



Special Use Permit (SUP) Base Application

Special Use Permits (SUP) are described and contemplated pursuant to Article 36 of the Finney County Zoning Regulations. An SUP is not also a permit or authorization for the applicant to commence any construction or commence operation of the allowed use(s); additional governmental permits and requirements must be obtained and satisfied for those activities.

This SUP application form and its related Use-Specific Attachments are promulgated by the Governing Body pursuant to Article 36.040(B)(4). All “Article” references herein are to, and terms not defined here are defined in or by, the Finney County Zoning Regulations. For an application to be considered complete:

1. Completed application, consisting of this base application Sections A, B, C, and D, its relevant Use-Specific Attachment for the SUP use type requested, and all additional information required or requested pursuant to the application including attachments (collectively, the “application”). If more than one SUP use type is requested at the same time and the proposed uses are co-located, the Zoning Administrator will determine if each requested SUP use type shall be requested in a separate application or if instead any application may combine more than one requested SUP use type. If combination is allowed, information specific to each requested SUP use type might be required to be separated to allow the County to best consider the terms and conditions applicable to each separate SUP use and the uses combined.
2. The application content shall be organized in the same order as this base application and its Use-Specific Attachment; shall follow the same application section and sub-section wording titles; shall reasonably utilize the same defined terms and other terminology used in this application; and shall include a table for the Zoning Administrator’s reliance and use identifying where each application requirement is met within the set of documentation submitted, and where any missing or incomplete information will later be added to the set of documentation.
3. The Section C verification and certification must be signed by the Applicant in the presence of a notary. Section C must attach (A) the third party certifications referenced in Section C, and (B) a table of the following information for each such third party: name, one person designated as the County’s contact to rely upon for communications, that person’s phone and email (this information will be redacted from the publicly available copy of the application), all parts of the application that include information from the third party.

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4. Submit to the Zoning Administrator all documentation required as part of the entire application, organized and with a table of contents, as: three hard copies (no original ink signatures or pages are required), and one PDF electronic copy.

5. Application Fee: Calculated pursuant to the relevant Use-Specific Attachment(s) to the Application.

An applicant representative shall be present at any Governing Body, Planning Commission, or other public meeting relevant to this application, for which the Governing Body or Zoning Administrator requests Applicant's attendance.

For questions or help filling out this application, please contact: **Zoning Administrator, 101 W. Maple Street Garden City, KS 67846 (620) 272-3565.**

A. Applicant, Use and Project Overview

1. Project Name: _____
2. Applicant (Entity/Owner): _____
3. FEIN: _____ (this information will be redacted from the publicly available copy of the application)
4. Primary Contact who will be the sole designated person the County will rely upon for all Application and SUP-related communications through the time of a Governing Body decision on the Application (Name/Title): _____
 - a. Phone/Email: _____ (this information will be redacted from the publicly available copy of the application)
5. Operator (if different): _____
 - a. Phone/Email: _____ (this information will be redacted from the publicly available copy of the application)
6. Special Use Type (check all that apply):
 - a. ☐ Commercial Solar Energy Conversion Systems (CSECS)
 - b. ☐ Commercial Wind Energy Conversion Systems (CWECS)
 - c. ☐ Battery Energy Storage Systems (BESS)
 - d. ☐ Natural Gas Energy Systems (CT/CC/Recip) (NGES)
 - e. ☐ Data Center
 - f. ☐ Other (subject to Article 1.120 to determine if appropriate for Article 36 process). Describe: _____

B. Use and Project Information; Required Accompanying Exhibits; Future Application and SUP Terms; Changes; Applicant Acknowledgements and Agreements

As part of the SUP application, the Applicant shall submit the following information:

