

# BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

## WEDNESDAY, SEPTEMBER 11, 2013

4:00 p.m.

### CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Updates to County meals policy (Sarah Plinsky/Jamie Shew)

### REGULAR AGENDA

- (2) Consider awarding bridge painting contract for Project No. 2013-14, Bridge Nos. 07.83N-17.50E and 19.00N-15.90E (Keith Browning); Backup to be provided at meeting.
- (3) Executive Session for the purpose of consultation with County Counselor on matters, which would be deemed, privileged under the attorney-client relationship. The justification is to maintain attorney client privilege on a matter involving Douglas County.
- (4) (a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments
  - (c) Public Comment
  - (d) Miscellaneous

### RECESS

### RECONVENE

6:35 p.m.

- (5) Public meeting for consideration of Agritourism Assembly over 100 person event scheduled for October 5, 2013, at KC Pumpkin Patch in Douglas County, 157 E 2300 Rd, Wellsville, KS. (Linda Finger)
- (6) Adjourn

## WEDNESDAY, SEPTEMBER 18, 2013- Possible Cancel

### WEDNESDAY, SEPTEMBER 25, 2013

-Consider Comprehensive Plan Amendment, CPA-13-00272, to Horizon 2020, Chapter 8-Transportation, to incorporate the Goals, Objectives and Strategies in the new T2040 Metropolitan Transportation Plan. *Initiated by City Commission on 6/11/13.* Adopt on first reading, Joint City Ordinance No. 8910/County Resolution, for Comprehensive Plan Amendment, CPA-13-00272, to Horizon 2020, Chapter 8-Transportation, to incorporate the Goals, Objectives and Strategies in the new T2040 Metropolitan Transportation Plan. (PC Item 3; approved 9-0 on 8/26/13) Todd Girdler will present the item.

-Consider Site Plan, SP-13-00328, for Dupont Pioneer Addition, located at 1451 N 1823 Road. Submitted by Paul Werner Architects, for RCH LLC, property owner of record. (Sandra Day will present the item)

### WEDNESDAY, OCTOBER 2, 2013

-4-H proclamation

**Note:** The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.



**JAMIE SHEW**  
**DOUGLAS COUNTY CLERK**  
1100 Massachusetts  
Lawrence, KS 66044

**Marni Penrod**-Chief Deputy Clerk  
**Benjamin Lampe**-Deputy Clerk Elections

TO: Douglas County Commissioners

FROM: Jamie Shew, Douglas County Clerk  
Sarah Plinsky, Assistant County Administrator

DATE: September 6, 2013

RE: Meals Policy

It has been a few years since the current business operations policies have been reviewed for consistency and compliance. The County Clerk and Administrative Service Departments have been working on a joint project to review and revise these policies with the consultation of County Department Heads.

We utilized business policies and practices from the State of Kansas, Johnson County, City of Lawrence, and other Kansas counties as reference points for best practices in Kansas. Additionally, we reviewed current IRS regulations to insure our policies are fully compliant and the County is properly accounting for and taxing benefits. There have been revisions in the tax code the past few years and it was important we update our policies to reflect those changes. Department Heads have also asked for clearly defined and consistent policies which are easily understood by both supervisors and employees.

The attached revised meal policy is the first of a number of administrative updates to the business practices which we will bring to the Commission over the next few months. These revisions will not only clean up any outstanding discrepancies and update our compliance with tax laws; they will provide employees clearly defined policies for consistent application across all County operations. Once completed, copies of these policies will be disseminated to all employees in a format that is easy to use and apply to their daily activities.

Please review these updates and we welcome any comments or concerns.

## Policy: Food and Meal Purchases

It is the ethical responsibility of every public servant to ensure that expenditures are in the interest of Douglas County, and are for legal, appropriate county business. We are entrusted by the citizens to be good stewards of their tax dollars. The purchase of food and/or meals for county employees should be in alignment with Federal guidelines.

## Procedure: Food and Meal Purchases

### Food purchases (meals/refreshments):

The Internal Revenue Service distinguishes between taxable and non-taxable meals.

### Food the county will purchase and is non-taxable:

Meals directly related to business meetings. When the employee is asked to represent the county at meetings of exempt organizations, chamber of commerce, trade or professional associations and the meal is related and necessary to the meeting.

Meals provided to employees to occasionally enable them to work overtime or “work through” an unusually busy time. This does not include routinely occurring overtime.

Meals consumed by the employee on a county related trip that requires an overnight stay, see more in the Overnight Travel Section/per diem.

Food or beverage that does not comprise a complete meal (i.e. light refreshments) provided for:

- inter-agency meetings involving non-County staff
- meetings where the public is expected to attend
- unusual and specifically authorized circumstances approved by the Chief Judge for District Court or County Administrator or Asst. County Administrator for other departments.

### Food the county will purchase, but the IRS considers a **taxable** benefit:

Meals purchased immediately before or after training in another city, but not requiring an overnight stay may be paid for by the county, if approved by the Department Head. However, this meal is a taxable benefit and will be accounted for by payroll.

In all above situations *except Overnight Travel*, employees may use the Pcard (see more information in Pcard section), or submit receipts for reimbursement. The maximum costs for meals purchased by the county are: **breakfast \$ 10, lunch \$15 and supper \$25**. Reimbursement will be limited to the lower of the amount actually expended or the maximum costs allowed. Overnight travel will use a per diem, not Pcard.

Food the county will **not** purchase: (If an unallowable charge is made to the Pcard. The amount will be withheld from the employee's wages.)

The county will not pay for alcohol.

The county will not pay for food costs above the stated maximums, breakfast: \$ 10, lunch \$15 and supper \$25.

The county will not purchase meals for non-county employees unless there is an appropriate work related reason to do so. (Food for witnesses, invited speakers, jurors are examples of appropriate work related reasons.)

The county will not pay for two employees to go out to lunch.

The county will not pay for a meal or light refreshments during a routine meeting held at meal time, during work hours.

The county will not pay for holiday, birthday, or seasonal meals.

