

We encourage everyone to view the meeting live via YouTube.

***Leavenworth County  
Board of County Commissioners  
Regular Meeting Agenda***

300 Walnut Street, Suite 225

Leavenworth, KS 66048

December 31, 2025

9:00 a.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE/MOMENT OF SILENT PRAYER
- III. ROLL CALL
- IV. PUBLIC COMMENT: Public Comment shall be allowed at the beginning of each meeting and opened again at the end of the meeting after all regularly scheduled agenda items. Comments shall be limited to five minutes per person; however, commenters may speak for up to five minutes at both the beginning and end of each meeting. There should be no expectation of interaction by the Commission during this time. Everyone wishing to make comments either on items on the agenda or not are encouraged to provide their comments in writing no later than 8:00 a.m. the Monday immediately preceding the meeting. These comments will be included in the agenda packet for everyone to access and review. This allows the Commission to have time to fully consider input and request follow-up if needed prior to the meeting. During times when the Courthouse is closed to the general public anyone wishing to make public comment will provide their comments in writing no later than 8:00 a.m. the Monday immediately preceding the meeting. The comments will be included and distributed with the normal meeting packet.
- V. ADMINISTRATIVE BUSINESS:
  - a) County Clerk report
  - b) EMS agreement
- VI. CONSENT AGENDA: The items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a

member of the Governing Body desire to discuss any item, it will be removed from the Consent Agenda and considered separately.

- a) Approval of the minutes of the meeting of December 23, 2025
- b) Approval of the schedule for the week of January 5, 2026
- c) Approval of the check register
- d) Approve and sign the OCB's

**VII. FORMAL BOARD ACTION:**

- a) Consider a motion to approve the renewal of the County's property, casualty and liability insurance as presented by Reilly.
- b) Consider a motion to authorize the chairman to sign the Leavenworth County Extension Council budget form for the 2026 budget year.
- c) Consider a motion to approve a consent for assignment of Leavenworth County's Solid Waste contract with Hamm Companies to Allied Waste Systems, Inc.
- d) Consider a motion to approve Resolution 2025-39, adopting the proposed amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations as outlined in Case DEV-25-132 based on the recommendation of the Planning Commission and findings of fact.
- e) Consider a motion to review and approve the proposed communications to the County's legislative delegation.

**VIII. PRESENTATIONS AND DISCUSSION ITEMS:** presentations are materials of general concern where no action or vote is requested or anticipated.

- a) Executive session if needed

**IX. ADJOURNMENT**

# **LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE**

**Monday, December 29, 2025**

**Tuesday, December 30, 2025**

**Wednesday, December 31, 2025**

9:00 a.m.      Leavenworth County Commission meeting  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

**Thursday, January 1, 2026 THE COURTHOUSE WILL BE CLOSED IN OBSERVANCE OF NEW YEAR'S DAY**

**Friday, January 2, 2026**

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

\*\*\*\*\*December 23, 2025 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Tuesday, December 23, 2025. Commissioner Culbertson, Commissioner Smith, Commissioner Dove and Commissioner Stieben are present; Commissioner Reid is present by phone; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor; Bill Noll, Infrastructure and Construction Services; John Jacobson, Planning and Zoning Director; Aaron Yoakam, Building and Grounds Director; Stacy Driscoll, County Treasurer

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry presented unfilled positions within the County and inquired if the Board wishes to take those funds out of their budgets.

It was the consensus of the Board to not bring this back this year.

Commissioner Stieben inquired about advisory elections.

Misty Brown reported advisory elections are possible but not favorable or binding.

Commissioner Stieben inquired about options on how to proceed on the TerraPower plant.

Mr. Loughry indicated the letter of interest was sent to the Department of Commerce and then whenever there is information to share, they will release it.

Commissioner Smith reminded everyone about the voter enhancement work session and to get in touch with the superintendents in their district.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the consent agenda for Tuesday, December 23, 2025, as presented.***

***Motion passed, 5-0.***

John Jacobson presented Case DEV-25-109, a final plat for Marxen North.

***A motion was made by Commissioner Stieben and seconded by Commissioner Smith to find that the proposed final plat as outlined in Case DEV-25-109 is compliant with the County Zoning and Subdivision Regulations and move that the proposed final plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.***

***Motion passed, 5-0.***

Mr. Jacobson presented Case DEV-25-111, a final plat for Marxen South.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to find that the proposed final plat as outlined in Case DEV-25-111 is compliant with the County***

***Zoning and Subdivision Regulations and move that the proposed final plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.***

***Motion passed, 5-0.***

Amendments to the 2025 budget.

Commissioner Smith opened the public hearing.

Commissioner Smith closed the public hearing.

Mark Loughry presented the budget amendments to the 2025 budget.

***A motion was made by Commissioner Stieben and seconded by Commissioner Smith to approve the amendments to the Leavenworth County budget for 2025.***

***Motion passed, 5-0.***

Bill Noll presented Board Order 2025-16, transferring funds from the local service fund to the equipment reserve fund.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Board Order 2025-16, transferring funds from the local service fund to the equipment reserve fund in the amount of \$200,000.00.***

***Motion passed, 5-0.***

Aaron Yoakam presented Board Order 2025-17, transferring funds from the special building, buildings and grounds fund to the capital improvement fund designated for Courthouse renovations.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Board Order 2025-17, transferring funds from the special building, buildings and grounds fund to the capital improvement fund designated for Courthouse renovations in the amount of \$880,000.00.***

***Motion passed, 5-0.***

Mr. Noll presented Board Order 2025-18, transferring funds from the road and bridge fund to the capital road fund.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Board Order 2025-18, transferring funds from the road and bridge fund to the capital road fund in the amount of \$1,700,000.00.***

***Motion passed, 5-0.***

Mr. Noll presented Board Order 2025-19, transferring funds from the local service road and bridge fund to the capital road fund.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Board Order 2025-19, transferring funds from the local service road and bridge fund to the capital road fund in the amount of \$1,200,000.00.***

***Motion passed, 5-0.***

Mr. Noll requested acceptance of a bid from Norfolk Contracting for the replacement of bridge A-07.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to accept the bid from Norfolk Contracting for the replacement of bridge A-07 on Lecompton Road in the amount of \$226,469.00 with a 10% contingency.***

***Motion passed, 5-0.***

Mr. Noll requested acceptance of a bid from SMH Engineering for the design of 235<sup>th</sup> St.

***A motion was made by Commissioner Stieben and seconded by Commissioner Dove to accept the design proposal from SMH Engineering for the 235<sup>th</sup> St. from 4-H Road to K-92 Highway in the amount of \$475,555.00.***

***Motion passed, 5-0.***

Mr. Noll requested approval to approach KDOT regarding an agreement to relocate the Sherman Township salt dome and grader storage to their K-32 storage area.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Dove to approve to request KDOT to enter into an agreement to allow the County to relocate the Sherman Township salt dome and grader storage to their K-32 storage area.***

***Motion passed, 5-0.***

***A motion was made by Commissioner Dove and seconded by Commissioner Stieben that the Board recess for a closed executive meeting to consult with our attorneys and discuss confidential matters related to contract negotiations and legal interest of the County which would be deemed privileged in the attorney-client relationship as permitted under the Kansas Open Meetings Act and that Board resume open meeting at 10:15 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Mike Smith, Jeff Culbertson, Vanessa Reid, Willie Dove, Mike Stieben, County Administrator Mark Loughry, County Counselor Misty Brown, and Deputy County Counselor Jon Khalil.***

***Motion passed, 5-0.***

The Board has returned to regular session at 10:15 a.m. No action was taken and no decisions were made. The subject was limited to the legal interests of the County.

Commissioners Culbertson and Dove spoke with a representative from NACO regarding PILOT checks.

***A motion was made by Commissioner Dove and seconded by Commissioner Stieben to adjourn.***

*Motion passed, 5-0.*

The Board adjourned at 10:20 a.m.

Draft

# **LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE**

**Monday, January 5, 2026**

**Tuesday, January 6, 2026**

**Wednesday, January 7, 2026**

9:00 a.m.      Leavenworth County Commission meeting  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

**Thursday, January 8, 2026**

**Friday, January 9, 2026**

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM



FMWARREGR2		LEAVENWORTH COUNTY			12/23/25	15:33:49
JSCHERMBEC		WARRANT REGISTER			Page	1
START DATE: 12/19/2025    END DATE: 12/25/2025						
TYPES OF CHECKS SELECTED: * ALL TYPES						
CHECK RANGE SELECTED: * No Check Range Selected						
WARRANT	CHK	WARRANT	VEND #/	VENDOR NAME/		
NUMBER	TYPE	DATE	PCH DOC #	ACCOUNT NUMBER	DESCRIPTION	AMOUNT
TOTAL						
682		12/22/2025	8416	IRON MOUNTAIN INC		
			137808	5-001-5-19-220	SHREDDING FOR NOV	196.92
					WARRANT TOTAL	196.92
117809	AP	12/22/2025	147	ACCENT SALES & SERVICE CO		
			137772	5-133-5-00-363	CAPSCREWS, SIGN MATERIALS	556.93
					WARRANT TOTAL	556.93
117810	AP	12/22/2025	4120	AAA LAUNDRY & LINEN SUPPLY CO		
			137781	5-001-5-53-215	UNIFORM RENTALS	103.31
			137781	5-001-5-53-215	UNIFORM RENTALS	104.34
			137781	5-001-5-53-215	UNIFORM RENTALS	103.31
			137771	5-133-5-00-215	UNIFORM RENTALS	316.11
			137771	5-133-5-00-215	UNIFORM RENTALS	312.67
			137771	5-133-5-00-312	UNIFORM RENTALS	272.09
			137771	5-133-5-00-312	UNIFORM RENTALS	248.94
			137776	5-137-5-00-203	UNIFORM RENTALS	448.71
			137776	5-137-5-00-203	UNIFORM RENTALS	109.91
					WARRANT TOTAL	2,019.39
117811	AP	12/22/2025	8020	APCO INTERNATIONAL		
			137805	5-174-5-00-202	CTO 6TH ED RECERTIFICATION 790	35.00
					WARRANT TOTAL	35.00
117812	AP	12/22/2025	22369	BAMFORD FIRE SPRINKLER		
			137802	5-001-5-31-294	QUARTERLY INSPECTION	296.00
					WARRANT TOTAL	296.00
117813	AP	12/22/2025	26521	BRUNSON BUILDERS INC		
			137800	5-160-5-00-213	GARAGE DOOR INSALLATION FOR BU	388.08
					WARRANT TOTAL	388.08
117814	AP	12/22/2025	4938	BUILDING & GROUNDS		
			137809	5-108-5-00-218	SERVICES, SUPPLIES, PAYROLL AN	1,294.73
			137810	5-108-5-00-219	SERVICES, SUPPLIES, PAYROLL AN	1,481.79
			137809	5-108-5-00-606	SERVICES, SUPPLIES, PAYROLL AN	434.91
			137810	5-108-5-00-606	SERVICES, SUPPLIES, PAYROLL AN	526.91
					WARRANT TOTAL	3,738.34
117815	AP	12/22/2025	36	PATRICK J CAHILL		
			137791	5-001-5-09-231	COURT APPOINTED ATTORNEY	4,000.00
					WARRANT TOTAL	4,000.00
117816	AP	12/22/2025	362	BENJAMIN CASAD		
			137794	5-001-5-09-231	COURT APPOINTED ATTORNEY	4,000.00
					WARRANT TOTAL	4,000.00
117817	AP	12/22/2025	24545	CDW GOVERNMENT INC		
			137778	5-001-5-07-301	USB AND WEB CAM	291.20
			137778	5-001-5-07-362	USB AND WEB CAM	40.84
					WARRANT TOTAL	332.04
117818	AP	12/22/2025	1639	COUNTY WEED DIRECTORS ASSN		
			137780	5-001-5-53-203	2026 CWDK COUNTY WEED DIRECTO	225.00
					WARRANT TOTAL	225.00
117819	AP	12/22/2025	2509	CENTRAL SALT, LLC		
			137770	5-133-5-00-306	BULK DE ICING SALT	1,564.73
			137770	5-133-5-00-306	BULK DE ICING SALT	1,562.97
			137770	5-133-5-00-306	BULK DE ICING SALT	1,581.74
					WARRANT TOTAL	4,709.44

START DATE: 12/19/2025 END DATE: 12/25/2025

TYPES OF CHECKS SELECTED: \* ALL TYPES

CHECK RANGE SELECTED: \* No Check Range Selected

WARRANT NUMBER	CHK TYPE	WARRANT DATE	VEND #/ PCH DOC #	VENDOR NAME/ ACCOUNT NUMBER	DESCRIPTION	AMOUNT	TOTAL
117820	AP	12/22/2025	21300 137806	GERALD KUCKELMAN 5-001-5-19-213	REIMBURSEMENT FOR NJC TRAINING	802.73	
					WARRANT TOTAL		802.73
117821	AP	12/22/2025	446 137777 137777	EQUIPMENT SHARE INC 5-137-5-00-320 5-137-5-00-320	WIPER ARM AND NUTS SCREW WIPER ARM AND NUTS SCREW	193.48 29.85	
					WARRANT TOTAL		223.33
117822	AP	12/22/2025	2410 137790 137790 137790 137790 137790 137790 137790 137790 137790 137790 137790	FIRST CALL INC 5-001-5-13-211 5-001-5-13-211 5-001-5-13-211 5-001-5-13-211 5-001-5-13-211 5-001-5-13-211 5-001-5-13-211 5-001-5-13-211 5-001-5-13-211 5-001-5-13-211 5-001-5-13-211	TRANPORTATION TRANPORTATION TRANPORTATION TRANPORTATION TRANPORTATION TRANPORTATION TRANPORTATION TRANPORTATION TRANPORTATION TRANPORTATION TRANPORTATION TRANPORTATION	125.00 125.00 125.00 125.00 125.00 125.00 125.00 125.00 125.00 125.00 125.00 250.00	
					WARRANT TOTAL		1,375.00
117823	AP	12/22/2025	656 137792	JAMES ANTWONE FLOYD 5-001-5-09-231	COURT APPOINTED ATTORNEY	2,872.90	
					WARRANT TOTAL		2,872.90
117824	AP	12/22/2025	894 137788 137788 137788 137788	FORENSIC MEDICAL MANAGEMENT SE 5-001-5-13-271 5-001-5-13-271 5-001-5-13-271 5-001-5-13-271	AUTOPSY AUTOPSY AUTOPSY AUTOPSY	9,900.00 1,700.00 200.00 75.00	
					WARRANT TOTAL		11,875.00
117825	AP	12/22/2025	70 137811	FREESTATE ELECTRIC COOPERATIVE 5-174-5-00-210	EISENHOWER TOWER	752.65	
					WARRANT TOTAL		752.65
117826	AP	12/22/2025	971 137779 137779 137779	GALLS 5-001-5-07-350 5-001-5-07-350 5-001-5-07-350	UNIFORMS UNIFORMS UNIFORMS	1,277.89 856.24 183.52	
					WARRANT TOTAL		2,317.65
117827	AP	12/22/2025	3186 137787	GOTO TECHNOLOGIES USA, INC 5-001-5-18-254	GOTO SUBSCRIPTIONS	4,248.00	
					WARRANT TOTAL		4,248.00
117828	AP	12/22/2025	1941 137793	LAW OFFICE OF E ELAINE HALLEY 5-001-5-09-231	COURT APPOINTED ATTORNEY	3,000.00	
					WARRANT TOTAL		3,000.00
117829	AP	12/22/2025	434 137775 137775 137775 137775 137775	HAMM QUARRIES 5-137-5-00-312 5-137-5-00-312 5-137-5-00-312 5-137-5-00-312 5-137-5-00-312	ROCK ROCK ROCK ROCK ROCK	10,309.50 11,190.48 15,751.21 184.73 22,545.15	
					WARRANT TOTAL		59,981.07
117830	AP	12/22/2025	21600	TRICARE WEST FINANCE			

