

2014

**CERTIFICATE**

To the Clerk of McPherson County, State of Kansas  
We, the undersigned, officers of  
Little Valley Township  
certify that: (1) the hearing mentioned in the attached publication was held;  
(2) after the Budget Hearing this budget was approved and adopted as the  
maximum expenditures for the various funds for the year 2014; and (3) the  
Amount(s) of 2013 Ad Valorem Tax are within statutory limitations for the 2014 Budget.

			2014 Adopted Budget		
Table of Contents:		Page No.	Expenditure	Amount of 2013 Ad Valorem Tax	County Clerk's Use Only
Computation to Determine Limit for 2014		2			
Alloc of MVT, RVT, 16/20M Vehicles & Sli		3			
Schedule of Transfers		4			
Statement of Indebt. & Lease/Purchase					
Fund		K.S.A.			
General	79-1962	5	2,972	0	
Debt Service	10-113				
Road	68-518c	6	148,000	121,101	
Non-Budgeted Funds					
Special Machinery		6			
<b>Totals</b>		xxxxxx	150,972	121,101	
Budget Summary		7			
Neighborhood Revitalization Rebate			Is a Resolution required?	Yes	
Resolution		8			
Final Assessed Valuation:	County Clerk's Use Only				
Township					

November 1st Valuation

Assisted by:  
Rick Witte, County Administrator  
McPherson County  
Address:  
PO Box 646  
McPherson, KS 67460

*David Mordene* Treasurer  
*Dean Regan* Clerk

Attest: \_\_\_\_\_ 2013

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Governing Body

Special Road Election held \_\_\_\_\_ for \_\_\_ Mills for \_\_\_ years.  
First levy in \_\_\_\_\_.

Salaries and Wages: Please report here the total amount of salaries and wages paid in 2012 by the township to all employees, full and part-time. This figure may be taken from the 2012 W-3 form that your township filed with the IRS.  
\$ \_\_\_\_\_

Little Valley Township

2014

**Computation to Determine Limit for 2014**

		<b>Amount of Levy</b>
1. Total Tax Levy Amount in 2013		+ \$ <u>113,814</u>
2. Debt Service Levy in 2013		- \$ <u>0</u>
3. <b>Tax Levy Excluding Debt Service</b>		<u>\$ 113,814</u>
<b>2013 Valuation Information for Valuation Adjustments:</b>		
4. <b>New Improvements for 2013:</b>	+ <u>29,921</u>	
5. <b>Increase in Personal Property for 2013:</b>		
5a. Personal Property 2013	+ <u>225,871</u>	
5b. Personal Property 2012	- <u>247,276</u>	
5c. Increase in Personal Property (5a minus 5b)	+ <u>0</u>	
		(Use Only if > 0)
6. <b>Valuation of Property that Changed in Use during 2013:</b>	+ <u>239</u>	
7. <b>Total Valuation Adjustment (Sum of 4, 5c, 6)</b>	<u>30,160</u>	
8. Total Estimated Valuation July 1, 2013	<u>7,402,933</u>	
9. <b>Total Valuation less Valuation Adjustment (8 minus 7)</b>	<u>7,372,773</u>	
10. Factor for Increase (7 divided by 9)	<u>0.00409</u>	
11. Amount of Increase (10 times 3)		+ \$ <u>466</u>
12. <b>Maximum Tax Levy, excluding debt service, without Resolution (3 plus 11)</b>		\$ <u><u>114,280</u></u>
13. <b>Debt Service Levy in this 2014</b>		<u>0</u>
14. <b>Maximum levy, including debt service, without a Resolution (12 plus 13)</b>		<u><u>114,280</u></u>

If the 2014 budget includes tax levies exceeding the total on line 14, you must adopt a resolution to exceed this limit and attach a copy to this budget.

Little Valley Township

2014

**Allocation of Motor, Recreational, and 16/20M Vehicle Tax and Slider**

2013 Budgeted Funds	Budget Tax Levy Amount for 2012	Allocation for Year 2014			
		MVT	RVT	16/20M Veh	Slider
General	0	0	0	0	0
Debt Service	0	0	0	0	0
Road	113,814	9,721	429	914	0
	0	0	0	0	0
	0	0	0	0	0
	0	0	0	0	0
	0	0	0	0	0
	0	0	0	0	0
	0	0	0	0	0
<b>Total</b>	<b>113,814</b>	<b>9,721</b>	<b>429</b>	<b>914</b>	<b>0</b>

County Treasurer's Motor Vehicle Estimate 9,721

County Treasurer's Recreational Vehicle Estimate 429

County Treasurer's 16/20M Vehicle Estimate 914

County Treasurer's Slider Estimate 0

Motor Vehicle Factor 0.08541

Recreational Vehicle Factor 0.00377

16/20M Vehicle Factor 0.00803

Slider Factor 0.00000



2014

Little Valley Township  
FUND PAGE - GENERAL

Adopted Budget General	Prior Year Actual 2012	Current Year Estimate 2013	Proposed Budget Year 2014
Unencumbered Cash Balance January 1	1,311	329	416
Receipts:			
Ad Valorem Tax		0	xxxxxxxxxxxxxxxxxxxx
Delinquent Tax			0
Motor Vehicle Tax			0
Recreational Vehicle Tax			0
16/20 M Vehicle Tax			0
LAVTR			0
Slider			0
Gross Earnings (Intangibles) Tax	1,589	2,300	2,556
Interest on Idle Funds			
Miscellaneous	0		
Does miscellaneous exceed 10% of Total Receipts			
<b>Total Receipts</b>	<b>1,589</b>	<b>2,300</b>	<b>2,556</b>
<b>Resources Available:</b>	<b>2,900</b>	<b>2,629</b>	<b>2,972</b>
Expenditures:			
Officers Pay	884	1,900	1,900
Salaries & Wages	975	0	900
Employee Benefits	0		
Supplies	564	313	172
Equipment			
Buildings Maintenance			
Insurance	148		
Transfer to Spec. Mach.(No Levy)			
Does the General Fund have a tax levy			
Transfer to Spec. Mach.(Gen has Levy)			
The transfer can not exceed 25% of Resouces Availabl			
Neighborhood Revitalization Rebate			
Miscellaneous			
Does miscellaneous exceed 10% of Total Expenditures			
<b>Total Expenditures</b>	<b>2,571</b>	<b>2,213</b>	<b>2,972</b>
Unencumbered Cash Balance Dec 31	329	416	xxxxxxxxxxxxxxxxxxxx
2012/2013 Budget Authority Amount:	2,213	2,213	Non-Appr Bal
<b>See Tab A</b>			Tot Exp/Non-Appr Bal
			Tax Required
			Del Comp Rate: 2.000%
			Amount of 2013 Ad Valorem Tax

