

MARY

**David Brazil**

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**From:** STEVE SCHMIDT [STEVES@MCPCITY.COM]  
**Sent:** Monday, March 20, 2006 11:18 AM  
**To:** dbrazil@marioncoks.net  
**Subject:** 12 or 16 houses per section



Marion Plan Comm  
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David,

I would like to come to the Planning Commission meeting on the 23rd, but will be out of town that evening. Darn!

Anyway, I have a few more thoughts on the "houses per section" issue and I would appreciate your taking a look at the attached before the meeting. I've sent this to Comm. Dallke by mail and to Eileen by e-mail.

Keep up the good work.

Thanks.

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I saw in the paper that the County Commissioners now want to allow 12 houses per section.

Comm. Dallke called before the March 6<sup>th</sup> County Commission meeting to discuss the matter with me, and I appreciate him taking the time to do that. I understand the Commissioners' desire to give opportunity for more people to live in Marion County.

I still think the regulations should stay as they are for selling off tracts in areas zoned Agricultural. If you allow an influx of non-agriculturally oriented residents into the areas zoned Agricultural, it sure makes things hard on the farmers and ranchers. I know this from personal observation of the troubles my father-in-law had in Oklahoma where 3 adjacent small tracts had been sold off an 80 he subsequently bought because the 80 abutted his other land. Dogs chased cattle, people complained about the dust when he worked the fields, his land was used to dispose of yard waste, and the kids used his field as their playground. Not a good situation.

But, if the County Commissioners insist on changes to allow "x-number of houses per section", I offer the following discussion.

Concern No. 1: I think clusters of small tracts are detrimental to the rural setting and are, in effect, Rural Residential development. Clusters of small tracts put strain on the environment with a well and a lagoon for each residence in close proximity to each other.

Ideas to overcome the possible ill effects are to set a minimum tract size of 5 acres or maybe larger, and set some sort of spacing rule. Maybe require that no more than two tracts can be adjacent to each other (so the son can come farm with the dad) and then maybe require a 500 ft or 1000 ft minimum spacing between additional tracts. I have not thought this through completely, but maybe something like this would be beneficial.

Concern No. 2: It is very possible (actually, quite likely) that the first one or two (perhaps greedy) landowners who decide to sell off small tracts could "use up" all of the 12 or 16 houses allowed in the section, then other landowners would be "shut out" from the opportunity to sell off small tracts. Some ideas to overcome this problem are:

First idea is this: To sell off a small tract, set some minimum total or remaining ownership. For example, require that you have a minimum of 30 acres (gross including roads) remaining after the tract(s) are sold off. What we don't want, in my view, is someone with 20 acres, selling off four 5-acre tracts.

Second Idea is this: At the date the regulation would take effect, each owner of 40 acres (gross including roads) or more in the section would have the reserved right to sell off one tract or have one house, and the number of occupied dwellings would be the base-line condition when the regulations take effect. Then set a rule that the total of the number of houses existing when the regulations take effect PLUS the number of ownerships of 40 gross acres or more per section cannot exceed some number, say 16

total "units". Now, this gets messy, but here is an example right off the county ownership maps:

Owner 1, NW/4 of the NW/4, 40 ac, no houses  
Owner 2, NE/4 of the NW/4, 40 ac, no houses  
Owner 3, S/2 of the NW/4, 80 ac, unoccupied farmstead  
Owner 4, NW/4 of the NE/4 and the NE/4 of the SW/4, 80 ac, no houses  
Owner 4, SW/4 of the NE/4, 40 ac, no houses  
Owner 6, E/2 of the NE/4 and the NE/4 of the SE/4, 120 ac, one house  
Owner 7, S/2 and the NW/4 of the SE/4, 120 ac, one house  
Owner 8, NW/4 of the SW/4, 40 ac, no houses  
Owner 9, S/2 of the SW/4, 80 ac, two houses

So, we have 9 owners and 4 houses, for a total of 13 "units" by my formula. So, in the future, each landowner would have the opportunity to sell off one 5 acre tract, with three 5 acre tracts "up for grabs". Maybe Owner 7 has marginal land, needs the money, and could sell off four tracts right away. Then, 16 total allowed minus 4 existing houses when the regulations took effect minus 4 sold off by Owner No. 7 leaves 8 tracts available for future development, one for each remaining owner.

If only 12 houses per section are allowed, then we would have an exception whereby "the right to sell one tract is reserved to each landowner" would take precedence, and we could have 13 houses per section.

I feel very uneasy about allowing 12 or 16 houses per section without some sort of mechanism to protect the other landowners' ability to have a house someday.

Thank you for considering my ideas.