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NEMAHA COUNTY, KANSAS

RESOLUTION NO. 2026-5

A RESOLUTION ADOPTING THE LAND DEVELOPMENT
CODE FOR NEMAHA COUNTY, KANSAS, ITS
ACCOMPANYING OFFICIAL ZONING MAPS FOR NEMAHA
COUNTY, KANSAS AND REPEALING ALL CONFLICTING
RESOLUTIONS OF NEMAHA COUNTY, KANSAS.

WHEREAS, since the beginning of 2025, the Planning Commission for Nemaha County, Kansas tirelessly worked to consider whether, and to what extent, they would propose any zoning regulations for Nemaha County, Kansas; and

WHEREAS, in accordance with K.S.A. 12-756(b) on Monday, October 27, 2025, the Planning Commission held its public hearing concerning a draft of a Land Development Code; and

WHEREAS, after said public hearing occurred and more than a year of substantive review of potential forms of regulation, the Planning Commission voted 6-3 on Monday, April 27, 2026 to recommend approval of a draft Land Development Code to the Board of County Commissioners for Nemaha County, Kansas; and

WHEREAS, on June 1, 2026, in accordance with K.S.A. 12-756, said draft Land Development Code was submitted to the Board of County Commissioners for Nemaha County, Kansas for review; and

WHEREAS, after consideration and discussion by the Board of Commissioners for Nemaha County, Kansas, on June 15, 2026, said Board issued its report via email sent from the County Administrator/County Counselor to the Planning Commission, returning the Land Development Code back to the Planning Commission with a number of questions for clarification/explanation/adjustment; and

WHEREAS, on June 22, 2026, the Planning Commission held a regularly scheduled meeting, and reviewed, discussed and responded in detail to the report from the Board of Commissioners; and

WHEREAS, on June 22, 2026, the Planning Commission voted to make several amendments/adjustments to the Land Development Code. The Planning Commission also

voted to authorize the County Administrator/County Counselor to issue its responsive report by email to the Board of Commissioners, citing reasons for the Planning Commission's responses to each identified question from the Board of Commissioners and identifying other amendments/revisions to the proposed Land Development Code made by the Planning Commission; and

WHEREAS, on June 29, 2026, the Board of Commissioners considered the report provided by the Planning Commission in light of the amended land development code submitted by the Planning Commission for review and consideration by the Board of Commissioners; and

WHEREAS, on June 29, 2026, the Board of Commissioners voted to make limited adjustments to the Land Development Code as presented for consideration by the Planning Commission and directed the County Administrator/County Counselor to update the Land Development Code accordingly and draft an adopting resolution for the Land Development Code for adoption at the next meeting of the Board of Commissioners; and

WHEREAS, on July 6, 2026, after discussion with a potential applicant and consideration of the Board of Commissioners, the Board of Commissioners voted to amend the provisions of the Land Development Code to specifically include electrical and battery storage facilities as a use subject to the requirements of the conditional use process under the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF NEMAHA COUNTY, KANSAS:

Section 1. Adopting the Land Development Code and its Accompanying Official Zoning Maps for Nemaha County, Kansas

The Board of County Commissioners hereby formally resolves to adopt the Land Development Code as the Land Development Code and for Nemaha County, Kansas pursuant to and in accordance with the requirements of K.S.A. 12-756. Said Land Development Code is hereby incorporated herein by reference as if fully restated herein.

Section 2. Adopting Official Zoning Maps for Nemaha County, Kansas

The Board of County Commissioners hereby formally resolves to adopt the Official Zoning Maps for Nemaha County, Kansas (included as Appendices A through C to said Code) as the Official Zoning Maps for Nemaha County, Kansas pursuant to and in accordance with the requirements of K.S.A. 12-753. Said Official Zoning Maps are hereby incorporated herein by reference as if fully restated herein.

Section 3. Repeal

All resolutions or parts of resolutions in conflict herewith are repealed. However, any section of an existing resolution not in conflict herewith is not repealed and remains in full force and effect.

Section 4. Effective Date

This Resolution shall take effect and be in force from and after publication in the official county newspaper.

Adopted by the Board of County Commissioners of Nemaha County, Kansas this 6th day of July, 2026.


CHAIRMAN BEN GLACE

Joseph Dalinghaus I voted nay
COMMISSIONER JOE DALINGHAUS


COMMISSIONER JASON KOCH

ATTEST:


COUNTY CLERK MARY KAY
SCHULTEJANS