*Meals provided to improve general morale or goodwill or to attract prospective employees, are not provided for a substantial non-compensatory reason and are taxable.  
Reg. 1. 119-1(a)(2) IRS, FSLG p45*

## Policy: Overnight Travel

Douglas County will pay for authorized expenditures incurred by County employees while traveling overnight as a function of their employment with Douglas County. The expenses must be consistent with this policy and the related procedures.

## Procedure: Overnight Travel

A per diem allowance will be paid for meals related to a business trip with an overnight stay. Lodging and transportation should be purchased with the Pcard, see below.

All overnight travel and per diem requests must be approved by the department head.

Vouchers for meals per diem must be turned in to Accounts Payable with adequate time to process before the trip. Vouchers turned in by Friday, will have checks available the following Thursday morning. **Include the date, time, place and business purpose** on the voucher.

No manual checks will be issued for per diems.

**Do not use your Pcard for meals, if you have received a per diem allowance.** If an employee receives a per diem and then by mistake uses the Pcard for a meal, the amount will be withheld from the employee's wages.

Per diem rates will follow the rates provided by the U.S. General Services Administration. Currently, the standard IRS meal per diem is \$46. Some metro areas in the U.S. have higher per diem rates. Use the link below.

[http://www.gsa.gov/portal/content/104877?utm\\_source=OGP&utm\\_medium=print-radio&utm\\_term=portal/category/21287&utm\\_campaign=shortcuts](http://www.gsa.gov/portal/content/104877?utm_source=OGP&utm_medium=print-radio&utm_term=portal/category/21287&utm_campaign=shortcuts) *See the Meals & Inc Exp box.*

Partial travel days will have prorated per diem dates.

100% Per-diem :	Travel begins before 7AM or at desired location.
75% Per-diem:	Travel begins before 11AM.
50% Per-diem:	Travel begins before 6PM.

If the overnight travel is cancelled or cut short for any reason, the amount of the remaining per diem will be deducted from the employee's wages.



**DOUGLAS COUNTY ZONING & CODES DEPARTMENT**  
**MEMORANDUM**

**TO:** Board of County Commissioners  
**SUBJECT:** KC Pumpkin Patch Agritourism Use – Assembly Over 100 People public meeting  
“Pick Your Own Pumpkin Event – October 5, 2013”  
**DATE:** September 3, 2013

**BACKGROUND:**

KC Pumpkin Patch is owned by Kirk and Julie Berggren. Their Agritourism use registration was submitted in July and approved for activities not including over 100 people on July 31<sup>st</sup>, 2013. This approval was voided after a follow up discussion with Julie Berggren regarding the registration form’s checkmark next to Yes for “...attendance anticipate to generate over 100 persons.” In staff’s review, it was thought that the “...over 100 persons” was misinterpreted based on the separate sheet for responses submitted with the registration form. After staff received clarification from the Berggren’s that they understood assembly use public hearings were only necessary for scheduled events that could have an attendance over 100 persons, the original approval was voided and the process for scheduling a public meeting date for County Commission action was followed. The Berggren’s anticipate they will hold several events throughout the year that may attract over 100 people and the first such event would be the several weekends prior to Halloween. The specific date submitted for the public hearing on assembly uses over 100 persons is Saturday, October 5<sup>th</sup>, 2013. Supplemental information was requested regarding the “assembly use” and this was submitted by email to staff. This supplemental information is attached to the Agritourism Registration Form that was submitted in July. This amended/supplemented Registration Form cannot be approved by staff until the County Commission has reviewed and approved the first event proposed for assembly of over 100 people per section 12-319-7.02.c.

**APPLICABLE REGULATIONS & INFORMATION SUBMITTED:**

Section 12-319-7 AGRITOURISM SUPPLEMENTAL REGULATIONS was amended into the Zoning Regulations in January 2013 with the adoption and publication of Resolution 13-2. The section of these regulations that applies to “assembly type uses for over 100 people” is 12-319-7.02.c. That section reads as follows:

- c. Assembly type uses such as weddings, receptions, fairs, or festivals, that may have an attendance of more than 100 persons require Board of County Commission approval prior to registration as an agritourism use through the following process:
  - 1) Information regarding the assembly type use shall be included with the registration form. The registration shall include, at a minimum, the following information:
    - a) The expected attendance,
    - b) Activities associated with the assembly use,
    - c) The number of assembly type events anticipated per year.
    - d) Where parking will be provided on site,

- e) Lighting location and type if assembly is to occur after dark,
  - f) Means to address health and sanitation at the site.
  - g) Information from the applicable fire department regarding access to the site/assembly use.
- 2) The County Zoning and Codes Office shall mail notice to all property owners within 1000 ft of the proposed use and the date and time the use will be considered by the Board of County Commissioners. For assembly type uses that will be located on an unpaved road, the Zoning and Codes Office shall mail notice to all property owners of residentially developed property on an unpaved road which would be considered the most direct route to the nearest hard-surfaced road. A 20 day notification period is required.
  - 3) The proposed use will be placed on the first available Board of County Commissioner's agenda following the notification period. The Commission will hold a public hearing on the proposed use at the time and place listed in the public notice.
  - 4) The Board of County Commissioners may impose conditions and restrictions in conjunction with approval of the assembly type use.
  - 5) With County Commission approval the assembly type use, up to the attendance noted on the registration form, may continue to occur as long as registered as an agritourism use with the State and the County.