- 1) Certified Property Owner and Mailing Address List: A list from a title company or abstractor licensed in Kansas; sufficient for the County to accomplish both the (a) notice required by, and (b) review of any protest petitions pursuant to, Article 36.040(D); and as otherwise required by Article 36.040(B)(1). The mailing addresses will be redacted from the publicly available copy of the application.
- 2) Project Land: A boundary map as required by Article 36.040(B)(2), including the length of each boundary line; and the total amount of acres of land within the project boundary.
- 3) Participating Land Authorization: The land proposed to be subject to the SUP is sometimes referred to as “participating” or host land. Sufficient proof (as determined by the Zoning Administrator, which might include verifications directly from landowners) that the Applicant has authority on behalf of all of the owners of the application’s subject property to submit the application and to carry out all of the uses, construction, operations and terms that Applicant requested or describes in the application, as required by Article 36.040(B)(3).
- 4) Participating Land Definitions: Additional land beyond the SUP perimeter boundaries might also be considered “participating” land for some or all purposes of use of that term within this application if all the owners of that land have granted Applicant sufficient rights and authority regarding the subject matter and purpose of the use of “participating.” (example: if land outside of the SUP perimeter waived all setback rights, then a setback requirement only applicable to non-participating land will not apply to that land). For any land outside of the SUP perimeter to qualify as “participating” Applicant will identify the application instances for which it desires that land to qualify as “participating” and provide sufficient proof (as determined by the Zoning Administrator, which might include verifications directly from landowners) of Applicant’s relevant rights and authority.
- 5) Use and Project Statement:
 - a) A general project statement that includes an overview of the Applicant, confirms Applicant’s capability to timely perform its financial obligations related to this Application, confirms Applicant’s capability to perform its proposed special use project construction and first year of operations, and Applicant’s previous project development experience including specific locations and at least once reference to contact in the host community who is qualified to describe the community’s experience

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with Applicant and the project during construction and for at least the most recent year of project operations.

- b) Further provide overview information of the proposed special use project including: a general overview; anything you would like the County and public to know about efforts, expenses and investment to date, and to occur; intended and likely timeline and any phasing after any SUP Resolution to commence construction and commence operations, including noticeable public impacts (positive and negative); what the County and public should understand about potential changes to that timeline; project life once operations commence; potential future changes both that Applicant proposes would and would not require County approval; and other relevant information as deemed appropriate by the Applicant or as required by Zoning Administrator or Governing Body.
- c) Applicant is welcome to address the fact that for the proposed special use the application requirements include information that for other uses might not be gathered or considered by the County or public. This includes educating on why any part of the application contents or allowed use, infrastructure and operations descriptions might be subject to later supplementation or change before construction or before commencing commercial operations, or even after those dates, and how Applicant proposes that the County and public are adequately protected and benefitted if a SUP is granted by the Governing Body despite any such later supplementation or change. Article 36.020 provides: *“The purpose of the SUP is to allow proper integration of certain uses into the community and County, which might only be suitable in specific locations, and might have potentially detrimental characteristics if not properly located, designed, operated, and otherwise conditioned. The SUP process is designed to ensure that proposed uses are suitable in the unincorporated portion of Finney County, particularly those land uses that are of a sensitive or unique nature potentially impacting the neighborhood character or other health, safety or welfare considerations. The Special Uses under this Article 36 present unique opportunities and challenges for the County when it comes to zoning, unlike the typical uses granted a conditional use permit. Due to the multitude of benefits and challenges presented by these projects, the elected Governing Body, rather than an unelected Board of Zoning Appeals, should be responsible in part for managing and deciding zoning decisions related to Special Uses. These projects are unique because of their potential impacts on public health, safety, and welfare which includes but are not limited to economic development, the environment, and infrastructure. A more thorough process is necessary for the County to protect itself from potential negative impacts of these developments, but also to preserve the potential positive benefits of such technologies.”*

6) Preliminary Site Plan: The Preliminary Site Plan shall include:

- a) Existing buildings, structures, and homes within the project boundary, and also within one mile outside of the project boundary, including identifying which are located on non-participating land;
- b) Electrical transmission lines and facilities, utilities, utility easements, underground pipelines, and underground utilities within or adjacent to the project boundary;
- c) Proposed project infrastructure;
- d) Meteorological towers or stations;
- e) Height of infrastructure (described on the site plan using labels or a table);
- f) Substations/switchyards;
- g) Collection/gen-tie lines;
- h) Operations and maintenance building(s);
- i) Permanent/temporary roads & laydown;
- j) Ingress and egress locations;
- k) Fencing and gates;
- l) Lighting;
- m) Parking, plus how the minimum number of parking spaces will be calculated;
- n) Stream, wetland, and waterbody features;
- o) Vegetative buffers;
- p) Sensitive receptors such as an airport, hospital, school, cemetery, church, parks, or medical office;
- q) Alternate locations of infrastructure, if applicable;
- r) Temporary modifications during construction, including laydown yard(s)
- s) Airports and land strips, both public and private
- t) All other potential infrastructure or land modifications; and
- u) Setbacks: Minimal requirements per use standards in Special Use-Specific Attachment. Identify in a table or writing, in addition to the visual aid, where applicant proposes setbacks greater than the minimal requirements. Describe if and how the setback distances proposed are sufficient to eliminate or mitigate any potential negative effects to non-participating land, including without limitation due to: contamination, soil health, erosion, drainage, other micro climate impacts including increased heat or shade, sound, light, view, groundwater table reduction, noxious plants, wildlife or species habitat or corridors, or fire or other safety issues. Describe if and how the setback distances proposed are sufficient for on-site safety and emergency response.

Identify any potential changes that might occur prior to initial construction or after initial construction.

- 7) Services: Identify all utility and public services required for construction and operation of the proposed use and provide evidence that Applicant has confirmed such services are reasonably anticipated to be available in a manner consistent with the timeline Applicant has proposed to the County for commencement and completion of construction and commencement of full operations. Evidence should include written communication (email or letter) from a representative of the service provider with knowledge of service availability. Provide the contact information for that representative.
- 8) Operations & Maintenance: The application shall set forth plans detailing security measures including lighting, access control, staffed hours, and complaint response protocol (service levels & response times).
- 9) Vegetation & Groundcover:
 - a) The application shall set forth information regarding a seed mix and vegetation establishment, management and maintenance schedule, if proposed, including any crop/grazing compatibility.
 - b) Submit plans to utilize native low-water seed mixes where appropriate in the project boundary.
 - c) Provide a plan for ongoing control of dust, weeds and other noxious plants.
- 10) Environment, Water and Special Flood Hazard Areas:
 - a) Provide a description of known, likely, or possible impacts to any of the following: drainage patterns, water runoff rate, above-ground or underground water quality, soil quality, air quality, sound, odor, lighting, habitat or wildlife corridors, livestock, pets, species, other ecosystem impacts, and other impacts that might occur to the public or to non-participating land or landowners and any of their tenants, employees and invitees.
 - b) Identify any mitigation efforts offered by Applicant regarding any negative environment impacts to non-participating land, the public, ecosystems, animals and species, land, air and water.
 - c) Provide plans for erosion/sediment control, and list land identified as a special flood hazard area.
 - d) Special Flood Hazard Areas: Prior to starting construction activities, obtain a local floodplain development permit if required for construction in the special flood hazard area.
 - e) Prior to starting construction, provide stormwater pollution prevention plans and a copy of the Kansas General Permit for Stormwater Runoff from Construction.

- f) Identify any changes to what Applicant submits for this part of the application if potential changes to the project might occur prior to initial construction or after initial construction.
- 11) Aesthetics: Describe (including primary materials and colors) and provide visual aids (ideally including photo-simulations and representative samples) of the exterior of all of applicant's potential above-ground infrastructure shown on the Site Plan. Identify any potential changes that might occur prior to initial construction or after initial construction. Identify known, likely, or possible changes to the current view of the area from non-participating land and from public roads and property. Identify any mitigation efforts offered by Applicant regarding any negative aesthetic impacts to non-participating land and the public. Identify the location of the closest existing comparable infrastructure for the County or public to visit to understand the proposed use aesthetics, and explain the differences between the sample infrastructure and the proposed use. Identify the amount of surface land area that will be removed from agricultural use and the impact of that land use change on the Finney County economy. Provide a visual aid that incorporates the Project Boundary Map and the relevant parts of the Site Plan to identify all non-participating land (both private, and also all public road right-of-way and any other public land) both within the project boundary and within two miles outside of the project boundary perimeter, including showing the distance from that non-participating land (private and public) and any occupied residences thereon to the nearest proposed project above-ground infrastructure. Include a table listing those distances. Include in the visual aid existing and proposed aesthetic impact mitigations.
- 12) Neighborhood and Community Outreach and Harmony: Explain all neighbor and public information and outreach that has occurred prior to the Application, including providing copies of all notices, and outreach materials or content, and provide list of invitees or other ways the outreach was advertised, and a summary of attendees and responses, including all requests for follow-on information. Also explain all additional neighbor and public outreach planned, including the schedule to complete that outreach. Identify concerns, questions and requests received, and responses provided. Identify positive input received. Identify any offers made to landowners nearby the SUP land area to compensate for the change to the land use or otherwise to be a good neighbor, and those results and responses. Provide a plan to continue to track all of said information from the Application Date through one year after commencement of full operations of the requested use. Include in the plan the methods for members of the community and for the County to access this information and to further communicate with the Applicant, including contact information and hours.
- 13) Governmental Coordination: To assist with County efficiency of review and response to this application, and verification of any County information upon which Applicant is relying, provide a table identifying: each county representative (other than a Governing Body member

