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
August 27, 2019
5:45 p.m.

A. CALL TO ORDER

A meeting of the Planning Commission of Johnson County, Kansas, was convened at 5:45 p.m. on Tuesday, August 27, 2019, and was called to order by Chris Iliff, Chairman, with the following members present and participating; to-wit: Roxanne Morse, George Lund, Jim Neese, Mark Huggins, Dave Johns, Dennis Bollin, Roger Mason, Hank Deters, Pete Opperman and Randy Hutchins. Jason Meier was absent. Also present were Jay Leipzig and Karen Miller, Johnson County Planning Department.

Chairman Iliff: Let me welcome Mr. Johns here tonight. This is his first meeting, from his district. We welcome you and thank you for being here.

Mr. Johns: You bet. Thank you.

B. APPROVAL OF AGENDA – Approved as printed.

C. CONSIDER MINUTES OF PREVIOUS PLANNING COMMISSION MEETING

Chairman Iliff: Are there any recommendations for changes or amendments to the minutes of the July 23, 2019, meeting?

Motion by Comm. Morse, second by Comm. Lund, to approve the minutes from the July 23, 2019, Planning Commission meeting. Motion passed unanimously.

D. PUBLIC COMMENTS

Frank Gieringer, 39675 West 183rd Street, appeared before the Planning Commission and made the following comments:

Mr. Gieringer: I apologize if this is not the proper place, but I’m going to bring an issue to the board’s attention that probably no one has made you aware of. I’ll give you a little background for those of you who don’t know me. I farm in rural Edgerton. I’ve been here quite frequently, to tell you the truth, but it’s been a while since I’ve been here. We run a farm there. We are looking into H2A labor. For those of you who aren’t familiar with that, it is a foreign visa worker. They are here temporarily. I’m not going to go into a lot of details, but they are here part time. They aren’t here year-round. They are required to go home. So, in order to hire these workers, we have to provide housing. So, in order to do housing of any sort, I need a septic permit, obviously. So, without a septic permit, I can’t proceed. I proceeded to do my due diligence to check on that. Well, the County [inaudible] building permit. According to the state, I don’t need any zoning for ag buildings; according to the County, I do.

So, I’m just going to give you a brief rundown. This program is federally regulated and is very rigidly regulated. Any structure that you may house these employees in are very thoroughly
inspected and kept tabs on. That's one thing they have no leeway with. That's federal. Actually, a state person, I'm not sure which department, they're the ones who do the on-site inspections. They're quite stringent. So, we already have a set of guidelines to meet. A lot of these units are either some type of a mobile trailer, a lot of them look like a portable office on a construction building. Some of them are made out of cargo containers, which are quite nice, I might add. Nice enough that I wouldn't mind staying in one. Or mobile homes. None of which seem to be acceptable to the County. Apparently, in our county, if you can't afford to build a home, you shouldn't put a mobile home in our county. I lived in one for quite a few years. I had the same problem 30 years ago when I put mine on site.

So, to get to the heat of the moment, basically, it boils down to that I need to build, basically a stick-built home. I need to get at least an administrative lot split on a half section out there. Or my wife and I do, wife and I and family. They tell me I need to break off a piece of this and build a building for a temporary summertime, two guys to help me in the summer. So, I think maybe common sense flew out the window on this one. I don't see any reason why we can't do something temporary. I'm not even sure that I want to enroll in this program long term. I'm not wanting to put up a permanent structure. I only have two residences on my stretch of mile. There are only four people living in the section I live in, and the section across from me, just to give you an idea how remote and rural this is. Neither one of the neighbors across from me can see where I'm going to place this structure. They're not families. It's two individual young men. They're not bringing kids, not putting anybody in the school system. They're not going to be a burden on anybody.

Anyway, I just wanted to bring that up. I think it's something that has not ever been approached to the County. It's not a brand-new program, but it's fairly new. I can't help but think I'm surely not the only person in the county that employs these. That's all I have. Thank you for your time.

Comm. Hutchins: I have a question for you, Frank. My family has an apple orchard back in Ohio and they have migratory workers who stay in trailers. They have built a stick home, but it doesn't have all the migratory workers. They also have other trailers that they stay in. So, does this fit in the ag criteria of migratory workers? Or is this a different program from migratory workers?