In response to the additional information required to be submitted with the Registration Form for assembly type uses over 100 people, the following is a summary of the information submitted [the full application has been posted on the Douglas County Zoning & Codes website since September 3<sup>rd</sup>. ]

- a) The expected attendance – more than 100 people per day on the weekends of the 5<sup>th</sup> & 6<sup>th</sup>, 12<sup>th</sup> & 13<sup>th</sup>, and especially the 19<sup>th</sup> & 20<sup>th</sup>.
- b) Activities associated with the assembly use – “pick your own pumpkin”.
- c) The number of assembly type events anticipated per year. “12-15 per year”  
Where parking will be provided on site – the site plan indicates 804 parking spaces can be accommodated on the property, with 34 of these spaces being accessible parking spaces. Bus parking is also shown on the separate parking plan. The site plan submitted in July with the registration form indicates a smaller area would be provided for parking for this season to the north of the existing entry drive, with the pumpkin patch located to the south of the existing drive. No new entrance is proposed for the property.
- d) Lighting location and type if assembly is to occur after dark – The activity is only proposed during daylight hours. There is no proposed exterior lighting.
- e) Means to address health and sanitation at the site – Two ADA portable toilets will be provided for those in attendance. Additional portable toilets would be required (per Health Department review comments) for every additional 100 persons over 200 in attendance at one time on the site. Potable water will be available for purchase at the site. There will also be a container of ice water and paper cups for those who do not want to purchase a bottle of water.
- f) Information from the applicable fire department regarding access to the site/assembly use – Palmyra Township Fire department will service this site. Review comments have been requested from the Fire Chief and will be forwarded to the Commission when they have been received.

### **NOTICE AND SUPPLEMENTAL INFORMATION:**

In accordance with the Zoning Regulations, mailed notice of the proposed “Pick Your Own Pumpkin” assembly activity were mailed to property owners within 1000’ of Pinwheel Farms on August 16th, 2013. As these letters failed to include a location map of the proposed Agritourism Site, letters were re-mailed with location maps on Monday, August 19<sup>th</sup>. These mailing meet the minimum “20 days notice” requirement of the County Commission meeting to consider this Assembly Use request. [A copy of the notice is posted on the County’s re: [http://www.douglas-county.com/depts/zc/zc\\_home.aspx](http://www.douglas-county.com/depts/zc/zc_home.aspx) ].

### **Other Agency and Department Review Comments Received**

1. Palmyra Fire Dept. – No comment at this time.
2. Public Works Director Keith Browning – No Comment
3. Richard Ziesenis, Lawrence-Douglas County Health Dept. –  
If there are no permanent buildings which will need an approved water supply or approved septic system, we would require that the event have the following items on site:
  - a. One portable chemical toilet per 100 visitors – with at least one toilet being handicapped accessible – (if there will only be one toilet necessary then they would just need one handicapped accessible unit total).
  - b. A method for hand sanitizers – some toilets are already equipped with hand sanitizers, or they can use individual bottles as long as the sanitizer contains at least 62% alcohol (the alcohol content should be listed on the back of the bottles).
  - c. A source of approved drinking water – this is usually just any bottled water which can be found at most grocery stores.
  - d. An adequately sized receptacle for trash disposal (this is normally a trash dumpster) but could be household trash receptacles with trash bag liners, depending on the amount of trash volume expected to be generated).
4. Sandy Elliott, Palmyra Township Trustee – No comment
5. Kansas Dept. of Transportation – Comments pending

### **COMMISSION ACTIONS:**

The Commission has the authority under section 12-319-7.02.c. to impose conditions on the assembly use proposed and to limit the upper range for the assembly type use on the Registration Form Supplemental pages.



# DOUGLAS COUNTY AGRITOURISM REGISTRATION FORM

Zoning & Codes Department  
 2108 W 27<sup>th</sup> Street, Suite I, Lawrence, KS 66047  
 785.331.1343 | Fax: 785-331-1347 | [www.douglas-county.com/dents/zc/zc\\_home.asp](http://www.douglas-county.com/dents/zc/zc_home.asp)



Following registration of your agritourism use with the State of Kansas, please provide a copy of the approved State Agritourism Registration form with this completed County registration form to the Douglas County Zoning and Codes Department.

Office Use:  
 Registration No. AgT 2013-04

## SECTION A: Registration Name and Contact Information

Business Name <u>KC Pumpkin Patch</u>	Phone Number <u>(913) 484 6251</u>	Email Address <u>info@kcpumpkinpatch.com</u>	Website <u>Kcpumpkinpatch.com</u>
Physical Address of Agritourism Business <u>157 E. 2300 Road</u>	City <u>Wellsville</u>	State <u>KS</u>	Zip Code <u>66092</u>
Owner Name And Mailing Address <u>Kirk Berggren 11917 Gillette St. Op, KS 66213</u>			
Type of agritourism experience offered (please check all that apply):			
<input type="checkbox"/> Ranch vacation	<input type="checkbox"/> Horseback Riding	<input type="checkbox"/> Hunting/Fishing	<input type="checkbox"/> U-Pick Gardens
<input type="checkbox"/> Vineyards/Wineries	<input type="checkbox"/> Seasonal Events	<input type="checkbox"/> Farm Tours	<input type="checkbox"/> Education Vacations
<input type="checkbox"/> Farmers Markets/Product Sales	<input checked="" type="checkbox"/> Other <u>pumpkin patch</u>		
List services, activities, facilities and amenities provided: <u>see attached</u>			
Please give a detailed description of all agritourism experiences offered to your guests: (attach a separate page if additional space is needed) <u>see attached</u>			

## SECTION: B – Assembly Types of Uses [RE: Section 12-319-7.02c]

(Only complete this section if one or more of the uses proposed in Section A above and on your State Agritourism Permit include assembly type uses such as weddings, receptions, fairs, festivals, or similar attendance-generating uses.)

1. Is the attendance anticipated to be generated over 100 persons?

Yes  No

(If you answered No, please skip to SUPPLEMENTAL INFORMATION. If you answered Yes, please complete the following questions.)

2. Describe the activities associated with the assembly type use(s) listed in Section A.

pick your own pumpkin

3. Will the assembly use occur within an existing or new structure? Yes  No

(If you answered Yes, please check with the County Zoning & Codes Department regarding the sections of the Construction Code that will apply.)

4. What is the nearest paved road/ County Route to the agritourism property? Highway 33 (E. 2300 rd)

5. What driving route is proposed from the nearest paved road to the agritourism property? Are there any physical impediments to road access to the site e.g. steep slopes, sharp curves, minimum maintenance roads, one-lane bridges, etc ?

