

We encourage everyone to view the meeting live via YouTube.

***Leavenworth County***  
***Board of County Commissioners***  
***Regular Meeting Amended Agenda***  
300 Walnut Street, Suite 225  
Leavenworth, KS 66048  
September 18, 2024  
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 limited to 15 minutes at the beginning of each meeting and limited to three minutes per person. Anyone 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 AM 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.
- V. ADMINISTRATIVE BUSINESS:
- 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 September 11, 2024
  - b) Approval of the schedule for the week September 23, 2024
  - c) Approval of the check register
  - d) Approve and sign the OCB's
- VII. FORMAL BOARD ACTION:

- a) Consider a motion to approve Board Order 2024-7, approving a disaster relief tax abatement for a property located at 21542 Dempsey Road substantially destroyed by fire.
- b) Consider a motion to approve Resolution 2024-15, approving amendments to Articles 3, 22, 33,35,40,43 & 60 of the Leavenworth County Zoning Subdivision Regulations.

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

- a) Executive session to discuss non-elected personnel
- b) Executive session to discuss legal matters

IX. ADJOURNMENT

# **LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE**

**Monday, September 16, 2024**

**Tuesday, September 17, 2024**

12:00 p.m.      LCPA meeting

**Wednesday, September 18, 2024**

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

**Thursday, September 19, 2024**

**Friday, September 20, 2024**

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

\*\*\*\*\*September 11, 2024 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, September 11, 2024. Commissioner Culbertson, Commissioner Mike Smith, Commissioner Doug Smith and Commissioner Stieben are present; Commissioner Kaaz present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Misty Brown, Deputy County Counselor; Bill Noll, Infrastructure and Construction Services; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director; Tammy Saldivar, Solid Waste Director; Edd Hingula, Leavenworth City Commissioner; Leslee Rivarola, Basehor City Administrator; Pete Heaven, Attorney for the city of Basehor

**PUBLIC COMMENT:**

Ray Darrow, Scott Evrard and Sherri Grogan commented.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry requested clarification for a work session on outside agency funding.

It was the consensus of the Board to wait until the new Commissioners come aboard.

Commissioner Culbertson inquired if the Board wants to put an informational flier in the personal property tax statements.

It was the consensus of the Board to include the informational flier.

Commissioner Culbertson read a proclamation for Patriot Day.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to accept the consent agenda for Wednesday, September 11, 2024.***

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

Tammy Saldivar presented a gate rate increase \$2.00 per ton at the Transfer Station.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve a gate rate increase of \$2.00 per ton effective November 1, 2024 for the Solid Waste Department.***

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

Bill Noll requested the approval of the purchase of two skid mounted sprayers.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve the two-skid mounted roadside sprayers from Fairbank Equipment in the amount of \$49,222.70.***

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

Mr. Noll requested approval for winter salt for snow and ice removal.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to accept the bid from Central Salt for 2024-2025 for winter salt for snow and ice removal for \$58.32 per ton.***

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

David Van Parys requested the initiation of eminent domain proceedings on the Tonganoxie Road safety project.

***A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith that the Board authorize the initiate proceedings in eminent domain to acquire certain easements necessary for KDOT project number 52C-5254, Tonganoxie Drive, 187<sup>th</sup> Street to 189<sup>th</sup> Street High Risk Road Project.***

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

Mr. Van Parys presented a quit claim deed transferring ownership.

***A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve an amended quit claim deed to transfer ownership of a tract of land previously owned and utilized by the county as a facility for a sewer district.***

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

Amy Allison presented Resolution 2024-15, amending Articles of the Leavenworth County Zoning and Subdivision Regulations.

***A motion was made by Commissioner Mike Smith to approve Resolution 2024-15, proposed amendments to the Leavenworth County Zoning and Subdivision Regulations, Articles 3, 22, 33,35,40, 43 & 60 with the recommendation to the change Commissioner Stieben suggested.***

Commissioner Stieben recommended to bring this back next week with the correct verbiage.

Commissioner Mike Smith withdrew his motion.

The matter was tabled to next week.

Ms. Allison presented Resolution 2024-13, amending the Comprehensive Plan.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve Resolution 2024-13, amending the Leavenworth County Comprehensive Plan in whole or in part with finding of fact.***

***Motion passed, 3-2 Commissioners Doug Smith and Stieben voting nay.***

Mr. Van Parys presented the annexation request from the city of Basehor along with a road maintenance agreement.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben that the Board find that the annexation as proposed Resolution 2024-13, in light of the negotiated Road Maintenance Agreement, which addresses substantive concerns over road maintenance, access and jurisdiction, would not hinder the proper growth and development of the area or that of any other incorporated city within the county. This finding is conditioned upon the adoption by the city of Basehor of the negotiated Road Maintenance Agreement at its meeting conducted on September 11, 2024.***

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

***A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith that the RMA attached to the amended RBA for the Basehor Annexation be adopted.***

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

Commissioner Mike Smith announced the Lansing Historical Museum will be offering tours of the old Lansing Penitentiary. He also announced the city of Lansing hired Joe Gates and their new fire chief.

Commissioner Culbertson attended the Easton City Council meeting and an agritourism presentation.

Commissioner Stieben inquired about the Fire District issue.

Mr. Van Parys indicated the Board could amend the boundaries of the fire districts or dissolve the district. He indicated the division of assets are to be between the cities and the townships.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to adjourn.***

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

The Board adjourned at 10:38 a.m.

# LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

## **Monday, September 23, 2024**

10:00 a.m. Time to Make a Plan: Cyberattack, EMP and Water Infrastructure  
• The Heritage Center, 109 Delaware St., Leavenworth, KS

