

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION**

**Monday, May 14, 2018 – 6:00 PM
Shawnee County Annex**

Roll Call and Announcement of Hearing Procedure: Judy Moler, Chair, called the meeting to order at 5:59 p.m., reviewed the hearing procedure and asked for roll call to be taken.

Members Present: Judy Moler, Matthew McCurry, Chad Depperschmidt, Brian Aubert, Jake Fisher and Christi McKenzie. With six members present, a quorum was established and the meeting was called to order.

Members Absent: Jerry Desch.

Staff Present: Barry T. Beagle, Planning Director; Joelee Charles, Administrative Assistant; Joni Thadani, Assistant County Counselor.

Approval of March 12, 2018, Public Hearing Minutes: Ms. Moler indicated the minutes were not yet complete.

Communications: Mr. Beagle indicated they were provided copies of Chapters 5 and 6 as well as Issue Papers relative to some of the questions.

Ex Parte Communication by Members of the Commission: None were indicated.

Declaration of Conflict of Interest by Members of the Commission or Staff: None were indicated.

Zoning and Subdivision Items:

1. **CU18/01 by Rural Water District #8** seeking a Conditional Use Permit to establish a public use facility on property zoned "RR-1" Residential Reserve District and located at 3260 SE Tecumseh Road in Tecumseh Township.

Ms. Moler asked if the applicant wanted to make a presentation.

Grant Peters, General Manager, Rural Water District #8, 3260 SE Tecumseh Road, Tecumseh 66542.

- Needing a new building to store new equipment.
- The existing building was built in 1974 without a Conditional Use Permit.
- Existing building will be painted to match the new building.

There were no questions for the applicant. With no one to speak against or in favor, Ms. Moler asked for a motion.

Ms. McKenzie moved to approve the Conditional Use Permit with the noted conditions, Mr. Fisher seconded the motion. There were no additional questions or discussion. With a vote of **6-0-0**, the Conditional Use Permit was **approved**.

2. **CU18/02 by Dale L. & Jerri D. Parnell** seeking a Conditional Use Permit to establish a Reception, Conference & Assembly Facility on property zoned "RR-1" Residential Reserve District and located at 4834 SE 37th Street in Tecumseh Township.

Ms. Moler stated the applicant requested the case be moved to the June meeting. Mr. Aubert moved to continue CU18/02 to the June meeting, seconded by Ms. McKenzie. There was no discussion. With a vote of **6-0-0**, CU18/02 will be **continued** to June.

3. **CU18/03 by J W Congregation Support Inc.** seeking a Conditional Use Permit to establish a Reception, Conference & Assembly Facility on property zoned "RR-1" Residential Reserve District and located at 3835 NW 43rd Street in Soldier Township.

Ms. Moler stated the applicant withdrew their request.

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Public Comment on Non-Agenda Planning and Zoning Items: None were indicated.

Discussion of Planning Related Issues:

Discussion of Comprehensive Plan

Ms. Moler stated they would first hear the review on Chapter 5.

Mr. McCurry provided his review and comments on Chapter 5. He indicated there were only a few changes. The changes noted were as follows:

- Cover Page—In the third sentence, change “~~are~~” to is.
- Page 113—In Figure 5.10, change “~~Tenture~~” to Tenure.
- Page 120—In the fourth bullet point in the left column, change “~~ensure~~” to ensures.
- Page 120—In the last sentence in the second paragraph in the left column, change “~~are~~” to is.
- Page 121—In Figure 5.18, change the title to: ~~Projected Housing Development Demand—All Shawnee County~~ Guided Growth Scenario.
- Page 122—In the second sentence in the second paragraph in the left column, change “~~have~~” to has.

Mr. Beagle stated Mr. McCurry’s response to question #32 was put in an Issue Paper format. Issue Papers were also prepared for questions #33-#35. Mr. McCurry indicated some of the questions dealt with cost and he didn’t feel he could answer those. Mr. Beagle stated questions regarding manpower and cost were repeated through all of the chapters and he referred back to the response to question #3. Attached to that response was a document he submitted to the County Commission last year titled, “Shawnee County Comprehensive Plan Anticipated Cost to Implementation”. Two potential costs associated with plan implementation include a one-time cost of approximately \$100,000 to rewrite the zoning and subdivision regulations; and, the hiring of an entry-level Planner at an estimated salary of \$40,000-\$45,000 not including benefits. The Planner would complete day-to-day projects and help with data collection then he would be able to deal with the more substantive issues within the plan. He also mentioned the goals listed at the end of each chapter were repeated in the implementation matrix. The matrix specified a time frame for the completion of each task, the different stakeholders who would be involved and the nature of the action, whether it was setting policy, dealing with new regulation, etc. The realization for each of the different strategies was not expected to occur at the same time. Some would be short term or long term which would be realized toward the end of the twenty year horizon of the plan. The work would be constant to implement the plan through the different items that were outlined in the implementation matrix.

