JOHNSON COUNTY PLANNING COMMISSION
Johnson County Administration Building
Board of County Commissioners Hearing Room, Third Floor
111 South Cherry Street
Olathe, Kansas

MINUTES OF REGULAR MEETING
November 27, 2018
5:45 p.m.

A. CALL TO ORDER
A meeting of the Planning Commission of Johnson County, Kansas, was convened at 5:47 p.m. on Tuesday, November 27, 2018, and was called to order by Chris Iliff, Chairman, with the following members present and participating; to-wit: Jim Neese, Dennis Bollin, Pete Oppermann, Mark Huggins, George Lund, Randy Hutchins, Jason Meier, Teri Atwell, Hank Deters and Roger Mason. Roxanne Morse was absent. Also present were Jay Leipzig, Paul Greeley and Karen Miller, Johnson County Planning Department. Leslie Davis served as secretary to the Planning Commission.

Chairman Iliff: I'll call the meeting of the Johnson County Planning Commission for Tuesday, November 27, 2018, to order. We have a quorum present.

B. APPROVAL OF AGENDA
Chairman Iliff: Any objections to the agenda as it has been presented to us? [None.]. Hearing no objection, it will be approved.

C. CONSIDER MINUTES OF PREVIOUS PLANNING COMMISSION MEETING
Chairman Iliff: Are there any recommendations for changes or amendments to the minutes of the September 25, 2018, meeting?

Motion by Comm. Neese, second by Comm. Deter, to approve the minutes from the September 25, 2018, Planning Commission meeting. Motion passed unanimously.

D. PUBLIC COMMENTS
This is an opportunity for members of the public to address the Planning Commission on an item which does not appear on the agenda. Comments are limited to five (5) minutes.

[None]

E. OVERLAND PARK OFFICIAL STREET MAP
Mr. Leipzig: In your packet is a letter from the city of Overland Park, asking for comments on the amendment to the City of Overland Park's Official Street Map, which is done on an annual basis. You may recall, we did something very similar last year. They sent us a letter with the proposed street map, outlining the changes, and asked us to comment on that. This year, the changes to the street map are fairly minimal except that they are showing proposed roundabouts at certain thoroughfare intersections in the south Overland Park plan. They are also adding additional text to the back of the map that further clarifies the roundabouts. This is in your packet. And then, shown as item I, the change of unimproved thoroughfare to improve thoroughfare on Quivira Road
between 151st Street and 159th Street. Staff has looked at this. We have no additional comments or changes. We do not have any issues or concerns with this. We also gave this to Public Works to comment. They do not have any comments. Pending that, Mr. Chair, we don't have any additional comments. They are fairly minor changes.

Chairman Iliff: Any comments from members of the Planning Commission with regard to the change to the Overland Park street map?

Comm. Meier: Yes. The Public Works department, Brian didn't have any issues with the roundabouts on 175th through, change to 179th? The CARNP plan, I believe it was supposed to be a thoroughfare, and roundabouts certainly slow down traffic to almost a stop as they go around the roundabouts. I understand it makes it so we don't have to have signals in the future, but as I look at it, I mean, I know this is just Overland Park, and I see six roundabouts on 175th to Metcalf, every mile. I didn't know if that was something that Brian and others were okay with.

Mr. Leipzig: They have looked at this, and I can't speak for Public Works, but the feeling is that it doesn't; having the roundabouts slows the traffic down but doesn't impede the overall direction or traffic movement through those intersections. So, they were accepting of the roundabouts.

Comm. Meier: Okay. I guess I would just like to go on record that it would be nice if, you know, Overland Park is probably going to do whatever they want, but if those roundabouts were large enough to handle. Because there is truck traffic. I'd hate for them to put small roundabouts on a major road, but I'm sure they won't. That's just one thing that I noticed.

Ms. Miller: At our last staff meeting, I know Brian talked about those roundabouts, and he viewed them as a transition to lights. He said that the roundabouts really couldn't be permanent, that once you hit a certain flow, you need lights. I think that probably addresses your concern.


Mr. Leipzig: Commissioner, we can certainly include our comments back, make sure that the radii are large enough to accommodate that level of traffic.

Comm. Meier: I appreciate it. I will say that, I mean, I don't have anything against roundabouts. Honestly, I think they can be a little overused and I'm a little concerned with all of them that I'm seeing on the plan. But I'm sure there's some engineers that could probably figure it out. Thank you.