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or the County Counselor) contacted by or on behalf of Applicant regarding potential required approvals, notices and coordinations to develop and operate the project, the purpose(s) and topic(s) of that communication, all information from that representative on which Applicant is relying, and all information from or on behalf of the County that Applicant remains wanting to verify for Applicant's reliance.

- 14) Contingencies: In addition to the SUP, identify all other permits, approvals, authorizations, agreements, regulatory requirements, or other contingencies—whether public or private—that Applicant knows or reasonably anticipates will be required prior to commencing construction and prior to commencing operations. For each item, identify whether it is required before construction or before operations, and provide the anticipated timeline for obtaining, satisfying or otherwise clearing these contingencies. The following is a topic list of possible relevant contingencies if helpful toward Applicant's completion of this application item, but this list is not a County limitation or assurance of Applicant's actual list due: local-level construction and building permits; septic or sewer permit; grading and floodplain permits; road access and road use approvals including County ROW permit; KDOT permits; utility tap or private well authorizations; utility crossing agreements; Airport Authority reviews; KDHE air, water, and wastewater permits; Stormwater/NPDES permits; SPP interconnection agreements; FAA determinations; State Fire Marshal review; wildlife or environmental reviews.

As part of the SUP application, the Applicant shall submit the following exhibits and agreements in addition to the application:

15) Wildlife Review:

- a) A written document from the Kansas Department of Wildlife and Parks (KDWP) or its successor indicating the Applicant has contacted the agency regarding the proposed SUP use. The document shall state KDWP has been contacted by the Applicant regarding the proposal and has reviewed or is currently reviewing the proposal for any concerns regarding threatened or endangered species.
- b) Results of the USFWS Information for Planning and Consulting environmental review consistent with the USFWS Land-Based Wind Energy Guidelines

16) Safety; Emergency Readiness Plan (ERP):

- a) An ERP report shall provide a safety plan detailing expected public agency/emergency services support during emergencies, including training services and equipment for local County personnel.

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- b) The ERP shall also identify potential fire risks associated with the project and demonstrate compliance with applicable federal, state, and local fire codes, including but not limited to the National Fire Protection Association, Kansas State Fire Marshal, and Finney County Emergency Management.
 - c) Identify any changes to the ERP or other safety information and terms that Applicant submits if potential changes to the project might occur prior to initial construction or after initial construction.
 - d) Any other information that the Applicant, Zoning Administrator or Governing Body deems appropriate, which might include without limitation coordination with local fire, police and medical facilities, and with other nearby businesses or uses.
- 17) Road Use & Transportation Plan: Provide as much information as possible as might be included in the Road Use and Maintenance Agreement.
- 18) Decommissioning and Restoration Plan: Provide as much information as possible as might be eventually included in the Decommissioning Agreement.
- 19) Economic Impacts Report: An expected economic impact report to the County which assumes the proposed project is approved and constructed as proposed in the SUP application. The report shall be prepared by an independent third-party company or qualified four-year institution. The report shall include all economic and community benefits that Applicant proposes. The report shall address whether the special use is likely to affect Finney County real property values. The report shall be clear and easy to understand: (A) which benefits are guaranteed to be received upon issuance of an SUP, and which benefits are not; and (B) for all benefits that are not guaranteed to be received upon issuance of an SUP also describe when and how they County will learn if the benefits will be received.
- 20) All reports, plans and other documentation provided to County for County's reliance related to the SUP, will include sufficient reliance documentation acceptable to the Zoning Administrator.