## **Tuesday, September 24, 2024**

8:00 a.m. Workforce Partnership meeting

12:00 p.m. MARC meeting

## **Wednesday, September 25, 2024**

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

## **Thursday, September 26, 2024**

## **Friday, September 27, 2024**

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

START DATE: 09/07/2024 END DATE: 09/13/2024

warrants by vendor



FMWARRPTR2		LEAVENWORTH COUNTY						9/12/24	17:07:43
DCOX		WARRANT REGISTER - BY FUND / VENDOR						Page 2	
		START DATE: 09/07/2024    END DATE: 09/13/2024							
TYPES OF CHECKS SELECTED: * ALL TYPES									
		P.O.NUMBER	CHECK#						
243	GEOTAB	GEOTAB USA INC	344044	110420 AP	09/10/2024	4-001-5-05-271	LEAV01 INV IN397581 AUGUST GEO	264.18	
243	GEOTAB	GEOTAB USA INC	344044	110420 AP	09/10/2024	4-001-5-06-222	LEAV01 INV IN397581 AUGUST GEO	16.33	
243	GEOTAB	GEOTAB USA INC	344044	110420 AP	09/10/2024	4-001-5-11-271	LEAV01 INV IN397581 AUGUST GEO	16.33	
243	GEOTAB	GEOTAB USA INC	344044	110420 AP	09/10/2024	4-001-5-31-230	LEAV01 INV IN397581 AUGUST GEO	48.99	
243	GEOTAB	GEOTAB USA INC	344044	110420 AP	09/10/2024	4-001-5-41-271	LEAV01 INV IN397581 AUGUST GEO	97.98	
243	GEOTAB	GEOTAB USA INC	344044	110420 AP	09/10/2024	4-001-5-53-220	LEAV01 INV IN397581 AUGUST GEO	81.65	
*** VENDOR								243 TOTAL	525.46
4465	GRONIS	GRONIS HARDWARE INC	344109	110459 AP	09/13/2024	4-001-5-07-357	JAIL MAINTENANCE	6.25	
4465	GRONIS	GRONIS HARDWARE INC	344109	110459 AP	09/13/2024	4-001-5-07-357	JAIL MAINTENANCE	5.51	
4465	GRONIS	GRONIS HARDWARE INC	344109	110459 AP	09/13/2024	4-001-5-07-357	JAIL MAINTENANCE	16.97	
*** VENDOR								4465 TOTAL	28.73
236	INTERPRETERS	INTERPRETERS INC	344114	110464 AP	09/13/2024	4-001-5-19-221	DIST CT INTERPRETERS 8/14 & 8/	358.25	
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	344158	270	09/13/2024	4-001-5-02-212	COURTHOUSE(8/19) ANNEX 7/24,8/	32.31	
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	344158	270	09/13/2024	4-001-5-02-212	COURTHOUSE(8/19) ANNEX 7/24,8/	6.53	
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	344158	270	09/13/2024	4-001-5-14-247	COURTHOUSE(8/19) ANNEX 7/24,8/	29.96	
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	344158	270	09/13/2024	4-001-5-14-247	COURTHOUSE(8/19) ANNEX 7/24,8/	6.05	
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	344158	270	09/13/2024	4-001-5-28-301	COURTHOUSE(8/19) ANNEX 7/24,8/	14.98	
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	344158	270	09/13/2024	4-001-5-28-301	COURTHOUSE(8/19) ANNEX 7/24,8/	3.03	
*** VENDOR								8416 TOTAL	92.86
6021	KADCCA	KADCCA	344046	110422 AP	09/10/2024	4-001-5-19-203	2024 FALL CONF REGISTRATION	200.00	
66366	KANSAS GAS ACH	KANSAS GAS SERVICE	344058	265	09/10/2024	4-001-5-05-215	510263944 1556921 09 GAS SVC E	51.52	
66366	KANSAS GAS ACH	KANSAS GAS SERVICE	344058	265	09/10/2024	4-001-5-05-215	512142220 2006970 09 GAS SVC E	94.94	
66366	KANSAS GAS ACH	KANSAS GAS SERVICE	344058	265	09/10/2024	4-001-5-14-220	510614745 1631910 36 GAS SVC A	54.40	
*** VENDOR								66366 TOTAL	200.86
19903	LANGUAGE L	LANGUAGE LINE SERVICES INC	344119	110469 AP	09/13/2024	4-001-5-19-221	DIST CT INTERPRETER 9020533027	3.00	
168	LCHS	LEAVENWORTH CO HUMANE SOCIETY	344121	110471 AP	09/13/2024	4-001-5-07-266	AUGUST HOUSING DOGS/CATS PER C	1,447.03	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	344123	110473 AP	09/13/2024	4-001-5-11-203	CO ATTORNEY OFFICE MEMBERSHIPS	125.00	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	344123	110473 AP	09/13/2024	4-001-5-11-203	CO ATTORNEY OFFICE MEMBERSHIPS	125.00	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	344123	110473 AP	09/13/2024	4-001-5-11-203	CO ATTORNEY OFFICE MEMBERSHIPS	125.00	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	344123	110473 AP	09/13/2024	4-001-5-11-203	CO ATTORNEY OFFICE MEMBERSHIPS	125.00	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	344123	110473 AP	09/13/2024	4-001-5-11-203	CO ATTORNEY OFFICE MEMBERSHIPS	125.00	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	344123	110473 AP	09/13/2024	4-001-5-11-203	CO ATTORNEY OFFICE MEMBERSHIPS	125.00	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	344123	110473 AP	09/13/2024	4-001-5-11-203	CO ATTORNEY OFFICE MEMBERSHIPS	125.00	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	344123	110473 AP	09/13/2024	4-001-5-11-203	CO ATTORNEY OFFICE MEMBERSHIPS	125.00	
*** VENDOR								138 TOTAL	1,000.00
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	344049	110425 AP	09/10/2024	4-001-5-02-301	CLERK/ELECTION - TONER,GOLD SE	345.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	344049	110425 AP	09/10/2024	4-001-5-49-340	CLERK/ELECTION - TONER,GOLD SE	30.48	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	344049	110425 AP	09/10/2024	4-001-5-49-340	CLERK/ELECTION - TONER,GOLD SE	133.50	
*** VENDOR								4755 TOTAL	508.98
537	LEAV TIMES	CHERRYROAD MEDIA INC	344125	110475 AP	09/13/2024	4-001-5-19-217	24156 DIST CT LEGAL NOTICE 23J	69.90	
537	LEAV TIMES	CHERRYROAD MEDIA INC	344125	110475 AP	09/13/2024	4-001-5-19-217	24156 DIST CT LEGAL NOTICE 24J	43.94	
537	LEAV TIMES	CHERRYROAD MEDIA INC	344125	110475 AP	09/13/2024	4-001-5-53-216	NOX WEED BID PUB & NOX WEED NO	10.38	
537	LEAV TIMES	CHERRYROAD MEDIA INC	344125	110475 AP	09/13/2024	4-001-5-53-216	NOX WEED BID PUB & NOX WEED NO	33.16	
*** VENDOR								537 TOTAL	157.38
17677	LEXISNEXIS RISK DATA	LEXISNEXIS RISK DATA MGMT (ACC	344126	110476 AP	09/13/2024	4-001-5-09-203	1314401 AUGUST MINIMUM COMMITM	50.00	
710	LIPPERT MECHANICAL	LIPPERT MECHANICAL SERVICE LLC	344127	110477 AP	09/13/2024	4-001-5-33-209	6887515 SVC CALL 711 MARSHALL	1,498.15	
710	LIPPERT MECHANICAL	LIPPERT MECHANICAL SERVICE LLC	344127	110477 AP	09/13/2024	4-001-5-33-209	6887515 SVC CALL 711 MARSHALL	127.41-	
*** VENDOR								710 TOTAL	1,370.74
2419	MCKESSON MEDICAL SUR	MCKESSON MEDICAL SURGICAL	344128	110478 AP	09/13/2024	4-001-5-07-219	LVSO 4227550 INMATE MEDICAL SU	65.50	
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	344051	110427 AP	09/10/2024	4-001-5-11-303	OPL305_K COPIER - CO ATTY	47.59	
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	344051	110427 AP	09/10/2024	4-001-5-28-217	OPL289_K COPIER - HR	38.37	
*** VENDOR								2059 TOTAL	85.96