2014

Little Valley Township  
FUND PAGE - ROAD AND SPECIAL MACHINERY  
Adopted Budget

Road	Prior Year Actual 2012	Current Year Estimate 2013	Proposed Budget Year 2014
Unencumbered Cash Balance January 1	4,617	11,166	14,310
<b>Receipts:</b>			
Ad Valorem Tax	108,858	113,814	xxxxxxxxxxxxxxxxxxx
Delinquent Tax	1,988	1,000	
Motor Vehicle Tax	9,573	9,767	9,721
Recreational Vehicle Tax	407	350	429
16/20M Vehicle Tax	911	803	914
Slider	0		0
Special Highway/Gasoline Tax	2,685	4,510	3,500
Ins Refund	2,185		
Interest on Idle Funds	594	400	400
Miscellaneous	0		
Does miscellaneous exceed 10% of Total Receipts			
<b>Total Receipts</b>	<b>127,201</b>	<b>130,644</b>	<b>14,964</b>
<b>Resources Available:</b>	<b>131,818</b>	<b>141,810</b>	<b>29,274</b>
<b>Expenditures:</b>			
Officers Pay	2,866	2,000	2,000
Salaries & Wages	12,806	13,000	13,000
Employee Benefits		2,900	2,900
Road Maintenance	14,889	20,000	25,000
Road Materials	33,571	36,000	31,000
Equipment	15,915	44,000	0
Insurance	8,805	9,600	9,600
Building			64,500
Transfer to Special Machinery	31,800		
Does the transfer exceed 25% of Resources Available			
Neighborhood Revitalization Rebate			
Miscellaneous			
Does miscellaneous exceed 10% of Total Expenditures			
<b>Total Expenditures</b>	<b>120,652</b>	<b>127,500</b>	<b>148,000</b>
Unencumbered Cash Balance Dec 31	11,166	14,310	xxxxxxxxxxxxxxxxxxx
2012/2013 Budget Authority Amount:	126,000	127,500	
		Non-Appr Bal	
		Tot Exp/Non-Appr Bal	148,000
		Tax Required	118,726
		Del Comp Rate: 2.000%	2,375
		Amount of 2013 Ad Valorem Tax	121,101

Special Machinery K.S.A. 68-141g	2012 Actual
Unencumbered Cash Balance, Jan 1	116,795
Transfers from:	
Road Fund	31,800
General Fund(No Levy)	0
General Fund(Gen has Levy)	0
Sale of Truck	7,838
Interest on Idle Funds	
Other	
<b>Resources Available:</b>	<b>156,433</b>
<b>Total Expenditures</b>	<b>57,500</b>
<b>Unencumbered Cash Balance, Dec 31</b>	<b>98,933</b>

**NOTICE OF BUDGET HEARING**

2014

The governing body of  
Little Valley Township  
McPherson County

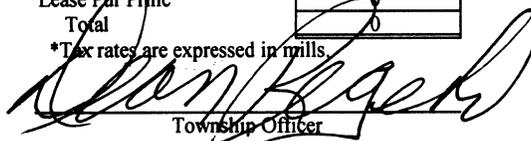
will meet on August 15, 2013 at 8:45 p.m. at 50 Arapaho Rd, Inman, KS for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax. Detailed budget information is available at 50 Arapaho Rd, Inman, KS and will be available at this hearing.

**BUDGET SUMMARY**

Proposed Budget 2014 Expenditures and Amount of 2013 Ad Valorem Tax establish the maximum limits of the 2014 budget. Estimated Tax Rate is subject to change depending on the final assessed valuation.

Fund	Prior Year Actual 2012		Current Year Estimate 2013		Proposed Budget 2014		
	Expenditures	Actual Tax Rate*	Expenditures	Actual Tax Rate*	Expenditures	Amount of 2013 Ad Valorem Tax	Est. Tax Rate*
General	2,571		2,213		2,972		
Debt Service							
Road	120,652	16.388	127,500	16.338	148,000	121,101	16.359
<b>Non-Budgeted Funds</b>							
Special Machinery	57,500						
Totals	180,723	16.388	129,713	16.338	150,972	121,101	16.359
Less: Transfers	31,800		0		0		
Net Expenditure	148,923		129,713		150,972		
Total Tax Levied	108,262		113,814		xxxxxxxxxxxxxxx		
Assessed Valuation:							
Township	6,606,362		6,966,518		7,402,933		
Outstanding Indebtedness,							
Jan 1	2011		2012		2013		
G.O. Bonds	0		0		0		
Other	0		0		0		
Lease Ppr Princ	0		0		0		
Total	0		0		0		

\*Tax rates are expressed in mills.

  
Township Officer

TOWNSHIP RESOLUTION

RESOLUTION NO. 2013 - 1

A resolution expressing the property taxation policy of the Board of Little Valley Township with respect to financing the 2014 annual budget for Little Valley Township, McPherson County, Kansas.

Whereas, K.S.A. 79-2925b provides that a resolution be adopted if property taxes levied to finance the 2014 Little Valley Township budget exceed the amount levied to finance the 2013 Little Valley Township Township budget, except with regard to revenue produced and attributable to the taxation of 1) new improvements to real property; 2) increased personal property valuation, valuation of oil and gas leaseholds and mobile homes; and 3) property which has changed in use during the past year, or with regard to revenue produced for the purpose of repaying the principal of and interest upon bonded indebtedness, temporary notes, or no-fund warrants; and

Whereas, budgeting, taxing and service level decisions for all township services are the responsibility of the township board; and

Whereas, Little Valley Township provides essential services to protect the safety and well being of the citizens of the township; and

Whereas, the cost of provision of these services continues to increase.