Comm. Hutchins: First, I like to compliment Overland Park for coming to us. I think that's great because I think we're extending the same courtesy to them, as well. The other thing is in line with what Jason stated. My concern is taking large farm equipment down through there. Today, it doesn't work real well with roundabouts. You usually have to drive up over the top of something to get through. So, I'd just like to make sure that they are wide enough, taking into consideration for the farm equipment, combines, semis, etc., to get through.

Mr. Leipzig: So noted.

Chairman Iliff: A question I have. There are a number of streets in the southern part of the city that are marked as unimproved-slash-thoroughfares. I'm just wondering if anybody here among staff knows what that means. I know what those streets look like as they are right now. For example, one of those streets is 175th Street between Kenneth Road and Metcalf, or between Kenneth Road and Mission. And then, it would have people go, you know, jog south to 181st Street to continue west. I'm wondering if that is a designation that has a timeframe associated with it with regard to when they are going to move it from unimproved to a thoroughfare, or if that is just a placeholder that doesn't have any specific meaning in the Overland Park plan.
Mr. Leipzig: I believe that there isn't a timeframe attached to it. If there was, it would make it easier to understand, but I don't believe there is. But I can confirm that. That's a very good question. I just don't know what their long-term timeframe is.

Comm. Huggins: Many times, the cities and the county designate those road types so that if development comes in along those roads before the roads are developed, they will have to meet the standards of the ultimate roadway. In Overland Park, if you develop next to a two-lane asphalt road with no curb, you have to establish a right-of-way grade on that development that will match the future road that will go in there.

Chairman Iliff: What that would appear to mean, Mr. Huggins, is that this is a signal to developers more than it is to anybody else, that they are going to have to make significant improvements if they want to develop along those thoroughfares.

Comm. Huggins: That is the way I take it. Now, there may be more to it than that, but that's how it affects my business.

Comm. Oppermann: Mark, doesn't that actually just mean that those are striped roads or future thoroughfares, everybody just needs to know that eventually that's what they're going to be. So, if you come along and develop next to it, you just have to provide the future right-of-way - like you said, grade - but you don't have to improve it to thoroughfare standards or anything. Like you were just saying, Chris.


Comm. Oppermann: That's what the excise tax is for. To do that, in theory.

Comm. Huggins: Yeah. And it also controls how you access that road. It would limit houses from fronting on that road, or having driveways on that road if it is an arterial. There are probably other things that I'm not thinking of right now. You know, storm sewer design is different. There are many, many issues.

Chairman Iliff: Mr. Greeley? You're moving like you would like to talk to us. No? Okay. Thank you. Any other comments with regard to the Overland Park Official Street Map? Hearing none, we will move on to the next item on the agenda.

F. CREATION OF NONCONFORMING PARCELS

Mr. Leipzig: Mr. Chairman, I'm going to provide a very brief introduction in reference to comments that were made at our previous Planning Commission meeting concerning non-conforming parcels. Staff has had several discussions with John Bartolac, Records and Tax Administration Director, which have been very helpful in navigating through this process. We have some fairly significant news to talk to you about. I'll let Karen talk about that in more detail, but John would like to speak with the Planning Commission as well, to give an overview on that process, which would be very helpful for everybody. He wasn't able to make it tonight. As you may recall, our next meeting is scheduled for December 25th, so, assuming we cancel that meeting, our next recommended Planning Commission meeting would be in January. John is available to speak that evening to give an overview on that process. That being said, I will turn it over to Karen and let her talk in more detail.

Ms. Miller: Thank you. Last time, Cass Brinkman came in, he had a legal parcel, and in the process of receiving his loan to buy the property, he worked with the banks and divided the property into a 10-acre parcel with his house, and the remaining 60 acres was vacant land. That threw him into non-conformance with respect to the zoning and subcommittee regulations. So, we talked in general about that. Jay and I have been pursuing this situation. We have talked with
the RTA Department. We see this in, generally, there are two different approaches. We can do things to prevent the creation of this mortgage parcel situation and other illegal lot situations. That would be one thing we can do, and I'll talk a little more about that. The other thing we can do is find a way to accommodate this business practice of creating the mortgage parcel. I'll talk a little more about that.

