DOUGLAS COUNTY ZONING AND LAND USE FOR THE REAL ESTATE PROFESSIONAL

AGENDA

- Tonya Voigt  Zoning and Codes Director – Introduction
- Andrew Stull  Environmental Health Supervisor – Lawrence-Douglas County Public Health
- Matt Fishburn  Operations Manager - Rural Water District #5
- Chad Voigt  Director of Public Works
- Leo Ruhnke  Zoning Specialist – Provide background on property and deed research, etc.
- Ben Harris  Code Enforcement Officer – Brief review of GIS and floodplain resources.
- Mary Miller  City/County Planner - Joint services
- Karl Bauer  County Planner - TBU, BZA, Vacation Rentals.
INTRODUCTION
Tonya Voigt – Zoning and Codes Director
Inspections Required

- Douglas County Sanitary Code
  - 2-11.1 Whenever ownership is transferred of any property connected to or served by an on-site sewage management system, or lagoon, the Health Department shall inspect the condition of the wastewater management system being used, prior to the transfer of ownership. A fee shall be charged to the owner by the Health Department for the inspection.
  - Wells supplying drinking water are also required to be tested and inspected.
- Fees: $250 septic inspection fee, $100 well water testing/inspection fee
  - Turnaround time from application to inspection is about 5 business days.
  - Contributing Factors: weather, septic pumper availability, access to the septic tank
- Inspection consists of ensuring septic tank is in good condition after pump out and the lateral field is in good working condition without signs of failure (surface sewage discharge).

Inspection Process

- Submit application to: EHINFO@LDCHEALTH.ORG
  - Application and list of septic pumpers can be found: https://ldchealth.org/239/Environmental-Documents
- Submit inspection fee online, by mail or in person
  - www.ldchealth.org and click on pay fee button at bottom of the page.
- Inspector will schedule with pumper once app and payment have been received.
- Inspection findings emailed to Realtor and other specified on the application.
Quick Tips

- Submit application early in your "inspection window."
- Ensure the application form is completely filled out with the requested Septic Pumper included.
- Locate and ensure access of the septic tank prior to the inspection.
- Email EHINFO@LDCHEALTH.ORG for a copy of your septic system.

Any Questions?

- Please email EHINFO@LDCHEALTH.ORG
- 785-843-3060 select option 8 for Environmental Health
# 2023 Licensed Septic Hauler List

<table>
<thead>
<tr>
<th>Company</th>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>D&amp;S Sanitation LLC</td>
<td>Brian Falk</td>
<td>11045 Miller RD, Harveyville, KS 66431</td>
<td>785-241-4803</td>
<td><a href="mailto:brianfalk84@gmail.com">brianfalk84@gmail.com</a></td>
</tr>
<tr>
<td>Gotta-Go, LLC</td>
<td>David Hornbaker</td>
<td>PO Box 160, Pomona, KS 66076</td>
<td>785-241-1242</td>
<td><a href="mailto:gottagosepticpumping@gmail.com">gottagosepticpumping@gmail.com</a></td>
</tr>
<tr>
<td>Honey Bee Septic Service</td>
<td>Scott Helm</td>
<td>PO Box 2106, Lawrence, KS 66044</td>
<td>785-841-0399</td>
<td><a href="mailto:Honeybeesepticservice@gmail.com">Honeybeesepticservice@gmail.com</a></td>
</tr>
<tr>
<td>Rooterman</td>
<td>Jerry Murphree</td>
<td>624 E Main St, Meridan, KS 66512</td>
<td>785-357-0046</td>
<td><a href="mailto:rooterman.neks@gmail.com">rooterman.neks@gmail.com</a></td>
</tr>
<tr>
<td>Wheatland Contracting LLC</td>
<td>Jeff Coder</td>
<td>6204 246th Rd, Effingham, KS 66023</td>
<td>913-833-2304</td>
<td><a href="mailto:jcoder@wheatlandcontracting.com">jcoder@wheatlandcontracting.com</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>913-370-3059</td>
<td>website: <a href="http://www.wheatlandcontracting.com">www.wheatlandcontracting.com</a></td>
</tr>
</tbody>
</table>
# Application for Inspection of Sewage Management System and Private Water Well Systems for Real Estate Transaction in Unincorporated Douglas County, Kansas

**Address of Property**

**Property Owner | Telephone | Present Mailing Address (if different than above) | Email**

**Applicant | Telephone | Present Mailing Address | Email**

**Drinking water supply:**
- [ ] well
- [ ] meter, RWD# __________
- [x] city
- [ ] cistern

**Name of Subdivision (if applicable):**

*Drinking water must be inspected and tested if supplied by a well ($100 fee)*

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## Owner or Agent’s Permission Statement and Certification of Occupancy

I hereby grant permission for Lawrence-Douglas County Health Department staff to visit the above property and conduct the inspections necessary to complete this report. I understand that the current owner of the property shall be notified in writing of any violation(s) of the Douglas County Sanitary Code, and shall be given 30 days to correct such violation(s).