NOW, THEREFORE, BE IT RESOLVED by the Board of Little Valley Township of McPherson County, Kansas that it is our desire to notify the public of increased property taxes to finance the 2014 Little Valley Township budget as defined above.

Adopted this 15 day of August, 2013 by the Little Valley Township Board, McPherson County, Kansas.

Little Valley Township Board

\_\_\_\_\_  
, Trustee  
*David M. Masters*  
\_\_\_\_\_  
, Treasurer  
*Dean Begeh*  
\_\_\_\_\_  
, Clerk

(Attach a signed copy to the budget)

Page No. 8

**AFFIDAVIT OF PUBLICATION**

**STATE OF KANSAS, McPHERSON COUNTY, ss:**

Joni Regnier, being first duly sworn, deposes and says:  
That she is Advertising Director of:

**The McPherson Sentinel**

301 S. Main, P.O. Box 926, McPherson, KS 67460

a daily newspaper printed in the State of Kansas, and published in and of general circulation in McPherson County, Kansas, with a general paid circulation on a daily basis in McPherson County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of McPherson in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said

newspaper for 1 consecutive weeks, the  
(week, days)

first publication thereof being made as aforesaid on

the 20th day of February, 2013, with subsequent publications being made on the following dates:

\_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_

Joni Regnier  
Advertising Director

Subscribed and sworn to before me this 20th day of

February, 2013.

Veronica S. Rome  
Notary Public

Printer's fee \$ 32.55

Additional copies \$ \_\_\_\_\_

**LEGAL PUBLICATION**  
OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on March 18, 2013 the McPherson County Planning Board will consider the following requests for a Special Use at 7:00 p.m. in the 5th floor meeting room of the Bank Building located at 122 West Marlin Street in McPherson, Kansas.

Case Numbers SU2013-01: Little Valley Township is requesting a Special Use for a township building for the storage of machinery, equipment, materials and temporary aggregate stockpiles in the A-1, Agriculture District.

Legal Description: A portion of the Northeast ¼ of Section 3 Township 21 South, Range 5 West. (Complete legal descriptions are available for public inspection which is on file with the Zoning Administrator).

General Location: Southeast of the intersection of 4th Avenue and Chisholm.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the cases, the Planning Board may close the hearing and consider a recommendation to the County Commission. If the Special Use is approved under the County Zoning Regulations, conditions could be placed as additional requirements to make such use compatible to the neighborhood. The public hearings may be recessed and continued from time to time without further notice.

DATED this 15th day of February, 2013.

Kenneth Cook  
Secretary  
McPherson County Planning Board

Published in the McPherson Sentinel  
Wednesday, February 20, 2013 (396)

10-18-2016

**OFFICIAL NOTICE OF ZONING HEARING**

**NOTICE IS HEREBY GIVEN** that on **March 18, 2013** the McPherson County Planning Board will consider the following requests for a Special Use at **7:00 p.m. in the 5<sup>th</sup> floor meeting room of the Bank Building located at 122 West Marlin Street in McPherson, Kansas.**

**Case Numbers SU2013-01:** Little Valley Township is requesting a Special Use for a township building for the storage of machinery, equipment, materials and temporary aggregate stockpiles in the A-1, Agriculture District.

**Legal Description:** A portion of the Northeast  $\frac{1}{4}$  of Section 3 Township 21 South, Range 5 West. (Complete legal descriptions are available for public inspection which is on file with the Zoning Administrator).

**General Location:** Southeast of the intersection of 4<sup>th</sup> Avenue and Chisholm.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the cases, the Planning Board may close the hearing and consider a recommendation to the County Commission. If the Special Use is approved under the County Zoning Regulations, conditions could be placed as additional requirements to make such use compatible to the neighborhood. The public hearings may be recessed and continued from time to time without further notice.

If you have any question prior to the hearing please call me at (620) 241-2288 and refer to the above case number. Additional information on this case can be found at the following website: <http://www.mcphersoncountyks.us/index.aspx?nid=343>

Cc: Applicant

  
\_\_\_\_\_  
**Kenneth A. Cook, CFM**  
Planning & Zoning Administrator



March 5, 2013

**Preliminary Special Use Report**

Prepared by:  
Kenneth A. Cook  
Planning & Zoning Administrator

**For McPherson County  
Planning and Zoning Board**

Planning & Zoning  
Department

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**CASE NUMBER:** SU2013-01  
**APPLICANT/OWNER:** Little Valley Township  
**REQUEST:** Special Use  
**PROPOSED USE:** Township Building & Yard  
**SITE SIZE:** 2.3 acres  
**LOCATION:** Southeast of the intersection of 4<sup>th</sup> Avenue and Chisholm Rd.  
**ZONING & LAND USE:**

	ZONING	LAND USE	USER/OWNER
SITE	A-1, Agriculture District	Road ROW	Little Valley Township
NORTH	A-1, Agriculture District	Agriculture Residential	Wiens, Max A Hitz, Jarod
SOUTH	A-1, Agriculture District	Agriculture	Schroeder, Arlyss W & Letha M
EAST	A-1, Agriculture District	Agriculture	Ensz, Norman & Pearl Family Trust
WEST	A-1, Agriculture District	Agriculture	Schroeder, Arlyss W & Letha M

**LEGAL DESCRIPTION:**

A parcel in the Northeast Quarter of Section 3, Township 21 South, Range 5 West of the Sixth Principal Meridian Described as follows: Commencing at the Northeast Corner of said Section 3, the point of beginning; thence South 00°25'20" East along the East Section Line of said Section 3, 708.24 feet; thence along a curve concave to the right, 620.54 feet, Radius 1,730.00 feet, Delta = 33°35'12", (Long Cord for curve = North 24°01'18" West, 617.38 feet); thence North 34°00'28" West, 177.20 feet; thence South 89°34'20" East, 345.22 feet to the point of beginning. Said parcel contains 2.3 acres.

**PUBLIC HEARING DATE AND LOCATION:** March 18, 2013 at 7:00 pm in the 5th floor meeting room of the Bank Building at 122 West Marlin Street in McPherson, Kansas.