We also can't forget that there is also that do-nothing scenario. After we talked about it, if we just want to continue with the status quo, we can do that. One of the big questions is, do we want to accommodate this business practice of splitting out a mortgage parcel? One thing that we could do if we wanted to accommodate that would be to amend our regulations. I want to point out that I haven't talked with the Legal Department at all about this, so this may or may not be feasible, but we can kick around some ideas and I can try to formulate them. One idea is that if you start with a legal parcel, if you divide that into two parcels - one your mortgage parcel and the rest the remainder - if that remains under the same ownership, exactly the same ownership, we could amend our regulations to allow us to approve building permits on that configuration, the mortgage parcel and the remainder. In other words, we could consider it as one parcel. That would only apply to the idea of building permits. It wouldn't make the two parcels conforming with our regulations in any other way. That would be one thing we could pursue.

There are pros and cons to this idea. The obvious major problem with that is if there is a default, or if somebody sells one of the parcels so that the two parcels are under different ownerships. Then you truly have an illegal lot situation and you have to remedy that. So, if we think the idea of default loans or just selling the parcels, if we think there is a high possibility of a lot of lots created this way, we might not want to do this. The benefits of this approach would be that mortgage parcels aren't really meant to be development parcels, so they really, really are very far away from meeting our zoning regulations. Their frontage, their area, all sorts of things. And people, when they do a mortgage parcel, they really do not intend to develop on either one. They are truly, usually thinking of this as just one parcel. It would acknowledge the reality of it, the way people are thinking about their land. And it would save the energy of the zoning boards and Board of County Commissioners and the Planning staff when trying to deal with these mortgage parcels that are really far off from our regulations, and let people focus on the true development parcels.

So, those are the pros and cons. It depends on what the priorities of the Planning Commission and the Board of County Commissioners are. Before I go on to other things, does anybody have any comments about either approach?

**Chairman Iliff:** Yes, a question or comment. I have seen this come up before and have been personally aware of some situations where tract splits have been filed with the county that were non-conforming, in the sense that they didn't go through the zoning process. And then, at a later date, an innocent buyer comes along and buys this split tract, viewing it primarily as one parcel. But then, wants to mortgage one part of it. Is that more or less accurately describing the situation that you're trying to, that we're looking at trying to remedy here?

**Ms. Miller:** I think so. Let me say it back to you to make sure. Let's say somebody had 10 acres and wanted a mortgage... Let's say get a loan on the house to do an addition. The bank says, "We're not going to give you a loan on the full 10 acres but we'll give you a loan on the two acres around the house." So, let's say it's John Doe who owns both parcels and it's under the same ownership exactly. Then, yeah, that's what I'm thinking of and talking about.

**Chairman Iliff:** Okay. It occurs to me that for the purposes of getting a loan, which is very different than the purposes of developing property, that it might behoove us to consider an amendment to our regulations that would permit that to happen, making it clear that this is not something that is
tantamount to a tract split for development purposes, but rather is something to accommodate a landowner in his financial negotiations with his lender. And that should, for example, I mean, the worst of circumstances, the landowner defaults and the bank wants then to assert its lien against just those two acres, that the bank also is at risk in the sense that they need to understand that that doesn't give them any special rights or privileges with regard to developing that property. Or, if they should sell it to a subsequent landowner who comes in and says, you know, who buys the entire 10 acres and says, "Well, I effectively have two lots here, so I can build a house on the other lot." I don't know necessarily how we do that. You're the expert at crafting this sort of thing. Well, actually, the department is the expert at crafting this kind of thing. That seems like it might not be an unacceptable way to permit people to make the most of their property, while at the same time not burdening the County with non-conforming lots.

Ms. Miller: The caveat would be if it did pass into different ownership, then it would be a non-conforming lot situation, and they would have to go through the platting or rezoning.


Comm. Meier: I see this more as somebody owning 80 acres and wants to get a loan, most banks I think it's up to 10 acres that they can do this, to be able to build a house on it, or whatever. Is there a way...? It would be an easement, but it would be something that doesn't ever show up on a property ownership map. Is that what we're talking about? Or are we actually talking about doing some type of split? I'm thinking about this, and I don't want to confuse anyone by getting on Johnson County AIMS and looking at a property and it shows a 10-acre piece, but it actually isn't. It's all...

