

Approved: 3.18.97  
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on March 13, 1997, in Room 521-S of the Capitol.

All members were present except: Representative Kenny Wilk, Excused

Committee staff present: Mary Galligan, Legislative Research Department  
Mike Heim, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Mike Taylor, Wichita  
Ernie Mosher, Topeka  
Marvin Krout, Planning Director, Sedgwick County (written only)  
Terry Boswell, Development Assistance Director (written only)  
Melissa Wangemann, Legal Counsel, Deputy Assistant Secretary of State

Others attending: See attached list

Chairperson Glasscock opened the Public Hearing on **SB 232**.

**SB 232 - An act concerning cities and counties; relating to planning and zoning; relating to the powers and duties of the planning commission; amending K.S.A. 12-504, 12-505, 12-745, 12-747, 12-752, 58-2613 and 58-2614 and repealing the existing sections.**

Chairperson Glasscock welcomed Mike Taylor, Wichita, who presented the testimony of Marvin S. Krout, Planning Director. The testimony supported **SB 232** and summarized the intent of the following bill's provisions: 1) Amend 12-745 to allow a planning commission to delegate authority for reviewing platting and zoning cases to a subcommittee; 2) Amend 12-745 and other sections to allow a majority of those planning commissioners present and voting to be sufficient for all actions, except for adoption and amendments to the comprehensive plan and amendments to zoning or subdivision regulations; 3) Amend 12-752 to allow more than just two lots to be created from a platted lot by administrative "lot split" procedures, for commercial and residential as well as industrial purposes; 4) Amend 12-504 and 58-2613 on "vacations" to allow publication of one notice only for hearings on vacation cases and to clarify that the consent of an owner abutting a right of way or easement to be vacated is only required if the area to be vacated extends onto that owner's property, and to enable governing bodies to delegate the responsibility for holding the required public hearings to planning commissions. (Attachment 1.)

In response to Mr. Taylor's comment that **SB 232** would help the taxpayers, Representative Jonathan Wells inquired as to how it would help the taxpayers? Mr. Taylor said that it would save tax dollars by streamlining the process and by requiring less staff time.

Mr. Taylor also shared the written testimony of Terry Boswell, Development Assistance Director. (Attachment 2.)

Representative Gwen Welshimer inquired as to whether the city has some rules and regulations in writing, and Mr. Taylor said that the city did not, but that it is sort of an unwritten practice.

Representative Deena Horst asked Mr. Taylor if the change in the publishing in the newspaper once would cause any objection? His reply was that it is consistent with other public hearings in the statutes.

Chairperson Glasscock welcomed Mr. Ernie Mosher, Topeka Shawnee County Planning Commission, who spoke as a proponent for **SB 232**. He said that **SB 232** would enable expeditious actions which would allow more time for planning. He said that the bill is needed and that a study/task force met last summer

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 13, 1997.

dealing with expediting the process. He called attention to sections 1 and 6. Mr. Mosher said that the process of making vacations more uniform was a way to give staff and commission members more time for planning. He had a suggested amendment to put in the Kansas Register rather than the Statute book. (Attachment 3.)

Since there were no other conferees, the Chair closed the Public Hearing on SB 232.

Chairperson Glasscock opened the Public Hearing on SB 267.

**SB 267 - An act concerning publication of documents in Kansas register; relating to duties of secretary of state; amending K.S.A. 75-431 and repealing the existing section.**

Chairperson Glasscock recognized Melissa Wangemann, Legal Counsel to Secretary of State, who spoke as a proponent for SB 267. She said that SB 267 would amend K.S.A. 75-431 concerning the duties of the Secretary of State in publishing the Kansas Register, the official state paper published by the Secretary of State. The Secretary of State requests this be amended to allow the Secretary of State to destroy the original document after 6 months retention. She said that the information will not be lost or destroyed since it is in the Kansas Register. (Attachment 4.)

Representative Ray Cox made a motion to pass SB 267 out favorably and place on the Consent Calendar. Representative Ruby Gilbert seconded.

