

COUNTY COMMISSION REGULAR AGENDA

Finney County serves the citizens on behalf of its taxpayers

COUNTY ADMINISTRATIVE CENTER March 6, 2017 8:30 AM

CALL TO ORDER CHAIRMAN LON PISHNY

8:30 AM

Pledge of Allegiance to the Flag and Invocation

Consent Agenda

Approval Of Minutes from 02/21/2017 Approval of Accounts Payable: Payroll 0f 02/24/2017 \$272,238.65, A/P of 02/24/2017 \$51,013.45, A/P of 03/06/2017 \$350,102.90 Approval of Recommended 2017 Alcohol Fund Recipients Approval of Memorandum of Understanding with Compass Auction Brookover Landfill Ground Water Monitoring Public Comment Old Business Sunday Liquor Sales Policy Discussion New Business Executive Session (9:00 a.m.) - Attorney Client Tom Burgardt Executive Session Permitted by K.S.A. 75-4319 (b.2) 15 Minutes Sale of Finney County Property **Randy Partington** Presentation of a bid to buy property at 5800 Weldon Road Street Light Request John Ellermann Highland Addition Home Owner Association Street Light Request. Lateral Sewer to Sewer District #1 John Ellermann Lateral Sewer Main to Sewer District #1. **Delinquent Sewer Bills** John Ellermann **Delinquent Sewer Bills** Approval of Grant Requests Colleen Drees County Administrator Report

Discussion Items

Board Governance

Legislative Activity

Mission Statement

Policy Discussion of Resolution 25-2010

County Commissioner Reports

- Commissioner Clifford
- Commissioner Drees
- Commissioner Larry Jones
- Commissioner Dave Jones
- Chairman Pishny

Adjournment

Next Commission Meetings - Monday, 3/20/2017 and Monday, 4/3/2017



TO: County Commission

THRU: Randy Partington, County Administrator

FROM:

DATE: March 6, 2017

RE: Approval Of Minutes from 02/21/2017

DISCUSSION:

Approval of Minutes from 02/21/2017

RECOMMENDATION:

Approval of Minutes from 02/21/2017



TO: County Commission

THRU: Randy Partington, County Administrator

FROM: DATE:

March 6, 2017

RE: Approval of Accounts Payable: Payroll 0f 02/24/2017 \$272,238.65, A/P of 02/24/2017 \$51,013.45, A/P of 03/06/2017 \$350,102.90

DISCUSSION:

Approval of Accounts Payable

- \$272,238.65 Payroll 02/24/2017
- \$51,013.45 A/P of 02/24/2017
- \$350,102.90 A/P of 03/06/2017

RECOMMENDATION:

Approve Accounts Payable



TO: County Commission

THRU: Randy Partington, County Administrator

FROM: DATE:

March 6, 2017

RE: Approval of Recommended 2017 Alcohol Fund Recipients

DISCUSSION:

Organizations recommended to receive 2017 Alcohol Funds

- Magic's H.O.P.E. Therapeutic Horsemanship
- City of Holcomb
- Southwest Grapplers Youth Wrestling
- GC Extreme Traveling Basketball Team
- Garden City Comets
- GC Venom Basketball Team

RECOMMENDATION:

Approval of Organizations for 2017 Alcohol Funds

ATTACHMENTS:

Description 2017 Alcohol Funds



То:	Board of Finney County Commissioners
CC:	Randy Partington, County Administrator
From:	Anita Garcia
Date:	March 3, 2017
Re:	Park and Recreation Fund Tax Distribution

Message:

The following organizations have requested a portion of the 2017 alcohol tax received for park and recreation activities:

\$3,000	\$3,000
\$1,000	\$1,000
\$2,000	\$2,000
\$2,000	\$2,000
\$1,950	\$1,950
\$5,000	\$5,000
\$14,950	\$14,950
	\$1,000 \$2,000 \$2,000 \$1,950 \$5,000

K.S.A. 79-41a04 states that moneys in the special parks and recreation fund may be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. With your approval, these funds will be disbursed quarterly during the year 2017

RECEIPTS FROM	CASH BALANCE	DISBURSEMENTS	ESTIMATED 2017 BUDGET	AMOUNT
STATE (2016)	12/31/2015 (1/1/2016)	2016	AMOUNT	AVAILABLE (2017)
\$ 13,354.45	\$ 5,770.97	\$ (8,382.00) \$	\$ 11,560.00	\$ 22,303.42
Agency or Group	Requested Amount	Approved Amount		
City of Holcomb	\$ 3,000.00		c/o Robin Pena	PO Box 69, Holcomb
Magic's H.O.P.E.	\$ 1,000.00		c/o Sara Brown	1515 Northshore Circle
GC Extreme Travel BB	\$ 2,000.00		c/o Steve Carter	2606 E. Fair #21
Garden City Comets	\$ 2,000.00		c/o Hector Terrones	705 E. Edward
SW Grapplers Wrestling	\$ 5,000.00		c/o Steve Sellers	PO Box 277, Garden City
GC Venom	\$ 1,950.00		c/o Kyle & Michelle Averhoff	3302 F Rd, Garden City
Total Amount	\$ 14,950.00			



RE:	Approval of Memorandum of Understanding with Compass
DATE:	March 6, 2017
FROM:	
THRU:	Randy Partington, County Administrator
TO:	County Commission

DISCUSSION:

Agreement for Compass to provide on-site mental health services at the Juvenile Detention Center and Finney County Community Services Center in exchange for the use of 2 offices at the new building.

RECOMMENDATION:

Staff recommends that the commission authorize Katrina Pollet to sign the Memorandum of Understanding with Compass Behavioral Health.

FISCAL And/Or POLICY IMPACT:

Finney County receives much needed mental health services for our clients in exchange for the use of 2 offices at new building.

ATTACHMENTS:

Description MOU with Compass

Memorandum of Understanding Between Compass Behavioral Health (Compass) And Finney County Community Services Center & Southwest Regional Detention Center

01/02/2017

Compass Behavioral Health, Finney County Community Services Center & Southwest Regional Detention Center are entering into an Agreement for Compass to provide mental health services to youth and adults in said facilities.

- Mental Health Services, per this Agreement, will be provided on site at the Juvenile Detention Center and the Finney County Community Services Center
- Compass will have a therapist on site minimally one day per week to provide consultation or services to youth and adults at Finney County service sites. Compass has a Grant to sustain this for a period of 4 years, to end September 2020.
- Compass will provide individual and group counseling to all clients no matter their ability to pay, at no charge to the County
 - Compass will be available for consultation with clients and County staff in order to provide direction in dealing with clients mental health needs
 - Our joint goal is to use the next 4 years to find a way to sustain this on site position beyond the 4 years. We will all re-evaluate as time progresses.
- In exchange for use of office space for the services, Compass will provide to the County an LSCSW/LMAC (4 hours per month) for Chart Review of substance use services provided at the County facility. Specifically:
 - Review & Approve recommendations for treatment and evaluation
 - Review & Approve diagnostic impression
 - o Sign Summary Page
 - Review & Approve a change in treatment modality prior to change and sign treatment plan
 - Review & Approve Discharge
- This Agreement will be reviewed for renewal January of every year.

Signed:

Lisa Southern, LMLP, LCP Region I Director Katrina Pollet, Executive Director

Date Signed

Date Signed



TO:	County Commission
THRU:	Randy Partington, County Administrator
FROM:	Road and Bridge
DATE:	March 6, 2017
RE:	Auction

DISCUSSION:

Road and Bridge has 3 motors that were used when the Bruno pit had water. These motors are in disrepair but do have some value. I would like to put them on the Purple Wave auction site. Again I think Purple Wave is the way to go because of the 0% charge to the county.

BACKGROUND:

Road and Bridge has 3 motors that were used when the Bruno pit had water.

ALTERNATIVES:

Further deterioration of equipment.

RECOMMENDATION:

Sell on Purple wave.

FISCAL And/Or POLICY IMPACT:

Money would go in to Special Equipment.



County Commission
Randy Partington, County Administrator
John Ellermann, County Engineer
March 6, 2017
Brookover Landfill Ground Water Monitoring

DISCUSSION:

Approval of the annual post closure ground water monitoring of the Brookover Landfill site.

BACKGROUND:

As part of KDHE regulations for the post closure of sanitary landfill we are required to monitor the ground water for volatile organic compounds, heavy metals, and geochemicals and report the findings to KDHE. In 2015 the Public Works sent out requests for proposals to perform the sampling. Terracon was chosen based on familiarity with the site, having an office located in the county and costs. The contract with Terracon was renewed in 2016. Attached is Terracon's proposal to perform ground water monitoring for 2017. Last year KDHE allowed the County to reduce the monitoring requirement for the Brookover site. We went form semi-annual to annual events and to only sampling 2 well instead of all seven.

ALTERNATIVES:

In order to comply with KDHE regulations the monitoring must be done annually. Two options exist: 1) Accept Terracon's proposal or 2) Test the market again by sending out Request for Proposals.

RECOMMENDATION:

Terracon worked with us in reducing their costs after KDHE allowed us to scale back our testing requirements. The proposal that was submitted has not changed from last year at \$3,850. The recommendation is to stay with Terracon and approve the County Engineer to sign the agreement.

FISCAL And/Or POLICY IMPACT:

The landfill budget has a budget authority of \$520,000 which is generated from tipping fees specifically for ground water monitoring and any possible remediation that may be required for both landfill locations.

ATTACHMENTS:

Description Terracon Proposal



February 23, 2017

Finney County Department of Public Works 101 W. Maple St. Garden City, Kansas 67846

Attention: John Ellermann, P.E., Public Works Director Phone: 620-272-3564 Fax: 620-272-3567 E-mail: jellermann@finneycounty.org

Re: Proposal for Annual Groundwater Monitoring Brookover Landfill Finney County, Kansas Terracon Proposal No. P01177045

Dear Mr. Ellermann:

Terracon Consultants, Inc. (Terracon) appreciates the opportunity to submit this Proposal to the Finney County Department of Public Works (client) to provide annual groundwater monitoring services for the Brookover Landfill (site).

A. PROJECT INFORMATION

Based on Terracon's past monitoring activities, the site contains seven 2-inch diameter groundwater monitoring wells ranging in depth from approximately 54 feet to 97 feet. Per Kansas Department of Health and Environment (KDHE) letter dated March 29, 2016, the county is required to sample MW-5RR and MW-6R annually. We further understand per KDHE's requirements, groundwater samples should be analyzed for the parameters listed in the document *KDHE Recommended Groundwater Monitoring Parameters and Detection Limits for Landfill Closing prior to 4/9/94* (attached).

B. SCOPE OF SERVICES

Based upon information provided by the County and the KDHE, groundwater monitoring, sampling, analysis, and reporting will to be conducted during the Spring of 2017, utilizing existing monitoring wells MW-1 through MW-7 (as groundwater levels allow).

Terracon Consultants, Inc. 1815 S. Eisenhower Wichita, Kansas 67209 P [316] 262 0171 F [316] 262 6997 terracon.com

Geotechnical

Finney County Brookover Landfill Proposed Groundwater Sampling Finney County, KS February 23, 2017 Terracon Proposal No. P01177045



Terracon will perform the following activities during two semi-annual monitoring events:

- Measure groundwater levels in seven monitoring wells (MW-1, MW-2R, MW-3R, MW-4R, MW-5RR, MW-6RR and MW-7), and calculate groundwater elevations using existing top of casing elevations. Note if water is present in an adjacent irrigation ditch.
- Purge and sample 2 wells (MW-5RR and MW-6R) using a pump or disposable hand bailers, as water levels allow. Monitor purge variables (temperature, conductivity, and pH) following removal of each well casing volume of water. Sample wells after a minimum of three well casing volumes of water has been removed or purge variables have stabilized (variations within 10%), or the well goes dry. Field filter samples for dissolved metals analyses.
- Place samples in appropriate labeled containers on ice in coolers to maintain the samples at approximately 4° and submit to a KDHE-certified laboratory using chain-ofcustody procedures for the following analyses:
 - KDHE low-level Landfill Volatile Organic Compounds (VOCs) (EPA Method 8260);
 - Dissolved RCRA metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver) (EPA Methods 6010 and 7470); and
 - Geochemicals (alkalinity, calcium, chemical oxygen demand, chloride, nitrate, nitrite, dissolved potassium, dissolved sodium, sulfate, and total dissolved solids).
- Prepare and submit a monitoring report to the County and KDHE. The results will be tabulated, reviewed, and discussed relative to maximum contaminant levels (MCLs).

C. COMPENSATION

The estimated cost to perform the above-described activities is \$3,850.00. Should site conditions change requiring modification of the scope work, Client authorization will be obtained prior to commencement of work outside the scope of this proposal.

The above fees assume the following:

- Legal and physical access to the property is provided by the client.
- Purged water can be discarded on the ground on-site without treatment.
- Delays are not caused by weather or adverse site conditions and fieldwork can be performed in level D personal protective equipment.
- Purge variables stabilize within three well casing volumes.

Finney County Brookover Landfill

Proposed Groundwater Sampling Finney County, KS February 23, 2017 Terracon Proposal No. P01177045



- Additional chemical analyses are not required.
- Groundwater samples can be collected during a single mobilization. Additional fees will apply if re-mobilization is necessary.