START DATE: 09/07/2024    END DATE: 09/13/2024

TYPES OF CHECKS SELECTED: \* ALL TYPES

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warrants by vendor

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		START DATE: 09/07/2024    END DATE: 09/13/2024							
TYPES OF CHECKS SELECTED: * ALL TYPES									
			P.O.NUMBER	CHECK#					
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	37.50	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	60.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	675.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	75.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	30.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	135.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	120.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	75.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	15.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	15.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	7.50	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	97.50	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	52.50	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	52.50	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	7.50	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	67.50	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	7.50	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	15.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	15.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	15.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	120.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	600.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	15.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	517.50	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	15.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	15.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	330.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	60.00	
427	PEMBLE	JORDAN PEMBLE	344133	110485 AP	09/13/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY BY CA	405.00	
*** VENDOR								427 TOTAL	11,977.50
7098	QUILL CORP	QUILL CORP	344052	110428 AP	09/10/2024	4-001-5-07-301	OFFICE SUPPLIES LVSO 8333027	130.13	
103	RESTITUTIO	VICTIM	344061	110433 AP	09/11/2024	4-001-5-11-502	RESTITUTION	530.00	
915	SMITHEREEN PEST MANA	SMITHEREEN PEST MANAGEMENT	344141	110493 AP	09/13/2024	4-001-5-31-212	204513 PEST CONTROL	601.00	
915	SMITHEREEN PEST MANA	SMITHEREEN PEST MANAGEMENT	344141	110493 AP	09/13/2024	4-001-5-32-211	204513 PEST CONTROL	85.00	
915	SMITHEREEN PEST MANA	SMITHEREEN PEST MANAGEMENT	344141	110493 AP	09/13/2024	4-001-5-33-211	204513 PEST CONTROL	125.00	
*** VENDOR								915 TOTAL	811.00
4445	T MOBILE	T-MOBILE USA, INC	344145	110497 AP	09/13/2024	4-001-5-05-210	974536189 WIRELESS SERVICE EMS	446.67	
261	TELEFLEX	TELEFLEX FUNDING LLC	344146	110498 AP	09/13/2024	4-001-5-05-381	1239536 FIELD SUPPLIES - NEEDL	1,115.50	
608	TRAVELERS	THE TRAVELERS INDEMNITY COMPAN	344149	110501 AP	09/13/2024	4-001-5-14-224	16P20731-ZLP 4825F7093 DEDUCTI	945.50	
651	USIC HOLDINGS	USIC HOLDING INC	344054	110430 AP	09/10/2024	4-001-5-18-213	LVCOKS01 KS LOCATES FOR FIBER	167.26	
4648	WASTE MANAGEMENT	WASTE MANAGEMENT	344157	269	09/13/2024	4-001-5-07-208	21-53290-33008 LV SHERIFF DUMP	651.68	
2	WATER DEPT	WATER DEPT	344152	110504 AP	09/13/2024	4-001-5-05-215	WATER SVC 500 EISNEHOWER	50.79	
2	WATER DEPT	WATER DEPT	344152	110504 AP	09/13/2024	4-001-5-05-215	WATER SVC EMS 9101	80.26	
2	WATER DEPT	WATER DEPT	344055	110431 AP	09/10/2024	4-001-5-14-220	WATER SVC COURTHOUSE	1,959.98	
2	WATER DEPT	WATER DEPT	344055	110431 AP	09/10/2024	4-001-5-32-392	WATER SVC JUSTICE CENTER	3,358.11	
2	WATER DEPT	WATER DEPT	344055	110431 AP	09/10/2024	4-001-5-33-392	WATER SERVICE CUSHING 2 METERS	71.80	
2	WATER DEPT	WATER DEPT	344055	110431 AP	09/10/2024	4-001-5-33-392	WATER SERVICE CUSHING 2 METERS	498.53	
*** VENDOR								2 TOTAL	6,019.47
276	WEX	WEX BANK	344056	263	09/10/2024	4-001-5-14-331	EMS FUEL TO 8.23	6,167.87	
276	WEX	WEX BANK	344155	267	09/13/2024	4-001-5-14-332	SHERIFF CONTESTED CHARGES FROM	2,761.34	
276	WEX	WEX BANK	344056	263	09/10/2024	4-001-5-14-333	BG FUEL IN PW VEH 10-10	68.01	
276	WEX	WEX BANK	344155	267	09/13/2024	4-001-5-14-333	BG FUEL TO 8.23	144.07	

