

There were no questions from the members.

With no one to speak in favor or in opposition, Ms. McKenzie closed the public hearing and asked for discussion from the members.

With no discussion by the Commissioners, Ms. McKenzie asked for a motion.

Ms. Johnson moved to recommend Approval of the proposed subdivision; seconded by Mr. Macfee. With a vote of **7-0-0**, the preliminary and final plats were **Approved**.

Public Comment on Non-Agenda Planning and Zoning Items

There were no comments on Non-Agenda Planning and Zoning items.

Discussion of Planning Related Issues

1. Building Code

Mr. Beagle stated a building permit procedure had been administered since the 1950s but a building code had not been adopted. The permit procedure ensured that the proposed structure and its use were consistent with the zoning district and conformed to the zoning/dimensional requirements. There was no field inspection or confirmation that a structure was built in compliance with a minimum construction standard potentially compromising public safety and sustained structural value.

Approximately 28% of the County's population now resided outside the city. The Building Code Exploratory Committee (BCEC) reviewed building permit data from 2010 to 2015 which revealed that more residential permits were issued in the unincorporated area than in the City of Topeka over that timeframe. Approximately 62% of all single family permits in 2015 were issued for the unincorporated areas as opposed to the city.

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Mr. Macfee asked if the percentage had been consistent historically. Mr. Beagle referred to the table which showed the numbers went up and down; however, the most striking was the fact that there was more single family construction occurring within the unincorporated area than within the city over that five year time period.

Thirteen members (most from the building/construction industry) and Planning Commissioners Brian Jacques (Chair) and Nancy Johnson were appointed to the BCEC on May 14, 2015. They were charged with investigating advantages/disadvantages of adopting a building code for the unincorporated area. They first met on July 23rd and every two weeks thereafter. A total of nine (9) meetings were held which included two (2) public meetings to solicit input: one for the building/development community and one for the general public.

The BCEC completed their review on November 19th and agreed Shawnee County should adopt a building code. On December 10th the County Commission acted on the report/recommendation and directed the Planning Director to return with a proposal for taking the next step.

The County Commission considered the proposal on January 11, 2016, and deferred action to January 21, 2016, to give Commissioner Archer more time to review the proposal and possibly suggest some additional names for appointment to the committee. The proposal provides for the formation of a Building Code Committee (BCC) with eighteen (18) persons having expressed interest in serving on the committee.

According to the proposal, the BCC would have two (2) years to submit a recommendation regarding building codes applicable to the unincorporated area; and, a building code program responsible for the administration and enforcement of the codes.

It was recommended the County Commission establish some expectations/guidelines for the BCC. Those included looking at residential/commercial construction in putting together a building code and be expected to have an open deliberative process so the public would be informed of their meeting schedules as well as opportunities to solicit input from the building community and the general public.

The BCC would be expected to take a fiscally constrained approach in establishing a new building code program so the fee structure and staffing would be self supporting as to limit taxpayer expense. It was also recommended to look at working the city to try to maximize opportunities for coordination and cooperation and minimize conflict in regard to the application of building codes.

The BCC would first identify the most applicable codes for the unincorporated area. Secondly, if the program mirrored the city's building codes, the BCC would need to look at the organizational structure (staff functions, numbers and qualifications) and define a program budget including the initial start-up and projected annual operating costs. They would also recommend the implementation process.

Mr. Beagle encouraged Mr. Jacques and Ms. Johnson to offer any comments regarding the BCEC.

Mr. Jacques asked if the County Commission had any opinion on working with the city. Mr. Beagle spoke with them previously but maybe they would provide direction at their January 21st meeting. A broader political discussion was needed on the subject. Mr. Jacques had brought up a critical point. It would seriously affect the committee's work and possibly take it from two years to a matter of a few months if the County Commission decided to utilize the city's building code program.

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Mr. Jacques thought the question needed to be answered since they could spend years working through the building code. Mr. Beagle said there would be continued discussion with the County Commission about that. His perception was they wanted to start from the premise of coordinating with the city on the building codes so they would be compatible for the contractors.