Additional future terms required of Applicant, but not required at the time of application (although Applicant is welcome to deliver any of this information sooner including as part of the initial application):

- 21) Special Use Permit Terms and Conditions: No later than two weeks before the first day of the Planning Commission public hearing pursuant to Article 36.040(E), Applicant shall submit to the Zoning Administrator a written document of Applicant's complete set of proposed SUP terms and conditions to be included in the SUP pursuant to Article 36.040(G). If Applicant

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offers to the Governing Body any supplemental terms and conditions, Applicant will deliver the same to the Zoning Administrator at least one week before the first day of the Governing Body hearing on this SUP pursuant to Article 36.040(G).

22) Evaluation Criteria: No later than two weeks before the first day of the Planning Commission public hearing pursuant to Article 36.040(E), Applicant shall submit a written document of Applicant's complete analysis of the Article 36.050 evaluation criteria. If Applicant offers to the Governing Body any supplemental evaluation criteria, Applicant will deliver the same to the Zoning Administrator at least one week before the first day of the Governing Body hearing on this SUP pursuant to Article 36.040(G).

23) County Agreements: The following agreements will be required of Applicant, on forms and terms acceptable to County in its sole discretion, either prior to the first day of the Planning Commission public hearing pursuant to Article 36.040(E), the first day of the Governing Body hearing on this SUP pursuant to Article 36.040(G), or prior to construction start, such timing to be decided in the Governing Body's sole discretion. In each agreement, Applicant will identify where each of its required or offered terms from the application and any SUP exists.

- a) Decommissioning Agreement (per use standards in Special Use-Specific Attachment). A Decommissioning Agreement shall include, but shall not be limited to:
 - (1) Address circumstances which may require decommissioning including but not limited to: permanent damage of the project technology, inability to sell electric power, continued or prolonged discontinued use of the project technology.
 - (2) Notification to Governing Body & Zoning Administrator.
 - (3) Abide by all Special Use-Specific Attachment requirements per SUP use.
 - (4) Prior to construction start, provide: a bond or other financial security from the Applicant to the County to ensure sufficient funds to cover the cost of removal and reclamation and all possible additional costs that the County might incur related to accomplishing all of Applicant's decommissioning and restoration obligations; liability insurance; along with sufficient rights for the County to enforce decommissioning. The sufficient funds amount will include funds for all possible enforcement costs to the County, may be reduced by net salvage value actually receivable by the County, and may include contingency funds.

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- (5) Recognize a host landowner's right to be satisfied with the decommissioning efforts of the Applicant or a hired contractor; and recognize a non-participating landowner's right to retain any screening in its then-required condition provided the landowner accepts and agrees to all future maintenance and repair obligations.
 - (6) Provide timeline for completion of decommissioning activities.
 - (7) Provide restoration measures of disturbed land and provide plans for proper grading, seeding, mulching, and fertilizing, as needed. Restoration practices should including planting native seeds and vegetation where applicable, subject to landowner's consent or direction to return the land to its pre-construction condition.
 - (8) Provide for removal of all above-grade equipment associated with the Project, including substations, transmission line/structures, generating equipment, buildings, access roads and perimeter fences, subject to landowner's right to request access roads and fences be left intact.
 - (9) Remove all infrastructure from public right-of-way or property.
 - (10) No abandonment in place or elsewhere in the County of any project components, and no right to dispose of project components in any County landfill or other disposal location. Recycling, upcycling or re-use might be encouraged or required.
 - (11) The Decommissioning and Restoration Plan shall be finalized and incorporated as part of the executed Decommissioning Agreement.
 - (12) Any other information or terms that the Zoning Administrator or Governing Body deems appropriate.
- b) Road Use and Maintenance Agreement. A Road Use and Maintenance Agreement shall include, but shall not be limited to:
- (1) Designation of the public roads that might be used for transportation routes for construction, operation, maintenance and decommissioning of the project, including a map.