Off Hwy 33 (2300 road), relatively flat road. No bridges or obstructions.

6. How many assembly type events are anticipated per year? Month of October with 12-15 per year est

<u>Julia K. Bergman</u> Applicant's Signature	<u>July 15, 2013</u> Date
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**SECTION C-REGISTRATION CHECKLIST AND APPROVAL**

- Section A completed
- Section B completed
- Supplemental information attached
- Reviewed by Planning Director and Director of Zoning & Codes date: July 31, 2013
- Approval date July 31, 2013

REVIEW COMMENTS: (Comments that extend to a separate page are incorporated into approval)

Approval granted only for uses outlined in the 6/25/2013 Agri-tourism Certificate issued by the State of KS - bird watching, fishing, and a U-pick pumpkin patch during dates noted.

Approved: _____	Date _____
Director, Zoning & Codes Department	Director, Planning & Development

PLEASE NOTE THIS APPROVAL IS TIED TO THE STATE AGRITOURISM APPROVAL FOR THE SAME LOCATION & AGRITOURISM ACTIVITIES. THIS PERMIT IS NON-TRANSFERRABLE TO ANOTHER OPERATOR OR ANOTHER PROPERTY LOCATION.

EXPIRATION DATE: 5 YEARS FROM ISSUANCE OF STATE OF KANSAS AGRITOURISM PERMIT FOR THE ACTIVITIES STATED IN THE REGISTRATION FORM

\*Engaging in any activity not listed on the registration form will be considered a violation subject to the enforcement provisions of Section 12-329 of the County Zoning Regulations.

**RESOURCES and CONTACT INFORMATION**

Douglas County Zoning & Codes: (785) 331-1343 phone (785) 331-1347 fax  
[http://www.douglas-county.com/depts/ad/docs/pdf/ad\\_countycode\\_chapter12.pdf](http://www.douglas-county.com/depts/ad/docs/pdf/ad_countycode_chapter12.pdf)  
[http://www.douglas-county.com/depts/ad/docs/pdf/ad\\_countycode\\_chapter13.pdf](http://www.douglas-county.com/depts/ad/docs/pdf/ad_countycode_chapter13.pdf)

Douglas County Health Department: (785) 843-3060 phone (785) 843-3161 fax  
[http://www.kdheks.gov/nps/lepp/county\\_codes/douglascounty.pdf](http://www.kdheks.gov/nps/lepp/county_codes/douglascounty.pdf)

## SUPPLEMENTAL INFORMATION

### Other State and Local Regulations that Apply [RE:section12-319-7.02.a]

#### ACCESS:

1. Will a new road entrance be needed for the agritourism use? Yes  No   
(If you answered YES, depending on the road classification, you will need to contact the Township Trustee\*, Douglas County Public Works, or KDOT for a new entrance permit.)  
(A copy of the entrance permit will be required before the Agritourism use may be registered.)  
\*For Township Trustee contact information, please visit the following website:  
[http://www.douglas-county.com/local\\_govt/townships.aspx](http://www.douglas-county.com/local_govt/townships.aspx)
  
2. Will the access be from an approved private road that serves more than one property?  
Yes  No   
(If you answered YES, please provide a copy of the recorded access restriction agreement that supports your use of this road your proposed use.)

#### STATE AND FEDERALLY REGULATE LAND USE ISSUES [Floodplains, Stream Crossing & Wetlands]:

1. Will there be any building or other structure, mining, fill, dredging, grading, paving, excavation, drilling operations, storage of equipment or materials in the FEMA floodplain located on the property?  
Yes  No   
  
(If you answered YES, a floodplain development permit must be obtained from the County Zoning and Codes Office, 785-331-1343/ 2108 W 27<sup>th</sup> Street, Suite I, Lawrence KS, before the agritourism use can be registered. If grading is proposed in the floodplain a permit from KS Department of Agricultural may also be required before the local floodplain development permit can be issued.)
  
  2. Will the agritourism use require a new or improved stream or low water crossings?  
Yes  No   
(If you answered YES, a permit from KS Department of Agricultural is required before the agritourism use can be registered.)
- 

#### SITE DEVELOPMENT AND SANITARY CODE INFORMATION :

(Site planning and Conditional Use Permits do not apply to Agritourism uses, however, other site development regulations do apply, including building setbacks from property lines, off-street parking area location and designation, compliance with ADAAG provisions for accessibility and accessible parking spaces, "A" (Agricultural) zoning sign regulations, and screening of outdoor lighting requirements. Other county regulations that may apply are the: county construction codes, county sanitary code, county noise regulation and other sections of the County Code – such as fireworks, road entrance permits and burn permits.)

A scaled, aerial map of the agritourism property will be custom generated by County Zoning & Codes staff for each Agritourism applicant and Registration Form. Please provide the following information with approximate areas and/or dimensions on this map.

- A. ACTIVITY LOCATION – Provide approximate location and dimension of each activity proposed.
- B. STRUCTURES – Include only buildings to be used in the agritourism activities.
- Existing Building – What portion of the existing building is proposed to be used. Will there be a need for electrical, plumbing, or building addition to serve the agritourism use? Is the building proposed for lodging purposes (farm stay, bed & breakfast, or similar)
  - New Building – What are the dimensions of the proposed building and where will it be located on the property. Will there be electrical or plumbing in the new building? Is the building proposed for lodging purposes (farm stay, bed & breakfast, or similar)

PLEASE NOTE THE FOLLOWING BUILDING SETBACKS WILL APPLY.

The Base Setback Line is measured from the center of the abutting road(s). It includes both:  $\frac{1}{2}$  the road right-of-way and the front or side yard setback listed in section 12-318.

The side setback for an accessory building from an interior property line is 3' and the rear setback is 5'.

Example: From a township road with a LOCAL Road classification, the base setback line is 90' for a front yard or 60' from a side yard abutting a road. This is the closest a building can be located to a public road.

