

AT A GLANCE

Applicant:
Timothy Ely

Case Number:
24-18

Location:
5929 Woodson Street

Project Name:
Cloud House Mural

Property ID:
KP27500000 0223B

Project Summary:
Applicant is requesting approval of a mural that has been applied to the exterior facade of the building.

Current Zoning:
MS2

Proposed Zoning:
N/A

Current Land Use:
General Office Building/Exercise

Staff Contact:
Karie Kneller, City Planner

Proposed Land Use:
N/A

Public Hearing Required

Legal Notice:
N/A



PROPERTY BACKGROUND AND INFORMATION

The subject property is at 5929 Woodson Street, on the east side of Woodson between Johnson Drive and Martway. The property is zoned “MS2” Main Street District 2. The operating business is an event space for weddings and gatherings, and also offers yoga and meditation classes. The existing structure is a former 2,356 square-foot single-family home built in 1940 on .16 acres. The Rock Creek Trail is located at the back of the property to the east. The entire property lies in the Rock Creek floodplain and is partially located within the floodway.

PROJECT PROPOSAL

The applicant has painted a cloud motif on the exterior north facade of the building, but did not submit a mural application prior to installation. The artwork applied to the structure wall is generally indicative of clouds in a blue sky backdrop. A Mural Application, along with required materials and maintenance plan, should be submitted to the Community Development Department for review prior to installation. All mural applications are forwarded to the Planning Commission for consideration.

Following the discovery that a mural was painted on the building facade, the Community Development Department advised the applicant that they should submit an application for mural approval through the Planning Commission, along with a maintenance plan for continued inspections, cleaning, repair, and protection. In September of 2024, the applicant submitted all necessary documentation with elevation renderings that show the existing mural placement on the building facade, a maintenance plan, and a resume that includes qualifications of the artist.

The maintenance plan outlines the following:

- Quarterly inspections to identify fading, chipping, peeling, or cracking of the artwork
- Bi-annual cleaning of the mural, with protective measures to avoid damage
- Paint touch-ups as needed following quarterly inspections
- A plan to quickly remove graffiti if needed
- UV-resistant sealant applied to the mural every two- three years
- Identification of structure damage such as water infiltration to prevent damage to the mural
- Funding allocation for routine maintenance, and tracking possible grant opportunities to support maintenance

PLAN REVIEW AND ANALYSIS

Murals are defined under Chapter 430 Signs in the Mission Municipal Code as “any mosaic, painting, or graphic art or combination thereof which is professionally applied to a building and which does not convey a commercial message.”

The City of Mission has established guidelines for murals, the purpose of which “is to permit and encourage exterior murals that are original works of art, and which foster a positive community identity and appearance. Murals are intended to contribute and advance streetscape aesthetics, architectural features or character of a building, promote unique identity and sense of place, and encourage community engagement.”

The guidelines include design standards. Murals shall be an original work of art and may be two-dimensional or three-dimensional. A qualified artist who has knowledge and experience in the design and execution of such projects shall design and install the mural. The design shall be of the highest quality for content, materials, and application. A mural must be appropriate for outdoor installation and not contain a logo, trademark, or commercial text that signifies a specific brand or contain material that is protected under copyright unless permission has been granted. Murals shall not contain symbols recognized as discriminatory against race, color, sex, age, religion, national origin, ancestry, disability, marital status, familial status, gender identity/expression, or sexual orientation, or symbols that could be construed as hate. Murals also shall not incorporate anything that could be considered inappropriate or indecent by the community.

The applicant and artist states they have been an artist in the Kansas City area since 1993. The applicant creates custom furniture, paintings, 3D sculptures and other custom art pieces. The applicant’s education includes graduation from the Paseo Academy of Fine and Performing Arts, and attendance at the Kansas City Art Institute and Johnson County Community College.

RECOMMENDATION

Staff recommends that the Planning Commission approve the existing mural and mural maintenance plan as submitted.

PLANNING COMMISSION ACTION

The Planning Commission will consider Case #24-18 at its November 25, 2024 meeting.

CITY COUNCIL ACTION

No Action.

mission Wall Mural Application Form

Kansas

Address of Property Where Mural is Proposed: 5929 Woodson st

Applicant

Name of Applicant: Timothy Ely

Address of Applicant: 5939 Woodson st, Mission, KS 66202

Phone Number: (913)972-8078

Email: humblefurniture@gmail.com

Applicant's Signature:



Property Owner


Owner of Property (if different from applicant): At Home Apartments

Address of
Owner:
Phone Number

	MI
	(In
	o

9134325247 .Email: dashm@aha-ks.com

I authorize the applicant to speak for me in matters regarding this application. Any agreement made by applicant regarding this proposal will be binding upon me. I authorize City of Mission representatives to enter the property for the purpose of observing the project to ensure consistency between approved proposal and completed project. Owner agrees that work will be performed exactly as approved, or they will apply for revisions prior to work beginning.



Property Owner's Signature:

(A signed letter from the owner acknowledging the proposed mural will serve as a substitute)

Artist Information

(Please provide a statement as to experience, credentials, and similar types of work completed)

Name of Artist: Timothy Ely

Address; 5939 Woodson st, Mission, KS 66202

Phone Number: (913)972-8078 Email: humblefurniture@gmail.com

(Over)

Description of Proposed Mural

(Please provide a colored rendering of the mural, preferably as it will appear on the building)

Clouds painted on the North side of the building.

7'8 3/4" x 34'3" approx 260 sf

Dimensions of Mural:

(height and length of mural and overall square feet)

Location on Building: North wall of building

(which wall of the building will the mural be placed and its relation to building elements)

Materials to be Used: Exterior house paint

Preparation of Wall: Scrape old paint, sand. Exterior primer applied.

Maintenance Plan for the Mural

A separate maintenance plan will be required with submittal of the application. The maintenance plan shall establish measures to discourage vandalism or facilitate an easier, less costly repair in such event. Such measures shall include, but not be limited to, preliminary wall preparation and/or pre-cleaning, priming, and curing; the use of proper paints, enamels or materials that best match the surface; and top coats, sacrificial layers, or graffiti coats that do not compromise the painting by yellowing or trapping moisture. Environmental considerations such as exposure to direct sunlight and moisture, and change in temperature should also be included in the plan. The Plan will be kept on file with the City. By submitting this application, the applicant consents to the removal of the mural at their cost if the maintenance plan is not fulfilled.

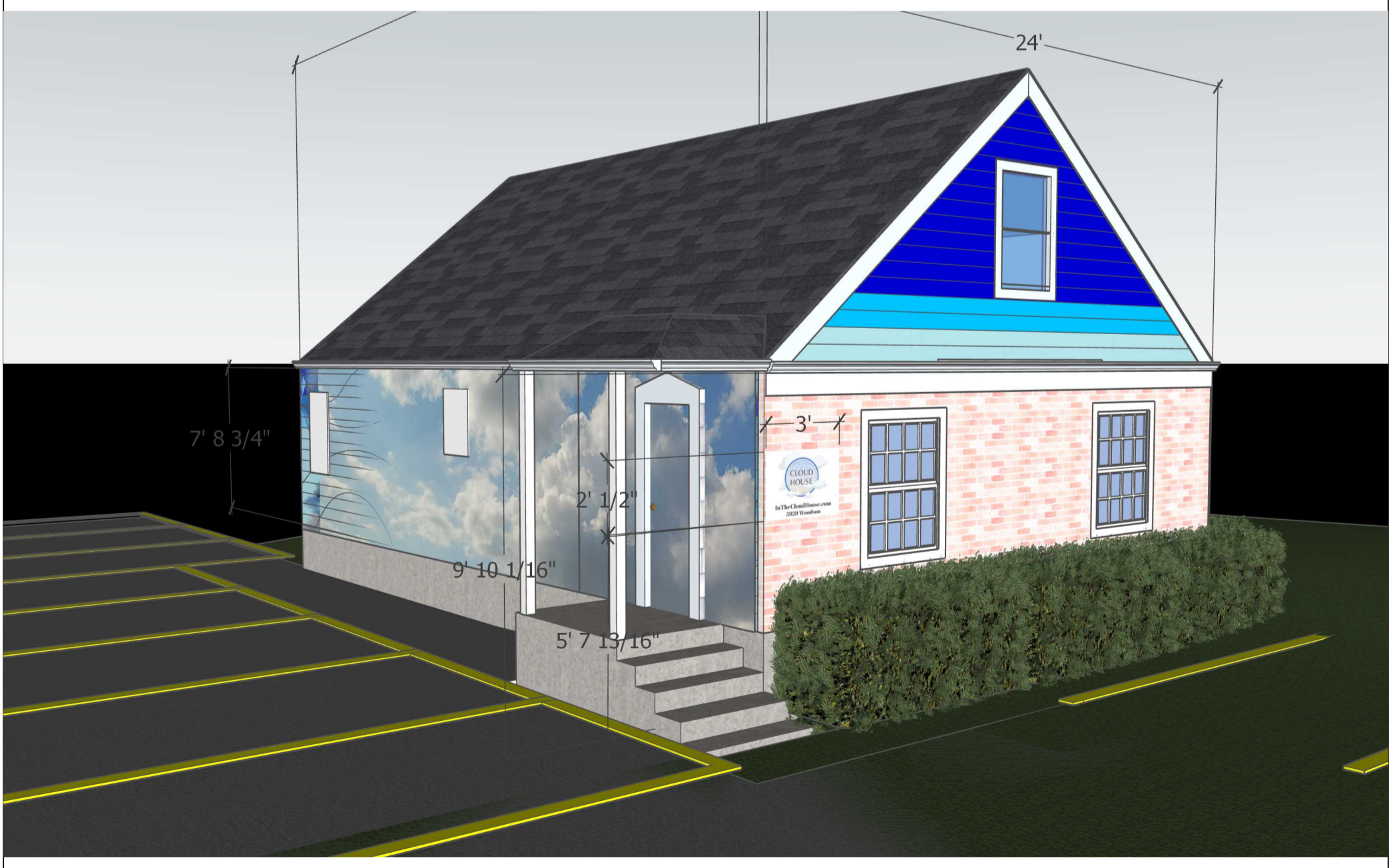
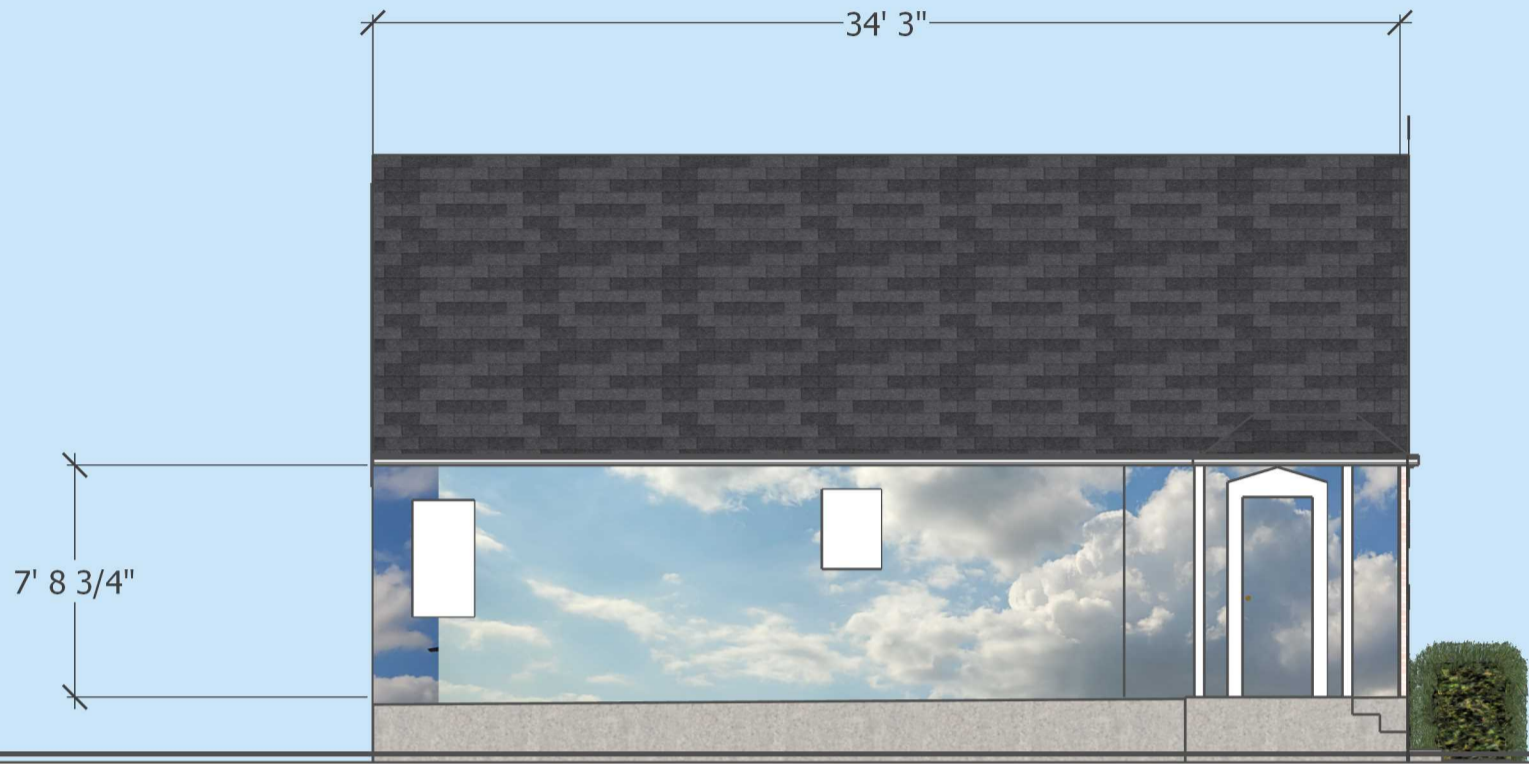
Internal Review

Reviewed By: _____

Date:

Planning Commission Case #: _____ Decision:

South View



1. Routine Inspections

- **Frequency:** Quarterly (every 3 months).
- **Details:** Conduct a thorough visual inspection to identify any signs of fading, chipping, peeling, or cracking. Pay particular attention to areas exposed to direct sunlight, rain, or other environmental factors.
- **Documentation:** Photograph and document any issues identified during the inspection, noting their location and severity.

2. Cleaning

- **Frequency:** Biannually (twice a year), ideally in spring and fall.
- **Method:**
 - Use a soft-bristle brush or a low-pressure water hose to gently remove dirt, dust, and debris.
 - For stubborn stains, mix mild detergent with water and apply using a soft sponge. Avoid harsh chemicals that could damage the paint.
- **Precautions:** Ensure that the cleaning method does not damage the paint or the underlying wall surface. Avoid power washing as it may cause paint to chip.

3. Paint Touch-ups

- **Frequency:** As needed, based on inspection results.
- **Preparation:** Lightly sand the area around any chipped or peeling paint to ensure a smooth surface.
- **Application:** Use the same type and color of exterior house paint originally used for the mural. Apply primer if necessary before painting. Allow each layer to dry completely before applying additional coats.
- **Documentation:** Record the date, location, and extent of any touch-ups performed.

4. Graffiti Removal

- **Procedure:**
 - Act quickly to remove graffiti to prevent further vandalism.
 - Use a graffiti removal product that is safe for painted surfaces, or paint over the affected area using the same type and color of paint.
- **Precautions:** Test any graffiti removal products on a small, inconspicuous area before applying widely to ensure it does not damage the mural.

5. Sealing and Protection

- **Frequency:** Every 2-3 years, depending on exposure to weather elements.
- **Method:** Apply a UV-resistant, clear acrylic sealant to protect the mural from fading due to sunlight. Ensure the surface is clean and dry before applying the sealant.
- **Precautions:** Select a sealant that is compatible with the existing paint and does not alter the appearance of the mural.

6. Repairing Structural Damage

- **Procedure:** If the wall or structure supporting the mural shows signs of damage (cracks, water infiltration, etc.), address these issues immediately to prevent damage to the mural. Engage a professional contractor if necessary.
- **Documentation:** Record any structural repairs and ensure they are aligned with the mural's preservation.

7. Annual Review and Community Involvement

- **Annual Review:** Once a year, conduct a comprehensive review of the mural's condition. Compare with previous inspections to track any changes or deterioration.

8. Budget and Funding

- **Budgeting:** Allocate funds annually for routine maintenance, unexpected repairs, and touch-ups.
- **Funding Sources:** Explore grants, donations, or partnerships with local businesses and organizations to support the maintenance of the mural.

This plan ensures the mural remains vibrant and continues to be a source of pride for the Mission, KS community for years to come.

Tim Ely Artist and Craftsman

Contact Information:

- Phone: (913) 972 - 8078
 - Email: humblefurniture@gmail.com
-

Summary: Versatile and experienced artist and craftsman with over 20 years of expertise in creating handcrafted custom furniture, paintings, and 3D sculptures. Skilled in working with reclaimed wood, oil, and acrylic paints. Exhibited artwork in multiple venues throughout the Kansas City area. Dedicated professional with a background in the United States Marine Corps, union carpentry, and piano tuning.

Professional Experience:

Independent Artist and Craftsman

Kansas City, MO

2004 – Present

- Create handcrafted custom furniture using reclaimed wood.
- Design and produce original paintings in oils and acrylics.
- Develop and construct 3D sculptures.
- Collaborate with clients to create personalized art pieces.

Union Carpenter

Kansas City, MO

2000 – 2005

- Worked on various construction projects, ensuring high-quality craftsmanship.
- Applied skills in carpentry to both residential and commercial projects.

Piano Technician/Tuner

Kansas City, MO

1993 – Present

- Provided piano tuning and maintenance services for a diverse clientele.
- Repaired and restored pianos, ensuring optimal sound and performance.

United States Marine Corps

Jet Mechanic

1994 – 1997

- Maintained and repaired jet aircraft to ensure operational readiness.
 - Conducted regular inspections and troubleshooting of mechanical issues.
 - Demonstrated strong technical skills and attention to detail.
-

Education:

Paseo Academy of Fine and Performing Arts

Kansas City, MO

Graduated 1993

- Double Major in Visual Art and Music

Kansas City Art Institute

Kansas City, MO

1993-1994

Johnson County Community College

Kansas City, MO

2000-2002

- *Construction management*
-

Skills:

- Handcrafted Custom Furniture
- Reclaimed Wood Projects
- Oil and Acrylic Painting
- 3D Sculpture
- Carpentry and Construction
- Piano Tuning and Maintenance
- Mechanical Skills
- Client Collaboration and Communication

Certifications and Training:

- Journeyman Carpenter Certification
- Piano Tuning and Repair Training
- Military Technical Training (Jet Mechanic)

Purpose

The purpose of these guidelines is to permit and encourage exterior murals that are original works of art, and which foster a positive community identity and appearance. Murals are intended to contribute and advance streetscape aesthetics, architectural features or character of a building, promote unique identity and sense of place, and encourage community engagement.

Applicable City Code

Section 430.020 of the Municipal Code of Mission defines Wall Murals as “Any mosaic, painting, or graphic art or combination thereof which is professionally applied to a building, and which does not convey a commercial message.” Section 430.050 further provides that certain signs are excluded from the City’s sign code (Chapter 430) including “Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights (Section 430.050(A)(5).”

Design Standards

- Murals shall be an original work of art.
- Murals may be two-dimensional or three-dimensional.
- Murals shall be designed and constructed under the supervision of a qualified artist/muralist or individual who has knowledge and experience in the design and execution of such projects, as well as the application of the selected medium.
- Murals must exhibit the highest quality design, content, materials, and application.
- Mural materials shall be durable and weather resistant to prevent premature deterioration, fading, or other unintended change in appearance.
- Mural materials must be appropriate for outdoor application with consideration for location, climate, weather conditions, longevity, and resistance to vandalism (including graffiti).
- Murals shall not contain a logo or trademark symbol, nor shall any mural include commercial text or products displaying, mimicking, or construed as symbolizing a specific brand. Murals shall not contain material that is protected under copyright law unless permission has been granted and evidence of such is provided to the City.
- Murals shall not incorporate recognized symbols of hatred or discrimination against any race, color, sex, age, religion, national origin, ancestry, disability, marital status, familial status, gender identity or expression, or sexual orientation.

