

HOME RULE RESOLUTION NO. 2003-14

**A RESOLUTION ESTABLISHING THE SHAWNEE COUNTY PLANNING COMMISSION
AND THE SHAWNEE COUNTY PLANNING DEPARTMENT**

SPONSORED BY CHAIRMAN MILLER

WHEREAS, The City of Topeka, Kansas has adopted Ordinance 18094 withdrawing from the Topeka-Shawnee County Metropolitan Planning Commission and the Topeka-Shawnee County Metropolitan Planning Department effective October 1, 2003; and

WHEREAS, K.S.A. 12-744(a) grants a board of county commissioners the authority to create a planning commission for the county; and

WHEREAS, The Board of County Commissioners of the County of Shawnee, Kansas desires to establish a planning commission and planning department for the unincorporated area of Shawnee County.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Shawnee, Kansas, sitting in regular session on this 6th day of October 2003, and intending to exercise its powers of home rule legislation pursuant to K.S.A. 19-101a, does hereby resolve as follows:

Section 1. Shawnee County Planning Commission

- (a) **Commission Created.** There is hereby created and established a body which shall be known as the Shawnee County Planning Commission. The Shawnee County Planning Commission shall assume all powers, duties, responsibilities and functions provided by

the laws of the state of Kansas and resolutions of The Board of County Commissioners of the County of Shawnee, Kansas.

(b) **Membership of Commission.** The planning commission shall consist of seven members who shall be appointed by the Board of County Commissioners. Each County Commissioner shall select two members who shall reside in said Commissioner's district. The seventh member shall be selected by the Board of County Commissioners en bloc.

(c) **Terms.** In order to insure that the terms of not more than two (2) members expire at the same time, the terms of the initial appointees to the planning commission shall be staggered as follows: Two (2) members shall be appointed to one (1) year terms; Two (2) members shall be appointed to two (2) year terms; Three (3) members shall be appointed to a three (3) year term. The Chair of the Board of County Commissioners shall select which members shall serve which terms. Thereafter, all appointments to the planning commission shall be for a term of three years. All terms shall commence and be effective in January of each year; provided, that all members shall continue to serve until their successors are appointed or until such member has been reappointed.

(d) **Functions.** For property located in the unincorporated area of Shawnee County, the planning commission shall be authorized to:

- a. Approve subdivision plats,
- b. Make recommendations to the Board of County Commissioners on amendments to zoning regulations,
- c. Make recommendations to the Board of County Commissioners concerning planning issues, including, but not limited to: Comprehensive Plan, Subdivision

Regulations, Zoning Regulations, Transportation, Neighborhood Revitalization,
Capital Improvements,

- d. Perform other functions as are authorized by state law and county resolutions.
- (e) **Meetings.** The Shawnee County Planning Commission shall convene for its first meeting at such time and place as shall be fixed by the chairperson of the Board of County Commissioners and shall thereupon proceed to organize, adopt by laws, elect officers and determine times and places of future meetings, which meetings shall not be less frequent than four (4) times each year. Special meetings may be called by the chairperson of the planning commission, or, if absent, by the vice-chairperson, on not less than three (3) days notice, such notice to be by mail sent to the address given to the secretary of the planning commission by each member. The Shawnee County Counselor shall provide legal representation to the planning commission and attend its meetings.
- (f) **Quorum and Voting.** A quorum of the planning commission shall consist of four members. Except as otherwise provided by state law requiring a higher number of votes, any matter requiring approval by the planning commission or a recommendation to the Board of County Commissioners shall require the affirmative votes of not less than a majority of the quorum present at such meeting of the planning commission. Matters pertaining only to the administration of the planning department shall require only a simple majority vote of the quorum as set out in this section. The secretary shall record all votes taken by name, indicating whether the member voted in the affirmative, the negative or abstained. A copy of such record shall be transmitted to Board of County Commissioners following each meeting of the planning commission. The planning

director shall serve as secretary to the planning commission and shall cause a proper record to be kept of all proceedings of the planning commission.

Section 2. Shawnee County Planning and Zoning Department.

- (a) **Department Created.** There is hereby established and created the Shawnee County Planning and Zoning Department which shall act as staff of the Shawnee County Planning Commission.
- (b) **Planning Director: Appointment, Qualifications and Termination.** The director of such department shall be known as the planning director and shall be appointed by the Board of County Commissioners. The planning director shall have a bachelor's degree from a college or university in municipal planning, civil engineering, architecture, landscape architecture, or other related field, plus five (5) years of planning experience, or in the alternative, a master's degree in city or regional planning which shall be deemed the equivalent of two years of planning experience. The termination of the planning director's employment shall require a vote of the majority of the County Commissioners.
- (c) **Planning Director Functions.** The planning director is authorized to employ, and terminate the employment of all other employees of the planning department as he or she may deem necessary to the expeditious handling of the department. The planning director shall be responsible for developing, directing, implementing and administering the short and long range planning programs to insure orderly growth in the unincorporated area of Shawnee County. The planning director will oversee and supervise what was formerly known as the Shawnee County Zoning and Development Office, including the Zoning Administrator. The planning director shall promote efficient use of County resources in

compliance with resolutions, state statutes, policies and procedures pertaining to land use, development, zoning, and economic development. The planning director shall serve as secretary to the planning commission and perform the functions set forth in Section 1 above. The planning director shall perform other functions as directed by the Board of County Commissioners.

Section 3. Other Provisions.

- (a) This resolution supersedes any other resolution in conflict herewith.
- (b) This resolution shall become effective upon publication in the official County newspaper.



BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS

Vic Miller

Vic Miller, Chairman

Theodore D. Ensley

Theodore D. Ensley, Vice-Chairman

Marice A. Kane

Marice A. Kane, Member

ATTEST:

Cynthia A. Beck

Cynthia A. Beck, Shawnee County Clerk

APPROVED AS TO FORM AND LEGALITY
BY THE SHAWNEE COUNTY COUNSELOR'S OFFICE
DATE *10-06-03* BY *[Signature]*