Mr. McCurry explained his response to question #32. Ms. McKenzie suggested changing the first reference of “city” to “cities” since all of the cities in the county have low-income housing. She also suggested changing the last reference to “city” as “City of Topeka”.

Mr. Beagle stated Question #33 also was addressed as part of question #3 in the document he previously submitted to the County Commission. He provided details of the proposed building code program in response to question #34. The County Commission first appointed a building code exploratory committee that concluded a building code would be beneficial to the county and its citizens. Following that, a building code committee was appointed with a time frame of one year to recommend adoption of building codes as well as a building code program. One of the major criteria set by the County Commission was the proposed building code program would be self supporting with no taxpayer footprint. The committee’s recommendation suggested a two phase approach since the building code program could not be fully implemented and be self supporting. First, the building code would be adopted along with the creation of an Affidavit of Code Compliance. Anyone filing a building permit application would sign the form to

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acknowledge the codes were in place and they would build in accordance with the codes. A building code program fund would also be created to receive all permit fees collected. Currently, any permit fees collected go directly into the General Fund and are not realized as part of the Planning Department's budget. It was determined that it would take approximately three-years to collect the funds necessary to get the program running. Through phase one, the department would continue to operate until the program fund reached \$300,000. At that point, phase two would begin and the funds would then be used to hire staff and equip the office to get it set up and functional. An administrative assistant, a chief building official and a combination inspector would form the Building Code Services division. With the staff in place, fees would still continue to go into the building code program fund to support the program. Through the committee's analysis, the program would be self sufficient without involving taxpayer dollars. If the fees accumulated in the building program fund exceeded the program's annual budget, those funds could be used for lean years when there might not be as much activity generating the fees. The County Commission adopted the building codes and implemented the Affidavit of Code Compliance but did not set up a building code program. Anyone who submits a building permit application must file the Affidavit of Code Compliance. If there is a dispute between the contractor and homeowner with regard to the quality or nature of the construction, it would be a private cause of action by those two parties to settle whether the code was violated or not. As stated previously, no "seed money" or county resources were going to be used. The \$300,000 would be provided through building permit fees and be the seed money. From day one, the program would be self supporting because it was going to be fee based.

Mr. Aubert asked for additional information. Mr. Beagle stated the plan was suggesting that we should have a building code program. He provided the background information for them to understand the County Commission's question and what they were seeking.

Mr. Beagle provided details regarding Issue Paper #35 which dealt with housing goal #3. He provided the complete text of that goal so they could understand the full context of what that goal is stating.

Ms. McKenzie asked about what style of development was referring to. Mr. Beagle said the question concerning "style" in Issue Paper #35 was an odd way of saying it. Style is referring to different patterns and densities of development. Urban style of development is the most dense like within the City of Topeka; suburban development is typically from half acre lots up to three acres; exurban development is the typical three acre lots out in the unincorporated area; rural development which is throughout the rural agricultural portion of the county; and, then village development which is referring to unincorporated towns recommended as small town growth areas. Development was also being accommodated in different areas through different needs. Those were the style or types of development.

Mr. Aubert wanted to know which style would be picked for each area. He knew they had established the areas in the plan. He couldn't see how this was possible with where they were today. Ms. McKenzie thought from this point maybe it could be better. So there wouldn't be crazy developments.

Mr. Aubert was concerned about how to continue and what should be allowed. He thought they were dictating where certain types should be placed.

Mr. Beagle stated the Planning Commission needed to make sure the Issue Papers reflect their viewpoints and attitudes. Ms. McKenzie thought they needed to come to some consensus. They were saying they were responses from the Planning Commission.