**Note: All property owners within one-half mile were notified of this public hearing as required by Article 11-D-1, Notice of Hearing in the McPherson County Zoning Regulations.**

**Notice to Property Owners sent via first class mail February 15, 2013. Published in *The Sentinel* on February 20, 2013.**

### **HISTORY**

Little Valley Township approached McPherson County about the possibility of using a property that is currently considered excess ROW for the construction of a township building. The subject property is located at a correction line and so there is an offset in the alignment of the sections. This requires 4<sup>th</sup> Avenue to curve at this location. The county recently upgraded 4<sup>th</sup> Avenue and made these curves more gradual. This adjustment has provided additional ground on the east side of 4<sup>th</sup> Avenue South of Chisholm Rd. McPherson County also owns the tract located to the Northwest of the intersection for the stockpiling of material and storage of equipment. It had been planned that the subject property would go through the vacation process while it is now my opinion that the subject property will require platting.

### **BACKGROUND**

Little Valley Township is proposing to use the subject property to: construct a building for the storage of machinery; aggregate stockpile; and for the possible storage of other material the township uses to maintain township roads (culverts, snow plow, etc.). The A-1 District specifies that "Public buildings erected on land used by any agency of a city, a township, the County or state government" is a special Use.

Staff's primary concern is in regards to the storage of material outside of the structure, especially within view of adjacent dwellings (primarily the property to the Northeast) and from the county and township roads. The Township has proposed placing the structure as far to the North and East as possible and the site plan submitted shows the material and equipment primarily being stored to the South/Southeast of the structure. Staff understands that other portions of this site may also be used for more temporary storage of aggregate/material. Care will need to be taken to make sure that any material stored on the property does not affect the vision of drivers. Another concern is that the site be maintained in a neat condition and that the storage of used, scrap, trash or other similar material (such as used/damaged culvert pipes) not be allowed or that it be screened from public view.

According to K.S.A. 80-104, a "township board may acquire, either by purchase or by lease, not to exceed 10 acres of land for the township." Purchase of additional ground beyond 10 acres would require a township to get approval through submitting the question to a vote of the electors of the township. According to county appraiser's records, it would appear that Little Valley Township does not currently own any other property. With the subject property only containing 2.3 acres, it would appear that no vote would be required. While Little Valley Township appears to have the authority to purchase land not exceeding 10 acres in size without requiring a vote of the electors of the township, the construction of a building does not appear to fall under this exemption. Staff suggests that any approval of the request be conditioned upon the compliance with K.S.A. 80-104 within a certain time period, such as 2 years.

80-104. Buildings and sites; election; exceptions; issuance of bonds. (a) In addition to all other powers, the township board of each township shall have power to acquire land for the township, and to build thereon permanent buildings, or to purchase school building or grounds or both the building and grounds the same to be used for public purposes, such as meetings relating to township business, political gatherings, township fairs, entertainments, whether for free use or for hire and profit, at which an admission price may be charged, and such other meetings as may be authorized by the township board. The board may join with any corporation, association, society or lodge in the construction or purchase of such building, upon such terms and conditions as may be agreed upon by the board and corporation, association, society or lodge. If such building is so

constructed or purchased it shall be for the joint use of the township and the corporation, association, society or lodge joining in the construction or purchase thereof upon such terms and conditions as are mutually agreed upon. Except as provided by subsection (b), the board shall not acquire any land or erect buildings thereon or purchase such schoolhouse or appropriate any of the moneys of the township or levy any tax therefor without first submitting the question to a vote of the electors of the township. Such election shall be governed by and the returns thereof made in accordance with the laws governing the election of township officers. Funds authorized by such election may be used in the joint construction or purchase of a building as herein provided.

(b) The township board may acquire, either by purchase or by lease, not to exceed 10 acres of land for the township. The cost of such land may be paid out of the general fund of the township or from the general road fund of the township, or from either or both of the funds.

The township board may accept land in the form of a gift, donation or devise without first submitting the question to a vote of the electors of the county.

(c) Whenever any township is authorized by virtue of an election to construct or purchase township buildings, general obligation bonds may be issued for such purpose in accordance with the provisions of the general bond law.

### **FACTORS AND FINDINGS**

Following are the factors upon which the Planning Board should base their recommendation. Of the factors considered as relevant to the requested special use, not all factors need to be given equal consideration by the Board in deciding upon its recommendation. Staff's comments follow each of the factors in italics.

1. What is the character of the subject property and the surrounding neighborhood in relation to existing uses and their condition?

*The existing property is currently considered excess right-of-way and is mowed/hayed. The surrounding neighborhood is used primarily for agricultural uses while there are a number of rural dwelling sites located in the area.*

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the request?

*The current zoning of the subject property and surrounding properties are A-1, Agriculture District.*

3. Is the length of time the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

*No.*

4. Would the request correct an error in the application of these regulations?

*No.*

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

*There are not specific conditions which are causing the request. Little Valley Township has been searching for a property on which they could build a structure for the storage of their equipment. Following the realignment for 4<sup>th</sup> Avenue the subject property would appear to work for their needs.*

6. Do adequate sewage disposal and water supply and all necessary utility facilities, including road or street access, exist or can they be provided to serve the uses that would be permitted on the subject property?

*It appears that all necessary utility facilities exist. It is not know if the township plans to put a bathroom in the facility. If a bathroom will be located in the facility, the township will need to work with the County Sanitarian to locate a sanitation system. Such a system will need to be located so as to not be impacted by the storage of material or in areas where trucks and equipment will be driven. It should be noted that a power line runs north along the existing eastern right-of-way of 4<sup>th</sup> Avenue and then turns west along the South edge of the extension of the normal right-of-way for Chisholm Rd. A Rice County Rural Water District #1 water line also appears to run along south edge of the extension of the normal right-of-way for Chisholm. Staff would suggest that a subdivision plat show the location and extent of any easements for existing utilities.*

**7. Would the subject property need to be platted or replatted or in-lieu-of dedications made for the rights-of-way, easements, access control or building setback lines?**

*It has been my determination that platting would be required. While it would appear that the vacation of the ROW would actually create a new parcel, upon research into a number of State of Kansas Attorney General Opinions the following was found:*

*Ownership interests in relation to a section line road are, therefore, quite clear in this state. The county has an easement to make and maintain a good road for use by the public. The land and everything connected to the land owner which the road is laid belongs to the landowner who may use his land in any manner that is not inconsistent with or frustrates the public's use of the road. (Attorney General Opinion No. 99-53)*