- Murals shall not incorporate anything that would be considered inappropriate and/or indecent by contemporary community standards.

Location

- Murals shall be located on either side of the building or the rear of the building. Consideration may be given to locating a mural on the front of the building as long as it complements the overall front facade of the building and does not compete with or overwhelm architectural details.
- Murals should avoid creating harsh edges where no architectural features are present to create a natural break in the facade. Mural designs that do not contain harsh edges may be proposed in place of architectural features.
- Murals may be placed on walls that serve to define the edge of a property or provide screening.
- Murals should be located and sized to encourage pedestrian engagement.

Application Requirements

- A completed Mural Application Form, including written description of the proposed design, the location of the building, the location of the mural on the building, wall preparation, materials and processes to be used (including anti-graffiti treatment), individual/groups involved in the mural design and/or preparation, and parties responsible for subsequent maintenance.
- If the mural is three-dimensional in nature, information must be provided regarding how the mural will be mounted to the wall, including specification of brackets, hardware, and other structural components.
- Lead artist's qualifications and examples of previous work.
- Written permission from the property owner (if different than the applicant) to proceed with the project, including any requirements that will be imposed by the property owner.
- One color scale rendering (no larger than 11" X 17") as well as a digital file of the proposed mural.
- Photographs of the proposed location and surrounding area.
- Timeline for completing the project.
- A written maintenance plan for the ongoing care and preservation of the mural.

Ongoing Maintenance

The applicant will be responsible for ensuring that the mural is maintained in good condition and is repaired in case of vandalism or accidental destruction. The applicant will be required to ~~file~~ a maintenance plan with the application. The plan will establish measures to discourage vandalism or facilitate an easy, minimal cost for repair of the mural. Such measures shall include, but not be limited to the following:

- preliminary wall preparation and/or pre-cleaning, priming, and curing
- the use of proper paints, enamels or materials that best match the surface
- topcoats, superficial layers, or graffiti coats that do not compromise the painting by yellowing or trapping moisture
- consideration of drip edges, gutters or sprinkler overspray as water ~~may~~ degrade artwork over time
- environmental considerations such as exposure to direct sunlight, bird nesting in cavities, or other potential damaging events.

The plan will be on file with the City, and the City will monitor the condition of the mural to ensure compliance. Failure to comply with the plan may result in the removal of the mural at the applicant's cost.

Application Review

A completed Mural Application Form, along with required materials and maintenance plan, should be submitted to the Community Development Department, Mission City Hall, 6020 Woodson Road, Mission KS 66202.

Staff will schedule an appointment with the applicant to review the application. Additional information may be needed after initial review. After preliminary review, the application will be forwarded to the Planning Commission for consideration at the next applicable Planning Commission meeting.



AT A GLANCE

Applicant:
Mission Community Development
Department

Case Number:
24-13

Location:
6090 Woodson St., Mission, KS

Project Name:
Planning Commission By-laws

Property ID:
N/A

Project Summary:
Planning Commission By-laws Update

Current Zoning:
N/A

Proposed Zoning:
N/A

Current Land Use:
N/A

Staff Contact:
Karie Kneller, City Planner

Proposed Land Use:
N/A

No Public Hearing Required

Legal Notice:
N/A

BACKGROUND AND INFORMATION

The City of Mission's Planning Commission adopted a set of by-laws in 2005 that are included in the packet for reference. An update to the existing by-laws will establish new standards that are comprehensive and provide a more extensive set of rules to govern the Planning Commission's processes for meetings, and set expectations for members' conduct during meetings or while interacting with the public. The new guidelines consist of a purpose statement, member powers and duties, and roles. The by-laws also establish rules for meetings and public hearings and address ethics associated with member responsibilities.

Members of the Planning Commission will review the proposed by-laws and discuss their application in the context of their roles and responsibilities on the commission and meeting processes.

PROPOSAL

Proposed by-laws of the Planning Commission constitute commission membership, powers, and duties. These cover the number of members and residency requirements, appointment, term duration, required attendance, resignation rules and vacancies, and applicable committees. The by-laws establish officers of the commission - titles and roles, as well as nominations. The functions and duties of each officer are outlined.

Meetings defined as regular meetings, scheduled on the fourth Monday of each month, are determined by an official agenda if applicable, and are open to the public. These meetings may be rescheduled due to conflicts, or cancelled if no applications have been submitted by the deadline offered in the established schedule. Official action may be taken at regular meetings. Formal special meetings may be scheduled as needed by the commission chair. Informal special meetings may be scheduled in addition to regular meetings for training, work sessions, or as needed to distribute information, and are open to the public. No formal action is taken at informal special meetings. Executive session, closed to the public, may be called by any member of the commission to discuss confidential business such as legal issues.

The order of business is established within the by-laws, which sets a standard for the timeline and agenda of each meeting. The chair has authority to set or change the agenda for just cause. Order of business begins by the chair establishing whether a quorum of members is present, followed by approval or amendment of the previous meeting's minutes, staff reporting on the agenda items, questions and responses with applicants in attendance, and/or questions for staff.

The by-laws establish necessitation of recordings and minutes of regular and special meetings by a secretary of the commission, as well as the retention of such recordings and minutes. Informal meetings and executive sessions need not be recorded and minutes need not be distributed.

All official action may only be taken if a quorum of members is present. All action shall be taken by majority vote, and affirmative vote of the majority of those members present shall be sufficient for the

passage of all motions. If a quorum is not present, the chair may proceed to adjourn the meeting until a specific date, time, and place that will be publicly announced at the meeting.

The by-laws establish a set standard agenda that includes a prescribed order to include the roll call, new business, old business, discussion, staff updates, and official adjournment. Public hearings will be first on the agenda of new or old items. Items that require a public hearing are zoning amendments, comprehensive plan reviews, area plan reviews, and resolutions or by-law amendments.

Public hearings shall be in accordance with Kansas State Statute (K.S.A 12-756) for preliminary development plans, preliminary plats, special use permits, rezoning applications, zoning text amendments, and comprehensive plan amendments. These hearings are posted in The Legal Record publication at least 20 days prior to the hearing, and each property owner within 200 feet of the subject property, where applicable, will receive a notice by mail of the case number, subject property address, site map, legal description, proposal summary, and meeting time, date, and location.

Standing rules that govern the proceedings of each meeting are also established by the new by-laws. These rules establish guidelines for conduct, time limits for staff, the public, and applicants, subject to the discretion of the commission chair. The chair may declare a public hearing closed at his/her/their discretion. The by-laws also establish the proceedings for motions and seconds according to Robert's Rules. These rules also allow for abstention from voting by any member due to conflict of interest, ex-parte communications, or any form of perceived misconduct prior to the meeting. The standing rules may be amended or repealed by affirmative vote of three-fourths of a quorum of members present at a regular or special meeting.

Conflict of interest and official misconduct is defined in the by-laws, including ex parte contacts, discrimination, nepotism, gifts/favors, misuse of public resources, representation of private interests, and disclosure of confidential information.

RECOMMENDATION

Staff recommends that the Planning Commission consider adoption of the by-laws at its next regular meeting on January 27, 2025.

PLANNING COMMISSION ACTION

None at this time

CITY COUNCIL ACTION

None

City of Mission, Kansas

Planning Commission Bylaws

Adopted (Month, Day, Year)

PURPOSE

The Planning Commission of the City of Mission is a quasi-judicial body made up predominantly of resident members who volunteer their time to review matters that come before the City regarding planning, development, and land use regulation. The Planning Commission advises the Governing Body of the City in matters of planning and community development, and formulates recommendations for the Governing Body in matters regarding application of zoning and land use regulations.

The authority and powers of the Planning Commission are derived from the Kansas state statutes (K.S.A. 12-744 et al) and the Mission Municipal Code (Title IV, Chapter 400, Article I).

These bylaws serve as guidelines for the effective transaction of business and hearing procedures for the Planning Commission. In no way are these bylaws intended to supersede or replace the duties and powers derived from the state statutes or the Governing Body of the City of Mission.

COMMISSION MEMBERSHIP, POWERS, AND DUTIES

The requirements for membership on the Planning Commission are set forth in Title IV, Chapter 400, Article I of the Mission Municipal Code. Specific annotations are noted below.

Membership. The Planning Commission shall consist of nine (9) members, one (1) of whom may be a non-resident of the City of Mission. At least one (1) member shall be from each ward. The number of members may not be reduced unless a vacancy exists or unless the reduction takes effect at the end of a term (Section 400.020 and 400.030 of the Mission Municipal Code).

Appointment. The Mayor, with the consent of the City Council, shall appoint the members of the Planning Commission. Members of the Planning Commission shall be appointed at the first (1st) regular meeting of the Governing Body in December (Section 400.030 of Mission Municipal Code).

Terms of Office. Members shall be appointed for terms of two (2) years each, except as otherwise provided by Code. Members shall serve without compensation (Section 400.030 of the Mission Municipal Code).

Attendance. Members who cannot attend a meeting due to business, family, or other reasons shall notify the Planning Commission Chair and Secretary at least four (4) days prior to the meeting for the absence to be recorded as excused. Members must attend at least 75% of all regular meetings in a 12-month period unless they have an excused absence, or they may be subject to removal.

Resignation. Members who wish to relinquish their appointment to the Planning Commission may do so by submitting their resignation in writing to the Mayor with a copy to the Secretary of the Planning Commission.

Vacancies and Removal. The Mayor may accept the resignation of any member. Vacancies shall be filled by appointment for the remainder of the member's term. Members may also be removed at any time by the Mayor with the consent of the City Council.

Bylaws, Officers, and Meetings. The Commission shall adopt bylaws for the transaction of business and hearing procedures. Officers shall be elected as determined in the Planning Commission's bylaws. Meetings shall be scheduled as determined in the Planning Commission's bylaws. Unless otherwise provided, no action by the Planning Commission shall be taken except by a majority vote of the membership thereof. (Section 400.040 through Section 400.060 of the Mission Municipal Code).

Committees and Studies. The Commission from time to time may establish subcommittees, advisory committees, or technical committees to advise or assist in the activities of the Commission.

OFFICERS

Officers. Officers of the commission shall be the Chair, Vice-Chair, and Secretary.

Chair and Vice Chair. The Chair and Vice-Chair shall be elected by the Commission at its regular meeting in January each year, or the first formal meeting of the year, and shall serve for one (1) year; provided they may be re-elected for an additional term(s).

If the Chair resigns or is otherwise not able to fulfill the obligations of the position, the Vice Chair shall immediately assume the responsibilities of the Chair for the duration of the term. The most recent past Chair shall then assume the responsibilities of the Vice Chair until a permanent Vice Chair is elected by the Commission for the duration of the term.

If the Vice Chair succeeds to the office of Chair pursuant to the immediately preceding paragraph, resigns, or is otherwise not able to fulfill the obligations of the Vice Chair, the most recent past Chair, or their designee, shall assume the responsibilities of the Vice Chair until a permanent Vice Chair is elected by the Commission for the remaining duration of the chair term.

Secretary. The Director of the Community Development Department (or the Director's designee) shall serve as the Secretary of the Planning Commission. The Secretary will provide support for the Commission but will not be a member of the Commission.

Nominating Committee. At the Commission's last regular meeting in any given year, the Chair shall appoint a 3-person Nominating Committee, subject to the approval of a quorum of the current members. The current Chair and Vice-Chair shall not serve on the nominating committee.

The Nominating Committee shall meet as necessary to nominate a slate of at least one candidate for the Chair and Vice-Chair positions. Working through the Secretary, the Nominating Committee shall present the slate of candidates to the full Commission at its regular meeting in January each year (or the first formal meeting of the year). In addition to the slate of candidates, other nominations can be made by members of the Commission at the first formal meeting of the year.

If only one person is nominated for each position, the recommendations of the nominating committee may be affirmed by a voice vote. Otherwise, each position shall be voted upon individually.

FUNCTION AND DUTIES OF OFFICERS

Chair. The Chair shall preside at all meetings of the Commission and shall sign all Commission resolutions, subdivision plats, and other official papers and documents. The Chair may call special meetings at the Chair's discretion and may relinquish the duties of Chair for a particular meeting to the Vice-Chair or, if the Vice Chair is unavailable, another member of the Commission at the Chair's discretion. The Chair may not make or second motions. The Chair shall not initiate debate on applications. The Chair may offer comments, ask questions about any application, and vote on motions.

Vice Chair. The Vice-Chair shall serve in the absence of the Chair, and while so serving shall have all the authority and restrictions held by the Chair. In the absence of both the Chair and the Vice-Chair, the members shall choose a presiding officer from among the members present, who shall have for the duration of the meeting all the authority and restrictions held by the Chair.

Secretary. The Secretary of the Planning Commission shall be the Director of the Community Development Department. The Secretary and/or their designee shall attend all Commission meetings to perform the following duties:

1. Notify members of all meetings;
2. Publish notices of all meetings and public hearings as required by Kansas State statutes;
3. Propose the meeting agendas;
4. Coordinate committee meetings;
5. Secure all Commission and committee meeting locations and setup;
6. Keep a file of all official records, minutes, and reports of the Commission;
7. Attend to the correspondence of the Commission;
8. Present the Commission's recommendations to the Governing Body; and
9. Perform such other duties as requested by the commission which are deemed appropriate.

MEETINGS

The Planning Commission may conduct its business in one of the following types of meetings, all of which are subject to the requirements of the Kansas Open Meetings Act (KOMA):

Regular Meetings. A regularly scheduled meeting on the fourth Monday of each month, consisting of members of the Commission, Secretary, and City Staff shall be held unless there are no items on an official agenda as determined by the Secretary. Regular meetings are open to the public and agenda items are to be posted for public notice prior to the meeting. Official actions may be taken.

A Planning Commission Development Annual Schedule outlining each regular meeting for the year and the dates for application submittals and review shall be submitted to the commission by the last meeting of the preceding year for review and approval. If a regular meeting date falls on or near a holiday (or other significant event), the commission, when approving its annual schedule, may elect to reschedule or cancel that regular meeting date.

The Commission may also, through consultation with the Community Development Director or designee, for good cause, elect to cancel or change the date, time, or place of a regular meeting.

Formal Special Meetings. A meeting held in lieu of, or in addition to, a regular meeting may be called by the Chair. Formal special meetings are open to the public and agenda items are posted for public notice prior to the meeting; official actions may be taken.

Informal Special Meetings. A meeting for training purposes, work sessions, and/or as needed to distribute publicly-available materials deemed necessary to the members or staff to perform the regular duties of the commission may be called by the Chair or the Director of Community Development. Informal special meetings are open to the public and agenda items are posted for public notice prior to the meeting; no official action is taken.

Executive Session. An executive session, closed to the public, may be called exclusively to discuss confidential business under the following criteria: consultation with the City's legal counsel concerning legal matters; discussion regarding existing or potential litigation or mediation, arbitration, or administrative proceeding. Any commission member may make a motion to call an executive session at a regular or formal special meeting. No official action may be taken by the Planning Commission in an executive session.

Order of Business. At the appointed time, the Chair shall call to order each regular or formal special meeting and announce whether a quorum is present. No regular meeting shall continue without a quorum present. Upon the confirmation of a quorum, the Commission shall proceed to approve or amend the previous meeting's minutes. The commission, at the direction of the Chair, will then consider the items set forth in the agenda and any member may request reordering of the agenda items, stating the reason(s) therefore. The Chair may elect to proceed with the prescribed agenda or allow the reordering. Staff shall give a report for each agenda item, and the Commission may follow with questions pertaining to the item presented. The Commission shall allow the applicant to answer questions following the staff report. Should the business before the Commission not be completed during the regular or formal special session, the Chair may recess the meeting to a specific time, date, and place until the matters on the original agenda are acted upon; this may be at a regular meeting or a special formal meeting.

Open to the Public. All meetings of the Commission shall be open to the public in accordance with the requirements of K.S.A. 75-4317 et seq. (the Kansas Open Meetings Act). A meeting may be closed to the public and adjourned into an executive session until a specified time by a formal motion made and carried forth in accordance with applicable law. No binding action shall be taken by vote in an executive session.

Recordings and Minutes. The proceedings of all regular and formal special meetings of the Commission shall be recorded by the Secretary of the Commission. The recordings shall be retained for a minimum period of 60 days after approval of the minutes derived therefrom unless

a longer retention period is otherwise requested. All motions shall be recorded, and an accurate record shall be made of all reasons for the motions or votes by members of the commission. The proposed minutes of each regular or formal special meeting shall be distributed to the Commission and other appropriate persons as soon as practical prior to each regular session. The original copy of the approved minutes shall be placed in the Commission's permanent record and shall become official records of the City. Informal special meetings will not be recorded nor shall minutes of the same be prepared.

QUORUM

A majority of the Commission, including the Chair (9), shall constitute a quorum for transacting business and conducting hearings; provided, however, if a member submits their resignation in writing, said member shall not be counted for purposes of determining the quorum (see quorum table below). The affirmative vote of a majority of those members present and voting shall be sufficient for the passage of all motions; except that the adoption of an amendment to the Comprehensive Plan shall require a majority of all members (K.S.A 12-747). In the absence of a quorum at any meeting, the chair may adjourn the meeting to a specific time, date, and place, which shall be publicly announced at the meeting. Voting by secret ballot is prohibited.

Quorum Table

Total Number of Members	Quorum	Majority of Quorum
9	5	3
8	5	3
7	4	3
6	4	3
5	3	2

AGENDA

The order of business at all regular and formal special meetings shall be as follows, unless the Chair recommends or approves a reordering of the prescribed agenda items:

- I. Call to order
 - a. Roll call
 - b. Approval of previous meeting's minutes
- II. New Business
 - a. Preliminary and/or Final Plat review
 - b. Preliminary and/or Final Development Plan review
 - c. Preliminary and/or Final Site Plan review
 - d. Special Use Permit applications
 - e. Rezoning requests
- III. Old Business
 - a. Preliminary and/or Final Plat review
 - b. Preliminary and/or Final Development Plan review
 - c. Preliminary and/or Final Site Plan review

- d. Special Use Permit applications
- e. Rezoning requests
- IV. Commission Discussion
- V. Staff Updates
- VI. Adjournment

New and/or old items that require public hearings shall be considered by the Commission prior to consideration of items that do not require a public hearing. Agenda items may be added as deemed necessary by staff prior to the meeting if the items do not require public notice. These items include, but are not limited to, the following: zoning text amendments, Comprehensive Plan reviews, area plan reviews, and resolutions and/or bylaw amendments.

PUBLIC HEARINGS

The following items on the agenda require a public hearing and shall be in accordance with K.S.A 12-756: preliminary development plans, preliminary plats, special use permits, rezoning applications, zoning text amendments, and amendments to the comprehensive plan. Notice of public hearing items shall be published in The Legal Record, and letters shall be mailed by certified mail notifying property owners within at least 200 feet of the subject property for which an application is being considered by the Commission, a minimum of twenty (20) days in advance of the hearing.

Public and property owner notices shall contain the following information: Case number, subject property address(es), map of the subject property, legal description, summary of the proposal, and meeting time, date, and location.

STANDING RULES

To facilitate the successful and orderly management of its meetings, the Commission has declared the following to be standing rules, which shall govern the procedure for its meetings and the actions of its members.

1. The Chair shall preserve order and decorum of all meetings and shall decide questions of order subject to an appeal from the members present.
2. Prior to speaking, every member of the Commission shall address the Chair and shall not proceed until recognized by the Chair. The member shall confine //their remarks to the matter under debate or discussion and shall refrain from a discussion of individual personalities.
3. An agenda item will begin with a staff presentation. At the conclusion of the staff presentation, the Chair will inquire if any members of the commission have any questions. The Chair will then invite the applicant to make its presentation. At the conclusion of the applicant's presentation, the Chair will inquire if any members of the Commission have any questions. If the item requires a public hearing, the Chair will then open the public hearing and direct all persons wishing to be heard at the hearing to raise their hands to be called upon by the Chair. All persons speaking at the hearing must state their first and last name and city of residence. Rebuttal by the applicant after the public hearing shall be at the discretion of the Chair. At the

conclusion of the public hearing and any rebuttal, the matter will be back before the Commission for discussion, deliberation, and action.