Mr. Gieringer: Well, migratory worker program could be a US citizen that typically would move with, like, harvesting. They would start maybe in Florida, harvesting citrus, and then move up the coast, harvest apples, and finish up in New York, maybe, in late November. That would be a migratory worker. The H2A program is a foreign visa program. You apply for these in the off season, like now or through the winter. It's very regulated in the fact that you have to designate how many people, the timeframe they're going to work. They can only work for you. Like, I could have them come up here and trim trees or help me pull weeds, or walk one of my bean fields. But if Randy calls me up and says, "Hey, Frank, I've got a weedy bean field, can your guys come over and do that for me?" That would be illegal for me to let my workers do that. They would only be for my place for a set amount of time, then they are required to go home. I pay for transportation. I have to provide housing for them while they're here. The only thing they are responsible for is purchasing their own food. I have to give them transportation or a means to get to town at least once a week for shopping, banking, haircuts, etc. It's also a prevailing wage, so the wage is actually dictated by Uncle Sam. Currently, Kansas is one of the highest states in the country, believe it or not. It's $14.38 an hour plus room and board.

Chairman Iliff: I have a question. Who have you talked with in the County about this?

Mr. Gieringer: Actually, I talked to Karen, and she was quite polite, and I'm sure she's telling me what she thinks the rules are, but I just... This just seems ridiculous, that I need to build a stick
home, I need to break off a portion of my property and build a permanent structure to have two summertime/seasonal helpers.

Chairman Illiff: Well, I think you are correct that the situation you have presented tonight is unique. I could be wrong — and I'll let Karen express her opinion with regard to whether this has happened before. In my many years on this board, I don't recall any issue like this ever being presented to us. I know we've also gone through struggles with the best way to deal with ag uses, agri-tainment and that sort of thing. And we've probably learned a few lessons along the way. So, I think this is an issue that the board would probably be open to looking at solutions, other than shoe horning a unique situation into rules that are intended to control the vast majority of cases that we have.

Mr. Gieringer: I understand that it's probably very rare in this county, but it is becoming much more common throughout the state as labor, especially ag labor of any type, it's harder and harder to source.

Chairman Illiff: It might be that we can get guidance from other counties that have dealt with this or have made provision for it. At any rate, I want to express my appreciation for your bringing it to our attention. I think it's something we will take seriously, and we realize that it's a situation that may warrant exceptions or exemptions from our rules.

Mr. Gieringer: I certainly would like to find an amendable solution to this. I'm certain there's somewhere in the middle we can meet on this. I appreciate your time. Thank you.

Chairman Illiff: Before we go to the next item, let me ask you, Karen — and I'm confident you have given exactly the right answer to Mr. Gieringer with regard to what our rules are, but has staff ever dealt with a situation quite like this?

Ms. Miller: There's two things I'd like to mention. First, when Mr. Gieringer came in and talked to me about it, I conferred with our Legal Department. Our statute that applies to Johnson County is a little different than the rest of the state. In particular, a residence is not exempt from our regulations. I've done a write-up on that. I'd be happy to review it, talk with Legal again, and get back with you next month about it.

Chairman Illiff: And rather than waiting an entire month, feel free to send me an email. I'd be glad to come in and sit down with Legal and talk through the issue.

Mr. Leipzig: Yes, I would like to meet with Legal staff and see what other alternatives might be out there, in terms of looking at possible changes in that regard. I know this is occurring nationally. I wasn't aware that labor rate is so high in Kansas, which makes it a viable alternative for people.

Chairman Illiff: Thank you. Mr. Gieringer, we will try and work on this in a way that... I don't know what the answer will be, but hopefully we will have an answer shortly.

Comm. Neese: How do you...? For example, I know Kirby's is on the H2A program, and I think his people have been for quite a while. He's got quite a few folks on that.

Ms. Miller: Kirby...? I'm sorry?

Comm. Neese: Kirby's Lawn & Garden. I just want to use that as an example. You need to think about how people who have maybe had to comply with existing rules. I don't know how they affect them. I know it's a wonderful program. I know these people come at a certain time. I know they have to cross the border on a specific date, and it really does work. That's one thing that I wonder, if you would know how many people are on that program today.
Comm. Huggins: Just to clarify, is this an objection because they’re not exempted from the County rules? Or is there...?

Ms. Miller: Correct. Legal’s opinion was that because it’s a dwelling, they’re not exempt from our zoning and subdivision regulations.

Comm. Huggins: So there still would be an opportunity for special use permit to use this kind of facility, wouldn’t there?

Ms. Miller: What we do have available is, we actually do have set out in our regulations the ability to have a farmhand residence, where you can put... Let’s say you have 40 acres. You can administratively work with us and get approval for that farmhand residence. It has to be placed in a way that you could divide it in the future, if that was to be divided out. That’s the one main requirement for being approved for a farmhand resident. Other things are, we have residential design, mobile home definition, and if you meet that definition, you can be approved for a manufactured home as if it was a regular stick-built home. But, the one problem with that is it does have a minimum area that is larger than Mr. Gieninger would like to put in.

Comm. Huggins: And these are requirements that can be considered by the zoning board and county commissioners.