*In the case at hand, the previous property owner (Schroeder, Arlyss W & Letha M) owned the entire North half of the Northeast quarter of Section 3, Township 21 South, Range 3 West. This can also be attested if one were to look at the deed for the parcel, or any parcel that abuts the typical section line road. This being said, while the county had an easement for roadway purposes, the Schroeders owned the underlying property. When this ground was sold to the township a new division was created. According to Section 1-106 of the McPherson County Subdivision Regulations the owner of any land which "divides or further divide land into two or more lots or parcels" shall cause a plat to be made unless exempted under Section 1-107*

*The typical exemptions that come into play in Section 1-107 (B & C) have a number of conditions which include that the land it to be used for agricultural or single-family residential purposes only. The proposed use by the township does not comply with this restriction. It could also be noted that if a very liberal interpretation of Section 1-107J, "A tract of land for the sale or transfer of the location for structures of utility such as a pumping station, water tower or standpipe, telephone substation and the like as well as communication towers for which the land may also be leased," it could be determined that roads could technically be considered a utility and therefore, as the structure would be used to store the equipment used to maintain roads that the division of this property would qualify for this exemption. It is staff's opinion that this is stretching the intent for this section and that the government should be held to at least as high of standards as other individuals and entities. The use of platting the property can also be used to vacate right-of-way or other easements and so taking this property through the platting process will allow for the ROW to be vacated while at the same time defining the location of the existing easement that affect this property.*

**8. Would a screening plan be necessary for existing and/or potential uses of the subject property?**  
*A screening plan could be required if any equipment or materials would be stored outside. According to the Zoning Regulations, a screening plan is required when a non-residential structure and/or use is located adjacent to or across the street from: (a) Any residential district; and/or (b) Any existing uses which in the opinion of the Board may necessitate proper screening; and/or (c) Any adjacent land which in the opinion of the Board may develop into such uses that screening may be necessary now in order to preserve the integrity of the potential uses. The township has proposed placing the structure in the far Northeast corner of the subject property in order for the building to act as a screen to the adjoining dwelling located to the North. The Planning Board may want to discuss if any additional screening should be required, such as a fence or a live screen. Staff is recommending that a condition be placed on the approval which requires all materials to be stored to the South of the proposed structure while possibly allowing for the temporary storage of material, such as aggregate, West of the structure.*

**9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?**  
*No known land is available that this use would be allowed on. According to the McPherson County Zoning Regulations, all districts that list "public buildings erected on land used by any agency of a city, township, the county or state government" all require approval of a Special Use. 100% of Little Valley Township is Zoning A-1, Agriculture District.*

**10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?**  
*This request is primarily considered to be an industrial use, although some might choose to classify it as a public use. The request will not provide additional employment opportunities but should assist Little Valley Township as they maintain the township roads located in their jurisdiction.*

**11. Is the subject property suitable for uses in the current zoning to which it has been restricted?**  
*Yes.*

**12. To what extent would the removal of the restrictions, i.e., the approval of the Special Use request, detrimentally affect other property in the neighborhood?**  
*It is not anticipated that the approval of the Special Use would have any major detrimental effect on other property in the neighborhood. The main negative impact is that of visual impact in regards to the storage of some material outside. The storage of material outside would primarily impact the dwelling located to the North (across Chisholm Rd) although the property will also have a high visibility from 4<sup>th</sup> Avenue.*

*The current site plan shows the proposed structure being located in the Northeast corner of the site and the storage of materials outside being located to the South/Southeast of the structure. The building itself should provide some screening although the Planning Board may decide that additional screening, such as a fence or trees, should also be provided. Staff's primary concern is in regards to the storage of material and equipment is that the site be kept in a neat condition and that used/broken/salvaged materials should only be stored onsite for a very temporary basis. According to the information submitted with the application and conversations with township officials, it would not appear that the township has a desire to store these types of materials on this site.*

*A final issue that could be created by the subject request is that while the A-1 District requires a minimum parcel size of 40 acres for residential uses, no minimum size is stated for other (nonresidential) uses. This means that the subject property will be considered a 'legal' parcel but that it could never be converted for residential use, unless additional ground is also purchased to bring it up to 40 acres (or whatever is required under some future set of regulations). Staff would suggest that a condition be placed on the approval which specifies that this property may not be used for residential purposes. It may also be beneficial for this to be recorded with the register of deeds (this could simply be done by recording the resolution approving the request).*

**13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?**

*Yes. Article 1, section 101 of McPherson County Zoning Regulations states that "this district is established to: (1) Preserve productive farm and ranch land; (2) permit limited nonagricultural uses and low density dwellings which would not be incompatible to the rural area and require minimum public services; and (3) encourage compact development of urban areas." The proposed use is listed as a use that may be approved as a special use in the A-1, Agriculture District as "public buildings erected on land used by any agency of a city, township, the county or state government."*

**14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the plan?**

*The request does not appear to be in conflict with the Comprehensive Plan. While the Comprehensive Plan specifies that the unincorporated areas should be kept primarily agricultural and to minimize conversion of property that would cause the intrusion of unnecessary urban uses (Policy 1.1), and that urban, commercial, and industrial land uses, other than normal home occupations and agricultural value-added uses should be accommodated within and around existing urban areas (Policy 1.2) some of these other types of uses might not be inappropriate in certain circumstances. Policy 1.3 states "to consider the efficiency and economy of providing services, conserving scarce energy resources, and preventing blighted conditions." The subject request would appear to help implement this policy in that allowing the township to build a structure for their operation within the township would help with the efficiency and economy of providing services while concern should be taken to make sure that the property will be operated and kept in a manner to not cause blighted conditions.*

*The request would also appear to enhance the implementation of the (#2) Transportation and (#3) Facilities, Services and Planning and Zoning Administration goals and policies of the comprehensive plan in that the proposed facility will help:*

- "Maintain a safe and balanced system of transportation facilities capable of serving the needs of all residents and supporting the economy." (Transportation Goal 1)*
- The density and type of land use should be matched to the level and type of government best suited to meet its needs in services. (Facilities, Services and Planning and Zoning Administration Policy 3.1)*

**15. What is the nature of the support or opposition to the request?**

*To be determined at the public hearing.*

**16. Is there any information or are there recommendations on this request available from professional person or persons with related expertise that would be helpful in its evaluation?**

*To be determined at the public hearing.*

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request?