I hereby certify that this premise has been
- [ ] occupied by ________ (number of) persons for ________ (length of time)
- [ ] vacant for ________ (length of time).

**Signature:** ___________________________  **Date:** ____________

**Printed Name:** ___________________________  **[ ] Owner [ ] Applicant**

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**Requested licensed septic pumper (pumping fee separate: paid by seller/buyer per contract)**

<table>
<thead>
<tr>
<th>Closing date (if scheduled)</th>
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<tbody>
<tr>
<td>Owner’s real estate agent</td>
</tr>
<tr>
<td>Buyer</td>
</tr>
<tr>
<td>Buyer’s real estate agent</td>
</tr>
</tbody>
</table>

**Send report to:**

(include email)

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## For Health Department Use Only

<table>
<thead>
<tr>
<th>Date application received:</th>
<th>Date fee paid:</th>
<th>Date report sent:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by:</td>
<td>Amount paid:</td>
<td>Receipt number:</td>
</tr>
</tbody>
</table>
Information and Disclaimer Concerning On-Site Sewage Management System Inspection

- Health Department inspection of an on-site sewage management system will consist of a visual inspection of the sewage absorption field for sewage discharge to the surface of the ground, examination of the septic tank for structural integrity at the time it is pumped by a licensed septic hauler, and the inlet and outlet piping located inside the septic tank. *Note: The seller/buyer per contract shall be responsible for payment of the licensed septic hauler service.*

- Health Department inspection of a lagoon system will consist of visual inspection of the lagoon and, if a septic tank is included in the system, examination of the septic tank and the piping inside the septic tank for structural integrity at the time it is pumped by a licensed septic hauler. *Note: The seller/buyer per contract shall be responsible for payment of the licensed septic hauler service.*

- Any deficiencies detected will be documented on the inspection report. The current owner shall be notified in writing of any violation(s) of the Douglas County Sanitary Code, and shall be given 30 days to correct such violation(s).

- The inspection report will document the observations of Health Department staff on the day(s) of inspection only. Since many factors contribute to the performance of an on-site sewage management system (including soil type, weather conditions, household water usage, vegetative cover over an absorption field, age of the system, etc.) the Health Department cannot guarantee that the on-site sewage management system will not malfunction at any future time.

- In the case that the owner, or person paying for the inspection, believes that the inspection or the inspection report was done negligently or in a manner that fails to disclose deficiencies, and a claim is made against the Lawrence-Douglas County Health Department for damages, the liability of the Lawrence-Douglas County Health Department shall be limited to the cost of the inspection only.

Information and Disclaimer Concerning Water Well System Inspection

- Health Department inspection of the water well system consists of screening the water for coliform bacteria, E. coli bacteria, and nitrates, determining whether all appropriate separation distances to possible pollution sources are met, and checking for an approved sanitary well seal. Any deficiencies detected are documented on the inspection report.

- The inspection report documents the water quality and condition of the private water well system observed by Health Department staff on the day(s) of the inspection only. The Department cannot guarantee that the system will not malfunction at present or any future time. The Department screens drinking water for coliform bacteria, E. coli bacteria, and nitrates only, and cannot guarantee that the water quality will meet the requirements of the Safe Drinking Water Act at present or any future time. If testing for other contaminants (such as pesticides, herbicides, heavy metals, etc.) is desired, the Department will provide a listing of laboratories approved by the State of Kansas to test drinking water.

- In the case that the owner, or person paying for the inspection, believes that the inspection or the inspection report was done negligently or in a manner that fails to disclose deficiencies, and a claim is made against the Lawrence-Douglas County Health Department for damages, the liability of the Lawrence-Douglas County Health Department shall be limited to the cost of the inspection only.