Ms. Miller: I was talking about a division and two separate parcels. And you're right. That would be one of the downsides. Some people would look at the division and might get confused. I remember that you mentioned in September that banks don't necessarily have to require that division. And that would be the next topic to talk about -- instead of accommodating with a regulation change, we could try educating and talking with the banks and the realtors and that type of thing.

Comm. Meier: I don't think I have the answer, but I think it seems like something that could be done with some paperwork, and it's not something that needs to actually have a lot split. I mean, at least from the cases I've understood, that it's simply a legal description given to the bank, and that is what the loan is based on. It isn't any legal-binding tract split. It's just the house that's on that 10 acres, or whatever. It's just a piece of paper that says that.

Ms. Miller: And that would be a good idea for Planning to maybe start talking with the banks. Seeing if that could be a route that we could go in letting people know that that is a possibility, instead of these mortgage parcels.

Comm. Huggins: I see several different issues at play here. The first one that was brought up in the last meeting was the idea that the Register of Deeds would file a deed or legal description that wasn't acceptable to the County. I think that's a big question. And I've been in the engineering surveying business for about 40 years, and one of the first things I was told was that you can file anything at the Register of Deeds. And that's the way it should be. So, even though I can't intelligently discuss all the legal ramifications, I think we need to be careful with that, not changing that.

The second thing is, there are a lot of good reasons not to allow people to separate property without the approval of the County to create unbuildable tracts or inaccessible tracts. Lot splits are restricted. They are not prohibited. And I think we need to keep that in mind, that there are
avenue to split tracts of ground. Some circumstances don't create a problem, and we need to keep that in mind if we create rules or guidelines, that this is a reasonable thing to do in certain instances, and in certain instances it's not. And I would also encourage discussions with the banks to see if this is a unique situation. Maybe it's just a bank policy. I'm pretty sure there are no federal or state guidelines that would prohibit putting a mortgage on a portion of a piece of ground because I've seen it done so many times. But I'd like clarification on that. Maybe this is an instance it was strictly created because of the bank chosen by the owner.

Ms. Miller: The bank chose it for what?

Comm. Huggins: The bank that the property owner chose to finance.

Comm. Hutchins: I'll speak from personal experience. When I purchased my home on 30 acres, it was very difficult for me to finance it. Basically, if it wasn't for the fact that I financed my farm through Patriot's Bank, you know. Gardner Bank, I wouldn't have gotten a loan. And the reason is because Fannie Mae and Fannie Mac will not allow the, they will not buy the loan if it has more than 10 acres. It wasn't that the banks didn't want to loan the money. Even though you had good credit, they wouldn't extend it if their intent was to re-sell it. So, if you're in the market to re-sell the loan, then you're out of the game. That's what I got educated on. I was lucky that I had a good rapport with the bank and was able to do that.

Now, putting the shoe on the other foot, looking to try to sell the house, if I don't have buyers with the capability of getting that financing, what are we to do? That's where I think, to the Chairman's comments, we need to find a constructive way in which we can set it up to where we can allow it to happen. I don't have the answer to it. I don't know legally how to do it. My thought was, okay, when you do this, when we allow the split, you sign something stating that it's only permissible to remain in the name of the person that owns the properties, right? So, it can't be divided, it can't be sold off, so it remains. You can still get two different loans, but those two parcels are still essentially one in the eyes of the County, and they can't be segregated. Unless you go through a formal process, which we already have in place. But speaking from personal experience, and I see that challenge for my wife and I when we sell our home, you know, how we're going to get the new owner financed.

The second thing is I go back to Mr. Huggins' comments. I'm concerned about the gap we've got as well in how we have an innocent buyer, exactly what the chairman spoke of, purchase that property that is an "illegal" lot, not knowing that they've actually purchased that. My question is how to close the gap. I oversimplify things, but in my mind, you can't file something unless it's signed off on by his team, stating either it is or is not. So, if it gets filed, at least the person filing it has been made aware that it is a deed with a lot, so if it does go to another buyer, at least that buyer has recourse to come back and say, "You knew it was an illegal lot, you did not disclose that, therefore you are liable for my loss." So, I'd like to at least see that. We have to close that gap.