Mr. Appelhanz asked if the city had adopted the 2009 IRC. Mr. Beagle thought a lot of their codes were 2006. Mr. Appelhanz stated the IRC had a more recent one but the city hadn't adopted it. Mr. Beagle said they were looking at updating their codes to the 2015 international codes.

Ms. Johnson stated 11 builders and contractors were part of the BCEC that were in favor of some kind of code which was surprising. She was disappointed with the public hearing turnout. Mr. Jacques thought the attendance was less due to other circumstances.

Ms. Johnson wondered if they just needed to ask how many more staff would be needed to include the County. Mr. Beagle asked Mr. Faulkner if the city would be interested in running the program after the December 10th County Commission meeting. Mr. Faulkner had already talked with the City Manager and most of the City Council members. There was support if the County Commission agreed which was unknown at this point. Ms. Johnson thought that fiscally it would be the easiest and fastest way to get it done and not have different codes for the city and the County.

Mr. Desch asked about the RFP. In listening to the Planning Commission members, he thought most of the group agreed to looking at the city's figuring it was easier to do and not have to do all the work. At the same time he didn't want to hire an expert. Mr. Jacques said they were different issues. The RFP was different. Mr. Beagle said the RFP was a different proposal separate from the building code.

Mr. Tryon asked if any plan reviewers would be hired and if there would be any checks and balances of plan review. He hoped the reviewers would make valid and sensible decisions but that didn't always occur. Mr. Beagle thought the BCC would first define the codes they wanted to adopt, how much they wanted to mirror the city's building codes and whether they wanted to negotiate with the city. If the BCC decided to develop a County program, plan review would be included. Combination inspectors would probably be utilized since they would cover all the trades and complete all the inspections. They would share duties between plan review and field inspections. Handling appeals and resolving issues would be defined in the details of the program.

Mr. Tryon was concerned about some control being lost as an administrator as well as there being a certain amount of risk for the reviewers. There was always a grey area in terms of interpretation. Checks and balances would be needed so interpretations would be issued on a consistent basis.

2. Comprehensive Plan RFP

In 2015 the County Commission directed Mr. Beagle to address four (4) specific issues: the building code and appointment of an exploratory committee to offer recommendations; providing a business case for a comprehensive plan; providing a business case for the establishment of a County Code Court; and, providing a recommendation on the advantages/disadvantages of reconsolidating with the city on planning. The two items that were acted on was the building code and the comprehensive plan.

On October 22, 2015, Mr. Beagle presented to the County Commission the purpose and benefits associated with a comprehensive plan and asked them to consider issuing a Request For Proposals (RFP) to solicit proposals from qualified planning consulting firms to assist in the preparation of a comprehensive plan. It was important since there was no backup in his department and developing a plan was a very time consuming and laborious task. A consultant could get the project completed within

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16 to 24 months. In order to cover the cost of \$100,000-\$150,000, a request was made to transfer the unexpended 2015 planning budget balance into a special project fund earmarked for the comprehensive plan and combine it with \$50,000 approved in the 2016 budget for planning projects.

Ms. Johnson asked if monies were allocated two years ago. Mr. Beagle said there had been a proposal to enhance the department's budget but it got pared down to a \$50,000 allocation for planning projects. Ms. Johnson asked if the plan was feasible for that amount of money. Mr. Beagle thought it was. He had met with two (2) consultants to identify the expectations and review the budget. They seemed to think it was an agreeable amount.

On October 22nd, the County Commission approved the request to issue the RFP. On November 23rd, the County Commission approved a resolution to transfer \$65,817 from the remaining 2015 budget into a special project fund for the preparation of a comprehensive plan. A similar request will be made to transfer \$50,000 from the 2016 budget to be placed in the special project fund which would provide a grand total of \$115,817 to negotiate a contract. Ms. Johnson asked if \$50,000 would be available from the 2017 budget. Mr. Beagle stated the project cost could not exceed \$115,817.