Updated February 2020
Matt Fishburn – Operations Manager

RURAL WATER DISTRICT NO 5

PUBLIC WORKS

Chad Voigt
Public Works Director / County Engineer
<table>
<thead>
<tr>
<th>Rural Water District</th>
<th>Office/Manager</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas RWD 1</td>
<td>Office Manager LlynnAnn Luellen</td>
<td>785/842-3854</td>
<td><a href="mailto:dgrwd1@gmail.com">dgrwd1@gmail.com</a></td>
</tr>
<tr>
<td>Douglas RWD 2</td>
<td>Manager Diane Haeffner</td>
<td>785/842-4906</td>
<td><a href="mailto:rwd2dougco@outlook.com">rwd2dougco@outlook.com</a></td>
</tr>
<tr>
<td>Douglas RWD 3</td>
<td>Office Manager Connie Seitz</td>
<td>785/379-9400</td>
<td><a href="mailto:rwd3@mercurywireless.net">rwd3@mercurywireless.net</a></td>
</tr>
<tr>
<td>Douglas RWD 4</td>
<td>Office Manager Jennifer Whitworth</td>
<td>785/594-3847</td>
<td><a href="mailto:jwhitworth@rwd4.com">jwhitworth@rwd4.com</a></td>
</tr>
<tr>
<td>Douglas RWD 5</td>
<td>Office Manager Julie Hoffman</td>
<td>785/748-0308</td>
<td><a href="mailto:julie@rwd5.org">julie@rwd5.org</a></td>
</tr>
<tr>
<td>Douglas RWD 6</td>
<td>Bookkeeper Janette Funk</td>
<td>785/887-6225</td>
<td><a href="mailto:rwdsix@gmail.com">rwdsix@gmail.com</a></td>
</tr>
<tr>
<td>Jefferson RWD 13</td>
<td>Office Manager Linda Lips</td>
<td>785/842-1502</td>
<td><a href="mailto:linda@jfrwd13.com">linda@jfrwd13.com</a></td>
</tr>
<tr>
<td>Franklin RWD 5</td>
<td>Operator/Mgr. Mike Streebin</td>
<td>785/248-6744</td>
<td><a href="mailto:fr.rwd05@gmail.com">fr.rwd05@gmail.com</a></td>
</tr>
<tr>
<td>Osage RWD 5</td>
<td>Manager James Jolly</td>
<td>785/665-7717</td>
<td><a href="mailto:ruralwater5@yahoo.com">ruralwater5@yahoo.com</a></td>
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PROPERTY RESEARCH
Douglas County Zoning and Codes

WHAT REQUIRES PROPERTY RESEARCH?

- Land Division
- Proposing a New Land Use
- Rezones
- New Construction
- Site Plans and Conditional Use Permits
WHAT ARE THE PRIMARY FACTORS IN PROPERTY RESEARCH?

DATES
Properties which are unchanged through regulatory shifts are considered "vested"

DIMENSIONS
Certain land uses require parcels to meet dimensional standards for access, setback, and developmental density purposes

SURVEYS/PLATS
Assist in determining characteristics at a point in time
Provide clear and concise layouts of parcels, easements, right of way, access, etc.

LAND CHARACTERISTICS
Including floodplain, wetlands, prime soils/farmland of statewide importance, tallgrass prairie, and old growth forest

ZONING CLASSIFICATIONS
What use is being considered, what are permitted uses within the zoning district in question?

LEGAL DESCRIPTIONS
What legal description does the current deed reflect?
Looking for legal descriptions from prior surveys

ACCESS MANAGEMENT
What use is being proposed?
What access standards will need to be met for the proposed use?

1966: First Zoning Regulations Adopted
1972: Subdivision Regulations Adopted
1987: Building Codes Adopted
2006: Access Management Standards Adopted
2007: Subdivision Regulations Amended
2012: Subdivision Regulations Amended
2012: 2012 IRC Building Codes Adopted
2023: 2018 IRC Building Codes Adopted

DATES AND VESTED RIGHTS

VESTED OR NOT?
- Vested determinations require comparison to a property's prior deeds, surveys, etc. in relation to prior code adoption dates.
- Research takes time, and reaching out as early in the process as possible better allows us to keep up with the fast-paced nature of the real estate market.

CURRENTLY...
- Properties without a "vested" status must comply with the current regulations. Our Zoning and Land Use regulations had their last major overhaul and were recodified by the Board of County Commissioners in 2020.
- We are more than happy to provide property status research!
- Please send research requests to zoning@douglascountyks.org
## ACCESS

### 2006 ACCESS MANAGEMENT STANDARDS

<table>
<thead>
<tr>
<th>Legend</th>
<th>RD Frontage</th>
<th>Front SB</th>
<th>Total SB</th>
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<tbody>
<tr>
<td>Local/Street</td>
<td>250'</td>
<td>50'</td>
<td>85'</td>
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<tr>
<td>Freeway</td>
<td>1320'</td>
<td>150'</td>
<td>210'</td>
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<tr>
<td>Principal arterial</td>
<td>1320'</td>
<td>150'</td>
<td>210'</td>
</tr>
<tr>
<td>Minor arterial</td>
<td>500'-660'</td>
<td>100'</td>
<td>160'</td>
</tr>
<tr>
<td>Major collector</td>
<td>500'-660'</td>
<td>100'</td>
<td>140'</td>
</tr>
<tr>
<td>Minor collector</td>
<td>330'</td>
<td>75'</td>
<td>110'</td>
</tr>
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</table>