The third thing is, you know, two months ago I never heard of an illegal lot, sitting on the commission and the board, and all of a sudden, I know three of them. And there is another instance where, again, there was a property that was sold at a Sheriff's sale. A Sheriff's sale sold the property to a buyer that had no idea that it was an illegal lot. And then, the lending company had to repossess it, not knowing it was an illegal lot, so they made a loan on an illegal lot that was not disclosed it was an illegal lot, and now they're sitting here, holding the bag, and the County's telling them they can't get a permit to put in windows. So, the County's position was to tear down the house. Well, I don't think anybody with a reasonable mind would suggest that the right thing to do was because, you know, it wasn't disclosed, is to go tear down a house because we can't
replace the windows, right? My question is: How many illegal lots do we have out there? And what is a process we can start putting in place that proactively cures a lot of these illegal lots? Or, what process could we put in place when this comes up that we can facilitate it, we can fast track it, and get it out of the staff's hands? It's still in the hands of the staff. At least there's a fast track and we're not taking up staff's time in handling this.

Chairman Iliff: Let me make a comment. I think what we just heard is a genuine problem here, and I think there are at least two classes of illegal lots. That is, some were created back at a time before we had zoning and subdivision regulations that required the platting of lots, and the individual walked into the Register of Deeds, and they were, if not fully compliant with County regulations, they weren't in obvious offense of County regulations at the time. So, there are these old things that are sitting out there. I don't know how many of those there are. I had to deal with one in some adjoining property next to me that was very problematic, but it was solved when a buyer just bought the extra tract that shouldn't have been there and combined the two. That solved the problem.

But then, I think we also have ones - and this may be the case of the person who came here during the public comment period a couple months ago, who was saying that he was an innocent buyer and he didn't know that there was this problem out there. I think that tract had probably been filed, or the split had been filed, long after our zoning and subdivision regulations had come into play. So, I hope what Mr. Huggins said earlier is not true, that you can file anything you want and the Register of Deeds has to accept it. I hope that's not true. But if anything like that is true, I think we need coordination between our Planning Department and the Register of Deeds so that that no longer is the case.

Ms. Miller: And that's the second part of what I had to comment on. The first part was, you know, one approach is to accommodate the process of the mortgage parcels. The other is education. To start that off, Jay and I met a couple times with the Register of Deeds. It actually is true, they do have to file anything that they are asked to. And it's really pretty much anything they are asked to. But, if somebody tries to file a deed, there is a certain criteria that you have to meet for the deed to be accepted and put on the tax roll, and that type of thing. John can talk a lot more about that in January when he's here. He's the expert on that.

Chairman Iliff: And I look forward to that conversation because it seems to me, at the very least, that the Register of Deeds could put a notice with that tract that puts any buyer on notice - and more especially the title company that is likely to be insuring that title - on notice that this is a non-conforming tract, which would not be eligible for a building permit. Or, at the very least, says it appears not to be a conforming tract, and that it has not gone through the zoning process.

Ms. Miller: Interestingly, Jay and I learned a little bit about deeds. There are two different ways to file deeds. One is on line and one is in person, at the desk. About 70 percent of their deeds are filed on line, and most of those are third-party company. They just collect these deeds and push them through to our RTA department in a batch. So, we certainly can provide whomever is doing the filing written notice that the County has zoning, please call us and we can talk to you about your parcel. That type of thing. But that doesn't do everything. At the point that the deed is filed, it might be a little late.

And then, the way deeds are filed these days, it might not be reaching the right person. As a byproduct of our conversations with John Bartolac, they agreed to really help us out. They have written an application for the Planning Department that, starting in 2003, they can give us a list of all of the divisions associated with particular property. So, if I type in a tax ID number, this application can spit out, starting with 2003 and beyond, all the divisions. Starting in 2003, the
Register of Deeds Office started tying deeds and specific properties through the tax ID number. So, that makes it a lot easier for Planning staff to research these parcels and tell what divisions have been made and find out if there are illegal splits on this. Any split prior to that, to be absolutely sure, County staff has to go through all the deeds in a particular quarter section, read each deed and the legal description, and try to figure out what it's doing. Sometimes we're lucky and we have aerals and other things that we can examine in a couple minutes. Sometimes it takes hours, days or weeks to figure out what's going on. So, in terms of anytime you see a split, being able to just right now immediately know exactly if it's legal or illegal, it's pretty time-consuming.