The RFP was sent out on December 7th to five (5) different regional planning consultants: RDG Planning & Design, Olsen Associates, Clarion Associates, Kendig Keast Collaborative and Shockey Consulting Services. It was also posted at no charge on the American Planning Association's website for national exposure and posted on the County's website. The RFP's closing date will be January 20, 2016, and a standing selection committee will review the proposals after that date. He asked that at least two (2) Planning Commissioners volunteer and participate in the review. He was hoping they would select a firm by February 15th so they could enter in negotiations for a contract and submit it to the County Commission by February 22nd.

This proposal would result in the first adopted comprehensive plan for the county and include: Planning for orderly growth and defining where the county will be over the next 20 years; establish a framework for future land use policy; provide clear and predictable guidance to the development community; strategize for future growth and development in the County; provide a guide for future land use, public investment and development decisions; help us understand how to protect our natural resources, prime agricultural lands; help us to look at the sense of place and quality of life so we can best enhance those features; and, have it be a blueprint for the future.

The plan's scope of services consists of four (4) parts: public engagement, baseline analysis, plan preparation and plan implementation.

As part of public engagement, the consultant would be expected to look at ways to engage the public and encourage dialogue to exchange ideas and develop a public engagement strategy. There would be approximately four (4) initial project team meetings that would include staff, Planning Commission members and steering committee.

A project kickoff meeting would be held to inform the public about the start of the project. A steering committee of County residents would be formed to provide guidance, feedback and direction to the consultant and staff. There would be individual interviews of key organizations, companies and individuals.

One of the major costs of a consultant contract was based on the number of public engagement exercises so adjustments in numbers may be made with the final proposals.

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Ms. Johnson strongly suggested that Mr. Beagle contact John Hunter with Heartland Visioning. They have mechanisms already set up for the public meetings.

Community workshops would be held in different locations to engage the public in gathering ideas, identifying problems and problem solving. A public officials and community representatives roundtable would be held so the consultant could hear their perspectives on the County. The consultant would be expected to develop a community survey, a project website, social media outreach, press releases and e-newsletters so the public would stay informed on the project.

To create a baseline analysis, the consultant would work with staff to collect all maps, plans, reports, studies, etc. to become familiar with Shawnee County and the issues concerning population, employment, jobs, housing, etc. After reviewing that information, the consultant would develop an existing conditions, opportunities and challenges assessment that looked at existing conditions, trends, opportunities and challenges the County was facing.

In preparing a comprehensive plan, the consultant would identify the challenges our community faces and present solutions in form of policies and development standards, etc. Throughout the entire process it should make us more fiscally sustainable in our growth and development practices. In the end, it should make us a more walkable, livable community where we enhance quality of life and create a unique sense of place.

It would require visioning and the development of community goals. The vision would establish where we want to be in 20 years and reflect the wants, needs and desires which were aligned with the physical and economic strategies. The plan would be divided into topical elements that address the different component parts of the community such as: Shawnee County and its history; a community profile; land use; community character; quality of life; natural, cultural, historic resources, etc. It would contain maps and graphics (tables, charts, various illustrations).

In regard to implementation, to be effective the plan must be an integral part of decision making—a daily tool that would be consulted. It would be critical in guiding the future of the County toward realization of the vision stated in the plan. The implementation program would provide a schedule of actions necessary to implement the strategies, recommendations of each element of the plan and make recommendations for regular review and updating the plan. The plan was not intended to be just a moment in time type of document. The plan would be expected from that point forward to be at least evaluated annually for adjustments (demographic, economic, etc.). It would need to be reviewed to update it significantly every 3, 5, 10 years.

In conclusion, Mr. Beagle stated if the two items moved forward, the comprehensive plan would involve a lot more hands-on time by his department than the BCC. He felt the BCC would almost be self running but would provide support to the BCC. These would be the two major initiatives from 2016 and 2017 that would involve Planning staff and the Planning Commission.

Adjournment:

Ms. McKenzie recognized and thanked Mr. Lynn Marolf for his service on the Planning Commission. To show their appreciation, a certificate would be sent to Mr. Marolf.

Ms. Johnson moved to adjourn, seconded by Mr. Appelhanz. A unanimous voice vote declared the public hearing be adjourned, which was at 6:48 p.m.