

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, OCTOBER 3, 2018

4:00 p.m.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) [Consent Agenda authorization to solicit proposals for supply of ADA accessible fishing dock at Lone Star Lake \(Keith Browning\)](#)

REGULAR AGENDA

- (2) Presentation on the Capital Improvement Plan in online Budget – Brooke Sauer, Administrative Services (No backup)
- (3) Follow up on Jail Population presentation from September 5, 2018 – Undersheriff Gary Bunting (No backup)
- (4) [Joint Ordinance No. 9515/County Resolution and Ordinance No. 9562 for a Text Amendment \(TA-18-00199\) to the City of Lawrence Land Development Code, Articles 8 and 13, to update requirements for recording subdivision documents with the Douglas County Register of Deeds Office. \(PC Item 3; approved 10-0 on 6/27/18\) Sandra Day is the Planner.](#)
- (5)
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Board of Zoning Appeals (1) positions 10/17
 - (d) Building Code of Appeals Board (2) positions 12/16
 - (e) Community Corrections Advisory Board (1) position open (edu); (1) 08/31/18
 - (f) Fire District No. 2 (2) positions
 - (g) JAAA Advisory Council (2) position
 - (h) JAAA Board of Directors (1) position
 - (i) Joint Economic Development Council (2) positions
 - (j) Lawrence-Douglas County Advocacy Council on Aging (2) open positions
 - (k) MPO Bicycle Advisory Committee (1) position
 - (l) Mental Health Board (1) position 04/18
 - (m) Property Crimes Compensation Board (1) position
 - (n) Senior Resource Center (1) position 12/31/18
 - (c) Public Comment
 - (d) Miscellaneous
- (6) Adjourn

WEDNESDAY, OCTOBER 10, 2018

4:00 p.m.

-Space needs Study (Gould Evans)

6:00 p.m.

-Mental Health initiative presentation (Bob Tryanski)

-CUP-18-00299: Consider a Conditional Use Permit for Big Springs Quarry, approximately 1,049 acres located at 2 N 1700 Rd. and parcels to the north, east, and south. Submitted by Mid-States Ventures LLC, for Mid-States Ventures LLC, Nancy J Hughes, James R Meek, Thomas R Meek, and Bonnie M Nichols, Trustee, property owners of record. Mary Miller is the Planner.

WEDNESDAY, OCTOBER 17, 2018

-Proclamation for "Domestic Violence Awareness Month" (Will Averill)
Extension request for a Conditional Use Permit, CUP-17-00215, for a new 190 ft self-supporting wireless telecommunications facility (tower), located at 2138 N 1000 Rd. Submitted by MW Towers LLC for F. Dwane Richardson & Valerie Richardson, property owners of record. (Approved by the Board of County Commissioners on 8/16/17) Sandra Day is the Planner.

FRIDAY, OCTOBER 19, 2018

-12:00-2:00 p.m. - The Lawrence – Douglas County Planning Commission annual orientation with City and County Commissioners in attendance.

WEDNESDAY, OCTOBER 24, 2018

-KDOT presentation concerning status of SLT from Route 438 to US-59 highway and Supplemental Environmental Impact Statement process (Keith Browning)

WEDNESDAY, OCTOBER 31, 2018 – light or cancelled

WEDNESDAY, NOVEMBER 7, 2018

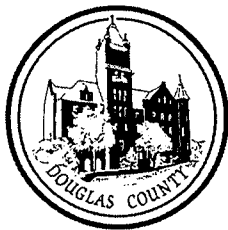
WEDNESDAY, NOVEMBER 7, 2018

WEDNESDAY, NOVEMBER 14, 2018

THURSDAY, NOVEMBER 15, 2018

-9:00 a.m. – Election Canvass

***Note:** The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and/or 6:00 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*



DOUGLAS COUNTY PUBLIC WORKS

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Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : September 25, 2018

Re : Consent Agenda authorization to solicit proposals
Supply of ADA accessible fishing dock at Lone Star Lake

During the September 5, 2018 meeting, the BOCC authorized this department to proceed with engineering and construction of an ADA accessible parking area, walkway, and fishing dock at Lone Star Lake. While the construction work will be completed with department forces, we need to purchase the dock and other materials for the project.

We request authorization to solicit informal proposals for supply of the ADA accessible fishing dock. The Douglas County Financial Policy authorizes County Administrator approval for purchases up to \$50,000, and requires BOCC approval for purchases exceeding \$50,000. We estimate the cost to supply the dock will be \$40,000-\$50,000, but it is possible the cost may exceed \$50,000.

You will recall we received a \$40,000 grant from the Kansas Department of Wildlife, Parks and Tourism (KDWPT) for the project. We estimate total out-of-pocket project costs will be \$105,061 of which the grant will reimburse \$40,000 of those costs. The remaining costs will be paid from the alcohol tax/recreation fund.

Depending on the cost of the dock selected from proposals received, we will request purchasing authorization from either the County Administrator or the BOCC.

Action Required: Consent Agenda authorization to solicit informal proposals for supply of an ADA accessible fishing dock to be installed at Lone Star Lake.

Memorandum

City of Lawrence

Planning & Development Services

TO: Douglas County Board of County Commissioners

CC: Craig Weinaug, County Administrator
Scott McCullough, Director of Planning and Development Services
Amy Miller, Assistant Planning Director
Jeff Crick, Planning Manager

FROM: Sandra Day, Planner

Date: October 3, 2018

RE: Approve a text amendment, TA-18-00199, to the joint Lawrence Douglas County Subdivision Regulations, updating the requirements for recording document requirements to match the Douglas County Register of Deeds standards and adopt a resolution.

ATTACHMENTS:

- A. Draft Resolution
- B. City Ordinance No. 9515
- C. City Ordinance No. 9562
- D. Revised Code Sections
- E. Resolution No. 17-31
- F. Planning Commission Staff Report
- G. Planning Commission Minutes

BACKGROUND

This proposed text amendment was initiated by the Planning Commission at their May 23, 2018 meeting to align the requirements and current practices related to recording documents with those adopted by the Douglas County Register of Deeds office.

Douglas County adopted a resolution in 2017 addressing how documents shall be recorded, including minimum information standards and permissible media materials for recording documents. Their resolution allows the use of paper in place of Mylar for subdivisions, surveys, final development plans, institutional development plans, and other similar documents.

This change affects specific Land Development Code sections in Article 8, the joint Subdivision Regulations, and in Article 13, Development Review Procedures. Because the Subdivision Regulations are a joint city-county document, the Douglas County Board of County Commissioners must also approve a corresponding resolution incorporating a matching amendment into the *Douglas County Zoning Regulations*.