- (2) Provide information detailing anticipated traffic volume created by the project, both during times of normal operations, and during times of Increased Road Use; with proposed methods of assurance by providing a description of how the Applicant will address needed maintenance and repairs to public roads, ditches and other road right-of-way areas, bridges, or culverts, during and after project construction, decommissioning, and any other use by oversized vehicles and any use causing higher than normal traffic volumes (collectively, “Increased Road Use”).
- (3) Provide information regarding the route and traffic safety and control plan for Increased Road Use in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) or as otherwise requested by the County, which might include bridge/culvert load checks, meetings and other communications in advance of each Increased Road Use; and perform traffic control as required by the Governing Body to assure local and regular road traffic and nearby residential properties are not excessively disturbed, or required to traverse roads in poor condition in part due to the project’s traffic on those roads.
- (4) Provide plans and drawings that show construction details for installation of entrances, road crossings or right-of-way encroachment, anticipated traffic volume, and routes for facility operational traffic.
- (5) Where an access road crosses a stream or drainage way, it shall be designed and constructed so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed, and the appropriate permits are obtained from the U.S. Army Corps if needed. Where an access road crosses a stream or drainage way identified as a Special Flood Hazard Area, obtain a floodplain development permit from the State and County.
- (6) Ensure that following completion of each Increased Road Use all County and township roads are repaired or restored to a condition at least equal to or better than the condition prior to commencement of the Increased Road Use as determined by a third-party engineer or the Finney County Road and Bridge Division, which process might include pre- and post-construction road condition surveys. Identify improved road conditions that will be retained and maintained (rather than allowed to change back to road conditions existing prior to commencement of the Increased Road Use) at Applicant’s cost.

- (7) The Road Use and Transportation Plan shall be finalized and incorporated as part of the executed Road Use and Maintenance Agreement.
 - (8) Prior to construction start, provide: a bond or other financial security from the Applicant to the County to ensure sufficient funds to cover all possible costs that the County might incur related to accomplishing all of Applicant's responsibilities pursuant to this agreement; liability insurance; along with sufficient rights for County to enforce Applicant's responsibilities.
 - (9) Any terms for project infrastructure to be located within any road right of way area, which might include that the infrastructure: be located a sufficient distance from other existing or potential future infrastructure, be marked above ground and shown on an ALTA as-built survey for sufficient County location for the project life, and that above-ground infrastructure meet safety and aesthetic requirements.
 - (10) Any other information or terms that the Zoning Administrator or Governing Body deems appropriate. Without limitation, this might include coordination with and contribution to any transportation infrastructure or plans shared with other uses or otherwise involving public infrastructure.
- c) Community Benefit Agreement or Project Development Agreement shall include but shall not be limited to:
- (1) The benefits described in the Economic Impacts Report.
 - (2) Sufficient rights for the County to enforce Applicant's responsibilities.
 - (3) Any other information or terms that the Zoning Administrator or Governing Body deems appropriate.
- d) County might require the foregoing agreements to be combined into one Development Agreement.

24) Monitoring & Reporting after SUP Resolution:

- a) This requirement includes an annual compliance letter to the Zoning Administrator with the SUP terms, this application form, and required agreements.
- b) Any other information and process proposed by Applicant.

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- c) Any other information and process that the Zoning Administrator or Governing Body deems appropriate.
- 25) Project Changes: Expansion; Modification; Re-Powering; SUP Duration; Assignment or Other Transfers. Applicant understands and agrees that: (a) this Application is not assignable or transferable; instead, any SUP will include the terms governing assignment and other transfers; and (b) any SUP will include terms governing any deadlines to commence construction or commercial operations before the SUP expires to allow the then-current Governing Body to determine if any special use commencement should remain allowed to occur and if so on what terms, project expansion, modification, re-powering, and operations duration, related to the special use. Any SUP will define the scope and breadth of the special use allowed and technology and materials and potential impacts allowed including changes allowed, with and without further County notice, review or approvals. Applicant may include its proposed relevant terms in the application.

