

**MARION COUNTY BOARD OF  
COUNTY COMMISSIONERS**

**RESOLUTION NO. 06-08**

**A RESOLUTION OF THE MARION COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MARION COUNTY SUBDIVISION REGULATIONS BY ADOPTING NEW APPROVAL GUIDELINES FOR LOT SPLITS OF CERTAIN AGRICULTURAL ZONED PROPERTIES.**

**BE IT RESOLVED BY THE MARION COUNTY BOARD OF COUNTY COMMISSIONERS:**

**Section 1. Planning Commission Action.** The Marion County Planning Commission held a public hearing on January 19, 2006 for the consideration of an amendment to the Subdivision Regulations to create new approval guideline standards for development of certain "A"-zoned property; and after due consideration, the Planning Commission at that meeting recommended approval of such amendment by the County Commission.

**Section 2. County Commission Findings.** The County Commission, after duly reviewing the recommendation of the Planning Commission, and the record compiled on this matter, finds that the approval of the subdivision regulation amendment is in the interest of the public health, safety and general welfare of the citizens of Marion County and is in compliance with the intent and purpose of K.S.A. 12-741 *et seq.*

**Section 3. Amendment Adopted.** The Marion County Subdivision Regulations are hereby amended by the adoption of the following additions to Article 6:


3. **Approval Guidelines:** Approval or disapproval of lot splits shall be made, based on the following guidelines:
  - A. No lot split shall be approved if:
    - (1) A new street or alley is needed or proposed.
    - (2) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
    - (3) Such action will result in significant increases in service requirements (e.g., utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.).

- (4) There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
- (5) All easement requirements have not been satisfied.
- (6) Such split will result in a tract without direct access to a street.
- (7) A substandard-sized lot or parcel will be created.
- (8) The lot has been previously split in accordance with these regulations.
- (9) The lot does not, in the determination of the zoning administrator, meet the Land Evaluation and Site Assessment System factored values for approval as set forth in chapter 5 of the County's adopted 2003 Comprehensive Plan.
- (10) The lot is for residential purposes in the agricultural district and any existing structures are, or would be located within the 100 year floodplain, or in the determination of the zoning administrator, development of the lot for residential purposes could not occur without construction of structures located within the 100-year floodplain.

**Section 4. Effective Date.** This resolution shall become effective on May 5, 2006.

ADOPTED by the County Commission on this 7th day of April, 2006.

  
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Dan Holub, Chair

  
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Randy Dallke, Member

  
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Bob Hein, Member

Attested by:

  
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Carol Maggard  
Marion County Clerk