- C. PARKING – Provide approximate location and approximate number of parking spaces. Please indicate the aisle width that provides access to the spaces and if the circulation is proposed to be one-way or two-way. One accessible parking space is required for lots with 1-25 spaces. An additional accessible parking space is required for each additional 26-50, 51-75, and 76-100 spaces. Accessible spaces are required to be signed in accordance with ADAAG requirements.
- D. SANITARY CODE COMPLIANCE – Please provide the Director of Environmental Health at the County Health Department the proposed plan for sanitary facilities and provide with your Registration Form the Health Department's written approval of your proposed plan. If chemical toilets are to be used, please provide the location and number of toilets as well as the scheduled for maintenance of these facilities.
- E. OUTDOOR LIGHTING – If activities are proposed for before sunrise or after sunset please provide the location of proposed outdoor lighting, including information on the height of pole, light type and illumination (wattage).
- F. NOISE REGULATIONS – Please be aware when planning and scheduling your agritourism activities that Douglas County has adopted regulations governing the generation of noise that a reasonable person could consider to be a disturbance. For more information, please refer to Chapter VII, Article 2 of the County Code, which is at the following web address:  
[http://www.douglas-county.com/depts/ad/docs/pdf/ad\\_countycode\\_chapter7.pdf](http://www.douglas-county.com/depts/ad/docs/pdf/ad_countycode_chapter7.pdf)

## Douglas County Agritourism registration

### Information required with request form:

1. Expected attendance for the entire September through October time frame is 1,000 people. Highest over a 24 hour period will be 200.
2. Description of activities:
  - a. Location of activity is depicted on the site map
  - b. Only structure will be temporary tent used as sales area/rest area
  - c. 1 Portable toilet (HC assessable) will be on site. Serviced as required. Also there will be a portable hand washing station.
  - d. There is a hydrant located on the property. In addition, there will be water available for distribution to customers
  - e. No outdoor lighting will be necessary as the operations will only be during daylight hours.
  - f. Parking as depicted on site plan.
  - g. HC assessable parking will be located nearest to the driveway with signage depicting its location.
  - h. Ingress/Egress for all will be via existing driveway.
  - i. n/a
3. n/a
4. See attached statement
5. Dates of operation will be from September 14<sup>th</sup> through October 31<sup>st</sup>.



**DOUGLAS COUNTY ZONING & CODES DEPARTMENT**

2108 W 27<sup>th</sup> Street, Suite I

Lawrence, Ks 66047

Phone: 785.331.1343 Fax: 785.331.1347

**NOTICE OF PUBLIC ASSEMBLY REQUEST FOR GREATER THAN 100 ATTENDEES**

**Pumpkin Patch – U-Pick**

**Saturday, October 5th**

Dear Property Owner:

You are receiving this letter because of a planned Agritourism activity at the KC Pumpkin Patch [see map on reverse side] that is anticipated to attract more than 100 participants between 11 AM and 1 PM on Saturday, October 5<sup>th</sup>. The Assembly Activity Request is posted on the department’s website [see link below].

Agritourism activities are a recent addition to the permitted uses in the A (Agricultural) Zoning District, a zoning district for the unincorporated areas of Douglas County. In the County Commission’s recent amendment to the Zoning Regulations, a stipulation was placed on agritourism activities that would draw more than 100 people to a specific event. This stipulation is that the first such activity is presented at a public meeting to the County Commission and that notification of this activity be mailed to owners of property within 1000 feet of the Agritourism property.

The County Commission created this public meeting process to provide nearby property owners with an opportunity to present testimony in regard to the proposed Agritourism activity. Unlike other zoning uses that require public hearings or allow official protest petitions to be recorded, this is a public meeting to gather information – support and/or concerns – regarding the proposed Agritourism activity, in this case, the “u-pick, pumpkin picking activity”. The County Commission welcomes your comments in person or in writing prior to the scheduled public meeting. Information regarding the public meeting location, date and time are in the box below:

**Date & Time:** Wednesday, September 11<sup>th</sup>, after 6:35 pm

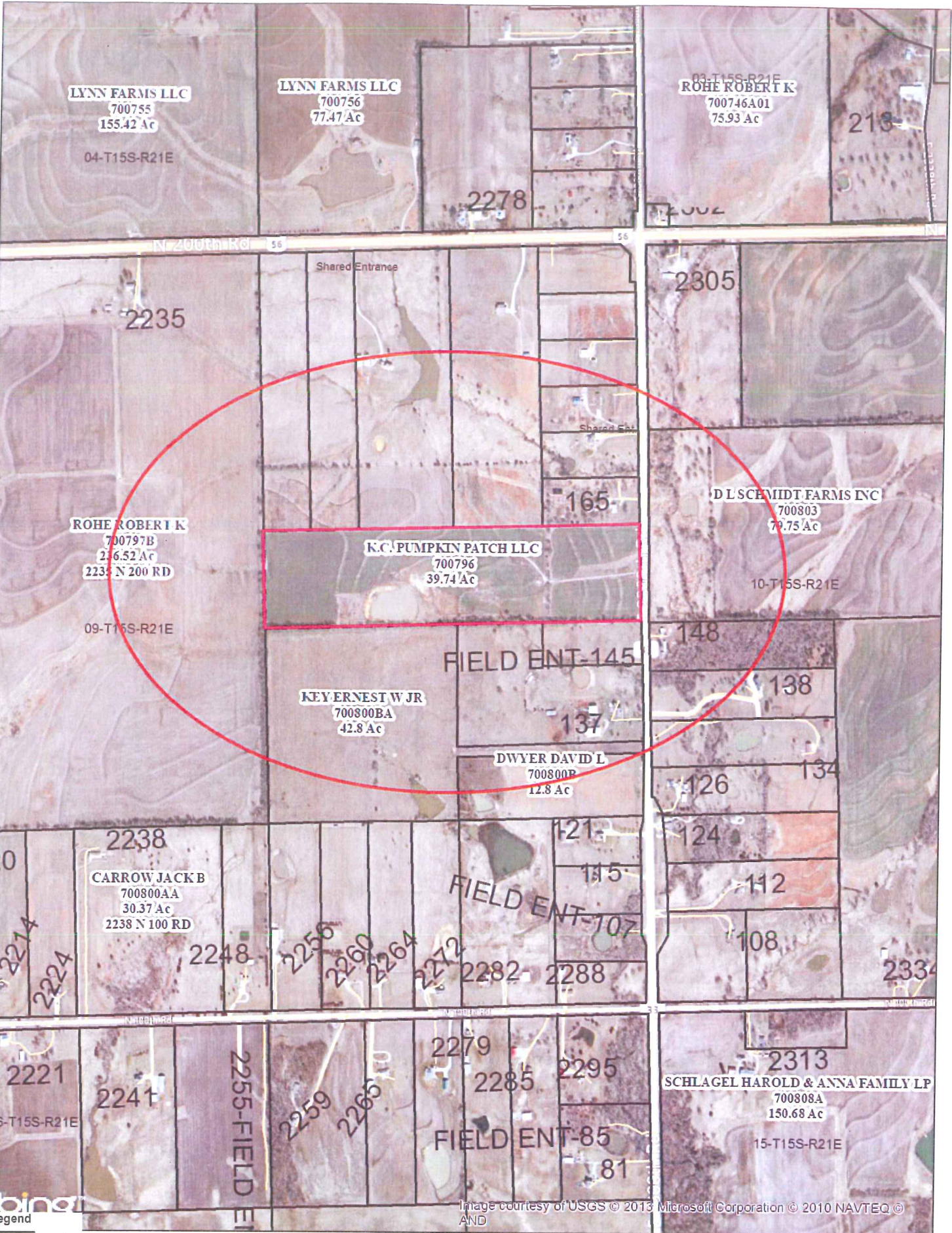
**Location:** Douglas County Courthouse,  
11<sup>th</sup> & Massachusetts Street, 2<sup>nd</sup> floor  
County Commission Room