The Planning Commission considered the item at their June 27, 2018 meeting and voted unanimously to forward this text amendment to both governing bodies with a recommendation for approval.

The City Commission considered the item at their September 4, 2018 meeting and unanimously adopted Ordinance No. 9515 and Ordinance No. 9562. A companion resolution is needed to amend the joint Subdivision Regulations.

RECOMMENDATION:

Staff recommends approval of TA-18-00199 amending applicable sections of the joint Subdivision Regulations and adopting a resolution.

RESOLUTION NO. 18-____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS ADOPTING TEXT AMENDMENTS TO THE DOUGLAS COUNTY CODE, JOINT SUBDIVISION REGULATIONS FOR THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS.

WHEREAS, the Lawrence-Douglas County Planning Commission, after holding a public hearing on June 27, 2018, following due and lawful notice pursuant to K.S.A. 12-757 and the *Joint Subdivision Regulations for the Unincorporated Territory of Douglas County, Kansas*, as codified in Chapter 11, Article 1 of the Douglas County Code and as amended (the "Subdivision Regulations") has recommended that the Board of County Commissioners of Douglas County, Kansas (the "Board") make text amendments to the Subdivision Regulations, the nature and description of such change being fully set forth below; and

WHEREAS, on _____, 2018 the Board found that the Subdivision Regulations regarding recording documents with the Douglas County Register of Deeds office should be amended by adopting the text amendments set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AS FOLLOWS:

I. Adoption of Text Amendments. The Board hereby finds that the statutory provisions for the amendment of the Subdivision Regulations has been fully complied with and hereby adopts the following text amendments (the "Text Amendments") amending the Zoning Regulations as follows:

Revising subsection 11-107 (e) (1) Certificate of Survey as follows:

The certificate of survey shall be prepared by a licensed Land Surveyor using any media that will reproduce a clear image for scanning and microfilming meeting the current standards required by the Register of Deeds.

Revising subsection 11-108 (g) Minor Subdivision Replat as follows:

(2) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the Minor Subdivision/Replat conforms to all of the standards set forth in this Section, the Director shall sign and date an original copy of the Minor Subdivision/Replat prepared by a licensed Land Surveyor using any media that will reproduce a clear image for scanning and microfilming meeting the standards required by the Register of Deeds.

(5) The Planning Director shall forward a signed, original copy of the Minor Subdivision/Replat prepared by a licensed Land Surveyor using any media that will reproduce a clear image for scanning and microfilming meeting the standards required by the Register of Deeds for recording.

II. Addition to the Subdivision Regulations. The Text Amendments made by this Resolution shall be as a supplement to the Zoning Regulations, as codified in Chapter 11 of the Douglas County Code.

III. Invalidity. If any section, clause, sentence or phrase of Resolution of the Text Amendments adopted hereby is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Resolution or the Text Amendments adopted hereby, as the case may be.

IV. Repeal. The Subdivision Regulations heretofore adopted that are in conflict with this Text Amendments are amended, repealed, or replaced, as the case may be, to be consistent with the Text Amendments adopted hereby.

V. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Board and its publication once in the office County newspaper.

ADOPTED this ____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Nancy Thellman, Chairman

ATTEST:

Mike Gaughan, Member

Jameson D. Shew, County Clerk

Michelle Derusseau, Member

ORDINANCE NO. 9515

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,
AMENDING CHAPTER 20, ARTICLE 8, SECTIONS 20-807 AND
20-808, CODE OF THE CITY OF LAWRENCE, KANSAS,
2018 EDITION, AND AMENDMENTS THERETO, PERTAINING
TO SUBDIVISION DESIGN AND IMPROVEMENTS, AND
REPEALING EXISTING SECTIONS 20-807 AND 20-808.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. Chapter 20, Article 8, Section 20-807 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

20-807 Certificate of Survey, Administrative Review Procedures

(a) Purpose

The purpose of the Certificate of Survey review procedure is to provide an administrative process for creating an accurate record of the description and location of Residential Development Parcel divisions created in conformance with Sections 20-804 or 20-806, whichever is applicable, without requiring full compliance with the regulations of Section 20-809, Major Subdivisions.

(b) Authority

The Planning Director is authorized to review and approve applications for land divisions made in conformance with Sections 20-804 and 20-806, subject to the requirements of this Section. This review procedure allows for an administrative approval process with final action by the Planning Director.

(c) Applicability

An application for a division of land submitted with a complete Certificate of Survey shall be considered for approval in the following circumstances:

- (1)** The proposed division meets the criteria of one of the types of division authorized by Sections 20-804 or 20-806, for review in conformance with this Section.
- (2)** Residential Development Parcels are eligible for Certificate of Survey approval only one time within the Urban Growth Areas of the cities in Douglas County. However, an amended Certificate of Survey may be recorded for property in the Urban Growth Areas, or within the Rural Area when it:
 - (i) Includes the same land area as the original Certificate of Survey; and,
 - (ii) When it meets the applicable requirements in Sections 20-804 or 20-806.
- (3)** For the purpose of interpreting the applicability of the Certificate of Survey administrative review procedure, any proposed development or division of land, which the Planning Director determines is intended to evade the Major Subdivision procedures of Section 20-809 because it would result in a de facto Major

Subdivision through the combination of previous contiguous Certificates of Survey, is not eligible to use the Certificate of Survey review procedure.

(d) Application

Applications for a Certificate of Survey review procedure shall be submitted to the Planning Director in conformance with the general requirements of Section 20-802; be submitted in both print and electronic format; and be accompanied by:

- (1)** The applicable review and recording fees;
- (2)** Proof of legal or equitable interest in the property;
- (3)** Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid; and
- (4)** One paper and one electronic copy of a Certificate of Survey that complies with the requirements of Section 20-807(e).
- (5)** In addition, for Cluster Developments in an Urban Growth Area:
 - (i)** A certificate of mailing for letters mailed to property Owners within $\frac{1}{4}$ mile of the property proposed for the Cluster Development for rural residential development purposes;
 - (ii)** A Build Out Plan illustrating the following with respect to both the Immediate Development Area and Future Development Area:
 - a.** A realistic future Urban Block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the Subdivision Design Standards and Public Improvement Standards set forth in Sections 20-810 and 20-811 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;
 - b.** The layout of future Streets/Roads; provided that, Local Streets/Roads shall be planned to provide Street/Road connections to adjoining Parcels, neighborhoods, or future development open spaces, at a spacing of 600' to 800' as a means of discouraging the reliance on County and State Roads or highways for local trips;
 - c.** Block level Easement locations for utilities and storm water drainage;
 - d.** Locations of Building Envelopes for each Residential Development Parcel that are respective of the future Urban Street and Block layout; and,
 - e.** Supplemental written information that demonstrates how public utilities may be extended to the Subdivision to accommodate future Urban Density development.