FMWARREGR2		LEAVENWORTH COUNTY				12/23/25	15:33:49
JSCHERMBEC		WARRANT REGISTER					Page 3
START DATE: 12/19/2025    END DATE: 12/25/2025							
TYPES OF CHECKS SELECTED: * ALL TYPES							
CHECK RANGE SELECTED: * No Check Range Selected							
WARRANT	CHK	WARRANT	VEND #/	VENDOR NAME/			
NUMBER	TYPE	DATE	PCH DOC #	ACCOUNT NUMBER	DESCRIPTION	AMOUNT	TOTAL
			137782	5-108-5-00-216	ADJUSTED CLAIM L275X33WH0000	33.01	
					WARRANT TOTAL		33.01
117831	AP	12/22/2025	369	HOLLIDAY SAND & GRAVEL CO			
			137774	5-137-5-00-312	ROCK	335.38	
			137774	5-137-5-00-312	ROCK	4,214.64	
			137774	5-137-5-00-312	ROCK	1,198.49	
			137774	5-137-5-00-312	ROCK	3,142.46	
					WARRANT TOTAL		8,890.97
117832	AP	12/22/2025	236	INTERPRETERS INC			
			137807	5-001-5-19-221	INTERPERTER FOR 12-1 12-10	327.20	
					WARRANT TOTAL		327.20
117833	AP	12/22/2025	7655	J F DENNEY PLUMBING & HEATING			
			137785	5-001-5-07-357	BALL VALVE REPLACEMENT	2,670.00	
					WARRANT TOTAL		2,670.00
117834	AP	12/22/2025	1575	J&J DRAINAGE PRODUCTS CO			
			137773	5-137-5-00-313	CULVERTS	47,972.80	
					WARRANT TOTAL		47,972.80
117835	AP	12/22/2025	979	JAMAR TECHNOLOGIES INC			
			137768	5-133-5-00-327	3 TRAFFIC COUNTER AND TUBES	4,247.00	
					WARRANT TOTAL		4,247.00
117836	AP	12/22/2025	966	ATCHISON AUTO PARTS LLC DBA NA			
			137766	5-133-5-00-312	SILICON, REMAN AIR DRYER	7.99	
			137766	5-133-5-00-360	SILICON, REMAN AIR DRYER	344.14	
					WARRANT TOTAL		352.13
117837	AP	12/22/2025	1978	KRYGER GLASS CO			
			137804	5-001-5-07-213	CRACKED WINDSHIELD UNIT 136 VI	49.95	
					WARRANT TOTAL		49.95
117838	AP	12/22/2025	1028	LASER SPECIALISTS, INC			
			137767	5-133-5-00-327	SMART NET NRTK 3 YEAR	8,665.00	
					WARRANT TOTAL		8,665.00
117839	AP	12/22/2025	17677	LEXISNEXIS RISK DATA MGMT (ACC			
			137789	5-001-5-09-203	OCTOBER MINIMUM COMMITMENT	50.00	
					WARRANT TOTAL		50.00
117840	AP	12/22/2025	688	LOGICALIS			
			137799	5-001-5-14-210	PROJECT INITIATION, PROJECT CO	12,225.00	
			137799	5-001-5-14-210	PROJECT INITIATION, PROJECT CO	18,960.00	
					WARRANT TOTAL		31,185.00
117841	AP	12/22/2025	2666	JENNIFER GRAHAM			
			137769	5-133-5-00-364	SAFETY BOOTS REIMBURSEMENT	164.20	
					WARRANT TOTAL		164.20
117842	AP	12/22/2025	2666	JON KHALIL			
			137795	5-001-5-09-205	MILEAGE REIMBURSEMENT FOR UMKC	47.60	
					WARRANT TOTAL		47.60
117843	AP	12/22/2025	11799	O'REILLY AUTOMOTIVE			
			137765	5-133-5-00-360	BELTS, FILTER, MARKERS	96.88	
			137765	5-133-5-00-360	BELTS, FILTER, MARKERS	127.80-	
			137765	5-133-5-00-360	BELTS, FILTER, MARKERS	181.72	
			137765	5-133-5-00-360	BELTS, FILTER, MARKERS	74.48	
			137765	5-133-5-00-360	BELTS, FILTER, MARKERS	96.88	
			137765	5-133-5-00-360	BELTS, FILTER, MARKERS	108.45	

START DATE: 12/19/2025 END DATE: 12/25/2025

TYPES OF CHECKS SELECTED: \* ALL TYPES

CHECK RANGE SELECTED: \* No Check Range Selected

<u>WARRANT NUMBER</u>	<u>CHK TYPE</u>	<u>WARRANT DATE</u>	<u>VEND #/ PCH DOC #</u>	<u>VENDOR NAME/ ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TOTAL</u>
					WARRANT TOTAL		430.61
117844	AP	12/22/2025	196 137798	OLSSON, INC 5-001-5-06-206	P&Z PORTION	5,729.00	
					WARRANT TOTAL		5,729.00
117845	AP	12/22/2025	7098 137784	QUILL CORP 5-001-5-07-301	OFFICE SUPPLIES	1,579.35	
					WARRANT TOTAL		1,579.35
117846	AP	12/22/2025	42020 137796 137796	COMMISSIONER MIKE SMITH 5-001-5-01-205 5-001-5-01-205	MILEAGE REIMBURSEMENT FOR KAC MILEAGE REIMBURSEMENT FOR KAC	297.50 10.00	
					WARRANT TOTAL		307.50
117847	AP	12/22/2025	248 137783 137783 137783	ELIOR, INC 5-001-5-07-261 5-001-5-07-261 5-001-5-07-261	INMATE MEALS INMATE MEALS INMATE MEALS	6,338.15 6,285.71 6,376.17	
					WARRANT TOTAL		19,000.03
117848	AP	12/22/2025	2 137801	WATER DEPT 5-001-5-32-392	514 S 2ND ST	56.31	
					WARRANT TOTAL		56.31
117849	AP	12/22/2025	2007 137803 137786	WIRENUTS 5-001-5-07-207 5-001-5-07-363	SERVICE CALL-PROBLEM WITH CAME SECURITY REPLACE CAMERA AND IN	2,582.74 6,127.93	
					WARRANT TOTAL		8,710.67
					GRAND TOTAL		248,413.80

START DATE: 12/19/2025 END DATE: 12/25/2025

TYPES OF CHECKS SELECTED: \* ALL TYPES

CHECK RANGE SELECTED: \* No Check Range Selected

FUND SUMMARY

001	GENERAL	105,564.81
108	COUNTY HEALTH	3,771.35
133	ROAD & BRIDGE	20,275.12
137	LOCAL SERVICE ROAD & BRIDGE	117,626.79
160	SOLID WASTE MANAGEMENT	388.08
174	911	787.65
TOTAL ALL FUNDS		248,413.80

Leavenworth County Kansas  
300 Walnut  
Leavenworth, KS 66048

Policy Term:

January 1, 2026  
to  
January 1, 2027



INSURANCE - RISK MANAGEMENT - EMPLOYEE BENEFITS

## **ACCOUNT SERVICING TEAM**

No matter how comprehensive or price competitive your insurance program is, it's still people who service it to ensure that the coverage will respond when it's needed. We feel our people are our greatest asset - courteous professionals who know that you expect and deserve the very best.

These are the people who will be handling your account:

<b>MIKE REILLY</b>	<b>AGENT</b>	mike.reilly@reillyinsurance.com
<b>SUSAN PUTMAN</b>	<b>ACCOUNT MANAGER</b>	susan.putman@reillyinsurance.com
<b>BOBBIE JONES</b>	<b>CLAIMS/BONDS</b>	bobbie.jones@reillyinsurance.com

The Reilly Company  
Leavenworth Office: 608 Delaware, Leavenworth, KS 66048  
Phone: 913-682-1234; FAX: 913-682-8136  
Kansas City Office: 11225 College Blvd., Ste 210, Overland Park KS  
Phone: 913-708-8700; FAX: 913-708-8880

This presentation is designed to give you an overview of the insurance coverages we recommend for your company. It is intended only as a general understanding of your insurance needs and should not be construed as a legal interpretation of the insurance policies that will be written for you. Please refer to your specific insurance contracts for details on coverages, conditions and exclusions.

## COMMERCIAL PROPERTY COVERAGE

Named Insured: Leavenworth County  
 Company Name: Chubb Insurance (rated **A+** by A.M. Best)  
 Policy Term: 01/01/26 to 01/01/27

Causes of Loss: Special Form w/Earthquake subject to policy exclusions  
 Deductible: \$10,000  
                   \$25,000 applies to Towers only  
 W/H Deductible: 1% Wind/Hail Deductible - with varying Minimum Deductibles:  
                   \$25,000 all other locations except  
                   \$250,000 at Justice Center  
                   \$100,000 at 300 Walnut, 5175 Hughes, 725 Laming, 711 Marshall  
 Valuation: Replacement Cost  
                   ACV on 300 Walnut & 711 Marshall  
 Coinsurance: 90% w/Agreed Amount on Building  
                   90% on Contents w/Agreed Amount

Location	Property Description	Property Limits
300 Walnut Leavenworth (Court House)	Building Contents Radio Tower	\$ *9,995,602 1,813,127 4,770
23690 187 <sup>th</sup> Leavenworth (County Shop)	Building Contents Radio Tower	\$ 1,669,500 442,200 31,747
23674 187 <sup>th</sup> Leavenworth (Noxious Weed)	Building Contents	\$ 1,238,914 166,950
425 Laming Rd. Tonganoxie (Co-Annex-EMS)	Building Contents	\$ 1,317,317 159,750



Location	Property Description	Property Limits
1830 S Broadway Leavenworth (Counseling Center)	Contents	\$ 77,910
23690 187 <sup>th</sup> St. Leavenworth (Salt Shed/Co. Shop)	Building Contents	\$ 83,475 22,260
23690 187 <sup>th</sup> St Leavenworth (Pole Barn)	Building Contents	\$ 111,300 5,844
24967 136 <sup>th</sup> S. Lansing (Solid Waste)	Building	\$ 52,823
220 Walnut Leavenworth (Juvenile Detention)	Building Contents	\$ 1,234,187 58,433
24967 136 <sup>th</sup> Street Lansing (Solid Waste)	Building B Contents Building A Contents Building C Contents Building D Contents	\$ 667,800 5,844 50,085 44,520 233,730 16,695 55,650 2,783
24967 136 <sup>th</sup> Street Leavenworth (Transfer Metal 24 x 24 shed)	Building Radio Tower	\$ 4,558 30,740
601 S. 3 <sup>rd</sup> Street Leavenworth (Justice Center)	Building Contents Tower Tower Control Building	\$ 38,492,215 2,782,500 1,060,000 147,963
500 Eisenhower Rd. Leavenworth (Health Dept)	Building Contents	\$ 4,145,308 630,000

Location	Property Description	Property Limits
18673 McLouth St. Tonganoxie, KS (Salt Dome)	Building	\$ 33,390
1050 N. 16 <sup>th</sup> Street Leavenworth (New EMS Bldg)	Building Contents	\$ 1,769,056 241,680
17103 Eisenhower Leavenworth	Tower Control Bldg. Tower	\$ 203,788 2,120,000
32498 Easton Road Leavenworth	Tower Tower Control Bldg	\$ 1,060,000 147,963
Ft Leavenworth Site Ft Leavenworth	Tower Control Bldg	\$ 147,963
Lowemont Rd. & US73 Leavenworth (New Salt/Sand Dome)	Building	\$ 33,390
Co Rd 5 & Hollingsworth Leavenworth (Shop)	Building Contents	\$ 22,260 11,130
Tonganoxie Site Tonganoxie	Tower Control Bldg.	\$ 147,963
23401 Sandusky Tonganoxie	Tower	\$ 1,060,000
5175 Hughes Road Leavenworth (EMS)	Building Contents	\$ 2,142,894 \$ 181,837
16971 Kreider Linwood, KS	Salt Dome	\$ 33,390
725 Laming Road Tonganoxie	County Annex	\$ 2,312,076
18893 McLouth Road Tonganoxie, KS 66086	Salt Dome	\$ 66,780

Location	Property Description	Property Limits
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711 Marshall Street Leavenworth, KS 66048	Building	\$ *7,322,160
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KDOT Bonner Springs	Tower Equipment	\$ 10,600
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Johnson Co Kill Creek	Tower Equipment	\$ 10,600
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**Total Insured Building Limits: \$79,271,958**

<b>Total Blanket Buildings</b>	<b>\$ 61,954,196</b>
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<b>Total Blanket Contents</b>	<b>\$ 6,663,461</b>
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<b>Total Blanket Limits</b>	<b>\$ 68,617,657</b>
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**\*300 Walnut and 711 Marshall are not included in Blanket limits, both at Actual Cash Value coverage.**

**Key Exclusion:** Mold or Bacteria

<b>COMMERCIAL PROPERTY COVERAGE EXTENSIONS</b>
--

Blanket Earthquake	\$5,000,000
Blanket Flood	\$5,000,000
Deductible:	\$ 25,000

Equipment Breakdown	Included
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Utility Services – Direct Damage	\$ 50,000
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Sewer or Drain Backup	\$ 50,000
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Blanket Extra Expense	\$1,000,000
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Streets/Lights/Signs	\$ 100,000
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## EQUIPMENT FLOATER

Named Insured: Leavenworth County  
Company Name: Chubb Insurance (rated **A+** by A.M. Best)  
Policy Term: 01/01/26 to 01/01/27

**Coverage Valuation:** Actual Cash Value

**Deductible:** **\$5,000**  
**\$10,000 for items over \$250k in Value**

<u>Limits</u>	<u>Coverage Description</u>
\$ 9,376,681	Scheduled Contractor Equipment
\$ 250,000	Unscheduled Equipment / \$5,000 Max per item
\$ 250,000	Leased or Rented from Others
\$ 2,201,585	Misc Property Floater (includes Voting Booths) \$25,000 Wind/Hail Deductible applies to Property Floater

## CRIME COVERAGE

Named Insured: Leavenworth County  
Company Name: Chubb Insurance (rated **A+** by A.M. Best)  
Policy Term: 01/01/26 to 01/01/27

<u>Limits</u>	<u>Deductible</u>	<u>Coverage Description</u>
\$ 100,000	\$ 1,000	Public Employee Dishonesty Per Employee
\$ 100,000	\$ 1,000	Forgery and Alteration
\$100,000	\$ 1,000	Theft, Disappearance, and Destruction Sec 1 - Inside Premises
\$100,000	\$ 1,000	Sec 2 - Outside Premises

**Additional Conditions and Endorsements:** Faithful performance of duty,  
Employee Benefit Plans included – Refer to policy for all terms and conditions.

## PUBLIC ENTITY GENERAL LIABILITY COVERAGE

Named Insured: Leavenworth County  
 Company Name: Travelers Insurance (rated **A+** by A.M. Best)  
 Policy Term: 01/01/26 to 01/01/27

**Coverage Written On:**    ☒ Occurrence Form        ☐ Claims-Made Form

<u>Limits</u>	<u>Coverage Description</u>
\$ 1,000,000	Each Occurrence - Bodily Injury and Property Damage
\$ 2,000,000	General Aggregate
\$ 2,000,000	Products and Completed Operations Aggregate
\$ 1,000,000	Personal and Advertising Injury
\$ 100,000	Fire Legal Liability
\$ Excluded	Medical Expense (any one person)
\$ 1,000,000	Health Care and Social Services Liability
\$ 1,000,000	Abuse or Molestation Aggregate Limit
\$ 2,000,000	Abuse or Molestation Offense Limit
\$ 1,000,000	Employee Benefits Liability/Each Employee / \$1,000 deductible
\$ 3,000,000	Employee Benefits Liability Aggregate Limit: Claims made form
	Retro Date: 1/1/2000

Includes:

- Premises and Operations
- Products and Completed Operations
- Owners and Contractors Liability
- Contractual Liability
- Employees as Additional Insureds
- Broad Form Property Damage Liability
- Host Liquor Liability
- Incidental Medical Malpractice
- Non-Owned Watercraft Liability (under 26 feet)
- Limited Worldwide Products

**Key Exclusion:** Sewer Back Up (resulting from negligence) excluded,  
 Failure to Supply Services excluded.  
 Employment Practices Liab., Mold other fungi or Bacteria  
 Airport or Aviation activities, Dams, levees or dikes.

## CYBERRISK COVERAGE

Named Insured: Leavenworth County  
Company Name: Travelers Insurance (rated **A+** by A.M. Best)  
Policy Term: 01/01/26 to 01/01/27

<b><u>Liability Coverage</u></b>	<b><u>Limit</u></b>	<b><u>Retention</u></b>
Privacy and Security	\$25,000	\$5,000
Privacy Breach Notification	\$25,000	\$5,000

*Higher limits are available once Multi Factor Authentication requirements are met*



## COMMERCIAL AUTOMOBILE COVERAGE

Named Insured: Leavenworth County  
Company Name: Travelers Insurance (rated **A+** by A.M. Best)  
Policy Term: 01/01/26 to 01/01/27

<u>Limits</u>	<u>Coverage Description</u>
\$ 1,000,000	Combined Single Limit - Bodily Injury and Property Damage
\$ 1,000,000	Uninsured Motorists
\$ 1,000,000	Underinsured Motorists
\$ 5,000	Medical Payments
\$ 10,000	<b>Bodily Injury and Property Damage Deductible</b>

### **All Units with Cost New less than \$100,000:**

\$ 5,000	Deductible Comprehensive – All Other units
\$ 5,000	Deductible Collision – All Other units

### **All Units with Cost New over \$100,000:**

\$ 10,000	Deductible Comprehensive
\$ 10,000	Deductible Collision

### **Composite Rated**

Includes: [X] Non-Owned Auto Liability  
[X] Hired Auto Liability

### **Additional Conditions and Endorsements**

Hired Auto Physical Damage \$ 30,000  
Comprehensive \$ 1,000 Ded  
Collision \$ 1,000 Ded

2024 # of units: 195 / \$10,939,733 values  
2025 # of units: 197 / \$12,245,437 values  
2026 # of units: 182 / \$12,805,917 values

## UMBRELLA POLICY

Named Insured: Leavenworth County  
 Company Name: Travelers Insurance (rated **A+** by A.M. Best)  
 Policy Term: 01/01/26 to 01/01/27

<b><u>Limits</u></b>	<b><u>Coverage Description</u></b>
\$ 1,000,000	Each Occurrence
\$ 1,000,000	Annual Aggregate
\$ 10,000	Retained Limit

### **Underlying Insurance Information:**

Auto Liability	\$ 1,000,000	Combined Single Limit
General Liability	\$ 1,000,000	Each Occurrence
	\$ 2,000,000	General Aggregate
	\$ 2,000,000	Products Aggregate
	\$ 1,000,000	Personal Injury
Law Enforcement Liability	\$ 1,000,000	
Public Entity Management Liability	\$ 1,000,000	
Employment Related Practices	\$ 1,000,000	

### **Key Policy Exclusions/Features**

Employers' Liability Exclusion  
 Hospital & Nursing Home Exclusion  
 Excess wrongful Acts (Linebacker) - Claims Made  
 Umbrella Liability Amendment - Follow Form

<b>PUBLIC ENTITY MANAGEMENT LIABILITY</b>
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Named Insured: Leavenworth County  
Company Name: Travelers Insurance (rated **A+** by A.M. Best)  
Policy Term: 01/01/26 to 01/01/27

**Coverage Written On:** [X] Claims-Made Form  
**Retroactive Date:** 01-01-00

<u>Limits</u>	<u>Coverage Description</u>
\$ 1,000,000	Each Loss
\$ 2,000,000	Aggregate for Each Policy Term
\$ 25,000	Insureds Deductible per Loss

**Coverage Agreement:** This agreement is designed to cover damages (other than bodily injury, personal injury, advertising injury or property damage) any protected person is legally required to pay for covered loss that result from the conduct of duties by or for public entity and is caused by a wrongful Act. Wrongful act is defined as any act, error or omission. However, wrongful employment practice offenses are not covered.

**Who is Protected:** Public Entity, Elected or Appointed Officials, Board Members, Employees (including employees of the entity's boards), Estates, Heirs, Legal Representatives or Assigned & Volunteer Workers

**Terms:** Pay on behalf of basis (Deductible options only), Duty to defend claims and suits even if allegations are groundless, false or fraudulent (deductible options only), Punitive damages covered up to full policy limits, if allowed by law. No exclusion for Architects, Engineers or Lawyers. Automatic Limited Reporting Period of 60 days after agreement is cancelled or not renewed. Health care professional services and law enforcement duties exclusions apply. Taking of private property for public use (eminent domain), diminution in value and inverse condemnation are excluded.

## LAW ENFORCEMENT LIABILITY

Named Insured: Leavenworth County  
Company Name: Travelers Insurance (rated **A+** by A.M. Best)  
Policy Term: 01/01/26 to 01/01/27

**Coverage Written On:** Occurrence form

<b><u>Limits</u></b>	<b><u>Coverage Description</u></b>
\$ 1,000,000	Each Loss
\$ 2,000,000	Aggregate for Each Policy Term
<b>\$ 25,000</b>	<b>Insureds Deductible per Loss</b>

**Who is Protected:** Public Entity, Employees, Elected or Appointed Officials  
& Volunteer Workers

### **Additional Conditions and Endorsements**

Professional Endorsement: County Attorney

**Coverage Agreement:** This coverage was designed to cover the premises and operations exposures and the professional liability of law enforcement agencies, including jail operations. It covers amounts any protected person is legally required to pay as damages for covered injury or damage that result from the conduct of law enforcement duties by or for your law enforcement agency and is caused by a wrongful act. Wrongful act is defined as any act, error or omission. Includes coverage for the following:

Bodily Injury, Personal Injury and Property Damage, Authorized Moonlighting Canine & Equine Exposures, False Arrest, Detention or Imprisonment, False or Improper Service of Process, Handling & Treatment of corpses and Dispensing of medication, Injury due to the use of mace, pepper spray or tear Gas, Mental Anguish, Emotional Distress, Humiliation, Mutual Air Agreements & Violation of civil rights protected under any federal, state or local law

## EMPLOYMENT PRACTICES LIABILITY

Named Insured: Leavenworth County  
Company Name: Travelers Insurance (rated **A+** by A.M. Best)  
Policy Term: 01/01/26 to 01/01/27

**Coverage Written On:** ☒ Claims-Made Form  
**Retroactive Date:** **01-01-00**

<u>Limits</u>	<u>Coverage Description</u>
\$ 1,000,000	Each Loss
\$ 2,000,000	Aggregate for Each Policy Term
<b>\$ 25,000</b>	<b>Insureds Deductible per Loss</b>

**Who is Protected:** Public Entity, Elected or Appointed Officials,  
Board Members, Employees (including employees  
Of the entity's board) & Volunteer Workers

**Coverage Agreement:** This agreement is designed to cover damages (other than Bodily injury or property damages) any protected person is legally required to pay for covered employment injury to employees or independent contractors that results a wrongful employment practice offense first committed after the retroactive date. Wrongful employment practice offense is defined to include discrimination, termination, harassment, retaliation, discipline, hiring, supervision, demotion, promotion, defamation, libel, slander, invasion or privacy.

**Terms:**

**This is a claims-made insuring agreement that includes defense expenses within the limits of coverage.**

Insurer's Duty to Defend Provision

Includes Discrimination

Includes Violation of Civil Rights

Includes alleged Sexual Harassment

Includes Employment Practices

Each Wrongful Employment Practice Offense Deductible – applies to Loss & Defense Expense.

**Terms Continued:**

Our Right to Settle Claims without your Written Consent Endorsement

This is a claims-made insuring agreement that includes defense expenses within the limits of coverage

Right, but duty, to defend any protected person in an administrative proceeding which does not seek damages

Pay on behalf of basis

Administrative proceedings conducted by governmental agencies in which damages are sought are included in the definition of suit.

## PREMIUM COMPARISON

DESCRIPTION OF COVERAGE	TRAVELERS PREMIUM 2025/26	TRAVELERS/ CHUBB PREMIUM 2026/27
Property	\$ 219,904	\$ 200,000
Inland Marine	\$ 28,636	\$ 22,851
Crime	\$ 2,389	\$ 2,389
General Liability	\$ 106,258	\$ 116,857
Cyber Liability	\$ 2,329	\$ 2,370
Public Entity	\$ 33,016	\$ 45,215
Employment Practices	\$ 159,956	\$ 210,989
Law Enforcement Liability	\$ 74,786	\$ 96,053
Automobile	\$ 334,405	\$ 400,884
Umbrella	\$ 29,040	\$ 29,196
<b>Total Annual Premiums</b>	<b>\$ 990,719</b>	<b>\$1,126,804</b>

**Billing:**

Travelers – Agency Bill, Quarterly Installments

Chubb – Direct Bill, Quarterly Installments, \$10 Installment Fee

# Leavenworth County Request for Board Action

**Date:** December 22, 2025

**To:** Board of County Commissioners

**From:** Mark Loughry

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☒ **Legal Review** ☐

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**Action Requested:** Authorize the Commission Chair to sign the Leavenworth County Extension Council budget form for the 2026 budget year.

**Recommendation:** Approval.

**Analysis:** The Leavenworth Extension Office is required to submit their annual budget to the Board of County Commission for review and approval. The County's appropriation to this budget is approved during our annual budget process. The current approval is more administrative in nature and required by statute.

Attached are copies of the statutes referenced in the form.

**Alternatives:**

**Budgetary Impact:**

☒ Budgeted expenditure



**BUDGET FOR THE Leavenworth COUNTY EXTENSION COUNCIL**

For the period from January 1, 2026 to December 31, 2026 This budget is prepared  
in accordance with K.S.A. 2-610 as amended.

**EXPENDITURES**

Printing, Audit, Treasurer Bond, Liability Insurance.....		\$4,500
Telephone.....		\$2,500
Rent, Heat and Lights.....		\$500
Supplies, Stationery, and Postage.....	<i>del 9,000</i>	<del>\$10,000</del>
Equipment .....		\$2,000
Educational Program Support.....	<i>del 13,000</i>	<del>\$15,000</del>
Travel.....		\$9,000
Subsistence.....		\$2,500
Salaries and Wages.....	<i>del 241,000</i>	<del>\$245,200</del>
Employee Benefits.....		\$55,000
.....		\$0
.....		\$0
Sub-Total.....	<i>del 339,000</i>	<del>\$346,200</del>
Nonappropriated Funds (Reimbursable Transactions).....		\$60,000
Capital Outlay Reserve .....		\$0
TOTAL EXPENDITURES.....	<i>del 339,000</i>	<del>\$406,200</del>

**Receipts**

Unencumbered Cash balance.....	<i>del 26,800</i>	<del>\$19,000</del>
Kansas State University.....		\$47,164
County Appropriation.....	<i>del 265,036</i>	<del>\$280,036</del>
Interest .....		\$0
Other .....		\$0
Sub-Total.....	<i>del 339,000</i>	<del>\$346,200</del>
Nonappropriated Funds (Reimbursable Transactions).....		\$60,000
Capital Outlay Reserve .....		\$0
TOTAL RECEIPTS.....	<i>del 339,000</i>	<del>\$406,200</del>

**Proposed**

  
Representing County Extension Council

Date

9/9/2025**Proposed  
and****Approved\***

\_\_\_\_\_  
Representing the Director of Extension

Date

\_\_\_\_\_

**Approved**

\_\_\_\_\_  
Representing Board of County Commissioners

Date

\_\_\_\_\_

\*The signature of the Director of Extension or the Director's representative constitutes approval  
of expenditures in accordance with K.S.A. 2-615 and K.S.A. 2-610 as amended.

KSU 8-1 (2011)

# Leavenworth County Request for Board Action

**Date:** December 19, 2025

**To:** Board of County Commissioners

**Cc:** Mark Loughry, County Administrator

**From:** Jon Khalil, Deputy County Counselor

**Department Head Approval:** N/A

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☐ **Legal Review** ☐

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**Action Requested:** Approve signing a consent for assignment of Leavenworth County's contract solid waste contract with Hamm Companies to Allied Waste Systems Inc.,

**Recommendation:** Approval to sign the letter of consent for the assignment of Leavenworth County's contract for solid waste management with Hamm Companies.

**Analysis:** On December 9, 2025 Hamm Companies sent the attached consent letter to Leavenworth County. Hamm Companies has agreed to sell certain of its assets to Allied Waste System, Inc. including Prairie Landfill LLC, a wholly owned subsidiary of Allied ("Republic). This sale would constitute an assignment under the contract between the County and Hamm Companies for solid waste management services. The contract between the County and Hamm requires that the county consent to any assignment of the contract.

The letter attached would constitute the county acknowledging and consenting to the assignment, waiving the right to terminate the contract as a result of the assignment, and acknowledging that the county is not in default or breach of the contract, and acknowledging that the contract will continue in full force after the assignment. These types of consent are fairly standard when a company like this sells assets to another.

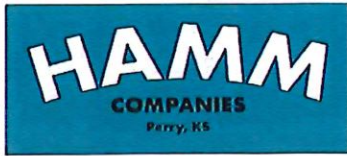
**Alternatives:** 1) Deny and not agree to consent to the assignment of the contract; or 2) Table the matter for further study.

**Budgetary Impact:**

- ☒ Not Applicable
- ☐ Budgeted item with available funds
- ☐ Non-Budgeted item with available funds through prioritization
- ☐ Non-Budgeted item with additional funds requested

**Additional Attachments:**

Letter from Hamm Companies.



December 9, 2025

***SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED***

Leavenworth County  
300 Walnut  
Leavenworth County, KS 66048  
Attn: County Clerk

**Re: Contract for Solid Waste Hauling dated November 16, 2022 (the "Contract"), by and between N. R. Hamm Quarry, LLC, a Kansas limited liability company ("Hamm"), and Leavenworth County Solid Waste ("You").**

We are pleased to advise that Hamm recently agreed to sell certain of its assets (the "Sale") to Allied Waste Systems, Inc., a Delaware corporation ("Allied") and its affiliates, including Prairie Landfill, LLC, a wholly owned subsidiary of Allied ("Republic").

The Contract identified above is among the assets proposed to be sold to Republic as part of the Sale. We are confident that Republic will continue the business relationship embodied in the Contract and will continue to provide services to You at the highest level.

The Sale will constitute an assignment of the Contract (the "Assignment") requiring the Your consent. Accordingly, we kindly request that You acknowledge and consent to the Assignment to Republic. Specifically, by signing this letter, You: (i) acknowledge and consent to the Assignment; (ii) waive any right to terminate the Contract as a result of the Assignment; (iii) acknowledge and confirm that You are not in default or breach of any term or provision of the Contract; and (iv) acknowledge that the Contract will continue in full force and effect in accordance with its terms following the Assignment. If the Sale is not consummated for any reason, this letter will cease to have effect and the Contract will remain in place between Hamm and You in accordance with its terms.

Please note that we expect to complete the transaction on or around the first quarter of 2026. Accordingly, we would appreciate Your prompt attention to this matter. If you have any questions, please contact Charlie Sedlock at [Charlie.Sedlock@summit-materials.com](mailto:Charlie.Sedlock@summit-materials.com) or at (785) 865-8698. Otherwise, kindly sign and return this letter to Charlie Sedlock via email by .pdf at [Charlie.Sedlock@summit-materials.com](mailto:Charlie.Sedlock@summit-materials.com).

*[Signature Page Follows]*

609 Perry Place, PO Box 17, Perry, KS 66073  
(785)597-5111

N.R. Hamm Quarry, LLC,  
a Kansas limited liability company

By:   
Name: Nick Ivezaj  
Title: General Counsel

AGREED AND ACKNOWLEDGED:

Board of County Commissioners Leavenworth County, Kansas

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Leavenworth County  
Request for Board Action  
Case No. DEV-25-132 Proposed Amendment to the 2006 Leavenworth County  
Zoning and Subdivision Regulations – Multiple Articles**

**Date:** December 31, 2025  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** John Jacobson, Reviewed

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☒ **Legal Review** ☒

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**Action Requested:**

Chairman, I move to adopt the proposed amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations as outlined in Case DEV-25-132 based on the recommendation of the Planning Commission and findings of fact.

**Analysis:** This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. The proposed amendment is for the following:

Article 4 – Growth Management Communities, Zoning Districts and Boundaries  
Article 5 – “R” Rural District Regulations  
Article 7 – “R-1” One-Family Dwelling District Regulations  
Article 8 – “R-2” One-Family Dwelling District Regulations  
Article 9 – “R-3” Two-Family Dwelling District Regulations  
Article 10 – “R-4” Apartment District Regulations  
Article 11 – “B-1” Neighborhood Business District Regulations  
Article 12 – “B-2” Limited Business District Regulations  
Article 13 – “B-3” General Business District Regulations  
Article 14 – “I-1” Limited Industrial District Regulations  
Article 15 – “I-2” Light Industrial District Regulations  
Article 16 – “I-3” Heavy Industrial District Regulations  
Article 20 – Additional Height and Area Regulations  
Article 22 – Special Use Permit and Temporary Use Permit  
Article 42 – Family Homestead Exemption  
Article 50 – Minimum Subdivision Design Standards and General Requirements  
Article 85 – Lot Splits, Tract Splits & Boundary Line Adjustments

The proposed amendments reflect the text changes discussed during multiple study reviews conducted throughout 2025.

**Recommendation:** The Planning Commission voted 5-0 to recommend approval of Case No. DEV-25-132 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations as outlined above with modifications, outlined as follows:

1. Article 22, Section 5 – correct the proposed language of “place don” to ‘placed on”
2. Article 22, Section 11.f. - correct the proposed language of “place don” to ‘placed on”
3. Article 50, Section 40.3.a. – amend the percentage of minimum width as measured at the property line for cul-de-sac lots from 50% to 20% AND amend the percentage of minimum width as measured at the property line for curved road lots from 20% to 50%.

**Alternatives:**

1. Approve Case No. DEV-25-132 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-25-132 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-25-132 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- ☒ Not Applicable  
☐ Budgeted item with available funds  
☐ Non-Budgeted item with available funds through prioritization  
☐ Non-Budgeted item with additional funds requested

**Total Amount Requested:**

\$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes

**Case No. DEV-25-132**  
**Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations**

\*\*\*Public Hearing Required\*\*\*

**Staff Report – Planning Commission**

**December 10, 2025**

**GENERAL INFORMATION:**

**Applicant:** Leavenworth County Planning and Zoning Department

**Planner:** Amy Allison, Deputy Director

**REQUEST:**

This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. Proposed amendment is for the following Articles:

Article 4 – Growth Management Communities, Zoning Districts and Boundaries  
Article 5 – “R” Rural District Regulations  
Article 7 – “R-1” One-Family Dwelling District Regulations  
Article 8 – “R-2” One-Family Dwelling District Regulations  
Article 9 – “R-3” Two-Family Dwelling District Regulations  
Article 10 – “R-4” Apartment District Regulations  
Article 11 – “B-1” Neighborhood Business District Regulations  
Article 12 – “B-2” Limited Business District Regulations  
Article 13 – “B-3” General Business District Regulations  
Article 14 – “I-1” Limited Industrial District Regulations  
Article 15 – “I-2” Light Industrial District Regulations  
Article 16 – “I-3” Heavy Industrial District Regulations  
Article 20 – Additional Height and Area Regulations  
Article 22 – Special Use Permit and Temporary Use Permit  
Article 42 – Family Homestead Exemption  
Article 50 – Minimum Subdivision Design Standards and General Requirements  
Article 85 – Lot Splits, Tract Splits & Boundary Line Adjustments

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**STAFF RECOMMENDATION:**

The staff recommends approval of Case No.DEV-25-132, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

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**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-25-132, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, to the Board of County Commission, with Findings of Fact; or

2. Recommend denial of Case No. DEV-25-132, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

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**ATTACHMENTS:**

Proposed Language Amendment Redline



## **ARTICLE 4 – GROWTH MANAGEMENT COMMUNITIES, ZONING DISTRICTS AND BOUNDARIES**

### **Section 3. Establishment of Districts**

The Zoning Districts established in these Zoning Regulations are designed to promote and protect the public health, safety, comfort, convenience, prosperity and other aspects of moral and general welfare, thus encouraging the highest and best use of land and resources in accordance with the Comprehensive Plan as provided by the laws of the State of Kansas.

The unincorporated area of the County is hereby divided into the following zoning districts:

R Rural - Agricultural and Residential

RR – 2.5 (2.5-acre minimum lots)

RR – 5 (5-acre minimum lots)

RR – 40 (40-acre minimum lots)

R-1 Single-Family Residential

R-1(10) (10,000 sq. ft. minimum lots)

R-1(15) (15,000 sq. ft. minimum lots)

R-1(43) (43,560 sq. ft. minimum lots)

R-2 Single-Family Residential

R-3 Two-Family Residential

R-4 Apartment Residential

B-1 Neighborhood Business

B-2 Limited Business

B-3 General Business

I-1 Limited Industrial

I-2 Light Industrial

I-3 Heavy Industrial

PUD Planned Unit Development

PR-1 Planned Low Density Residential

PR-2 Planned Medium Density Residential

PR-3 Planned High Density Residential

PC Planned Commercial

PI Planned Industrial

MXD Planned Mixed Use

## ARTICLE 5 – “R” RURAL DISTRICT REGULATIONS

### Section 4. AREA REGULATIONS

#### 1. Front Yard

- a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least forty (40) feet from the~~ front property line along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to ~~The minimum front yard setback for~~ internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
- b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

#### 2. Side Yard.

- a. There shall be a minimum side yard of fifteen (15) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

#### 3. Rear Yard.

- a. There shall be a minimum rear yard of forty feet (40'), except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

#### 4. Intensity of Use.

The following zoning district classifications, minimum lot areas and minimum lot widths shall be allowed in the “R” Rural District

Zoning Classification: RR-2.5  
Minimum Lot Area: 2.5 Acres  
Minimum Road Frontage: 200 feet

Zoning Classification: RR-5  
Minimum Lot Area: 5 Acres  
Minimum Road Frontage: 300 feet

Zoning Classification: RR-40  
Minimum Lot Area: 40 Acres  
Minimum Road Frontage: 630 feet  
(BOCC Resolution 2011-36; August 25, 2011)

#### 5. Parking and Loading Requirements.

- a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## ARTICLE 7 – “R-1” ONE-FAMILY DWELLING DISTRICT REGULATIONS

### **Section 1. “R-1” ONE-FAMILY DWELLING DISTRICT**

The regulations set forth in this article or set forth elsewhere in this resolution, are the district regulations in the “R-1” One-Family Dwelling District. The intent of this district is to support moderate level single-family subdivisions which requires the use of public utilities. As such, the presences of these zoning district should be within close proximity public utility systems that can support the level of development within these zoning districts, or within an area where the future expansion of services is viable. R-1 One Family Dwelling Districts shall be located within 1,500 linear feet of an incorporated city or public sewer system.

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty feet (30'), except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts that do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:

For District R-1 (10)

- 1) Minimum lot size – 10,000 square feet
- 2) Minimum road frontage – 72 feet

For District R-1 (15)

- 1) Minimum lot size – 15,000 square feet
- 2) Minimum road frontage – 100 feet

For District R-1 (43)

- 1) Minimum lot size – 43,560 square feet
- 2) Minimum road frontage – 150 feet

5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## ARTICLE 8 – “R-2” ONE-FAMILY DWELLING DISTRICT REGULATIONS

### Section 4. AREA REGULATIONS

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. ~~Provided, that the 105-foot setback from the centerline of the road shall not apply to~~ The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

4. Intensity of Use.
  - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size – 6,000 square feet
    - 2) Minimum road frontage – 48 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## **ARTICLE 9 – “R-3” TWO-FAMILY DWELLING DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.

- a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size – 6,000 square feet
    - 2) Minimum road frontage – 48 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## ARTICLE 10 – “R-4” APARTMENT DISTRICT REGULATIONS

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. ~~Provided, that the 105-foot setback from the centerline of the road shall not apply to~~ The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts which do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000 square feet for one, two, three or four-family dwelling units, plus an additional 1500 square feet for each dwelling unit over four.
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.

## **ARTICLE 11 – “B-1” NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.

- a. For tracts that do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
- a. As required by Article 24 of this Resolution.

## ARTICLE 12 – “B-2” LIMITED BUSINESS DISTRICT REGULATIONS

### Section 4. AREA REGULATIONS

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. ~~Provided, that the 105-foot setback from the centerline of the road shall not apply to~~ The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-2 District abuts a residential district. When a B-2 District abuts a non-residential district, no side yard is required.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-2 District abuts a residential district. When a B-2 District abuts a non-residential district, no rear yard is required.
4. Intensity of Use.



- a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
- a. As required by Article 24 of this Resolution.

## **ARTICLE 13 – “B-3” GENERAL BUSINESS DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

#### **1. Front Yard**

- a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the~~ front property line along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
- b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

#### **2. Side Yard.**

- a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-3 District abuts a residential district. When a B-3 District abuts a non-residential district, no side yard is required.

#### **3. Rear Yard.**

- a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-3 District abuts a residential district. When a B-3 District abuts a non-residential district, no rear yard is required.

4. Intensity of Use.

- a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
- b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
  - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
  - 2) Minimum road frontage - 48 feet

5. Parking and Loading Requirements.

- a. As required by Article 24 of this Resolution.

**ARTICLE 14 – “I-1” LIMITED INDUSTRIAL DISTRICT REGULATIONS**

**Section 5. AREA REGULATIONS**

1. Front Yard

- a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~105 feet from ~~the centerline of all State or County roads, and at least forty (40) feet from the front property line along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to~~ The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
- b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

2. Side Yard.

- a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-1 District abuts a residential district. When an I-1 District abuts a non-residential district, a ten (10) foot side yard is required.

3. Rear Yard.

- a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-1 District abuts a residential district. When an I-1 District abuts a non-residential district, a ten (10) foot rear yard is required.

4. Intensity of Use.
  - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.

## **ARTICLE 15 – “I-2” LIGHT INDUSTRIAL DISTRICT REGULATIONS**

### **Section 5. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least forty (40) feet from the front property line~~ along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-2 District abuts a residential district. When an I-2 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-2 District abuts a residential district. When an I-2 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. Intensity of Use.

- a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
- a. As required by Article 24 of this Resolution.

## **ARTICLE 16 – “I-3” HEAVY INDUSTRIAL DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least forty (40) feet from the~~ front property line along all State or County roads. ~~Provided, that the 105-foot setback from the centerline of the road shall not apply to~~ The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-3 District abuts a residential district. When an I-3 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-3 District abuts a residential district. When an I-3 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. Intensity of Use.

- a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
- a. As required by Article 24 of this Resolution.

## **ARTICLE 20 – ADDITIONAL HEIGHT AND AREA REGULATIONS**

**Section 13.** The minimum setback requirements for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup>-feet from the ~~centerline of all State or County roads~~<sup>front property line</sup>. Provided, that this section shall not apply to the internal road systems within subdivisions.

**Section 16.** The lot width shall be measured as road frontage on all lots except curved street and cul-de-sac lots. On curved street and cul-de-sac lots, the lot width shall be measured at the setback line.

## **ARTICLE 22 – SPECIAL USE PERMITS AND TEMPORARY USE PERMITS**

### **Section 2. SPECIAL USE PERMITS – APPLICATIONS**

Applications for a Special Use Permit may be made by any person(s) who own(s) the land for which a Special Use Permit is sought, or an agent of the land owner(s) as defined below. In the case where approval of the permit is a contingency on the sale of the property, the Permit may be approved for the specific purchaser. If such application is made by the owner's agent, the agent must attach a letter signed (and notarized) by the owner(s) or some other appropriate legal documentation authorizing the person as the owner's agent. A Special Use Permit, when approved, is granted to the specific property on which approval is sought, and is nontransferable to another property. **If ownership of the property is transferred, the new owner(s) must notify the Leavenworth County Planning & Zoning Department within 60 days, showing proof of ownership in the form of a deed or notarized affidavit. If no such notification is made, the Permit shall automatically become void.**

All applications for Special Use Permits shall be made to the Administrative Officer on such forms as are provided. All applications for a Special Use Permit shall include a Site Plan. Site

Plans shall meet the requirements of *Article 27 – Site Plan Approval; Section 4. Site Plan Contents*. The exceptions to this requirement are as follows:

- a. Site Plans may not require the seal of a licensed professional unless specifically requested by the Director of the Planning and Zoning Department,
- b. any other listed requirement in *Article 27; Section 4* may be waived based on the determination of the Director of the Planning and Zoning Department.

Immediately upon receipt of a complete application, with the fee required by the Leavenworth County Fee Schedule as adopted by the Board of County Commissioners, the Administrative Officer shall note the date and make a permanent record thereof. All such hearings shall be set for hearing before the Planning Commission within sixty (60) days of submission of a complete application. Notice of hearing shall be published in the official county newspaper not less than twenty (20) days prior to the date of the hearing. In addition, notices shall be sent by mail to the owners of all property located within the unincorporated area of the county within one-thousand (1,000) feet of the area proposed for a Special Use Permit (the notice area shall extend two hundred (200) feet in those areas where the notification area extends within the corporate limits of a city) at least twenty (20) days prior to the date of the hearing.

An application for a Special Use Permit, a site plan, and any other supporting documents must be filed with the Planning Office at least forty-five (45) days prior to the Planning Commission meeting at which a public hearing on the proposed Special Use Permit is to be held.

If a person(s) have been found to be in violation of operating a business or use without a Special Use Permit, the application fee shall be doubled at the time of submittal.

#### **Section 5. CONDITIONS OF APPROVAL**

Every Special Use Permit issued by Leavenworth County to a non-governmental person, business or corporation shall be valid ~~without until the permit has expired or action is taken to revoke the permit, expiration.~~ When necessary, the Board of County Commissioners may attach conditions to the approval of a Special Use Permit. Failure to abide by the conditions of the approval by the applicant shall be cause for an action to rescind approval of the Special Use Permit.

Upon meeting the criteria determined by departmental policy, a condition may be place don a Special Use Permit that requires the applicant to provide professional security staff to attend any event(s) that necessitate the presence of law enforcement personnel.

#### **Section 8. TERMINATION OF APPROVAL**

Cessation of the activity covered by an approved Special Use Permit for a continuous period of twelve (12) months shall be considered abandonment of the Special Use Permit. Change of ownership shall also result in the termination of an approved Special Use Permit unless the new owner has submitted an affidavit that acknowledges that they will operate the Special Use Permit in conformance with the approved conditions. Either of these conditions will result

in an immediate revocation of rights approved by the Special Use Permit. Reestablishment of the activity shall require a new application and new approval of a Special Use Permit.

Following approval of a Special Use Permit, if it is necessary for the Permit to be reevaluated because of the creation of nuisances, or hazards to the public health, safety and/or welfare, the Board of County Commissioners may initiate the process to rescind approval of the Special Use Permit, such procedure to be the same procedure that was followed in approving the original Special Use Permit.

**Section 11. TEMPORARY USES REQUIRING BOARD OF COUNTY COMMISSION REVIEW**  
(BOCC Resolution 2019-23; September 4, 2019)

The following temporary uses are permitted in any district upon review and finding of the Board of County Commissioners that the proposed use is in the public interest. The use shall be approved for a specific short-term duration and shall be subject to conditions.

Type 4: Public or private events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades, or as temporary “one-time” activities of a generally short durations, particularly such activities as “locational” work by film companies

Type 5: The temporary placement of a laydown yard, portable asphalt or concrete plant and attendant materials and equipment during construction work on any public road or public infrastructure. All other temporary uses that are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses.

Type 6: Any use which would normally require a Special Use Permit but in situations which the Board of County Commissioners determine should only be approved for a finite period of time.

**Notification Requirements**

Events requiring a Temporary Special Use Permit which requires review and approval by the Board of County Commissioners shall require public notification and a public hearing.

1. Events associated with a singular parcel shall require written notification to neighboring property owners within 1000 feet of the property seven (7) days prior to the public hearing.
2. Events occurring throughout the County, such as: Filming shall require public notice...via publication in the local Newspaper seven (7) days prior to the public hearing. (BOCC Resolution 2015-35; September 24, 2015)

**Application Requirements**

The following items shall be required for a Temporary Special Use Permit:

- a. Payment of application fee as set by the Board of County Commissioners per Resolution 2010-10 and as amended.
- b. Applications, and all required supporting documents, shall be submitted to the Planning and Zoning Department a minimum of 30 days prior to the anticipated event.

- c. The application shall require review and approval by the Road and Bridge Superintendent if the event is to be held on public roads or public rights-of-way.
- d. In the event that Sheriff/Deputy presence is needed to control traffic, the applicant shall coordinate payment and scheduling directly with the Sheriff's department. This documentation shall be included with the application submittal.
- e. Not more than three (3) Temporary Special Use Permits per parcel shall be granted each year. (BOCC Resolution 2015-35; September 24, 2015).
- e.f. Upon meeting the criteria determined by departmental policy, a condition may be placed on a Temporary Special Use Permit that requires the applicant to provide professional security staff to attend any event or events that necessitate the presence of law enforcement personnel.

## **ARTICLE 42 – ~~FAMILY HOMESTEAD EXEMPTION [REPEAL]~~**

### **~~Section 10. FAMILY HOMESTEAD EXEMPTION CRITERIA AND PROCEDURE~~** (BOCC Resolution 2018-9; April 23, 2018)

~~A property owner may transfer ownership to other family members by the following process:~~

- ~~1. A property owner may divide and transfer ownership to their family members as long as it meets the definition of a family member and requirements stated in this article.~~
- ~~2. This method of land division shall be allowed for parcels resulting 5 Acres or greater excluding parcels within special development districts and corridor plans.~~
- ~~3. A plat shall be required if and when any of the parcels created by the certificate of survey gets sold or transferred to anyone other than family member as defined in this article.~~
- ~~4. A certificate of survey shall be filed with the Register of Deeds office along with an affidavit certifying that they meet the definition of a family member and other applicable regulations.~~
- ~~5. The affidavit of compliance shall be recorded prior to recording of the survey. The book and page of the affidavit shall be referenced on the survey document.~~
- ~~6. The certificate of survey shall meet all applicable zoning, subdivision and building requirements. The certificate of survey will be reviewed and approved by the Planning and Zoning Department and the County Surveyor.~~
- ~~7. The division and layout of the proposed parcels shall be subject to review and approval by the Planning & Zoning director. The decision may be appealed to the Board of Zoning Appeals via the administrative appeal process outlined in Article 28 of the zoning and subdivision regulations.~~
- ~~8. The division shall be limited to one parcel per family member.~~
- ~~9. The parent parcel is also subject to all platting requirements if and when it becomes eligible for platting.~~



~~10. Standard Road Impact Fee (RIF) and Traffic Impact Fee (TIF) shall be collected at the time of building permit. Development Impact Fee (DIF) shall not be applicable to parcels regulated by this article until the parcels are divided via plat. The Development Impact Fee (DIF) shall be collected at the rate calculated at the time of plat.~~

~~11. Building permits shall not be issued for parcels that become non-compliant by violation of this Article. Article 29, Section 5 shall not be applicable for this process.~~

~~12. An application fee shall be required similar to a tract split application.~~

~~13. All applicable documents shall be filed with the Register of Deeds at the expense of the applicant.~~

~~14. A non-compliant letter will be filed with the Register of Deeds if and when a parcel becomes non-compliant with regard to the above stated regulations.~~

~~For the purpose of this article, a family member is defined as:~~

~~A. Parents; and~~

~~B. Spouses and descendants thereof; and~~

~~C. Children and descendants thereof.~~

## **ARTICLE 50 – MINIMUM SUBDIVISION DESIGN STANDARDS AND GENERAL REQUIREMENTS**

### **Section 40. MINIMUM DESIGN STANDARDS (Subdivisions of all classes)**

#### **1. Blocks:**

- a. Length: Intersection streets, which determine block lengths, shall be provided at such intervals as to serve cross traffic and to meet existing streets in the neighborhood. In residential districts, where no existing adjacent plats are recorded, the blocks shall not exceed one thousand two hundred (1,200) feet in length, except that in outlying Class “C” subdivisions a greater length may be permitted on review by the Planning Director where topography or other conditions justify a departure from this maximum. In blocks longer than seven hundred fifty (750) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten (10) feet. Blocks for business uses should normally not exceed six hundred (600) feet in length.
- b. Width: In residential subdivisions, the block width shall normally be sufficient to allow two (2) tiers of lots of normally not less than two hundred (200) feet nor more than 350 feet in depth. Class “C” subdivisions on review by the Planning Director may, where conditions justify, depart from the maximum. Blocks intended for business use shall be of such width and depth as may be considered most suitable for the prospective use.

#### **2. Streets, Alleys and Public Ways:**

- a. Relationship to Adjoining Street System: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining subdivisions (or their projection where adjoining property is not subdivided), insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Alleys are not normally permitted, but where required, alleys and streets shall be arranged to permit owners of adjoining unsubdivided property to extend streets into the unsubdivided property. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated.
- b. Street Names: Streets that are obviously in alignment with existing streets shall bear the names of the existing streets, but in any case, are subject to the final approval of the Governing Body.
- c. Arterial Streets: Arterial or major street alignments shall conform with the Comprehensive Plan.
- d. Collector Streets: Collector streets shall be designed to carry the residential traffic to the major streets and, in general, conform to the Comprehensive Plan.
- e. Minor Streets: Minor streets shall be so designed as to discourage through or nonlocal traffic.
- f. Cul-de-sacs and Dead-end Streets: Except in cases where the unusual topographic conditions may make it advisable to modify these provisions, the following shall apply: (BOCC Resolution 2019-23; September 4, 2019)
  - 1) The radius of a cul-de-sac shall be as stated above and depends on the type of road. The minimum radius for any road for vehicular turnaround shall be forty (40) feet and the minimum radius for right-of-way shall be fifty (50) feet.
  - 2) In the case of temporary dead-end roads, which are stub streets designed to provide future connection with adjoining unsubdivided areas, the Planning Board may require a temporary easement for a turnaround of a nature indicated above.
  - 3) When a subdivision is replatted or the existing road ends and is to be extended, the existing cul-de-sac shall be eliminated and removed and the road brought up to the standards specified in Leavenworth County's Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition as approved by the Board of County Commissioners.
- g. Buffer Strips: This includes treatment of railroad right-of-way and limited access highways. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway, or where lots back onto a public street, the subdivision shall provide the following treatment:

In residential districts a buffer strip at least fifty (50) feet in depth, in addition to the normal required lot depth shall be provided adjacent to the railroad right-of-way and limited access highway. This strip shall be a part of the platted lots, and the planted materials must be approved by the Planning Commission and shall have the following restriction lettered on the face of the plat:

“This strip reserved for the planting of trees or shrubs by the owner or developer; the building of structures is prohibited.”

In commercial and industrial districts, provisions shall be made on each side of the railroad right-of-way or limited access highway for buffer strips approximately parallel to such right-of-way or highway at a distance suitable for the appropriate commercial or industrial use of the land. In no instance shall this be less than one hundred and fifty (150) feet.

Streets parallel to the railroad right-of-way or limited access highway shall, when intersecting a major street, highway or collector street, be located at a minimum distance of two-hundred fifty (250) feet from said right-of-way or highway. Such distance, where desirable and practical, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients. Location of minor streets immediately adjacent and parallel to railroad right-of-way shall be avoided.

- h. Limited Access: Wherever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitations of access, and the separation of through and local traffic shall be provided by the reversed frontage with screen plantings, provided by the developer, contained in a non-access reservation along the rear property lines; or by provision of a frontage road.

There shall be no reserve strips for controlling the access to streets except where control of such strips is definitely placed under conditions approved by the Planning Commission.

- i. Intersections: Streets shall intersect each other at as nearly right angles as permitted by topography or other limiting factors of good design but never less than sixty (60) degrees. The number of streets converging at one intersection shall be reduced to two, with no more than four approaches to an intersection without the specific approval of the County Engineer.

Minor streets need not continue across major or collector streets; but if the center lines of such minor streets approach the major streets from the opposite sides thereof within one hundred and fifty (150) feet, they must be aligned or the separation increased to a minimum of one hundred and fifty (150) feet.

See Drawings No. 8 and 9 in Appendix.

- j. Dead End Roads: Where a road does not extend to the boundary of the subdivision, and its continuation is not required by the Planning Commission for access of adjoining property, its terminus should normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A circular dead-end street shall be built in accordance with County construction standards and specifications.

See Drawings No. 8 and 9 in Appendix.

- k. Half-Streets: Dedication of half-streets will be discouraged and may not be approved, except where it is essential to the reasonable development of the subdivision and is in conformity with the Comprehensive Plan and other requirements of these regulations.
- l. Alleys: Alleys shall be provided in commercial and industrial districts, except where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking areas, consistent with and adequate for the uses proposed. Dead-end alleys shall be avoided.
- m. Minimum Requirements: For all streets or roads shall be prepared in accordance with design criteria specified in Leavenworth County's Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition as approved by the Board of County Commissioners.

### 3. Lots

- a. The minimum lot width shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code. Lot widths shall meet the minimum frontage requirement, as determined by the applicable zoning district unless the lot is located on a cul-de-sac or a curved roadway. If the lot is located along a cul-de-sac or curved roadway, the width may be measured at the Building Setback Line as long as the width as measured at the property line is not less than 50% of the required road frontage for a cul-de-sac and not less than 20% of the required road frontage for a curved road lot.
- ~~b. The minimum lot depth shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.~~
- ~~eb.~~ The minimum lot area shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.
- ~~cd.~~ All side lot lines shall bear perpendicular from the center of the street or radially from a curved street. Once outside of the building setback line, side lines can include up to two bearing changes, provided they are within 45 degrees of previous line segment. Rear lot lines are encouraged to be parallel to the front lot line.  
(BOCC Resolution 2023-20; August 2, 2023)
- ~~ed.~~ Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.

- ~~ef.~~ Every lot shall abut on a street other than an alley.
- ~~fg.~~ Building or setback lines shall be shown on the Preliminary Plat and the Final Plat for all lots in the subdivision and shall not be less than the setback required by these regulations.
- ~~gh.~~ The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivision or re-subdivision places an existing permanent structure in violation of these regulations.
- ~~hi.~~ Within subdivisions, the lot-depth to lot-width ratios shall not exceed three and a half to one (3.5:1) or be less than one to one (1:1) for lots less than ten (10) acres. The lot-depth to lot-width ratios for lots above ten (10) acres and less than forty acres (40) acres shall not exceed four to one (4:1) or be less than one to one (1:1). Lots greater than forty (40) acres shall have no lot-depth to lot-width ratio.  
(BOCC Resolution 2009-42, August 27, 2009)

#### 4. Easements and Setbacks

- a. ~~Where alleys are not provided, P~~permanent easements of not less than ten (10) feet in width shall be provided on all front, side and rear lot lines, ~~where necessary,~~ for utility poles, wires and conduits, sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous ~~right-of-way~~dimension at least twenty (20) feet in width.
- b. Where a lot/tract or group of lots/tracts contain or about any portion of an existing high-pressure oil line or existing high-pressure natural gas line, a fifty (50) foot wide building setback shall be provided on each side of said oil line or gas line. No building or structure as defined by these regulations shall be located within said setback.

#### 5. Storm Drainage

Adequate provisions shall be made for the disposal of storm water subject to the approval of the County Engineer and the Planning Commission. The construction shall be supervised by a licensed contractor, with final approval by the County Engineer.

Culverts shall be corrugated galvanized steel or aluminum meeting the following requirements:

<u>Pipe Diameter</u> (inches)	<u>Minimum Gauge of Pipe</u>	
	Steel	Aluminum
less than 36"	16	16
36"	14	14
42"	14	14
48"	14	12
54"	14	12
60"	12	10

66"	12	10
72"	10	8

6. Lagoons (BOCC Resolution 2018-24; December 4, 2018)

Shared Lagoons shall not be allowed in Subdivision

## **ARTICLE 85 – LOT SPLITS, TRACT SPLITS, ~~&~~ BOUNDARY LINE ADJUSTMENTS & LOT TIE AGREEMENTS**

### **Section 36. Requirements For Lot Tie Agreement**

An agreement whereby the property owner agrees that the described lots shall be held under single ownership and shall not be sold separately unless both lots and subsequent structures are compliant with the Zoning and Subdivision Regulations. Said agreement shall be recorded with the Register of Deeds as a restriction on the subject properties. Eligible lots shall include:

- a. Platted lots in compliance with the approved subdivision plat.
- b. Lots no greater in size than 4.99 acres.
- c. No more than two (2) platted lots shall be combined as part of a Lot Tie Agreement.
- d. Said Lot Tie Agreement shall not create or further increase a non-conformity of the platted lots or any structures within the parcels with the Zoning & Subdivision Regulations.

### **Section 50. RECORDING OF TRACT/LOT SPLITS, ~~BOUNDARY LINE~~ ADJUSTMENTS AND LOT TIE AGREEMENTS**

1. All lot/tract splits, boundary line adjustments and lot tie agreements must be filed with the Leavenworth County Register of Deeds.
- ~~2. Filing Fee. The filing fee as set forth by separate resolution shall accompany the application for all lot or tract splits.~~

## **ARTICLE 4 – GROWTH MANAGEMENT COMMUNITIES, ZONING DISTRICTS AND BOUNDARIES**

### **Section 3. Establishment of Districts**

The Zoning Districts established in these Zoning Regulations are designed to promote and protect the public health, safety, comfort, convenience, prosperity and other aspects of moral and general welfare, thus encouraging the highest and best use of land and resources in accordance with the Comprehensive Plan as provided by the laws of the State of Kansas.

The unincorporated area of the County is hereby divided into the following zoning districts:

R Rural - Agricultural and Residential

RR – 2.5 (2.5-acre minimum lots)

RR – 5 (5-acre minimum lots)

RR – 40 (40-acre minimum lots)

R-1 Single-Family Residential

R-1(10) (10,000 sq. ft. minimum lots)

R-1(15) (15,000 sq. ft. minimum lots)

R-1(43) (43,560 sq. ft. minimum lots)

R-2 Single-Family Residential

R-3 Two-Family Residential

R-4 Apartment Residential

B-1 Neighborhood Business

B-2 Limited Business

B-3 General Business

I-1 Limited Industrial

I-2 Light Industrial

I-3 Heavy Industrial

PUD Planned Unit Development

PR-1 Planned Low Density Residential

PR-2 Planned Medium Density Residential

PR-3 Planned High Density Residential

PC Planned Commercial

PI       Planned Industrial  
MXD     Planned Mixed Use

## **ARTICLE 5 – “R” RURAL DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be forty (40) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of fifteen (15) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
  - a. There shall be a minimum rear yard of forty feet (40'), except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.

The following zoning district classifications, minimum lot areas and minimum lot widths shall be allowed in the “R” Rural District

Zoning Classification: RR-2.5  
Minimum Lot Area: 2.5 Acres  
Minimum Road Frontage: 200 feet

Zoning Classification: RR-5  
Minimum Lot Area: 5 Acres  
Minimum Road Frontage: 300 feet

Zoning Classification: RR-40  
Minimum Lot Area: 40 Acres  
Minimum Road Frontage: 630 feet  
(BOCC Resolution 2011-36; August 25, 2011)

5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.



6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## **ARTICLE 7 – “R-1” ONE-FAMILY DWELLING DISTRICT REGULATIONS**

### **Section 1. “R-1” ONE-FAMILY DWELLING DISTRICT**

The regulations set forth in this article or set forth elsewhere in this resolution, are the district regulations in the “R-1” One-Family Dwelling District. The intent of this district is to support moderate level single-family subdivisions which requires the use of public utilities. As such, the presences of these zoning district should be within close proximity public utility systems that can support the level of development within these zoning districts, or within an area where the future expansion of services is viable. R-1 One Family Dwelling Districts shall be located within 1,500 linear feet of an incorporated city or public sewer system.

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty feet (30'), except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts that do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:

For District R-1 (10)

- 1) Minimum lot size – 10,000 square feet
- 2) Minimum road frontage – 72 feet

For District R-1 (15)

- 1) Minimum lot size – 15,000 square feet
- 2) Minimum road frontage – 100 feet

For District R-1 (43)

- 1) Minimum lot size – 43,560 square feet
- 2) Minimum road frontage – 150 feet

5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## **ARTICLE 8 – “R-2” ONE-FAMILY DWELLING DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.

- b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
  - 1) Minimum lot size – 6,000 square feet
  - 2) Minimum road frontage – 48 feet
- 5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.
- 6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## **ARTICLE 9 – “R-3” TWO-FAMILY DWELLING DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

- 1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
- 2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
- 3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
- 4. Intensity of Use.
  - a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.

- b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
  - 1) Minimum lot size – 6,000 square feet
  - 2) Minimum road frontage – 48 feet
- 5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.
- 6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## **ARTICLE 10 – “R-4” APARTMENT DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

- 1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
- 2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
- 3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
- 4. Intensity of Use.
  - a. For tracts which do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:

- 1) Minimum lot size - 6,000 square feet for one, two, three or four-family dwelling units, plus an additional 1500 square feet for each dwelling unit over four.
  - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
- a. As required by Article 24 of this Resolution.

## **ARTICLE 11 – “B-1” NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts that do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.

- a. As required by Article 24 of this Resolution.

## **ARTICLE 12 – “B-2” LIMITED BUSINESS DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-2 District abuts a residential district. When a B-2 District abuts a non-residential district, no side yard is required.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-2 District abuts a residential district. When a B-2 District abuts a non-residential district, no rear yard is required.
4. Intensity of Use.
  - a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.

## **ARTICLE 13 – “B-3” GENERAL BUSINESS DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

#### **1. Front Yard**

- a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
- b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

#### **2. Side Yard.**

- a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-3 District abuts a residential district. When a B-3 District abuts a non-residential district, no side yard is required.

#### **3. Rear Yard.**

- a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-3 District abuts a residential district. When a B-3 District abuts a non-residential district, no rear yard is required.

#### **4. Intensity of Use.**

- a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
- b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
  - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
  - 2) Minimum road frontage - 48 feet

#### **5. Parking and Loading Requirements.**

- a. As required by Article 24 of this Resolution.

## **ARTICLE 14 – “I-1” LIMITED INDUSTRIAL DISTRICT REGULATIONS**

### **Section 5. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be forty (40) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-1 District abuts a residential district. When an I-1 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-1 District abuts a residential district. When an I-1 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. Intensity of Use.
  - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.

## **ARTICLE 15 – “I-2” LIGHT INDUSTRIAL DISTRICT REGULATIONS**



**Section 5. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be forty (40) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-2 District abuts a residential district. When an I-2 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-2 District abuts a residential district. When an I-2 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. Intensity of Use.
  - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.

**ARTICLE 16 – “I-3” HEAVY INDUSTRIAL DISTRICT REGULATIONS**

**Section 4. AREA REGULATIONS**

1. Front Yard

- a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be forty (40) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
- a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-3 District abuts a residential district. When an I-3 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
- a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-3 District abuts a residential district. When an I-3 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. Intensity of Use.
- a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
- a. As required by Article 24 of this Resolution.

## **ARTICLE 20 – ADDITIONAL HEIGHT AND AREA REGULATIONS**

**Section 13.** The minimum setback requirements for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75feet from the front property line. Provided, that this section shall not apply to the internal road systems within subdivisions.

**Section 16.** The lot width shall be measured as road frontage on all lots except curved street and cul-de-sac lots. On curved street and cul-de-sac lots, the lot width shall be measured at the setback line.

## **ARTICLE 22 – SPECIAL USE PERMITS AND TEMPORARY USE PERMITS**

### **Section 2. SPECIAL USE PERMITS – APPLICATIONS**

Applications for a Special Use Permit may be made by any person(s) who own(s) the land for which a Special Use Permit is sought, or an agent of the land owner(s) as defined below. In the case where approval of the permit is a contingency on the sale of the property, the Permit may be approved for the specific purchaser. If such application is made by the owner's agent, the agent must attach a letter signed (and notarized) by the owner(s) or some other appropriate legal documentation authorizing the person as the owner's agent. A Special Use Permit, when approved, is granted to the specific property on which approval is sought, and is nontransferable to another property. If ownership of the property is transferred, the new owner(s) must notify the Leavenworth County Planning & Zoning Department within 60 days, showing proof of ownership in the form of a deed or notarized affidavit. If no such notification is made, the Permit shall automatically become void.

All applications for Special Use Permits shall be made to the Administrative Officer on such forms as are provided. All applications for a Special Use Permit shall include a Site Plan. Site Plans shall meet the requirements of *Article 27 – Site Plan Approval; Section 4. Site Plan Contents*. The exceptions to this requirement are as follows:

- a. Site Plans may not require the seal of a licensed professional unless specifically requested by the Director of the Planning and Zoning Department,
- b. any other listed requirement in *Article 27; Section 4* may be waived based on the determination of the Director of the Planning and Zoning Department.

Immediately upon receipt of a complete application, with the fee required by the Leavenworth County Fee Schedule as adopted by the Board of County Commissioners, the Administrative Officer shall note the date and make a permanent record thereof. All such hearings shall be set for hearing before the Planning Commission within sixty (60) days of submission of a complete application. Notice of hearing shall be published in the official county newspaper not less than twenty (20) days prior to the date of the hearing. In addition, notices shall be sent by mail to the owners of all property located within the unincorporated area of the county within one-thousand (1,000) feet of the area proposed for a Special Use Permit (the notice area shall extend two hundred (200) feet in those areas where the notification area extends within the corporate limits of a city) at least twenty (20) days prior to the date of the hearing.

An application for a Special Use Permit, a site plan, and any other supporting documents must be filed with the Planning Office at least forty-five (45) days prior to the Planning Commission meeting at which a public hearing on the proposed Special Use Permit is to be held.

If a person(s) has been found to be in violation of operating a business or use without a Special Use Permit, the application fee shall be doubled at the time of submittal.

**Section 5. CONDITIONS OF APPROVAL**

Every Special Use Permit issued by Leavenworth County to a non-governmental person, business or corporation shall be valid until the permit has expired or action is taken to revoke the permit. When necessary, the Board of County Commissioners may attach conditions to the approval of a Special Use Permit. Failure to abide by the conditions of the approval by the applicant shall be cause for an action to rescind approval of the Special Use Permit.

Upon meeting the criteria determined by departmental policy, a condition may be placed on a Special Use Permit that requires the applicant to provide professional security staff to attend any event(s) that necessitate the presence of law enforcement personnel.

**Section 8. TERMINATION OF APPROVAL**

Cessation of the activity covered by an approved Special Use Permit for a continuous period of twelve (12) months shall be considered abandonment of the Special Use Permit. Change of ownership shall also result in the termination of an approved Special Use Permit unless the new owner has submitted an affidavit that acknowledges that they will operate the Special Use Permit in conformance with the approved conditions. Either of these conditions will result in an immediate revocation of rights approved by the Special Use Permit. Reestablishment of the activity shall require a new application and new approval of a Special Use Permit.

Following approval of a Special Use Permit, if it is necessary for the Permit to be reevaluated because of the creation of nuisances, or hazards to the public health, safety and/or welfare, the Board of County Commissioners may initiate the process to rescind approval of the Special Use Permit, such procedure to be the same procedure that was followed in approving the original Special Use Permit.

**Section 11. TEMPORARY USES REQUIRING BOARD OF COUNTY COMMISSION REVIEW**  
(BOCC Resolution 2019-23; September 4, 2019)

The following temporary uses are permitted in any district upon review and finding of the Board of County Commissioners that the proposed use is in the public interest. The use shall be approved for a specific short-term duration and shall be subject to conditions.

Type 4: Public or private events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades, or as temporary “one-time” activities of a generally short durations, particularly such activities as “locational” work by film companies

Type 5: The temporary placement of a laydown yard, portable asphalt or concrete plant and attendant materials and equipment during construction work on any public road or public infrastructure. All other temporary uses that are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses.

Type 6: Any use which would normally require a Special Use Permit but in situations which the Board of County Commissioners determine should only be approved for a finite period of time.

#### Notification Requirements

Events requiring a Temporary Special Use Permit which requires review and approval by the Board of County Commissioners shall require public notification and a public hearing.

1. Events associated with a singular parcel shall require written notification to neighboring property owners within 1000 feet of the property seven (7) days prior to the public hearing.
2. Events occurring throughout the County, such as: Filming shall require public notice...via publication in the local newspaper seven (7) days prior to the public hearing. (BOCC Resolution 2015-35; September 24, 2015)

#### Application Requirements

The following items shall be required for a Temporary Special Use Permit:

- a. Payment of application fee as set by the Board of County Commissioners per Resolution 2010-10 and as amended.
- b. Applications, and all required supporting documents, shall be submitted to the Planning and Zoning Department a minimum of 30 days prior to the anticipated event.
- c. The application shall require review and approval by the Road and Bridge Superintendent if the event is to be held on public roads or public rights-of-way.
- d. In the event that Sheriff/Deputy presence is needed to control traffic, the applicant shall coordinate payment and scheduling directly with the Sheriff's department. This documentation shall be included with the application submittal.
- e. Not more than three (3) Temporary Special Use Permits per parcel shall be granted each year. (BOCC Resolution 2015-35; September 24, 2015).
- f. Upon meeting the criteria determined by departmental policy, a condition may be placed on a Temporary Special Use Permit that requires the applicant to provide professional security staff to attend any event or events that necessitate the presence of law enforcement personnel.

#### **ARTICLE 42 – [REPEAL]**

## ARTICLE 50 – MINIMUM SUBDIVISION DESIGN STANDARDS AND GENERAL REQUIREMENTS

### **Section 40. MINIMUM DESIGN STANDARDS (Subdivisions of all classes)**

#### 1. Blocks:

- a. Length: Intersection streets, which determine block lengths, shall be provided at such intervals as to serve cross traffic and to meet existing streets in the neighborhood. In residential districts, where no existing adjacent plats are recorded, the blocks shall not exceed one thousand two hundred (1,200) feet in length, except that in outlying Class “C” subdivisions a greater length may be permitted on review by the Planning Director where topography or other conditions justify a departure from this maximum. In blocks longer than seven hundred fifty (750) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten (10) feet. Blocks for business uses should normally not exceed six hundred (600) feet in length.
- b. Width: In residential subdivisions, the block width shall normally be sufficient to allow two (2) tiers of lots of normally not less than two hundred (200) feet nor more than 350 feet in depth. Class “C” subdivisions on review by the Planning Director may, where conditions justify, depart from the maximum. Blocks intended for business use shall be of such width and depth as may be considered most suitable for the prospective use.

#### 2. Streets, Alleys and Public Ways:

- a. Relationship to Adjoining Street System: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining subdivisions (or their projection where adjoining property is not subdivided), insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Alleys are not normally permitted, but where required, alleys and streets shall be arranged to permit owners of adjoining unsubdivided property to extend streets into the unsubdivided property. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated.
- b. Street Names: Streets that are obviously in alignment with existing streets shall bear the names of the existing streets, but in any case, are subject to the final approval of the Governing Body.
- c. Arterial Streets: Arterial or major street alignments shall conform with the Comprehensive Plan.
- d. Collector Streets: Collector streets shall be designed to carry the residential traffic to the major streets and, in general, conform to the Comprehensive Plan.

- e. Minor Streets: Minor streets shall be so designed as to discourage through or nonlocal traffic.
- f. Cul-de-sacs and Dead-end Streets: Except in cases where the unusual topographic conditions may make it advisable to modify these provisions, the following shall apply: (BOCC Resolution 2019-23; September 4, 2019)
  - 1) The radius of a cul-de-sac shall be as stated above and depends on the type of road. The minimum radius for any road for vehicular turnaround shall be forty (40) feet and the minimum radius for right-of-way shall be fifty (50) feet.
  - 2) In the case of temporary dead-end roads, which are stub streets designed to provide future connection with adjoining unsubdivided areas, the Planning Board may require a temporary easement for a turnaround of a nature indicated above.
  - 3) When a subdivision is replatted or the existing road ends and is to be extended, the existing cul-de-sac shall be eliminated and removed and the road brought up to the standards specified in Leavenworth County's Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition as approved by the Board of County Commissioners.
- g. Buffer Strips: This includes treatment of railroad right-of-way and limited access highways. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway, or where lots back onto a public street, the subdivision shall provide the following treatment:

In residential districts a buffer strip at least fifty (50) feet in depth, in addition to the normal required lot depth shall be provided adjacent to the railroad right-of-way and limited access highway. This strip shall be a part of the platted lots, and the planted materials must be approved by the Planning Commission and shall have the following restriction lettered on the face of the plat:

"This strip reserved for the planting of trees or shrubs by the owner or developer; the building of structures is prohibited."

In commercial and industrial districts, provisions shall be made on each side of the railroad right-of-way or limited access highway for buffer strips approximately parallel to such right-of-way or highway at a distance suitable for the appropriate commercial or industrial use of the land. In no instance shall this be less than one hundred and fifty (150) feet.

Streets parallel to the railroad right-of-way or limited access highway shall, when intersecting a major street, highway or collector street, be located at a minimum distance of two-hundred fifty (250) feet from said right-of-way or highway. Such distance, where desirable and practical, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of

appropriate approach gradients. Location of minor streets immediately adjacent and parallel to railroad right-of-way shall be avoided.

- h. Limited Access: Wherever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitations of access, and the separation of through and local traffic shall be provided by the reversed frontage with screen plantings, provided by the developer, contained in a non-access reservation along the rear property lines; or by provision of a frontage road.

There shall be no reserve strips for controlling the access to streets except where control of such strips is definitely placed under conditions approved by the Planning Commission.

- i. Intersections: Streets shall intersect each other at as nearly right angles as permitted by topography or other limiting factors of good design but never less than sixty (60) degrees. The number of streets converging at one intersection shall be reduced to two, with no more than four approaches to an intersection without the specific approval of the County Engineer.

Minor streets need not continue across major or collector streets; but if the center lines of such minor streets approach the major streets from the opposite sides thereof within one hundred and fifty (150) feet, they must be aligned or the separation increased to a minimum of one hundred and fifty (150) feet.

See Drawings No. 8 and 9 in Appendix.

- j. Dead End Roads: Where a road does not extend to the boundary of the subdivision, and its continuation is not required by the Planning Commission for access of adjoining property, its terminus should normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A circular dead-end street shall be built in accordance with County construction standards and specifications.

See Drawings No. 8 and 9 in Appendix.

- k. Half-Streets: Dedication of half-streets will be discouraged and may not be approved, except where it is essential to the reasonable development of the subdivision and is in conformity with the Comprehensive Plan and other requirements of these regulations.
- l. Alleys: Alleys shall be provided in commercial and industrial districts, except where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking areas, consistent with and adequate for the uses proposed. Dead-end alleys shall be avoided.
- m. Minimum Requirements: For all streets or roads shall be prepared in accordance with design criteria specified in Leavenworth County's Road Construction and Storm Water



Drainage Standards, 1994 Edition, or latest edition as approved by the Board of County Commissioners.

### 3. Lots

- a. The minimum lot width shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code. Lot widths shall meet the minimum frontage requirement, as determined by the applicable zoning district unless the lot is located on a cul-de-sac or a curved roadway. If the lot is located along a cul-de-sac or curved roadway, the width may be measured at the Building Setback Line as long as the width as measured at the property line is not less than 20% of the required road frontage for a cul-de-sac and not less than 50% of the required road frontage for a curved road lot.
- b. The minimum lot area shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.
- c. All side lot lines shall bear perpendicular from the center of the street or radially from a curved street. Once outside of the building setback line, side lines can include up to two bearing changes, provided they are within 45 degrees of previous line segment. Rear lot lines are encouraged to be parallel to the front lot line.  
(BOCC Resolution 2023-20; August 2, 2023)
- d. Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.
- e. Every lot shall abut on a street other than an alley.
- f. Building or setback lines shall be shown on the Preliminary Plat and the Final Plat for all lots in the subdivision and shall not be less than the setback required by these regulations.
- g. The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivision or re-subdivision places an existing permanent structure in violation of these regulations.
- h. Within subdivisions, the lot-depth to lot-width ratios shall not exceed three and a half to one (3.5:1) or be less than one to one (1:1) for lots less than ten (10) acres. The lot-depth to lot-width ratios for lots above ten (10) acres and less than forty acres (40) acres shall not exceed four to one (4:1) or be less than one to one (1:1). Lots greater than forty (40) acres shall have no lot-depth to lot-width ratio.  
(BOCC Resolution 2009-42, August 27, 2009)

### 4. Easements and Setbacks

- a. Permanent easements of not less than ten (10) feet in width shall be provided on all front, side and rear lot lines for utility poles, wires and conduits, sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous dimension at least twenty (20) feet in width.

- b. Where a lot/tract or group of lots/tracts contain or about any portion of an existing high-pressure oil line or existing high-pressure natural gas line, a fifty (50) foot wide building setback shall be provided on each side of said oil line or gas line. No building or structure as defined by these regulations shall be located within said setback.

## 5. Storm Drainage

Adequate provisions shall be made for the disposal of storm water subject to the approval of the County Engineer and the Planning Commission. The construction shall be supervised by a licensed contractor, with final approval by the County Engineer.

Culverts shall be corrugated galvanized steel or aluminum meeting the following requirements:

<u>Pipe Diameter</u> (inches)	<u>Minimum Gauge of Pipe</u>	
	Steel	Aluminum
less than 36"	16	16
36"	14	14
42"	14	14
48"	14	12
54"	14	12
60"	12	10
66"	12	10
72"	10	8

## 6. Lagoons (BOCC Resolution 2018-24; December 4, 2018)

Shared Lagoons shall not be allowed in Subdivision

# **ARTICLE 85 – LOT SPLITS, TRACT SPLITS, BOUNDARY LINE ADJUSTMENTS & LOT TIE AGREEMENTS**

## **Section 36. Requirements For Lot Tie Agreement**

An agreement whereby the property owner agrees that the described lots shall be held under single ownership and shall not be sold separately unless both lots and subsequent structures are compliant with the Zoning and Subdivision Regulations. Said agreement shall be recorded with the Register of Deeds as a restriction on the subject properties. Eligible lots shall include:

- a. Platted lots in compliance with the approved subdivision plat.
- b. Lots no greater in size than 4.99 acres.
- c. No more than two (2) platted lots shall be combined as part of a Lot Tie Agreement.

d. Said Lot Tie Agreement shall not create or further increase a non-conformity of the platted lots or any structures within the parcels with the Zoning & Subdivision Regulations.

**Section 50. RECORDING OF TRACT/LOT SPLITS, BOUNDARY LINE ADJUSTMENTS AND LOT TIE AGREEMENTS**

1. All lot/tract splits, boundary line adjustments and lot tie agreements must be filed with the Leavenworth County Register of Deeds.

## **RESOLUTION 2025-39**

A Resolution of the Leavenworth County Kansas Board of County Commission, to amend the following articles of the 2006 Zoning and Subdivision Regulations:

Article 4 – Growth Management Communities, Zoning Districts and Boundaries  
Article 5 – “R” Rural District Regulations  
Article 7 – “R-1” One-Family Dwelling District Regulations  
Article 8 – “R-2” One-Family Dwelling District Regulations  
Article 9 – “R-3” Two-Family Dwelling District Regulations  
Article 10 – “R-4” Apartment District Regulations  
Article 11 – “B-1” Neighborhood Business District Regulations  
Article 12 – “B-2” Limited Business District Regulations  
Article 13 – “B-3” General Business District Regulations  
Article 14 – “I-1” Limited Industrial District Regulations  
Article 15 – “I-2” Light Industrial District Regulations  
Article 16 – “I-3” Heavy Industrial District Regulations  
Article 20 – Additional Height and Area Regulations  
Article 22 – Special Use Permit and Temporary Use Permit  
Article 42 – Family Homestead Exemption  
Article 50 – Minimum Subdivision Design Standards and General Requirements  
Article 85 – Lot Splits, Tract Splits & Boundary Line Adjustments

Refer to Exhibit A for proposed amendments.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 10<sup>th</sup> day of December, 2025; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and

WHEREAS, the Board of County Commission considered, in session on 31<sup>st</sup> day of December, 2025, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 31<sup>st</sup> day of December, 2025 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 31<sup>st</sup> day of December, 2025  
Board of County Commission  
Leavenworth, County, Kansas

---

Mike Smith, Chairman

ATTEST

\_\_\_\_\_  
Jeff Culbertson, Member

\_\_\_\_\_  
Fran Keppler

\_\_\_\_\_  
Vanessa Reid, Member

\_\_\_\_\_  
Willie Dove, Member

\_\_\_\_\_  
Mike Stieben, Member

# Leavenworth County Request for Board Action

**Date:** December 26, 2025  
**To:** Board of County Commissioners  
**From:** Misty Brown, County Counselor  
**CC:** Mark Loughry, County Administrator

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☐ **Legal Review** ☒

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**Action Requested:** Review and consider the attached communication to the County's legislative delegation.

**Recommendation:** Approve communications.

**Analysis:** Proposed communications to our legislative delegation are attached as requested following the legislative breakfast. If approved, these communications will be finalized and transmitted to the legislative delegation on behalf of the County. Proposed communications include the following:

1. **Competitive Bidding for Water Districts**-a request to amend existing legislation to require that water districts engage in open and competitive bidding practices.
2. **Dissolution of Fire Districts with No Active Territories**-a request for legislative amendments to allow County's to disorganize fire districts with no longer territory.
3. **Countywide Sales Tax**-a request to amend existing legislation to allow a ballot initiative for a countywide sales tax dedicated to funding emergency management operations.
4. **County Earnings Tax Authority**-a letter of support for proposed legislation allowing a county to adopt an earnings tax contingent upon approval by voters.
5. **Title X Implementation in Kansas**-a communication expressing concerns regarding the implementation of Title X in Kansas due to discrepancies observed in Texas related to parental rights and parental consent for medical treatment of minors.

**Alternatives:** Table, Deny or Approve

**Budgetary Impact:**

- ☐ Not Applicable
- ☐ Budgeted item with available funds
- ☐ Non-Budgeted item with available funds through prioritization
- ☐ Non-Budgeted item with additional funds requested

**Total Amount Requested:**

**Additional Attachments:** 5 Memorandum



## COUNTY OF LEAVENWORTH

Board of County Commissioners

300 Walnut, Suite 225

Leavenworth, Kansas 66048-2815

(913)684-0417

Fax (913) 680-2742

Email: [bocc@leavenworthcounty.gov](mailto:bocc@leavenworthcounty.gov)

### MEMORANDUM

**To:** Members of the Leavenworth County Legislative Delegation

**From:** The Board of County Commissioners of Leavenworth County, Kansas

**Date:** December 31, 2025

**Re:** Proposed Amendment relating to competitive bidding for water districts

The purpose of this memorandum is to respectfully request that the Leavenworth County Legislative Delegation consider amending certain provisions of K.S.A. 82a-601 *et seq.* during the upcoming 2026 legislative session.

Under Kansas law, rural water districts organized under K.S.A. 82a-601 *et seq.* are not required to use an open and competitive bidding process when undertaking construction projects over a certain amount of money though virtually all other public entities, including cities and counties, are required to do so when undertaking construction projects.

This requirement is based on the principle that an open and competitive bidding process allows for the best use of public funds and avoids the appearance or practice of favoritism in awarding contracts. The lack of a competitive bid process, often coupled with a “sole source” contractor used by a rural water district, goes against the principal of affording the public the benefit of the competitive bid process. Leavenworth County has several water districts within the county, and we believe that the patrons of rural water districts, and the citizens of the state would benefit from an amendment to state statute requiring rural water districts to engage in the open and competitive bidding process.

We appreciate the delegation’s ongoing support and consideration of county priorities. Please do not hesitate to contact me or our County Administrator, Mark Loughry, at (913) 684-0417, should you require additional information or wish to schedule a discussion.

Sincerely,

Board of County Commissioners  
of Leavenworth County, Kansas

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Mike Smith., Chairman

An ACT concerning the competitive bidding process for rural water districts and amending K.S.A. 82a-607. to include the following language.

82a-607. Employment of labor and services, *awarding of certain contracts; public lettings; notice; exemptions.*

*(a) The board of directors of any such district in this state acting in its capacity as the governing body of water-supply districts within their respective counties, may employ such common and skilled labor, and professional and other services as may be necessary to the proper performance of such work or improvement as is proposed to be done within any such district in the county, and the maintenance thereof.*

*(b) All contracts for the expenditure of district moneys for the construction, installation or replacement of district facilities, water lines, pump stations, or buildings, in excess of \$25,000 shall be awarded, on a public letting, to the lowest and best bid.*

*(c) The person, firm or corporation to whom the contract may be awarded shall give and file with the district a good and sufficient surety bond by a surety company authorized to do business in the state of Kansas, to be approved by the attorney for the district in the amount of the contract, and conditioned for the faithful performance of the contract.*

*(d) The district shall, not less than twenty days before awarding any contract for such improvements, publish notice of the letting in some newspaper printed in the county, or, if there be no such newspaper in the county, said district shall cause written or printed notices to be posted in at least three conspicuous places in the service area of the district for the same length of time, which notice shall specify with reasonable minuteness the character of the improvement contemplated, the time and place at which the contract will be awarded, and invite sealed proposals for the same. Such other notice may be given as the board may deem necessary or proper.*

*(e) The provisions of subsection (a) shall not apply: (1) To the expenditure of district funds for professional services; (2) to the purchase of contracts of insurance; or (3) to the repairs or replacement of any facilities, water lines, pump stations or buildings when an emergency based upon public health or safety is declared by the district board. Such emergency shall be defined as an occurrence of severe damage to any property of the district resulting from any natural or man-made cause.*

**History:** L. 1941, ch. 7, § 7; June 30.





## COUNTY OF LEAVENWORTH

Board of County Commissioners

300 Walnut, Suite 225

Leavenworth, Kansas 66048-2815

(913)684-0417

Fax (913) 680-2742

Email: [bocc@leavenworthcounty.gov](mailto:bocc@leavenworthcounty.gov)

### MEMORANDUM

**To:** Members of the Leavenworth County Legislative Delegation

**From:** The Board of County Commissioners of Leavenworth County, Kansas

**Date:** December 31, 2025

**Re:** Proposed Amendment relating to the dissolution of fire districts

The purpose of this memorandum is to respectfully request that the Leavenworth County Legislative Delegation consider amending certain provisions of K.S.A. 13-3604(a) during the upcoming 2026 legislative session.

Currently, state law authorizes the Board of County Commissioners to establish fire districts within the county through the adoption of a resolution. Additionally, fire districts may be created upon presentation of a petition signed by residents owning more than 60% of the land area within the proposed district boundaries. Once established, a fire district can only be disorganized or modified by the Board of County Commissioners upon the submission of a petition signed by the landowners affected by such changes. State statutes do not grant the Commission the authority to disorganize a fire district, even if it has been altered to the extent that it no longer encompasses any land.

Leavenworth County currently has a fire district in which all the designated territories have withdrawn, resulting in an empty district that generates no tax revenues but may leave the county open to potential liability. The proposed language attached herein grants the County the authority to disorganize a fire district that has been altered to the point of containing no land or territory. Empowering county commissions with this authority would facilitate more efficient and orderly management of inactive or defunct fire districts. It is important to note that this amendment applies specifically to situations where property owners have taken actions to withdraw from the existing fire district.

We appreciate the delegation's ongoing support and consideration of county priorities. Please do not hesitate to contact me or our County Administrator, Mark Loughry, at (913) 684-0417 should you require additional information or wish to schedule a discussion.

Sincerely,

Board of County Commissioners  
of Leavenworth County, Kansas

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Mike Smith., Chairman

An ACT concerning the Disorganization or alteration of a fire district amending K.S.A. 13-3604(a).

Section 1. 19-3604. Disorganization or alteration of district; inclusion of new lands; procedures. (a) Any fire district may be disorganized by the board of county commissioners at any time after four years from the date of the publication of the final resolution for the first organization of such district upon a petition to the board and the making of an order in like manner as in the case of organizing any fire district under K.S.A. 19-3603, and amendments thereto ***or upon the board's motion and the making of an order in like manner as the case of organizing any fire district under K.S.A. 19-3602 when the fire district no longer has any territory or lands.***

(b) Subject to the provisions of K.S.A. 19-270, the territory of any organized fire district may be subsequently altered by the inclusion of new lands or by the exclusion of lands therein upon a petition to the board of county commissioners signed by the owners of at least 10% of the area of the lands sought to be included or excluded, which petition shall conform, as near as may be possible, to the petition required for the organization of a fire district. If the board of county commissioners finds the petition is sufficient, the board may adopt and publish a resolution attaching or detaching the lands described in the petition to or from the fire district. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the area where the lands are located. Such publication shall include a map showing the territory of the district and the lands proposed to be attached to or detached therefrom. If within 30 days after the last publication of the resolution and map, a petition protesting the inclusion or detachment of such lands, signed by the owners, whether residents of the county or not, of more than 19% of the area of the lands sought to be included in or excluded from the fire district is filed with the county clerk, the resolution shall have no force or effect. If such a protest petition shall not be filed within such time, the resolution shall become final, and the lands shall thereupon be deemed attached to or detached from the fire district. In any case where lands are included in or excluded from a fire district as provided herein, the board shall declare the new boundary of the district by the adoption and publication of a resolution in like manner as the boundaries were declared at the time of the original organization thereof.

History: L. 1953, ch. 161, § 4; L. 1957, ch. 193, § 1; L. 1971, ch. 96, § 1; L. 1986, ch. 70, § 16; May 15.



## COUNTY OF LEAVENWORTH

Board of County Commissioners

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(913)684-0417

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### MEMORANDUM

**To:** Members of the Leavenworth County Legislative Delegation

**From:** The Board of County Commissioners of Leavenworth County, Kansas

**Date:** December 31, 2025

**Re:** Proposed Amendment relating to Countywide and City retailers' sales tax

The purpose of this memorandum is to respectfully request that the Leavenworth County Legislative Delegation consider amending certain provisions of K.S.A. 12-187, 12-189 and 12-192 during the upcoming legislative session to enable the County to advance ballot measures implementing a countywide retailers' sales tax of .125% or .25% for the purposes of furnishing, equipping, improving and maintaining county-supported emergency management operations if approved by the voters within in Leavenworth County.

We appreciate the delegation's ongoing support and consideration of county priorities. Please do not hesitate to contact me or our County Administrator, Mark Loughry, at (913) 684-0417, should you require additional information or wish to schedule a discussion.

Sincerely,

Board of County Commissioners  
of Leavenworth County, Kansas

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Mike Smith, Chairman

An ACT concerning sales and compensating use tax; relating to city and countywide retailers' sales tax; providing countywide retailers' sales tax authority for Leavenworth county for the purpose of furnishing, equipping, improving and maintaining county-supported emergency management operations in the county; amending K.S.A. 2025 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2025 Supp. 2-187 is hereby amended to read as follows: 12-187 (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than 2/3 of the membership of the governing body of each of one or more cities within such county that contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by 2/3 of the membership of the governing body of each of one or more taxing subdivisions within such county that levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Finney, Ford, Franklin, Grant, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Thomas, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county

shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of ad valorem tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by 0.75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(G) The result of the election held on April 7, 2015, on the question submitted by the board of county commissioners of Bourbon county for the purpose of increasing its retailers' sales tax by 0.4% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(H) The result of the election held on November 7, 2017, on the question submitted by the board of county commissioners of Finney county for the purpose of increasing its countywide retailers' sales tax by 0.3% is hereby declared valid, and the revenues of such tax shall be used by Finney county and the city of Garden City, Kansas, as agreed in an interlocal cooperation agreement between the city and county, and as detailed in the ballot question approved by voters. The tax imposed pursuant to this subparagraph shall be levied for a period of 15 years from the date it is first levied.

(I) The result of the election held on November 3, 2020, on the question submitted by the board of county commissioners of Cherokee county for the purpose of increasing its retailers' sales tax by 0.5% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing: (i) Ambulance services within the county; (ii) renovations and maintenance of county buildings and facilities; or (iii) any other projects within the county deemed necessary by the governing body of Cherokee county. The tax imposed pursuant to this subparagraph shall terminate prior to January 1, 2033.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of K.S.A. ~~68-2314~~(b)(5), and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized

pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to subsection (a)(2) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include, but not be limited to, the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(7) (A) The board of county commissioners of Clay and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.50% in the case of Clay county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this subparagraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(B) The board of county commissioners of Dickinson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) (A) The board of county commissioners of Cowley, Crawford and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% in the case of Crawford and Woodson county and at a rate of up to 0.25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this subparagraph shall expire after five years from the date such tax is first collected.

(B) The board of county commissioners of Russell county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purposes of conservation, access and management of open space; preservation of cultural heritage; and economic development projects and activities.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected. On and after July 1, 2019, the countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for one additional period not to exceed 15 years upon the board of county commissioners of Wabaunsee county submitting such question to the electors at an election called and held thereon as provided by law. For any countywide retailers' sales tax that is extended or reenacted pursuant to this paragraph, such tax shall expire not later than 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax

imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.



(28) The board of county commissioners of Edwards county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.375% and pledging the revenue therefrom for the purpose of financing the costs of economic development initiatives to the electors at an election called and held thereon.

(29) The board of county commissioners of Rooks county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(30) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility, detention facility or other county administrative facility, specifically including mental health and for the operation thereof.

(31) The board of county commissioners of Bourbon county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1%, in increments of 0.05%, and pledging the revenue received therefrom for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements to the electors at an election called and held thereon.

(32) The board of county commissioners of Marion county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and the construction of public infrastructure improvements, including buildings, to the electors at an election called and held thereon.

(33) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of supporting emergency medical and ambulance services in the county to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional periods not exceeding 10 years per period upon the board of county commissioners of Wilson county submitting such question to the electors at an election called and held thereon for each additional period as provided by law. This paragraph shall not be construed to cause the expiration, repeal or termination of any existing city retailers' sales tax for health care services as defined in paragraph (5).

(34) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received for the purpose of joint law enforcement communications and solid waste disposal in Atchison county to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(35) The board of county commissioners of Dickinson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional five-year periods upon the board of county commissioners of Dickinson county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(36) The board of county commissioners of Rawlins county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of construction, remodeling, capital improvements or maintenance of attendance centers or other district facilities of any school district or school districts within the county. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing the costs of attendance centers or other district facilities for U.S.D. No. 105.

(37) The board of county commissioners of Marshall county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(38) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction, maintenance and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(39) The board of county commissioners of Pawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purposes of: (A) Healthcare services for those items authorized pursuant to subsection (b)(5); and (B) furnishing and equipping county-supported public safety operations deemed necessary by the board of county commissioners of Pawnee county including, but not limited to, the sheriff's department, jail, emergency management and emergency dispatch services.

(40) The board of county commissioners of Seward county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction, maintenance and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional 10-year periods upon the board of county commissioners of Seward county submitting such question to the electors at an election called and held thereon for each additional 10-year period as provided by law.

(41) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of supporting hospital services in the county to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

***(42) The board of County Commissioners of Leavenworth County may submit the question of imposing a countywide retailer's sales tax at the rate of .125% or .25% and pledging the revenue received therefrom for the purpose of furnishing, equipping, improving and maintaining county-supported emergency management operations deemed necessary by the board of county commissioners of Leavenworth county. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional 10-year periods upon the board of county commissioners of Leavenworth county submitting such question to the electors at an election called and held thereon for each additional 10-year period as provided by law.***

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than 2/3 of the membership of the governing body of each of one or more cities within each of such counties that contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by 2/3 of the membership of the governing body of each of one or more taxing subdivisions within each of such counties that levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Notwithstanding any provision of law to the contrary, including subsection (b)(5), any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors

voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) (1) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

(2) In addition to the requirements set forth in paragraph (1), the governing body of the county proposing to levy a countywide retailers' sales tax shall include as a part of the ballot proposition whether:

(A) The apportionment formula provided in K.S.A. 12-192, and amendments thereto, will apply to the revenue;

(B) an interlocal agreement was entered whereby the county will retain either all or part of the revenue; or

(C) pursuant to law, the county retains the revenue in its entirety.

Sec. 2. K.S.A. 2024 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of 0.05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes, which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of 0.25%, and which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Finney, Ford, Saline, Seward or Wyandotte county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison or Thomas county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown or Grant county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(3), and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of K.S.A. 12-187(b)(4), and amendments thereto, may fix such rate at 0.25%;

(d) the board of county commissioners of any county, for the purposes of K.S.A. 12-187(b)(5), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of K.S.A. 12-187(b)(8), and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of K.S.A. 12-187(b)(9), and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of K.S.A. 12-187(b)(10), and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of K.S.A. 12-187(b)(11) and (b)(30), and amendments thereto, may fix such rate at 1.75%;

(j) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(13), and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of K.S.A. 12-187(b)(3)(C), and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of K.S.A. 12-187(b)(14), and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of K.S.A. 12-187(b)(15), and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of K.S.A. 12-187(b)(16), and amendments thereto, may fix such rate at 2.0%;

(o) the board of county commissioners of Atchison county, for the purpose of K.S.A. 12-187(b)(17), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus 0.25%;

(p) the board of county commissioners of Wabaunsee county, for the purpose of K.S.A. 12-187(b)(18), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 0.5%;

(q) the board of county commissioners of Jefferson county, for the purpose of K.S.A. 12-187(b)(19) and (25), and amendments thereto, may fix such rate at 2.25%;

(r) the board of county commissioners of Riley county, for the purpose of K.S.A. 12-187(b)(20), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county, for the purposes of K.S.A. 12-187(b)(21), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus 0.25%;

(t) the board of county commissioners of Wilson county, for the purposes of K.S.A. 12-187(b)(22), and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county, for the purposes of K.S.A. 12-187(b)(23), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of K.S.A. 12-187(b)(24), and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of K.S.A. 12-187(b)(3)(D), and amendments thereto, may fix such rate at 1.5%;

(x) the board of county commissioners of Rawlins county, for the purposes of K.S.A. 12-187(b)(3)(E), and amendments thereto, may fix such rate at 1.75%;

(y) the board of county commissioners of Chautauqua county, for the purposes of K.S.A. 12-187(b)(3)(F), and amendments thereto, may fix such rate at 2.0%;

(z) the board of county commissioners of Pottawatomie county, for the purposes of K.S.A. 12-187(b)(26), and amendments thereto, may fix such rate at up to 1.5%;

(aa) the board of county commissioners of Kingman county, for the purposes of K.S.A. 12-187(b)(27), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;

(bb) the board of county commissioners of Edwards county, for the purposes of K.S.A. 12-187(b)(28), and amendments thereto, may fix such rate at 1.375%;

- (cc) the board of county commissioners of Rooks county, for the purposes of K.S.A. 12-187(b)(29), and amendments thereto, may fix such rate at up to 1.5%;
- (dd) the board of county commissioners of Bourbon county, for the purposes of K.S.A. 12-187(b)(3)(G) and (b)(31), and amendments thereto, may fix such rate at up to 2.0%;
- (ee) the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(32), and amendments thereto, may fix such rate at 2.5%;
- (ff) the board of county commissioners of Finney county, for the purposes of K.S.A. 12-187(b)(3)(H), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.3%;
- (gg) the board of county commissioners of Cherokee county, for the purposes of K.S.A. 12-187(b)(3)(I), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.5%;
- (hh) the board of county commissioners of Wilson county, for the purposes of K.S.A. 12-187(b)(33), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;
- (ii) the board of county commissioners of Atchison county, for the purposes of K.S.A. 12-187(b)(34), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus up to 1%;
- (jj) the board of county commissioners of Dickinson county, for the purposes of K.S.A. 12-187(b)(35), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%;
- (kk) the board of county commissioners of Rawlins county, for the purposes of K.S.A. 12-187(b)(36), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus up to 1%;
- (ll) the board of county commissioners of Marshall county, for the purposes of K.S.A. 12-187(b)(37), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus up to 1%;
- (mm) the board of county commissioners of Neosho county, for the purposes of K.S.A. 12-187(b)(38), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.5%;
- (nn) the board of county commissioners of Pawnee county, for the purposes of K.S.A. 12-187(b)(39), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus up to 1%;
- (oo) the board of county commissioners of Seward county, for the purposes of K.S.A. 12-187(b)(40), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.5%; ~~and~~
- (pp) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(41), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%; ~~and~~
- (qq) the board of county commissioners of Leavenworth county, for the purposes of K.S.A. 12-187(b)(42), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus .0125% or 0.25%.***

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. The director of taxation shall confirm that all provisions of law applicable to the authorization of local sales tax have been followed prior to causing the collection. If the director of taxation discovers that a city or county did not comply with any provision of law applicable to the authorization of a local sales tax after collection has commenced, the director shall immediately notify the city or county and cease collection of such sales tax until such noncompliance is remedied. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in K.S.A. 12-187(b)(22), and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax that exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 3. K.S.A. 2025 Supp. 12-192 is hereby amended to read as follows: 12-192. Apportionment of revenue from countywide retailers' sales tax between county and cities located therein, exceptions; notification of state sales tax collected in county for preceding year; county clerks to provide secretary information necessary for apportionment. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner:

(1) 1/2 of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, except that the apportionment pursuant to this provision shall not change between July 1, 2025, and December 31, 2026; and

(2) 1/2 of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to

the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county.

All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of 0.75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner:

(A) The revenue received from the first 0.5% rate of tax shall be apportioned in the manner prescribed by subsection (a); and

(B) the revenue received from the rate of tax exceeding 0.5% shall be apportioned as follows:

(i) 1/4 shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year;

(ii) 1/4 shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county; and

(iii) 1/2 shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(2), (3)(C), (3)(F), (3)(G), (3)(I), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), (39), (40) ~~and~~ (41) ~~and~~ (42), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in K.S.A. 12-187(b)(5), and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(5), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(3) All revenue received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(26), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for

which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by K.S.A. 12-187(b)(26), and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

Sec. 4. K.S.A. 2025 Supp. 12-187, 12-189 and 12-192 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.





## COUNTY OF LEAVENWORTH

Board of County Commissioners

300 Walnut, Suite 225

Leavenworth, Kansas 66048-2815

(913)684-0417

Fax (913) 680-2742

Email: [bocc@leavenworthcounty.gov](mailto:bocc@leavenworthcounty.gov)

### MEMORANDUM

**To:** Members of the Leavenworth County Legislative Delegation  
**From:** The Board of County Commissioners of Leavenworth County, Kansas  
**Date:** December 31, 2025  
**Re:** letter of support for countywide earning taxes

Dear Honorable Members of Legislature:

On behalf of the Leavenworth County Board of County Commissioners, we are pleased to submit this letter in support of legislation that would authorize Leavenworth County and all counties to advance ballot measures implementing countywide earning taxes if approved by the voters within that county. This local-option approach gives communities the ability to decide for themselves how best to fund essential public services, while ensuring that any new tax structure reflects the will of the people.

For many counties, particularly those with a high concentration of tax-exempt entities such as government facilities, educational institutions, hospitals, and nonprofit organizations, the current revenue framework creates a structural imbalance. When large portions of the local economy are exempt from property taxation, the financial burden of funding core services—public safety, infrastructure, emergency response, and community health—falls disproportionately on a relatively small share of property owners. This is neither sustainable nor equitable.

Allowing counties to initiate ballot measures implementing earning taxes would enable the county to shift away from a model that requires its primary funding to come from property taxes, and it would allow the counties with large tax-exempt employers to regain some the lost income and lower the burden away from property taxes. It enables counties to diversify their revenue streams and reduce over-reliance on property taxes, while ensuring that all who earn income within the county contribute to the services and infrastructure they benefit from. Importantly, this legislation does not mandate a tax; it simply gives counties the *option* to place the question before their residents.

Local governments are closest to the people they serve, and they understand their fiscal needs better than anyone. Providing counties with the flexibility to seek voter approval for an earnings tax strengthens local control, promotes fairness, and supports long-term financial stability.

We respectfully request the Legislature's consideration of enabling legislation that would grant counties the authority to adopt a countywide earning tax under parameters established by state law. Such authorization would allow counties to address local fiscal challenges while also lessening the property tax burden.

Thank you for your continued partnership and for your consideration of this request.

Sincerely,

Board of County Commissioners  
of Leavenworth County, Kansas

---

Mike Smith., Chairman



## COUNTY OF LEAVENWORTH

Board of County Commissioners

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### MEMORANDUM

**To:** Members of the Leavenworth County Legislative Delegation

**From:** The Board of County Commissioners of Leavenworth County, Kansas

**Date:** December 31, 2025

**Re:** Title X and Texas

Questions have been raised about the County's concern regarding the application of Title X regulations in Kansas as compared to its application in the state of Texas.

#### **Background:**

Title X §59.10 of Title X Subpart A regulations ("regulations") states "that no Title X project may require consent of parents or guardians for the provision of services to minors, nor can any title X project staff notify a parent or guardian before or after a minor has requested and/or received Title X family planning services." 42 C.F.R. Subpart A §59.10.

The regulations define family as a "a social unit composed of one person, or two or more persons living together, as a household." 42 C.F.R. Subpart A §59.2. The regulations also define family planning services as "a broad range of medically approved services, which included Food and Drug Administration (FDA)-approved contraceptive products and natural family planning methods, for client who want to prevent pregnancy and space births, pregnancy testing and counseling, assistance to achieve pregnancy, basic infertility services, sexually transmitted infection services, and other preconception health services. *Id.*

Under these regulations, a grantor would be subject to losing Title X funding, if it were to implement a policy granting parents the ability to withhold approval for medical, advice, procedures, counseling or medications including referrals and procedures. This is problematic because the County has adopted such a policy and subsequently lost its Title X funding.

Kansas law provides that it is the policy of the state of Kansas that parents retain the fundamental right to exercise primary control over the care and upbringing of their children in their charge. *See* K.S.A. 38-141. In addition, K.S.A. 38-122 denotes the rights of parent to consent to the performance of medical procedures on their children. Additionally, the Kansas statutes that address providing medical care to minors (including statutes granting immunity to providers) generally excuse liability only when treating minors who are at least sixteen years old and contemplate treatment of minors over sixteen without

parental consent when a parent is not available.<sup>1</sup> However, these provisions do not appear to extend similar protections or permissions to providers treating younger minors except in emergencies or in specific situations such as treating a minor for pregnancy, sexually transmitted diseases or when there have been allegations of abuse.<sup>2</sup>

Interestingly, K.S.A. 75-5674 authorizes the Kansas Department of Health and Environment to provide family planning services, but only to individuals who are married and eighteen years of age or older. The statute does not contain language authorizing such services for the unmarried or for minors below age eighteen which appears to be why the state relies on county health departments to provide family planning services. It certainly nor does it provide any exception for minors under the age of sixteen, and the question remains as to whether state law affirmatively prohibits, or simply fails to authorize, the provision of most medical procedures, including family planning services to minors without parental consent.

### **Texas:**

The preemptive effect of Title X on state laws that require parental consent has been called into question by 5th Circuit Court of Appeals. In Deanda v. Becerra, the 5<sup>th</sup> Circuit held that the statutory language of Title X does not preempt a Texas state statute requiring parental consent. Deanda v. Becerra, No. 23-10159 Slip Op. 2 (5<sup>th</sup> Cir. 2024). In that case, the court reasoned that there is no conflict between Title X's stated objectives and the Texas' statute. Title X's goal as stated in 42 U.S.C. §300(a) is to serve adolescents while also to the extent practical encourage family participate. *Id.*

The Court held that a straightforward reading of §300(a) reveals no conflict between Title X's objectives and Texas'. *Id.* at 17. The federal text plainly conveys the overarching goal of encouraging family participation in adolescents' family planning decisions. *Id.* 17-18. Accordingly, the Texas law pursues the same goal through more specific means by requiring parental consent before minors obtain contraceptives. Deanda v. Becerra, No. 23-10159, Slip Op. 18 (5<sup>th</sup> Cir. 2024). The court went on to say that these objectives reinforce each other, and that Title X establishes a floor for grantees' participation, and the Texas law establishes a specific means of achieving this goal. *Id.* In sum, the Court held that by statute Title X does not preempt the Texas state statute requiring parental consent. *Id.* at 25.

In Deanda v. Becerra, the court discussed the issue of preemption by regulation but declined to reach the issue because it was not raised at the District Court level. The issue of preemption by regulation was not argued at the district court level because the regulation stating that "no title X project may require consent of parent..." was not promulgated until October of 2021<sup>3</sup> which was after the lawsuit in Deanda v. Becerra was filed. Deanda v. Becerra, No. 23-10159, 25 Slip Op. (5<sup>th</sup> Cir. 2024).

The court indicated that "valid agency regulations constitute federal law for preemption purposes." *Id.* The court provided that a regulation intended to preempt state law will be upheld unless the administrator has exceeded his statutory authority or acted arbitrarily. *Id.* at 26. But, the Court did not reach the issue of statutory authority or whether the regulation was arbitrary on the 2021 regulation because it was a matter of first impression that was not raised at the district court level. *Id.* at 25.

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<sup>1</sup> K.S.A. 38-123b and

<sup>2</sup> K.S.A. 65-2891, K.S.A. 38-123, K.S.A. 65-2892, and K.S.A. 65-448

<sup>3</sup> This regulation became §59.10 of 42 C.F.R. Subpart A

In sum, *Deanda v. Beccera*, did not reach the issue of the validity or preemptive effect of 42 C.F.R. Subpart A §59.10. This means that regulation as it currently stands has not been overturned or challenged and is therefore in effect. For practical purposes, Title X requirements are enforced in Kansas but not in Texas though K.S.A. 38-141 and K.S.A. 38-122 are similar to Tex. Fam. Code § 151.001(a)(6), which grants parents the right to consent to their child’s medical treatment, and § 102.003(a)(1), regarding parental standing and rights—as requiring parental consent for minors to receive family planning services.

**Conclusion:**

Because the laws in both Texas and Kansas are similar when it comes to the fundamental rights of parents regarding the provision of medical care to their children, the County has raised questions and concerns about the application of Title X regulations in the state of Kansas.

The delegation’s ongoing support and consideration of county priorities is appreciated. Please do not hesitate to contact me or our County Administrator, Mark Loughry, at (913) 684-0417 should you require additional information or wish to schedule a discussion.

Sincerely,

Board of County Commissioners  
of Leavenworth County, Kansas

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Mike Smith., Chairman