Ms. Miller: Those are, yes, included in our zoning regulations.

Comm. Huggins: I mean, they can consider those requirements whether they’re applicable in this case or not.

Ms. Miller: The residential design requirements?


Ms. Miller: That is set out just as a definition. We have a definition of a residential design manufactured home. If you meet that definition, then you can come in for a building permit as if it were a stick-built home.

Comm. Huggins: And if they don’t, would a special use permit allow them to...?

Ms. Miller: We do have a temporary use permit for a single-wide, and that could be administratively approved, but that is only available for emergency situations. Basically, somebody’s house has burned down and they need to pull in a single-wide, or something like that.

Comm. Huggins: I’m probably not being clear. If they bring in a plan that doesn’t meet County standards and asks for a variance or deviation from those standards, that could be approved by the township board and the County...?

Ms. Miller: I’m not really thinking in any situation where that... We don’t have a conditional use permit for something like that. We have residential design mobile home/manufactured home. We have a farmhand residence. We have accessory dwelling units. You know, you could even do a certificate for that, which is a second dwelling on a parcel. And we have that temporary manufactured home. Those are the main ways that we can allow these other types of homes.

Comm. Huggins: So, at this point, the County would have to consider if they want to create covenants that would allow this use.

Ms. Miller: If a dwelling, this type of dwelling is not exempt from our zoning and subdivision regulations, it’s my belief that yes, we’d have to make some sort of accommodation.

Mr. Leipzig: Just a quick comment. I am going to visit with our building official about this issue. We were in the process of reviewing the 2018 residential code. That also, one of the chapters in
that code is manufactured housing and manufactured home design. So, I'm going to look at that and see what the template is from the International Code Council for manufactured home design. See if that would somehow be able to accommodate some of these things. I think that might be a good time to start. It's imminent, it's coming up here in the next couple of months, the approval process for that. That's something I would definitely like to look into. Also, with our Legal team, about other options you might be able to do.

**Comm. Mason:** With the new trends going towards container homes, tiny homes, that kind of thing, it could be we're just outdated on the square footage we've documented in here. It might be as simple as modifying that square footage to allow for that new trend.

**Mr. Leipzig:** That is what the discussion centered around in the 2018 code, is it does not have a minimum square footage requirement, based upon some of these storage unit type structures that you'll see around the country. So, that was part of it. And the tiny houses. That's really become more popular.

**Comm. Opperman:** Are campgrounds not allowed in Johnson County?

**Ms. Miller:** A campground requires a conditional use permit.

**Comm. Opperman:** Would that be another route that he could take, is with the...? Use part of his land for a couple campers for these temporary guys, to be a campground? Can he get a permit that way? Since it's definitely a temporary situation?

[crosstalk]

**Ms. Miller:** I'm thinking that's probably not the intent of the campground CUP.

**Comm. Opperman:** Right, but it would work.

**Mr. Leipzig:** Yeah, that's one of the issues that Legal would... Just to explore other options that might be out there, that may be able to make, fit something into a category like that. I don't know if that's possible or not.

**Comm. Opperman:** It would be nice if we could keep it simple.

**Ms. Miller:** Yes, and that is one I had not thought of, is a CUP for a campground. I've explored our regulations and tried very hard to find a solution for this. The farmhand residence, that can be approved administratively. It can allow a second home on a parcel. A tract split isn't required, just placement so that you can do a tract split in the future. There's no size requirements or anything like that for the farmhand residence.

**Comm. Opperman:** You still shouldn't have to build a house. It needs to be flexible where when the workers were gone, he decides he doesn't want to do it anymore, and he just sells the campers, or moves the campers somewhere else.

**Ms. Miller:** Part of that is, as Jay has mentioned, part of that issue is probably on the building code side, to take a look at using something like a camper as a permanent residence. There are building code issues with that.

**Chairman Liff:** All right, I think we need to move on.

[Roll call]

**E. REVIEW PROPOSED SOLID WASTE MANAGEMENT PLAN UPDATE**

*Craig Wood, Johnson County Health and Environment,* appeared before the Planning Commission and made the following comments:
Mr. Wood: Thank you for having me tonight. I am our solid waste management coordinator. We’ve been working on the Solid Waste Management Plan for just over a year now, and by state statute, the state of Kansas says that each county or groups of counties have to prepare a solid waste management plan that basically ensures that there is proper solid waste for everyone and everything that is generating waste in each county. Part of that statute is also that we have to coordinate with a planning commission such as yourself to make sure that our plan is consistent with your master plan. That’s why I am here tonight, to basically get your approval of our plan, and that it is consistent with your master plan. I’m going to go through some basics of it. The actual document is 304 pages. About half is text and half is appendices. So, I won’t bore you with all the analysis that we did over the last year.