- (6) For applications within Urban Growth Areas, an executed annexation agreement allowing annexation by the city that's Urban Growth Area the development is located within based on the adopted annexation policies of that city, when the city requires such an agreement.
- (7) For properties including Environmentally Sensitive Lands identified in Section 20-810(k), a proposed Temporary Set Aside Agreement or permanent Conservation Easement and a copy of proposed Restrictive Covenants as identified in Section 20-804(c)(3).

(e) Requirements and Material to be Included

A Certificate of Survey shall comply with the following requirements:

- (1) The Certificate of Survey shall ~~be legibly drawn on Mylar with permanent ink or printed or reproduced by a process guaranteeing a permanent record and shall be a minimum size of 11 inches by 17 inches;~~ be prepared by a licensed Land Surveyor, using any media that will reproduce a clear image for scanning and microfilming and meeting the standards established by the Office of the Register of Deeds.
- (2) The Certificate of Survey shall show or contain on its face the following information; provided, however, that the licensed Land Surveyor may, at his or her discretion, provide additional information regarding the survey:
 - (i) A title or title block including the quarter-section, section, township, range and principal meridian in which the surveyed land is located. A Certificate of Survey shall not bear the title "Plat," "Subdivision" or any title other than "Certificate of Survey;"
 - (ii) A note stating "This Certificate of Survey was not prepared for the purpose of the Platting of land. No further divisions of the Parcels created by this survey shall occur until the property is Subdivided in accordance with all applicable Subdivision Regulations of Douglas County or the city into which it is annexed or until an Amended Certificate of Survey is approved and recorded with the Register of Deeds.";
 - (iii) The name(s) of the person(s) who own the land and who commissioned the survey and the names of any adjoining Platted Subdivisions;
 - (iv) The date the survey was completed;
 - (v) A north arrow;
 - (vi) A written and graphic scale.
 - (vii) A narrative legal description of the property surveyed, including a Benchmark or other vertical reference point tied to the United States Geological Survey;
 - (viii) A location map showing the property surveyed in relation to property Ownership lines within the same section and the nearest existing public Right(s)-of-Way;

- (ix) The dimensions and locations of all of the Parcels indicated on the survey, including dashed lines to depict the future Urban Street and Block layout in the Build Out Plan. This requirement is not applicable to a Certificate of Survey prepared in accordance with Section 20-806;
- (x) A numbering system or other clear and simple method of identifying each Parcel within the Certificate of Survey;
- (xi) The location and width of public Right(s)-of-Way, existing and proposed;
- (xii) The location of any Easements, existing and proposed;
- (xiii) The dimensions of all existing structures in relation to existing and proposed Parcel lines, and based on the future Urban Street and Block layout shown in the Build Out Plan, if applicable;
- (xiv) Building Envelopes, when required, shall be shown for every Residential Development Parcel and shall not include lands identified as Environmentally Sensitive Lands as identified in Section 20-810(k);
- (xv) Except for divisions made in conformance with Section 20-806, Building Envelopes shall be designed to allow for the placement of rural residences on Parcels that will facilitate future further Subdivision of the Residential Development Parcel into Urban Streets and Blocks;
- (xvi) A note stating the specific Section [20-804 or 20-806] pursuant to which the division is being made;
- (xvii) Restrictive Covenants, Temporary Set Aside Agreements, or Conservation Easements required by the proposed division shall be noted with book and page number in which the covenants, Temporary Set Aside Agreements, or Conservation Easement are recorded;
- (xviii) The signature of the Owner, properly acknowledged;
- (xix) The dated signature and seal of the Kansas licensed Land Surveyor responsible for the survey along with a note stating: "This survey complies with the Kansas Minimum Standards for Boundary Surveys";
- (xx) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005";
- (xxi) A line for the approval date and signature of the Planning Director under a note stating: "Approved as a Certificate of Survey under the Subdivision Regulations of the City of Lawrence & the Unincorporated Area of Douglas County"; or the Subdivision Regulations of the appropriate City; and
- (xxii) A line for identification of book and page of the Register of Deeds recording information.

- (3) Before approval of a Certificate of Survey in the Lawrence Urban Growth Area that will not be served by City of Lawrence utilities, the property Owner shall provide written documentation to the Lawrence-Douglas County Health Officer and the Lawrence-Douglas County Planning Director that Publicly Treated Water, delivered through a water meter, is available to and will be provided for all Residential Development Parcels.

(f) Criteria for Review

An application for a division requiring an approved Certificate of Survey shall be approved if, and only if, it meets all of the following criteria:

- (1) The proposed division meets the requirements for a division of land under Sections 20-804 or 20-806, as applicable;
- (2) The Certificate of Survey meets all of the requirements of Section 20-807;
- (3) The proposed Residential Development Parcels and all other aspects of the proposed Certificate of Survey conform with the current Comprehensive Plan of Lawrence and Douglas County or, where applicable, the Comprehensive Plan of another city in Douglas County;
- (4) The Certificate of Survey conforms to the County's Access Management Standards and does not preclude or interfere with the subsequent logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Certificate of Survey. If additional Right-of-Way is needed to meet the minimum required for the classification of Road Accessed by the development in the Certificate of Survey, the Certificate of Survey review process shall be suspended for up to 90 days to allow for Dedication by separate instrument of the necessary Right-of-Way. If the criteria for review are not met by the end of the suspension period, this shall be sufficient cause for rejecting an application for a Certificate of Survey;
- (5) The proposed Certificate of Survey is consistent with any conditions imposed on any previous division of any part of the same land; and
- (6) The proposed Certificate of Survey complies with the Kansas Minimum Standards for Boundary Surveys.

(g) Review and Action by the Planning Director

- (1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section.
- (2) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.
- (3) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that The Certificate of Survey conforms to all of the standards set forth in this Article, the Director shall sign and indicate on an original copy of the Survey "Approved as a Certificate of

Survey under the Subdivision Regulations of the City of Lawrence & the Unincorporated Area of Douglas County” with the date of approval.

