

RESOLUTION 2018- 9

A resolution of the Leavenworth County Kansas Board of County Commission, to amend the following articles of the 2006 Zoning and Subdivision Regulations:

Article 42.10– Family Homestead Exemption

A property owner may transfer ownership to other family members by the following process:

1. A property owner may divide and transfer ownership to their family members as long as it meets the definition of a family member and requirements stated in this article.
2. This method of land division shall be allowed for parcels resulting 5 Acres or greater excluding parcels within special development districts and corridor plans.
3. A plat shall be required if and when any of the parcels created by the certificate of survey gets sold or transferred to anyone other than family member as defined in this article.
4. A certificate of survey shall be filed with the Register of Deeds office along with an affidavit certifying that they meet the definition of a family member and other applicable regulations.
5. The affidavit of compliance shall be recorded prior to recording of the survey. The book and page of the affidavit shall be referenced on the survey document.
6. The certificate of survey shall meet all applicable zoning, subdivision and building requirements. The certificate of survey will be reviewed and approved by the Planning and Zoning Department and the County Surveyor.
7. The division and layout of the proposed parcels shall be subject to review and approval by the Planning & Zoning director. The decision may be appealed to the Board of Zoning Appeals via the administrative appeal process outlined in Article 28 of the zoning and subdivision regulations.
8. The division shall be limited to one parcel per family member.
9. The parent parcel is also subject to all platting requirements if and when it becomes eligible for platting.
10. Standard Road Impact Fee (RIF) and Traffic Impact Fee (TIF) shall be collected at the time of building permit. Development Impact Fee (DIF) shall not be applicable to parcels regulated by this article until the parcels are divided via plat. The Development Impact Fee (DIF) shall be collected at the rate calculated at the time of plat.
11. Building permits shall not be issued for parcels that become non-compliant by violation of this Article. Article 29, Section 5 shall not be applicable for this process.
12. An application fee shall be required similar to a tract split application.
13. All applicable documents shall be filed with the Register of Deeds at the expense of the applicant.
14. A non-compliant letter will be filed with the Register of Deeds if and when a parcel becomes non-compliant with regard to the above stated regulations.

For the purpose of this article, a family member is defined as:

- A. Parents; and
- B. Spouses and descendants thereof; and
- C. Children and descendants thereof.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 14th day of March, 2018; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and

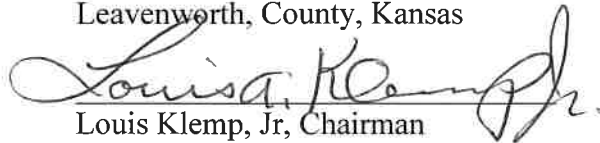
WHEREAS, the Board of County Commission considered, in session on 3rd day of April, 2018, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 3rd day of April, 2018 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 3rd day of April, 2018
Board of County Commission
Leavenworth, County, Kansas


Louis Klemp, Jr, Chairman


Doug Smith, Member


Robert W. Holland, Member




Janet Klasinski