D. SCHEDULE

Annual sampling event will be conducted this year in the Spring, or at a time agreed upon by Terracon and Finney County. Terracon will notify the client and KDHE when the fieldwork has been scheduled. Laboratory analyses will be performed using a standard turnaround time of seven business days. A report will be submitted within approximately seven business days following receipt of laboratory results.

E. AUTHORIZATION AND GENERAL COMMENTS

The above workscope is designed to conduct limited groundwater monitoring at the site and is not comprehensive. If contamination is found, additional work may be required to assess the extent and source of the contamination.

This Proposal may be accepted by executing the attached Supplemental to Agreement for Services (*Agreement*), and returning one executed copy along with this Proposal to Terracon. This *Agreement* is issued in accordance with our *Agreement for Services* with you dated February 16, 2016. The terms, conditions and limitations stated in the *Agreement* (and sections of this proposal incorporated therein) shall constitute the exclusive terms and conditions and services to be performed for this project. This proposal is valid only if authorized within ninety (90) days from the proposal date.

Terracon appreciates the opportunity to submit this Proposal for groundwater monitoring services. If we may be of further assistance or answer any questions you may have, please do not hesitate to call.

Sincerely, Terracon Consultants, Inc.

Adam C. Staab

Staff Geologist

Mortes R. Miller

Anthony R. Mellini, Jr., P.G. Sr. Project Manager

Attachments: KDHE Recommended Groundwater Monitoring Parameters and Detection Limits for Landfill Closing prior to 4/9/94

Supplemental Agreement for Services



KDHE RECOMMENDED GROUNDWATER MONITORING PARAMETERS AND DETECTION LIMITS FOR LANDFILLS CLOSING PRIOR TO 4/9/94

HEAVY METALS: (Detection Limits)

ORGANICS:

(Detection Limits)

(METHOD 8260 OR 624)

Dissolved Arsenic*	5 ug/l
Dis Barium*	50 ug/l
Dis-Cadmium*	1 ug/l
Dis-Chromium*	5 ug/l
Dis-Lead*	5 ug/l
Dis-Mercury*	.5 ug/l
Dis-Selenium*	5 ug/l
Dis-Silver*	5 ug/l

GEOCHEMICALS:

Calcium Chemical Oxygen Demand (COD)
Chemical Oxygan Damand (COD)
Chemical Oxygen Demanu (COD)
Chloride
Nitrate
Nitrite
Potassium, dissolved
Sodium, dissolved
Sulfate
Total Dissolved Solids (TDS)

Apotono	100
Acetone Benzene*	100 ug/l
	.5 ug/l
Bromodichloromethane	.5 ug/l
Bromomethane	.5 ug/l
Bromoform	.5 ug/l
2-Butanone (MEK)	100 ug/l
Carbon Disulfide	.5 ug/l
Carbon Tetrachloride	.5 ug/l
Chlorobenzene	.5 ug/l
Chloroethane	.5 ug/l
2-Chloroethylvinyl ether	5 ug/l
Chloroform	.5 ug/l
Chloromethane	.5 ug/l
Dibromochloromethane	.5 ug/l
1,1-Dichloroethane	.5 ug/l
1,2-Dichloroethane*	.5 ug/l
1,1-Dichloroethene*	.5 ug/l
cis/trans-1,2 Dichloroethene	.5 ug/l
1,2-Dichloropropane*	.5 ug/l
cis-1,3-Dichloropropene	.5 ug/l
trans-1,3-Dichloropropene	.5 ug/l
Ethylbenzene*	.5 ug/l
2-Hexanone	50 ug/l
4-Methyl-2-pentanone	50 ug/l
Methylene Chloride	.5 ug/l
Styrene*	.5 ug/l
Tetrachloroethene*	.5 ug/l
Toluene*	0
Total Xylenes*	.5 ug/l
	.5 ug/l
1,1,2,2-Tetrachloroethane	.5 ug/l
1,1,1-Trichloroethane*	.5 ug/l
1,1,2-Trichloroethane	.5 ug/l
Trichloroethene*	.5 ug/l
Vinyl Acetate	50 ug/l
Vinyl Chloride	.5 ug/l

*MCL promulgated



Reference Number: P01177045

SUPPLEMENT TO AGREEMENT FOR SERVICES

CHANGE TO SCOPE OF SERVICES AND FEES

This **SUPPLEMENT to AGREEMENT FOR SERVICES** to the original Agreement for Services (original Agreement dated 02/16/2016, Agreement reference number P01167040) is between Finney County Public Works ("Client") and Terracon Consultants, Inc. ("Consultant") for additional or changed Services to be provided by Consultant for client on the Project, as described in the Agreement for Services. This Supplement is incorporated into and part of the Agreement for Services.

1. Scope of Services. The scope of the additional or changed Services are described in the Scope of Services section of the Consultant's Supplemental Proposal, unless Services are otherwise described below or in Exhibit B to this Supplement (which section or exhibit are incorporated into the Supplement).

See attached Terracon Proposal No. P01177045

2. Compensation. Client shall pay compensation for the additional or changed Services performed at the fees stated in the Supplemental Proposal unless fees are otherwise stated below or in Exhibit C to this Supplement (which section or exhibit are incorporated into the Supplement).

See attached Terracon Proposal No. P01177045

All terms and conditions of the **Agreement for Services** shall continue in full force and effect. This Supplement is accepted and Consultant is authorized to proceed.

Consultant:	Terracon Consultants, Inc.	Client:	Finney County Public Works
By:	///// Date: 2/23/2017	By:	Date:
Name/Title:	Anthony R Mellini, Jr. P.G. / Senior Project	Name/Title:	
Name/ nue.	Manager	Name/Title:	
Address:	1815 S Eisenhower St	Address:	101 W. Maple St.
	Wichita, KS 67209-2810		Garden City, KS 67846
Phone:	(316) 262-0171 Fax: (316) 262-6997	Phone:	(620) 272-3564 Fax:
Email:	Tony.Mellini@terracon.com	Email:	



TO: County Commission

THRU:

FROM:

DATE: March 6, 2017

RE: Sunday Liquor Sales Policy Discussion

DISCUSSION:

Discuss whether Finney County should pass a legislative policy that would allow for Sunday sales of packaged liquor at any time in the future. There is no business prospect in the foreseeable future.

BACKGROUND:

In 2012, the county commission adopted Resolution 17-2012 that allowed for the sale of Cereal Malt Beverages on Sunday in the unincorporated areas of Finney County. This resolution is attached for background information regarding Sunday sales of alcohol beverages.

RECOMMENDATION:

No staff recommendation.

ATTACHMENTS:

Description KSA 41-2911 CMB Sunday Sales 2012

2012 Kansas Statutes

41-2911. Alcoholic liquor and cereal malt beverage, days of sale; local option. (a) (1) The board of county commissioners of any county may, by resolution:

(A) Expand the days of sale at retail of cereal malt beverage in the original package to allow such sale within the unincorporated area of the county on any Sunday, except Easter, between the hours of 12 noon and 8 p.m. and expand the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the unincorporated area of the county, to allow such sale within the unincorporated area of the county on any Sunday, except Easter, between the hours of 12 noon and 8 p.m. and on Memorial Day, Independence Day and Labor Day; or

(B) restrict the days of sale at retail of cereal malt beverage in the original package to prohibit such sale within the unincorporated area of the county on Sunday and restrict the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the unincorporated area of the county, to prohibit such sale within the unincorporated area of the county on Sunday, Memorial Day, Independence Day and Labor Day.

Such resolution shall be published once, within two weeks after its adoption, in the official county newspaper. Such resolution shall not become effective earlier than 60 days following the date of its publication or November 15, 2005, whichever is later. If, within 60 days following publication of the resolution, a petition requesting that a proposition be submitted for approval by the voters is filed in accordance with subsection (a)(2), such resolution shall not become effective until a proposition is submitted to and approved at an election as provided by this subsection (a).

(2) A petition to submit a proposition to the qualified voters of a county pursuant to this subsection (a) shall be filed with the county election officer. The petition shall be signed by qualified voters of the county who reside within the unincorporated area of the county equal in number to not less than 5% of the voters of the county residing within the unincorporated area of the county who voted for the office of president of the United States at the last preceding general election at which such office was elected. The appropriate version of the following shall appear on the petition:

(A) If licensing of sale at retail of alcoholic liquor in the original package is not authorized within the unincorporated area of the county, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the original package shall be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m.) (prohibited on Sunday) within the unincorporated area of ______ county."

(B) If licensing of sale at retail of alcoholic liquor is authorized within the unincorporated area of the county, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the original package shall be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m.) (prohibited on Sunday) within the unincorporated area of ______ county and whether sale at retail of alcoholic liquor in the original package shall be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m.) and on Memorial Day, Independence Day and Labor Day) (prohibited on Sunday, Memorial Day, Independence Day and Labor Day) within the unincorporated area of _______ county."

(3) Upon submission of a valid petition calling for an election pursuant to this subsection (a), the county commission shall call a special election to be held not later than 45 days after submission of the petition unless a countywide primary or general election is to be held within 90 days after submission of the petition, in which case the proposition shall be submitted at such countywide election. Thereupon, the county election officer shall cause the appropriate version of the following proposition to be placed on the ballot in the unincorporated area of the county at such election:

county shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m.) (prohibited on Sunday)?"

(B) If licensing of sale at retail of alcoholic liquor is authorized within the unincorporated area of the county, the following proposition shall be placed on the ballot: "Within the unincorporated area of ______ county shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m.) (prohibited on Sunday) and shall the sale at retail of alcoholic liquor in the original package be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m. and on Memorial Day, Independence Day and Labor Day) (prohibited on Sunday, Memorial Day, Independence Day and Labor Day)?"

(b) (1) The governing body of any city may, by ordinance:

(A) Expand the days of sale at retail of cereal malt beverage in the original package to allow such sale within the city on any Sunday, except Easter, between the hours of 12 noon and 8 p.m. and expand the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the city, to allow such sale within the city on any Sunday, except Easter, between the hours of 12 noon and 8 p.m. and on Memorial Day, Independence Day and Labor Day; or

(B) restrict the days of sale at retail of cereal malt beverage in the original package to prohibit such sale within the city on Sunday and restrict the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the city, to prohibit such sale within the city on Sunday, Memorial Day, Independence Day and Labor Day.

Such ordinance shall be published at least once each week for two consecutive weeks in the official city newspaper. Such ordinance shall not become effective earlier than 60 days following the date of its publication or November 15, 2005, whichever is later. If, within 60 days following publication of the ordinance, a petition requesting that a proposition be submitted for approval by the voters is filed in accordance with subsection (b)(2), such ordinance shall not become effective until a proposition is submitted to and approved at an election as provided by this subsection (b).

(2) A petition to submit a proposition to the qualified voters of a city pursuant to this subsection (b) shall be filed with the county election officer. The petition shall be signed by qualified voters of the city equal in number to not less than 5% of the voters of the city who voted for the office of president of the United States at the last preceding general election at which such office was elected. The appropriate version of the following shall appear on the petition:

(A) If licensing of sale at retail of alcoholic liquor in the original package is not authorized within the city, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the

original package shall be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m.) (prohibited on Sunday) within the city of ______."

(B) If licensing of sale at retail of alcoholic liquor is authorized within the city, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the original package shall be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m.) (prohibited on Sunday) within the city of ______ and whether sale at retail of alcoholic liquor in the original package shall be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m. and on Memorial Day, Independence Day and Labor Day) (prohibited on Sunday, Memorial Day, Independence Day and Labor Day) within the city of ______."

(3) Upon submission of a valid petition calling for an election pursuant to this subsection (b), the city governing body shall call a special election to be held not later than 45 days after submission of the petition unless a citywide primary or general election is to be held within 90 days after submission of the petition, in which case the proposition shall be submitted at such citywide election. Thereupon, the county election officer shall cause the appropriate version of the following proposition to be placed on the ballot in the city at such election:

(A) If licensing of sale at retail of alcoholic liquor is not authorized within the city, the following proposition shall be placed on the ballot: "Within the city of ______ shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m.) (prohibited on Sunday)?"

(B) If licensing of sale at retail of alcoholic liquor is authorized within the city, the following proposition shall be placed on the ballot: "Within the city of ______ shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m.) (prohibited on Sunday) and shall the sale at retail of alcoholic liquor in the original package be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m.) (prohibited on Sunday) and shall the sale at retail of alcoholic liquor in the original package be (allowed on any Sunday, except Easter, between the hours of 12 noon and 8 p.m. and on Memorial Day, Independence Day and Labor Day) (prohibited on Sunday, Memorial Day, Independence Day and Labor Day)?"

(c) The county election officer shall transmit to the director a copy of the results of an election pursuant to this section.

(d) An election provided for by this section shall be called and held in the manner provided by the general bond law.

History: L. 2005, ch. 201, § 9; July 1.

RESOLUTION 12- 17-2012

A RESOLUTION AUTHORIZING THE SUNDAY SALE OF CEREAL MALT BEVERAGES FOR CONSUMPTION ON THE PREMISES AT BUSINESSES WHICH **DERIVE NOT LESS THAN 30% OF GROSS RECEIPTS FROM THE SALE OF FOOD** FOR CONSUMPTION ON THE PREMISES.

WHEREAS, K.S.A. 41-2704 (b)(2) authorizes the sale of cereal malt beverages on Sunday pursuant to certain conditions; and

WHEREAS, the Board of County Commissioners of Finney County desires the authorize the sale of cereal malt beverages in Finney County, Kansas pursuant to K.S.A. 41-2704 (b)(2).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Finney County, Kansas:

The Sunday sale of cereal malt beverages be permitted in Finney County, Kansas provided that the same is consumed on the premises at businesses which derive not less than 30% of gross receipts from the sale of food for consumption on the premises.