- (4) If the Planning Director finds that the Certificate of Survey fails in any way to conform to the standards set forth in this Article or that the proposed division is not eligible for administrative approval pursuant to this Section, the Planning Director shall refuse to approve the proposed Certificate of Survey and shall notify the applicant by letter, within the 30 day review period, of the reason(s) for that refusal. If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and Certificate of Survey within 45 days after receipt of the letter and shall not be required to pay an additional fee.
- (5) If approved, the Certificate of Survey shall be recorded by the Planning Director with the Douglas County Register of Deeds. A copy shall be kept by the Planning Director, and a copy shall be furnished to the applicant and to the County Zoning & Codes office.

(h) Amending an Approved Certificate of Survey

An approved Certificate of Survey may be amended for a Parent Parcel created in accordance with Section 20-806 or, prior to annexation by a city, in accordance with Section 20-804 for Lawrence’s or another city’s Urban Growth Area. The amendment may occur when there is an application to revise an area designated as a Residential Development Parcel, Immediate Development Area, Future Development Area, or the layout of Residential Development Parcels and future Streets or Blocks on the Build Out Plan. The Future Development Area cannot be revised for those portions that include Environmentally Sensitive Lands identified in Section 20-810(k), permanent Conservation Easement(s), or Temporary Set Aside Agreement(s). A revision to approved Access to the development (location of Cross Access Easement or individual Driveway Access) from public Road Right-of-Way shall be permitted only upon written recommendation from the County Engineer that revising the point of Access to the public Road is desirable for public safety.

- (1) An amendment to an approved Certificate of Survey shall:
 - (i) Include the entire land area of the original Certificate of Survey and be signed by all of the current Owners of land within the entire land area of the original Certificate of Survey;
 - (ii) Be submitted in the same form as an original Certificate of Survey and meet the requirements in Section 20-807(d) through (g);
 - (iii) Be eligible for the same appeals procedure identified in Section 20-807(i) as the original Certificate of Survey;
 - (iv) Comply with the Subdivision Regulations in effect at the time the amended Certificate of Survey application is submitted for review; and
 - (v) For each amended Certificate of Survey, the creation of new Residential Development Parcel s in addition to those created originally shall only be permitted if an additional Residential Development Parcel is permitted according to Sections 20-804 and 20-806 and/or by the County’s Access Management Standards.

- (2) An amendment of a Certificate of Survey shall not alter future Street layouts that would conflict with a Build Out Plan approved for an adjacent property.

(i) Appeals Process for Sections 20-804 and 20-806

- (1) Upon the approval or denial of an application for a division of land under Sections 20-804 or 20-806, a party aggrieved by the Planning Director's decision may appeal that decision to the Board of County Commissioners. To have standing to make an appeal, the party must have been the applicant or an Owner of property within $\frac{1}{4}$ mile of the land that is the subject of the decision.
- (2) The Planning Director shall provide written notice of the filing of an appeal setting forth the subject of the appeal, the time and place and when the appeal shall be heard. The notice shall explain that there will be an opportunity to present evidence to the Board of County Commissioners and it shall be mailed to the applicant and all Owners of property within $\frac{1}{4}$ mile of the land that is the subject of the appeal.
- (3) The County Commission shall set a hearing date for the appeal that is at least 15 days after written notice is sent to the appellant. The appellant shall have the burden of establishing by clear and convincing evidence that the Planning Director's decision was incorrect.

(j) Certificate of Survey Expiration

- (1) If an approved Certificate of Survey has not been recorded at the Register of Deeds office, the approval of a Certificate of Survey shall be effective for no more than 24 months from the date of approval unless all conditions of approval have been completed or an extension has been granted by the Planning Director for good cause.
- (2) Such request for extension must be submitted to the Planning Director prior to the expiration of the original 24 month approval period.

SECTION 2. Chapter 20, Article 8, Section 20-808 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

20-808 Minor Subdivisions/Replats

(a) Purpose

The purpose of this administrative process is to provide an economical and efficient procedure for the adjustment of Platted Lot Lines in developed areas through a Resubdivision or Replat procedure, where an adjustment involves little or no expansion of the public Infrastructure. The Minor Subdivision/Replat process allows for a one-step Resubdivision approval process with final action by the Planning Director.

(b) Authority

The Planning Director is hereby authorized to review and approve Minor Subdivisions/Replats in accordance with the procedures of this Section.

(c) Applicability

- (1)** Within the City of Lawrence, a Platted Lot may be divided into 4 or fewer Platted Lots by using the Minor Subdivision/Replat procedures of this section; provided, that:

 - (i) No new Street or extension of an existing Street is created, or
 - (ii) A Vacation of Streets, Alleys, Setback Lines, Access Control or Easements is required or proposed.
 - (iii) As an alternative, if Right-of-Way or Easements are proposed to be dedicated or vacated, the Minor Subdivision/Replat shall be placed on the Governing Body's agenda for approval of the subject Vacation or acceptance of additional Dedications after mailed notice to surrounding property Owners and prior to final administrative approval of the Minor Subdivision/Replat.
- (2)** Within the Unincorporated Area of the County, a Platted Lot may be divided into 2 Platted Lots by using the Minor Subdivision/Replat procedures of this section, provided that:

 - (i) Each resulting Lot has a minimum Lot area that conforms to the County Sanitation Requirements for minimum Lot area;
 - (ii) The Platted Lot takes Access from a Hard Surfaced Road or from a Road that meets or exceeds the County's Rock Road Standard;
 - (iii) No new Road or extension of an existing improved Road is created, or
 - (iv) A Vacation of Roads, Setback Lines, Access Control or Easements is required or proposed; and,
 - (v) The Minor Subdivision/Replat is not prohibited by any other Section of this Article.
 - (vi) As an alternative, if Right-of-Way or Easements are proposed to be dedicated or vacated, the Minor Subdivision/Replat shall first be placed on the Governing Body's agenda for approval of the subject Vacation or acceptance of additional Dedications after mailed notice to surrounding property Owners and prior to final administrative approval of the Minor Subdivision/Replat.
- (3)** The merger or consolidation of full Lots or full Lots with portions of Platted Lots into a fewer number of Lots shall be processed as a Minor Subdivision/Replat;
- (4)** For the purpose of interpreting the Minor Subdivision/Replat eligibility criteria of this sub-section, any proposed Subdivision that the Planning Director determines is designed, intended, or by proximity to a previous Minor Subdivision or Replat would evade the Major Subdivision procedures of this section by resulting in a de facto Major Subdivision, shall not be eligible for the Minor Subdivision/Replat process;
- (5)** Lots are eligible only one time for approval of a division or consolidation through the Minor Subdivision/Replat process and any further divisions or consolidations of the

originally Platted or newly created Lots shall be processed as Major Subdivisions; however,

- (i) Lot Line adjustments or mergers that do not increase the total number of Lots may be accomplished through the Minor Subdivision/Replat process even if the property had previously been part of a Minor Subdivision or Replat.