warrants by vendor

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4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	344084	110434 AP	09/13/2024	4-133-5-00-312	9-9 4013-01993 UNIFORM RENTALS	235.08	
						*** VENDOR		4120 TOTAL	1,638.63
25797	BERRY TRAC	BERRY TRACTOR & EQUIPMENT	344091	110441 AP	09/13/2024	4-133-5-00-227	9-10 BROOM RENTAL, PARTS	3,000.00	
25797	BERRY TRAC	BERRY TRACTOR & EQUIPMENT	344091	110441 AP	09/13/2024	4-133-5-00-360	9-10 BROOM RENTAL, PARTS	729.45	
25797	BERRY TRAC	BERRY TRACTOR & EQUIPMENT	344091	110441 AP	09/13/2024	4-133-5-00-360	9-10 BROOM RENTAL, PARTS	1,179.20	
						*** VENDOR		25797 TOTAL	4,908.65
571	CONTECH	QUIKRETE HOLDINGS	344097	110447 AP	09/13/2024	4-133-5-00-325	9-11 740886 CULVERTS	3,231.95	
571	CONTECH	QUIKRETE HOLDINGS	344097	110447 AP	09/13/2024	4-133-5-00-325	9-11 740886 CULVERTS	3,726.30	
571	CONTECH	QUIKRETE HOLDINGS	344097	110447 AP	09/13/2024	4-133-5-00-325	9-11 740886 CULVERTS	4,417.60	
						*** VENDOR		571 TOTAL	11,375.85
225	CORKY'S EQUIPMENT	CORKY'S EQUIPMENT	344098	110448 AP	09/13/2024	4-133-5-00-360	9-12 ROLLER AND BOLT FOR TIRE	179.72	
3998	DREXEL TEC	DREXEL TECHNOLOGIES INC	344102	110452 AP	09/13/2024	4-133-5-00-208	9-13 28984 ON CALL SVC FOR AQU	40.25	
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	344159	271	09/13/2024	4-133-5-00-229	516725A SEPTEMBER VEHICLE LEAS	5,292.69	
446	EQUIPMENT SHARE	EQUIPMENT SHARE INC	344104	110454 AP	09/13/2024	4-133-5-00-360	9-14 48309 PALADIN SET, LESS C	881.00	
446	EQUIPMENT SHARE	EQUIPMENT SHARE INC	344104	110454 AP	09/13/2024	4-133-5-00-360	9-14 48309 PALADIN SET, LESS C	123.20-	
						*** VENDOR		446 TOTAL	757.80
774	G W VAN KEPPEL	G W VAN KEPPEL	344108	110458 AP	09/13/2024	4-133-5-00-360	9-15 BP0005100 SENSOR, ACTUATO	1,774.63	
774	G W VAN KEPPEL	G W VAN KEPPEL	344108	110458 AP	09/13/2024	4-133-5-00-360	9-15 BP0005100 SENSOR, ACTUATO	147.57-	
774	G W VAN KEPPEL	G W VAN KEPPEL	344108	110458 AP	09/13/2024	4-133-5-00-360	9-15 BP0005100 SENSOR, ACTUATO	196.20	
						*** VENDOR		774 TOTAL	1,823.26
243	GEOTAB	GEOTAB USA INC	344044	110420 AP	09/10/2024	4-133-5-00-229	LEAV01 INV IN397581 AUGUST GEO	1,263.42	
191	HOME DEPOT	HOME DEPOT USA	344113	110463 AP	09/13/2024	4-133-5-00-312	9-16 1111680 KNIT POLY ROLLER	18.96	
616	J M FAHEY CONSTRUCT	J M FAHEY CONSTRUCTION	344115	110465 AP	09/13/2024	4-133-5-00-362	9-17 1209 BM2 SURFACE MIX	2,479.14	
19474	KANSAS COUNTRY STORE	KANSAS COUNTRY STORE	344116	110466 AP	09/13/2024	4-133-5-00-364	9-18 SAFETY BOOTS C DEPOY	116.00	
8408	KANSAS STA	KANSAS STATE HISTORICAL SOCIET	344117	110467 AP	09/13/2024	4-133-5-00-327	9-19 21 SURVEY REFERENCE REPOR	84.00	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	344122	110472 AP	09/13/2024	4-133-5-00-362	9-20 495 BM2	11,093.20	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	344122	110472 AP	09/13/2024	4-133-5-00-362	9-20 495 BM2	10,021.29	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	344122	110472 AP	09/13/2024	4-133-5-00-362	9-20 495 BM2	9,359.25	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	344122	110472 AP	09/13/2024	4-133-5-00-362	9-20 495 BM2	12,746.49	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	344122	110472 AP	09/13/2024	4-133-5-00-362	9-20 495 BM2	5,554.37	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	344122	110472 AP	09/13/2024	4-133-5-00-362	9-20 495 BM2	4,774.63	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	344122	110472 AP	09/13/2024	4-133-5-00-362	9-20 495 BM2	3,715.26	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	344122	110472 AP	09/13/2024	4-133-5-00-362	9-20 495 BM2	7,506.40	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	344122	110472 AP	09/13/2024	4-133-5-00-362	9-20 495 BM2	939.87	
						*** VENDOR		1351 TOTAL	65,710.76
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	344124	110474 AP	09/13/2024	4-133-5-00-301	9-21 LOCKING FILE CABINET FOR	380.00	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	344129	110479 AP	09/13/2024	4-133-5-00-360	9-22 95988 EQUIP PARTS	641.12	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	344129	110479 AP	09/13/2024	4-133-5-00-360	9-22 95988 EQUIP PARTS	250.00	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	344129	110479 AP	09/13/2024	4-133-5-00-360	9-22 95988 EQUIP PARTS	213.30	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	344129	110479 AP	09/13/2024	4-133-5-00-360	9-22 95988 EQUIP PARTS	170.98	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	344129	110479 AP	09/13/2024	4-133-5-00-360	9-22 95988 EQUIP PARTS	242.12	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	344129	110479 AP	09/13/2024	4-133-5-00-360	9-22 95988 EQUIP PARTS	128.79	
						*** VENDOR		232 TOTAL	1,646.31
24	NATIONAL SIGN	NATL SIGN CO INC	344131	110481 AP	09/13/2024	4-133-5-00-363	9-23 KSCLEA SIGN MATERIAL	4,007.00	
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-133-5-00-310	9-36 19615 TRANS COND, ORIG GL	15.99	
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-133-5-00-312	9-36 19615 TRANS COND, ORIG GL	23.99	
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-133-5-00-312	9-35 FILTERS, SWITCHES,PARTS,	9.99	
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-133-5-00-312	9-35 FILTERS, SWITCHES,PARTS,	4.80	
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-133-5-00-312	9-35 FILTERS, SWITCHES,PARTS,	34.47	
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-133-5-00-360	9-36 19615 TRANS COND, ORIG GL	49.55	
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-133-5-00-360	9-36 19615 TRANS COND, ORIG GL	9.05	
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-133-5-00-360	9-36 19615 TRANS COND, ORIG GL	9.05	
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1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-32 437 CRS-1HP	16,152.36		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-32 437 CRS-1HP	15,696.76		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-32 437 CRS-1HP	15,450.20		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-32 437 CRS-1HP	15,812.32		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-32 437 CRS-1HP	16,155.04		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-32 437 CRS-1HP	15,351.04		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-32 437 CRS-1HP	15,812.00		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-32 437 CRS-1HP	15,577.34		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-32 437 CRS-1HP	15,522.56		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-33 437 CRS-1HP	15,184.88		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-33 437 CRS-1HP	15,383.20		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-33 437 CRS-1HP	15,434.12		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-33 437 CRS-1HP	15,596.34		
1241	VANCE BROS	VANCE BROS INC	344151	110503 AP	09/13/2024	4-133-5-00-303	9-33 437 CRS-1HP	15,663.58		
								*** VENDOR	1241 TOTAL	420,014.14
276	WEX	WEX BANK	344056	263	09/10/2024	4-133-5-00-304	9-3 PW FUEL TO 8.23 #10-08,09,	997.88		
276	WEX	WEX BANK	344056	263	09/10/2024	4-133-5-00-304	9-2 PW FUEL TO 8.23 2,10-01,02	1,022.26		
276	WEX	WEX BANK	344056	263	09/10/2024	4-133-5-00-304	9-4 PW FUEL TO 8.23 10-18,19,0	206.05		
								*** VENDOR	276 TOTAL	2,226.19
2007	WIRENUTS	WIRENUTS	344153	110505 AP	09/13/2024	4-133-5-00-207	9-34 SVC CALL - GATE SYSTEM AT	442.50		
								TOTAL FUND 133		837,865.43
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28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	344111	110461 AP	09/13/2024	4-135-5-00-201	AUGUST JAIL LIAISON	12,397.27		
43	LAMAR TEXAS	LAMAR TEXAS LIMITED PARTNERSHI	344154	266	09/13/2024	4-135-5-00-200	846102 POSTERS/BULLETINGS - BI	420.00		
43	LAMAR TEXAS	LAMAR TEXAS LIMITED PARTNERSHI	344154	266	09/13/2024	4-135-5-00-200	846102 POSTERS/BULLETINGS - BI	900.00		
								*** VENDOR	43 TOTAL	1,320.00
								TOTAL FUND 135		13,717.27
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1220	CULLIGAN OF GREATER	CULLIGAN OF GREATER KANSAS CIT	344099	110449 AP	09/13/2024	4-136-5-00-203	1274542 WATER/COOLER SVC PER C	21.00		
1220	CULLIGAN OF GREATER	CULLIGAN OF GREATER KANSAS CIT	344099	110449 AP	09/13/2024	4-136-5-00-223	1274542 WATER/COOLER SVC PER C	21.00		
								*** VENDOR	1220 TOTAL	42.00
9635	DASH	DASH MEDICAL GLOVES	344100	110450 AP	09/13/2024	4-136-5-00-207	533802 VINYL GLOVES FOR COMM C	6.32		
9635	DASH	DASH MEDICAL GLOVES	344100	110450 AP	09/13/2024	4-136-5-00-227	533802 VINYL GLOVES FOR COMM C	6.32		
9635	DASH	DASH MEDICAL GLOVES	344100	110450 AP	09/13/2024	4-136-5-00-341	533802 VINYL GLOVES FOR COMM C	6.31		
								*** VENDOR	9635 TOTAL	18.95
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	344159	271	09/13/2024	4-136-5-00-221	516725A SEPTEMBER VEHICLE LEAS	39.77		
243	GEOTAB	GEOTAB USA INC	344044	110420 AP	09/10/2024	4-136-5-00-221	LEAV01 INV IN397581 AUGUST GEO	32.66		
7098	QUILL CORP	QUILL CORP	344135	110487 AP	09/13/2024	4-136-5-00-301	5645204 OFFICE SUPPLIES	45.99		
7098	QUILL CORP	QUILL CORP	344135	110487 AP	09/13/2024	4-136-5-00-321	5645204 OFFICE SUPPLIES	45.99		
								*** VENDOR	7098 TOTAL	91.98
113	SUMNERONE INC	SUMNERONE INC	344144	110496 AP	09/13/2024	4-136-5-00-223	50COL COPIES	26.19		
113	SUMNERONE INC	SUMNERONE INC	344144	110496 AP	09/13/2024	4-136-5-00-243	50COL COPIES	26.19		
113	SUMNERONE INC	SUMNERONE INC	344144	110496 AP	09/13/2024	4-136-5-00-301	50COL COPIES	26.19		
								*** VENDOR	113 TOTAL	78.57
276	WEX	WEX BANK	344056	263	09/10/2024	4-136-5-00-221	COMM CORR FUEL TO 8.23	14.28		
								TOTAL FUND 136		318.21
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4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	344084	110434 AP	09/13/2024	4-137-5-00-203	9-3 4013-01993 UNIFORM RENTALS	107.55		
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	344084	110434 AP	09/13/2024	4-137-5-00-203	9-3 4013-01993 UNIFORM RENTALS	107.55		
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	344084	110434 AP	09/13/2024	4-137-5-00-203	9-3 4013-01993 UNIFORM RENTALS	107.55		
								*** VENDOR	4120 TOTAL	322.65
446	EQUIPMENT SHARE	EQUIPMENT SHARE INC	344104	110454 AP	09/13/2024	4-137-5-00-320	9-4 48309 CASE PARTS	443.52		