This Resolution shall take effect from and after its publication in the Garden City Telegram, the official county newspaper.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF FINNEY COUNTY, KANSAS THIS 16 DAY OF April, 2012.

Chairman of the Board of County Commissioners of Finney County, Kansas

Clsh Ulrich





- THRU: Randy Partington, County Administrator
- **FROM:** Tom Burgardt
- **DATE:** March 6, 2017
- RE: Executive Session (9:00 a.m.) Attorney Client

DISCUSSION:

Attorney Client Discussion in Executive Session

RECOMMENDATION:

N/A



TO:	County Commission
THRU:	Randy Partington, County Administrator
FROM:	Randy
DATE:	March 6, 2017
RE:	Sale of Finney County Property

DISCUSSION:

Anastacio Fernandez and Delmer Towns have submitted bids to buy the property at 5800 Weldon Road. Bids will be opened by the commission during the meeting to view the best bid.

BACKGROUND:

The property was purchased by Finney County at a 2014 tax sale for \$10,853.40. Finney County has put the property out for sealed bids and did not receive a bid on this property. The county continues to pay for the property taxes on this vacant lot that has until now received no interest from a citizen. For 2016, Finney County paid \$716.34 in taxes with an appraised land value of \$12,260.

ALTERNATIVES:

The alternatives for this proposal are the following:

- 1. Consent to the sale of the property, publish in the Telegram the intent to sale and hold a public hearing in April to finalize the deal
- 2. Decline the offer

RECOMMENDATION:

Staff's recommendation is to sale the property so that this lot is occupied and back on the tax rolls for a non-government tax payer.

FISCAL And/Or POLICY IMPACT:

The impact for selling the property is the cash offer plus future property tax payments received by Finney County.

The impact for denying the offer is that the county will continue to pay for the property tax on the vacant lot.



TO:	County Commission					
THRU:	Randy Partington, County Administrator					
FROM:	John Ellermann, County Engineer					
DATE:	March 6, 2017					
RE:	Street Light Request					

DISCUSSION:

The Home Owner Association of the Highland Addition is requesting street lights for the subdivision and along 3rd St. Will the County provide the street lighting and if not will they provide assistance.

BACKGROUND:

The Highland Addition is located on North 3rd St. approximately 2 miles North of the bypass. A letter to request the installation of street lights was received by the County Engineer last week. The subdivision is starting to see more of the empty lots being built on. The request is out of concern for safety of the pedestrians walking along the streets and the increase in the number of families with children moving in. The letter also states concern that 3rd St. is a major road for vehicles traveling north, often times driving faster that the 40 mph posted speed limit, and with the intersections into the subdivision hard to see at night are cause for concern. they also feel that the lighting will also deter any theft in the neighborhood. The letter is attached for your review.

Kansas Statues allow for the County Commissioners, by written petition, to provide for street lights is reasonably necessary to promote public convenience, welfare, and safety, and if of special benefit to the property. If approved the Commission will levy special assessments on all property benefitted.

Statues also allow for the County Commission to enter into an agreement with an electrical utility or cooperative to furnish and supply the necessary materials and electricity for the lighting under terms that are reasonable and just.

The Commission has denied request for street lighting in the past to keep from having to put up a light at every request they receive. In subdivision that currently have street lighting have been provided by the development or the home owners association without the County's involvement.

ALTERNATIVES:

Alternatives include:

The Home Owners Association can contract with Wheatland Electric for the lights.

The Commission can enter into a contract with Wheatland Electric.

The Commission could develop a "Street Lighting Policy" that will spell out guidelines for where to install, what type of light to install, and who pays, etc.

RECOMMENDATION:

As the budgeting process goes through the transformation to priority based budgeting, one has to look at the service being provided and who is benefiting from the service provided. In this case providing street lights for the Highland Addition will serve the residents in the area. It is not recommended for the County to enter into a contract and supply the lighting leaving it to the home owners association.

FISCAL And/Or POLICY IMPACT:

For the Highland Addition, for street lights similar to the ones along Railroad Ave. in Holcomb, Wheatland Electric will install the pole, light, and anchor, if needed. The installation will require a 3 year agreement and the cost for the conductor, attachments and labor to install the conductor (about \$2.25 per foot) and a monthly electric charge (between \$12.50 to \$16.70 per month)

The is not impact on policy since there a policy doesn't exist.

ATTACHMENTS:

Description Higland Addition Map Highland Addition Street Light Request

FINNEY COUNTY DEPARTMENT OF PUBLIC WORKS 504 ST. JOHN GARDEN CITY, KS. 67846

HIGHLANDS ADDITION ESN 414

SECTION 19, T23S, R32W



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Highlands Addition HOA

2-19-17

Dear Commission,

I am writing this letter on behalf of the Highlands Home Owners Association and residents of the Highlands subdivision on North 3rd street. At our last annual meeting, members of the HOA talked about the need for street lighting in certain areas within and around the subdivision. Many of the reasons mentioned for "needed streetlights" revolved around safety concerns for pedestrians and motorist. Discussion pointed to the fact that as a growing community (in the addition) there is quite a bit more traffic than ever before. Intersections as well as people walking along streets are often times hard to see and with more and more families and children moving into the addition this issue is becoming of greater concern. Further, with 3rd street being a major road for people traveling north (through the addition), as well as the fact that the 40 mph speed limit is not very well obeyed at night, the intersections of Smith Lane and 3rd, as well as Koehn and 3rd are also becoming more of a safety concern for those pulling into and out of the addition at night. Another proponent for lighting pointed out that it may also help to deter some of the theft and other mischievous activity that although infrequent, sometimes does happen within the subdivision. Although we as homeowners have identified the need for street lights in certain areas, we have not identified the clear path to actually make this happen, hence the main purpose in writing this letter.

Some of the questions that we would like to find answers to: Does the county provide any kind of street lighting? Would the county consider providing streetlights at intersections along third street and inside the addition? If the county will not provide these, would they at least be able to provide any assistance?

Lastly, I would like to request to be put on the agenda at one of your upcoming meetings where we (homeowners) could have the opportunity to receive answers and guidance on this issue.

Respectfully,

Luke West

5745 Koehn Ave. Garden City, Ks <u>lwest@wbsnet.org</u> 620-874-1649 (cell)



TO:	County Commission
THRU:	Randy Partington, County Administrator
FROM:	John Ellermann, County Engineer
DATE:	March 6, 2017
RE:	Lateral Sewer to Sewer District #1

DISCUSSION:

Cost share of possible lateral sewer main to Sewer District #1.

BACKGROUND:

TP&L is making plans to erect a new building on the newly acquired JBS property (Transload site). Sewer service to the new building and any future buildings is desired.

The lateral main will be to connect the new building any future development of the site. The lateral could also serve Darling and any future development on the west side of Farmland Rd. They are also considering the option of installing a septic system if Darling is not interested in connecting to the sewer.

TP&L and the Garden City Industrial Park, LLC would like to discuss with the Commission the possibility of the County participating in the costs of project costs. The attached letter was received requesting the cost share of the lateral.

ALTERNATIVES:

1. The Commission can approve a cost share for the lateral.

2. Stay with policy that requires the petitioner/s of the lateral assume all costs of construction, engineering, etc.

3. Do nothing, in which case a septic system will be installed. With the approval of the LEPG.

RECOMMENDATION:

Since policy does not allow for cost sharing of lateral requests staff can not recommend.

FISCAL And/Or POLICY IMPACT:

If a cost share is approved funds for a project would be Sewer District #1 reserve funding. The engineers designing the lateral don't have an estimate of the costs of the project at this time due to the variables involved. Estimating a cost share of 1/2 of the installation the County could recoup our cost, approximately \$160,000, over the next 20 years with 45 customers on the system.

ATTACHMENTS:

Description Lateral Sewer Letter



February 28, 2017

John Ellerman, P.E. County Engineer Finney County 101 W. Maple St. Garden City, KS 67846

Dear Mr. Ellerman:

After the meeting on February 24, 2017, Garden City Industrial Park, LLC is looking at a couple of options to provide sanitary sewer service, to not only the new TP and L Building, but also any future development that may occur at the site located east of Farmland Road. Below is a quick overview of the options being considered.

- 1) There has been some preliminary discussion with the Darling property owners, on the west side of Farmland Road, about their interest in having sanitary sewer service and possibly cost sharing on extending the County's sanitary sewer main south along Farmland Road. This sanitary sewer main extension would serve their site as well as the TP and L building and some of the future development that may occur on the east side of Farmland Road. This sanitary sewer main extension would either be a gravity line or a force main with a pump station.
- 2) If the Darling property owners decide not to participate in the cost of extending the County's sanitary sewer main south along Farmland Road, and with the unknown future development that could occur east of Farmland Road, Garden City Industrial Park, LLC is looking at doing a septic system to serve the TP and L building. This would provide service for that building and eliminate any guesswork with trying to predict what future development may or may not happen east of Farmland Road. Once more is known about the possible future development, the option of extending the County's sanitary sewer main south along Farmland Road can be re-investigated in more depth.

Should the option be chosen to extend the County's sanitary sewer main south, via either gravity system or force main, the owners of Garden City Industrial Park, LLC would like to discuss potential cost sharing of the project costs with the County. As future development of the site occurs, there will be a significant economic impact to Finney County, Garden City, and southwest Kansas in general. On behalf of the owners, we would like to bring this matter in front of the County Commissioners to determine the likelihood of potential cost sharing on the project by Finney County.

If you have any questions or concerns, please do not hesitate to contact me. I can be reached by email at <u>blouk@smhconsultants.com</u>. You can also reach me at (785) 776-0541 or by cell phone at (913) 424-8122.

Thank you for your attention to this matter.

Sincerely,

Brett Sout

Brett M. Louk Professional Engineer



TO: County Commission
THRU: Randy Partington, County Administrator
FROM: Public Works
DATE: March 6, 2017
RE: Delinquent Sewer Bills

DISCUSSION:

The Department of Public Works has completed a review of delinquent accounts for Sewer District 1. Documentation will be available at the meeting.

BACKGROUND:

Finney County has, per KSA 19-2765b and board policy, placed delinquent taxes on the tax roll and be collected through the County Clerk.

RECOMMENDATION:

The Board certify to the County Clerk that accounts are delinquent and place accounts on the tax roll

FISCAL And/Or POLICY IMPACT:

Money would be collected through the County Clerk and placed back in Sewer District 1.



TO:	County Commission					
THRU:	Randy Partington, County Administrator					
FROM: Colleen Drees						
DATE:	March 6, 2017					
RE:	Approval of Grant Requests					

DISCUSSION:

Colleen will present the Grant Requests for 2017/2018 Grant Year from KDHE. The Requests will need to be signed off by the President/Chairman of The Local Board of Health or Board of Directors.

RECOMMENDATION:

Motion to approve the Grant Application Requests for the Grant Period of July 1, 2017 - June 30, 2018

ATTACHMENTS:

Description Grant Year 17/18 Past Grant Requests/Rewards

Grant Application Signature Page State of Kansas Department of Health and Environment

Grant Period: July 1, 2017 – June 30, 2018

1000 SW Jackson, Suite 340 Topeka, Kansas 66612-1365

This form, complete with signatures, is required to complete your Aid to Local application package. Upload to Catalyst as an attachment on the Organization Summary Page. All applications due March 15, 2017.

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President/Chairman Local Board of Health or Board of Directors

Administrator/Director

Date: _____

Date: _____

Grant Requests & Grant Rewards

2014/2015				
Program	Rec	Request Amt.		ant Amt.
State Formula	\$	25,598.00	\$	25,530.00
Family Planning	\$	164,950.00	\$	91,730.00
Maternal & Child Health	\$	161,376.00	\$	122,565.00
Immunization Action Plan	\$	109,958.00	\$	23,026.00
WIC/Imm. Collaboration	\$	20,000.00	\$	15,097.00
Preparedness	\$	-	\$	30,598.00
Total	\$	481,882.00	\$	308,546.00

2014/2015

2016/2017

Program	Req	uest Amt.	Grant Amt.		
State Formula	\$	25,753.75	\$	25,318.00	
Family Planning	\$	144,620.92	\$	89,601.00	
Maternal & Child Health	\$	95,263.51	\$	95,264.00	
Immunization Action Plan	\$	53,509.41	\$	26,000.00	
WIC/Imm. Collaboration	\$	22,412.34	\$	16,366.00	
Preparedness			\$	28,696.00	
Total	\$	341,559.93	\$	281,245.00	

2

:015/2016

Request Amt.		Gra	nt Amt.
\$	25,375.00	\$	25,375.00
\$	136,641.74	\$	89,601.00
\$	162,945.32	\$	110,309.00
\$	52,560.14	\$	22,335.00
\$	16,365.67	\$	16,366.00
		\$	30,473.00
\$	393,887.87	\$	294,459.00

017/2018

Request Amt.		Grant Amt.
\$	200,477.56	
\$	215,866.83	
\$	150,807.13	
\$	15,465.00	
\$	22,133.89	
\$	67,688.19	
\$	672,438.60	



TO:County CommissionTHRU:Randy Partington, County AdministratorFROM:March 6, 2017DATE:March 6, 2017RE:Discussion Items

DISCUSSION:

Miscellaneous Activities Upcoming meetings list. Lunch with new IT Director Doug Peters, following the meeting

BACKGROUND:

Alcoholic Liquor Fund

Each county shall receive: (A) 70% of the amount which is collected pursuant to this act from clubs, public venues or drinking establishments located in such county and outside the corporate limits of any city, from caterers whose principal places of business are so located or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for which the allocation is made; and (B) 23 1/3% of the amount which is collected pursuant to this act from clubs, public venues or drinking establishments located in the county and within a city that has a population of 6,000 or less, from caterers whose principal places of business are so located or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for whose principal places of business are so located or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for which the allocation is made.