(d) Criteria for Review

A Lot or group of Lots submitted as a Minor Subdivision/Replat shall be approved if all of the following criteria are met:

- (1) The proposed division(s) or consolidation(s) meets the criteria of one of the types of divisions or consolidations eligible for review through the Minor Subdivision/Replat process under Section 20-808(c);
- (2) All Lots created through the Minor Subdivision/Replat process conform to the Lot size requirements of the underlying zoning district;
- (3) Each Lot resulting from the division or consolidation will have direct Access to an existing Public Street/Road that meets current adopted Access and Public Improvement Standards or will meet such standards as a result of Improvements required as a condition of approval of the Minor Subdivision/ Replat;
- (4) If the property is located adjacent to a Public Street/Road Right-of-Way that does not meet the minimum Right-of-Way standard of Section 20-810(e)(5), approval of the Minor Subdivision/Replat will be subject to the condition that the Subdivider dedicate to the City or County, as applicable, one-half the additional land necessary to bring the Road(s) adjoining the land to be divided to the required minimum Right-of-Way standards.
 - (i) All necessary off-site Dedications shall be recorded by separate instrument with the Register of Deeds and proof of these Dedications shall be provided to the Planning Director. No final action shall be taken on the Minor Subdivision/Replat until this additional Right-of-Way Dedication has been recorded.
 - (ii) All necessary On-Site Dedications may be recorded by separate instrument with the Register of Deeds office or may be provided on the Minor Subdivision/Replat; however, the Minor Subdivision/Replat shall be placed on the Governing Body's agenda for acceptance of the additional Right-of-Way after mailed notice and prior to final approval of the Minor Subdivision/Replat.
- (5) Any additional public Easements necessary to serve the property shall be Dedicated prior to final approval of the Minor Subdivision/Replat, either by:
 - (i) Separate instrument, or
 - (ii) The Minor Subdivision/Replat is placed on the Governing Body's agenda for acceptance of the additional Easements after mailed notice and prior to final approval of the Minor Subdivision/Replat.
- (6) If any portion of the property within the Minor Subdivision/Replat lies in a FEMA designated regulatory Floodplain, or if drainage Channels or Swales exist on the property that carry runoff from adjacent property or Public Street/Roads, the FEMA

designated regulatory Floodplain or drainage Channel or Swale shall be protected by grant of Easement, Dedication or other similar device as may be required by the Planning Director. No final action shall be taken on the Minor Subdivision/Replat until this Dedication has been recorded, either by:

- (i) Separate instrument, or
 - (ii) The Minor Subdivision/Replat is placed on the Governing Body's agenda for acceptance of the additional Right-of-Way or Easements after mailed notice and prior to final approval of the Minor Subdivision/Replat.
- (7) The Owner shall provide written documentation for divisions or combination of Lots in the Unincorporated Area of the County to the Planning Director providing proof that the proposed Lots will have:
- (i) Access to Publicly Treated Water delivered through a water meter; and,
 - (ii) Test holes for an On-Site Sewage Management System have been reviewed and approved by the Director of Lawrence/Douglas County Health Department.
- (8) The proposed Lots and all other aspects of the proposed Minor Subdivision/Replat conforms with the current Comprehensive Plan of Lawrence and Douglas County;
- (9) The Minor Subdivision/Replat conforms with the adopted Major Thoroughfares Map referenced in the Comprehensive Plan and does not preclude or interfere with the subsequent logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Minor Subdivision/Replat or the original Platted Subdivision;
- (10) The proposed Minor Subdivision/Replat is consistent with any conditions imposed on the original Platted Subdivision from which the Lots being divided or consolidated were originally Platted; and,
- (11) The Minor Subdivision/Replat conforms to the Kansas Minimum Standards for Boundary Surveys.

(e) Application

- (1) Requests for Minor Subdivision/Replat approval shall be submitted to the Planning Director.
- (2) Each application shall be submitted on a form provided by the Planning Director; be submitted in both print and electronic format; and shall be accompanied by:
 - (i) The applicable review and recording fees;
 - (ii) Copies of scaled drawings of a Minor Subdivision/Replat as required by the Planning Director, certified by a licensed Land Surveyor; and
 - (iii) A certificate that all taxes and special assessments due and payable have been paid.

- a. Any unpaid special assessments shall be noted with the application submittal and a proposed redistribution plan for these unpaid special assessments, which meets the City Clerk and City Engineer requirements for Lots within the City of Lawrence or with the County Clerk and County Engineer requirements for Lots within the Unincorporated Area of Douglas County, also shall be submitted with the application.
- (iv) If Dedication or Vacation of Easements or Rights-of-Way is proposed, a certified copy of a property Ownership list to provide mailed notice in accordance with 20-802(d)(3).

(f) Contents

- (1) The Minor Subdivision/Replat shall contain the following information:
 - (i) A title that includes the original Lot numbers and Subdivision name and an indication that this is a Minor Subdivision/Replat of said Lots in the Subdivision;
 - (ii) Legal description of the property, including a Benchmark or other vertical reference point tied to the United States Geological Survey;
 - (iii) Location map identifying community features and the nearest existing public Right(s)-of Way within a one mile radius of the site;
 - (iv) Location and dimensions of existing and/or proposed Easements and utilities;
 - (v) Dimensions and locations of the new Lots to be created through the division or consolidation;
 - (vi) Location and width of Driveways, existing and proposed;
 - (vii) Dimensions of all existing structures in relation to existing and proposed Lot Lines;
 - (viii) Signature of the Owner, properly attested;
 - (ix) A signature and date line for approval by the Planning Director, stating "Approved as a Minor Subdivision/Replat under the Subdivision Regulations of the City of Lawrence and the Unincorporated Area of Douglas County";
 - (x) A signature and date line for the appropriate Governing Body Chair indicating acceptance or approval, if the Minor Subdivision/Replat proposes either the Dedication or Vacation of Easements or Right-of-Way;
 - (xi) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005";

- (xii) A dated signature and seal of the licensed Land Surveyor responsible for the survey and a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys."; and,
- (xiii) A note on the face of the Minor Subdivision/Replat which states: "Further division or consolidation of any Lots contained in this Minor Subdivision/Replat is prohibited, and shall be processed as a Major Subdivision, unless the action meets the exception noted in Section 20-808(c)(5)(i)."