**FOR ADDITIONAL INFORMATION PLEASE CONTACT:**

<b>K.C. Pumpkin Patch L.L.C [Applicant]:</b>	<b>Kirk Berggren , owner &amp; operator</b> <b>Phone:</b> 913-484-6251 <b>Email:</b> <a href="mailto:info@kcpumpkinpatch.com">info@kcpumpkinpatch.com</a> <b>Website:</b> <a href="http://www.kcpumpkinpatch.com">www.kcpumpkinpatch.com</a>
<b>ZONING &amp; CODES DEPT:</b>	<b>Phone:</b> 785-331-1343 or 331-1344 <b>Address:</b> 2108 W 27 <sup>th</sup> Street, Suite I <b>Website:</b> <a href="http://www.douglas-county.com/depts/zc/zc_home.aspx">http://www.douglas-county.com/depts/zc/zc_home.aspx</a>

Sincerely,

Linda M. Finger  
Interim Director, Douglas County Zoning & Codes



LYNN FARMS LLC  
700755  
155.42 Ac

LYNN FARMS LLC  
700756  
77.47 Ac

ROHE ROBERT K  
700746A01  
75.93 Ac

ROHE ROBERT K  
700797B  
216.52 Ac  
2235 N 200 RD

K.C. PUMPKIN PATCH LLC  
700796  
39.74 Ac

D L SCHEMIDT FARMS INC  
700803  
79.75 Ac

KEY ERNEST W JR  
700800BA  
42.8 Ac

DWYER DAVID L  
700800P  
12.8 Ac

CARROW JACK B  
700800AA  
30.37 Ac  
2238 N 100 RD

SCHLAGEL HAROLD & ANNA FAMILY LP  
700808A  
150.68 Ac

Legend  
parcels  
plssnum  
Driveways

KC Pumpkin Patch  
157 E 2300 Road  
Wellsville, KS 66092

1 inch = 833 feet



DISCLAIMER NOTICE - The map is provided as is without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, representability and fitness for or the appropriateness for use rests solely on the user. Google Earth makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.



**DOUGLAS COUNTY ZONING & CODES DEPARTMENT**

2108 W 27<sup>th</sup> Street, Suite I

Lawrence, Ks 66047

Phone: 785.331.1343 Fax: 785.331.1347

**NOTICE OF PUBLIC ASSEMBLY REQUEST FOR GREATER THAN 100 ATTENDEES**

**Pumpkin Patch – U-Pick**

**Saturday, October 5th**

Dear Property Owner:

You are receiving this letter because of a planned Agritourism activity at the KC Pumpkin Patch [see map on reverse side] that is anticipated to attract more than 100 participants between 11 AM and 1 PM on Saturday, October 5<sup>th</sup>. The Assembly Activity Request is posted on the department’s website [see link below].

Agritourism activities are a recent addition to the permitted uses in the A (Agricultural) Zoning District, a zoning district for the unincorporated areas of Douglas County. In the County Commission’s recent amendment to the Zoning Regulations, a stipulation was placed on agritourism activities that would draw more than 100 people to a specific event. This stipulation is that the first such activity is presented at a public meeting to the County Commission and that notification of this activity be mailed to owners of property within 1000 feet of the Agritourism property.

The County Commission created this public meeting process to provide nearby property owners with an opportunity to present testimony in regard to the proposed Agritourism activity. Unlike other zoning uses that require public hearings or allow official protest petitions to be recorded, this is a public meeting to gather information – support and/or concerns – regarding the proposed Agritourism activity, in this case, the “u-pick, pumpkin picking activity”. The County Commission welcomes your comments in person or in writing prior to the scheduled public meeting. Information regarding the public meeting location, date and time are in the box below:

<b>Date &amp; Time:</b>	Wednesday, September 11 <sup>th</sup> , after 6:35 pm
<b>Location:</b>	Douglas County Courthouse, 11 <sup>th</sup> & Massachusetts Street, 2 <sup>nd</sup> floor County Commission Room

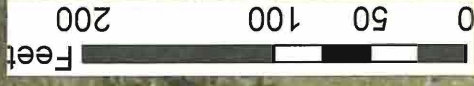
**FOR ADDITIONAL INFORMATION PLEASE CONTACT:**