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446	EQUIPMENT SHARE	EQUIPMENT SHARE INC	344104	110454 AP	09/13/2024	4-137-5-00-320	9-4 48309 CASE PARTS	253.80		
						*** VENDOR		446 TOTAL	697.32	
2588	FOLEY EQUIPMENT	FOLEY EQUIPMENT	344106	110456 AP	09/13/2024	4-137-5-00-320	9-5 016993 RELAY & SWITCH ASSY	246.60		
2588	FOLEY EQUIPMENT	FOLEY EQUIPMENT	344106	110456 AP	09/13/2024	4-137-5-00-320	9-5 016993 RELAY & SWITCH ASSY	170.99		
2588	FOLEY EQUIPMENT	FOLEY EQUIPMENT	344106	110456 AP	09/13/2024	4-137-5-00-320	9-5 016993 RELAY & SWITCH ASSY	246.60-		
2588	FOLEY EQUIPMENT	FOLEY EQUIPMENT	344106	110456 AP	09/13/2024	4-137-5-00-320	9-5 016993 RELAY & SWITCH ASSY	301.90		
						*** VENDOR		2588 TOTAL	472.89	
243	GEOTAB	GEOTAB USA INC	344044	110420 AP	09/10/2024	4-137-5-00-229	LEAV01 INV IN397581 AUGUST GEO	288.75		
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-137-5-00-320	9-8 19615 FILTERS, PARTS	56.08		
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-137-5-00-320	9-8 19615 FILTERS, PARTS	30.67		
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-137-5-00-320	9-8 19615 FILTERS, PARTS	8.65		
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-137-5-00-320	9-8 19615 FILTERS, PARTS	62.22		
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-137-5-00-320	9-8 19615 FILTERS, PARTS	100.89		
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-137-5-00-320	9-8 19615 FILTERS, PARTS	134.61		
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-137-5-00-320	9-8 19615 FILTERS, PARTS	23.22		
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-137-5-00-320	9-8 19615 FILTERS, PARTS	28.72		
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-137-5-00-320	9-8 19615 FILTERS, PARTS	1.63		
11799	O'REILLY A	O'REILLY AUTOMOTIVE	344132	110482 AP	09/13/2024	4-137-5-00-320	9-8 19615 FILTERS, PARTS	5.55		
						*** VENDOR		11799 TOTAL	452.24	
1123	POMPMIDWEST EFT	POMP'S TIRE SERVICE INC	344156	268	09/13/2024	4-137-5-00-321	9-6 1960724 TIRES	717.20		
1123	POMPMIDWEST EFT	POMP'S TIRE SERVICE INC	344156	268	09/13/2024	4-137-5-00-321	9-6 1960724 TIRES	990.00		
1123	POMPMIDWEST EFT	POMP'S TIRE SERVICE INC	344156	268	09/13/2024	4-137-5-00-321	9-6 1960724 TIRES	108.00		
						*** VENDOR		1123 TOTAL	1,815.20	
238	RIEKES	RIEKES EQUIPMENT COMPANY	344139	110491 AP	09/13/2024	4-137-5-00-320	9-7 BP0003583 FUEL FILTER, FRE	105.45		
						TOTAL FUND 137		4,154.50		
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276	WEX	WEX BANK	344056	263	09/10/2024	4-138-5-00-227	COMM CORR FUEL TO 8.23	52.58		
						TOTAL FUND 138		52.58		
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516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	344159	271	09/13/2024	4-145-5-00-230	516725A SEPTEMBER VEHICLE LEAS	17,652.88		
243	GEOTAB	GEOTAB USA INC	344044	110420 AP	09/10/2024	4-145-5-00-230	LEAV01 INV IN397581 AUGUST GEO	522.56		
						TOTAL FUND 145		18,175.44		
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8416	IRON MOUNTAIN	IRON MOUNTAIN INC	344158	270	09/13/2024	4-146-5-00-218	COURTHOUSE(8/19) ANNEX 7/24,8/	64.62		
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	344158	270	09/13/2024	4-146-5-00-218	COURTHOUSE(8/19) ANNEX 7/24,8/	13.05		
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	344158	270	09/13/2024	4-146-5-00-218	COURTHOUSE(8/19) ANNEX 7/24,8/	134.52		
						*** VENDOR		8416 TOTAL	212.19	
						TOTAL FUND 146		212.19		
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516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	344159	271	09/13/2024	4-153-5-00-401	516725A SEPTEMBER VEHICLE LEAS	10,344.44-		
						TOTAL FUND 153		10,344.44		
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1971	CAROLINA SOFTWARE	CAROLINA SOFTWARE	344093	110443 AP	09/13/2024	4-160-5-00-263	TRANSFER STATION WASTEWORKS LA	1,779.40		
1971	CAROLINA SOFTWARE	CAROLINA SOFTWARE	344093	110443 AP	09/13/2024	4-160-5-00-263	TRANSFER STATION WASTEWORKS LA	308.65		
						*** VENDOR		1971 TOTAL	2,088.05	
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	344159	271	09/13/2024	4-160-5-00-215	516725A SEPTEMBER VEHICLE LEAS	1,149.88		
243	GEOTAB	GEOTAB USA INC	344044	110420 AP	09/10/2024	4-160-5-00-215	LEAV01 INV IN397581 AUGUST GEO	97.98		
434	HAMM QUARR	HAMM QUARRIES	344112	110462 AP	09/13/2024	4-160-5-00-204	100640 LANDFILL CHARGES LESS C	23,408.34		
434	HAMM QUARR	HAMM QUARRIES	344112	110462 AP	09/13/2024	4-160-5-00-204	100640 LANDFILL CHARGES LESS C	1,064.99-		
434	HAMM QUARR	HAMM QUARRIES	344112	110462 AP	09/13/2024	4-160-5-00-204	100640 LANDFILL CHARGES LESS C	129.23-		
						*** VENDOR		434 TOTAL	22,214.12	
22605	HINCKLEY S	HINCKLEY SPRINGS	344045	110421 AP	09/10/2024	4-160-5-00-263	586990012811238 DRINKING WATER	140.39		
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FUND SUMMARY