(g) Review and Action by the Planning Director

- (1) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.
- (2) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the Minor Subdivision/Replat conforms to all of the standards set forth in this Section, the Director shall sign and date an original Mylar copy of the Minor Subdivision/Replat, prepared by a licensed Land Surveyor, using any media that will reproduce a clear image for scanning and microfilming and meeting the standards required by the Office of the Register of Deeds.
- (3) If the Minor Subdivision/Replat proposes either the Dedication or Vacation of Easements or Rights-of-Way, the Planning Director shall:
 - (i) Provide mailed notice to surrounding property Owners as established in Section 20-802(d); and
 - (ii) Place the Minor Subdivision/Replat on the Governing Body's agenda for either acceptance of Dedications or approval of proposed Vacations.
- (4) If the Planning Director finds that the Minor Subdivision/Replat fails in any way to conform to the standards set forth in this Section or that the proposed division or consolidation is not eligible for consideration as an Minor Subdivision/Replat, the Planning Director shall refuse to approve the proposed Minor Subdivision/Replat and shall notify the applicant by letter of the reason(s) for such refusal. If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and map within 45 days after receipt of such letter and shall not be required to pay an additional fee. If the reason for denial is that the proposed division or consolidation is not eligible for consideration as a Minor Subdivision/Replat because the Replat does not meet all of the criteria

in Section 20-808(d), the Subdivider may submit an application for Major Subdivision approval at any time.

- (5) The Planning Director shall forward a signed, original Mylar copy of the Minor Subdivision/Replat to the Register of Deeds for recording.
- (6) Appeals of the Planning Director's decision on a Minor Subdivision/Replat shall be subject to Section 20-813(f)(1).

(h) Review and Action by the Governing Body

If the Planning Director determines that the Minor Subdivision/Replat includes a proposal to dedicate or vacate Easements and/or Rights-of-Way, the Minor Subdivision/Replat shall be placed on the Governing Body's agenda for acceptance or Vacation of Easements and/or Rights-of-Way following the appropriate review process, mailed notice and prior to the Planning Director's final approval of the application.

(i) Signatures on Minor Subdivision/Replat following Action by the Governing Body

If the Minor Subdivision/Replat includes the Dedication or Vacation of Easements and/or Rights-of-Way and the Governing Body has accepted the Dedication or approved the Vacation, the Planning Director shall submit the Minor Subdivision/Replat to the Mayor or Chairperson of the Board of County Commissioners, as applicable, for signatures.

(j) Processing after Approval of Minor Subdivision/Replat

- (1) Prior to the Minor Subdivision/Replat being recorded with the Register of Deeds, a digital version of the Minor Subdivision/Replat shall be submitted to the Planning Director in a format approved by the Planning Director as identified in the application packet.
- (2) Errors found in closure or internal dimensions shall be corrected prior to filing recording the Minor Subdivision/Replat.

(k) Minor Subdivision/Replat Expiration

- (1) Approval of a Minor Subdivision/Replat by the Planning Director and acceptance of Dedications by the appropriate Governing Body shall be effective for no more than 24 months from the date of acceptance unless all conditions of approval have been completed or an extension has been granted by the Planning Director for good cause.
- (2) Such request for extension must be submitted to the Planning Director prior to the expiration of the original 24 month approval period.

SECTION 3. Existing Sections 20-807 and Section 20-808 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, are hereby repealed in their entirety, it being the intent of the Governing Body that the provisions of this ordinance supersede it.

SECTION 4. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining part of this ordinance.

SECTION 5. This ordinance shall take effect and be in force after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of September, 2018.

APPROVED:

Stuart Boley
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

Publish once and return one Proof of Publication to the City Clerk and one to the City Attorney.

ORDINANCE NO. 9562

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,
AMENDING CHAPTER 20, ARTICLE 13, SECTION 20-1307,
CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION,
AND AMENDMENTS THERETO, PERTAINING TO THE
RECORDING OF INSTITUTIONAL DEVELOPMENT PLANS
WITH THE OFFICE OF THE REGISTER OF DEEDS, AND
REPEALING EXISTING SECTION 20-1307.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. Chapter 20, Article 13, Section 20-1307, of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

20-1307 INSTITUTIONAL DEVELOPMENT PLAN

(a) Purpose

The purpose is to provide a community vision for the long-term use and development of public institutional space and lands so that they are designed to be compatible with surrounding land uses and contribute to the neighborhood and character of the area in which they are located. Providing this community vision for institutional Buildings and sites also allows adjacent and nearby property Owner to anticipate future non-residential development patterns and plan for the use and enjoyment of their property accordingly.

(b) Phasing of Development

For multiple uses or multiple Building developments, sites may be phased based on needs established through capital improvements programming. The phasing sequence shall be submitted with the site plan or special use permit development application.

(c) Development Standards

Standards for institutional site development are established to ensure long-term compatibility of use, consistency with the character of the area, and to minimize negative impacts from institutional development on surrounding neighborhoods.

- (1)** Sites of ten (10) acres or smaller shall be required to submit a site plan application with supporting material for administrative review and approval. Criteria to be included on the site plan shall include:
 - (i)** if traffic generation exceeds 100 vehicles per day, Access shall be taken from a Residential Collector, Collector or Arterial Street;
 - (ii)** separate Access points shall be provided for pedestrians/bikes and vehicular traffic generated to and from the site;
 - (iii)** development of the site shall occur in one phase; and
 - (iv)** exterior lighting shall occur only where needed for safe Access to and from the Parking Area to a Building entrance.

- (2)** Sites over ten (10) acres shall be required to submit an application for a Special Use Permit, which includes a site plan, and supporting material necessary to meet the following criteria:
- (i)** Landscape Bufferyards shall be required on all sides of the site based on the most intense use proposed.
 - a.** For utility and large plant development, sites a type 3 landscape Bufferyard shall be required.
 - b.** For office and educational development sites, a type 2 landscape Bufferyard shall be required.
 - c.** For park and recreational development, sites a type 1 landscape Bufferyard shall be required.
 - (ii)** Access shall be planned for the entire site based on the traffic anticipated to be generated from the site. Access may be taken from Collector or Arterial Streets for utility and large plant development sites. At least two Access points shall be provided for office and educational development sites and park sites, one of which is from a Residential Collector Street.
 - (iii)** Sidewalks shall be provided along all street frontages as part of the first phase of a multi-phase development project or, if the project is not phased, at the time of development of the site.
 - (iv)** Bicycle lanes or recreational paths shall be planned and provided as part of the institutional master plan for sites that include public facilities such as schools, parks, recreation centers and public offices where customers are anticipated to come to the site. Comprehensive Plans for Bicycle and pedestrians shall be followed in providing and planning for these Infrastructure improvements.
 - (v)** Sports fields and other large traffic generation activities shall be located on the site furthest from RS zoned areas and designed to reduce noise or light pollution from creating negative impacts on the adjacent neighborhood(s).
 - (vi)** Exterior lighting, if provided, may be prohibited between the hours of 10 PM and 7AM.
 - (vii)** Parking facilities shall be designed to be shared between multiple users and, where environmentally sensitive lands are involved or may be impacted, alternatives to paving Parking Areas may be approved.
 - (viii)** Bus stops shall be included in the planning and development of the site.