Contents that might change:

- 26) Color-Coded Content: If any information or contents of this application, its exhibits or supplemental materials is preliminary, estimated, otherwise allows any change or modification to a term, fact or depiction, or is otherwise subject to change in any way, either before or after initial construction or initial commencement of operations: each of that content will be shown in red text (using red text to identify any parts of any visual aids or other non-text components that are not fixed and final), so that it is clear to the County and the public between what application information, terms and proposals are and are not fixed and final. The rest of the application text shall be black. Black text cannot be changed without Applicant first receiving written permission from the Governing Body. For any text required to be in red, Applicant shall identify: (A) when that content will instead be provided as complete, fixed and final, updated to black text; (B) its proposal for the process of those updates occurring both before and after any SUP; and (C) an inventory of all of the red text as a second method to communicate to the public and County, which inventory will be updated each time any red text is removed, altered or changed to black text.
- 27) Prompt Updates: If any information or contents of this application or any of its exhibits and supplemental materials become untrue, incomplete, or otherwise could be updated, Applicant will promptly update the Zoning Administrator.
- 28) Pre-Hearing Deadlines: At least seven days before the first day of the Planning Commission public hearing pursuant to Article 36.040(E), and at least seven days before the first day of the Governing Body hearing on this SUP pursuant to Article 36.040(G): Applicant will have (1) delivered all supplemental information or items required by the Governing Body, plus any

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others that Applicant desires the Planning Commission or Governing Body members (respectively) to have had time to review prior to the respective hearing, and (2) certified all changes and updates to this application and its exhibits and supplement materials on the same form (modified as necessary to be accurate) as application Section C. Also, Applicant will pay in full all amounts due before the respective hearing date from Applicant to County related to this application. In the Governing Body's discretion: Applicant's failure to perform these requirements on time may cause the application to be remove from the planned meeting agenda and delayed until these requirements are met in full, or may cause an issued SUP to be contingent on Applicant's performance of the requirements within a timeframe determined by the Governing Body.

Further Applicant Acknowledgements and Agreements

29) Additional County Diligence, Study and Deliberation; Additional SUP Terms and Conditions:

This application form is a starting point for the County to receive sufficient information to begin to process the application. During the pre-application communications and application adequacy review contemplated by Article 36.040(B) and (C), Applicant may (A) identify questions related to the application process, (B) request to submit some application information as preliminary or in-part if still finalizing project details at the time of application, and (C) specifically identify and request that sensitive information to be redacted from the publicly available copy of the application, including explaining why the information is sensitive enough to warrant redaction. The Zoning Administrator and the Governing Body have discretion to determine: if any application requirements will be (A) interpreted any particular way, (B) delayed for applicant to meet at a later point, or (C) modified or waived; and all other responses to any Applicant requests and questions. Applicant acknowledges that the County must comply with applicable law regarding open records. Likewise, the Zoning Administrator and the Governing Body have discretion to determine any additional requirements for Applicant to meet either (A) as part of completing the application, or (B) at a later point. The Zoning Administrator's and Governing Body's discretion include that County might involve County personnel or outside consultants or advisors to assist with the County's review and decision of Applicant's proposal and request. Except for the final deliberations and decision whether to grant an SUP, the Governing Body may elect to delegate some of its authority to (A) one or less than all of the Governing Body members, (B) the Zoning Administrator, or (C) other County personnel, advisors or consultants.

Applicant accepts and understands that any SUP Resolution will require Applicant to comply with all applicable laws including laws that County does not implement or enforce, and will include adequate County remedies for Applicant failure or non-compliance with the SUP

Resolution or any other related agreement or document that County has the right to enforce or to which County is a third party beneficiary.

Applicant accepts and understands that none of the content or lack of content of the application or the Zoning Regulations limits the Governing Body's discretion on what it wishes to include as potential topics, conditions, or requirements, in any SUP Resolution or any agreements or other documents required by an SUP Resolution; meaning the County may require more information and terms before the Governing Body decision on the SUP Resolution, and the SUP Resolution may grant the Governing Body rights to add requirements after granting the SUP Resolution. Applicant will timely cooperate with requests of the Zoning Administrator and Governing Body. Applicant agrees to not challenge or disagree with the enforceability or Governing Body's interpretation of (A) this application or (B) the Finney County Zoning Regulations.