Except as otherwise provided by this subsection, each county treasurer, upon receipt of any moneys distributed under this section, shall deposit the full amount in the county treasury and shall credit to a special alcohol and drug programs fund in the county treasury 23 1/3% of the amount which is collected pursuant to this act from clubs or drinking establishments located in the county and within a city that has a population of 6,000 or less, from caterers whose principal place of business is so located or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for which the allocation is made; of the remainder, the treasurer shall credit 1/3 to the general fund of the county, 1/3 to a special parks and recreation fund in the county treasury and 1/3 to the special alcohol and drug programs fund. Moneys in such special funds shall be under the direction and control of the board of county commissioners. Moneys in the special parks and recreation fund may be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. One-third of the moneys distributed under this section to Butler county shall be deposited in a special community support program and parks and recreation fund in the county treasury. Moneys in the special community support program and parks and recreation fund may be expended only for (1) the establishment and operation of a domestic violence program operated by a not-for-profit organization or (2) the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse

prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers. In any county in which there has been organized an alcohol and drug advisory committee, the board of county commissioners shall request and obtain, prior to making any expenditures from the special alcohol and drug programs fund, the recommendations of the advisory committee concerning such expenditures. The board of county commissioners shall adopt the recommendations of the advisory committee concerning such expenditures the board of county commissioners, adopts a different plan for such expenditures.

RECOMMENDATION:

Discussion of Special Parks and Recreation Fund disbursement Discussion of meetings and miscellaneous activities

ATTACHMENTS:

Description Meeting List
IMPORTANT MEETINGS/EVENTS

<u>March</u>

County Commission Meeting	Monday, March 6th at 8:30 AM	County Admin.
Chamber Annual Banquet	Thursday, March 9th at 5:30 PM	Horace Good Middle School
Better Home & Living Show	March 11th – March 12th	Fairgrounds
Chamber Breakfast	Wednesday, March 15th at 7:10 AM	Clarion Inn
Finney County CVB	Wednesday, March 15th at 2:30 PM	Best Western Plus
Business to Business (b2b)	Thursday, March 16, 2017 at 7:30 AM	FC Community Services Bldg.
Legislative Coffee	Saturday, March 18th at 10:00 AM	Heartland Cancer Center
County Commission Meeting	Monday, March 20th at 8:30 AM	County Admin.
Finney County Library Board	Monday, March 20th at 5:00 PM	Library
Aging Board Meeting	Tuesday, March 21st at 9:00 AM	Senior Center
FCEDC Meeting	Wednesday, March 22nd at 7:30 AM	City Admin.

Upcoming Meetings in Future Months

Legislative Coffee	Saturday, April 15th at 10:00 AM	St. Catherine's
Western Kansas Delegation to Washington, D.C.	April 22nd – April 25th Meetings all day on Monday, April 24th	Washington, DC
Legislative Coffee	Saturday, May 20th at 10:00 AM	St. Catherine's



TO: County Commission

THRU: Randy Partington, County Administrator

FROM:

DATE: March 6, 2017

RE: Legislative Activity

DISCUSSION:

Updates and discussion by commissioners of the legislative activity at the State of Kansas.

RECOMMENDATION:

Discussion



TO:County CommissionTHRU:Randy Partington, County AdministratorFROM:March 6, 2017**DATE:**March 6, 2017**RE:**Mission Statement

DISCUSSION:

The county commission will take time to discuss any recommended adjustments to the mission statement.

BACKGROUND:

In 2016, the county commission adopted a mission statement along with values, goals and objectives. This item is a discussion about whether the mission statement needs to be edited.

ALTERNATIVES:

Commissioner Drees recommended the mission statement be changed to the following:

Finney County, dedicated to its citizens, serving its taxpayers

RECOMMENDATION:

N/A



TO:	County Commission
THRU:	Randy Partington, County Administrator
FROM:	
DATE:	March 6, 2017
RE:	Policy Discussion of Resolution 25-2010

DISCUSSION:

Resolution 25-2010 pertains to Public Nuisances, including inoperable vehicles for properties under 40 acres. Policy discussion about inoperable vehicles in residential areas of the unincorporated county.

BACKGROUND:

The resolution discusses public nuisances, which does not allow inoperable vehicles to be left out in the open. Hobby cars are allowed in various residential districts.

Attached are pages from the County's Zoning Regulations that indicate what some of the districts that have multiple residential units allow for hobby cars. Hobby cars are what have conditional use in most residential zoning areas of Finney County. Even with the hobby cars, the owners are not allowed to have inoperable cars unless they are completely enclosed in a garage, shed or privacy fence.

Finney County Zoning Map: http://finneycountygis.maps.arcgis.com/apps/InformationLookup/index.html? appid=532c5000d2de42be92da80d63fdea102

RECOMMENDATION:

Discussion

ATTACHMENTS: Description Resolution 25-2010 Zoning Regulations

RESOLUTION

NO.25-2010

A RESOLUTION PROVIDING FOR THE ABATEMENT OF PUBLIC NUISANCES BY THE COUNTY; ESTABLISHING HEARING PANEL TO HEAR APPEALS OF NUISANCE ABATEMENT DETERMINATIONS AND ASSESSMENTS; PROVINDING FOR THE ENFORCEMENT OF VARIOUS CODES BY THE COUNTY; DEFINING VIOLATIONS AND PROVIDING PENALTIES THEREFORE.

WHEREAS, the Board of County Commissioners deems it necessary to prohibit certain activities in the unincorporated areas of the county; and

WHEREAS, the adoption of a public nuisance abatement code to eliminate and prevent such nuisances that are injurious to the health, safety and welfare of the inhabitants within Finney County, Kansas, is in the best public interest; and

WHEREAS, the Board of County Commissioners is authorized and empowered to adopt such resolutions pursuant to K.S.A 19-101 through 19-101m and amendments thereto.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FINNEY COUNTY, KANSAS, that:

Section 1: Title

This code shall be known as the "Nuisance Abatement Resolution" and may be cited as such, and may also be referred to herein as "this Resolution".

Section 2: Purpose

The purpose of this Resolution is to protect the inhabitants of Finney County, Kansas, by providing for the abatement of public nuisances, as defined herein, which are inujurious to the health, safety and welfare of the inhabitants within Finney County, and to provide for the uniform administration thereof on any residential, commercial or industrial premises excluding those parcels that are larger than forty (40) acres zoned agricultural.

Section 3: Definitions

The following words, terms and phrases, when used in this Resolution, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined, they shall have the ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words in the masculine gender include the feminine and the feminine masculine:

- A. "Abatement" means the repair, removal, stoppage, prostration, or destruction, whether by breaking or pulling it down, or otherwise destroying or effacing it, of that which causes or constitutes a public nuisance.
- B. "Agricultural activities": Means the use of a tract of land for the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental or greenhouse products.
- C. "County": means all of the county other than the land areas within cities.
- D. "Enforcement Officer" The County Administrator shall designate a public officer to be charged with administration and enforcement of this Resolution.
- E. "Inoperable Vehicles" means a vehicle that is unusable to operate or move under its own power. This term shall also mean any vehicle that is an abandoned, wrecked, dismantled, scrapped, junked or partially dismantled condition which included having uninflated tires, no wheels, or lacking parts necessary for the normal operation of the vehicle. It shall also mean any vehicle that because of mechanical defects, a wrecked or partially wrecked frame or dismantled parts, cannot be operated in a normal and safe manner. An inoperable vehicle shall not include vehicles that need only the installation of a battery or the addition of fuel to operate.
- F. "Public Nuisance" means an activity or condition declared unlawful by this Resolution.
- G. "Property" means any real property, premises, structure or location on which a public nuisance is alleged to exist within the county which is not a street or highway.
- H. "Summary Abatement" means abatement of the nuisance by the County, or a contractor employed by the county, by removal, repair, or other acts without notice to the owner, agent, or occupant of the property, except for the notice required by this Resolution.

Section 4: Activities or Conditions Prohibited

- A. It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the County or conditions which are detrimental to the aesthetic characteristics of adjoining properties, neighborhoods or the County. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:
 - 1. Exterior conditions (yard) shall include, but not be limited to, the scattering over or the leaving, depositing or accumulation on the yard of any of the following:

- (a) Lumber, wire, metal, tires, concrete, masonry products, paper, plastic products, supplies, equipment, machinery, auto parts, junk or refuse;
- (b) Furniture, stoves, refrigerators, televisions, sinks, bicycles, lawn mowers, or other such items of personal property;
- (c) Nauseous substances, carcasses of dead animals or places where animals are kept in a offensive manner; or
- (d) Garbage, filth, excrement, trash, or any other substance or thing which causes sickness, attracts rodents or scavengers, provides a breeding area for insects, not to include authorized and properly maintained dumps, salvage yards, livestock pens or other necessary facilities or by-products of otherwise lawful enterprises;
- (e) The keeping of equine, bovine, swine, fowl, sheep, goats, rabbits or other animals prohibited by the Finney County Zoning Regulations;
- 2. Inoperable vehicles parked or stored or left on any private property in the county if any of the following conditions exist, unless such vehicles are completely stored within a building or unless the parking or storing of such vehicle is necessary to the operation of a lawful business or commercial enterprise and shall not apply to inoperable vehicles that are used for or in connection with agricultural activities located on the property;
 - (a) Inoperable vehicles that are stored or left in such a manner that they are overgrown with weeds or other vegetation;
 - (b) Inoperable vehicles that are stored or left in such a manner that they block access by emergency equipment and personnel to any building on the property;
 - (c) Inoperable vehicles that are stored or left in piles or stacks in such a manner that they present a health and safety hazard.
 - (d) Violation of the Environmental Code of Finney County, Kansas.
- 3. Exterior conditions (structure) shall include, but not be limited to, dilapidated, deteriorated, or in a state of disrepair, any of the following:
 - (a) Exteriors of any structure;
 - (b) Exteriors of any accessory structure; or
 - (c) Fences, walls or retaining walls.

Unlawful conditions described in this section shall not include, and this section shall specifically exclude, color of paint or architectural designs or style selected or utilized on or for a structure.

4. In residentially zoned districts: the storage or overnight parking of one commercial motor vehicle provided it not exceed the following parameters: weight of 16,000 pounds or greater, or that is greater than any of the following dimensions: 9 feet wide, 13 feet high or 21 feet long and shall not include school buses or recreational vehicles as defined by the Finney County Zoning Regulations.

Section 5: Enforcement and Penalties

Any enforcement officer or law enforcement officer being duly authorized and having jurisdiction in the county may cause a complaint to be issued to any person violating any provision of this resolution.

Section 6: Other Remedies Unaffected

Nothing in this resolution shall be construed to limit or forbid the county or any other person from pursuing any other remedies available by law or in equity to enforce the provisions of this resolution.

Section 7: Inspection by the Inspection Department

Whenever a complaint is made to the Enforcement Officer alleging the existence of any public nuisance in the County, as defined in this Resolution, the Enforcement Officer shall inspect the property on which it is alleged that such public nuisances exist. If after inspecting the property the Enforcement Officer determines the existence of a public nuisance requiring abatement and that public health, safety or welfare may be in immediate danger therefrom, the summary abatement procedures may be followed. If after inspecting the property the Enforcement Officer determines the existence of a public nuisance requiring abatement, but the nature thereof is not such as to require the summary abatement of such nuisance, then regular abatement procedures may be followed.

Section 8: Summary Abatement

A. If after inspection the property on which the nuisance is reported the Enforcement Officer determines that summary abatement procedures should implemented due to the existence of a public nuisance placing the public health, safety or welfare in imminent danger, the Enforcement Officer may cause to board-up, erect barricades, or cause the property to be vacated, taken down, repaired, removed, shored or otherwise made safe without delay and such actions may, under such circumstances, be taken without prior notice to or hearing of the owners, agents, lien holders and occupants.

- B. Following any summary abatement action, the Enforcement Officer shall cause to be posted on the property liable for the abatement, a notice describing the action taken to abate the nuisance, and the costs associated with such action as provided in Section 10 hereof.
- C. If additional abatement is deemed necessary following summary abatement, the Enforcement Officer shall thereupon follow the regular abatement procedure set forth herein.