001	GENERAL	93,372.70
106	OPIOID SETTLEMENT	647.96
108	COUNTY HEALTH	5,211.65
115	EQUIPMENT RESERVE	11,367.12
119	ROD TECHNOLOGY	2,350.10
126	COMM CORR ADULT	291.42
127	COMM CORR ADULT NON GRANT	18.95
133	ROAD & BRIDGE	837,865.43
135	COMM CORR OPIOID	13,717.27
136	COMM CORR JUVENILE	318.21
137	LOCAL SERVICE ROAD & BRIDGE	4,154.50
138	JUV INTAKE & ASSESSMENT	52.58
145	COUNCIL ON AGING	18,175.44
146	COUNTY TREASURER SPECIAL	212.19
153	PUBLIC WORKS,EQUIP.RESERVE FUND	10,344.44-
160	SOLID WASTE MANAGEMENT	26,595.92
172	AMERICAN RECOVERY PLAN	469,499.99
174	911	7,681.38
194	VIOLENT OFFENDERS	2,995.00
198	SPECIAL GRANTS	1,460.00
210	SEWER DISTRICT 1: HIGH CREST	31.20
212	SEWER DISTRICT 2: TIMBERLAKES	3.60
214	SEWER DISTRICT 3: GLENWOOD	33,000.00
218	SEWER DIST #5	88.02
219	SEWER DIST #7: CEDAR LAKE SUB (FAIRMOUN	40,000.00
220	CAP IMPR: RD & BRIDGE	38.00
510	PAYROLL CLEARING	389,806.10
TOTAL ALL FUNDS		1,948,610.29

CONSENT AGENDA  
SEPT 18, 2024  
CK DATED 9/7-9/13  
\_\_\_\_\_  
\_\_\_\_\_

# Leavenworth County Request for Board Action

**Date:** September 18 2024  
**To:** Board of County Commissioners  
**From:** Bob Weber, County Appraiser

**Department Head Approval:** RJW

**Additional Reviews as needed:**

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

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**Action Requested:** Approval of disaster relief tax abatement for buildings on one property substantially destroyed by fire.

**Recommendation:** County Appraiser recommends approval of a Board Order to abate assessed value for the 2024 tax year for the following property.

**Destroyed by fire 2024**

<b>Tax ID</b>	<b>Abatement</b>	
1-14962	\$9,239	Destroyed 04-16-2024

**Analysis:** K.S.A. 79-1613 allows the Board of County Commissioners to abate all or part of taxes for a homestead building or improvement destroyed or substantially destroyed due to an earthquake, flood, tornado, or fire after January 1<sup>st</sup> but prior to August 15<sup>th</sup>. K.S.A. 79-1613 allows the Board of County Commissioners to grant a tax credit against property taxes payable during any or all of the next succeeding three taxable years for a homestead building or improvement destroyed or substantially destroyed due to an earthquake, flood, tornado, or fire on or after August 1<sup>st</sup> but prior to January 1<sup>st</sup> of the next succeeding year, or if the property taxes have already been paid.

**Alternatives:**

**Budgetary Impact:**

- X 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:** Board Order, Leavenworth County Disaster Relief Determination orders, Disaster Relief Worksheet

**BOARD ORDER 2024-\_\_\_\_\_**

**AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF  
LEAVENWORTH, KANSAS, MADE PURSUANT TO THE AUTHORITY GRANTED  
TO THEM UNDER K.S.A. 79-1613, MAKING CERTAIN FINDINGS REGARDING THE  
APPLICATIONS FOR THE ABATEMENT OR CREDIT OF PROPERTY TAXES ON  
CERTAIN HOMESTEADS OR BUILDING OR IMPROVEMENT DAMAGED BY  
EARTHQUAKE, FIRE, FLOOD, STORM, OR TORNADO**

**ON THIS 18<sup>th</sup> DAY OF September, 2024**, this board, sitting in regular session, considered the applications of the owners of certain homesteads or building or improvement located in the county of Leavenworth for the abatement or credit of property taxes on those homesteads or building or improvement due to the damage to the homesteads by earthquake, fire, flood, storm or tornado. The board, upon having considered the applications and made inquiry as to whether the properties listed in Exhibit “A”, attached hereto and fully incorporated into this Order meet the requirements for the abatement or credit of property taxes as allowed by K.S.A. 79-1613, makes the following findings:

1. That the properties listed in Exhibit “A” meet the definition of “Homestead or Building or Improvement” as set forth in K.S.A. 79-1613(a)(2) and are owned by the applicants.
2. That the properties listed in Exhibit “A” were destroyed by earthquake, fire, flood, storm, or tornado in the tax year listed in Exhibit “A”.
3. That the office of the Appraiser of the county of Leavenworth, Kansas, has inspected the properties listed in Exhibit “A” and made recommended findings to the board as to the extent of damage to the homesteads or buildings or improvements caused by said disaster and the appropriate corresponding abatement of property tax for each homestead or building or improvement so listed.
4. That the assessed valuation for each homestead or building or improvement listed in Exhibit “A” is accurate.
5. That the findings of the office of the Appraiser of the county of Leavenworth as set forth in Exhibit “A” are adopted by this board and fully incorporated into this Order and meet the requirements for the abatement of property taxes of those certain homesteads or buildings or improvements as provided for by K.S.A. 79-1613(d)
6. That the owners of the homesteads or buildings or improvements listed in Exhibit “A” are entitled under law to the abatement or credit of property taxes on said homesteads or buildings or improvements in the amount listed in Exhibit “A”.