That kind of leads us to something I wanted to bring up today, to think about. Right now, in our regulations our legal lot of record is set at 1982. So, any lot that was in existence prior to a certain date in 1982 is considered to be a legal lot of record. It doesn't matter what the zoning is, it doesn't matter if you have street frontage, it's recognized as a lot with the ability to develop. Given this new technology with the RTA department, this ability to more easily looking at parcels, one idea we could do is re-set the date for our legal lot of record to that 2003 to catch up with technology, with the RTA Department. That would be another zoning regulation amendment that we could do that could make planning staff do the research more quickly, be more responsive, and give faster feedback to people about whether their lot is legal. There are pros and cons to that, and we shouldn't do that lightly. Because what that would do, lots that existed prior to 2003 would be acknowledged as a legal lot of record.

Chairman Iliff: I think that would reward bad behavior. That is intentional and has been done for the specific purpose of avoiding the rules and regulations that everybody else has to obey. So, I agree that there is an issue with that.

Ms. Miller: There is definitely a down side. The things to weigh would be, you know, if we want to be faster and quicker and more responsive to people about the status of their lots, that would be to change the date to 2003. But if we are concerned about rewarding bad behavior, that's another thing.

The other thing to think about is at this point, between 1998 and now, there has been a lot of ownership changes, and sometimes by the time people find out their parcel is illegal, they've gone through one, two, three, four ownership changes. That could be very awkward, explaining to people, "I'm sorry that you bought this lot. I know it's been in your family for 20 years, but it's illegal." Often the time people find out they have an illegal parcel is when they have finally saved up enough money to do that addition they've always wanted. They come in for a building permit and we do the research and we have to say, "I'm sorry, we can't sign off on your building permit today. And, by the way, here's this problem." It's something that we could think about, we should not adopt that approach lightly.

Comm. Neese: I've got a quick question. Off the cuff, how many times has that happened? Where people have come in, they wanted to do something and...? More than 10? More than 20?

Ms. Miller: You mean, like, per year?

Comm. Neese: They come in and you say no, you can't do this because it's a non-conforming situation.

Ms. Miller: Paul, do you...?

Comm. Neese: Paul, you know the number exactly, I know you do. [Laughs.]

Ms. Miller: If anybody knows the number exactly, it would be Paul.
Mr. Greeley: There's no way of knowing exactly. But we deal with this regularly, and we have
since I've been here, for 25 years. A couple hundred over that time period.

Comm. Neese: So, my first thought is, if you had a couple hundred folks who you made comply
with this, then all of a sudden, without coming to some kind of finality, how to correct the problem,
it's almost not fair if I walked in today and said, "I've got this," and now you won't let me do it. It's
not fair to the 200 who have gone in the past, or whatever.

Comm. Neese: I just wondered if it was five, or 10, or... Two hundred is a lot of folks.

Comm. Hutchins: Yeah, I would like to know the same. Is it bigger than a bread basket? I don't
know, right? The other point is, I'm with the chairman here. I don't want to reward bad behavior.
But, the question becomes, at this point in time, who are we punishing? Are we punishing the
person that made the facetious split? Or are we punishing the innocent person who actually
bought it. So, my hope is there is a way that we could punish the person who did the illegal split.
But if legally that's not possible, then I would like to have a process where we cure the person
who bought it, not knowing that they bought an illegal lot.

Comm. Neese: Randy, I agree with you, but those 200 people were not... if you want to say
"punished," were not the original causers of the problem. They are the people who saved the
money to buy the lot, or whatever. So, the people who were punished were not, in the past, it's
been 200. I would venture to guess that almost all of those people were not the ones who created
the problem.

Comm. Hutchins: To my point, right? That's where I would like to... I'd like to fix the problem. If
there was recourse, that would be great. But if our legal staff says there's no recourse to go back
on the person that created the problem, you know, then I would like to try to find a way to help the
people out that have now inherited that problem without even knowing it, right?

Comm. Huggins: Paul, correct me if I'm wrong here, but I believe that benchmark date 1982 has
been adjusted in the past.

Mr. Greeley: We have not adjusted that date. March 1 of 1982 was a date that has been set since

Comm. Huggins: I thought I remembered early on that there was an earlier date that was used.

Ms. Miller: We had the 1982 regulations and the 1994 regulations, and when the 1994 regulations
were adopted, it brought the 1982 date as the legal lot of record date.