Discussion following concerning the 6 month verses 1 year; however, Melissa Wangemann explained that in the last ten years, no one has requested to review the records.

The question was called, and the motion passed.

The Chair asked the Committee to turn its attention back to SB 232.

Representative Jonathan Wells made a motion to pass SB 232 out favorably for passage, and Representative Gwen Welshimer seconded.

Representative Gwen Welshimer made a substitute motion to amend SB 232 to change the effective date from the Statute book to the Kansas Register, and Representative Gilbert seconded. Motion passed.

Representative Gerry Ray made a motion to make a technical adjustment adding the word "in" back into the bill on page 7, line 21. along with the following three other technical adjustments suggested by Theresa Kiernan, Advisor: on page 3, line 13, insert governing body adopts by ordinance or resolution; page 7, line 23, notice being published no sooner than 10 and no more than 20 days before the hearing, and the effective date from statute book to Kansas Register. Representative Ray Cox seconded, and Motion passed.

Representative Jonathan Wells moved to pass out SB 232 as amended marked favorable for passage. Representative Herman Dillon seconded. Motion passed.

The Chair reminded the Committee that the Campaign/Finance Subcommittee would be meeting on Friday, March 14, in Room 521-S at 9:00 a.m.

The meeting adjourned at 10:00 a.m.

The next meeting is scheduled for March 17, 1997.





METROPOLITAN AREA PLANNING  
DEPARTMENT

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March 12, 1997

**TO:** Members of the House Governmental Organizations and  
Elections Committee

**FROM:** Marvin S. Krout, Planning Director

**SUBJECT:** SB 232

Local governments today are facing massive and continuing changes, brought about by external as well as internal pressures. If they do not respond to those changes, they are likely to lose their competitive edge, their local economies will decline, and their citizens will "vote with their feet" and abandon them for other, more responsive communities.

To respond effectively, governmental officials are attempting to become stronger participants in evolving "partnerships", to appreciate the unifying cry of "customer service", and to overhaul the old roles and structures and replace them with new ones that better fit the times.

For public sector planners, defining the "customer" is not simple. We have customers inside the organization -- city managers, elected officials, other departments and agencies, and in the community -- developers, builders, realtors, the neighbors who are impacted by new developments, and the general public. Unfortunately, it is not unusual for some of our customers to be in conflict with each other, and so much of planners' work involves sorting out and mediating between conflicting goals and agendas.

But we know that there are some ways in which we can make the development process less complicated and less time-consuming, and that should benefit all parties concerned. The MAPD has been looking at ways to modify our zoning and subdivision process to do that. Some of the solutions do not require changes in the state planning statutes, and we have already implemented those. We offer a "one-step" subdivision process in place of the traditional "preliminary" and "final" plat

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Attachment 1

requirements in most communities' regulations. We have expanded administrative discretion in our zoning code for many minor adjustments, rather than sending people through our Board of Zoning Appeals, and we have identified other items that can be approved by our local planning commission and do not need to be sent on to the governing body for a second approval.

The state planning statutes provide a good measure of flexibility already in allowing us to provide the "streamlining" that we have already accomplished. But we have identified a number of areas where further streamlining efforts might be viewed as conflicting with the statutes. In order to be on safe legal ground with these efforts, we are requesting several changes in SB 232. The bill also includes several changes which we regard as "clarifying" the intent of the planning statutes. Although most of these changes are quite minor, we think the cumulative effect of these changes could significantly improve the image of local government as being customer-friendly.

As we have learned from the private sector, the "one size fits all" mentality no longer works. Communities in Kansas should be allowed to design processes which may differ somewhat, while still achieving the basic purpose and intent of the planning statutes -- which is to achieve orderly and efficient development, while meeting the requirements of due process. The City of Wichita's bill would allow for some "custom tailoring" of certain processes in order to best fit our community's needs. In all cases, we are simply attempting to "enable" Wichita and Sedgwick County, or any other interested community, in doing more custom tailoring. Nothing in this bill would dictate that any local community change its current way of doing business. In order to make any changes to the current locally-adopted process, the local community would need to formally vote to amend their local regulations and policies.