4. Time limits (guidelines) on the presentations will be enforced as follows:
 - a. The staff presentation shall not exceed 20 minutes, exclusive of questions by the Commission.
 - b. The applicant's presentation shall not exceed 20 minutes, exclusive of questions by the Commission.
 - c. In general, it is advisable that individual speakers should not exceed 3 minutes, exclusive of questions. Speakers who represent a substantial number of persons may, at the discretion of the Chair, exceed the 3-minute limitation. The Chair has the discretion, based on the number of speakers, to shorten or extend the time guidelines for individual speakers.
 - d. Persons not able to be present for a public hearing may submit formal comments to staff prior to the hearing, which shall be read aloud by staff if permission is granted by the person(s) submitting the comments. Comments shall include the first and last name of the individual(s) and city of residence.
5. The Chair has the discretion to extend the specified time limits for matters that involve an unusual degree of complexity, scope or difficulty, or which have attracted an unusual amount of public participation and interest. All such adjustments shall be announced by the chair and shall be on an equitable basis.
6. The Chair may endeavor to educate and inform the parties to the hearing of the importance of honoring these rules so that all agenda items can be heard in a timely and efficient manner, and may encourage speakers to use time saving devices, such as requesting the Commission to take notice of the number of persons present who support the views of the speaker without the necessity of each of those supporters entering their individual comments on the record. If requested by a speaker, the Chair may note for the record that a specified number of individuals present have indicated their agreement with the comments of that speaker.
7. All statements by speakers shall be addressed directly to the Commission. If a speaker has a question for the applicant, staff or other speakers, that question shall be directed to the Chair who shall determine if, and when, the question will be addressed by the Chair to the person whose response is being requested.
8. When, in the judgment of the Chair, the public hearing has been completed, the Chair shall declare the public hearing closed. Once a public hearing, including rebuttal by the applicant, if any, has been completed, all persons in attendance may address the Commission only to respond to a question from the Commission and only with the permission of the Chair.
9. If the applicant is unable to attend the public hearing, or the Chair and/or Commission feel additional testimony or information is needed but the circumstances do not allow that to occur at the meeting, then a motion to extend the public hearing to a date certain may be made, thus holding open the public hearing. At the Chair's discretion, additional testimony may be accepted in writing or by email prior to the public hearing, or during the time a public hearing is held over, or even after the public hearing is closed.
10. Following the closing of the public hearing and/or comments by Planning Commission members, the Chair may entertain a motion made by another Planning Commission member to recommend approval or denial of the application to the City Council. The maker of motions to approve or deny an application should, in support of the motion, state for the record the reasons for making said motion. Any stipulations relating to the application, plans, development procedure, etc. should be listed following the motion to approve. Upon receiving

the second, the motion may be discussed and, upon call for the question or at the discretion of the chair, brought to a vote.

11. Prior to the conclusion of each agenda item which involves stipulations or conditions recommended by the staff or members of the Commission, the Chair shall ask the applicant if the applicant agrees with those stipulations. The applicant may reply with a yes or no answer and, if appropriate, a brief statement for the record as to why the applicant objects to a stipulation or condition, but the applicant may not further discuss or re-argue issues pertaining to such stipulations or conditions.
12. Votes shall be by voice and by roll call. Any motion may be tabled or amended in accordance with Robert's Rules of Order Newly Revised. If the Commission feels that delaying an action would be in the best interests of the parties involved, the item may be continued to a certain date. Such a motion for continuance shall include a reason for the action and shall require a majority vote of those present.
13. Upon a motion to approve an agenda item and with a second, any member of the Commission may make a motion to amend the original motion prior to the roll call vote being taken. If a member of the Commission makes a motion to amend the original motion, another member must second the motion, after which the amendment shall be brought forth for discussion and a roll call vote of the Commission members. If another member does not second the amendment, the amendment shall fail to come forth consideration. An affirmative vote of the majority of the Commission shall result in passing the amendment. At the conclusion of the vote for the amendment, the original motion shall come forth for a vote of the Commission. The Chair may request a recitation of the original motion as amended for purpose of clarification. A majority vote in favor shall pass the motion with the amendment.
14. If a member of the Commission knows prior to the discussion of an agenda item that the member will abstain from voting on such matter, the member shall notify the Chair and leave the meeting room until the discussion and voting on such item has been completed. Prior to departing the member shall state for the record the reason for the member's abstention. Any member who decides to abstain after discussion of an agenda item shall state for the record the member's reasons for abstention.
15. Prior to the start of each regular Commission meeting, each member of the Commission who knows in advance that he or she must leave the meeting at a specific time shall notify the Chair of the time of their anticipated departure.
16. These Standing Rules may be amended or repealed for stated reasons by affirmative vote of three-fourths (3/4) of those members present at a regular or special meeting with a quorum present.

APPLICANT NOT IN ATTENDANCE

In the case an applicant or the applicant's agent is not in attendance when an item is called, the Chair may, at the Chair's discretion, set the item to the end of the agenda. At the time the item is called again, if the applicant is still not represented, the Commission may continue to a date certain, or approve or deny the application as it sees fit.

CONFLICT OF INTEREST

When a member of the Commission has a conflict of interest on a particular item, the member shall so state for the record and vacate the member's seat. In such an event, the member shall not participate in the hearing, discussion, or vote on the item. If the vacation of a member due to conflict of interest will eliminate a quorum, the Commission shall continue the item to the next regular meeting. If the item is a public hearing, the Commission shall continue to a date certain.

A member shall not participate or vote on an item before the Commission if:

1. The member has a substantial interest in a particular item as defined by state law.
2. The member has expressed an individual opinion on the determination of a quasi-judicial matter or otherwise expressed him/herself in a way that infers an opinion has been formed prior to the Commission's hearing on the item.
3. The member owns property or is a prospective purchaser of property included in an application or within the statutory notification area.
4. Prior to any motion on an application, members of the Commission should disclose the nature of any *ex parte* contacts and of any information obtained through those contacts that may have a bearing on their decisions.
5. Members shall adhere to the responsibilities of appointed officials inasmuch as to protect the rights and interests of all the members of the public which he/she/they represent. This would prohibit actions deemed to be official misconduct, such as discrimination, nepotism, acceptance of improper gifts, private use of public resources, conflicts of interest, and the improper use or disclosure of confidential information.

Examples of misconduct are included below, but members are subject to provisions included in the City of Mission's Personnel Policies and Guidelines. Should anything in the by-laws conflict with these provisions, the City of Mission's Personnel Policies and Guidelines shall prevail.

Discrimination. Members of the Planning Commission shall not discriminate on the basis of sex, race, color, ethnic background, religion, age, national origin, gender, sexual orientation, disability, gender identity, or gender expression of employees in their employment with the City or individuals in their use and enjoyment of the services, privileges, and advantages of the City. This provision does not prohibit officials from making appointments, filling vacancies, or otherwise engaging the public in such way as to include community members with diverse backgrounds based on sex, race, color, ethnic background, religion, age, national origin, gender, sexual orientation, disability, gender identity, or gender expression.

Nepotism. To avoid conflicts of interest or perceptions of a conflict, family members of the Governing Body should not be appointed to serve as a member of the Planning Commission. For purposes of this provision, "family member" is defined as the spouse, child, or parent of the official.

Personal Gifts and Favors. Members of the Planning Commission shall not accept personal gifts where they know or should know a personal gift worth more than a nominal value (\$25.00 or more) would not be extended to them except for their official position, or where they know or should know a personal gift is intended to influence their official actions. This provision shall not apply to a) an award publicly presented in recognition of public service, b) gifts conferred on account of kinship or other personal, professional, or business relationships independent of the official status of the receiver, or c) trivial gifts involving no substantial risk of undermining official impartiality.

Private Use of Public Resources. Members of the Planning Commission shall not use public resources that they may use in their official capacity (e.g. City-owned vehicles, City staff time, equipment, supplies, property, etc.) for private gain, personal purposes, or other activities not related to City business unless otherwise authorized by law or City policy. Prohibited activities that are not related to City business include using public resources to post or otherwise interact on social media pages, pursue personal commercial endeavors, or conduct political activity to include the activity prohibited by K.S.A. 25-4169a, and amendments thereto.

Use or Disclosure of Confidential Information. Planning Commission Members shall not, without proper legal authorization, disclose any confidential or privileged information provided to them in their official capacity, nor use such information to advance their personal, financial, or other private interests. For the purposes of this provision, “confidential or privileged information” includes any material information discussed in a closed or executive meeting that is specifically related to the basis for the closed or executive meeting and has not previously been made available to the public, and any record or information therein that has not previously been made available to the public and the official knows or should know is confidential.

BYLAWS OF THE MISSION PLANNING COMMISSION

I. OFFICERS

- A. Officers of the Commission shall be Chairman and Vice-Chairman, which officers shall be elected by the Commission at the first regular meeting after City Council appointments in the month of January and shall serve for one year and may be re-elected, or replaced by election. (2403)
- B. The Commission shall elect a recording secretary, who shall be provided by the City of Mission, and may or may not be an appointed member of the Planning Commission.

II. FUNCTION AND DUTIES OF OFFICERS

- A. **CHAIRMAN:** The chairman shall be the presiding officer at all meetings of the Planning Commission. He or she may call special meetings at his or her discretion, and may relinquish the chair to the Vice-Chairman or other specified members at his or her discretion. The Chairman may not make or second motions, but may vote on any and all motions to come before the Commission.
- B. **VICE-CHAIRMAN:** The Vice-Chairman shall serve in the absence of the Chairman, and while so serving shall have all the authority held by the Chairman.
- C. **RECORDING SECRETARY:** A recording secretary shall attend all regular meetings of the Planning Commission and special meetings when the Chairman deems it advisable that a public record be kept of the proceedings. A recording secretary shall attend all public hearings before the Commission and shall keep an accurate record of the spirit and intent of statements made by witnesses at the hearing. All motions shall be recorded and an accurate record of all stated reasons for motions or votes by members of the Commission shall be made. The minutes of each such meeting shall be typed and copies distributed to members of the Commission and other appropriate persons at an early date. The original of the minutes shall be placed in a binder comprising an accumulating permanent record, such binder to be part of the official records of the City of Mission.

III. MEETINGS

Meetings of the Planning Commission shall be held on the ^{FOURTH} third Monday of each month with the exception of the January meeting which shall be held on the fourth Monday, the time of the meeting being 7:00 P.M. Special meetings may be held at the call of the Chairman, or in his or her absence, the Vice-Chairman. All meetings shall be open to the public. The Chairman or Vice-Chairman may authorize a telephone poll of the members of the Commission for the purpose of canceling a meeting.

IV. QUORUM

A simple majority of the appointed members, including the Chairman, shall constitute a quorum for the transaction of business and the conducting of hearings.

V. CONFLICT OF INTEREST

When a member of the Commission has an interest in conflict with any interest before the Commission in a particular case, he or she shall so state for the record, and vacate his or her chair and shall not vote on the issue. If the vacation of a chair due to conflict of interest shall eliminate a quorum, the Commission shall continue the case to the next regular or special meeting.

VI. SUSPENSION OF RULES

Rules and regulations may be suspended for stated reasons by affirmative vote of two-thirds (2/3) of those present at a special or regular meeting with a quorum present. Rules that can be suspended are those that relate to business procedures and to priority of business. The Bylaws cannot be suspended.

VII. AMENDMENT OF RULES

These rules and regulations may be amended or repealed for stated reasons by affirmative vote of two-thirds (2/3) of those members present at a regular or special meeting with a quorum present. Previous notice to the entire membership of proposed amendments or revisions to the bylaws is required.

**RULES AND REGULATIONS
OF THE
MISSION PLANNING COMMISSION**

I. APPLICATIONS

In order that staff review can take place in an orderly manner and findings distributed to members of the Commission with sufficient time for study and review, certain deadlines are hereby established: All applications and other submittals required for review by the Planning Commission shall be received by the Department in accordance with the following schedules.

<u>A. APPLICATION FILING</u>	<u>DEADLINES</u>
Rezoning; Preliminary and final Development Plans; Special Class and Special Use Permits; Preliminary and Final Plats.	Noon, twenty-eight (28) Days prior to the meeting
Other Business	Seventeen (17) days prior to the meeting.
<u>B. STAFF REVIEW</u>	
Plan review.	Completed approximately Seventeen (17) days prior to the Meeting.
Submittal of any revisions suggested by Staff.	Noon, twelve (12) days prior to the meeting.

II. AGENDA

The agenda shall be prepared and submitted to the Commissioners approximately ten (10) days prior to the meeting. The order of items on the agenda shall be at the discretion of the Chairman and Recording Secretary; due consideration being given to early consideration of items likely to attract a large attendance at the meeting. The Chairman may, for reasons stated to all in attendance, vary from the order of the agenda. An item may be added to the agenda only by affirmative vote of three-fourths (3/4) of the members present. An agenda item consisting of a proposed amendment to the zoning ordinance, zoning map, subdivision ordinance or other ordinance may be removed from the agenda only by a motion to recommend approval or denial or by withdrawal by an applicant. Other items not pertaining to ordinance passage may be removed by majority vote of those present and reasons therefore stated in the record.

III. MEETING PROCEDURE

The Chairman shall call each agenda item and briefly describe, or ask a member of the staff to briefly describe the proposition before the Commission. Meetings will be conducted according to Robert's Rules of Order. The applicant and/or agent will then be asked to present his case. The name and address of the applicant and his or her agent shall be entered into the record, as well as a summary of his presentation. At the conclusion of the applicant's presentation,

the members of the Commission and Staff shall have the opportunity to question the applicant. Any other supporting testimony will then be heard. Opposition may then be heard with the members of the Commission and Staff having an opportunity to question any speaker. The proponent will then be given an opportunity to make a short summary.

All statements shall be directed to the Commission and cross conversation among those in attendance is prohibited. Questions between opposing parties shall be directed first to the Chairman, who may then ask the proper person to answer, such answer being directed to the Commission. At such time the Commission feels that testimony has been sufficiently heard, a motion may be passed by simple majority to terminate testimony after which the public in attendance may address the Commission only with the permission of the chairman, and only to answer a question by a member of the Commission. All persons who wish to speak shall first give their names and addresses for the record.

IV. MOTIONS

Following closing of a testimony, a motion may be made to recommend approval or denial of the proposition to the governing body, to continue, or in the case of plans or preliminary plats, a motion to approve or deny may be made. A brief statement of reason for the motion should precede the making of the motion. Any stipulations relative to plans, development procedure, etc., should be listed following the motion to approve. Upon receiving the second, the motion may be discussed and, upon call for the question or at the discretion of the Chairman, brought to a vote. Vote shall be by voice or by the raising of hands or by roll call, at the discretion of the Chairman. Any member may request a roll call vote on any issue. The affirmative vote of a majority of the quorum of Commission members present shall result in approval of the motion. Any motion may be tabled or amended in keeping with Roberts Rules.

V. ENDORSEMENT OF EXHIBITS

Any plan, sketch, photo, or other exhibit submitted as part of a zoning hearing and which is deemed by the Chairman as an important part of the presentation, shall be retained for the file. All such documents shall be appropriately annotated at the hearing and signed by the Recording Secretary.

VI. CONTINUANCE BY AN APPLICANT

A. An applicant may continue his or her own proposal to a date certain for a period not to exceed two (2) months, by notifying the Recording Secretary not less than four (4) days prior to the date of the hearing, whereupon that item will be removed from the agenda. Where notification by mail of adjacent property owners has taken place, the applicant shall further notify to the extent possible the same property owners, by certified mail, return receipt requested, of the continuance and the new date of the hearing. This notification of continuance shall be mailed not less than four (4) days prior to the date of the originally scheduled hearing.

B. Any proposal not withdrawn prior to preparation of the agenda (four days prior to the meeting) may be continued at the applicant's request only by affirmative vote of three-fourths of the members present at the meeting. In consideration of such a motion to allow continuance, the Commission

may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard, and the Commission may refuse to continue the proposal, and proceed with the hearing and take appropriate action thereon. In any such case of continuance, it shall be to a date certain, only one (1) continuance shall be permitted, and the applicant shall notify by certified mail all parties initially notified of the new hearing date, and such notification is to be mailed not less than five days prior to the date of the new hearing.

VII. CONTINUANCE BY THE PLANNING COMMISSION

If the Commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a date certain. Such a motion for continuance shall include a reason for the action and shall require a majority vote of those present. The Commission may continue a proposition for a period not to exceed two (2) months from the date of the first hearing and one (1) of four (4) actions shall be taken at the end of that period: 1) the proposal may be approved, 2) the proposal may be denied, 3) the Planning Commission may continue the hearing at its discretion, or 4) the applicant may withdraw the application. In the latter case, the proposal may come before the Commission again only by re-application, publication, etc., as required by ordinance for all such applications.

VIII. APPLICANT NOT IN ATTENDANCE

In case an applicant or agent is not in attendance when his or her item is called, that item shall be set over to the end of the agenda. At the time the item is again called, if the applicant is still not represented, the Commission may continue his case under procedure of Section VII above or may approve or deny the proposition as it sees fit.

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	November 6, 2024
Community Development	From:	Justin Carroll

Action items require a vote to recommend the item to full City Council for further action.

RE: Tree Preservation and Protection Ordinance

RECOMMENDATION: Approve the Ordinances amending Chapter 220 and Chapter 240 of the Mission Municipal Code to address new standards and guidelines designed to preserve, protect and enhance Mission urban tree canopy.

DETAILS: At the July 2024 Community Development Committee meeting, staff presented a discussion item regarding considerations for a comprehensive tree preservation and protection ordinance. The discussion outlined the current, narrowly defined tree preservation and protection provisions in place as well as the larger issues which could be addressed in a comprehensive ordinance. Those items included:

- Tree Protection – This would require protective fencing around any trees during a building/construction project that are not designated for removal. The biggest question mark with this provision pertains to which projects it should be required for (residential, commercial or both).
- Tree Removals – Currently, the City is limited when it comes to enforcement of tree removals for defects such as a dangerous limb or a dying tree. Expanding this provision would allow for broader code enforcement than currently exists for these type of issues.
- Tree Replacement – If any trees are going to be removed, this provision is in place to require replanting of trees. This is most often associated with building projects, but there are communities outside of the metro that do this for all trees within their city limits.

At the conclusion of the discussion, the Governing Body determined the most critical component of a new ordinance would be to educate residents and businesses of any changes that are ultimately adopted. Additionally, the Governing Body reached preliminary consensus on the following and directed staff to incorporate them into a new ordinance:

- Tree protections, removals, and replacements would be limited to commercial development or substantial residential development (as already defined by ordinance).
- Nuisance abatement provisions would be enhanced to allow code enforcement on any dead trees or limbs within the City.

The Governing Body also instructed staff to engage the Parks, Recreation + Tree Commission and the Sustainability Commission asking them to weigh in on the topic and proposed ordinance changes. After discussion with both Commissions, as well as a

Related Statute/City Ordinance:	Mission Municipal Code Sections 220, 240, and 440
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	November 6, 2024
Community Development	From:	Justin Carroll

Action items require a vote to recommend the item to full City Council for further action.

thorough legal review, a finalized draft comprehensive tree protection and preservation ordinance was completed.

The draft ordinance makes minor changes to Section 220 (Nuisances) and substantive changes to section 240 (Tree Board, Trees and Shrubs). It also proposes changes to Section 440 (Rules of Procedure) but since those are Land Use ordinance changes and require Planning Commission approval first those will be presented at a later date. Highlights of the proposed comprehensive tree preservation and protection ordinance include the following:

- Updating the City’s list of permissible street and park trees, list of prohibited street trees, and list of prohibited trees for anywhere in the City.
- Technical cleanup regarding current ordinance provisions for tree care and planting within utility easements, public rights-of-way, and for property abutting public streets, avenues, boulevards, alleys, and trails.
- Adding a new article to Section 240 specific to tree protection and tree removal.
 - As previously mentioned, the provisions in this section are specific to commercial development and substantial residential development.
 - Requires a tree protection and removal plan prior to issuing a permit for any such projects.
 - The plan will show all existing trees on the property and identify ones for removal and ones that will be retained, and locations of tree protection fencing which is now required for all retained trees.
 - Trees are protected based on their size and location on the lot.
 - Tree fencing shall be installed according to tree diameter at breast height (DBH).
 - Outlines specific exceptions for tree removal such as the tree is dead or removal of the tree is necessary for construction.
 - Tree replacement requirements (minimum caliper size and species) for any approved tree removals.
 - Allow for a fee en lieu option for replacement. If a tree approved for removal is not replaced with another tree, a fee would be assessed as outlined below.