Section 9: Regular Abatement Procedure; Notice and Order

- A. Advisory Notice. Prior to Notice and Order provided in Section 9.B below, the property owner will be notified by a door hanger left at the property or by an advisory notice sent by regular mail to outline the fact that a complaint has been received and to outline the requested abatement action that should be completed within five (5) days to avoid any further action.
- B. Notice and Order. The Enforcement Officer shall cause a written notice and order to be served upon the owner of the property where the nuisance is located, or on any occupants of same, and on any other person, corporation, or entity in violation. The notice and order shall state clearly and concisely the following information.
 - 1. The street address or other description sufficient for identification of the premises upon which the nuisance is located;
 - 2. A brief statement and concise description of the conditions found on said property;
 - 3. The findings of the Enforcement Officer with respect to the existence of a public nuisance;
 - 4. The action(s) required to be taken to abate the nuisance as determined by the Enforcement Officer;
 - 5. That the nuisance must be abated within ten (10) days from the date of the service of the notice;
 - 6. That unless the owner of the described property shall cause the abatement of the public nuisance, pursuant to the orders contained in the notice, the nuisance shall be abated by the County at the expense of the owner; and
 - 7. That any owner or occupant may appeal the notice and order or any action of the Enforcement Officer by requesting a hearing, provided the appeal is made in

writing, and filed with the County Clerk within seven (7) days from date of service of the notice, and that failure to appeal will constitute a waiver of all rights to an administrative hearing and be a final determination of the matter.

- C. Method of Service.
 - 1. Unless otherwise provided in this section, service shall be made by either personal service or by certificate of mailing, return receipt requested. Service by certificate of mailing shall be effective on the date of mailing. Service on any property owner in violation is deemed complete when it is served at the address listed by the property owner on the last assessment roll of the county or as known to the Enforcement Officer.
 - 2. If neither personal service nor service by certificate of mailing are reasonably feasible, substituted service of the notice and order may be made by the Enforcement Officer posting the notice and order on the premises and mailing a copy of the notice and order to the persons, corporation or entity in violation at the address of the property on which the violation has occurred or is occurring.
 - 3. If service of the notice and order is unable to otherwise be obtained, the Enforcement Officer shall cause a copy of the notice and order to be published in a newspaper of general circulation in the area of the affected property once a week for two consecutive weeks.
- D. The failure of the Enforcement Officer to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this Resolution. Further, the failure of any person to receive notice as provided in this section shall not affect the validity of any proceedings taken under this Resolution.
- E. Any person who is the record owner of the premises, location or structure at the time an order pursuant to this Resolution is issued and served upon him, shall be responsible for complying with that order, and liable for any costs incurred by the county therewith, notwithstanding the fact that he may convey his interest in the property to another after such order was issued and served.

Section 10: Same; Abatement by Owner

A. Within ten (10) days after the posting and mailing of a Notice of Order pursuant to Section 9.B above, the owner, or individual in possession of the affected property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing shall be made by filing with Enforcement Officer an acknowledged and sworn written statement. The Enforcement Officer shall re-inspect the affected property, and if after the re-inspection it is determined that the nuisance described in the notice to abate continues to exist, shall notify the property owner, agent of the owner, or individual in possession of the affected property why the nuisance continues to exist. This determination may be appealed as provided herein. The Enforcement Officer is granted discretion as provided in paragraph 10.B below, to grant additional time to abate the nuisance or, in his discretion, may proceed as otherwise provided in this Resolution.

B. The Enforcement Officer, upon written application by the owner within the ten (10) day period after the notice has been served, may grant additional time for the owner to effect the abatement for the public nuisance, provided that such extension is limited to a specific time period.

Section 11: Appeal of Determination Procedure; Hearing Panel

- A. Right of Appeal. The owner, agent of the owner, or individual in possession of the affected property who has been served with a Notice and Order pursuant to Section 7 or 8, may within seven (7) calendar days after the date of service of such notice, appeal that determination by filing a written request with the County Clerk for a hearing on the question of whether a public nuisance exists, as defined herein. A hearing shall be scheduled by the Enforcement Officer for a date no sooner than ten (10) days nor more than thirty (30) days following a request for an appeal hearing. Written notice of the time and place of the hearing shall be given to each appellant by first class mail at the address provided with the written appeal request, and shall be mailed at least seven (7) days before the date set for hearing. All abatement activity pursuant to this Resolution shall be stayed during the pendency of an appeal there from which is properly and timely filed.
- B. Hearing Panel. Appeals under this Resolution shall be heard by a Hearing Panel consisting of five (5) members who shall be appointed by the Board of County Commissioners to hear such nuisance abatement appeals, and who shall serve at the pleasure of the Board of County Commissioners.
 - 1. Each County Commissioner shall appoint one (1) member to the Hearing Panel.
 - 2. A member may also be a county employee, but in that event the member shall not have had within the past 12 months any personal responsibility for the investigation, prosecution or enforcement of nuisances under this chapter and shall not have had any personal involvement in the appeal to be heard.
 - 3. The members appointed shall serve for a period of three (3) years from the date of appointment. If the commissioner appointing a board member leaves office for any reason, the terms shall expire, except that a member may serve until a successor has been duly appointed.
 - 4. In the event of the death, resignation or disqualification of any member, such member's successor shall be appointed as provided in this section to fill only the unexpired term caused by such vacancy.

- 5. The panel members shall receive no compensation for performing their duties herein.
- C. Conduct of Appeal Hearing. A minimum of three (3) members must be present, to conduct an appeal hearing. The Hearing Panel shall select one of its members to sit as the presiding member for the hearing. At the scheduled time for the hearing, after having first administered an oath or affirmation to all witnesses to testify truthfully, the Hearing Panel shall proceed to hear testimony and take evidence from any representative of the County, the appellant, and any other competent persons with respect to the determination of whether a public nuisance exists, as defined herein. All relevant evidence shall be admissible and hearsay evidence may be used, at the Hearing Panel's discretion, for the purpose of supplementing and explaining other evidence. The Hearing Panel may, upon request of the appellant or upon the request of the County, grant continuances of the appeal hearing for good cause shown, or upon the Hearing Panel's own motion.
- D. Determination. Within fifteen (15) days following the hearing, the hearing Panel shall make a written determination of whether a public nuisance exists, as defined herein, and may amend or modify the Notice and Order, or extend the time for compliance with the Enforcement Officer's order by such length of time as the Hearing Panel may determine. If it is shown by a preponderance of all the evidence that the condition of the property constitutes a public nuisance, the determination shall declare the property to be a public nuisance and shall order and require the appellant to abate the nuisance not later than fifteen (15) calendar days after the issuance of the decision or, if fifteen (15) calendar days is insufficient to abate the nuisance, within such other time as specified by the Hearing Panel so long as it does not exceed six (6) months. The determination shall inform the appellant that if the nuisance is not abated within the time specified, the nuisance may be abated by the County as provided herein, and the expense thereof made a lien upon the property involved. If the Hearing Panel decides that the condition of the property does not constitute a public nuisance by a preponderance of the evidence, this finding shall be stated in the determination and no further action shall be taken by the Enforcement Officer with the respect to the abatement of that condition on the property. A copy of this determination shall be furnished to the appellant.
- E. Finality of the Hearing Panel's Determination. The decision of the Hearing Panel shall be considered a final order of Finney County, and shall not be appealable to the Board of County Commissioners.
- F. Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of all rights to a hearing and adjudication of the Notice and Order or any portion thereof. If no appeal is filed, the Notice and Order of the Enforcement Officer shall become final upon the expiration of ten (10) days after the date of service of said Notice and Order as provided herein.

Section 12: Abatement by County

- A. Should any public nuisance not be abated by the owner at the expiration of time stated in the Notice and Order, or within such additional time as the Enforcement Officer or the hearing Panel may grant following an appeal, the Enforcement Officer shall have the authority to enter upon the property and cause the abatement of the public nuisance found thereon, unless the Hearing Panel shall direct otherwise in a written determination.
- B. In abating such nuisances, the Enforcement Officer may go to whatever extent may be necessary to complete the abatement of the public nuisance in a reasonable manner, and the following procedure shall be observed:
 - 1. Items removed from the property which have no practical value to the owner shall be disposed of by the County.
 - 2. The County shall place items removed from the property which might reasonably be of some value to the owner, in storage. The owner shall be informed by certified mail, return receipt requested, of the disposition or storage of any items so removed and stored, and the owners shall be further informed that such items shall be stored for a period of thirty (30) days and further, that the items may be claimed by said person upon payment to the County for its expenses associated with the abatement and storage.
 - 3. If the items are not claimed within the thirty (30) day period, then the County shall sell the items at private or public sale at the best price obtainable and shall keep an accounting of the proceeds thereof.
 - 4. The proceeds, if any, obtained from the sale of such items shall be deposited in the General Fund of the County.
- C. In abating a public nuisance, the Enforcement Officer may call upon any of the County departments or divisions for whatever assistance shall be deemed necessary or may, by private contract cause the abatement of the public nuisance. If any part of the work is to be accomplished by private contract, standard County procurement procedures shall be followed.
- D. The Finney County Appraiser shall be notified in writing after demolition of any structure is completed so that any such structure can be removed from the tax roll.
- E. No person shall obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the county or with any person who owns or holds any estate or interest in any public nuisance pursuant to the provisions of this Resolution, or in performing any necessary act preliminary to or incidental to such work. A violation of this subsection is subject to fine as provided for herein. If necessary, law enforcement officers shall assist in keeping the peace during such abatement.

F. Neither the county nor any of its employees or agents shall be liable for damage to property due to reasonable methods of gaining entrance onto the property or for damages to property in the reasonable exercise of its duty to the public to abate nuisances.

Section 13: Assessment; Notice of Costs; Appeal

- A. The Enforcement Officer shall keep an itemized account of the expenses incurred by the County in the abatement of any public nuisance. Following an abatement, the Enforcement Officer shall cause an assessment entitled "Notice of Costs: to be mailed to the property owner by certificate of mailing. The Notice of Costs shall also be posted on the property. The owner shall have thirty (30) days from the date of the Notice to make full payment. The Notice of Costs shall state:
 - 1. The common or legal description of the property, or both;
 - 2. The nature of the nuisance;
 - 3. The nature of the work performed to abate the nuisance;
 - 4. The amount of the costs incurred for the abatement of the nuisance.
 - 5. The amount of any proceeds received from any sale of property as provided in this Resolution, if any;
 - 6. That failure to pay the entire amount within thirty (30) days shall allow the County to file a tax lien against the property or to pursue litigation for the recovery of the costs, or both. Partial payments will not be accepted and shall be considered as nonpayment under this section; and,
 - 7. That an appeal of the proposed assessment must be made in writing and received by the County Clerk within fifteen (15) days from the date of mailing such notice.
- B. Upon the expiration of the fifteen (15) day period, if no appeal has been received by the Enforcement Officer, a copy of the Notice of Costs shall be forwarded to the County Clerk who shall enter that amount on the County assessment roll, which shall constitute a special assessment against a lien upon the property and collected as any other assessment by the County.
- C. If a written appeal of the proposed assessment is received by the County Clerk prior to the expiration of the fifteen (15) day period, an appeal of assessment hearing shall thereafter be scheduled by the Enforcement Officer for a date no sooner than ten (10) days following the date the appeal was received. Written notice of the time and place of the hearing shall be given to each appellant by first class mail at the address provided with the written appeal request, and shall be mailed at least (7) days before

the date set for hearing. The appeal hearing shall be conducted by the Hearing Panel described in Section 11.B, and the hearing shall be conducted in the manner set forth in Section 11C. Within fifteen (15) days following the hearing, the Hearing Panel shall make a written determination of whether the proposed assessment complies as contained herein, and whether the amount of the charges in the notice shall either be canceled, reduced, or remain the same. A copy of this determination shall be furnished to the person making objections. If the Hearing Panel determines that the proposed assessment fails to substantially comply with subsection 13D, the Hearing Panel may cancel the proposed assessment. If after the hearing the Hearing Panel shall so certify to the County Clerk who shall enter a lien in such amount as determined by the Hearing Panel on the County assessment roll against a lien upon the property and collected as any other assessment by the County. The decision of the Hearing Panel shall not be appealable to the Board of County Commissioners and shall be considered a final order of Finney County.

- D. The Hearing Panel may reduce or cancel a proposed assessment if it is determined that any of the following did not substantially conform to the provisions of this resolution:
 - 1. The notice to remove the nuisance;

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- 2. The work performed in the abating of the nuisance; or,
- 3. The computation of charges incurred abating the nuisance;
- E. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county, and property taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.
- F. All such assessments remaining unpaid after thirty (30) days from the date of the recording on the assessment roll shall become delinquent and shall bear interest at a rate of interest determined pursuant to K.S.A. §16-204(e).
- G. Nothing in this section shall limit the County from utilizing other collection methods to recoup abatement costs.

Section 14: Addition of Assessment to Tax Bill and Collections

A. After receipt of same, the County Clerk shall add the amount of the assessment to the next regular tax bill levied against the parcel.

- B. The County Treasurer shall collect the assessment at the same time and in the same manner as ordinary property taxes. The assessment shall be subject to the same penalties and procedures and sale in case of delinquency as provided for ordinary property taxes shall be applicable to such assessment.
- C. The Board of County Commissioners, in its discretion, may determine that assessments in the amounts of \$500.00 or more shall be payable in not to exceed five (5) equal annual installments. Such determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution. Such installments shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedures for sale as provided for ordinary property taxes.

Section 15: Personal Liability of Owner

The person who is the owner of the property at the time at which the notice required under Section 6 or 7 of this Resolution is posted shall be personally liable for the amount of the assessment, including all interest, civil penalties, and other charges.

Section 16: Penalty

Any person convicted of violating any section herein shall be fined in an amount not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) per day per violation.

Section 17: Savings Clause

If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

Section 18: Other Remedies Unaffected

Nothing in this Resolution shall be construed to limit or forbid the County or any other person from pursuing any other remedies available at law or inequity to enforce the provisions of this Resolution, or to abate the public nuisances available.

