

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Vice Chairperson Marian Reynolds at 9:00 a.m. on February 17, 1993 in Room 531-N of the Capitol.

All members were present except: Sen. Parkinson

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Sen. Phil Martin

Others attending: See attached list

SB 116 -- Concerning planning and zoning; relating to plat approval.

Sen. Phil Martin, sponsor of the bill, testified in support and gave a brief background of it. It was requested by a constituent who is a realtor auctioneer. He had a sale of 24 different tracts of land ranging from 100 acres to smaller and totalling 570 acres. The tract was originally owned by one owner and was on a county road frontage. The constituent was originally given permission to auction the land by tracts, however, later the auction was blocked by the county until the various tracts were platted. This was due to legislation passed in 1991. Sen. Martin requested SB 116 to correct this problem. He explained that originally the bill asked for the county to be taken out of the process, but since its introduction, he has reconsidered and offered an amendment which would give county government some control and allow them to waive platting requirements if they see a need to do so. (See Attachment 1).

Sen. Gooch questioned Sen. Martin regarding platting along a roadway. Staff confirmed for Sen. Ramirez that with the passage of legislation in 1991, land divided more than twice must be replatted. Staff explained further that in the case cited by Sen. Martin, the auctioneer could have asked for a waiver with SB 116 as amended. Sen. Feleciano determined with staff that the reasoning in the bill passed in 1991 was that cities and counties were to be treated the same and that SB 116 merely makes it discriminatory for counties as to if land is to be platted.

Sen. Reynolds said SB 116 will be held until staff prepares the proposed amendment and brings it to committee for further consideration.

Sen. Ramirez asked if the Kansas Association of Counties has expressed an opinion on SB 116. Bev Bradley, Kansas Association of Counties, stood to respond that her association had not seen the proposed amendment. She added that the counties that were zoned were aware of the bill passed in 1991. Basically, her association supports counties being allowed to make their own decisions. She recalled that the bill in 1991 involved a lot of compromise.

Staff explained that the amendment replaces line 21 on page 2 of the bill. Sen. Reynolds restated that no action would be taken on the bill until staff has prepared the amendment.

The minutes of February 9 and February 11 were approved.

The meeting was adjourned at 9:25 a.m.

The next meeting is scheduled for February 18.

Date: Feb. 17, 1993

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

[illegible]

FEB 15 1993

CITIES AND MUNICIPALITIES - PLANNING AND ZONING

12-752

(f) Any regulations adopted by a governing body with reference to subdividing lots shall provide for the issuance of building permits on lots divided into not more than two tracts without having to replat the lot, provided that the resulting tracts shall not again be divided without replatting. [Tracts of land outside city corporate limits being divided into tracts consisting of 10 acres or more per tract (each governing body outside city corporate limits in the state may adjust the lot or tract size requirement to meet their jurisdictional needs) that are adjacent to and with access to already existing approved public roads or streets may be divided without platting or replatting such tract or lot.] Such regulations shall provide that lots zoned for industrial purposes may be divided into two or more tracts without replatting such lot. Such regulations shall contain a procedure for issuance of building or zoning permits on divided lots which shall take into account the need for adequate street rights-of-way, easements, improvement of public facilities, and zoning regulations if in existence.

Senate Local Gov't
2-17-93
Attachment 1