Related Statute/City Ordinance:	Mission Municipal Code Sections 220, 240, and 440
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	November 6, 2024
Community Development	From:	Justin Carroll

Action items require a vote to recommend the item to full City Council for further action.

Table 1: Mitigation for Removal

Protected Trees Removed	Tree Replacement Rate*	Fee En Lieu Option
		\$ per Caliper Inch
Low Priority: < 4" caliper	1 for 1 tree replacement	\$100.00
Moderate Priority: 4" - 12" caliper/DBH	50% of caliper/DBH inch	\$200.00
High Priority: 12"-24" caliper/DBH	75% of caliper/DBH inch	\$300.00
Other: Trees prohibited from removal by 415.190(B), except as authorized in 415.190(D).	100% of caliper/DBH inch	\$400.00

* All replacement trees shall be at least 2.5" caliper and selected from the species list managed by the Parks, Recreation + Tree Commission.

- The last changes in Section 240 relate to violation and penalty for this ordinance. Each violation of these provisions shall result in a fine of not more than one thousand dollars (\$1,000) or six months jail time, or both such fine and jail.
- Tree nuisance provisions are moved to Section 220 and enhanced to ensure any dead trees within the City can be considered a nuisance and the Code Enforcement Officer has the authority to require removal of a dead tree or limb.
 - Tree removal nuisance abatements would be eligible for Mission Possible grant funding if a resident meets the program's income requirements.

Lastly, adopting a tree preservation and protection ordinance accomplishes Goal 4B, preserve and increase Mission's tree canopy, of Tomorrow Together Mission 2040 Comprehensive Plan.

CFAA CONSIDERATIONS/IMPACTS: Adopting a tree preservation and protection ordinance helps promote one of the five program categories of Communities for All Ages: Public outdoor spaces and buildings. Specifically, a robust tree canopy promotes walkability which is a critical component of this program category.

Related Statute/City Ordinance:	Mission Municipal Code Sections 220, 240, and 440
Line Item Code/Description:	N/A
Available Budget:	N/A

**CITY OF MISSION
ORDINANCE NO ____**

AN ORDINANCE AMENDING CHAPTER 240 OF THE MUNICIPAL CODE OF MISSION, KANSAS REGARDING THE REGULATION OF TREES AND SHRUBS IN THE CITY OF MISSION, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS AS FOLLOWS:

SECTION 1: Chapter 240 of the Municipal Code of Mission, Kansas, is hereby deleted in full and replaced with the following as follows:

**Chapter 240
Trees and Shrubs**

Article I - Authority

Section 240.100 Definitions.

For purposes of this Chapter, the following definitions shall apply to the listed terms:

ARBORIST

A professional tree service technician designated by the Parks and Recreation Director or designee. The technician must be certified through the International Society of Arboriculture (ISA) or American Society of Consulting Arborists (ASCA).

CALIPER

The diameter of a tree's trunk, measured at six (6) inches above the soil for nursery stock trees (trees up to and including four (4) inches in diameter at any point along the tree) and measured at twelve (12) inches above the soil for larger trees (trees five (5) inches in diameter or greater at any point along the tree).

CITY PROPERTY

Any parcel or lands owned by the City of Mission, Kansas

DEAD TREE

A tree that has no live, leafy crown and, as a result, is no longer contributing to the forest canopy, as determined by the City.

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of a tree's trunk measured at four and one-half (4.5) feet or fifty-four (54) inches above the ground. If the tree has not obtained a height of four and one-half (4.5) feet or fifty-four (54) inches above the ground, DBH shall be equal to the caliper of the tree.

DRIP LINE

A vertical line or plane that extends from the outermost portion of the canopy of a tree down to the ground.

EASEMENT

As “Private Easement” is defined in Section 520.010.

PARK TREES

Trees, shrubs, bushes and all other woody vegetation located in City designated public parks.

RIGHT OF WAY

As defined in Section 520.010 of the Mission Municipal Code.

SMALL TREES

Trees, shrubs and other woody vegetation with a potential mature height of no more than twenty-five (25) feet.

STREET TREES

Trees, shrubs, bushes and all other woody vegetation located within the right-of-way of either the City, Johnson County, or the State of Kansas.

OWNER(S)

A person or entity that has the title to a property recorded in their name. This can include corporations, governments, sole proprietorships, partnerships, and other legal types. A property may have multiple owners.

TREE

A woody plant having a well-defined stem or trunk, a more or less definite crown, and a caliper of at least two and one-half inches (2.5") measured at six inches (6") above the soil.

TREE PROTECTION AND REMOVAL PLAN

A plan that shows the location of all existing trees on a property (including the size and species of each), identifies whether the trees will be removed or retained, and shows the locations of tree protection fencing and other protection measures required by Chapter 415 of the Code.

Section 240.110 Authority to Regulate.

The City is hereby authorized to regulate the planting, maintenance, treatment and removal of trees and shrubbery within the City.

Section 240.120 Parks, Recreation, and Tree Commission

The Parks, Recreation and Tree Commission, as established in Section 230.010 of the Mission Municipal Code, shall have the authority and responsibility for the oversight and

enforcement of the provisions of this Chapter through the Parks and Recreation Director, and his/her/their designee, acting as the Commission's agent.

Section 240.130 Interference with Parks, Recreation, and Tree Commission.

It shall be unlawful for any person to prevent, delay or interfere with the Parks, Recreation, and Tree Commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds as authorized in this Chapter.

Section 240.140 Review by City Council.

The City Council shall have the right to review the conduct, acts and decisions of the Parks, Recreation, and Tree Commission. Any person may appeal any ruling or order of the Commission to the City Council no later than thirty (30) days after the ruling or order, who may hear the matter and make a final decision. The Parks, Recreation and Tree Commission shall be represented and heard at the time of appeal.

Section 240.150 through Section 240.210 (Reserved)

Article II - Street Trees, Park Trees, and Trees in Public Utility Easements

Section 240.220 Responsibility for Care and Removal of Trees and Shrubs

The owner(s) of any real property abutting any street, alley, avenue, boulevard or public rights-of-way shall be responsible for the planting, care, maintenance (including trimming) and removal of any street tree planted on said property. Owner(s) of any commercial or multi-family property shall be responsible for the replacement of trees removed in accordance with the landscaping provisions of the municipal land use code in Chapter 415 Article III Landscaping. The City shall be responsible for any park trees and shrubbery planted in city-owned parks or on city-owned property.

Section 240.230 List of Permissible Street and Park Trees.

A. The following is a list of street and park trees species for Mission, Kansas. The Parks, Recreation, and Tree Commission is authorized to adopt regulations providing procedures and criteria for the approval of the planting of other species. These regulations may authorize, without specific written permission of the Commission, the planting of certain trees under specified conditions. The planting of any species not listed in this Section, or those regulations shall be prohibited unless prior written authorization of the Commission is obtained.

1. Maple, Norway (Acer platanoides)
2. Redbud (Cercis canadensis)
3. Maple, Amur Flame (Acer ginnala)

4. Linden, "American Redmond" (*Tilia americana*)
5. Serviceberry (*Amelanchier x grandiflora*)
6. Linden, "Greenspire" Little Leaf (*Tilia cordata*)
7. Western Soap Berry (*Sapindus drummondii*)
8. Oak, "Chinkapin" (*Quercus Muehlenbergii*)
9. Oak, "Shingle" (*Quercus imbricaria*)
10. Oak, "Bur" (*Quercus macrocarpa*)
11. Ginkgo (*Ginkgo biloba*)
12. Bald Cypress (*Taxodium distichum*)

Section 240.240 List of Prohibited Street Trees.

A. The following is a list of tree species that are prohibited as street trees.

1. *Abies* spp. (Fir).
2. *Acer saccharinum* (Silver Maple).
3. *Albizia julibrissin* (Mimosa).
4. *Diospyros virginiana* (Persimmon).
5. *Elaeagnus angustifolia* (Russian Olive).
6. *Fraxinus* (entire genus of Ash).
7. *Maclura pomifera* (Osage Orange fruited/thorned varieties).
8. *Morus* spp. (Mulberry).
9. *Picea* spp. (Spruce).
10. *Pinus* spp. (Pine).
11. *Platanus acerifolia* (London Plane-tree).
12. *Occidentalis* (Sycamore).
13. *Populus* spp. (Cottonwood).

14. *Pyrus calleryana* "Bradford" (Bradford Pear).

15. *Salix* spp. (Willow).

16. Edible fruit trees.

Section 240.250 Prohibited Trees.

A. The following is a list of tree species that may not be planted or grown within the corporate limits of the City of Mission, Kansas:

1. *Ulmus* spp. (Elms except for *Ulmus parvifolia* and *Ulmus americana*).

2. *Ailanthus altissima* (Tree of Heaven).

3. *Acer negundo* (Boxelder) and *Acer saccharinum* (Silver Maple).

4. *Fraxinus* (entire genus of Ash).

5. *Pyrus calleryana* "Bradford" (Bradford Pear).

6. *Pinus Nigra* (Austrian Pine) and *Pinus Sylvestris* (Scotch Pine)

7. *Populus Alba* (Silver Poplar) and *Populus Nigra* (Lombardy Poplar)

8. *Populus deltoides* (Cottonless Cottonwood)

9. *Betula pendula* (European White Birch)

10. *Salix* spp. (Willows)

Section 240.260 Distance from Paved Surface.

No tree or shrub shall be planted within ten (10) feet from any paved surface unless authorized by the Parks, Recreation and Tree Commission or its agent.

Section 240.270 Planting of Trees within Utility Easements.

A. No trees, other than small trees, may be planted or allowed to grow under or within ten (10) lateral feet of any overhead primary or secondary utility wire or over or within ten (10) lateral feet of any underground water line, sewer line, transmission line or other utility.

B. No tree of the following species shall be planted or allowed to grow under or within thirty (30) lateral feet of any overhead primary or secondary utility wire:

1. Populus spp. (Cottonwood).
2. Platanus spp. (Sycamore and London Planetree).
3. Quercus palustris (Pin Oak)

Section 240.280 Responsibility for Trees Within Utility Easements.

The planting, care, maintenance (including trimming) and removal of any tree, shrubbery, or landscaping within a utility easement (electrical, water, gas, sanitary or stormwater sewer) shall be the responsibility of the property owner(s). The utility operator, or its agents, shall have the right to trim and or remove trees, shrubbery, and landscaping within the easement or right-of-way without notice to the property owner(s) and at no liability for damage or loss of trees, shrubbery, or landscaping. Debris left behind after a utility has trimmed or removed any trees is the responsibility of the property owner to remove.

Section 240.290 Sight Distance Triangles and Fireplugs.

- A. No landscaping, tree, shrub, fence, wall or similar item shall be placed within the sight triangle of a driveway intersecting a public right of way, or within the sight triangle of the intersection of two public rights-of-way. The City has the ultimate authority to determine if any landscaping, tree, shrub, fence wall or similar item is an obstruction to visibility or is otherwise a traffic hazard and cannot be installed or must be removed.
- B. No tree, shrub or woody vegetation shall be planted within a distance of ten (10) feet from any fireplug.

Section 240.300 Residential Traffic Islands, Thoroughfare Rights-of-Way, Planting Restrictions.

No trees, shrubs, woody vegetation or other landscape improvements over two (2) feet in height will be permitted on residential traffic islands or thoroughfare rights-of-way unless approved by the Parks, Recreation, and Tree Commission or assigned city staff.

Section 240.310 Rights of Property Owners to Recover Loss from Damage of Trees and Shrubby in Right of Way.

The owner(s) of property abutting any street, alley, avenue or boulevard shall have such title to and property in trees and shrubbery in the right-of-way of any street, avenue, boulevard to enable the owners in case of injury to or destruction of such trees and/or, shrubbery to recover from the person causing said injury or destruction the full damage which said trees and/or shrubbery may sustain by reason thereof. Furthermore, said property owner(s) shall all have the right of action in any court of competent jurisdiction to enjoin injury to or destruction of such trees and/or shrubbery. No recovery or injunction shall be had against the City. Furthermore, no recovery or injunction shall be had against a utility in the making of public improvements or in any other reasonable

exercise of its authority over such streets, alleys, avenues or boulevards or over the trees and shrubbery located thereon.

Section 240.320 Injuring Trees.

It shall be unlawful for any person to cut, girdle, destroy or in any manner injure any tree standing or growing, wholly or partly, within the right-of-way of any street, alley, avenue, boulevard or within any public park without the consent of the abutting landowner or the Parks, Recreation, and Tree Commission.

Section 240.330 Duty to Trim Trees and Shrubs on or Near Streets, Sidewalks.

The owners, occupants or persons in charge of real property in the City that is abutting public streets, avenues, boulevards, alleys, and trails are required to trim or cut back all trees and shrubs or branches or limbs thereof growing or situated in the right-of-way on any such real property which overhang any such street or avenue so as not to interfere with public travel upon the streets, sidewalks, or trails in front or abutting such property. Any trees, shrubs or limbs projecting beyond the back of the curb line or the usual location thereof at a point less than twelve (12) feet above the street level are hazardous and interfere with the use of the streets and avenues. Any trees, shrubs or limbs projecting over any sidewalk or trail or usually traveled pedestrian way, at a point less than eight (8) feet above the level thereof, are hazardous and interfere with the use of sidewalks and usually traveled pedestrian way.

Section 240.340 Right of City to Maintain Trees Not Affected.

Nothing in this Chapter shall be deemed to impair the right of the City to trim, protect, or otherwise care for trees upon all public streets, avenues, boulevards, parks and other public grounds, and the Code Enforcement Officer is hereby authorized and directed, whenever it may be necessary, to perform or to cause to be performed any such work.

Section 240.350 through Section 240.390 (Reserved)

Article III Care and Removal of Diseased and Dead Trees

Section 240.400 Diseased/Dead Trees and Shrubs — Notice.

Whenever any competent City, State or Federal authority, when requested by the Governing Body of the City, shall file with the Governing Body a statement in writing based upon a laboratory test or other supporting evidence that trees or tree materials or shrubs located upon private property within the City are infected or infested with, or harbor any tree or plant disease or insect pest or larvae, the uncontrolled presence of which may constitute a hazard to or result in damage or destruction of other trees or shrubs in the community, describing the same and where located, the Governing Body shall direct the Code Enforcement Officer to forthwith issue notice requiring the owner or agent of the owner of the premises to treat or remove any such designated tree, tree materials, or shrub within a time specified in such notice. In no event shall the time

specified in such notice be less than ten (10) days. Such notice shall be served by the Code Enforcement Officer by delivering a copy thereof to the owner or agent of the property or if the same shall be unoccupied and the owner a non-resident of the City, then the Code Enforcement Officer shall notify the owner by mailing a notice to his/her last known address, the notice providing the non-resident owner at least ten (10) days in which to comply with the terms of this Chapter.

Section 240.410 Diseased/Dead Trees and Shrubs — Failure to Comply with Notice.

If the owner or agent shall fail to comply with the requirements of the notice required by Section 240.400 within the time specified in the notice, then the duly authorized officer of the City shall proceed to have the designated tree, tree materials, or shrub treated or removed and report the cost thereof to the City Clerk and the cost of the treatment or removal shall be paid by the owner of the property or shall be assessed and charged against the lot or parcel of ground on which the tree, tree materials or shrub was located. The City Clerk is hereby authorized upon determination of the amount to be assessed to any such lot or parcel of ground to furnish a written notice by United States mail to the last known address of the owner or agent of the amount of such assessment. The City Clerk shall, at the time of certifying other City taxes to the County Clerk, certify the unpaid cost to be so assessed and the County Clerk shall extend the same on the tax roll of the County against the lot or parcel of ground. The cost of the work shall be paid from the general fund or other proper fund of the City and the funds shall be reimbursed when payment thereof is received or when such assessments are collected and received by the City.

Section 240.420 Diseased/Dead Trees and Shrubs – Appeal of Notice

The owner(s) of such real property upon which notice under Section 240.400 is being served shall have the right to appeal such notice to the Governing Body. Said appeal must be in writing and delivered to the City Clerk within 10 days of service of the notice. The Governing shall take up the appeal at a public hearing within 45 days of receipt of the appeal and make a determination within 30 days of the hearing.

Section 240.430 Powers of City in Case of General Infection.

The Governing Body, when it appears that there is or is likely to be a general infection or infestation of trees or shrubs within the City by tree or plant disease or insect pest or larvae resulting in damage to or the death of many trees or shrubs, may provide such preventive measures or treatments as may be necessary and may pay the cost from the general fund or other proper fund.

Section 240.440 (Reserved)

Article IV. Tree Protection and Tree Removal

Section 240.450. Purpose and Intent.

A. The purpose of this Article is to preserve and protect trees in the City in order to:

1. Create an attractive aesthetic environment in the City;
2. Enhance the environmental and ecological function of undeveloped portions of sites;
3. Preserve the tree canopy and streetscape of the City for the aesthetic, economic, and environmental benefits of tree preservation by preventing indiscriminate removal or destruction of trees; and
4. Work towards the goal to replacing tree canopy cover removed and increasing tree canopy cover to 35% as recommended in the [City's Tree Plan](#).

Section 240.460. Tree Protection and Removal.

A. Prior to demolition or construction for any new commercial project or significant changes, as defined in Section 440.175(A)(5) of the Mission City Code, the following procedures shall be followed. It is the responsibility of the developer and/or contractor and their subcontractors to take appropriate action to preserve all protected trees during all phases of construction.

B. Tree Protection and Removal Plan.

1. Prior to the issuance of a permit for any new commercial or significant residential project, a tree protection and removal plan shall be submitted to the City for approval to ensure preservation of trees and vegetation in accordance with this Article. Specifically, a tree protection and removal plan shall be required when:
 - (a) The property has a tree protected by this Section ;
 - (b) As part of a site plan associated with development, existing trees will be retained and protected; or
 - (c) Any trees are proposed to be removed as part of any permit application associated with the situations listed in this Section.
2. The Tree Protection and Removal Plan shall:
 - (a) Show all existing trees on the property, including specification of the size and species of each tree;
 - (b) Identify trees proposed for removal and trees that will be retained; and
 - (c) Include locations of tree protection fencing and other protection measures required by this Section.

C. Trees shall be protected based on their size. Protected trees require mitigation if removed. The following trees are protected and shall be mitigated if removed, as provided in this ordinance:

1. All trees of any size in the public right-of-way.
2. All trees greater than 4" DBH that are within 20 feet of the front lot line.
3. All trees greater than 6" DBH that are within 10 feet of a non-street property line.
4. All trees greater than 8" DBH that are on other property areas not within the buildable area established by building setbacks.
5. All trees greater than 12" DBH that are within the buildable area established by building setbacks.

D. Tree protective fencing shall be installed according to tree diameter at breast height (DBH) as follows:

1. Trees greater than twenty-eight-inch (28") DBH must have a fence to encompass a perimeter twenty feet (20') from center or seventy-five percent (75%) of drip line (whichever is lesser);
2. Trees between twenty-inch (20") and twenty-eight-inch (28") inch DBH must have a fence to encompass a perimeter fifteen feet (15') from center of tree or seventy-five percent (75%) of drip line (whichever is lesser);
3. Trees less than twenty-inch (20") DBH must have a fence to encompass a perimeter ten feet (10') from the center of the tree or seventy-five percent (75%) of the drip line (whichever is lesser).
4. Tree protection fencing shall be wood, plastic or chain link fencing. The fence shall be four feet (4') in height with steel supporting posts eight feet (8') to ten feet (10') on center. The posts shall be driven into the ground to hold the fence in an upright position throughout construction on the site.
5. Protective/temporary fences shall exclude any existing structures, foundations, slabs, and roadways, sidewalks, and driveways. The fence shall be installed along the edge of the driveways /roadways encompassing the tree to restrict access from the street side. All fences shall appear on construction documents and be installed prior to any other construction -related activity. The fence shall remain in place at all times until all construction -related activity has been completed or final grade achieved. The City Administrator, or designee, may authorize fences are moved at certain times for final grading, access, or other work. As part of a permit or review of a tree protection and removal plan, the City Administrator, or designee, may determine that areas of

the site removed from construction activity and where damage to roots is not likely may not need protective fences.