*To be determined at the public hearing.*

### **CONDITIONS**

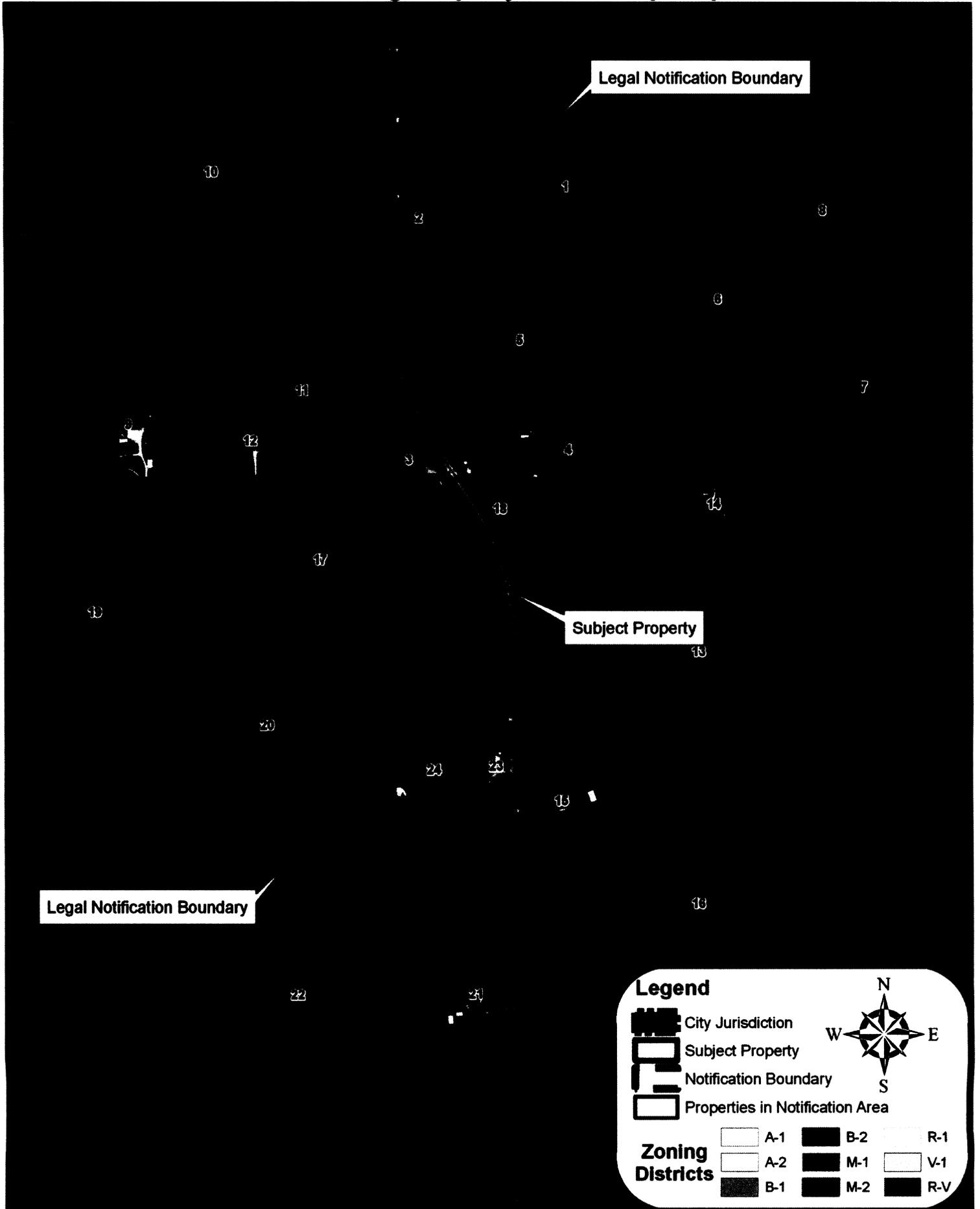
In granting a special use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met, unless otherwise reduced by a specific reference in these regulations. The requirements may be made more stringent if there are potentially injurious effects that may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public. Following are staff's preliminary recommended conditions. Additional conditions may be added following the completion of the third party review. Conditions may be added or deleted prior to or at the Public Hearing.

1. This special use is for the use of this property by Little Valley Township to conduct township operations including the construction of a building for the storage of machinery, equipment, materials and for the storage of temporary aggregate stockpiles. The facility must be operated as specified in the application. Changes must be approved by application for a new special use.
2. The approval of the special use is conditioned upon a plat being filed and recorded with the Register of Deeds and for compliance with K.S.A. 80-104 for a vote of the electors of the township for the construction of a building. The publication of the resolution approving the special use shall be withheld until the platting and compliance with K.S.A. 80-104 are complete. These conditions must be completed within 2 years of the date of approval of the special use or the approval shall become null and void. This two year period shall be considered the period of validity as discussed in Section 11-101 of the McPherson County Zoning Regulations and may be extended by the Governing Body without notice as permitted by said Section 11-101.
3. *The facility shall be kept in a neat condition and shall only include the outside storage of used/broken/salvaged materials for a very temporary basis until such materials are able to be disposed of.*
4. *A screening plan shall be required prior to the approval of a Zoning Permit. Such screening plan shall include a live screen or fence to the East of the proposed structure. The outside storage of equipment and material shall be located South of the proposed structure as specified in the site plan, while temporary stockpiles may be located to the West of the structure.*
5. Any future conversion of this property to another use must fully comply with the conditions of the Zoning District in which it is located including those for the minimum lot area (current regulations require 40 acres for residential uses).
6. Upon discontinuance of the special use for any 12 consecutive months the special use shall become null and void. Following this time period it shall be necessary to reapply in the original manner in order to be considered for a new special use permit to restart this use.

### **STAFF RECOMMENDATION**

Staff is recommending APPROVAL of this request for a Special Use for the use of the property for a township building for the storage of machinery, equipment, materials and temporary aggregate stockpiles, with the listed conditions, in the A-1, Agriculture District as the request meets the above stated factors and findings.