Comm. Huggins: I guess the name "illegal split," I think to me is a bit of a misnomer. There is no
law against it.

Ms. Miller. That's shorthand for a division not in conformance with the zoning and subdivision
regulations.

Comm. Huggins: In my mind, it creates a situation that limits the use of the property. Not to throw
you in jail for it.

Mr. Greeley: Correct, we're not throwing anybody in jail.

Comm. Huggins: I mean, they can.

[crosstalk]

Mr. Greeley: ... down, trying for creative solutions. Re-combine the property. Go through a
planning and zoning process. Those kinds of things.
Comm. Huggins: And honestly, if the majority feels that platting is the answer, that's good for me. But historically, I don't think most people have thought going to the expense of filing a final plat, which is a pretty significant step, is worth it when you're taking 80 acres and making it into four 20's, or something of that nature. Well, if you're taking a piece of property and splitting it one time. Historically, as long as it doesn't create any non-complying properties that are outside the standards of the county for construction, that's been acceptable. And I think that's a reasonable thing to do. If a farmer wants his son or daughter to have five or 10 acres out of his 80, I think a lot split is a reasonable way to do it. Now, it should be ran through the county engineer and reviewed by Public Works for conformance to standards, but I don't feel that it's necessary to do a plat in that situation. Which can get quite expensive. I just would like to keep those things in mind. I know it's a lot cleaner to have it platted. But I don't feel it's always necessary. And there are instances when you can actually split a piece of property, you can get a split approved. I wish as we look at this, we keep that in mind. Just because a piece of property is split, they may not have filed the exact procedure they should have, but there is a very good possibility if they had known there was a procedure to follow and they had followed it, this would have been approved an illegal, two legal pieces of ground as a result.

Chairman Iliff: Obviously a topic for future consideration, and I think one that needs to be thoughtfully done so as to not make situations worse. But, at the same time, limiting where it can be problems for innocent buyers, and at the same time, not bending our rules to the point that we are rewarding people who are avoiding or escaping the normal planning process.

Ms. Miller: You know, there are several other ways we can educate. We can talk with realtors. Also, this application that the Register of Deeds' office made for us, it shows us a list of all the parcels in the county that are under the split process, that are being processed. We could perhaps see about, on a monthly basis, sending those new property owners a letter, letting them know.

Chairman Iliff: I am a little surprised that title companies have not been more intimately involved with regard to this problem because I know if, if I were an innocent buyer for value of a tract that had been illegally made and therefore was not buildable, and I took out a mortgage on it, and I got a title policy, and the title policy didn't warn me before the purchase was completed that there are problems with regard to the ability to build on it, I certainly would be seeking recourse against the title company. Any further comments on this topic?

Comm. Hutchins: How do we move forward? I think we all agree we need to fix the issues here. How do we move forward?

Ms. Miller: Things I'm hearing, I need to talk with the banks, the title companies, the realtors, talk with the RTA Department about the idea of sending new property owners a letter, letting them know that we have zoning in the county, and that that can affect pulling building permits. Maybe have a short, cursory discussion with the Legal Department to see what types of things, with the idea that we may or may not be interested in some of these amendments that we can do. Those are some of the things I'm hearing. Is there anything I'm missing?

Mr. Leipzig: One more item that we talked about with utilizing the RTA software is putting some type of message in red, something simple like that, what I think would be very helpful, as well. We are exploring that. My goal is when Mr. Bartolac comes before you in January, we can even provide an example of what that might look at and talk through some options, as well. We'll have that more developed when we meet again.

Chairman Iliff: Thank you.

G. FUTURE PLANNING COMMISSION DISCUSSION TOPICS
Mr. Leipzig: This item, we've talked about these several times in the past. I did want to briefly pass out - On your dais this evening is a future discussion topics list. I think we talked very briefly about it at the time we were in the process of going through our work with the Planning subcommittee. So, I think everything was so far out, we didn't really think about a schedule. I wanted to mention tonight, if you look at the description of the issues and the high-priority items - For example, the first three are high-priority items. Staff would like to work on those, all the high-priority items. I'm looking at 1, 2 and 3, and item number 6. Really look at developing a schedule for this year, as we go into January. This is consistent with, a couple months ago I introduced a report that has kind of a summary of all of the actions of the zoning boards. We'll be able to look at that, what was done in the past. We'll also have a strategic plan for what we want to work on in the future, for this next year. And if we have an annual plan, an annual update, of key issues. I will tell you that the dry sewer policy is very close to being ready for you. I know we've talked about that a couple times. There have been some delays, going through the legal process, but we are just about there, to have that in January. Also, Public Works is providing an update on gravel roads. So, there are several things that are going on that we would like to put in a more formalized schedule and have that for you in January when we meet. If we can plan out the year, or make an attempt at providing a yearly, kind of our strategic plan for you, and then, get comment on that at that time.