6. Except for utility work to abandon existing structures or in association with other activity approved by the City Administrator, or designee, the following activities are not allowed within the protective fencing area:
 - (a) Stockpiling of construction materials or waste from the construction process;
 - (b) Cleaning of construction equipment;
 - (c) Parking, storage, or placement of any vehicles, construction equipment, or temporary structures;
 - (d) Grade changes, cut of fill, in excess of two inches (2");
 - (e) New paving with asphalt, concrete, or other materials;
 - (f) No signs, wires, or other attachments other than those of a protective nature shall be attached to any tree;
 - (g) Whenever possible, boring of utilities should be utilized. If open trenching is required, the City Administrator, or designee must approve and ensure that no other options are feasible.

E. *Exceptions for Removal.* It is the responsibility of the developer and/or contractor to ensure that no person removes, damages, or otherwise impairs any tree that is prohibited from removal without prior written authorization from the City Administrator, or designee, to remove the tree. The City Administrator, or designee, may consider an exception to remove any such tree only upon a written request indicating the specific tree and providing documentation that establishes justification for removal. The City Administrator, or designee, shall generally grant the exception for the following:

1. The tree is dead;
2. The tree is diseased or dying, and constitutes a threat to healthy trees, property, or public safety; or
3. Removal of the tree is necessary for construction, development, or redevelopment under the following criteria:
 - (a) All reasonable efforts have been made to avoid removing the tree through comparable alternative designs;

- (b) The presence of the tree places an undue financial burden on the applicant, as determined by the City Administrator, or designee, in their sole discretion; and
- (c) No other reasonable accommodations, including but not limited to adjustments to the otherwise allowable building footprint or site design, can be made to preserve the tree.

F. *Trees confirmed dead by the City.* Trees confirmed dead by the City within City property and City right-of-way may be removed and do not require replacement under this Section.

G. Written authorization by the City Administrator, or designee, shall be valid for the duration of any permit associated with the authorization.

H. Any tree protected under this Section that is removed, whether authorized or in violation of this Section, other than under Subsection E of this Section, shall be replaced according to Table 1: Mitigation for Removal. In general, replacement trees shall be required for any tree removed. However, when replacement could involve the loss of substantial tree canopy or removal of significant DBH of existing trees, and where replacement of multiple smaller trees to account for this would lead to trees planted too close together, a fee in lieu of replacement may be paid into the Tree Fund according to the fee rate established in Table 1. Mitigation may be waived or reduced to any reasonable replacement for trees that are destroyed by an act of God, that die in ordinary conditions, or that otherwise reached the end of their useful life through no act of the owner.

Table 1: Mitigation for Removal

Protected Trees Removed	Tree Replacement Rate*	Fee En Lieu Option \$ per Caliper Inch
Low Priority: < 4” caliper	1 for 1 tree replacement	\$100.00
Moderate Priority: 4” - 12” caliper/DBH	50% of caliper/DBH inch	\$200.00
High Priority: 12”-24” caliper/DBH	75% of caliper/DBH inch	\$300.00
Other: Trees prohibited from removal by 415.190(B), except as authorized in 415.190(D).	100% of caliper/DBH inch	\$400.00

* All replacement trees shall be at least 2.5” caliper and selected from the species list managed by the Parks, Recreation, and Trees Commission.

Section 240.470 through Section 240.490 (Reserved)

Article V. Violation and Penalty

Section 240.500 Violation and Penalty

- A. Each individual or entity found to be in violation of the provisions of Chapter shall severally for each such violation shall be fined not more than one thousand dollars (\$1,000) or six months jail time, or both such fine and jail.
- B. The imposition of a penalty for any violation or noncompliance shall not excuse any violation, permit a violation to continue, or excuse any obligation to remedy any violation.
- C. The imposition of a penalty shall not prohibit any action by the City to enforce compliance, prevent a violation, or remedy a violation of this Chapter.
- D. Each day that violation occurs or is permitted to continue shall constitute a separate offense.

SECTION 2: This Ordinance shall be in force and take effect from after publication according to law.

PASSED AND APPROVED by the City Council this ____ day of _____, 2024.

APPROVED by the Mayor this ____ day of _____, 2024.

Solana Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

David K. Martin, City Attorney
11000 King, Suite 200
PO Box 25625
Overland Park, KS 66225-5625
(913) 469-4100
(913) 469-8182

Request for Proposals: Land Use Ordinance

August 16, 2024
Mission, Kansas

Submitted by:

Allison Mouch, AICP

Managing Partner

1105 Village Way

Missoula, MT 59802

T. (419) 297-1604

E. allison@orionplanningdesign.com



ORION PLANNING + DESIGN

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Mission Planning and Development Services
Mission City Hall
6090 Woodson Street
Mission, Kansas 66202

Orion Planning + Design is pleased to submit this proposal to assist the City of Mission in a comprehensive update of its land use code. Our team brings decades of experience working for and with local governments nationwide, helping communities realize the future they've envisioned through innovative and user-friendly codes and regulations.

Our team's knowledge of and respect for local government and the dedicated individuals who work in the public sector sets us apart from other consulting teams. We have significant experience working coast to coast with city and county governments, facilitating plan implementation through effective code. This includes a host of knowledge and expertise working throughout the United States and abroad. Our team members enjoy collaborating with staff, local officials, stakeholders, and citizens, and incorporate meaningful outreach and interaction as a key element of any project scope, tailored to meet the needs of the client. We value partnerships and believe that the combination of our professional expertise and experience, coupled with your knowledge and familiarity, will result in the very best outcomes for the City of Mission.

As project lead, I will serve as the principal contact for the duration of the project. However, our team of skilled planners, design professionals, and on-call land use attorneys will support every aspect of our collaboration with you, should we be selected for this project. Please do not hesitate to let us know if you have any questions or seek additional information regarding our statement of qualifications. We look forward to having an opportunity to discuss our team's approach to Mission's land use code with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Mouch', is written in a cursive style.

Allison Mouch, AICP
Managing Partner
Orion Planning + Design
1105 Village Way
Missoula, MT 59802
T. (419) 297-1604

E. allison@orionplanningdesign.com



consultant profile

Our Firm

Orion Planning + Design (OPD) is a multi-disciplinary firm specializing in the creation of dynamic, inclusive, resilient communities that can adapt and thrive in a changing world. Our team of professionals has experience in nearly every aspect of local, regional, and state planning. We work coast-to-coast and internationally offering a variety of professional community planning and design services to government, private developers, landowners, and non-profits.

Our Approach

Using a holistically integrated team approach, OPD provides the highest level of service to our clients. Our processes engage and motivate, and our products inspire and enrich. OPD believes in collaborative planning and place-based, context-sensitive solutions. We facilitate locally driven processes and strong working relationships with staff, committees and boards. We distinguish ourselves from our competitors by:

- 1) **Building capacity.** We educate, train, and support our clients and communities so that they have the knowledge and confidence to implement plans, codes, and recommendations.
- 2) **Emphasizing implementation.** Our consulting services always include detailed guidance on how to get from vision to reality.
- 3) **Integrating plans and ordinances.** Our approach and experience focuses on implementing plans through local ordinances. We plan with coding in mind and our ordinance products reflect plan priorities.
- 4) **Valuing volunteerism.** We respect the role of community volunteers and can boast significant time serving communities at home and abroad.

Our Services

OPD offers a variety of professional community planning and design services ranging from comprehensive plans, site design, and land development regulations to on-call staff assistance, mapping and analysis.



LOCATIONS:

Missoula, Montana
 Hernando, Mississippi
 St. Simons Island, Georgia
 Winterport, Maine
 Cold Spring, New York

Contact Information:

Allison Mouch
 1105 Village Way
 Missoula, MT 59802
 P 419-297-1604
 Allison@OrionPlanningDesign.com
 www.OrionPlanningDesign.com

SERVICES:

Coding
 Urban Design
 Site Design
 Education and Outreach
 Comprehensive Plans
 Master Planning
 Transportation / Mobility
 Landscape Architecture
 Visioning
 Economic Development

firm qualifications

Our Experience

The Orion Planning + Design (OPD) team is composed of some of the best planners and designers in the field. Our combination of experience in comprehensive planning and code alignment gives us the breadth and depth of expertise Mission requires to ensure a comprehensive code rewrite process is successful.

Our team has worked in all regions of the country on a variety of planning and coding projects, as evidenced in the following pages. OPD is a pioneer of the code audit process. We have honed our approach through years of experience, and filtered it through our understanding of and respect for local government. Our audit and development code update projects are comprehensive in their reach and transformative for the governments we serve.

Many of our team members have real and substantial experience working as local planners. We've administered many different types of codes, chaired technical review committees, answered difficult questions at the zoning counter and in front of boards and commissions, and suffered through the interpretation and enforcement challenges of out-of-date codes. We know that a great land use code works to implement community vision and comprehensive plan goals, and that it must do so in ways that don't overburden staff, or create unnecessary obstacles and delays for applicants. Codes that aren't practical and enforceable can be worse than no codes at all.

In a world that is changing rapidly and, in some ways, unpredictably, land development codes must be viewed as living documents. They are the short-term implementation tool of long-range plans. Our experience working in many disparate places and networking across geographies and specializations means our library of best practices and understanding of where development trends are likely leading communities is unsurpassed.

BUILDING PLACEMENT	Design Standard		Additional Requirements
	Lot Line, Primary Street	0 ft. setback	A minimum of 50% of the building frontage is required to meet the zero lot line setback.
	Lot Line, Secondary Street	0 ft. setback	A minimum of 50% of the building frontage is required to meet the zero lot line setback. Where a secondary street frontage abuts a transitional zone, first floor residential shall be permitted along the secondary street street frontage.
	Lot Line, Common	0 ft. setback	If abutting a residential district a 10 ft. minimum setback with landscaped buffer or privacy fencing is required. The setback is not to include parking or circulation.
	Lot Line, Rear	0 ft. setback	If abutting a residential district a 10 ft. minimum setback with landscaped buffer or privacy fencing is required. The setback shall be in addition to parking or circulation space necessary to serve the site.
	Corner Lot Orientation	0 ft. setback	A building must present to the primary/secondary street frontage on a corner lot. If a variance to setback is requested, the maximum setback allowable along the primary and secondary lot line shall not to exceed 10 ft. Reference Figure 3 for guidance on building placement
Parking Setback	10 ft. minimum	The setback is applicable only when parking is located adjacent to the building/structure. Landscaping requirements shall apply to the setback, pursuant to Section XI below.	

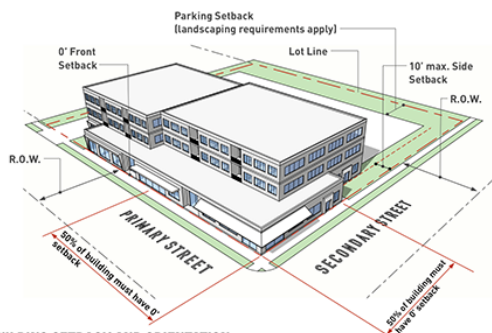
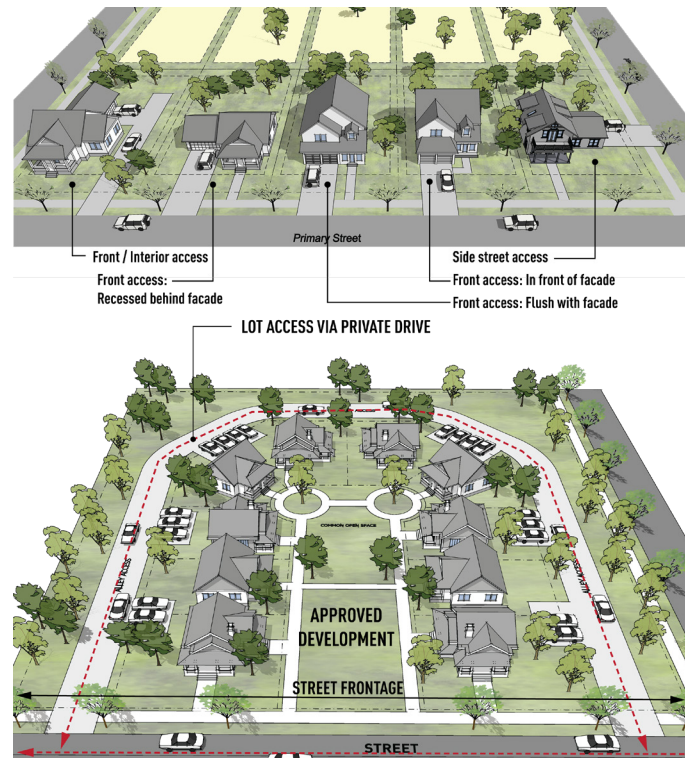


FIGURE 6: BUILDING SETBACK AND ORIENTATION



ALLISON MOUCH

MANAGING PARTNER, AICP

419.297.1604 (C) 

allison@orionplanningdesign.com 



Allison has sixteen years of professional planning and design experience in the public, private and non-profit sectors. Her areas of specialization include comprehensive plans, public engagement, code development, project management, mapping, and analysis, with a focus on collaboration as a means of achieving positive outcomes. Allison has wide-ranging experience working with private developers and public clients on forward-thinking land use and design solutions, fostering meaningful partnerships that result in sound policy and planning decisions.

PROFESSIONAL EXPERIENCE

- ORION PLANNING + DESIGN **PARTNER**
Missoula, Mt
- MONTANA DEPT. OF COMMERCE **COMMUNITY PLANNING BUREAU CHIEF**
Helena, Mt
- FLATHEAD CO. PLANNING & ZONING **PLANNER II**
Kalispell, MT
- INSTITUTE FOR ENVIRONMENTAL NEGOTIATION **ASSOCIATE**
- EQUESTRIAN SERVICES, LLC **LAND PLANNER**

EDUCATION

- MASTER OF URBAN & ENVIRONMENTAL PLANNING **UNIVERSITY OF VIRGINIA**
- BACHELOR OF ARTS IN ARCHITECTURE **MIAMI UNIVERSITY (OH)**

PUBLICATIONS & PRESENTATIONS

- LAND USE PLANNING IMPACTS IN EASTERN MONTANA — *Montana Policy Review, Fall 2012*
- BUILDING SUSTAINABILITY FROM THE GROUND UP — *Graduate Thesis, 2007-2008*
- DESIGNING FOR THE HOMELESS AND THE HOME HOUSE PROJECT — *Journal of Architectural Education, 2005*
- JUROR FOR THE 2021 NATIONAL PLANNING AWARDS
- MONTANA, IDAHO, MISSISSIPPI AND ALABAMA STATE PLANNING CHAPTER CONFERENCES
- WESTERN PLANNER & MONTANA DOWNTOWN CONFERENCES
- NATIONAL PLANNING CONFERENCE SESSIONS

RELEVANT PROJECTS

- BUTTE-SILVER BOW COUNTY ZONING CODE AUDIT AND UPDATE — *Project Manager*
Butte-Silverbow, MT
- LEWIS AND CLARK COUNTY SUBDIVISION REGULATIONS UPDATE — *Project Manager*
Lewis and Clark County, ID
- LAND USE MANAGEMENT ORDINANCE AUDIT AND UPDATE — *OPD Project Manager*
Chapel Hill, NC
- HAWAII COUNTY ZONING CODE AUDIT AND UPDATE — *OPD Project Manager*
Hawaii County, HI
- MISSOULA COUNTY ZONING CODE AUDIT AND UPDATE — *Project Manager*
Missoula County, MT
- MAUI COUNTY ZONING CODE AUDIT AND UPDATE — *Project Manager*
Hawaii County, HI
- NORTH AUGUSTA ZONING CODE AUDIT AND UPDATE — *Project Team*
North Augusta, SC

LEADERSHIP, AFFILIATIONS, & AWARDS

- AMERICAN PLANNING ASSOCIATION
Region V Board Member
- MONTANA ASSOCIATION OF PLANNERS, BOARD MEMBER,
2013-Present
- APA WESTERN CENTRAL CHAPTER
PRESIDENT, 2014-2017
- LEADERSHIP HELENA,
2015-2016



OLIVER SEABOLT

PARTNER, ASLA

404.933.0143 (C) 

oliver@orionplanningdesign.com 



Oliver has more than 20 years of combined experience in landscape architecture, urban design, and real estate. He has extensive experience in the design, management, and implementation of complex domestic and international projects of varying scales. Working closely with both public and private entities, he has successfully led planning, design, and real estate development projects throughout his career. His unique multi-disciplined skill set is instrumental in providing innovative and implementable solutions for challenging projects.

PROFESSIONAL EXPERIENCE

- **ORION PLANNING + DESIGN** PARTNER
St. Simons Island, GA, 2015-
- **ALTA PLANNING + DESIGN** SENIOR DESIGNER
St. Simons Island, GA, 2012-2015
- **SWA GROUP** ASSOCIATE
Los Angeles, CA, 2010-2012
- **SEABOLT ASSOCIATES** PRINCIPAL
Atlanta, GA, 2003-2010
- **HARGREAVES ASSOCIATES** PROJECT MANAGER
San Francisco, CA, 2001-2002
- **REECE, HOOPES, & FINCHER** PROJECT MANAGER
Atlanta, GA, 1997-1999

EDUCATION

- **POST-PROFESSIONAL MASTER** HARVARD UNIVERSITY
IN LANDSCAPE ARCHITECTURE
- **BACHELOR OF LANDSCAPE** UNIVERSITY OF GEORGIA
ARCHITECTURE

ACTIVITIES & AWARDS

- **COMMISSIONER-ISLANDS PLANNING COMMISSION**
Glynn County, GA, 2012-2015
- **VISITING REVIEW CRITIC**
USC School of Architecture, 2011
- **VISITING CRITIC IN LANDSCAPE ARCHITECTURE**
Harvard University Career Discovery, 2001
- **MISSISSIPPI APA - BEST PLAN AWARD - 2017**
Brandon Downtown Plan, Brandon, MS
- **ALABAMA APA - BEST PLAN AWARD - 2017**
West Side Master Plan, Madison, AL
- **MISSISSIPPI MAIN STREET ASSOCIATION - 2019 BEST ECONOMIC RECRUITMENT AWARD**
Rehabilitate Downtown, Greenwood, MS

RELEVANT PROJECTS

- **NEW ALBANY DOWNTOWN REDEVELOPMENT PLAN** — Lead Designer
New Albany, MS
- **PASCAGOULA COMPREHENSIVE PLAN** — Lead Designer
Pascagoula, MS
- **DIAMONDHEAD TOWN CENTER FORM BASED CODE** — Lead Designer
Diamondhead, MS
- **PASS CHRISTIAN URBAN RENEWAL PLAN** — Lead Designer
Pass Christian, MS
- **BRANDON DOWNTOWN PLAN** — Lead Designer
Brandon, MS
- **DOWNTOWN REVITALIZATION MASTER PLAN** — Lead Designer
Springdale, AR
- **DOWNTOWN PARKING AND OPEN SPACE PLAN** — Lead Designer
Dublin, GA
- **BRANDON COMPREHENSIVE PLAN AND DEVELOPMENT CODE** — Lead Designer
Brandon, MS
- **OXFORD COMPREHENSIVE PLAN** — Lead Designer



BOB BARBER

PARTNER, FAICP

901.268.7566 (C) 

bob@orionplanningdesign.com 



Bob has over 30 years of experience in planning and community development at the regional, county, and municipal levels including substantial practice with private sector development. He has served as a teacher and mentor at the university level, as an advocate for disadvantaged and minority communities in both professional and private life, created successful private/public partnerships for redevelopment, and successfully implemented nationally recognized and award-winning place making principles.