<b>K.C. Pumpkin Patch L.L.C [Applicant]:</b>	<b>Kirk Berggren , owner &amp; operator</b> Phone: 913-484-6251 Email: <a href="mailto:info@kcpumpkinpatch.com">info@kcpumpkinpatch.com</a> Website: <a href="http://www.kcpumpkinpatch.com">www.kcpumpkinpatch.com</a>
<b>ZONING &amp; CODES DEPT:</b>	Phone: 785-331-1343 or 331-1344 Address: 2108 W 27 <sup>th</sup> Street, Suite I Website: <a href="http://www.douglas-county.com/depts/zc/zc_home.aspx">http://www.douglas-county.com/depts/zc/zc_home.aspx</a>

Sincerely,

Linda M. Finger  
Interim Director, Douglas County Zoning & Codes





673.11

E 2300th Rd 33

E 2300th Rd 33

Pumpkin Patch

Zacking

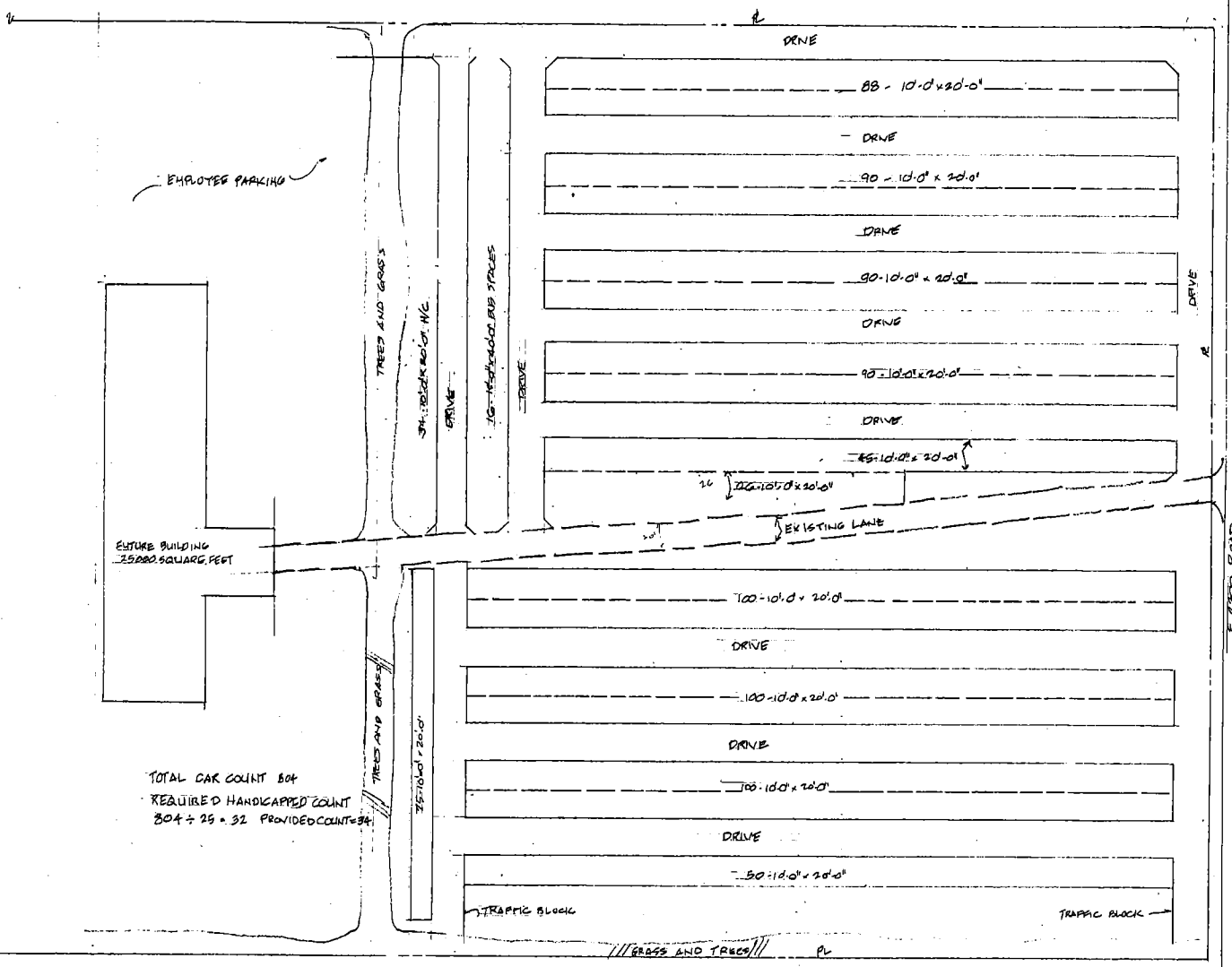
**Legend**

- AH - detailed study area
- AE - detailed study area
- A-Non-detailed study area
- FW-detailed study area

**FLD\_ZONE**

- 1% Annual Chance Floodplain

N



ESTURE BUILDING  
25,000 SQUARE FEET

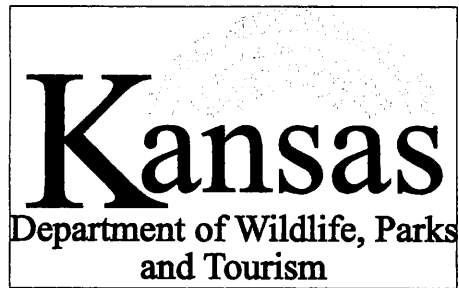
TOTAL CAR COUNT 304  
REQUIRED HANDICAPPED COUNT  
304 ÷ 25 = 32 PROVIDED COUNT 34

KC PUMPKIN PATCH

1" = 40' 6.7.2013

NORTH





Registration Number: 2013-0563

## Agritourism Registration Certificate

Date of Issuance: June 24, 2013

This certificate acknowledges that KC Pumpkin Patch, llc, owned by Kirk Berggren, located at 157<sup>th</sup> E 2300 Road, Wellsville, Kansas, is a registered Agritourism business with the Kansas Department of Wildlife, Parks & Tourism. This business is eligible for the limited liability as per K.S.A. 110-41-2, the Kansas Agritourism Promotion Act.