Section 19: Repeal

Resolution 18-2005 and 19-2005 is hereby repealed.

Section 20: Publication.

The Finney County Clerk is directed to publish this Resolution once in the official county newspaper.

Section 21: Effective Date.

This Resolution shall take effect upon it publication once in the official county newspaper.

8 day of november , 2010. Dated this ____

Attest: SEAL

BOARD OF COUNTY COMMISSIONERS FINNEY COUNTY, KANSAS

Kifford A. Mayo Chairman

ELSA ULRICH, County Clerk

Zoning Lookup





- 85. <u>Highway, Limited Access</u> A freeway or expressway providing for through traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic-way.
- 86. <u>Hobby Car Collecting-</u> A pursuit other than one's regular occupation engaged in especially for relaxation, which results in collecting, and may include the restoration of, automobiles. Such a collection shall be managed by the householder so as not to resemble an automobile wrecking or salvage yard or junkyard. If any of the collected automobiles is inoperable, it shall be kept completely enclosed within a garage, shed, or privacy fence.
- 87. <u>Home Occupation</u> The term "Home Occupation" shall mean any occupation conducted entirely within the dwelling unit or accessory building and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof, and in connection with which there is no display nor stocking trade or commodities sold except those which are produced on the premises.
- 88. <u>Hospital</u> A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the inpatient medical and surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.
- 89. <u>Hotel</u> A building used as an abiding place on a daily or weekly basis for transient persons who, for compensation, are lodged with or without meals, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist unit or otherwise.
- 90. <u>Industrial Park</u> A special or exclusive type of planned industrial are designated and equipped to accommodate a community of industries, providing than with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.

the discretion of the Planning Commission Secretary shall be submitted to the Planning Commission at least ten (10) days prior to the Planning Commission meeting whereby review and approval is requested.

- 4. The Site Plan Review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Zoning Regulations, Subdivision Regulations, Building Codes, and/or other regulations which pertain to or govern the proposed development. No Site Plan will be approved unless it is in compliance with all pertinent code, ordinances and regulations.
- 5. <u>Process Timeline</u>. Planning Staff will determine the completeness, accuracy, and sufficiency of the application. A typical site plan review process is seven to fourteen (7-14) days, and may be longer dependent upon the complexity of the development proposal.
- 6. <u>Approvals.</u> Building permits for the project will not be issued until a site plan has been approved.
- 7. <u>Time Limitations on Approvals.</u> If the owner has obtained preliminary site plan approval, but fails to obtain a building permit within one (1) year from the date of approval of the site plan, the site plan approval shall be deemed to have expired, and the owner shall be required to resubmit a new plan for approval.
- 8. <u>Adjacency Compatibility:</u> Staff will review site plans for compatibility with adjacent properties.
- 9. <u>Electronic Submittals.</u> The submitted site plans are electronically distributed to various city departments and public utility companies and then convene for review and comment. The planner assigned to the project will contact the applicant to discuss the review comments and suggest any revisions which may be needed before the site plan can be processed for administrative action.

<u>1.100</u> PERMITTED USES. No structure shall hereafter be built, moved, or remodeled and no structure of land shall be hereafter be used, occupied, or designed for use or occupancy except for a use that is permitted within the zoning district in which the structure or land is located.

<u>1.110</u> CONDITIONAL USES. No use of a structure or land that is designed as a conditional use in any zoning district shall hereafter be established, and no existing conditional use shall hereafter be changed to another conditional use in such district unless a conditional use permit is secured in accordance with the provisions of Article 29 in this Zoning Regulation.

- (E) Building setback from all property lines.
- (F) Such perspective drawings, of the proposed improvements, in such detail as the Board may require to clearly show the finished appearance of the improvements proposed.
- (G) Location and type of planting, screening, or walls.
- (H) Such other items as the Board shall deem reasonably necessary to properly process the application.

29.050 CONSIDERATION OF A CONDITIONAL USE. In considering any application for a conditional use permit hereunder, the Board of Appeals shall give consideration to the Comprehensive Plan of the County, the health, safety, morals, comfort, and general welfare of the inhabitants of the County, including but not limited to the following factors:

- 1. (A) The stability and integrity of the various zoning districts.
 - (B) Conservation of property values.
 - (C) Protection against fire and casualties.
 - (D) Observation of general police regulations.
 - (E) Prevention of traffic congestion.
 - (F) Promotion of traffic safety and the orderly parking of motor vehicles.
 - (G) Promotion of the safety of individuals and property.
 - (H) Provision for adequate light and air.
 - (I) Prevention of over-crowding and excessive intensity of land uses.
 - (J) Provision for public utilities and schools.
 - (K) Invasion by inappropriate uses.
 - (L) Value, type, and character of existing or authorized improvements and land uses.
 - (M) Encouragement of improvements and land uses in keeping with overall planning.

- (N) Provisions for orderly and proper urban renewal, development, and growth.
- 2. The Board of Appeals shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

<u>29.060 PERMITTED CONDITIONAL USES</u>. Conditional uses which may be authorized by the Board of Zoning Appeals: as set forth in each District.

29.070 PERFORMANCE BOND REQUIRED. The Board may require a performance bond for improvements in Urban Overlay Zones such as parking lot surfacing, landscaping, etc.. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the County Engineer, and shall be enforceable by or payable to the County in the sum equal to the cost of constructing the required improvements.

ARTICLE 5

"R-R" RURAL RESIDENTIAL DISTRICT

Sections:

- 5.010 Purpose and Intent
- 5.020 Permitted Uses
- 5.030 Conditional Uses
- 5.040 Zoning Use Permit
- 5.050 Lot Size Requirements
- 5.060 Lot Coverage
- 5.070 Yard Requirements
- 5.080 Height Requirements
- 5.090 Parking Requirements
- 5.100 Sign Requirements
- 5.110 Supplemental Development Standards

5.010 PURPOSE AND INTENT. Rural Residential (RR). All Rural Residential Districts may be included in Rural Development Areas (RDA's), Suburban Development Areas (SDA's) and Urban Development Areas (UDA's). This District will permit single family development on lots of one-half (0.5) or more acres. Lots with environmental concerns (e.g. steep slopes, rock outcroppings, etc.) shall be required to exceed the minimum of one-half (0.5) acres to mitigate for such concerns. Micro-farm activities, such as maintaining livestock, orchards and other similar agriculturally-related activities may exist in these areas as outlined in this article, unless subdivision covenants or deed restrictions set more stringent standards than these **Regulations.** These areas shall remain primarily residential in character. Developed areas may continue to be served by septic systems, wells, and other services planned at rural levels as required by KDHE and the County Building Official. In the event that septic system fails on properties with less than two (2) acres, and no public sewer is available within four-hundred (400) feet, the septic system shall be replaced by an on-site sewage system with aerator (OSSS), with a treatment tank with a minimum capacity of one-thousand (1,000) gallons per day (GPD). New lots of five (5.0) acres or less shall be connected to public sewer systems where available within four-hundred (400) feet of the property, otherwise, shall be serviced by an OSSS and a treatment tank with a minimum capacity of one-thousand (1,000) GPD.

<u>5.020 PERMITTED USES</u>. The following uses and structures, and no others are permitted in the "R-R" Districts.

- 1. Single family dwellings.
- 2. Utility substations or pumping station

- 3. Water Reservoirs
- 4. Telephone Exchange
- 5. Public Parks and Recreation Areas
- 6. Churches or similar place of worship and Cemeteries
- 7. Schools, public or private, primary, intermediate and secondary
- 8. Pasture or Rangeland
- 9. Field and Seed Crops
- 10. Animal husbandry shall be limited as follows:
 - (A) Equine and Bovine: There shall be no more than one (1) equine or bovine on the premises on lots of two (2.0) acres or less. On lots larger than two (2.0) acres such animals shall be allowed at a rate of two (2) equine or bovine or a combination thereof, per fenced acre, for the care and keeping thereof, but not to exceed a total of ten (10) of such animals for properties less than five (5.0) acres; and/or
 - (B) Swine: There shall be no more than two (2) swine on the premises on lots of two (2.0) acres or less. On lots larger than two (2.0) acres such animals shall be allowed at a rate of two (2) swine, per fenced acre, for the care and keeping thereof, but not to exceed a total of eight (8) such animals for properties less than five (5.0) acres; and/or
 - (C) <u>Sheep or Goats</u>: There shall be no more than four (4) sheep or goats or a combination thereof on the premises on lots of two (2.0) acres or less. On lots larger than two (2.0) acres such animals shall be allowed at a rate of two (2) sheep or goats or a combination thereof, per fenced acre, for the care and keeping thereof, but not to exceed a total of twelve (12) of such animals for properties less than five (5.0) acres; and/or
 - (D) <u>Rabbits, and other small animals</u>: There shall be no more than ten (10) such animals on the premises on lots of two (2.0) acres or less; and/or

- (E) Fowl shall be permitted in accordance with Article 22.020 (12) of these zoning regulations, but not to exceed a total of fifty (50) such animals on properties smaller than five (5.0) acres.
- (F) Any additional types of animals not listed above for the care and keeping thereof will require a Zoning Use Permit.
- 11. Accessory buildings customarily incident to the above permitted uses.
- 12. Temporary structures incidental to construction work, only for the period of such work as permitted in Article 23.
- 13. Licensed Day Care Home.

5.030 CONDITIONAL USES: The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- 1. Riding Stables/Training Facilities
- 2. Dog Kennels/Training Facilities
- 3. Fur bearing animal farms
- 4. Group Day Care Homes or Child Care Centers licensed by the State, and preschools.
- 5. Recreation activities such as golf courses, miniature courses and driving tees.
- 6. Veterinarian or Animal Hospital Services.
- 7. Other uses similar in nature listed in Article 5.030.
- 8. Commercial Equestrian Race Track Facilities Including Timing Tracks & Rodeos
- 9. Hobby Car Collecting, on lots of five (5) to forty (40) acres the maximum inoperable vehicles permitted for hobby car collecting shall be fifteen (15) unless otherwise determined by the Board of Zoning Appeals.
- 10. Animals in excess to limits set in 5.020(10).

5.040 ZONING USE PERMIT:

- 1. Manufactured home for a rural residential family as temporary living quarters while a site constructed home under the review of the building official with a building permit is constructed. The manufactured home must be removed within thirty (30) days of the issuance of a Certificate of Occupancy by the building official.
- 2. Home Occupations.

5.050 LOT SIZE REQUIREMENTS: Subject to the Environmental Code and FEMA Flood Regulations, Subdivision Regulations for "Homesteads", except as otherwise provided in Article 23 of this Zoning Regulation, the minimum lot size shall be one-half (0.5) acre. The minimum lot width shall not be less than one-hundred=twenty=five (125) feet.

<u>5.060 LOT COVERAGE</u>: The maximum lot coverage by all buildings, principal and accessory, shall not exceed forty (40) percent. Not more than one single family dwelling may be placed on a lot.

5.070 YARD REQUIREMENTS: The following minimum yard requirements shall apply in all "R-R: Districts.

- 1. Front Yard:
 - (A) Each lot in the "R-R" District shall have a front yard of not less than seventy-five (75') feet from the center of road easement, unless otherwise provided in Article 26.
 - (B) Where platted lots have a double frontage or located at the intersection of two streets, the required front yard shall be provided on both streets. The vision clearance area as defined herein shall be free of buildings and all other obstructions.
- 2. Side Yard:
 - (A) Except as otherwise provided in the following paragraph and Article 23, there shall be a side yard having a minimum width of twenty (20) feet.
- 3. <u>Rear Yard:</u>
 - (A) Each lot in the "R-R" District shall have a minimum rear yard of fifty (50') feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

<u>5.080 HEIGHT REGULATIONS.</u> No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 23. Chimneys, flagpoles, church towers and similar structures not used for human occupancy shall be excluded in determining height.

5.090 PARKING REQUIREMENTS: See Article 25.

5.100 SIGN REQUIREMENTS: See Article 24.

5.110 SUPPLEMENTAL DEVELOPMENT STANDARDS:

- 1. Enclosures, accessory structures and compost piles must be managed in such a manner that the property maintains its predominantly rural residential character, such as to prevent noxious odors, sounds and waste from becoming a nuisance to adjacent properties.
- 2. Enclosures, accessory structures and compost piles must be located a minimum distance of fifty (50) feet from any groundwater source.
- 3. Animal waste is not permitted to be introduced into the public sewer system or local bodies of standing or running water under any circumstances.
- 4. The incineration of animal waste, by-products, body parts or corpses shall not be permitted under any circumstances.
- 5. For additional requirements See Article 23.

ARTICLE 6

"S-E" SUBURBAN ESTATES DISTRICT

Sections:

- 6.010 Purpose and Intent
- 6.020 Permitted Uses
- 6.030 Conditional Uses
- 6.040 Zoning Use Permit
- 6.050 Lot Size Requirements
- 6.060 Lot Coverage
- 6.070 Yard Requirements
- 6.080 Height Regulations
- 6.090 Projections Into Yards
- 6.100 Parking Requirements
- 6.110 Sign Regulations
- 6.120 Supplemental Development Standards

<u>6.010 PURPOSE AND INTENT</u>. *Suburban Estates (SE)*. This suburban land use is characterized by single family lots, with typical lot sizes ranging from two (2) to five (5) acres. It is a category used in the Suburban Development Areas (SDA's). Residential land uses are the primary uses in a Suburban Estate area. Many lots will use well water, but this will vary based on groundwater conditions and proximity to existing organized water system. Developed areas may continue to be served by septic systems, wells, and other services planned at rural levels as required by KHDE. New lots of five (5.0) acres or less shall be connected to public sewer systems where available within four-hundred (400) feet of the property, otherwise, such lots shall be serviced by an on-site sewage system with aerator (OSSS) and a treatment tank with a minimum capacity of one-thousand (1,000) gallons per day (GPD).