PROFESSIONAL EXPERIENCE

- ORION PLANNING + DESIGN PARTNER
Hernando, MS, 2011-
- ROBERT L. BARBER & ASSOCIATES PRINCIPAL
Hernando, MS, 1986-2012
- CITY OF HERNANDO DIRECTOR OF PLANNING
Hernando, MS, (retired) 1996-2012
- CITY OF HERNANDO DEPUTY DIRECTOR OF PLANNING
Hernando, MS, 1988-1996
- NORTH DELTA PLANNING & DEV. DISTRICT REGIONAL PLANNER
Clarksdale, MS, 2001-2002

EDUCATION

- MASTER OF URBAN AND REGIONAL PLANNING UNIVERSITY OF MISSISSIPPI
- BACHELOR OF ARTS, MAJOR IN PHILOSOPHY AND RELIGION UNIVERSITY OF MISSISSIPPI

ACTIVITIES & AWARDS

- AMERICAN INSTITUTE OF CERTIFIED PLANNERS
Region III Commissioner
- AICP COLLEGE OF FELLOWS & PAST CHAIR
Member
- APA CHAPTER PRESIDENTS COUNCIL
Past Chair
- MISSISSIPPI APA - BEST PLAN AWARD 2017
Brandon Comprehensive Plan, Brandon, MS
- MISSISSIPPI APA - BEST PLAN AWARD 2013
Brandon Downtown Plan, Brandon, MS
- AWARD FOR EXCEPTIONAL PRACTICE 2013
American Institute Of Certified Planners
- MISSISSIPPI'S LIVABLE CITY AWARD FOR OUTSTANDING PLAN IMPLEMENTATION
Hernando, MS, 2000

RELEVANT PROJECTS

- DIAMONDHEAD VISION 2040 COMPREHENSIVE PLAN & CODE UPDATE — Project Director
Diamondhead, MS
- DISCOVER PARAGOULD 2042 COMPREHENSIVE PLAN & CODE UPDATE — Project Director
Paragould, AR
- NORTH AUGUSTA ZONING CODE AUDIT & UPDATE — Project Director
North Augusta, SC
- NEW ALBANY NEXT COMPREHENSIVE PLAN — Project Director
New Albany, MS
- PLAN PASCAGOULA COMPREHENSIVE PLAN — Project Director
Pascagoula, MS
- ENVISION DAPHNE COMPREHENSIVE PLAN — Project Director
Daphne, AL
- BRANDON DOWNTOWN MASTER PLAN — Project Director
Brandon, MS

TEACHING

- LAND USE PLANNING LECTURER
CERTIFIED MUNICIPAL OFFICIALS INSTITUTE
Mississippi Municipal League, 1999 to present.
- DESIGNED AND WROTE CURRICULUM USED IN TRAINING OVER 1000 MUNICIPAL MAYORS AND BOARD MEMBERS IN PLANNING AND COMMUNITY DEVELOPMENT.



JOHANNA TUTHILL

PLANNER

616.540.1971 (C) 

johanna@orionplanningdesign.com 



Johanna is a young professional in planning and community development field. She has over 3 years of experience working in the public and non-profit sectors. Her areas of specialization include environmentally sustainable development, equitable community building, food sovereignty, and GIS analysis of community resources. Johanna has been involved in non-profit research in and around the Chicago land region that has helped communities further develop food sovereignty through urban farm initiatives and geographic analysis.

During her work with the city of Ashland, Oregon, she was involved in all stages of municipal planning, working closely with community members, zoning codes, and permitting processes. Johanna is passionate about finding new and innovative methods to create environmental, social, and economic sustainability through land use planning and design.

PROFESSIONAL EXPERIENCE

- **ORION PLANNING + DESIGN** PLANNER
Winterport, ME, 2023-
- **CITY OF ASHLAND** ASSOCIATE PLANNER
Ashland, OR, 2022-2023
- **CHICAGO FOOD POLICY ACTION COUNCIL** RESEARCH INTERN
Chicago, IL, 2020-2021
- **DEPAUL UNIVERSITY** GIS FACULTY ASSISTANT
Chicago, IL

EDUCATION

- **MASTERS IN SUSTAINABLE URBAN DEVELOPMENT** DEPAUL UNIVERSITY
- **GIS CERTIFICATE AWARDED WITH HONORS** DEPAUL UNIVERSITY
- **BACHELOR OF SCIENCE BIOLOGY, HEALTH AND SOCIETY** UNIVERSITY OF MICHIGAN

ACTIVITIES & AWARDS

- **STEANS CENTER GRADUATE FELLOW**
—Chicago, IL, 2019
- **CHADDICK INSTITUTE - BEST MODEL AND SITE PLAN**
— DePaul University, 2020

RELEVANT PROJECTS

- **CITY OF ATHENS ZONING CODE AUDIT AND REWRITE** — Project Team
Athens, AL
- **BUTTE - SILVER BOW ZONING CODE UPDATE** — Project Team
Butte - Silver Bow, MT
- **LAND USE ORDINANCE REWRITE** — Project Team
Hawai'i County, HI
- **COMPREHENSIVE LAND USE MANAGEMENT ORDINANCE REWRITE** — Project Team
Chapel Hill, NC
- **HORN LAKE FORWARD 2044 COMPREHENSIVE PLAN** — Project Team
Horn Lake, MS
- **MADISON ON TRACK 2045 COMPREHENSIVE PLAN** — Project Team
Madison, AL
- **BAY SAINT LOUIS 2045 COMPREHENSIVE PLAN** — Project Team
Bay Saint Louis, MS
- **JEFFERSON COUNTY COMPREHENSIVE PLAN** — Project Team
Jefferson County, AL
- **TWIN FALLS COUNTY ZONING CODE UPDATE** — Project Team
Twin Falls County, ID



LILA OSBORN PLANNER

845.490.4243 (C) 

lila@orionplanningdesign.com 



Lila is a planning and community development specialist with 3 years of experience working in the public and non-profit sectors. Her research and career has focused on policy management, public engagement, community development, floodplain management, historic preservation, and urban food systems. In her role as Senior Planner for Butte-Silver Bow, MT, Lila was involved in all areas of municipal planning. She is experienced working with various public agencies, private groups and developers, non-profit entities, and citizens to solve problems and develop long-range planning initiatives. She believes in a place-based approach to planning and urban design for creating sustainable, equitable, healthy communities.

PROFESSIONAL EXPERIENCE

- **ORION PLANNING + DESIGN** PLANNER
Cold Spring, NY 2024-
- **CITY-COUNTY OF BUTTE-SILVER BOW** SENIOR PLANNER
Butte, MT 2022-2024
- **ACTION, INC.** INTERN
Butte, MT 2021
- **UNIVERSITY OF MONTANA** GRADUATE TEACHING ASSISTANT
Missoula, MT 2020-2022

EDUCATION

- **MASTERS IN GEOGRAPHY WITH AN EMphasis ON URBAN & ENVIRONMENTAL PLANNING** UNIVERSITY OF MONTANA
- **BACHELORS IN GEOGRAPHY WITH AN EMphasis ON URBAN & ENVIRONMENTAL PLANNING** STATE UNIVERSITY OF NEW YORK (SUNY) AT GENESEO

ACTIVITIES, AWARDS, AND AFFILIATIONS

- **SITE EDUCATOR** MANITOGA/RUSSEL WRIGHT NATURE & DESIGN CENTER
Garrison, NY
- **RIDGE SCHOLAR** UNIVERSITY OF MONTANA
Missoula, MT
- **NATIONAL SCIENCE FOUNDATION TRAINEE AT THE FOOD-ENERGY-WATER NEXUS** UNIVERSITY OF MONTANA
Missoula, MT 2020-2022
- **BERTHA MORTON GRADUATE SCHOLAR** SUNY GENESEO
Missoula, MT 2021
- **GTU INTERNATIONAL GEOGRAPHY HONOR SOCIETY MEMBER**
- **AMERICAN PLANNING ASSOCIATION MEMBER**
New York Metro Chapter

RELEVANT PROJECTS

- **BUTTE-SILVER BOW, MT ZONING CODE AUDIT & UPDATE** — Project Team
Butte-Silver Bow, MT
- **BUTTE-SILVER BOW, MT COMPREHENSIVE PLAN IMPLEMENTATION** — Butte-Silver Bow Staff
Butte-Silver Bow, MT
- **BUTTE-SILVER BOW, MT HOUSING STRATEGIC PLAN** — Butte-Silver Bow Staff
Butte-Silver Bow, MT
- **CITY OF ATHENS, AL ZONING CODE AUDIT & UPDATE** — Project Team
Athens, AL
- **LEWIS AND CLARK COUNTY SUBDIVISION REGULATIONS AUDIT & UPDATE** — Project Team
Lewis and Clark Count, MT
- **CHAPEL HILL, NC LAND USE MANAGEMENT ORDINANCE UPDATE** — Project Team
Chapel Hill, NC
- **MAUI COUNTY ZONING CODE UPDATE** — Project Team
Maui, HI
- **PARAGOULD ZONING CODE UPDATE** — Project Team
Paragould, AR

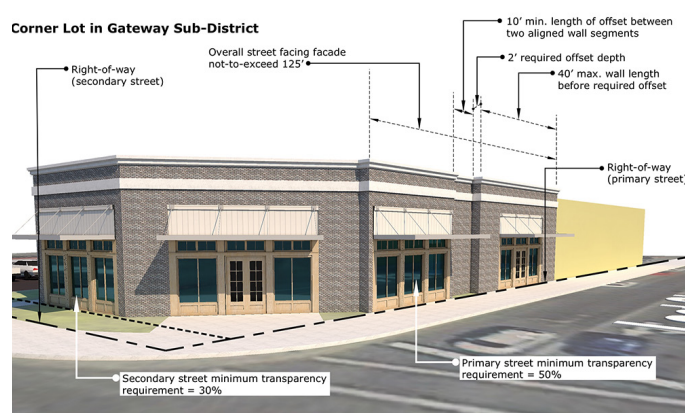
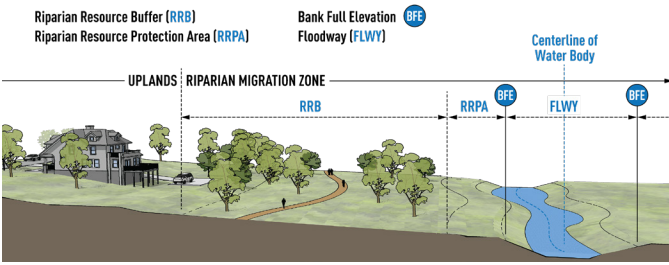


previous experience

Relevant Project Experience

Our team has extensive experience working on projects in comparable communities across the country. The matrix below highlights our team’s extensive work on projects and components that are relevant to the proposed project scope for the City, demonstrating a range of relevant project experience. A more detailed look at select projects including brief descriptions and contact information, follow. We feel these project examples provide a robust snapshot of recent work that embodies the qualifications and experience that equip us to complete a strong and successful update to Mission’s land use code.

Project	Location	Year	Contact	Contact Info	Components			
					CODE AUDIT	CODE UPDATE	PUBLIC ENGAGEMENT	UNIFIED DEVELOPMENT ORDINANCE
Chapel Hill LUMO Audit and Update	Chapel Hill, North Carolina	Ongoing	Tas Lagoo, Principal Planner	(919) 969-5054	X	X	X	X
Butte-Silver Bow Comp Plan & Zoning Update	Butte, Montana	2022; Ongoing	Julia Crain, Planning Director	(406) 497-6264	X	X	X	
Paragould Code Update	Paragould, Arkansas	Ongoing	Kevin Lang, Director of Planning & Development	(870) 239-7513	X	X	X	X
Maui County Zoning Code Audit and Update	Maui County, Hawaii	Ongoing	Scott Forsyth, Plan Implementation Division Chief	(808) 270-7813	X	X	X	
Lewis and Clark County Subdivision Regulations	West Memphis, Arkansas	Ongoing	Greg McNalley, Planning Director	(406) 447-8374	X	X	X	
West Memphis Comp Plan and Code Update	West Memphis, Arkansas	2019	Paul Luker, Planning	(870) 732-7520	X	X	X	
New Albany Land Development Code	New Albany, Mississippi	2019	Billy Jean Stroud, Director of Community Development	(662) 534-3438	X	X	X	X
Missoula County Zoning Code Audit and Update	Missoula County, Montana	2020	Karen Hughes, Planning, Development, and Sustainability Director	(406) 258-3425	X	X	X	



BUILDING PLACEMENT

Design Standard		Additional Requirements
Lot Line, Primary Street	0 ft. setback	A minimum of 50% of the building frontage is required to meet the zero lot line setback.
Lot Line, Secondary Street	0 ft. setback	A minimum of 50% of the building frontage is required to meet the zero lot line setback. Where a secondary street frontage abuts a transitional zone, first floor residential shall be permitted along the secondary street street frontage.
Lot Line, Common	0 ft. setback	If abutting a residential district a 10 ft. minimum setback with landscaped buffer or privacy fencing is required. The setback is not to include parking or circulation.
Lot Line, Rear	0 ft. setback	If abutting a residential district a 10 ft. minimum setback with landscaped buffer or privacy fencing is required. The setback shall be in addition to parking or circulation space necessary to serve the site.
Corner Lot Orientation	0 ft. setback	A building must present to the primary/secondary street frontage on a corner lot. If a variance to setback is requested, the maximum setback allowable along the primary and secondary lot line shall not to exceed 10 ft. Reference Figure 3 for guidance on building placement
Parking Setback	10 ft. minimum	The setback is applicable only when parking is located adjacent to the building/structure. Landscaping requirements shall apply to the setback, pursuant to Section XI below.

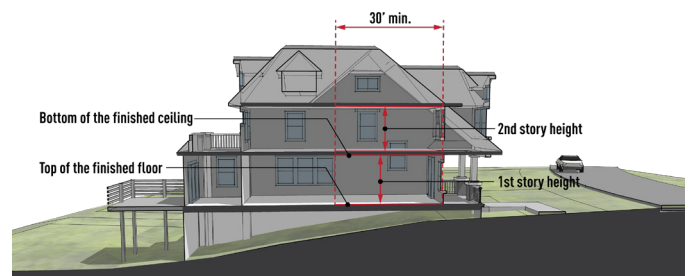
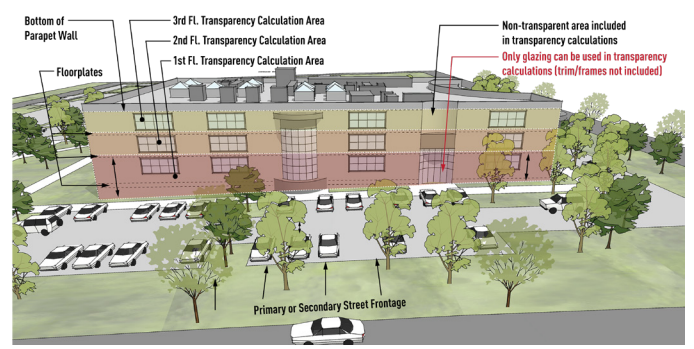


FIGURE 6: BUILDING SETBACK AND ORIENTATION

HELENA DOWNTOWN ZONING CODE UPDATE

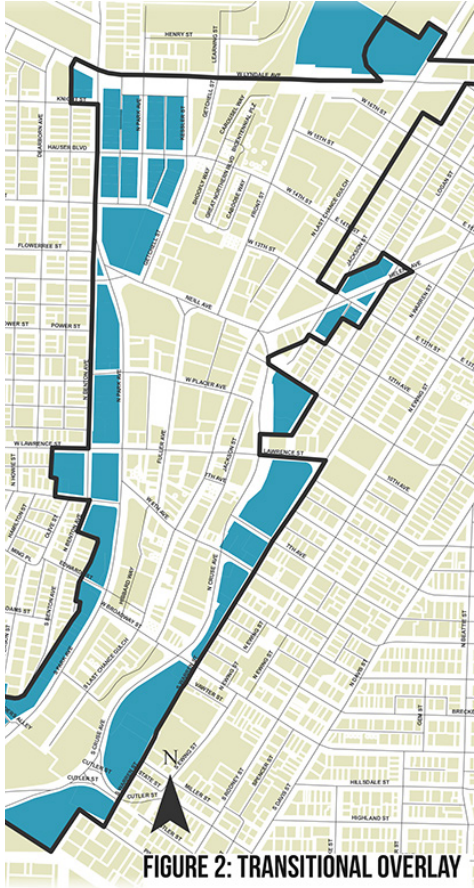
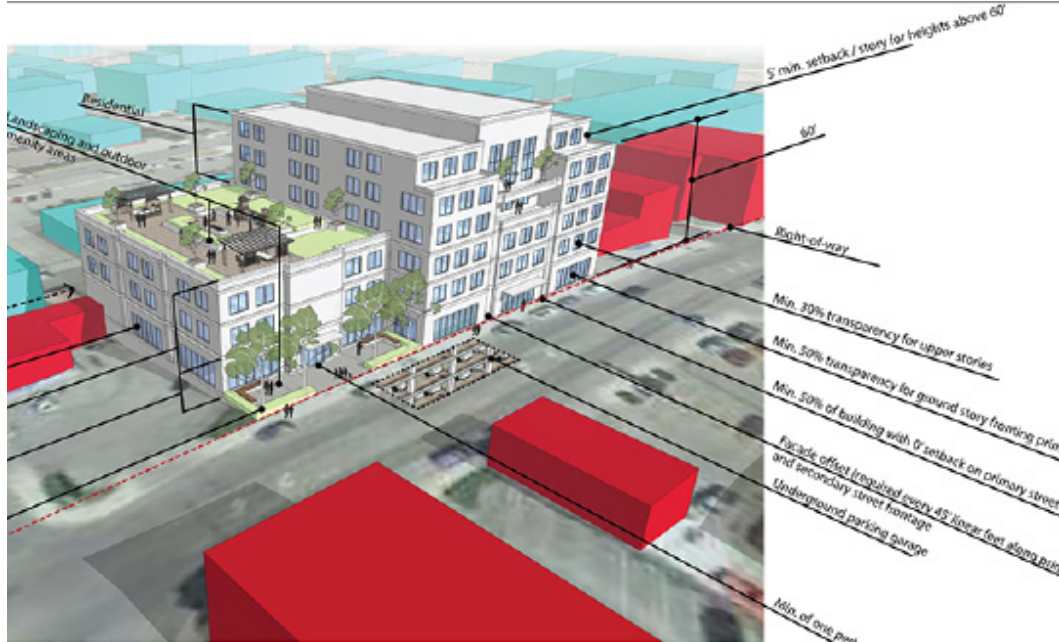


FIGURE 2: TRANSITIONAL OVERLAY



BUILDING PLACEMENT

Design Standard			Additional Requirements
Lot Line, Primary Street	0 ft. setback	A minimum of 50% of the building frontage is required to meet the zero lot line setback.	
Lot Line, Secondary Street	0 ft. setback	A minimum of 50% of the building frontage is required to meet the zero lot line setback.	Where a secondary street frontage abuts a transitional zone, first floor residential shall be permitted along the secondary street frontage.
Lot Line, Common	0 ft. setback	If abutting a residential district a 10 ft. minimum setback with landscaped buffer or privacy fencing is required.	The setback is not to include parking or circulation.
Lot Line, Rear	0 ft. setback	If abutting a residential district a 10 ft. minimum setback with landscaped buffer or privacy fencing is required.	The setback shall be in addition to parking or circulation space necessary to serve the site.
Corner Lot Orientation	0 ft. setback	A building must present to the primary/secondary street frontage on a corner lot. If a variance to setback is requested, the maximum setback allowable along the primary and secondary lot line shall not to exceed 10 ft.	Reference Figure 3 for guidance on building placement
Parking Setback	10 ft. minimum	The setback is applicable only when parking is located adjacent to the building/structure.	Landscaping requirements shall apply to the setback, pursuant to Section XI below.

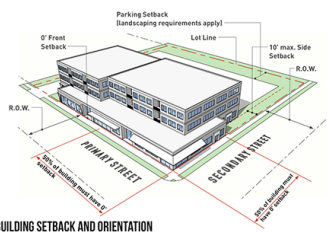


FIGURE 6: BUILDING SETBACK AND ORIENTATION



PROJECT INFORMATION

Orion planning, code development, and public engagement.