**Warning signage, as per K.S.A. 110-41-2, must be prominently posted at each agritourism location.**

This registration is valid for five (5) years from the above date of issuance.

A handwritten signature in cursive script, appearing to read "Robin Jennison".

Robin Jennison, Secretary of Kansas Dept. of Wildlife, Parks & Tourism

Date

6/25/2013

# Search

KC Pumpkin Patch

For more options try the [Advanced search](#)

## Search for "KC Pumpkin Patch" returned 2 matches

**Company Name:** KC Pumpkin Patch, llc

Address: 157th E. 2300 Road

City: Wellsville

State: KS

Zip: 66092

People: Kirk J Berggren

Email: [kbergg1159@everestkc.net](mailto:kbergg1159@everestkc.net)

Phone: 913 484 6251

Web: [www.kcpumpkinpatch.com](http://www.kcpumpkinpatch.com), [www.kcfearfarm.com](http://www.kcfearfarm.com)

Agritourism Experiences: KC Pumpkin Patch at Wellsville has bird watching and fishing and in the fall a U-Pick pumpkin patch

Company Description: KC Pumpkin Patch at Wellsville has bird watching and fishing. In the fall find your pumpkins at our U-Pick pumpkin patch.

## AD - Finger, Linda

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**From:** AD - Finger, Linda  
**Sent:** Monday, August 05, 2013 5:46 PM  
**To:** Julie Berggren  
**Subject:** Public Notice and Public Hearing date for Agritourism Assembly over 100

Hi Julie,

After a more detailed look at the form you submitted (based upon our conversation last week that you want a public hearing for an assembly activity) – and discussing with the City/County Planning Director your request for a public hearing– we noticed several pieces of information that are missing or incomplete that would make this process smoother:

- a specific date and activity description (*such as a wedding, grand opening reception, festival, fair*) for the assembly event ) is missing. A specific activity needs to be identified for our office to give public notice of it and to schedule a hearing date for consideration of this activity. It could be the grand opening of your new location or a particular date that you know there may be several school busses full of students in attendance at the pumpkin patch, etc. *[Please note that the “greater than 100 attendees” applies to a single event and not to a 24 hour count. If your intention is to claim that every day the pumpkin patch is open, you anticipate the possibility of attracting greater than 100 persons during a set period of time, please revised section B. 2 of the form to list the first day you are open as the assembly event date and add the time frame you anticipate more than 100 persons to be in attendance. ]*
- the location of accessible parking spaces (*The number of accessible parking spaces is based on the total number of spaces to be provided and the ratio is 1 accessible space for every 25 parking spaces provided.*) *[The site plan needs to be revised to show: the type of pavement surface, parking lot dimensions, the total number of parking spaces provided (For calculation purposes, perpendicular parking spaces have a minimum requirement of 18’ X 9’, which is 162 sq. feet of space per car) and parking aisles are 25’ wide to serve single or double bays of perpendicular parking spaces. For example, a lot that can hold 50 perpendicular parking spaces would cover an area approximately 225’ long by 43’ wide or 9, 675 sq ft. ), locations of accessible parking spaces, bus parking (if you anticipate this as a regular type of vehicle being served), and notes as to how accessible spaces will be signed and otherwise identified also need to be provided on the site plan or in the ancillary notes. Parking requirements can be found in Chapter 12, section 12-316 of the County Code. Here is a link to the Zoning Regulations that are online: [http://www.douglas-county.com/depts/zc/zc\\_home.aspx](http://www.douglas-county.com/depts/zc/zc_home.aspx) ]*
- the number of portable toilets to be provided for the event of more than 100 persons. Your notes indicate you will have one portable toilet on site. One toilet is not sufficient for an activity where over 100 persons are anticipated to attend. *[The County Health Department will review this plan and will be interested in how many portable toilets are provided. A minimum of one of the toilets provided will need to be an accessible portable toilet. They will also be interested in the highest attendance you anticipate at the event – not simply more than 100 persons – as their requirements are based upon the number of individuals in attendance.]*
- more information on how potable water will be provided is needed (*Will there be bottled water for purchase; large containers of water with paper cups, etc.*)*[This is also a Health Department requirement.]*

We talked about this coming up on the 28<sup>th</sup> of August but that date has changed. The change is not related to your activity, but rather to other scheduled Commission items the County Administrator’s secretary and I were unaware of earlier. The date I am working towards for your public hearing is September 11, (based on receiving a response back to this email by the 9<sup>th</sup>). There are several reasons the hearing date has been moved to the 11<sup>th</sup> of September:

1. I received a call from the County Administrator’s secretary this afternoon to let me know the 28<sup>th</sup> of August is the date all the planning items from the former month’s planning commission meeting will end up on the County Commission’s agenda. There is a particularly large and controversial sand

dredging CUP on the agenda that is likely to take the majority of the night. On such nights, the County Administrator has asked staff to keep items off the Commission's agenda, unless they are time-sensitive, and I didn't see this as a time-sensitive request.

2. The first meeting in September (4<sup>th</sup>), I am at a conference out of town and I have no one else that can attend the Commission meeting in my place. That is how we have arrived at September 11<sup>th</sup>.

If you are confused by anything in this email or concerned about any part of it please call me. My schedule was very full today and I didn't have the time to call, but I did want to get this information/ request to you as soon as possible. Please provide the information requested in the highlighted areas of the notice and revise the attached pages of your registration form, to reference the specific assembly event (& date) anticipated to draw greater than 100 attendees at one time. We post all application information on the County's website for public hearing "assembly uses" and your form needs to be as clear as possible regarding your request. Thank you.

**Linda M. Finger, AICP, CFM, RLA**

Interim Director, Douglas County Zoning & Codes Department

Planning Resource Coordinator

[lfinger@douglas-county.com](mailto:lfinger@douglas-county.com)

785.331.1343

785.331.1347

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