<u>6. 020 PERMITTED USES.</u> The following uses and structures, *and no others*, are permitted in the "S-E" District.

- 1. Single Family Dwelling Detached.
- 2. Church or similar place of worship.
- 3. Public parks, playgrounds and recreation areas and related buildings operated by a public agency.
- 4. Schools, public or private, primary, intermediate and secondary.
- 5. Vegetable and flower gardens, trees, shrubs and lawns, and non-commercial orchards and other landscaping as it relates to residential use.

- 6. Customary accessory uses and structures located on the same lot with the principle use and which do not include any activity or use unrelated to the principal use as explained in Article 23.
- 7. Accessory buildings customarily incident to the above permitted uses..
- 8. Temporary structures incidental to construction work, only for the period of such work as permitted in Article 23.
- 9. Licensed Day Care Homes.
- 10. Suburban Estates Residential and non-commercial animal husbandry provided such activities are accessory to the residential use and no persons are employed on the premises, **unless subdivision covenants or deed restrictions set more stringent standards than these Regulations.** Limitations on animal husbandry are:
 - (A) Horses: There shall be no more than two (2) horses per fenced acre used exclusively for the care and keeping thereof; and/or
 - (B) Fowl shall be permitted in accordance with Article 22.020 (12) of these zoning regulations, but not to exceed a total of fifty (50) such animals on properties smaller than five (5.0) acres.

<u>6.030</u> <u>CONDITIONAL USES.</u> The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- 1. Public libraries, museums or similar public buildings.
- 2. Group Day Care Homes or Child Care Centers licensed by the State, and preschools.
- 3. Golf courses, miniature golf courses and driving ranges.
- 4. Community buildings, recreational fields. YMCA, and similar uses as defined in these regulations.
- 5. Nursing Homes and Homes for the Aged approved and licenses by the State of Kansas.
- 6. Public utility uses, as follows, provided that the location is approved by the Planning Commission and provided that there is a landscape or screen plan.

- (A) Electric and telephone substations
- (B) Gas regulator stations
- (C) Police and Fire Stations
- (D) Water Towers
- (E) Etc.
- 7. Hobby Car Collecting, on lots between two (2) and five (5) acres the maximum inoperable vehicles permitted for hobby car collecting shall be ten (10).

6.040 ZONING USE PERMIT.

- 1. Manufactured home for a suburban estates residential family as temporary living quarters while a site constructed home under the review of the building official with a building permit is constructed. The manufactured home must be removed within thirty (30) days of the issuance of a Certificate of Occupancy by the building official.
- 2. Home Occupation.

<u>6.050 LOT SIZE REQUIREMENTS.</u> Subject to the County Environmental Code and except as otherwise provided in Article 23 of this Zoning Regulation, no building shall be erected or altered on a lot which makes provisions for less than two (2) acres of lot area. Minimum lot widths shall not be less than 200 feet and minimum lot depths shall not be less than 300 feet.

<u>6.060 LOT COVERAGE.</u> The maximum lot coverage by all buildings, principal and accessory, shall not exceed forty (40) percent. Not more than one single family dwelling may be placed on a lot.

<u>6.070 YARD REQUIREMENTS.</u> The following minimum yard requirements shall apply in all "S-E" Districts.

- 1. <u>Front Yard:</u>
 - (A)Each lot in the "S-E" District shall have a front yard of not less than seventyfive (75) feet from the center of road easement, unless otherwise provided in Article 26.

- (B) Where platted lots have a double frontage or located at the intersection of two streets, the required front yard shall be provided on both streets. The vision clearance area as defined herein shall be free of buildings and all other obstructions.
- 2. <u>Side Yard:</u>
 - (A) Except as otherwise provided in the following paragraph and in Article 23, there shall be a side yard on each side of a building, having a width of not less than thirty (30) feet.
 - (B) Wherever a side yard abuts an alley, the side yard shall not be less than thirty (30) feet.
- 3. <u>Rear Yard:</u>
 - (A) Each lot in the "S-E" District shall have a rear yard having a depth of not less than fifty (50) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

<u>6.080 HEIGHT REGULATIONS</u>. No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 23. Chimneys, flagpoles, church towers and similar structures not used for human occupancy shall be excluded in determining height.

6.090 PROJECTIONS INTO YARD.

- 1. The following elements may project into or be erected into any required yard.
 - (A) Landscaping elements.
 - (B) Fences and walls in conformance with County Resolutions.
 - (C) Necessary elements for the delivery of Utility Services.
- 2. The following structures may project into a minimum front or rear yard not more than four (4) feet.
 - (A) Chimney and fireplace structures
 - (B) Eaves, sills, cornices and similar architectural features.
 - (C) Stairways, balconies and awnings.

3. All side yard setbacks shall be measured from the building overhand and not the building wall

6.100 PARKING REQUIREMENTS. See Article 25.

6.110 SIGN REGULATIONS. See Article 24.

6.120 SUPPLEMENTAL DEVELOPMENT STANDARDS.

- 1. Enclosures, accessory structures and compost piles must be managed in such a manner that the property maintains its predominantly rural residential character, such as to prevent noxious odors, sounds and waste from becoming a nuisance to adjacent properties.
- 2. Enclosures, accessory structures and compost piles must be located a minimum distance of fifty (50) feet from any groundwater source.
- 3. Animal waste is not permitted to be introduced into the public sewer system or local bodies of standing or running water under any circumstances.
- 4. The incineration of animal waste, by-products, body parts or corpses shall not be permitted under any circumstances.
- 5. For additional requirements See Article 23.

ARTICLE 8

"L-R" LOW DENSITY RESIDENTIAL DISTRICT

Sections:

- 8.010 Purpose and Intent
- 8.020 Permitted Uses
- 8.030 Conditional Uses
- 8.040 Lot Size Requirements
- 8.050 Lot Coverage
- 8.060 Yard Requirements
- 8.070 Height Regulations
- 8.080 Projections Into Yards
- 8.090 Parking Requirements
- 8.100 Sign Regulations
- 8.110 Supplemental Development Standards

8.010 PURPOSE AND INTENT. Low Density District (L-R). This district is designed to reflect development between one (1) and five (5) units per acre if lots are served by public water or sewer services. This category is used only in Urban Development Areas (UDA's). Community sewer or approved onsite sewage disposal and water systems are required, as are other urban services. Low-density residential areas will be developed exclusively with single-family homes. Two (2) acres minimum lot sizes are required for a private on site water and sewer systems. Developed areas may continue to be served by septic systems, wells, and other services planned at rural levels as required by KDHE and the County Building Official. New lots of five (5.0) acres or less shall be connected to public sewer systems where available within four-hundred (400) feet of the property, otherwise, such lots shall be serviced by an on-site sewage system with aerator (OSSS) and a treatment tank with a minimum capacity of one-thousand (1,000) gallons per day (GPD) per dwelling unit.

<u>8. 020 PERMITTED USES.</u> The following uses and structures *and no others*, are permitted in the "L-R" District.

- 1. Single Family Dwelling.
- 2. Church or similar place of worship
- 3. Public parks, playgrounds and recreation areas and related buildings operated by a public agency.
- 4. Schools, public or private, primary, intermediate and secondary.
- 5. Vegetable and flower gardens, trees, shrubs, and lawns, and non-commercial orchards and other landscaping as it relates to residential use.

- 6. Customary accessory uses and structures located on the same lot with the principle use and which do not include activity or use unrelated principle use as explained in Article 23.
- 7. Temporary structures incidental to construction work only for the period of such work as permitted in Article 23.
- 8. The renting of not to exceed two sleeping rooms with a total occupancy of not to exceed two persons for whom board may be furnished, but with the prohibition of separate culinary accommodation for such tenants.
- 9. Licensed Day Care Homes.

<u>8.030 CONDITIONAL USES.</u> The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- 1. Public libraries, museums or similar public buildings.
- 2. Group Day Care Homes or Child Care Centers licensed by the State, and preschools.
- 3. Golf courses, miniature golf courses and driving ranges.
- 4. Community buildings, recreation fields, YMCA, and other similar uses as defined in these regulations.
- 5. Nursing Homes and Homes for the Aged approved and licensed by the State of Kansas.
- 6. Public utility uses, as follows, provided that the location is approved by the Planning Commission and provided that there is a landscape or screen plan.
 - (A) Electric and telephone substations
 - (B) Gas regulator stations
 - (C) Police and Fire Stations
 - (D) Water towers
 - (E) Etc.
- 7. Home occupations.

8. Hobby Car Collecting, on lots of two (2) acres or less the maximum inoperable vehicles permitted for hobby car collecting shall be five (5).

<u>8.040 LOT SIZE REQUIREMENTS.</u> Subject to the County Environmental Code and except as otherwise provided in Article 23, of this Zoning Regulation, no building shall be erected or altered on a lot which makes provisions for less than **8,800** square feet of lot area. Minimum lot widths shall be not less than **80** feet and minimum lot depths shall not be less than **110** feet.

<u>8.050</u> LOT COVERAGE. The maximum lot coverage by all buildings, principal and accessory, shall not exceed forty (40) percent not more than one single-family dwelling may be placed on a lot.

<u>8.060</u> YARD REQUIREMENTS. The following minimum yard requirements shall apply in all "L-R" Districts.

1. Front Yard:

- (A) Each lot in the "L-R" Districts shall have a front yard of not less than sixty (60) feet measured from the center of the road, unless otherwise provided in Article 23.
- (B) Where platted lots have a double frontage or located at the intersections of two streets, the required front year shall be provided on both streets.
- 2. Side Yard:
 - (A) Except as otherwise provided in the following paragraph and in Article 23, there shall be a side yard on each side of a building, having a width of not less than five (5) feet.
 - (B) Wherever a side yard abuts an alley, the side yard shall not be less than eight (8) feet.
- 3. <u>Rear Yard:</u>
 - (A) Each lot in the "L-R" District shall have a rear yard having a depth of not less than twenty-five (25) feet
 - (B) Or twenty (20) percent of the depth of the lot, whichever amount is greater.

<u>8.070 HEIGHT REGULATIONS</u>. No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 23.

8.080 PROJECTIONS INTO YARDS.

1. The following elements may project into or be erected into any required yard.

- (A) Landscaping Elements.
- (B) Fences and walls in conformance with County Resolution.
- (C) Necessary elements for the delivery of Utility Services.
- 2. The following structures may project into a minimum front or rear yard not more than four (4) feet.
 - (A) Chimneys and fireplace structures.
 - (B) Eaves, sills, cornices and similar architectural features.
 - (C) Stairways, balconies and awning.
- 3. All side yard setbacks shall be measured from the building overhang and not the building wall.

8.090 PARKING REQUIREMENTS. See Article 25.

8.100 SIGN REGULATIONS. See Article 24.

8.110 SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 23.

ARTICLE 11-A (Ord.#25-2007-08/10/07)

"MHP" MANUFACTURED HOME PARK DISTRICT

....

SECTIONS:

11 A 010 D

11-A.010	Purpose and Intent
11-A.020	Permitted Uses
11-A.030	Conditional Uses
11-A.040	Site Plan Requirements
11-A.050	Development Standards For Manufactured Home Parks
11-A.060	Development Standards for Manufactured Home Lots
11-A.070	Grandfathered Manufactured Home Parks
11-A.075	Non-Conforming Manufactured Home Parks
11-A.080	Reserved

<u>11-A.010 PURPOSE AND INTENT</u>. The MHP Manufactured Home Park District is established for the purpose of providing residential environments within the County for the accommodation of Manufactured Homes within a Manufactured Home Park under one ownership, or one parcel designated as a Manufactured Home Park. Manufactured homes shall not be used for dwelling purposes, except in a manufactured home park as authorized in these regulations. Manufactured home parks are prohibited in any district other than those authorized in these regulations.

As a prerequisite to the development of a "MHP" a detailed site plan shall be prepared. A Development Agreement between the "Developer" and the County which shall spell out specifics as it relates to the project may also be required. In any district where a manufactured home is either a permitted or conditional use, the regulations and minimum standards shall apply as contained herein.

A manufactured home may be permitted by the County Administrator or his designated agent for purposes of temporary relief from a local disaster such as fire, wind, or flood damage, provided such manufactured home shall be removed as ordered by the County Administrator after the disaster.

The following definitions apply to this Article:

<u>Manufactured Home</u> - A factory built home or structure federally regulated by the HUD Code placed on a site upon a permanent foundation unless located in a manufactured home park which may be placed according to manufacturers specifications.

<u>Modular Home or Structure</u> – A home or structure modular in nature and may be partially or completely fabricated off site designed and constructed to the currently adopted building code of the city or county placed on a site upon a permanent foundation, to be used for residential, commercial, educational or industrial purposes.

Mobile Home or Structure – A factory built home or structure built prior to June 15, 1976.