Overall, this 2019 plan really consists of a lot of education in the commercial sector, in the residential sector. We’ve done a lot of data collection, and we’ve been doing a lot to have a universal service so that every citizen has similar services. That’s not an easy thing when we have all the different incorporated cities, plus the rural, the unincorporated areas, and everybody wants to do things a little different, including homeowner associations, etc.

One of the main things with the 2019 Solid Waste Management Plan is we are going to look at options and work with the cities a lot, and the contracting entities, so that we can get consistent service across Johnson County for every citizen. So, if you are at least in the area that I’m living, if you cross from east of Quivira Road and go west of Quivira Road, you can theoretically have completely different regulations, and the owners have to apply those as soon as they cross that street. So, the main approach at this time is educating, and we would be giving example ordinances to cities and homeowner’s associations. In the commercial sector, we want to encourage reduction of waste, management of waste contract, and making sure that they have recycle and waste options. Also — and this will be a consistent theme — clean recycling. We want cardboard to be clean, we want any of the recyclable materials to not have contaminants in them. So, the focus of this plan is to really step up a lot of education on how to recycle correctly so that the material recovery facilities that are sorting this material can bale it efficiently and not have to deal with a lot of trash in the recycling material.

Also, in residential, we’re going to be focusing on reduction of generation. Food waste is a hot topic right now in the solid waste arena, and clean recycling, again, with residential. That mainly has concerned a lot of the plastic bags because that material can get wrapped up in the sorting material at the material recovery facilities. Also, one of the main concentrations is going to be looking into updating our code so that we basically license the commercial haulers, so that every business would be offered both recycling and trash at their facilities, just like the residential. So then we have, even across commercial and residential, we have similar use of service across there. That will also allow us to gain more data as we require the commercial hauling companies to provide us with trash and recycling numbers that they are collecting from commercial entities, as well as residential.

Also, we are looking into organics. I mentioned food waste is a hot topic, so one of the recommendations in this plan is to look into the possibility of enabling more composting to happen in or around Johnson County. We do all of this, and we’re asked to plan for the solid waste in Johnson County, but we do not own or operate any solid waste facilities in Johnson County. Olathe does, but we do not. So, one of the things we are going to look into is if Johnson County should either buy or somehow find some land, and then have someone operate it who is familiar with that. We’re not looking into us starting a solid waste utility owned and operated by Johnson County.
As far as consistency with your plan, with waste reduction, we are looking at minimizing that so we have less litter, and we can make sure that our environment is clean. There's really no infrastructure that we are recommending at this time, just looking into the possibilities of it in the future. But, the Johnson County landfill is expected to reach its capacity in 2043, so we want to have these conversations now so that we can start to plan as we get into 2043 – we're going to be expanding our population a lot between now and then – so that we have proper infrastructure in place when that facility closes. That is all I have. If you have any questions, I will do my best to answer them.

Chairman Iliff: Where is the Johnson County landfill that you made reference to?

Mr. Wood: It is at I-35 and Holiday Drive.

Chairman Iliff: I think of that as waste management.

Mr. Wood: It is waste management. The official name of it is the Johnson County Landfill, but it is privately owned and operated.

Chairman Iliff: Okay. And other than the fact that that has capacity that's going to be exhausted in 2043, are you perceiving any disability, inability, of private waste haulers to successfully carry out the work that they have been doing for the last many years?

Mr. Wood: Not necessarily. But what we would like is we found a lot of inconsistencies in some of the numbers we've been provided. So, we're working with general numbers rather than absolutely knowing how much waste was disposed of. We have a good handle on the residential because we do license all the residential haulers, so we know. And we've compared those numbers with what the haulers are telling us and what the landfill is saying is coming in. Same thing with the state numbers. All of that is consistent on the residential side. The commercial side is a completely different ballgame because we have no idea what's going on. Generally, we can get numbers from the state as to, we can back those numbers out, but what we want to do is manage that a little closer so that we can figure out what kind of infrastructure, what kind of regulations are we going to need moving forward to deal with a growing population, more businesses, and more waste that is getting generated in Johnson County.

Chairman Iliff: Thank you.

Comm. Huggins: Mr. Wood, what happens with the recycled material?

Mr. Wood: Right now, recycled material is collected both commercially and residentially. All of that material goes to, unless it's a rejected load, like, if it was 50 percent trash, it would probably go straight to the landfill. If the vast majority is viable, recyclable material, it gets delivered to one of three, what are called material recovery facilities. They will take the material, and if it's straight cardboard, they'll bale it right away, but if it's a mixed media of plastic, cardboard and other material, things like that, it will go through a material recovery facility. It's basically sorting the material by physical properties. That material, about 80 percent is actually getting into bales and being shipped off to recycling companies as a raw material. Of that 80 percent, about 95 percent is actually staying in the country, mainly in Midwest factories. About five percent of that is actually going overseas. And that 20 percent is going off to the landfill as waste.