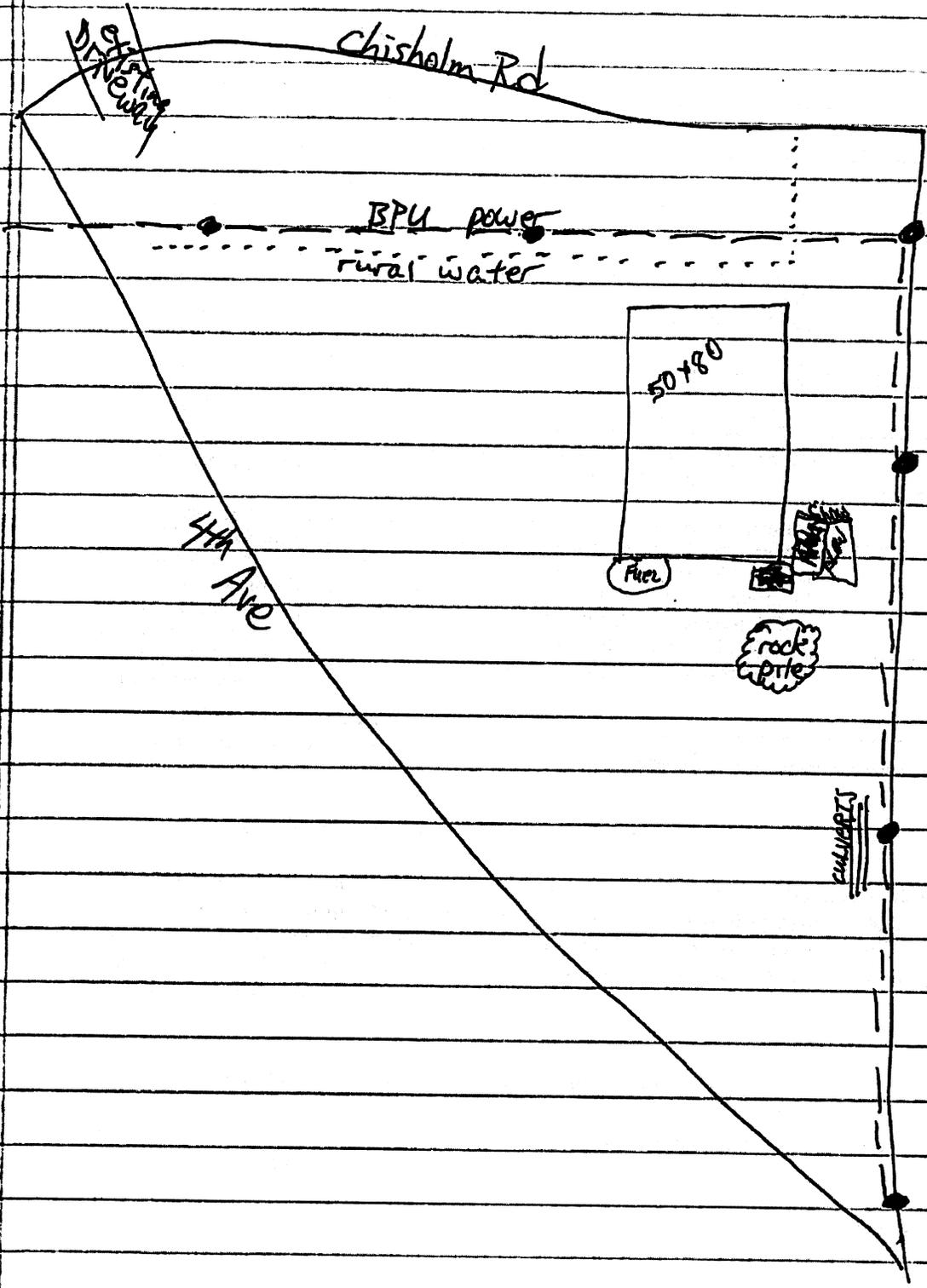
# SU2013-01 Surrounding Property Ownership Map



