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Published in Newton Kansan  
Jun 7, 2025

RESOLUTION 2025-16

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT  
ON CERTAIN PROPERTY IN HARVEY COUNTY, KANSAS

WHEREAS, application seeking a Conditional Use Permit by applicant Shad Anderson and Ron Anderson dba Pete's Puddle RV Resort, having been filed after-fact, and all required notices have been given, the Harvey County Planning Commission did on Aug. 13, 2024, conduct a public hearing on said application, and after hearing from all interested parties, examining all documents and maps, and being advised by staff, did recommend approval of said Conditional Use Permit subject to such contingencies, limitations and restrictions as may have been applied; and

WHEREAS, the Planning Commission's public hearing included a discussion and applications to be considered when making land use decisions pursuant to Golden v. City of Overland Park, 224 Kan. 591, and the Harvey County Unified Development Code Section 3.03 D. and Section 3.05 -9 and the Harvey County Planning and Zoning staff presented a recommendation in support of said application if the applicant brought his property into compliance; and

WHEREAS, the Planning Commission recommended approval of the Conditional Use Permit with the condition that property must be brought into compliance with all Harvey County Zoning, Sanitation and Floodplain Regulations. The decision to recommend included those abatements and was also based upon the Harvey County Planning and Zoning staff's analysis of the factors to be considered pursuant to Golden v. City of Overland Park, 224 Kan. 591, and other factors outlined in the Harvey County Unified Development Code; and

WHEREAS, the Board of Harvey County Commissioners has reviewed the minutes of said Planning Commission meeting and thoroughly discussed the recommendation made therein and did give direction to applicant to abate the violations prior to any approval. As of June 3, 2025, the requirements made by the Planning Commission and Board of County Commission have been met.

WHEREAS, The Board of County Commission has found, the property at 4801 NW 48 th is in conformance with Harvey County Unified Development Codes and will require that additional work be completed to improve safety and health for RV Park.

WHEREAS, this Board of Harvey County Commissioners has found that the Planning Commission's approval was warranted;

NOW, THEREFORE, BE IT RESOLVED, that a Conditional Use Permit CUP 24-06 for the use of the property for the purpose of an Event Venue for Special Events is hereby approved for the following described property:

Legal: Parcel # 057-35-0-00-00-001-00-0 and 057-36-0-00-00-004-0. S35, T22, R03W, ACRES 75.24, E100AC NE1/4 EXC BEG 792W SE COR NE1/4, N610.5, W412.5, N1056, NWLY558(S), S1963.5, E858 TO POB, LESS ROW and S36, T22, R03W, ACRES 50.4, W30AC NW1/4 NW1/4 & W1/2 SW1/4, LESS ROW  
General Location: 4801 N. Willow Lake Rd and 17805 NW 48 th

NOW, THEREFORE, BE IT RESOLVED, that a Conditional Use Permit CUP 24-06 for the use of the property for the purpose of an Event Venue and Special Events is approved subject to the following conditions:

Section 3:03G. The Board of Harvey County Commissioners may amend, suspend or revoke any CUP upon finding that a violation of any of the Harvey County Zoning Regulations or the following conditions have occurred:

Conditions of Conditional Use:

1. No Parking in right-of-way or on roads or shared easements. No parking will be allowed on neighboring property without agreement from property owner. Must provide Planning and Zoning staff with copy of agreement.
2. Property driveways/easements/roads will be kept passable for neighboring properties and for emergency vehicles to access all of public areas of Pete's Puddle.
3. Portable restrooms and handwashing stations shall be provided for the public at each event.
4. Emergency responders and Sheriff will be contacted prior to large public events so they are aware of the event. All adjoining neighbors shall be notified of events. Proof of notification must be provided to Planning and Zoning Office if requested.
5. Noise levels and time of events shall not be a nuisance to neighboring properties. Applicant will adjust sound levels and times of events as needed for neighboring residential properties.
6. No alcohol sales without proper licensing and approval.
7. Trash and debris from events will be cleaned up within 24 hours after event from ditches, roadways and property and put into dumpsters. Debris and trash must be kept off neighboring properties.
8. If needed, applicant will provide traffic control for events. If event causes damage to roadways or shared easement, applicant will assist township in cost of repairs to township roads and will repair shared easements back to its prior condition or better.
9. Applicant will keep property in compliance with all Harvey County regulations as well as State and Federal requirements. This includes obtaining building permits and meeting all sanitary codes.
10. Campgrounds/RV Parks shall have an approved potable water supply and wastewater treatment and disposal system. Proof from KDHE of compliance is required.
11. As long as property remains in the FEMA Special Flood Hazard area, all RV's, Campers and Vehicles, all recreational vehicles placed on sites in A zones shall either A) Be on site for fewer than 180 consecutive days, and be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels [tires must have air] or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. Must all have current tags and registration). or B) Meet the permitting, elevating, and anchoring requirements for manufactured homes. (Harvey County UDC 15.25).

BE IT FURTHER RESOLVED, that the findings and reasons for the recommendation for approval, as detailed in the minutes of the Planning Commission meeting are hereby adopted by this Board as the basis for approving said Conditional Use Permit.

PASSED AND ADOPTED by the Board of County Commissioners of Harvey County, Kansas, this 3rd day of June 2025.

BOARD OF COUNTY COMMISSIONERS  
OF HARVEY COUNTY, KANSAS

Don Schroeder, Chairperson

Terry Scott, Member

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Rick Piepho, County Clerk

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