Mr. Aubert offered to come up with something and send it to Mr. Beagle. Mr. Beagle said in regard to the Issue Papers, he in no way envisioned that they were going to accept his words on paper, *carte blanche*. He expected them to go through each one and make sure what it reads is what they agree with. If they disagree, it needed to be changed. They would need to work on coming up with a response to that question. He offered to assist if needed. He thought there may be some questions that they may be split

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on. It would then represent a majority or a minority that felt one way or another and they were representing all the different sides of the question.

Ms. Moler suggested they could discuss the Issue Papers at the meeting in two weeks.

Mr. Aubert stated he had a few more changes to go over on Chapter 6 as follows:

- Page 130--In the first paragraph in the left column, change it to: Existing conditions for Shawnee County ~~include~~ can be analyzed by investigating its income, labor force, educational attainment, and jobs and industry.
- Page 131—Change “Figure” to FIGURE.
- Page 132—In the last sentence of the second paragraph in the left column, add a at the end of the sentence.
- Page 132—In the second sentence of the second paragraph in the middle column, change “~~loses~~” to losses.
- Page 133—In the first sentence of the first paragraph in the left column, change “~~informing~~” to forming.
- Page 133—In the last sentence of the last paragraph in the left column, add the following at the end of the sentence: in the manufacturing, construction, and education industries.
- Page 134—In the first line of the first paragraph in the right column, remove the following: ~~in the manufacturing, construction, and education industries~~.
- Page 135—In the third sentence of the first paragraph in the left column, change “~~lose~~” to have lost.
- Page 135—In the last sentence of the first paragraph in the left column, change “~~Government~~” to government.
- Page 135—In the second sentence of the last paragraph in the left column, change “~~job~~” to jobs.
- Page 135—In the title of FIGURE 6.10, add Government before Jobs, delete “~~by industry,~~” and change “~~Government~~” in the table to Total Government.
- Page 136—In the last sentence in the second paragraph of the middle column, change “~~county’s~~” to County’s and add a . at the end of the sentence.
- Page 136—In the first sentence of the first paragraph of the right column, change “~~is~~” to are.
- Page 136—Change the last sentence of the first paragraph of the right column to: These sectors, directly and indirectly, ~~direct, indirect, and induced effects~~ contribute roughly 29 percent of the county’s economy.
- Page 137—In the first sentence of the first paragraph of the left column, delete the “~~;~~” after County and add a . after Topeka.
- Page 139—In the first sentence in the first paragraph of the left column, replace ~~Currently,~~ to As of 2017,
- Page 139—In the first sentence in the second paragraph of the left column, add the after in.
- Page 139—In the second sentence of the second paragraph of the left column, change “~~retailers~~” to retailers’.
- Page 139—In the last paragraph of the left column, change “~~&~~” to and.
- Page 139—In the first sentence of the first paragraph in the middle column, add may after initiatives.
- Page 139—In the fourth bullet point in the middle column, change it to: Small ~~B~~business ~~A~~awards.

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- Page 139—In the last paragraph in the middle column, change “KANZA” to Kanza.
- Page 139—In the first sentence of the second paragraph in the right column, change “to” to too.
- Page 140—In Item 1 in the second column, change “~~skillset~~” to skill set.
- Page 140—In the first sentence of the first paragraph of the right column, change the “&” to and.
- Page 140—In the second sentence of the last paragraph of the left column, change the “&” to and.
- Page 142—Before the last paragraph in the right column, add a space to separate paragraphs.
- Page 143—The second sentence of the paragraph in the right column should be changed to: The Oregon and California Trails traversed Shawnee County from ~~east-to-west-to-east~~, roughly along the alignment of US-40 Highway east of Topeka and US-24 Highway west of Topeka.
- Page 143—In the third sentence of the paragraph in the right column, change “were” to was and “ferry’s” to ferries.
- Page 144—Add Item 3 under ED-3 as follows: Foster and support a local food movement Encourage/support development of community-based food systems to help support Shawnee County’s agricultural industry, increase access to locally produced fruits and vegetables, and encourage residents to keep their food dollars here in the county.

Mr. Aubert reviewed the County Commission’s questions as related to Chapter 6.

Ms. Moler reminded them to review the Issue Papers and the next meeting will be May 22 at 5:30.

Adjournment:

Mr. Fisher moved to adjourn, seconded by Mr. Aubert, a unanimous voice vote declared the public hearing be adjourned, which was at 7:20 p.m.