WHEREFORE, it is the Order of this board that the property taxes on those homesteads or buildings or improvements listed in Exhibit “A” be abated or credited in the amount shown in said exhibit and that the county clerk and county treasurer shall in each case of abatement or

credit correct their records in accordance with this Order and that the county clerk shall notify the governing body of any taxing district affected thereby.

**ORDERED THIS 18<sup>th</sup> DAY OF September, 2024.**

\_\_\_\_\_  
**JEFF CULBERTSON, 1<sup>ST</sup> DISTR.**

\_\_\_\_\_  
**VICKY KAAZ, 2<sup>ND</sup> DISTR.**

\_\_\_\_\_  
**DOUG SMITH, 3<sup>RD</sup> DISTR**

\_\_\_\_\_  
**MIKE SMITH 4<sup>TH</sup> DISTR.**

\_\_\_\_\_  
**MIKE STEIBEN, 5<sup>TH</sup> DISTR.**

**ATTEST:**\_\_\_\_\_  
**JANET KLASINSKI, CLERK**

EXHIBIT A

Destroyed by Fire In 2023

Qref	Tax ID	Owner	Destroyed by Fire In 2023				Abatement	Abatement	Total
			House	Res Out-	AG Out-	Abatemen	Amount	Amount	
			Value	building	buildin	t %	House	Outbuilding	Abatemen
				Value	g Value			Res	t Amount
								Ag	
R18755	1-14962	Lawson, Clifford & Donna	\$113,150			71%	\$9,239	\$0	\$9,239

# Leavenworth County Commissioners Disaster Relief Determination for:

Property address 21542 Dempsey Rd Leavenworth

Date of Occurrence 04-16-2024

Parcel Number: 142-04-0-00-01-004.00-0

Quick Ref: R18755

Tax Id: 1-14962

Applicant (Property owner/taxpayer—nontransferable): Lawson, Clifford & Donna

Mailing Address:

231 Oakridge St  
Lansing, KS 66043

## Leavenworth County Commissioners' summary of inquiry and findings:

Check Yes or No for each question.

Was the structure destroyed or substantially destroyed a homestead or building or improvement?

☒ YES

☐ NO

Was the homestead or building or improvement destroyed or substantially destroyed by **earthquake, fire, flood, storm or tornado, and/or** was the destructive event declared a disaster by the governor of Kansas?

☒ YES

☐ NO

Was the homestead or building or improvement destroyed or substantially destroyed?

☒ YES

☐ NO

*(Destroyed or substantially destroyed means the cost of restoring the homestead to it's before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.)*

***(If any above are "NO", no tax abatement can be granted.)***

## Based on the date of this event, check the appropriate tax treatment:

☒ **Abatement:** This event occurred after January 1 but prior to August 15.

☐ **Credit:** This event occurred on or after August 15, or application made after taxes have been paid.

## Documentation provided:

☒ Written estimate of repairs or rebuilding costs by a licensed contractor or insurance adjuster.

Photos, Property inspection

☐ Other: \_\_\_\_\_



**IT IS THEREFORE ORDERED**, based on the above information, the Board of County Commissioners of Leavenworth County grant:

☐ No abatement will be granted.

☒ Abatement \$9,239 assessed value, for **tax year 2024**.

**IT IS FURTHER ORDERED** the county clerk and the county treasurer shall correct their records in accordance with the county commissioners' order.

**IT IS SO ORDERED**, this \_18th \_\_\_\_ day of \_September\_\_\_\_, 2024.

\_\_\_\_\_, County Commissioner  
Jeff Culbertson, Chairman

Appraiser	_____ Notes	_____ Date
Clerk	_____ Notes	_____ Date
Treasurer	_____ Notes	_____ Date

**Leavenworth County  
Request for Board Action  
Resolution 2024-15, Proposed Amendment to the 2006 Leavenworth County  
Zoning and Subdivision Regulations – Article 3, 22, 33, 35, 40, 43 & 60**

**Date:** September 18, 2024  
**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:** Approve Resolution 2024-15, Proposed Amendment to the Leavenworth County Zoning and Subdivision Regulations – Articles 3, 22, 33, 35, 40, 43 & 60.

**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 3 – Definitions  
Article 22 – Special Use Permits and Temporary Use Permits  
Article 33 – Accessory Dwelling Units (Creation of Article)  
Article 35 – Preliminary Plat Procedure and Content  
Article 40 – Final Plat Procedure, Content and Action by the Planning Commission  
Article 43 – Cross Access Easements  
Article 60 – Miscellaneous Provisions

The BOCC requested:

- Changing the floor area requirement for Home Occupation Licenses to 75% of any floor, including accessory structures
- Removing the 60 day owner transfer for Special Use Permits
- Removing the Agriculture Conservation Easement proposal

**Recommendation:** The Planning Commission voted 9-0 to recommend approval of Case No. DEV-24-006 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Articles 3, 22, 33, 35, 40, 43 & 60.

**September 11, 2024 Update:** During the meeting held on July 3, 2024, it was noted by staff that there was a typo in the Resolution regarding the number of months proposed for occupancy of an RV in a Recreational Vehicle Park. The Planning Commission recommended 12 months which the resolution has been updated to reflect that recommendation. Chairman Culbertson also noted a error for the recommended dimension for a cul-de-sac in the Cross Access Easement article. The recommendation was to match the standards for public roadways to allow for maneuverability of Emergency apparatus. Staff recommends modifying the language from 50 foot diameter to 50 foot radius. The resolution has been updated to reflect that change.

**September 18, 2024 Update:** Staff have updated the language in the General Intent section of Article 22 to specify that the Board of County Commissioners approves the permits listed in that Article unless specified approval may come from the Administrative Officer.