We have been developing the proposals in this bill for over a year. In fact, most of the provisions in this bill were prepared last year, but we were not able to get it introduced in time for last year's session. These proposals have been discussed with our local planning commission, the governing bodies of Wichita and Sedgwick County, representatives of the local homebuilders' association, and the legislative committee of the Kansas Chapter of the American Planning Association. They have met with a positive reception to date, as far as we know. We did have some concern initially from our local homebuilders about local details regarding the proposal to delegate responsibility for approving plats to a subcommittee of our planning commission. But we outlined how the bylaws of the committee and the local subdivision regulations would probably need to change, and the process for approving those changes, and we understand that the association is now fully in support of all the changes.

Let me summarize the intent of the bill's provisions:

1. Amend 12-745 to allow a planning commission to delegate authority for reviewing platting and zoning cases to a subcommittee. Like many planning commissions around the country, we hear the complaint from our local commission that they are more of a "zoning" commission than a "planning" commission. The idea behind this proposal is that a local community could decide to delegate the responsibility for reviewing individual property requests to subcommittees of the planning commission, which would free up more time for the commission as a whole to discuss more "big picture", long-range planning issues.

In Wichita-Sedgwick County, our planning commission is made up of 14 members; that is a size which could really gain some efficiencies by dividing up some of its responsibilities to subcommittees. In fact, our planning commission already has a subcommittee -- the Subdivision Committee -- which does most of the detailed review of plats. Nearly all of the time, their recommendations are merely "rubber-stamped" by the full commission on the following week. We can save one week in time, and reduce the administrative and consulting costs associated with this process, by allowing the subcommittee to approve plats. The bylaws and local subdivision regulations would need to be modified to implement this change. In that process, issues such as membership of the subcommittee, quorum requirements, rights of appeal, etc. will need to be addressed.

2. Amend 12-745 and other sections to allow a majority of those planning commissioners present and voting to be sufficient for all actions, except for adoption and amendments to the comprehensive plan and amendments to zoning or subdivision regulations. Before the state planning statutes were overhauled in 1992, all actions of planning commissions except for approval of the comprehensive plan required only a majority of those commissioners present and voting. Kansas planners who were involved in the 1992 overhaul of the planning statutes concur with me that the voting requirements for planning commissions were changed inadvertently at that time. Under the current statutes, if 8 of our 14 members are in attendance, and a vote to approve a plat receives a 7-1 vote, that plat is not considered approved, because plat approvals require 8 votes (a majority of the entire membership). While there may be some merit to a requirement for a majority of the whole on major items such as the comprehensive plan or amendments to the regulations, our planning commission and governing bodies feel that this requirement is unjustified when applied to changes affecting individual properties. This change will not affect the "protest" provisions for zoning change requests, by which a 3/4 vote is required to override the protests of owners of 20% or more of the land surrounding the area of request.

3. Amend 12-752 to allow more than just two lots to be created from a platted lot by administrative "lot split" procedures, for

commercial and residential as well as industrial purposes. The statutes currently allow administrative "splits" of already platted lots for industrial purposes, but not for commercial or residential purposes. In our administrative process, staff reviews a "split" in the same way that we would a "re-plat", in terms of planning requirements. Property owners may be required to dedicate right of way or easements, establish new setbacks or access controls, guarantee the extension of services to the new tracts being established, etc. Developers should be able to save some money and time by avoiding the standard "re-plat" process now required.

4. Amend 12-504 and 58-2613 on "vacations" to:

- allow publication of one notice only for hearings on vacation cases. This would make publications requirements consistent with the requirements for zoning and other public hearings in the statutes, reduce time for the applicants, and reduce costs for local government.

- clarify that the consent of an owner abutting a right of way or easement to be vacated is only required if the area to be vacated extends onto that owner's property. We believe this is the intent of the current statutes, but it is not clear. We do not think it is necessary to obtain the consent of a neighboring property owner, for example, in order to vacate the outer 2 feet of a 20 foot utility easement that is entirely on one property.