(d) Revisions to Phasing Sequence and Institutional Development Plan

Revisions to the phasing sequence may be administratively approved by the Planning Director based on the review and approval of revisions to the Capital Improvements Programming for Infrastructure and site development by the governing body or administrative board responsible for funding institutional development of the site. Revisions to the Institutional Development Plan may be reviewed and approved administratively when revisions are consistent with the original development plan's approval and evidence has been submitted to the Planning Director that the revision will not increase traffic, noise or light pollution or runoff from the site.

(e) Filing of Institutional Development Plan

Within 24 months of approval and after completion of all conditions of approval and prior to issuance of a building permit, ~~a Mylar copy~~ an original copy of the Institutional development Plan shall be recorded at the Office of the Register of Deeds-Office. The drawing shall be prepared using any media that will reproduce a clear image for scanning and microfilming, meeting the standards established by the Register of Deeds. Any supplemental covenants, restrictions, Conservation Easements, or public Access Easements shall be on file at the time of recordation of the Institutional Development Plan.

(f) Date of Effect

Approval of an Institutional Development Plan shall be valid from the date all conditions are met and the Institutional Development Plan is filed at the Register of Deeds office. Approved revisions to the Institutional Development Plan shall also be filed at the Register of Deeds office.

(g) Expiration of Approval

- (1)** In the event the Landowner fails to obtain a building permit for the development shown on the Institutional Development Plan within 24 months after final approval of the Institutional Development Plan has been granted, the approval shall expire and the Landowner shall seek approval of the proposed development in accordance with the procedures and standards in effect at the time of the new application.
 - (i)** For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension may be made by letter to the Planning Director and will be considered only if received before the expiration date of the Institutional Development Plan. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the City Commission.
 - (ii)** The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3).

SECTION 3. Existing Section 20-1307 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that the provisions of this ordinance supersede it.

SECTION 4. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining part of this ordinance.

SECTION 5. This ordinance shall take effect and be in force after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of September, 2018.

APPROVED:

Stuart Boley
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

Publish once and return one Proof of Publication to the City Clerk and one to the City Attorney.

Affected Sections:

Revised language is shown in **bold purple**.

Certificate of Survey

City of Lawrence Unincorporated Douglas County

20-807 (e) (1)

11-107 (e) (1)

Existing Text: The certificate of survey shall be legibly drawing on Mylar with permanent ink or printed or reproduced by a processing guaranteeing a permanent record and shall be a minimum size of 11 inches by 17 inches.

Proposed Text: The certificate of survey shall **be prepared by a licensed Land Surveyor using any media that will reproduce a clear image for scanning and microfilming meeting the current standards required by the Register of Deeds.**

Minor Subdivision Replat

City of Lawrence Unincorporated Douglas County

20-808 (g)

11-808 (g)

Existing Text: (2) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the Minor Subdivision/Replat conforms to all of the standards set forth in this Section, the Director shall sign and date an original Mylar copy of the Minor Subdivision/Replat.

Proposed Text: (2) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the Minor Subdivision/Replat conforms to all of the standards set forth in this Section, the Director shall sign and date an original **copy of the Minor Subdivision/Replat prepared by a licensed Land Surveyor using any media that will reproduce a clear image for scanning and microfilming meeting the standards required by the Register of Deeds.**

Existing Text: (5) The **Planning Director** shall forward a signed, original Mylar copy of the **Minor Subdivision/Replat** to the Register of Deeds for recording.

Proposed Text: (5) The Planning Director shall forward a signed, original copy of the Minor Subdivision/Replat **prepared by a licensed Land Surveyor using any media that will reproduce a clear image for scanning and microfilming meeting the standards required by the Register of Deeds** for recording.

20-809 (l) (1) *[Final Plat Contents]*

The Final Plat shall be prepared by a licensed Land Surveyor with black ink on permanent reproducible material meeting the current standards provide by the Register of Deeds. **[no change is necessary]**

[Institutional Development Plan]

City of Lawrence Only

20-1307 (e)

Existing Text: Within 24 months of approval and after completion of all conditions of approval and prior to issuance of a building permit, a Mylar copy of the Institutional development Plan shall be recorded at the Register of Deeds Office. Any supplemental covenants, restrictions, Conservation Easements, or public Access Easements shall be on file at the time of recordation of the Institutional Development Plan.

Proposed Text: Within 24 months of approval and after completion of all conditions of approval and prior to issuance of a building permit, an original copy of the **Institutional development Plan shall be recorded at the Register of Deeds Office. The drawing shall be prepared using any media that will reproduce a clear image for scanning and microfilming meeting the standards required by the Register of Deeds.** Any supplemental covenants, restrictions, Conservation Easement s, or public Access Easements shall be on file at the time of recordation of the Institutional Development Plan.

RESOLUTION NO. 17- 31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS ADOPTING REQUIREMENTS FOR
RECORDING PLATS AND SURVEYS

WHEREAS, K.S.A. 19-1207 requires the Register of Deeds to accept and record surveys and plats; and,

WHEREAS, pursuant to this authority and duty, the Register of Deeds wishes the Board to adopt rules and regulations to improve the recording and storage of such plats and surveys; and,

WHEREAS, the Board has determined it necessary and desirable to adopt rules and regulations as set forth herein.

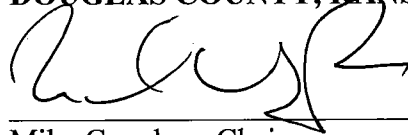
NOW, THEREFORE, the Board of County Commissioners of Douglas County, Kansas, sitting in regular session this 13 day of September, 2017, does hereby adopt the following rules and requirements for recording plats and surveys at the Douglas County Register of Deeds office:

For Purposes of Recording Plats and Surveys

1. Definition of Plat: Any survey, drawing, or map, as defined by KSA 58-2001, that divides land, combines land, or otherwise creates a new parcel(s) of land.
2. The minimum size for plats to be recorded shall be 11" x 17". The charge for recording plats will be in accordance with the "town plat" rate as set forth in statute K.S.A. 28-115.
3. Definition of Retracement Survey: Any survey, drawing, or map that does not create a new parcel(s) of land or otherwise change the boundary of an existing parcel of land.
4. The minimum size for retracement surveys to be recorded shall be 8 ½" x 14". The charge for recording retracement surveys will be in accordance with the "other instruments of writing" rate as set forth in statute K.S.A 28-115.
5. Text (letters and numbers) shown on plats and retracement surveys must be large enough for clear and legible scanning and microfilming. The minimum cap height shall be 1/10th of an inch.
6. For both plats and retracement surveys, the Register of Deeds office will accept final products on any media that will reproduce a clear image for scanning and microfilming.