Comm. Hutchins: The first question I have is, there is a lot of issues in the country right now where we're getting a lot of waste thrown out into countrysides. Right now, there's two mattresses I passed on the way to work this morning. Last week, there was a washing machine dumped in the middle of 167th, Dillie and Sunflower. We've got dressers, televisions – it goes on and on. And it's
at a point of something I’ve never seen before. Does that fall within your scope of what you’re managing?

**Mr. Wood**: Yes, it does, sir. Yes. Most of those calls go through myself and I work with Public Works to get that material removed, and it’s either recycled or disposed of as waste.

**Comm. Hutchins**: Is there something built into your plan, or do you have plans to build it into your plan, on what we can do as a county to try to curb those bad habits?

**Mr. Wood**: A lot of that is education, but a lot of it is placing, also. If there are certain places, I generally go by certain hotspots regularly. I’d be more than happy to talk with you about those locations and we can get some things figured out. We can either set up some remote cameras, or something like that, to catch those people.

**Chair Hutchins**: Has it ever been considered to put signs up stating, you know, littering carries a fine of X dollars, etc., that we can put along the county roads in these hotspots, to try and make them aware that there are penalties for that? Or are there penalties?

**Mr. Wood**: There are penalties, but honestly, I can’t quote them to you right now. The answer to the question is, I don’t think we’ve ever considered signs, but I think we certainly could.

**Chair Hutchins**: Okay. The next question, this year was the first year that I participated with the County and solid waste in terms of sewage being spread on to the barns. It appears to be working well, but as I’ve become more educated, I’ve learned that approximately one-fourth of the solid waste actually gets spread on the barns, and three-fourths of it is actually dumped in the dump that you referenced that is filling up. My question is, are there plans in the works that would allow us to utilize that as a natural fertilizer on the farms, to capitalize on the program you’ve already got set up that we’re utilizing on a smaller scale?

**Mr. Wood**: I can check into it further, but my understanding is that the Class 2 biosolids that are applied on farmland, I think all of our wastewater treatment plants except for one – the Nelson plant – are processing the septic waste down to a point where all of them are Class 2 biosolids. They don’t have to dispose of them in the landfill. Most of the material going into the Johnson County landfill is from Kansas City, Kansas, except for the Nelson facility. But I will verify that and let you know. I can talk to Susan or Aaron, no problem, about what is going on with that. I think that’s a great use for it. I have been called out to certain farms on odor complaints, that they’re dumping raw sewage on crop land, and I know that’s not the case. I investigated one out near Gardner and verified it was Class 2 biosolids. I found who applied it. So, I’ve done some of those investigations. But I think it is a great use for it, and it is a good fertilizer. To me, if we’re going to process that material as far down as to be Class 2 biosolids so it can be land applied, that’s a better use of it, rather than throwing it into landfills.

**Comm. Morse**: With your recyclables, is there a problem with contamination like food, that you alluded to you? Is there confusion on what can put in and what can’t? Sometimes I’m confused. Like, it says aluminum cans. Well, what about an aluminum pie tin? Not aluminum foil. Or the containers from frozen foods, or something?

**Mr. Wood**: Recycling is very confusing, especially to people. We as an industry have a lot of difficulty. We’ve gone from recycle everything. We’re telling everybody to use your recycle bin. We have pretty much gotten everyone residentially in the county a recycle bin. Whether they choose to use it or not, that’s up to them. We’re not going to make you do that. But if you put stuff in your recycling bin, we’re going to try and recycling it. That’s been our MO. That is part of the education that we’re going to be doing. We had done some contamination studies. We’ve actually gone house to house. Last fall, we got a grant to do this, and we went through a number of
different cities and homes areas and lifted lids and saw what kind of contamination was in there. The number one thing that was contaminating recycle bins was plastic bags. You know, plastic grocery bags, packaging — anything that can bind. It's not that it's not recyclable, but it's not recyclable through your recycling bin. If you take them, I believe any of the local grocery stores, they use them. I know personally about Hy-Vee. They actually bought a company that shreds that material and turns it into, like, Trex lumber, and those kind of building materials.

As far as pie tins, we continue to learn and work with waste companies that are recycling. Pie tins, if they're relatively clean, we want three-dimensional materials. If you put in aluminum foil, it's not that it's not recyclable, but it's going to act like paper, so it's going to end up physically in the paper pile, which is a contaminant. So, with the way things are going in the commodity market, they have very small tolerances for contamination. So, we're trying to say, look, we want clean recycling. Now, we do get an occasion where we will find, like, a kitchen chair in a recycling bin. Why that happens, I have no idea. Because no where have I seen a recycling bin that says, "please put your kitchen chair in here." You know, if it's made of metal, I get it, but that goes to a scrap yard, not in your bin. So, we're trying to make some of those clarifications. So, instead of recycle, recycle, recycle, we're trying to say, "Let's recycle correctly." We're trying to reset that. We spent decades doing what we have been doing, and now, the industry is saying wait a second, we want to recycle the best way that we can. So, we're adjusting that message, and we will continue to adjust that. But I totally agree with you. It is very complicated. When we say we want your water bottles, we don't want them half full. So, dump out the liquid. The peanut butter jar, if it's got a little residue in it, I don't care, but if it's half full of peanut butter, don't recycle that. It's these little nuances. That is something that is a huge initiative in this, is that we clarify and make sure that we are giving our waste companies the best recycling trash that we can, so they can make money off it and that material can be used as a feed stock for a new product.

Comm. Neese: I live out in the county and we take our recyclables to Walmart. Some of the stuff we'll put in the recycle bin on a piece of property that I have. Is there a site, a county drop-off or something, where I can take my recyclates? Because I really don't know other than a private situation like Walmart.

Mr. Wood: That is a great question, Mr. Neese. I don't know that it is published anywhere centrally where all of that is. That's a great idea. They do change once in a while. I know Olathe recently re-did theirs because they were getting couches in their recycle bins. But I think that's something we could certainly put on our website and try to keep it up to date.

Comm. Neese: For example, Walmart discontinued taking some of the stuff. So, it's just going in the trash. And if you want to publish it, publish it someplace other than just on your website.

Mr. Wood: I think that's something we can definitely do.

Comm. Neese: Where are they?

Mr. Wood: Well, I don't know where all of them are. Olathe moved some of theirs to their composting facility because it's supervised and they're getting less contamination there; they're having more success. Some of the Walmart locations do their own stuff.

Comm. Neese: But I don't live in the city. There are a lot of folks out in the county that I know would love to have a place where it could be collected.

Mr. Wood: That's something we probably need to look into, and I think that is something... I don't think we necessarily needed a plan, too, but I will bring it up to our solid waste management committee next time we meet. I know some of the rural areas, I'm part of what is called the Solid Waste Management Association of North America. We have a Kansas chapter. So, we
communicate with members all across Kansas. I know some of them have trailers that are mobile that can move here and there. They can put them on a hitch and haul them into recycling containers, dump those loads and come back. Maybe that’s something we need to look into for the unincorporated areas.

Comm. Neese: Could you send us a list? My zoning board talked about this a couple of times. Could you compile a list of locations?

Mr. Wood: I will do my best, Mr. Neese. Absolutely. I will research it and see what I can get done and send it to the whole Commission.

Chairman Iliff: Any other questions? If not, thank you very much.

Mr. Wood: Thank you very much. Appreciate it.

Chairman Iliff: Creation of non-conforming parcels. Mr. Leipzig, is that your topic, or Karen’s?

Mr. Leipzig: Before we do that, I want to ask a clarification question. On the preceding item, I believe you need to make a formal request to receive that report, that it’s consistent with the Comprehensive Plan.

Chairman Iliff: You’re right. We are looking for a motion to forward the finding from the Johnson County Solid Waste Management Plan to the Board of County Commissioners, with a recommendation that it is consistent with the Johnson County Rural Comprehensive Plan. Are we ready to do that? I think the gist of what I heard is that it is consistent with the Johnson County Comprehensive Plan. Do I hear a motion in that regard, that we can forward this to the Board of County Commissioners?

Comm. Huggins: I would move that we forward a finding to the Board of County Commissioners regarding whether the proposed Johnson County Solid Waste Management Plan is consistent with the Johnson County Rural Comprehensive Plan, saying that it is.


Motion passed unanimously.

Comm. Mason: On that same thought, we have some pretty high-profile locations that are controlled by the Johnson County Park and Rec department, and if this is a County priority, maybe some of those locations could be used for these trailer locations that could be transported back to recycling areas.

Chairman Iliff: Okay. Are you thinking of anyplace in particular?

Comm. Mason: Probably be better if I didn’t mention those.

Chairman Iliff: You’re not thinking of the Sunflower Army Ammunition Plant, are you?

Comm. Mason: That was one of the larger locations. I was thinking of something more highly traveled.

Ms. Miller: Mr. Wood has left his business card, so anybody who would like to contact him and ask for more information, please feel free to take a card.

Chairman Iliff: Thank you.

F. CREATION OF NON-CONFORMING PARCELS

Mr. Leipzig: I’m going to turn this over to Karen Miller. She has the update this evening.
Ms. Miller: Thank you. We've sent you a write-up, and I should point out that this is completely Planning's opinion, mulling over this really comprehensive issue that we've been thinking about. It's a very large issue, it's as very difficult one. If it was easy, we would have solved it a long time ago. There are a lot of different people we need to consult before we do anything. We had a chance to talk with the Legal Department. We're thinking that some of these recommendations, we need to really spend more time internally with the County to make sure that everybody knows the direction we're going. If you'll notice on Recommendation #3 and 4, we say "consider" certain things, "consider" targeted screening of surveys and land divisions, "consider" notifying property owners. Those are two issues that we really do need to talk within the County a little more about. I would suggest that we don't discuss that area tonight and let us do more coordination and get back with staff. I think overall, we can think of this in terms of two parts. The first recommendation, which is initiating a dialog with area professionals such as title companies, surveyors, and that type of thing, I think everybody will embrace that and think that is a good idea. I think we still need to talk more internally about that and come back next month with a separate Part 1 and Part 2 recommendation. I think probably next month, we can come back, having vetted the idea of the dialog internally with the County. I think we should internally spend more time on the other recommendations and come back at another time with that. Is there anything you would like to add, Jay?

Mr. Leipzig: I would just say that this topic is very, very difficult, and it encompasses a lot of different professions and departments, even within the County. So, I think these are issues that we need to really vet and make sure we have all the level of detail that we need for each one of these recommendations. But just to reiterate, as Karen was just saying, I think a better approach, now that you've seen our total view or summary of what we're thinking in terms of what might be possible from a planning perspective for recommendations, I'd like to break this into multiple components. Have a Part 1 recommendation for you next month that further elaborates on the level of detail of the type of professions, for example, for these public meetings where we're going to discuss the legal lot splits. Get into that level of detail with Part 1. Have a series of recommendations for you for that. And then, give us additional time to work on Part 2, when we can thoroughly vet the issues with the Legal Department, make sure the Board of County Commissioners is involved in that process as well. To make sure that we haven't left anything that might be unintentional, or to make sure we're being as comprehensive as we can, and give that additional time for legal review.

Chairman [illegible]: Any comments from members of the board?

Comm. Huggins: I'm curious if we have any data on the origin of the lot splits or property splits that are not legal in the county. You know, if I found out that 75 percent of them were based on mortgages, that would totally change my opinion of the situation. I would expect that's probably what creates a lot of them, but I don't pretend to know. But when I think about why we feel the need to control splitting that up property, I think it's probably because splits on property that are not administered through the County result in properties that don't meet the requirements. And perhaps at some point, somebody thought, "Okay, if we want to make sure this doesn't happen again, we'll just tell them nobody can have a building permit on any property that hasn't been divided in accordance with County requirements." Well, if that were the case, that didn't work. And I think we've heard some stories from property owners that have really gotten into a bad situation because of this requirement or rule that you can't get a building permit if the property is split. And if the only reason we created that rule is to try and keep people from doing improper splits, I think we ought to... I'd like to hear your opinion on the idea of stepping back and saying, okay, a piece of property that is not split according to the County rules cannot have a building permit if it doesn't meet the County standards.
Ms. Miller: That's our only key for enforcement for our zoning regulations. If we remove that, what course of action could we have to require conformance with our zoning regulations? We do have codes court and that type of thing, but it really is the main tool that we have. And there are definitely easy fixes. People submit their building permit and there's an administrative lot split available, and we get that run through. It's not always a problem when somebody submits a building permit and has issues. Sometimes it is, but not always.

Comm. Huggins: So, if a split were not done through the County, if it didn't meet the County guidelines, would there be a need for you to have control over that?

Ms. Miller: The tract split, for instance, the administrative tract split is administrative and it's just an acknowledgement that it does meet our zoning and subdivision regulations. And then, if it's not eligible for that, the next step would be a plat.

Mr. Leipzig: That is really, this issue, as you know, it is very complicated, and that's where I think the first step on this is really focusing on the education component. I think that will go a long way towards helping us in the future. Where we have questions, or we do need to vet it completely, is looking at either changing our subdivision regulations, or looking at some different mechanisms that might be out there to correct them. That's where it gets difficult. It's not, at further review, there's not one particular solution for these problems. It seems to run the gamut of a variety of different things. That's where we're struggling to come up with a policy or solution that will assist or at least offer some mechanism to help. That's where it's difficult. I just want to make sure we haven't left anything... We're not either anticipating, or that we haven't thoroughly vetted through our legal department, through our records and tax administration, working with all those people together. The education component is something we can do. I think that will have a significant effect in the future, but we do need to get data of how many may be out there, for example, and what some possible solutions might be, and try to look at that in terms of categories for solutions, or categories for things that might be able to resolve it.

Ms. Miller: I was around in the mid to late 90's when the Planning Department did a push for education, and I was a little skeptical at first. It was amazing how effective it was. What we primarily did was visited area realtors and went to their sales meetings. We spoke personally to the realtors. It made a huge difference. We got a lot of calls, and we prevented a lot of those divisions. Really, I think of everything we've considered, that is the primary, most effective thing that we can do.

Comm. Huggins: I agree 100 percent with that. And I think probably the realtors are the first contact for most. The banking industry, the attorneys, and the title companies, if they could keep an eye on these things, that would be a big help.

Ms. Miller: And appraisers and surveyors.

Comm. Huggins: But I think your example – yeah, obviously – but your example in here, where it talks about... Let me back up. I talked to my banker today. I explained the situation to him, and he said, "Really? The bankers are encouraging these people to parcel out property for the loan?"
And I had no answer for why that would be, but I see in your documentation why that would be – Because they're trying to sell the mortgage to Fannie Mae. As far as my banker was concerned, he would rather have the mortgage on the whole property rather than a small piece. But by the time you get down to that situation, where you're getting the loan on this house, it's probably already built. By that time, it's too late to change your mind. They gotta do something with it. I think those people would be very, very good to talk to. But I don't know if we can change that. I think it's something we have to keep in mind when we're trying to generate policy in rural, and everything – Can anything we do change that situation?
Ms. Miller: Change the banking policies?

Comm. Huggins: Yeah, to change the fact that if a guy can get a construction loan, build a house, goes to a bank in the end to get a loan, and the banker knows he's going to sell that mortgage, and the only way he can sell it is if it's a five-acre and not 160, they're going to split that property. So, I know there is a lot to this I don't know. I guess my question would be, does that have to be a County record of that split because there's a mortgage filed?

Ms. Miller: That's a good question. I talked with about six bankers, and I know I didn't get the entire story. The banking side is very complicated. I feel that I do need to talk more, get more information about that.

Mr. Leipzig: As Karen mentioned, we talked with lenders as we delved into the problem, and we started looking at it from a banking perspective and realized there was a lot of information that we either weren't aware of, or it's quite intensive in terms of grasping all the banking elements that are required. Then, we briefly looked into some of the appraiser, those in the appraiser industry, those in the surveying industry, and there's... That kind of gave us an idea of how complicated the problem was, trying to look at it from a variety of perspectives, to try to look at some solutions. Because I think it really depends on which industry we want to try to either work at provide policy to stop it, and how we want to target it. That's where we need to vet it more. At this time, we're in the information-gathering phase for that second part. I think the education piece, we can tap into fairly soon for the recommendations, but actually looking at in detail what can be done, that's where it's problematic. In terms of knowledge for us, in terms of what we can do.

Chairman Iliff: Okay. Part 2?

Mr. Leipzig: Part 2 will be brought to you... What we'd like to do, as Karen was saying, we will have Part 1 to you next month, in September, and at that time, we'll have a better idea of the Part 2 discussion. We will hopefully give you some dates when we will have more information.

Chairman Iliff: Any other questions or comments for staff? [None.]

G. DIRECTOR'S REPORT

Chairman Iliff: Director's report, updates on Board of County Commissioners actions.

Mr. Leipzig: A couple things. We did present the amendments to the Rural Comprehensive Plan that was presented to the Board of County Commissioners and approved on August 1 of this year. We also submitted our Rural Comprehensive Plan annual review. That was approved by the Board of County Commissioners on the 15th of August. I think that was before your June meeting. We actually did that about the same time that we were doing the Rural Comprehensive Plan. Any questions on those two items?

Also on your da is application reviews for this month. It's fairly self-explanatory. If you have any questions about that, please feel free to contact me. I'd be happy to answer any questions on that.

The last item, I am hoping that our next meeting in September, I will be able to present our new deputy director for planning and development. We've been undergoing a fairly extensive review process and interviewing process for the applicants, and we've made the decision. We'll have that presentation for you next month. We're pretty excited about that. I think that's going to be a significant addition to the department, and I'm pleased to have that person for you. I can't announce it yet. Next month.

Chairman Iliff: Okay. Any questions, comments? [None.]
I. UPDATES/OTHER BUSINESS [None.]

ADJOURNMENT

The next regularly scheduled Planning Commission meeting will be Tuesday, September 24, 2019, at 5:45 p.m.

Chris Iliff, Chairman

ATTEST:

[Signature]

Secretary to the Board