Helena, Montana

Adopted in 2019

Client: City of Helena

Contact: Ellie Ray, Senior Planner

406.447.8491

eray@helenamt.gov

www.helenamt.gov

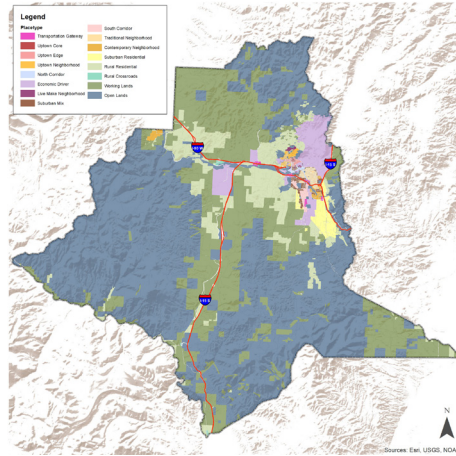
PROJECT DESCRIPTION

Orion Planning + Design was hired by the City of Helena to assist in the development of a new zoning code for the heart of downtown. The project is one of the first steps toward implementing the vision and goals identified in the Downtown Master Plan, adopted in the fall of 2016.

The project involved consolidating nine unique zoning districts into a streamlined hybrid code for the area. The OPD team worked closely with City staff, the Zoning Commission and key members of the Business Improvement District to craft design standards and incentives to spur investment in downtown while supporting the historic integrity of the community through redevelopment. A robust outreach strategy was developed to include meetings with key stakeholders, a public workshop to introduce form-based concepts and highlight the community's preferences for the urban environment, a project website and social media content for information-sharing purposes, and a quick-poll survey for additional feedback. The project team met regularly with the Zoning Commission over the course of nine months to review draft content and evaluate standards for appropriateness when applied to the historic downtown.

The revised code was formally adopted by the City of Helena in 2019.

BUTTE - SILVER BOW CITY-COUNTY GROWTH POLICY UPDATE, ZONING CODE AUDIT & UPDATE



PROJECT DESCRIPTION

Orion Planning + Design was hired to assist the City-County government of Butte Silver-Bow (BSB) with an update to the countywide comprehensive plan—otherwise referred to as a “growth policy”. BSB is one of two regional governments in Montana, uniting administration and oversight of the urban community of Butte with the rural county and community outposts beyond the City’s borders. Previous planning efforts focused almost singularly on the historic core of Butte.

Orion was asked to help to broaden the plan’s reach to meaningfully include county residents and rural communities in the update, using innovative outreach and place-based planning tools. Over 500 participants engaged in the survey, public workshops, listening sessions, stakeholder conversations, and open house events over the course of 18 months; the plan was formally adopted in November 2020.

Following the growth policy update, Orion was selected to lead the zoning code audit and update process. The process began in 2023, focused on modernizing the out-of-date code while preserving and enhancing the unique historic uptown district and aligning the code with the recently adopted growth plan. The audit was completed in 2023, and the drafting phase is currently in progress.

PROJECT INFORMATION

 Butte - Silver Bow, Montana

 2018-2020, 2023-present

 Client: Butte Silver-Bow City-County Government

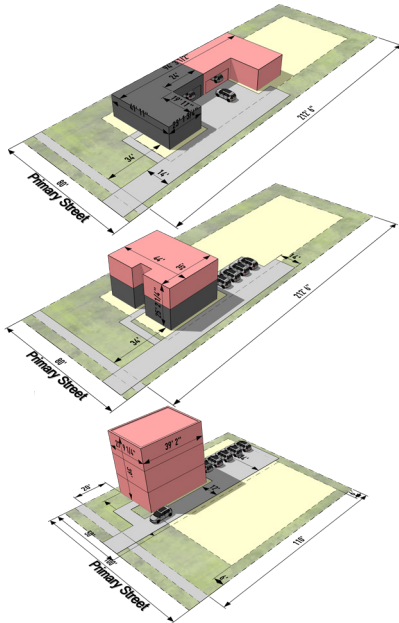
 Contact: Julia Crain, Planning Director

 406.497.6264

 jcrain@bsb.mt.gov

 www.co.silverbow.mt.us

CHAPEL HILL LUMO AUDIT AND UPDATE



PROJECT INFORMATION

Orion led planning, code development, and public engagement.

Chapel Hill, North Carolina

Client: Town of Chapel Hill

Contact: Tas Lagoo, Principal Planner

919.969.5054

tlagoo@townofchapelhill.org

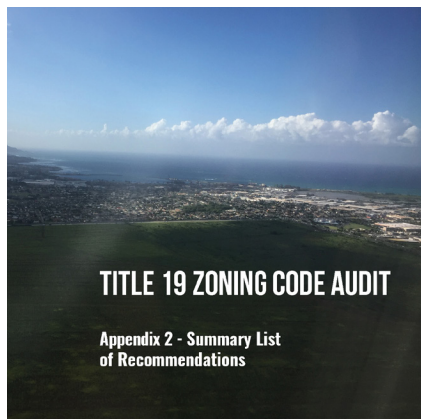
www.townofchapelhill.org

PROJECT DESCRIPTION

Orion Planning + Design partnered with Skidmore, Owings & Merrill (SOM) to lead a comprehensive audit of the land use management ordinance (LUMO) for the Town of Chapel Hill. This effort was part of a transit-oriented development (TOD) plan for the Town, called "Shaping Our Future", which was led by SOM. The LUMO audit looked at both content and process, focusing specifically on the plan/code alignment along key transportation corridors serving the Chapel Hill community. The audit process included significant stakeholder outreach with the design and development community over the course of a year, overlapping the TOD effort and resulting in core recommendations on how the LUMO could be improved to support Town goals and priorities. The audit process positioned the Town to begin an update of the LUMO immediately following TOD plan adoption, with Orion leading the update effort. The LUMO update began early summer of 2023 with a complete realignment of content; drafting of the newly envisioned zoning districts, building types, design standards, and process while ground truthing best practice recommendations from the audit will continue through 2024, with significant outreach to stakeholders and the public occurring later this summer.



MAUI COUNTY TITLE 19 ZONING CODE AUDIT AND UPDATE



PROJECT DESCRIPTION








Maui County selected Orion Planning + Design to conduct a comprehensive audit of its county-wide zoning code. Prior to the initiation of the audit, Title 19 had not been through a comprehensive review or rewrite since 1960.

The OPD team conducted in-depth site analyses and intensive feedback sessions with key stakeholders. Stakeholders involved included representatives from the planning and design community; large landowners and developers; homeowners associations; environmental organizations; agriculture and farming advocates; economic development and tourism representatives; and staff members from all four divisions of the Maui County Planning Department and other arms of local government. Extensive input was also collected through unique surveys developed for internal and external stakeholder groups. The final audit incorporated the feedback received, a comprehensive analysis of Title 19 including how it aligned with associated plans, and an assessment of best practices with recommended strategies for the County to consider in Phase 2 of the project - the code update itself.

The project concluded with presentations to stakeholder groups, a formal presentation to County Council members, and transmittal of all final deliverables. The Phase 2 code update process is currently in progress.

PROJECT INFORMATION

Orion leads outreach and facilitation, administration, code review, drafting, editing,

-  Maui County, Hawaii
-  Ongoing
-  Client: County of Maui
-  Contact: Scott Forsythe
-  808.270.7813
-  Scott.Forsythe@co.maui.hi.us
-  www.maui-county.gov



project approach and scope

project approach

Cities nationwide are implementing strategies to encourage affordability and diversity in housing choice, further protect their unique environmental assets, encourage economic growth and sustainability, preserve their history and culture, explore a wider range of mobility options, and ensure social, economic, and environmental resilience. Many strategies can and should be reflected in land development and codes. Our team has worked with many cities and counties across the United States to update their codes to reflect these and many other issues.

Our approach to code work is iterative and inclusive. We have a library of national best practices and a wealth of national experience, but we recognize staff, leaders, and citizens are the experts on what will work best in the City of Mission. There is no “one size fits all” approach to regulation. We will work with you to build a process that reflects the County’s overall needs and objectives without pre-determining your solutions. Throughout the process, we will use our knowledge of state statute to craft an that balances **flexibility with predictability** – two key regulatory principles – to address Mission’s unique circumstances.

We value teamwork and will integrate the City staff into our team as much as possible throughout the process. Communication is critical to effective teamwork and we will be available to you by phone, email, and video conference in addition to in-person meetings as the project unfolds. This approach is reflected in our scope of services found in the following pages.

While every code presents unique circumstances and characteristics to consider, our approach to code work in any community employs the following principles:

CLARIFY AND SIMPLIFY - All new and revised regulations will be written in plain English, as much as possible, to maximize the reader’s ability to find what they need, understand what they find, and use what they find to meet their needs. To meet this goal, we:

- **DO NOT** use unnecessary jargon
- **DO** use simple words, phrases, and sentences whenever possible
- **AVOID** the use of confusing and ambiguous language or punctuation
- **INCORPORATE** graphics to illustrate regulations for clarity
- **ORGANIZE** codes to be most useful to those who use them including incorporation of tables and charts
- **AVOID** duplication and conflicting language
- **USE** interactive features that make navigating the code easier

REGULATE WHAT MATTERS - The regulations will align with the values and goals outlined in the recently adopted comprehensive plan while allowing for shifts in the future. Codes should implement community plans and policies in a manner that is approachable and understandable. If it is unclear why a regulation is being applied, or what purpose it intends to accomplish, the regulation should be questioned and analyzed, not blindly followed. It is especially important that regulations in place are readily and easily administered, and that there is a clear objective behind what is being asked of both the landowner and staff.



DETAILED DESIGN • TRADITIONAL NEIGHBORHOOD

- ⑦ A network of streets with rear alleys in medium and higher density areas improves connectivity throughout the development.
- ⑧ Connections to existing and future development is important.
- ⑨ Environmentally sensitive areas are preserved.
- ⑩ Trails provide passive recreation and improve connectivity throughout the neighborhood.
- ⑪ Storm water quality features designed as amenities.
- ⑫ Neighborhoods are generally a five-minute walk, or one-quarter mile, from center to edge.



VISION 2037: OXFORD'S BICENTENNIAL

PRESERVE AND PROTECT THE RIGHTS OF OWNERS AND RESIDENTS - The regulations will recognize and incorporate clear and well-defined processes that uphold property rights and balance those rights with the community values expressed through the comprehensive plan. There should be a public purpose behind each regulation, and processes and requirements must make sense.

PREVENT CONFLICTS - Organization and consistency are the key to an effective land use code. A “place for everything and everything in its place” is the foundation of consistency, readability, and ease of use. While it is impossible to eliminate all conflict within regulations, it is possible to have established methods for how to deal with conflicts when they arise. An example would be where a change of use or expansion triggers additional parking standards that conflict with landscaping requirements. Predicting and addressing how conflicts such as this are handled and establishing which is the community’s highest priority - additional parking or adhering to landscaping standards - is key.

OPTIONS AND CONTEXT - The regulations will provide a range of site development options with clear criteria and guidelines for allowing alternatives to future development as well as changes to existing neighborhoods as the community continues to evolve.

A core tension exists between flexibility and predictability. Flexibility is necessary to allow the code to accommodate unique circumstances and to prevent the code from stifling creativity, ingenuity, and the ability to adapt to change. Predictability is needed to ensure the applicant has a reasonable understanding of risks, limitations, and expectations as well as to ensure adjacent property owners and the community that their interests can be reasonably safeguarded. Increasing flexibility decreases predictability and vice versa. Each community must establish the balance point between predictability and flexibility when writing its code. Clear development or change criteria and guidelines help to provide predictability, define the limits of flexibility, and daylight the decision-making process.

REFLECT WHAT THE COMMUNITY CARES MOST ABOUT - The regulations will provide for a range of housing choice, increase economic opportunity, protect historic community character, promote sustainability and resilience, limit risk associated with environmental hazards while protecting sensitive areas and landscapes, and remove unnecessary barriers to high-quality development. A well-crafted code, grounded in plans and policy, ensures that community values are recognized and incorporated in the code update. Through the comprehensive plan process, the City of Mission spent time listening and engaging its residents in conversations related to economic growth; services; neighborhoods; transportation; historic preservation; natural resources; parks, trails, and open space; and protection of agricultural landscapes - these conversations should not be lost in the code update, and, to be most effective, the code must reflect where and how these values are expressed through regulation.

Through a comprehensive audit of the existing regulations and an evaluation of best practices nationwide, our team will look at all options that apply to the City of Mission. While cities of a similar size and situation might provide useful examples, we have found that population and even geographic location is not always the most important filter for best practices. Rather, communities with similar goals, needs, and challenges, and especially those who have become models for action, are the best places to emulate.

Wherever the audit leads, you can rest assured that we will share a range of universal best practices and prescriptive options for your code. We will work with you to determine what recommended solutions will best meet your needs, particularly when it comes to organization and administrative capacity.

project scope

OPD believes in a cohesive approach to project management. It is our experience that due to the integrated nature of code writing, components of a code or ordinance should not be written in a vacuum. With overlapping skillsets in planning, engagement, and design, our team members will work seamlessly together on all aspects of the land use code. All members of the OPD team, alongside County staff, will have a hand in molding the City of Mission's code to meet the needs of the future.

Phase 1: Regulatory Audit and Roadmap

Phase 1 is focused on setting the foundation for rewriting the land use code through development of a comprehensive regulatory audit. The audit will rely on goals and recommendations introduced in the recently adopted **Tomorrow Together: 2040 Mission Comprehensive Plan** and will evaluate the current land use and related regulations. This phase will include an analysis of existing development conditions and outcomes, an evaluation of current best practice in drafting land use regulations from similarly situated jurisdictions nationwide, and a comprehensive user survey that incorporates in-depth feedback from key stakeholders in the process. The audit findings will be organized as a summary and roadmap to guide the City and consultant team in the creation of new land use regulations. This phase involves establishing effective working relationships with City staff, Technical Advisory Committee (TAC), and Steering Committee members, ensuring meaningful collaboration as the project moves forward.

TASK 1.1. Development of the Project Work Plan and Engagement Strategy. The consultant team will coordinate with staff to develop a work plan and engagement strategy that encompasses the life of the project, identifying key decision points and deliverables; team communication strategies; anticipated timeframes for meetings, document review, and outreach activities; and establish roles and responsibilities of all team members, the Technical Advisory Committee, and the Steering Committee. The engagement strategy will serve as the framework for all outreach activities and will include recommended methods for communicating with key stakeholders and the public via an established project website, social media, radio, television, and traditional print media.

TASK 1.2. Technical Advisory Committee and Key Stakeholder Identification and Outreach. The consultant team will work closely with staff to identify, establish, and communicate with a Technical Advisory Committee and a Steering Committee. The Technical Advisory Committee is intended to bring together a group of City staff from various departments to provide guidance and expertise throughout the code update process, whereas the Steering Committee may be composed of community members. A kick-off meeting with these groups may be conducted via Zoom. With staff, Technical Advisory Committee, and Steering Committee input, a broader group of key stakeholders will be identified and engaged as part of the audit and



update process, to gain better understanding of where the regulations are functioning well and where they may be falling short. Topical areas to engage key stakeholders in will include stormwater, building code, transportation and infrastructure, utilities and emergency services, real estate, construction and design, development, and others to be determined.

TASK 1.3. Comprehensive Review of Related Plans, Policy, and Regulations. The consultant team will examine all necessary background materials pertinent to a comprehensive review and understanding of the development landscape in Mission. Materials will include but not be limited to the adopted **Tomorrow Together** plan, existing zoning and subdivision regulations, existing design standards, stormwater regulations, floodplain management (Chapter 460), fire prevention and protection (Chapter 205), health and sanitation (Chapter 225), parks and recreation (Chapter 230), trees and shrubs (chapter 225), and the 2018 ICC Building Code. The consultant team will review all applicable plans and policies to assess the current plan-code relationship, identify misalignment, and recommend ways to better implement **Together Tomorrow** goals through the creation of an improved land use code. The team will also recommend revisions to content and format, with an eye toward simplifying, streamlining, and organizing the code text and using tables, graphics, and illustrations to convey concepts easily.



TASK 1.4. Onsite Audit Engagement. This task encompasses audit activities to augment the consultant team’s review of all plans, policy and regulations. Activities will be conducted during a 2-3 day site visit and may include (but not be limited to):

- **Subtask 1.4.1 - City-wide Team Tour.** Members of the consultant team will tour the City, led by staff, focusing on specific sites and zones that are examples of successful outcomes to be emulated through the land use code update process, as well as sites and zones that have been problematic, have created procedural conflicts, resulted in frequent variances, or are examples of development the City wishes to move away from.
- **Subtask 1.4.2 - Process Audit.** The consultant team will meet with internal stakeholders including those involved in development review and approval to map key processes and discuss potential problems, solutions, and improvements to the regulations. This subtask will include an intensive conversation with planning staff to review the applicable regulations in depth and understand areas of conflict, opportunities for improvement, and desired outcomes.
- **Subtask 1.4.3 - Key Stakeholder Roundtable Conversations.** The consultant team will host a series of roundtable discussions with external code users (developers, design professionals, planning consultants, realtors, recent applicants and property owners having recently used the code, etc.) to gain insight on current content, processes, and procedures to better understand how the regulations are working and identify areas for possible improvement.
- **Subtask 1.4.4 - Meet with TAC and Steering Committee.** During their visit the consultant team will meet with both the Technical Advisory Committee and the Steering Committee and discuss individual and collective experience with the regulations, while also reporting back on preliminary observations of the community, team review and analysis of the existing regulations and development patterns, and highlights from the stakeholder roundtable conversations.
- **Subtask 1.4.5 – Meet with Elected and Appointed Officials.** During their visit, the consultant team may meet with members of the Planning Commission and the Mission City Council to provide a project update and introduce the elected and appointed bodies to the process and their role in the development of the land use code.
- **Subtask 1.4.6 – Meet with Elected and Appointed Officials.** During their visit, the consultant team may meet with members of the Planning Commission and the Mission City Council to provide a project update and introduce the elected and appointed bodies to the process and their role in the development of the land use code.
- **Subtask 1.4.7 - Public Open House.** The team will host an open house to introduce the land use code update process to the community and invite input on regulatory topics and procedures.

TASK 1.5. Market and Build-out Analysis. Using ArcGIS datasets provided by the City and other sources, including the U.S. Census, the consultant team will analyze relevant trends and opportunities to evaluate the feasibility of different development scenarios and policy updates. The analysis will first represent the current build-out conditions under the existing land use regulations, and then compare those conditions to what is recommended for future growth and development in the **Together Tomorrow** Plan. This exercise will highlight where the current land use regulations and zoning map fail to meet the goals of the community, using market analysis and other data to inform future directions.

TASK 1.6. Scenario Testing. Using the findings of market analysis and build-out analysis from task 1.5, the consultant team and the City will test proposed changes to the land use code using sample sites and development scenarios to better understand the implications of certain changes and adjust to ensure the possible outcomes.



TASK 1.7. Audit Report and Land Use Code Roadmap Draft. The Consultant team will summarize findings from tasks 1.2 – 1.6 as well as recommendations from our best practice analysis and produce a report highlighting key findings and recommendations for the rewriting of the land use code. The report will summarize stakeholder and survey feedback as well as outcomes of the team’s in-depth evaluation of the existing code. These components will be synthesized into a matrix of recommended changes to the land use code. The report and road map will be designed to assist with facilitating purposeful change in accordance with the goals and objectives of the Together Tomorrow plan. A draft report will be prepared for staff review prior to finalizing.

TASK 1.8. Audit Report and Land Use Code Roadmap Presentation. Following revisions based on City staff’s review of the audit report and road map draft, a final version will be presented to members of the TAC and the Steering Committee, key stakeholder groups, Planning Commission, City Council, and the public in a forum most appropriate for consideration. While the report is not intended to be officially adopted, the goal of this presentation (or series of presentations) would be to gain general buy-in and understanding of the path forward for rewriting the land use code.