30) Costs:

Applicant acknowledges that: (A) the County is relying on Applicant to be forthright and disclose or identify any possible local impacts of the proposed use whether or not covered in this application; and (B) to complete the Governing Body's desired diligence, study and deliberation of the proposed use and SUP the County will incur costs, expenses and fees (including without limitation reasonable attorneys fees) beyond County's costs, expenses and fees for existing County staffing and operations (i) unrelated to land uses, (ii) for the County's role in land uses other than SUPs and special uses, and (iii) solely due to an unrelated SUP or special use inquiry, proposal, application, permit, use, operations or otherwise (collectively, "Costs"). Applicant further acknowledges that the County will or might incur Costs different than typically incurred to process other County land use matters because of the proposed use and SUP unique nature, evolving technologies and operational models, complexity, magnitude, potential impact and public involvement. Applicant agrees to reimburse all County's Costs incurred related to this application that the Governing Body elects to require Applicant to pay for: (A) third party contractors, experts, consultants or assistance, (B) hiring additional staff, (C) services including without limitation application review and analysis, research and study, advising, negotiating, and drafting, (D) the Planning Commission's role, (E) related litigation, claims, and public input, including without limitation any claim regarding or related to County implementation, use or enforcement of the Finney County Zoning Regulations or this application, and (F) other Costs. All Costs due from Applicant are due to be received by the Zoning Administrator within 30 days of Applicant's receipt from the Zoning Administrator an invoice and reasonable documentation. Any amount due from Applicant pursuant to this application but not paid when due accrues interest at 15% per annum until the amount and all accrued interest are paid in full. But, for any final adjudication of any member of the Governing Body or Planning Commission violating KSA 45-215 et

seq., 75-4301 et seq. and 75-4317 et seq. (which are Kansas laws regarding conflict of interest, open records and open meetings), the County will refund to Applicant any Costs that the County required Applicant to pay the County to the extent the Costs were directly and solely either to defend those claims or pay court-awarded fines or other amounts to any third party due to the final adjudication. Applicant acknowledges that it is proposing a significant special use, development and operation, that issuance of any SUP will require ongoing material County resources, and Applicant agrees that any SUP will include similar terms to reimburse Costs.

C. Applicant Verification and Certification

VERIFICATION and CERTIFICATION OF APPLICANT

STATE OF _____)
) ss.
COUNTY OF _____)

On behalf of the undersigned Applicant, I do hereby certify upon my oath, or affirm, that:

1. Applicant is the lawful owner or possesses a real estate interest and sufficient rights in and to the described property as required pursuant to Article 36.040(B)(2).
2. Applicant acknowledges and agrees to and with the terms of this Application, including the financial obligations imposed by the Application.
3. I have read the entire application including all attachments, exhibits and other supplemental materials, and I know the contents thereof to be true, correct, and complete. Any contents prepared by a third party other than Applicant have been certified for both Applicant's and County's reliance as true, correct and complete.
4. I am authorized to sign and bind the Applicant to this application.

Applicant:

By: _____

Printed Name: _____

Title: _____

Signed and sworn to (or affirmed) before me on this _____ day of _____,
20_____ by _____, as _____ of

Notary Public

Printed Name: _____

My commission expires: _____

D. Staff Acknowledgement of Completion [For Staff Use Only]

Application is determined by the Zoning Administrator to be complete, including any Governing Body requirements or waivers. The Zoning Administrator will next provide a copy of the Application to the Planning Commission and to the Governing Body.

Zoning Administrator: _____

Application Date assigned by Zoning Administrator pursuant to Article 36.040(C):

Special Use-Specific Attachment

Applicant to attach as part of its application all information required by all County forms for each requested specific special use. If/when Applicant contacts County about Applicant's proposed special use County does not already have a form promulgated as a specific Application attachment for that special use, County will promulgate that form for Applicant's completion and submittal before the application is complete and accepted by the County.