<u>**11-A.020 PERMITTED USES IN THE MHP DISTRICT.</u>** The following uses and structures and no others are permitted in the Manufactured Home Park District:</u>

- 1. One (1) manufactured home per manufactured home lot.
- Manufactured homes located in an approved Manufactured Home Park (not transient trailer courts or recreational vehicle parks) used exclusively for single-family occupancy.
- 3. Park Offices and attendant/manager residence.
- 4. Recreation and service facilities (e.g. club house, storage rental units, swimming pool, Laundromat, storm shelters, sanitary facilities, maintenance buildings, etc.) for the occupants of the park.
- 5. Licensed Day Care Homes, Group Day Care Homes or Child Care Centers licensed by the State, schools, and Preschools.
- 6. Accessory structures such as garages, carports, greenhouses, storage buildings and similar structures which are customarily used in conjunction with and incidental to a principle use or structure.

<u>11-A.030 CONDITIONAL USES</u>

- 1. Transient trailers and RV's allowed with a minimum number of fifty (50) units all located within a centralized location on a site plan.
- 2. Manufactured Homes of model years 1976 to 1985 at the discretion of the Board of Zoning Appeals.

11-A.040 SITE PLAN REQUIREMENTS

- 1. Name and address of the owner.
- 2. Location and legal description of the Manufactured Home Park.
- 3. Topographic survey of the property with contour intervals of 2 feet, natural features and existing utilities identified, both on site and off site (within 100' of the boundaries of the project).

- 4. The area and dimensions of the tract of land proposed for the Manufactured Home Park.
- 5. The number, location and dimensions of all manufactured home lots, including proposed setbacks of manufactured homes from the Park's exterior property lines and setbacks on individual lots; location of riser pipes and other utilities.
- 6. The location and width of roadways and walkways.
- 7. The number, location and size of all parking stalls and parking areas.
- 8. Plans for emergency shelter facilities.
- 9. Plans for the water supply, refuse and sewage disposal facilities (include appropriate State Agency Approvals, i.e. KDHE, etc), electrical service and gas service.
- 10. Plans for controlling surface drainage to be approved by the County Engineer.
- 11. The location of recreation areas, storage areas, laundry areas, emergency shelter facility, sanitation facilities, and other facilities and/or service buildings common to the Manufactured Home Park.
- 12. The location and description of the lighting system.
- 13. Plans for screening through the use of fencing, the use of landscape material (organic and inorganic) and other landscape structures and features. The design of the park shall preserve natural features such as large trees, outcropping, etc., when feasible.
- 14. Submit a copy of property/park covenants and park rules.
- 15. Other information as provided herein and as may be requested by the Governing Body or the Area Planning Commission.
- 16. A complete site plan shall be prepared by a State of Kansas licensed architect or engineer to be submitted for approval by the Community Development Department, and/or Planning Commission.

11-A.050 DEVELOPMENT STANDARDS FOR MANUFACTURED HOME PARKS.

1. Community sewer or approved onsite sewage disposal and water systems are required as are other urban services all private on site water and sewer systems will be reviewed and approved by and to KDHE and the Environmental Code of Finney County. Adequate provision shall be made for public water supply, sanitary sewers, fire protection, and other necessary facilities to satisfy state and local codes, regulations, and specifications. All utilities for the park will be in platted easements.

- 2. Minimum Park Frontage: Three hundred (300) feet.
- 3. Maximum Density of Units per Gross Acre: Seven (7).
- 4. Minimum Number of Lots Completed and Ready for Occupancy Before First Occupancy is Permitted: Twenty (20) manufactured home lots.
- 5. Setbacks Adjacent to Public Streets: Thirty (30) feet.
- 6. Setbacks Adjacent to Private Streets within the Park: Fifteen (15) feet.
- 7. Access: To be designed for safe and convenient movement of traffic into and out of the park, with minimization of marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances or exits. No manufactured home shall have direct access to a public street.
- 8. Utilities: Landscaped utilities easements may be provided along the rear or front of each manufactured home lot. Easements shall be no less than ten (10) feet in width. No permanent structures shall be located within utility easements, and permitted structures shall be located so as not to impede the maintenance of underground facilities. Such utilities shall be underground. Streetlights shall be provided on all streets and may be overhead or low level, but must reflect onto the street.
- 9. Streets and Drainage: Internal collector streets shall have a minimum pavement width of twenty-eight (28) feet back-to-back of gutter. All streets in a manufactured home park shall be private and shall comply with applicable County pavement and drainage standards; an adequately engineered drainage plan is required. The County will adopt pavement standards for manufactured home parks.
- 10. Sidewalks shall be at least forty-eight (48") inches in width that lead from manufactured home spaces to service and recreational areas. Pedestrian walkways shall connect with walkways in surrounding recreational areas (picnic areas, playgrounds, ball fields).
- 11. Recreation Facilities: Five (5) percent of gross land area shall be developed for recreational purposes (picnic areas, playgrounds, ball fields), and such percentage shall not include setbacks, buffers, utilities easements or storage areas.
- 12. Storage Areas: While not required, storage areas may be provided for travel trailers, campers and boats; such equipment shall be permitted only in such areas, and the use of such storage areas is limited to park residents. Such storage areas shall not be visible

from streets or front setbacks and shall be buffered with a six (6) foot high, ten (10) foot wide planted area or a six (6) foot high structure in a five (5) foot wide planted area.

- 13. Buffers and Required Setbacks: All required setbacks shall be landscaped. Where the boundary of a mobile home park abuts a public street, there shall be provided a six (6') foot wall constructed of wood, vinyl, block, brick, stone or approved concrete wall design in addition to a landscaped area on the street side of the wall. This area shall be planted with a mixture of grass (or other approved cover material), trees, and shrubs to provide an attractive landscaped appearance. Where the boundaries of a manufactured home park do not abut on a public street, there shall be constructed a decorative six (6') foot high wall or fence of suitable materials along these boundaries, except where these boundaries abut a public park or dedicated open space in which case, suitable screening shall be accomplished by appropriate landscaping. The interior of the manufactured home park shall have adequate grass, trees, and shrubs to provide a dust-deterrent, shades, and park-like atmosphere.
- 14. Signs. One non-animated or non-flashing identification sign shall be allowed in conformance with state and local codes, ordinances, and specifications.
- 15. Except as hereinafter provided, it shall be unlawful for any person to park set up and /or reside in any individually sited manufactured homes on any street, alley, highway or other public place, or on any land whether owned by the person himself or by others, within Finney County which is not property zoned for manufactured homes.
- 16. No space shall be rented for residential use of a manufactured home in any park except for periods of thirty (30) days or more.
- 17. Storm Shelters. Further, each new manufactured home park may provide a storm shelter for the park residents or a storm shelter for each individual lot. The storm shelter shall be constructed to accommodate the population of the park, which is established as three (3) persons per household/manufactured home space, times four (4) square feet per person. The facility shall have adequate fresh air change during occupancy and be accessible to the park residents during all storm notices involving the emergency siren notification system or the emergency broadcast notification system where the citizens are instructed to take shelter.
- 18. Refuse Collection. Disposal systems may be used as approved by the Governing Body. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow. Larger containers with lids may be set in recreation areas or storage areas, and shall be properly screened from view.

19. <u>Management.</u> Each manufactured home park or non-conforming mobile home park shall be operated in a sanitary, orderly, and efficient manner, and shall maintain a neat appearance at all times. No damaged or deteriorated manufactured homes, or mobile homes shall be permitted to remain, and suitable and effective rules for regulating the outside storage of equipment, the removal of wheels and installation of skirting, the collection of trash and garbage, and the attachment of appurtenances to the manufactured homes shall be continually enforced by manufactured home park owners. All drives, playground areas and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the County. All portions of the manufactured home park shall be open and accessible to fire, law enforcement, and other emergency and protective vehicles and personnel, including county, state inspectors and utility meter readers.

11-A.060 DEVELOPMENT STANDARDS FOR MANUFACTURED HOME LOTS.

All home lots in manufactured home parks shall conform to the following standards:

- 1. Minimum Lot Size. Five thousand six hundred (5,600) square feet.
- 2. Minimum Lot Width. Fifty (50) feet.
- 3. There shall be no more than one (1) Manufactured Home per park space.
- 4. <u>Setbacks.</u> Manufactured homes shall be so located on each space such that there shall be clearance between manufactured homes; provided, however, that manufactured homes parked end-to-end, the end-to-end clearance may not be less than ten (10') feet. No manufactured home shall be located closer than ten (10') feet to any building or manufactured home within the park. No manufactured home shall be located closer to any property line of the park abutting upon a public street or highway than thirty (30') feet or such other distance as may be established by regulation as a front yard or setback requirement with respect to conventional buildings in the district in which the manufactured home park is located. On private streets, a manufactured home may be placed no closer than fifteen (15) feet from the front property line. In cases where no utility easement exists along the rear line of 2 adjoining lots situated end-to-end, the Manufactured homes may be set to the rear property line so long as they maintain an offset distance of ten (10) feet from each other. There shall be a minimum side yard setback of five (5) feet.
- 5. Off-Street Parking. There shall be provided at least two (2) off-street parking spaces to be located on the manufactured home space. There shall be no on street parking within the park except for moving trucks/vans, emergency vehicles or for temporary (15 minute) loading/unloading of vehicles. In addition, there shall be

provided 1 ½ visitors' off-street parking spaces for every five (5) manufactured homes. Visitor parking spaces shall be located within convenient walking distances to home spaces. (On street parking will need to be increased if visitor parking is eliminated).

- 6. Concrete Slab. Each lot shall have one (1) concrete slab for carport, patio use, or other approved accessory structure of no less than ten (10) feet by twenty (20) feet. Such slab is not required until after the manufactured home is in place.
- 7. Lot Identification: Each lot within the Manufactured Home Park shall be numbered in an orderly fashion and in a sequence and consistent manner throughout the Manufactured Home Park as approved by the County. The lot number and address shall be displayed on the lot and be visible at all times from the street, minimum size of lettering shall be six (6) inch.
- 8. Every manufactured home controlled by this regulation shall meet all installation requirements including but not limited to anchoring, foundation, tie-down and support requirements as per Kansas State law and/or Federal Law, or as required by local building code.
- 9. Alterations, additions, foundations, tie-downs and anchorage of manufactured homes which are affected by provisions herein, within, without, or to a park and facilities, shall be made only after application to the Building Official in conformity with all local, state, and federal regulations.
- 10. For new Manufactured Home Parks, the minimum number of lots required shall be twenty (20).
- 11. The maximum lot coverage shall be forty (40) percent.
- 12. A storm shelter may be provided by the park owner.
- 13. Every manufactured home within the park shall have skirting made of fire resistant material and matching the primary structure; or there shall be screening (landscaping or fencing) around the entire park.
- 14. All manufactured home parks shall be subject to annual inspections to confirm compliance with these regulations. (Manufactured homes and manufactured home parks are unlike single family or multi-family homes in residential districts due to their temporary nature and construction).

11-A.070 GRANDFATHERED MANUFACTURED HOME PARKS

1. All manufactured home parks existing prior to August 6, 2007 with a minimum number of four (4) manufactured home pad sites, with each site having separate existing and operable electric and gas meters shall be grandfathered as they exist so long as minimum health and life safety codes permit and any manufactured home replaced must be 1986 model year or newer (or according to title or registration). Improvements may be made on an annual basis that do not exceed \$25,000.00 or thirty percent (30%) of the value of the park, whichever is greater, without a Conditional Use Permit. Manufactured homes of like size or meeting the following setback requirements shall be replaced: minimum side to side clearance between manufactured units is no less than ten (10) feet; Minimum clearance of manufactured unit to front property line shall be no less than ten (10) feet. However no manufactured home park shall be expanded, enlarged or extended from its current condition in any way.

11-A.075 NONCONFORMING MANUFACTURED HOME PARKS

- Existing manufactured home parks which have not been grandfathered under Section 070 of these regulations and/or manufactured home parks that do not conform with these regulations and conditions shall be considered as nonconforming and shall be allowed to continue under the provisions as stated in Article 22, Section 22.080(B) "Nonconforming uses permitted to continue". A Manufactured home may be replaced, However no nonconforming mobile home park shall be expanded, enlarged, or extended or rearranged from its current condition in any way unless it is done in conformance of the standards of new manufactured home parks. This will include a detailed site plan prepared by a licensed architect or engineer with the State of Kansas. No manufactured home may be installed in a space which has been vacant for one (1) year. If a nonconforming mobile home park is discontinued the use of the land shall thereafter conform to a use permitted in the zone in which it is located.
- 2. Annual Inspection All Non-Conforming Manufactured Home Parks must undergo an annual audit by the inspection department to determine compliance with Article 11.070.
- 3. All other non-conforming issues as previously addressed and required must be adhered to.

All items listed above shall comply, where applicable, with all other rules and regulations governing any portion of the development of said Manufactured Home Park.

<u>11-A.080</u> (RESERVED)



RE:	Next Commission Meetings - Monday, 3/20/2017 and Monday, 4/3/2017
DATE:	March 6, 2017
FROM:	
THRU:	Randy Partington, County Administrator
TO:	County Commission

DISCUSSION:

The meetings in March are the 1st Monday and 3rd Monday. For 2018 budget presentations by outside agencies, the meetings will be the first 3 Mondays of May. *May 1st, 8th and 15th*

County departments and District Court will be scheduled for budget presentations on 1 of the first 3 Mondays in June. *June 5th, 12th and 19th*

RECOMMENDATION:

For Your Information