DELIVERABLES FOR PHASE 1

- » Draft and final Work Plan/Engagement Strategy
- » Website and/or website materials, as well as website updates (ongoing)
- » Draft and final user surveys; internal and external
- » Outreach and presentation materials for stakeholder roundtables and public open house (Trip 1)
- » Draft and final Audit Report and Road Map
- » Presentation materials introducing Audit Report and Road Map to the community
- » Content for media communications (ongoing)

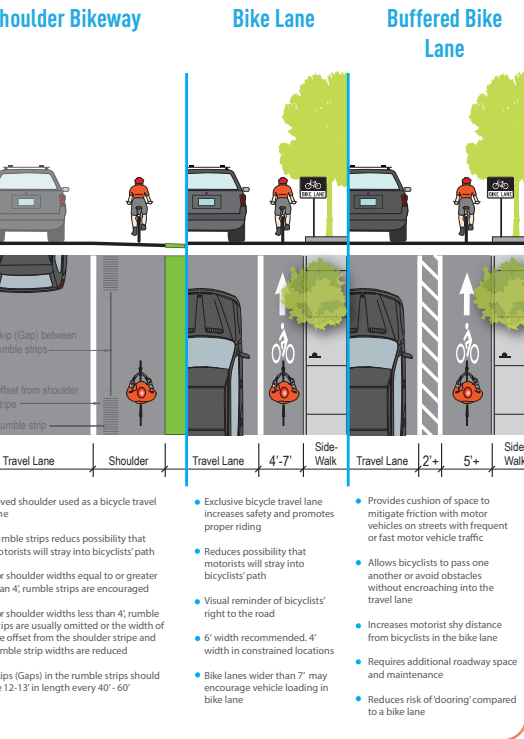
Phase 2: Drafting the Land Use Code

Phase 2 is centered on the drafting of a new land use code. This task will incorporate two distinct rounds of internal review with City staff, one composite review with the Steering Committee, and the creation of a public review draft for consideration of adoption. The public will be engaged at key junctures through the drafting process to ensure all stakeholders in the community are informed and have the opportunity to provide feedback.

- TASK 2.1** **Determination of Legality.** Prior to drafting the new land use code, our legal advisors at Foulston Siefkin PLLC will review the recommendations from the audit report and road map to ensure that the proposed changes to the land use code comply with all local, state, and federal law. They will also be fully integrated in the drafting process and available to review content and provide legal guidance on process and decision-making, ensuring the code that is developed meets all statutory requirements and reflects best practices based on recent case law.
- TASK 2.2** **Draft Table of Contents.** Based on the recommendations from the audit report and road map, a new table of contents will be developed to serve as the framework for drafting of the new land use code. The new Table of Contents may include new sections and regulations, including nonconformities.
- TASK 2.3** **Drafting and Review Schedule.** Using the matrix of recommended changes within the audit report and the draft Table of Contents, the consultant team and the City will develop a drafting schedule with specified delivery and review deadlines for each section of the land use code, considering priority updates identified in Phase 1. The consultant team project manager will work with the project manager for the City to establish an appropriate cadence for material introduction and review.
- TASK 2.4** **Preliminary Draft Land Use Code.** The consultant team will draft the new land use code based on the drafting and review schedule developed in Phase 2.3. Precedent imagery and sample graphics will be used to convey design concepts included at this stage of the process.
- TASK 2.5** **Zoning District Realignment and Map Recommendations.** As components of the land use code are being drafted, specific attention will be given to changes to the zoning districts themselves and how these changes will impact the City's existing zoning map. An evaluation of current zoning district alignment with future land use designations identified in the Tomorrow Together plan will be conducted, and a preliminary draft zoning map will be produced for review with staff.
- TASK 2.6** **Composite Draft Land Use Code.** Following staff review of the preliminary draft components of the land use code in Task 2.3, a complete composite draft of the code will be prepared for internal review. This draft may be vetted with other departments and the Technical Advisory Committee,, as appropriate. It will also be thoroughly reviewed by the consultant team's legal advisors. Precedent images and sample graphics will still be in use to convey technical concepts and design standards. A revised draft zoning map will be provided as part of the composite draft package, for consideration.
- TASK 2.7** **Creation of the Public Review Draft Land Use Code.** Incorporating comments and feedback from City staff, the consulting land use attorneys, Technical Advisory Committee and Steering Committee members (as applicable), a complete public review draft of the land use code will be created. This draft will include active hyperlinks cross-referencing applicable sections of the municipal code, graphics and imagery specific to the City of Mission, to illustrate standards and concepts within the ordinance, and will be published on the project website and introduced through a series of events outlined in Task 2.8 below.



Bicycle Facilities



TASK 2.8 **Creation of the Final Draft Zoning Map.** Following review and revision with City staff, a final revised draft Zoning Map will be created, for roll-out alongside the public review draft land use code in Task 2.8.

TASK 2.9 **Public Review Draft Roll-out.** The public review draft of the land use code and zoning map will be introduced to key stakeholders and the public through a series of in-person events and engagements, to include:

- **Subtask 2.9.1 - Stakeholder Review and Feedback.** Consultant team members will conduct a series of targeted discussions with key stakeholder groups engaged in earlier phases of the process, to vet new concepts and draft content. Feedback from these meetings will be discussed with City staff and Steering Committee members and incorporated into the final draft land use code and zoning map, as appropriate.
- **Subtask 2.9.2 - Public Open House Events.** The consultant team will host a minimum of one, and up to three (budget-dependent) public open house engagements to formally introduce the land use code, walk through specific changes and scenarios, explain the update process to date, answer questions, and solicit feedback. The exact format of these events will be determined with input from City staff.
- **Subtask 2.9.3 - Optional Workshop with Planning Commission.** Optional Workshop with Planning Commission. During this second trip the consultant team may host an optional workshop with Planning Commission members, to introduce them to the land use code and revised zoning map and solicit feedback on the draft documents.
- **Subtask 2.9.4 - Steering Committee Meeting.** The consultant team will provide an overview of the draft land use code, revised zoning map, summarize feedback collected during the Trip 2 engagement activities on the public review draft materials, and take final feedback and direction from Steering members during a scheduled meeting while onsite.

TASK 2.10 **Final Land Use Code Draft.** Following review of all feedback with City staff, the consultant team will incorporate desired changes and produce a final draft of the land use code for consideration of adoption.

TASK 2.11 **Land Use Code Adoption.** This task includes formal presentation of the final draft of the land use code and zoning map to the Planning Commission and the City Council. Upon adoption, the consultant team will prepare the final land use code package and zoning map files, inclusive of all changes made during the adoption process. The final land use code will be produced as an interactive PDF intended for online use but formatted to be printable if desired (this format is subject to change following discussion and direction from City staff).

TASK 2.12 **Creation of Users Guides.** With the adoption of the updated land use code, the consultant team will develop two User Guides: one for internal use and one for external use. The Internal User Guide will detail the processes City staff follow to review various development projects. The External User Guide will explain the procedures for applicants and the public to apply or understand various development projects.

TASK 2.13 **Staff and Board Training.** The Consultant team will provide two full days of in-person training to City staff, Planning Commission members, key stakeholders, and the general public following adoption. Training modules may also include online interactive tutorials on how to use the new land use code.

DELIVERABLES FOR PHASE 2:

- » One preliminary review draft land use code (in modules, with precedent graphics/illustrations)
- » One preliminary draft zoning map incorporating suggested changes
- » One composite draft land use code (complete, with precedent graphics/illustrations)
- » One public review draft land use code (with final graphics and illustrations)
- » One public review draft zoning map incorporating suggested changes from the public process
- » One final draft land use code for consideration of adoption
- » One final draft zoning map for consideration of adoption
- » Presentation slides and public open house materials
- » Content for media communications and website updates, as needed
- » Presentation slides and supporting materials for public hearing(s)
- » One revised draft of the final draft land use code following Planning Commission consideration and recommendation
- » One final adopted land use code package, including all associated graphics, tables, and illustrative content developed in native digital format(s)
- » One final adopted City of Mission Zoning Map, with data provided in its native digital format
- » Content for media communications and website updates, as needed
- » Internal and External User Guides
- » Training modules and materials for staff, boards, and stakeholders, to include videos and online tutorials as time and budget allow



A photograph of a public participation event, likely a farmers market, with a blue tint. The scene shows several people walking and talking in an outdoor setting. There are green and white tents, utility poles with power lines, and a red car in the background. The text "public participation" is overlaid in white, lowercase letters.

public participation

Methodology

Our approach to public participation is rooted in the principles of learning, listening, and inclusivity. We aim to foster meaningful community engagement that empowers residents, business owners, and stakeholders to actively contribute in shaping the future of Mission through the land use code. Building on the extensive public engagement conducted during the **Tomorrow Together Comprehensive Plan**, we will employ a methodology that ensures the final land use code reflects the community's vision and aspirations.

Vision-Driven Engagement

The **Tomorrow Together Comprehensive Plan** provides a clear vision and strategic direction for Mission's future. We will leverage this vision as a foundation for our public engagement efforts, focusing on specific areas identified in the plan. By engaging Steering Committee members, city staff, and the public, we will take an informed, targeted approach that ensures all voices are heard and considered.

Tailored and Inclusive Approach

Mission is a distinctive community, and our public engagement strategy will be customized to meet its unique needs. We will collaborate closely with city staff to define specific public engagement goals, methods, and timelines, ensuring a process that is both transparent and inclusive. The Public Participation Plan will be developed with input from staff and will address the following key elements:

HOW the public will be engaged in the process: public workshops, roundtable discussions, information sessions, project website, press releases, e-mail, social media, and more.

WHO the target audiences are for each engagement strategy, such as the general public, property owners, the business community, and other interest groups.

WHEN engagement activities will take place, ensuring a balanced mix of continuous and discrete opportunities for public input throughout the process.

WHERE public engagement will occur, with a focus on accessibility, whether in-person or virtually.

WHY specific engagement strategies are selected, ensuring meaningful input and ongoing updates and involvement.

WHAT outcomes are expected from each engagement activity, clearly detailing how feedback will be used to inform the land use code development.



In addition to answering these core questions, the public participation plan will also detail who, our team or staff, will lead and provide support. The public participation plan will help us to ensure that we incorporate appropriate public participation throughout the coding process. Our team advocates a multi-faceted public participation approach that includes but is not limited to:

- **Stakeholder Roundtables** bringing together key stakeholders to gather focused insights on how the code update will impact those directly involved in or affected by land use decisions.
- **Visioning Workshops** engaging the public at large.
- **A Project Website** providing an accessible online portal where community members can access project information, submit comments, view meeting schedules, and stay informed throughout the process.
- **Public and Stakeholder Surveys** at key stages to gather broad input and ensure a wide range of perspectives are considered in the decision-making process.
- **Social Media** posts to alert the community at large of project events and how they can stay involved.


Collaboration with City Staff and Committees

We see city staff as essential partners in this process, and their local knowledge will be invaluable. Throughout the project, we will work closely with staff, the Technical Advisory Committee, the Steering Committee, and other local organizations to build awareness and advocate for code improvements. Staff involvement will be critical to:

- Coordinating meetings, public notices, and other logistical aspects of the project.
- Managing social media content and other public communications.
- Collecting, responding to, and synthesizing public comments.
- Reviewing draft documents and providing timely feedback to guide the project.

This collaborative approach ensures that the final land use code not only meets technical requirements but also genuinely reflects the community's vision and serves the needs of all Mission residents and code users.





project schedule and budget

project schedule

Month

Phase 1: Regulatory Audit and Roadmap	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Task 1.1: Development of the Project Work Plan and Engagement Strategy	*																							
Task 1.2: Technical Advisory Committee and Key Stakeholder Identification and Outreach																								
Task 1.3: Comprehensive Review of Related Plans, Policy, and Regulations																								
Task 1.4: Onsite Audit Engagement																								
Task 1.5: Market and Build-out Analysis																								
Task 1.6: Scenario Testing																								
Task 1.7: Audit Report and Land Use Code Roadmap Draft					*																			
Task 1.8: Audit Report and Land Use Code Roadmap Presentation																								
Phase 2: Drafting the Land Use Code																								
Task 2.1: Determination of Legality																								
Task 2.2: Draft Table of Contents						*																		
Task 2.3: Drafting Review Schedule						*																		
Task 2.4: Preliminary Draft Land Use Code														*										
Task 2.5: Zoning District Realignment and Map Recommendations														*										
Task 2.6: Composite Draft Land Use Code															*									
Task 2.7: Creation of the Public Review Draft Land Use Code																	*							
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Task 2.10: Final Land Use Code Draft																				*				
Task 2.11: Land Use Code Adoption																								
Task 2.12: Creation of Users Guides																								*
Task 2.13: Staff and Board Training																								*

* indicates a milestone deliverable

project budget

The following budget is based on the base scope of services outlined in this proposal. Like the scope and the schedule, the budget is fully negotiable and subject to a better understanding of staff expectations and public participation needs. Budget amounts are broken out by labor and expenses, with expenses including all materials, print costs, and travel associated with the project. Orion will invoice for work completed and expenses incurred on a monthly basis. Orion will follow the State Controller mileage reimbursement rates accordingly. All travel costs and expenses will be billed at cost without mark-up.

Phase 1: Regulatory Audit and Roadmap

Task 1.1: Development of the Project Work Plan and Engagement Strategy	\$2,735
Task 1.2: Technical Advisory Committee and Key Stakeholder Identification and Outreach	\$2,735
Task 1.3: Comprehensive Review of Related Plans, Policy, and Regulations	\$18,390
Task 1.4: Onsite Audit Engagement	\$33,200
Task 1.5: Market and Build-out Analysis	\$13,200
Task 1.6: Scenario Testing	\$21,900
Task 1.7: Audit Report and Land Use Code Roadmap Draft	\$23,160
Task 1.8: Audit Report and Land Use Code Roadmap Presentation	\$9,400
Expenses	\$7,500
Phase 1: Total	\$132,200

Phase 2: Drafting the Land Use Code

Task 2.1: Determination of Legality	\$28,620
Task 2.2: Draft Table of Contents	\$1,700
Task 2.3: Drafting Review Schedule	\$1,700
Task 2.4: Preliminary Draft Land Use Code	\$50,420
Task 2.5: Zoning District Realignment and Map Recommendations	\$11,150
Task 2.6: Composite Draft Land Use Code	\$30,300
Task 2.7: Creation of the Public Review Draft Land Use Code	\$14,880
Task 2.8: Creation of the Final Draft Land Use Code	\$5,520
Task 2.9: Public Review Draft Roll-out	\$24,800
Task 2.10: Final Land Use Code Draft	\$11,480
Task 2.11: Land Use Code Adoption	\$9,920
Task 2.12: Creation of Users Guides	\$9,560
Task 2.13: Staff and Board Training	\$17,000
Expenses	\$15,000
Phase 2: Total	\$232,050

The **total project cost anticipated to complete the scope of work described in this proposal is \$364,270**. Understanding the City may wish to engage our team in continued on-call work to help with further code development, administration, and updates, we propose a **total not to exceed amount of \$500,000 to complete all three phases of this project**, pending further understanding of the City's needs. On-call work would be billed according to the hourly rate schedule adopted annually by Orion for partners and staff; expenses would be billed at cost without mark-up, as proposed for Phases 1 and 2 above.



ORION PLANNING+DESIGN

www.OrionPlanningDesign.com

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	November 6, 2024
Administration	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

RE: Zoning Code Update Phase I - Orion Design + Planning

RECOMMENDATION: Approve a Professional Services Agreement with Orion Planning + Design for a Phase I Audit of the City’s Land Use Code in an amount not to exceed \$100,000 with a Phase II Update of the City Land Use Code to be negotiated upon completion of Phase I.

DETAILS: Title IV (Chapter 400 series) of the Mission Municipal Code is the City’s land use code, more formally known as the Mission City Zoning Regulations. The purpose of the zoning regulations is to control the use and development of land within the city to ensure an orderly pattern of land development that promotes the health, safety, and welfare of the residents. Mission first adopted zoning regulations in 1964 and they have been amended and updated over the years with the most recent update being adopted in 2001 (Ordinance No. 1007).

Best practices for urban planning and development and State statutes (K.S.A. 12-747) dictate that a comprehensive plan be adopted before proceeding with an update to the zoning code. A comprehensive plan provides the goals, objectives, and policies that guide the development of the city. Zoning regulations are the tools used to implement those goals, objectives, and policies. The City of Mission adopted the Tomorrow Together 2040 Mission Comprehensive Plan in December of 2023.

In July of this year, the City issued a request for proposals (RFP) to solicit assistance from qualified consultants in updating the City’s zoning regulations. The RFP envisioned a two-phase approach to the project. Three proposals were submitted in response to the RFP, and after an initial Staff review, two firms were selected for an interview. Interviews were conducted in September by an interview panel composed of Councilmember Ben Chociej, Planning Commission Chair Mike Lee, City Administrator Laura Smith, Deputy City Administrator Brian Scott, and City Planner Karie Kneller. Upon completion of the interviews and further evaluation of the proposals, Orion Planning + Design is recommended as the preferred consultant for the project.

Orion’s proposed fee for Phase I was originally \$132,000. In discussions with Orion and further review of the scope of work Orion was able to bring their costs for Phase I down to \$100,000, which is in line with what was included in the 2024 Budget.

Phase I included an audit of the existing zoning regulations and development of recommendations and process for updating the land use code and will include:

Related Statute/City Ordinance:	
Line Item Code/Description:	01-23-206-05
Available Budget:	\$100,000 (FY 2024)

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	November 6, 2024
Administration	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

- Review of the current zoning regulations, form-based code, and development design standards as well as other codes that may relate to development in the city
- Review of the Tomorrow Together Mission 2024 comprehensive plan
- Public engagement to gather input from elected and appointed officials, staff, residents and business owners, the development community, and other stakeholders in the functionality of the current zoning regulations and future development goals of Mission as outlined in the Comprehensive Plan
- Identification of opportunities to use innovative zoning approaches based on reliable market and development metrics including an evaluation of pros and cons of any approach presented
- Market analysis of the feasibility of mixed-use districts to develop a detailed and applicable approach to the future land use plan as provided in the Comprehensive Plan
- Testing proposed code changes on sample scenarios to ensure that what is being proposed will in fact be applicable
- Evaluation of the future land use map for minor changes to further emphasize efficient application of the goals and objectives of the Comprehensive Plan

Phase I will be concluded with an audit report that will be presented to the City providing recommended updates to the zoning regulations and process for achieving those updates.

Phase II is the actual drafting and implementation of the updated zoning regulations and will include:

- Review of the Phase I recommendations to determine legality
- Review of the Phase I recommendations to determine priority updates
- Recommended outline of the zoning code regulations to develop an organizational process
- Schedule and assign responsibilities in partnership with the consultants and city staff as appropriate to provide input on specific sections of the code
- A comprehensive and detailed re-write of the land use code as needed according to consensus derived from the discussions and comments from steering committee(s), advisory committee(s), staff, and public input.
- Evaluation and updates to applicable definitions
- Evaluation and creation of any necessary zoning map amendments, including evaluation of potential impacts to economic development, environment, and

Related Statute/City Ordinance:	
Line Item Code/Description:	01-23-206-05
Available Budget:	\$100,000 (FY 2024)

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	November 6, 2024
Administration	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

- housing according to recommended changes
- Cross-reference notations where applicable and suggested updates to other sections of the municipal code as needed

Orion’s proposal included a fee of \$232,000 for Phase II. Once Phase I is completed, both Orion and staff will have a better understanding of the potential scope for Phase II and will negotiate a more clearly defined scope of work and associated fee for this phase.

Upon approval of the Phase I agreement, the project is anticipated to kick off in January 2025. An on-site engagement event will be held in early February. Orion will work with a steering committee throughout the Phase I process to solicit feedback on recommendations as they are developed. The Phase I Audit Report is anticipated to be completed and ready for presentation to the Planning Commission and City Council in July 2025.

Staff recommends approval of the Professional Services Agreement with Orion Planning + Design for Phase I Audit of the City’s Land Use Code in an amount not to exceed \$100,000 with Phase II to be negotiated upon completion of Phase I.

CFAA CONSIDERATIONS/IMPACTS: Research has shown that communities that are adapting to meet the needs of its older adult citizens raise the quality of life in ways that also appeal across the age spectrum. Updated zoning regulations for the City of Mission will:

- Support walkable, vibrant places designed around transit and green spaces
- Ensure a range of housing options are allowed, particularly in places connected to public transit, employment centers and community services
- Encourage a range of housing options, including accessory and shared dwellings that meet the needs of all ages and generations
- Streamline building code review processes to be consistent with adopted plans and policies, including those that reduce costs and provide housing in a range of cost points
- Encourage developers to include features in new or restored housing stock that meets the different mobility needs of as many people as possible
- Ensure that the siting and design of commercial properties consider the needs of users of all ages and promote a high quality of life for everyone.

Related Statute/City Ordinance:	
Line Item Code/Description:	01-23-206-05
Available Budget:	\$100,000 (FY 2024)