

**RESOLUTION NO. 03-25-2013**

**A RESOLUTION AMENDING THE SUBDIVISION REGULATIONS OF GEARY COUNTY, KANSAS, CONCERNING AGRICULTURAL LOT SPLITS.**

**WHEREAS**, the Junction City – Geary County Metropolitan Planning Commission did on February 14, 2013, conduct a public hearing on the proposed amendments to the Geary County Subdivision Regulations pertaining to amending Article 3, Lot Splits, by adding an additional section concerning Agricultural Lot Splits; and,

**WHEREAS**, this Board of County Commissioners has reviewed the record of said Metropolitan Planning Commission meeting and thoroughly discussed the recommendation made therein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GEARY COUNTY, KANSAS:**

**Section 1. Article 3, LOT SPLITS, is hereby amended by adding the following:**

**3-106 Homestead Agricultural Lot Splits:** The creation of one (1) homestead agricultural lot, for a total of two (2) lots including the original parent tract, in the unincorporated portion of Geary County on properties zoned and used as agricultural shall be permitted without requiring either a rezoning or a plat. Unlike Agricultural Lot Splits authorized herein, the intent of this provision is to accommodate those divisions of agricultural lands for creation of a non-compliant lot surrounding an existing homestead area that does not have direct frontage on an existing public road, and which will only be accessible by reason of an access easement. In all other respects, the provisions regarding Agricultural Lot Splits as established herein shall apply; provided, however, the approval of said Homestead Agricultural Lot Split shall only be permitted after consideration by the Planning Commission in the same manner as consideration of a plat, including all required public hearings and notice requirements; and final approval by the Board of County Commissioners following recommendation from the Planning Commission. The Zoning Administrator shall not have the authority to approve a Homestead Agricultural Lot Split.

A Homestead Agricultural Lot Split shall be subject to the following requirements:

1. The provisions of section 3-103 are complied with to the greatest degree possible.
2. The approval guidelines specified in section 3-104 are complied with to the extent they are applicable to a Homestead Agricultural Lot Split.
3. The smallest non-compliant agricultural lot created shall not be less than one (1) acre in size, nor more than ten (10) acres in size. All lots established shall be brought into compliance with the Geary County Sanitation Code with respect to all on-site water and/or wastewater systems associated therewith.
4. The recordable survey shall also identify and establish all necessary easements for access and appropriate utility services and appropriate documentation shall be provided regarding responsibilities of the owners of the lots regarding ownership, maintenance and all other associated aspects regarding the use of these easements.
5. A recordable covenant or agreement between the owner and Geary County for the entire original tract, executed by the owner and/or owners and the County, restricting further

division of the original tract without rezoning of all the original tract and platting of the remaining portion of the original tract. The covenant or agreement shall include the requirements that rezoning and platting shall be in conformance with the then applicable Zoning and Subdivision Regulations of Geary County, Kansas, shall be binding on all heirs and assigns of all lots, and shall provide binding consent from all lot owners for the County to take subsequent action to rezone the property as noted below. Said covenant or agreement shall be recorded with the Register of Deeds of Geary County prior to the approval of the Homestead Agricultural Lot Split.

6. In the event any of the lots or tracts created by this provision are subsequently divided for any reason, including for mortgage purposes, the subject lots and tracts are subject to the Zoning and Subdivision Regulations then in effect and no further splits shall be considered legal and/or buildable until all the property originally included in the Homestead Agricultural Lot Split have been rezoned and platted. No owner shall be accountable for the inclusion of other lots in the platting; however the County may include by its own action all the lots in any subsequent zoning action.

**Section 2. This Resolution shall be effective upon publication once in the official County newspaper.**

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS** of Geary County, Kansas, this 18<sup>th</sup> day of March, 2013.

/s/ R. Ben Bennett  
R. Ben Bennett, Chairman

/s/ Florence Whitebread  
Florence Whitebread, Commissioner

/s/ Larry Hicks  
Larry Hicks, Commissioner

Attest:

/s/ Rebecca Bossemeyer  
Rebecca Bossemeyer, County Clerk