- For Residential parcels
- Requires an entrance permit from the road maintaining entity (ex. township or county)
- Access can be vested
- Newly divided parcels/any future land divisions must comply with these standards to be residentially developable.
- Different road classifications require different setbacks

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## SURVEYS AND PROPERTY RESEARCH

- Primarily done through GIS linked survey lookup tool
- Surveys can be as old as 130 years old
- Allow us to see what a parcel looked like at a certain point in time
- Also assist in pinning down when divisions took place
SURVEYS AND LAND DIVISIONS

- We are happy to help residents with any questions about land splits and surveys.
- Basic Requirements: Frontage, minimum acreage, compliance with setbacks, sensitive lands present.
- Other requirements include minimum depth, minimum width, and minimum width at depth.
- The zoning office and the county surveyor review all proposed land divisions for compliance with the subdivision regulations and zoning regulations.

INFORMATIVE
Surveys are great visual aides for potential buyers and landowners

CONTEXTUALIZES THE LANDSCAPE
Shows property lines, land characteristics, existing structures, nearby properties, etc.

DEEDS
Surveys include the legal descriptions filed on property deeds
UTILIZING GIS

Ben Harris – Zoning and Codes

DOUGLAS COUNTY PROPERTY VIEWER

https://gis.douglascountyks.org/propertyviewer/

Douglas County Zoning and Land Use for the Real Estate Professional

February 23, 2023
NPMS - NATIONAL PIPELINE MAPPING SYSTEM

https://www.npms.phmsa.dot.gov/

February 23, 2023

SURVEY LOOKUP

Survey Lookup for Douglas County, Kansas (douglascountyks.org)

Douglas County Zoning and Land Use for the Real Estate Professional
INTERACTIVE MAP OF LAWRENCE

https://lawrenceks.org/maps/

KANSAS NATURAL RESOURCE PLANNER

https://ku.maps.arcgis.com/home/gallery.html
FLOODPLAIN

500+ YEAR FLOODS.

- AUGUST 2017
- AUGUST 2019

N 1000 looking East from E 1600
Lonestar Church of the Brethren

Washington Creek out of its banks in Lonestar

February 23, 2013
Water over 458 at E 1000 and N 1000

NEW FLOODPLAIN MAPPING
Zoning and Codes Planning Items

Karl Bauer, County Planner
The Board of Zoning Appeals

- While the City and County share a Planning Commission, there are separate BZAs.
- The BZA considers variances and appeals of the Director’s determinations and interpretations.
  - The BZA’s decisions are final and do not go to the County Commission.
  - Decisions may be appealed to District Court
- Five members
  - All residents of the unincorporated area
- Meet at 10:00 AM on the third Monday of each month
  - Public Works Training Room, 3755 E 25th St, Lawrence

Variances

- Variances allow for varying from the standards in the zoning regs.
  - Not for allowing unpermitted land uses.
  - Standards include setbacks, height, parking requirements, etc.
- Must meet the following criteria:
  - Unique conditions
  - Not adversely impact neighbors
  - Unnecessary hardship
  - No impact to health, welfare, safety, etc.
  - Meets the general spirit and intent of the zoning regs.
- Takes up to two months to process
- ½ mile neighbor notification and newspaper publication
Temporary Business Uses

- Limited business uses that take place on a property not typically used for that purpose.
  - Batch plant, construction yards, flea market, movie filming, burn pits, etc.
  - Recently approved six meteorological testing stations.
- Permitted in all zoning districts.
- Must be considered by BoCC
  - Reviews intensity, duration, traffic, public health and safety, and public interest.
- Takes at least one month to process
- ½ mile neighbor notification.

Special Event Permits

- Short-term use of the property not typically permitted
- Permitted in all zoning districts
- Private family weddings, garage sales, farm auctions, and nonprofit fundraising are usually exempt.
  - No admission charged
- Almost all are approved administratively, though this depends on the nature of the event.
  - More impactful events are sent to the BoCC for consideration.
    - Zombie Paintball, Luke Bryan concert
Vacation Rentals

- Generally require a CUP with approval from Planning Commission and BoCC
  - Two have been approved this way, a third application is pending
  - Most vacation rentals in the unincorporated area are unpermitted
- Staff is working on a text amendment that would streamline the permitting process and make it administrative
  - Would likely require an inspection and neighbor notification.

February 23, 2023