- enable governing bodies to delegate the responsibility for holding the required public hearings to planning commissions, subject to final approval by the governing body. Although it is not required by the statutes, our planning commission has the responsibility for reviewing all proposed vacation requests. By policy, although not required by the statutes, we do provide notice of the planning commission's consideration of vacation requests to potentially affected neighbors. It would make sense in our case for the planning commission, which originally approved the plat from which the vacation is requested, to be the focus of discussion for vacation requests, just like the statutes provide for planning commission hearings on rezoning requests.

I hope this summary assists in your consideration of the City's proposed amendments, and I would be pleased to respond to any questions or consider any additional suggestions that the Committee may have on this matter.



**Terry Boswell, Development Assistance Director**  
**Testimony on SB 232**  
**House Governmental Organizations and Elections Committee**  
**March 13, 1997**

## **CITY CUTS RED TAPE FOR REAL ESTATE DEVELOPERS**

The City of Wichita has taken a cutting-edge approach and is aggressively working to reduce bureaucratic hurdles faced by real estate developers.

The Development Assistance Center was established in 1995 for the purpose of streamlining the City's development processes and improving customer service. As one of the Center's initial efforts, customers from local development professions were interviewed about their experiences with the City's development-review processes. The length of time to process development projects was identified as a key area needing improvement. As a result, City Manager Chris Cherches set the goal to reduce the time it takes the City to approve plats and building plans by 33% while simultaneously improving customer service.

In response to this goal, two employee teams from the City's development-review departments have designed improvements to the subdivision and building plan review processes using common-sense business principles developed by General Electric. Through the G.E. method, each team documented their work processes, identified problems and solutions, determined time savings, and assigned staff as plan managers. Together, the teams integrated their plans to ensure seamless interdepartmental workings. The plans were presented to the City Manager and received his approval.

The key component of the improvement plans infuses PC-based technology into the City's development review processes. Commercial software available for this technology will increase efficiency and consistency in the review of land use and construction plans, save research time, and improve communications. Other improvements include reducing platting time, reconfiguring the work day for plan reviewers to maximize plan review time, enforcing minimum plan submittal standards, and improving communication between the City and customers.

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The technology component of the improvement processes has been adopted and is now being customized for installation this summer. We anticipate that the system will be fully operational in September 1997. The incorporation of PC-based technology and new integrative voice response system into the City's development review process has involved major contributions from customers in the architectural and engineering fields in terms of identifying their needs and tapping their expertise. The inclusion of the development, design, and building industries in our review and selection of a new electronic information management system is totally unique, based on staff's conversations with other cities that have gone through the technology review and selection process. Wichita plans to build on our strong partnering start to give our clients input/education on design, implementation and eventual remote site use of the new technology system.

To date, significant improvements in time reduction and customer service have already been documented without the benefit of the technology enhancements. For the review of construction plans, the improvements range from 66% to 89% reduction in plan review times. The range is due to the valuation categories of plan review (i.e. more complex and larger valuation projects typically require more review time. The 66% improvement was for plans in the category of between \$1-\$24,000, an 85% reduction has been documented for plans in the \$25,000-\$75,000 valuation range, an 89% reduction has been realized for plans in the \$76,001-\$250,000 valuation, and 76% reduction has occurred for plans over \$250,000 in valuation.)

For the review of plats and land-use issues, the savings in review time has been documented between 22-30% through the one-step plat process. Approximately 20% of the plats submitted in 1996 opted for the one-step method.

SB 232 was created as a direct response to a problem cited by customers. Its intention is to provide legislation which will reduce time and, consequently, costs associated with development projects for those customers who want this advantage as well as for the City. We know from conversations with our counterparts in other cities, that this approach is a novel one. It is the City of Wichita's initiative to improve service and responsiveness to the real estate development community and to reduce bureaucratic red-tape which can sometimes strangle a project.

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# CITY OF WICHITA DEVELOPMENT ASSISTANCE CENTER

September 1995

## MISSION STATEMENT

The Development Assistance Center will be the account executive for significant development projects.

*Its specific functions are to:*

- Serve as the initial point of contact with the City for significant development projects.
- Arrange optional preliminary application development conferences with the appropriate City agencies.
- Provide personalized schedules with time lines for developers and City agencies.
- Provide a central point of continued contact for the customer throughout the development review process in order to ensure that a) schedules are maintained, b) coordination issues are identified and resolved at the lowest possible level, c) provide a problem solving resource short of the quasi-legal appeals process for customers, and d) provide timely information to the City Manager so that he can keep the City Council informed on the progress and status of development projects.
- Coordinate public-private development project partnerships on behalf of the City Manager.
- Monitor the development review process to ensure that timeliness and quality are maintained.
- Provide a focal point for continuous improvement of the development process.
- Provide customer outreach and education services on timely development topics (i.e., contemplated revisions to City laws regarding development; interpretations and applications of code requirements).
- Establish and maintain regular communications with the development community and its groups, organizations and individuals.

# DEVELOPMENT ASSISTANCE CENTER DEPARTMENT SUMMARY

## Highlights of 1995:

- Surveyed over 40 U.S. cities on their organizational structures and policies and procedures that enhance development in their cities to glean ideas that could benefit Wichita.
- Made personal visits to jurisdictions in peer cities and others in high growth areas to view the development services departments. Sites visited in Florida were Tampa, Hillsborough County (Tampa area), Orlando, Brevard County, and Daytona Beach. Midwest cities visited include Des Moines, Kansas City (both Missouri and Kansas), Omaha, and Overland Park. Sonoma County, California was visited for a demonstration of the Sierra Software permitting and land use programs.
- Conducted confidential, personal interviews with 38 Wichita customers. Professions surveyed include architecture, engineering, development, contracting, real estate, and various professional associations.
- Management briefings of personal visits and local interviews were held for the City Manager, Assistant City Manager, and Department Heads during Summer 1995.
- Pre-application conferences for developers were created and piloted in August 1995.
- Regular developers' forum with key City staff was established. Wichita Area Builders' Association identified key areas of concern which have been, and continue to be, addressed through regular meetings.
- Contact with key publics has been established through speaking engagements and attendance at regular meetings of professional groups (i.e. Wichita Area Builders' Association, Wichita Independent Business Association, Associated General Contractors, Association of Realtors, American Institute of Architects, Kansas System Builders, Building and Owners Management Association, International Facilities Management Association, Business Advancement, etc.)
- Over 700 Central Inspection customers were invited to a customer briefing on development process improvements and were surveyed as to topics they desired the City to provide through workshops and seminars.
- Facilitated processes for staff from Central Inspection, Planning and other related departments to analyze their work processes with the goal of reducing processing times by 33% while improving customer service.
- Facilitated Planning, Central Inspection and other related departments in the development of action plans to implement reductions in processing times of development projects. The fifteen action plans have been, and continue to be, implemented. Final implementation is scheduled for 1996.
- Facilitated the resolution of disputes regarding the City's development requirements with local development customers.

To: House Committee on Governmental  
 Organization and Elections  
 From: Ed Lester, Lobbyist, City of Ogden  
 Re: SB 232, Planning Commission  
 Date: March 13, 1997

On behalf of the City of Ogden, and as  
 a member of the Ogden-Stanwood County  
 Metropolitan Planning Commission, I  
 appear in support of SB 232, with an  
 minor amendment.

As to Sections 1 and 6, to permit  
 the Planning Commission to make  
 recommendations as to vacation of land  
 reservations, it should be noted that  
 many such vacations are already  
 reviewed by the Planning Commission since  
 it is done by rezoning. It makes sense  
 that the City as County governing body  
 be authorized to use the planning  
 commission process, which is the  
 substance of these two sections.

The substance of Sections 3 and  
 4 is to permit the planning commission  
 to establish subcommittees, with  
 possible voting requirements changed to  
 make the subcommittee process realistic.