ADOPTED, the year and day set forth above.

**BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS**



Mike Gaughan, Chair



Nancy Thellman, Member



Michelle Derusseau, Member

ATTEST:



Heather Dill Deputy

Jameson D. Shew, County Clerk

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
06/27/2018

ITEM NO. 3 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; (SLD)

TA-18-00199: Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 8// Chapter 11, Article 1 of the Douglas County Code, and 13, to update requirements for recording subdivision documents with the Douglas County Register of Deeds office. *Initiated by Planning Commission on 5/23/18.*

RECOMMENDATION: Staff recommends that the Planning Commission forward the proposed amendment, TA-18-00199, amending the *Land Development Code*, Article 8/ Chapter 11, Article 1 of the *Douglas County Code*, *Joint Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County KS.* and the corresponding *Douglas County Code* sections and Article 13 of the Lawrence *Land Development Code* to permit the submission of final documents for recording purposes to be printed on any media that will reproduce a clear image for scanning and microfilming in accordance with Resolution No. 17-31 to align the requirement and current practices related to record documents with the Douglas County Register of Deeds office.

Reason for Request: The Planning Commission initiated a text amendment to the *Land Development Code*, *Douglas County Code* and *Joint Subdivision Regulations* at their May 23, 2018 meeting to align the requirement and current practices related to record documents with the Douglas County Register of Deeds office.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received

ATTACHMENTS

- A. Resolution No. 17-31
- B. Revised Code Sections

BACKGROUND

In September of 2017, the County Register of Deeds office in cooperation with the County Public Works Department prepared a resolution for the County Commission's consideration and adoption standardizing minimum document requirements for recording purposes. This action was taken in response to confusion expressed by local land surveyors regarding recording media requirement expectations (paper vs. Mylar), minimum allowed font size, minimum documents sizes, and costs for recording documents. The County adopted Resolution No. 17-31 on September 13, 2017 that establishing certain graphic standards. Additionally, the resolution states that the "the Register of Deeds office will accept final products on any media that will reproduce a clear image for scanning and microfilming." This language allows applicants the freedom to choose which media to produce final documents.

The current *Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County KS. [Joint Subdivision Regulations]* require some, but not all, final documents, intended to be recorded with the Register of Deeds office to be produced on Mylar. Historical, the intent of the regulations has been to produce all final documents on Mylar because it is a more durable material. Advances in technology,

storage, and reproduction capabilities make the need for this durable material requirement obsolete. The intent of this proposed text amendment is align the *Joint Subdivision Regulations* and the *Land Development Code* with the current practices adopted by the County Register of Deeds office regarding document processing per Resolution No. 17-31.

In addition to being required within the *Joint Subdivision Regulations*, the requirement for Mylar is also noted in Section 20-1307 with the filing of Institutional Development Plans. Other than certain types of surveys specifically noted in the Article Institutional Development Plans are the only other documents specifically mentioned as required Mylar as its required recording medium.

Note: Final Development Plans require recording with the Register of Deeds office. Site Plans, Special Use Permits, and Conditional Use permits do not require recording.

OVERVIEW OF PROPOSED AMENDMENT

The portion of the *Joint Subdivision Regulations* being revised is attached to this staff report (Attachment B). If approved the changes would no longer require recorded documents to be printed on Mylar. Paper has been deemed an acceptable media form for final documents for recording purposes with the Register of Deeds office per Resolution No. 17-31. However, language in the *Land Development Code* and *Joint Subdivision Regulations* has not been revised to reflect this revised printed medium requirement.

If adopted, this change would provide consistency for applicants when preparing documents for recording with the Douglas County Register of Deeds. By articulating a consistent and uniform requirement throughout the *Land Development Code*, this aligns the *Joint Subdivision Regulations* and the *Land Development Code* with the recording practices of the Register of Deeds.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition;

The proposed change is consistent with current practices that allowing the use of alternative media (paper) to publish final drawings such as surveys, certificates of survey, final plats, minor subdivision drawings and other similar documents for recording purposes. This change was instituted by the County in September 2017. The use of paper is more efficient. It is less costly to produce and store documents for both the public and applicant/customers. The *Joint Subdivision Regulations* have not been updated to reflect this change in policy.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Code (Sec. 20-901)

The comprehensive plan does not specifically address this type of amendment. This specific amendment is technical in nature, which is more accurately tailored to address a technical administrative function. Overall, *Horizon 2020* encourages efficiency and convenience for both the applicants, as well as the governments.

Conclusion

The proposed changes are minor amending ministerial elements of the *Land Development Code*, *Joint Subdivision Regulations*, and *Douglas County Code* relating to documents recorded with the Douglas County Register of Deeds office.

PC Minutes 6/27/18

**ITEM NO. 3 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; RECORDING
SUBDIVISION DOCUMENTS WITH REGISTER OF DEEDS (SLD)**

TA-18-00199: Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 8 and 13, to update requirements for recording subdivision documents with the Douglas County Register of Deeds Office. *Initiated by Planning Commission on 5/23/18.*

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Carttar inquired about the reason for switching from mylar to paper.

Ms. Day said mylar was a more durable material than paper but that paper documents were no longer stored. She said it was costly to reproduce mylars and that stamps could smear.

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to approve Text Amendment, TA-18-00199, amending the *Land Development Code*, Article 8/ Chapter 11, Article 1 of the *Douglas County Code, Joint Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County KS.* and the corresponding *Douglas County Code* sections and Article 13 of the Lawrence *Land Development Code* to permit the submission of final documents for recording purposes to be printed on any media that will reproduce a clear image for scanning and microfilming in accordance with Resolution No. 17-31 to align the requirement and current practices related to record documents with the Douglas County Register of Deeds office, and forwarding a recommendation of approval to the Lawrence City Commission and Board of Douglas County Commission.

Commissioner Carpenter said he was happy the Register of Deeds office was going from a non-renewable source to a renewable source.

Unanimously approved 10-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.