Chairman Iliff: What I would recommend here is that each member of the Planning Commission take a look at this list, which is ambitious, but I think doable, most of these, within the next year. And perhaps prioritize what you think are the most important and let Planning staff know what your top priorities are. Perhaps then I can meet with Mr. Leipzig and we can take people's suggestions and turn this into a top-down sort of list, so we can get the most important things accomplished in 2019.

Mr. Leipzig: One other thing to note. The first item on the list is the Kansas New Wireless Deployment Act. That is something that is kind of a critical item because we have to start to really look at that. We have done additional research on that and have a good idea of what needs to happen and what those changes would be. But looking at the first two, the cell tower, and also the sign regulations, updating our sign code so it is consistent with current statutes.

Chairman Iliff: Yeah, I'm in complete agreement with that. I think we put ourselves in a situation of perhaps bringing unwanted litigation by virtue of the regulations not being in compliance with statutes and court cases. All right. Any other comments with regard to the plans, future plans? [None]

H. DIRECTOR'S REPORT

Mr. Leipzig: Mr. Chairman, I appreciate everyone signing the book this evening. To be honest, we were hoping Commissioner Shaffer would be here this evening so we could present it to him. We also have a plaque. However, he is feeling under the weather. He was not successful for his bid to retain his term in the First District, so he will no longer be our planning liaison. My understanding, the Board will be having a recognition ceremony on January 10th. I don't know the time of that yet, we just found that out this evening. As soon as we find out the time of that, we will let you know. I'm thinking of presenting the book and the plaque on that date, January 10th.

Chairman Iliff: Is that likely to be a daytime meeting?

Mr. Leipzig: I believe it will be a daytime meeting, yes. So, I appreciate that. I think that will be a nice parting gift for him.
The other thing to point out. On your dais is the staff report for approved applications since we previously met. We had two months’ worth of items to review, so I wanted to point that out to you. If you have any questions, I’d be happy to answer them. As I said earlier, we’ll have a summary report to you in January that lists all of the cases throughout the year, kind of a historical record of those. And then, matching them up with our programs planned for the next year. Kind of match them up side by side. If there are any questions on that, be happy to take them.

The other update is that we did have October 25th for Community Planning Month. I appreciate attendance for that. That was a great event, well received. Also that morning, the BOCC adopted the proposed subdivision regulations, those changes on October 25th. I appreciate everyone’s help on doing that. Also, one of the things we’re looking at, our next meeting, is December 25th, so I assume we will cancel that meeting.

Chairman Iliff: I think you will have difficulty getting a quorum, or a secretary, or staff attendance, or anything else.

Mr. Leipzig: That being said, we do have a meeting scheduled for Tuesday, January 22nd. Mr. Bartolac will be speaking with the group and we will hopefully have more of a draft process outlined for you, of some of these improvements. Also, this year we had a joint meeting between the Board and the Planning Commission and the zoning board members. We’d like to do something similar during the February meeting, which I believe is February 26th, kind of go through annual training with the commission members and the zoning board members, and also BZA. If you do have a particular topic that you think we should cover, I will certainly make note of those and ask Mr. Lind to talk a little bit about that. But it should be a great evening and we’re looking forward to it. I think last year, we had, you know, it was scheduled during the Oklahoma-Kansas game, so I apologize for the timing of that. There are no basketball games or other type of conflicts this year. So, if you have things you would like to talk about, please let me know. We will make sure that they get covered. That concludes my report.

Chairman Iliff: Do I hear a motion to adjourn?

G. UPDATES/OTHER BUSINESS [None.]

ADJOURNMENT

The next regularly scheduled Planning Commission meeting will be Tuesday, January 22, 2018, at 5:45 p.m.

Chris Iliff, Chairman

ATTEST:

Secretary to the Board