Planning Departments and Commissions  
 in growth areas are faced with three  
 kinds of pressures, somewhat in conflict:  
 (1) Expedite the process in a more user-  
 friendly environment; (2) Do more planning,  
 which is the principal reason planning  
 commissions exist, and (3) ~~to~~ <sup>to</sup> ~~in~~  
 consider prepared changes actions

in an open process with extensive procedural  
due process requirements. While these  
measures are not necessary in conflict, I  
can testify that the net result is to make  
planning our real job -- by itself --  
accomplish. The volume of zoning changes  
and subdivision processing takes first  
priority, and sometimes at the expense  
of planning.

### (Topic Study - Cont.)

Options:

- Present law requires zoning ordinances  
and amendments, and subdivision reqs. to  
be adopted by all members of the City  
or County governing body; the planning commission  
only recommends. Further subdivision regulations  
would require a majority of all members of the planning com, p 4.  
-- to amend, zoning changes or new  
zoning regulations would continue to  
require an approval vote of all members  
of the commission - Section 3 as a  
majority of members present would  
apply to specific properties.

Finally, as to voting, the amendment  
on line 16 and 17, page 3, makes it clear  
that, in addition to statutory requirements,  
the governing body may require a majority  
of all members voting even if state law  
permits a majority of those present, such  
as on votes to approve prepared subdivision.

As passed by the Senate, SB 232  
would permit the practical use of  
committees, thus expediting the process and  
permitting more planning, but still retaining  
due process requirements.

Frank, as to the changes on page 6, lines 33: 35. This would permit the planning commission to recommend, and governing body to adopt, subdivision regulations authorizing and establishing conditions for issuing Suburban permits for tracts within an existing subdivision. Please note that a majority of all members of both the planning commission and the governing body would be required under the bill and existing law.

### Example

In conclusion, I would note that my 31 years of working with cities, counties and towns and my recent experience as a planning commissioner makes me believe in a good city in the public interest. I will maintain due process and procedural requirements, expedite the process, and permit more time for planning.

The amendment we propose is to expedite the ~~act~~ effective date of the act. We would like to change its effective date from July 1 to publication in the Kansas Register.

Ron Thornburgh  
Secretary of State



2nd Floor, State Capitol  
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STATE OF KANSAS  
TESTIMONY TO GOVERNMENT ORGANIZATIONS  
AND ELECTIONS COMMITTEE ON SB 267  
MARCH 13, 1997

Mr. Chairman and Members of the Committee:

SB 267 would amend K.S.A. 75-431 concerning the duties of the Secretary of State in publishing the Kansas Register. The Kansas Register is the official state paper published by the Secretary of State. The Register contains all information required by law to be published in the Register, including acts of the legislature, executive orders by the governor, summaries of attorney general opinions, notices of hearings and public comment periods for administrative regulations, the Supreme Court and Court of Appeals dockets, and notices of bond sales and bond redemptions.

K.S.A. 75-431 requires that the documents delivered to the Secretary of State for publication in the Register be maintained permanently in original form or on microfilm in the Secretary of State's office. This information is published and contained in the Kansas Register, which is also saved and microfilmed on a permanent basis. The Secretary of State requests that K.S.A. 75-431 be amended to allow the Secretary of State to destroy the original document after 6 months retention. The information will not be lost or destroyed, as it is contained in the Kansas Register, which is a public record retained and made available for public inspection. The information can also be requested in its original form from the submitting agency.

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This amendment will reduce paper and unnecessary record keeping. Our office is in the process of microfilming or storing 65,000 pages of paper to comply with the law. Allowing us to recycle this paperwork instead would reduce our costs of microfilming or storing the documents and would alleviate the paperwork that will need to be moved when we move out of the Capitol.

I appreciate the opportunity to appear before you today on SB 267.

A handwritten signature in cursive script, appearing to read "Melissa A. Wangemann".

Melissa A. Wangemann, Legal Counsel  
Deputy Assistant Secretary of State