**SU2013-01**  
**Little Valley Township**  
**Township Operation**

<b>ID #</b>	<b>Parcel #</b>	<b>Owner Name</b>	<b>Property Address</b>	<b>Mailing Address</b>
1	059-167-35-0-00-00-006.00-	STUCKY, RONALD L & CAROLYN	00000 4TH AVE Inman, KS 67546	543 CHEROKEE RD INMAN, KS 67546
2	059-167-35-0-00-00-007.00-	Martinez, Brian M	638 4TH AVE Inman, KS 67546	11235 Buchanan Dallas, TX 75228
3	059-167-35-0-00-00-008.00-	MCPHERSON COUNTY MCPHERSON CO COMMISSION	00000 CHISHOLM RD Inman, KS 67546	PO BOX 676 MCPHERSON, KS 67460
4	059-167-35-0-00-00-009.00-	HITZ, JARRED E	418 CHISHOLM RD Inman, KS 67546	418 CHISHOLM RD INMAN, KS 67546
5	059-167-35-0-00-00-009.01-	WIENS, MAX A	00000 4TH AVE Inman, KS 67546	390 ARAPAHO RD INMAN, KS 67546
6	059-167-35-0-00-00-009.02-	ZIMPFER, MYRON L & LORAIN	00000 CHISHOLM RD Inman, KS 67546	6103 E 69TH AVE BUHLER, KS 67522
7	059-167-35-0-00-00-011.00-	POSTIER, LYNELL V	00000 CHISHOLM RD Inman, KS 67546	1400 TOMBO CT MCPHERSON, KS 67460
8	059-167-35-0-00-00-013.00-	KNACKSTEDT, GENE A TRUST	00000 5TH AVE Inman, KS 67546	675 CHISHOLM RD INMAN, KS 67546
9	059-168-34-0-00-00-002.00-	TOEWS, JERROLD R & JULIE	364 CHISHOLM RD Inman, KS 67546	364 CHISHOLM RD INMAN, KS 67546
10	059-168-34-0-00-00-002.01-	ENSZ, DALE G & BETTY I FAMILY TRUST	00000 4TH AVE Inman, KS 67546	PO BOX 162 INMAN, KS 67546
11	059-168-34-0-00-00-006.00-	SPRUNGER, C EUGENE ETAL TR	00000 CHISHOLM RD Inman, KS 67546	102 W MAIN ST STE 223 BERNE, IN 46711
12	059-168-34-0-00-00-006.01-	SPRUNGER, DALE E & CHARISSE A	376 CHISHOLM RD Inman, KS 67546	376 CHISHOLM RD INMAN, KS 67546
13	059-251-02-0-00-00-004.00-	ENSZ, NORMAN & PEARL Family Trust	00000 CHISHOLM RD Inman, KS 67546	433 8TH AVE INMAN, KS 67546
14	059-251-02-0-00-00-005.00-	PROSPECTIVE RENTAL VENTURES LLC	433 CHISHOLM RD Inman, KS 67546	972 3RD AVE WINDOM, KS 67491
15	059-251-02-0-00-00-006.00-	MASTERTON, TERRENCE M & NANCY L TRUSTS	552 4TH AVE Inman, KS 67546	552 4TH AVE INMAN, KS 67546
16	059-251-02-0-00-00-007.01-	ELIM, L P	00000 4TH AVE Inman, KS 67546	PO BOX 128 BUHLER, KS 67522
17	059-252-03-0-00-00-001.00-	SCHROEDER, ARLYSS W & LETHA M	00000 CHISHOLM RD Inman, KS 67546	470 CHEYENNE RD INMAN, KS 67546
18	059-252-03-0-00-00-001.01-	Little Valley Township	00000 CHISHOLM RD Inman, KS 67546	50 Arapaho Rd Inman, KS 67546
19	059-252-03-0-00-00-002.00-	ENSZ, DALE G & BETTY I FAMILY TRUST	00000 CHISHOLM RD Inman, KS 67546	PO BOX 162 INMAN, KS 67546
20	059-252-03-0-00-00-004.00-	REGEHR, GARY D & SHARON LIV TRUST - TTEE	548 3RD AVE Inman, KS 67546	548 3RD AVE INMAN, KS 67546
21	059-252-03-0-00-00-006.00-	KREHBIEL, KEVIN K & SUE	523 4TH AVE Inman, KS 67546	523 4TH AVE INMAN, KS 67546
22	059-252-03-0-00-00-006.01-	KREHBIEL, DOROTHY A	00000 4TH AVE Inman, KS 67546	PO BOX 161 INMAN, KS 67546
23	059-252-03-0-00-00-007.00-	JANTZ, GALEN & CAROL	555 4TH AVE Inman, KS 67546	555 4TH AVE INMAN, KS 67546
24	059-252-03-0-00-00-008.00-	JANTZ, CAROL	00000 4TH AVE Inman, KS 67546	555 4TH AVE INMAN, KS 67546

# Site Plan



McPHERSON COUNTY SPECIAL USE APPLICATION Fee = \$200

I. General Information:

Applicant's Name & Phone Number: Little Valley Township Dan Binder trustee

Applicant's Mailing Address: 138 Arrowhead Rd Inman KS 67546

Current Property Owner's Name if Different from Above: \_\_\_\_\_

Present Zoning Classification of Land: A1 Present Use of Land: excess ROW

Proposed New Land Use(s): machinery storage bldg ; temporary aggregate stockpile

Proposed Number of Employees: 1 Anticipated Number of Vehicle Trips/Day 2

If you have an agent, what is his or her name, mailing address and phone number? Dean Regehr, clerk

321 Chisholm Rd Inman KS 67546 620-585-2452

Le A parcel in the Northeast Quarter (1/4) of Section Three (3), Township Twenty-one (21) South, Range Five (5) West of the Sixth Principal Meridian described as follows: \_\_\_\_\_

McPherson County

Commencing at the Northeast Corner of said Section Three (3), the point of beginning; thence South 00 degrees 25 minutes 20 seconds East along the East Section Line of said Section 3, 708.24 feet; thence along a curve concave to the right, 620.54 feet, Radius 1,730.00 feet, Delta = 33 degrees 35 minutes 12 seconds, (Long Cord for curve = North 24 degrees 01 minutes 18 seconds West, 617.38 feet); thence North 34 degrees 00 minutes 28 seconds West, 177.20 feet; thence South 89 degrees 34 minutes 20 seconds East, 345.22 feet to the point of beginning. Said parcel contains 2.3 acres. Said parcel is subject to any easements or restrictions of record.

What are the dimensions of the property? triangular

Area of the property (in either acres or square feet): 2.3 acres

II. Site Plan and List of Property Owners:

Please include with the application the following (failure to do so will mean the application will not be accepted for processing): 1) site plan that includes both existing man-made and natural features and 2) list of ownership names and mailing addresses of all property owners within one 1/2 mile (2,640 feet) of the exterior boundaries of the area being requested for a special use in the unincorporated area of the county.

III. Please supply the following information:

(a) A statement as to why the proposed special use will not cause substantial injury to the value of other land in the neighborhood.

The proposed building will be of construction type similar to farm storage buildings already common in neighborhood. Site will have minimal traffic and balance of property will be mowed/hayed as it currently is.

III. (cont.)

(b) A statement as to how the proposed special use is to be designed, arranged and operated in order to permit the development and use of neighboring land in accordance with the applicable zoning district regulations.

This bldg will be in northeast corner (any setbacks considered).  
4<sup>th</sup> Ave borders the west edge, Chisholm Rd borders the north edge, an  
electrical utility borders the east edge. The property is "land locked"  
creating a good location for township bldg.

IV. Acknowledgement(s):

I hereby acknowledge that the above information is true and correct and realize that this application can not be processed unless complete, is accompanied by the ownership list and the required fee is paid.

Daniel V. Binder <sup>1/3/13</sup> \_\_\_\_\_ Little Valley, Township <sup>1/3/13</sup>  
Applicant:                      Date                      Agent (if any):                      Date                      Property Owner:                      Date

V. Office Use Only:

Received: \_\_\_\_\_ Date to Publish & Notify: \_\_\_\_\_

Case Number: SU 2013-01 Date of Planning Board Hearing: \_\_\_\_\_

Current Zoning: A-1 Date of Brd of Co. Commission Meeting: \_\_\_\_\_

Recommendation of Plg Brd.: \_\_\_\_\_ Decision by Brd of County Comm.: \_\_\_\_\_

Notes:

