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**PLANNING COMMISSION REPORT**  
**Regular Agenda -- Public Hearing Item**

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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.