**Alternatives:**

1. Approve Resolution 2024-15 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Articles 3, 22, 33, 35, 40, 43 & 60, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2024-15 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Articles 3, 22, 33, 35, 40, 43 & 60, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2024-15 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Articles 3, 22, 33, 35, 40, 43 & 60, 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

## RESOLUTION 2024-15

### A RESOLUTION OF THE LEAVENWORTH COUNTY KANSAS BOARD OF COUNTY COMMISSION AMENDING THE FOLLOWING ARTICLES OF THE 2006 ZONING AND SUBDIVISION REGULATIONS FOR LEAVENWORTH COUNTY:

Article 3 – Definitions

Article 22 – Special Use Permits and Temporary Use Permits

Article 33 – Accessory Dwelling Units (Creation of Article)

Article 35 – Preliminary Plat Procedure and Content

Article 40 – Final Plat Procedure, Content and Action by the Planning Commission

Article 43 – Cross Access Easements

Article 60 – Miscellaneous Provisions

WHEREAS, K.S.A. 12-741, *et seq.* and any amendments thereto, provides for the enactment of planning, zoning and subdivision regulations by cities and counties for the protection of the public health, safety and welfare; and

WHEREAS, on August 1, 2006, the Leavenworth County Commissioners adopted Zoning and Subdivision Regulations for Leavenworth County; and

WHEREAS, on December 11, 2023, the Leavenworth County Commissioners updated the 2006 Zoning and Subdivision Regulations for Leavenworth County; and

WHEREAS, on June 12, 2024, the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the proposed amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations; and

WHEREAS, the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendments, as set forth in the attached Appendix A; be approved; and

WHEREAS, on September 18, 2024, the Board of County Commission considered, in regular session, the recommendation of the Leavenworth County Planning Commission.

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

1. The amendments, as set forth in the Appendix A, to the 2006 Zoning and Subdivision Regulations for Leavenworth County be approved based upon the recommendation and findings of fact of the Leavenworth County Planning Commission incorporated herein by reference and the findings of fact adopted by the Board of County Commission in regular session on the 3rd day of July, 2024 and incorporated herein by reference; and
2. This Resolution shall take effect and be in full force on September 20, 2024 after its adoption and publication in the official County newspaper.

Adopted this 18<sup>th</sup> day of September, 2024  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Jeff Culbertson, Chairman

ATTEST

\_\_\_\_\_  
Vicky Kaaz, Member

\_\_\_\_\_  
Janet Klasinski

\_\_\_\_\_  
Mike Smith, Member

\_\_\_\_\_  
Doug Smith, Member

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

### ARTICLE 3 – DEFINITIONS

Accessory Dwelling Unit: A dwelling unit that is accessory and secondary to the principal dwelling unit and under the same ownership in all respects.

Home Occupation: an incidental use for a primary dwelling unit of a commercial or business nature with minimal impacts on the surrounding neighborhood.

Principle Dwelling Unit: A dwelling unit that is the primary residence for any lot or tract of land.

Recreational Vehicle Park: A lot or parcel of land occupied or intended for occupancy by recreation vehicles for travel, recreational, or vacation purposes not to exceed **12 months** of occupancy by any single recreational vehicle. Recreational Vehicles Parks can also include communal buildings and group camping sites. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

Temporary Dwelling Unit: A dwelling unit that is used as a ~~non-~~permanent residence while the principal dwelling unit is under permitted construction.

## ARTICLE 22 – SPECIAL USE PERMITS, ~~AND~~ TEMPORARY USE PERMITS AND HOME OCCUPATION LICENSES AND HOME OCCUPATION LICENSES

### Section 1. GENERAL

Certain uses, specified in this Article or other Articles, are of a type or nature which may be desirable or necessary to be located in the County, but, due to their nature, may be incompatible with the surrounding area without a thorough review and possibly the placing of conditions on the use to protect the health, safety and welfare. As specified in these regulations, these specific uses may be permitted only ~~after the approval of a Special Use Permit or a Temporary Use Permit by the Board of County Commissioners~~ after approval by the Board of County Commissioners, or by the Administrative Officer when authorized by these regulations. A maximum of two special use permits shall be allowed per parcel. All valid Special Use Permits which remain in compliance with the approved conditions of the permit or have no substantiated complaints shall be approved without expiration upon approval of this amendment.  
(BOCC Resolution 2009-41- August 27, 2009; Resolution 2022-08 - March 30, 2022)

### 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.  
(BOCC Resolution 2011-45, December 1, 2011; Resolution 2022-08 - March 30, 2022)

#### Section 9. SPECIAL USES

For a complete list of the Special Uses allowed in each district, refer to Article 19, Table of Uses.

Special Uses shall be classified into one of four categories. Special Use categories shall be determined by the intensity of the use, impacts on surrounding properties, impacts on public roadways and services, and the scale of the development. The categories shall be defined as:

Type 1: Uses on large tracts of land that are recreational or public/quasi-public in nature, but occasionally can include accessory uses or limited characteristics that can be detrimental to adjoining property if not controlled or constrained.

Type 2: Uses related to communications or utilities, which tend to be out of character to the land uses in the immediate vicinity.

Type 3: Uses with unique characteristics and potential to produce nuisance impacts such as light glare, noise, traffic, litter and more.

Type 4: Uses that are largely industrial operations that frequently generate hazardous or intense nuisance factors.

Use categories shall determine whether additional requirements or conditions will be placed on the Special Use Permit as well as the term limit of the permit, unless otherwise directed by the Board of County Commissioners.

#### Section 13. HOME OCCUPATION LICENSES

Home Occupation Licenses shall be a permitted accessory use to single family residences.

#### Section 14. RESTRICTIONS AND LIMITATIONS

The following restrictions and limitations shall apply to all Home Occupation Licenses.

- A. The home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as such person's private residence. The Home Occupation shall be limited to 75 percent of the floor area of any structure on the premises.



- B. No display or storage of equipment or material outside of a building or structure shall be permitted.
- C. No alteration of the exterior of the principal residential building shall be made that removes the character of that building as a residence. There shall not be visible evidence of the business from the street or surrounding properties. The appearance of the building as a dwelling or residence shall not be altered to the extent it would appear to be a commercial or business operation. Alterations of building material, size, or color; light fixtures or intensity; parking area; or any other exterior change shall not cause the structure to lose its residential character nor shall it detract from the rural or residential character of the area.
- D. Only one (1) non-illuminated ground or wall sign, not more than 16 square feet in sign area, may be used to identify the home occupation on parcels 2.5 acres or larger. Signage for Home Occupations on parcels less than 2.5 acres are prohibited.
- E. No equipment or machinery may be used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
- F. Parking generated by the conduct of a home occupation shall be provided off-street in an area other than the required front yard except that existing driveways may be used. Parking areas shall be paved with gravel, asphalt or concrete. Parking areas on grass are prohibited.
- G. Vehicular or parking demand shall not exceed 20 two-way vehicular trips. Off-premises employee parking shall be included in this count.
- H. The commercial exchange of tangible goods or items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation on properties less than 2.5 acres except on an incidental, occasional and infrequent basis. Members of the general public shall not include persons in the home by prior individualized invitation.
- I. A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6 A.M. and 7 P.M. A home occupation shall not generate more than 20 business related visitations per day which shall constitute 20 arrivals and 20 departures by vehicle. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified above in this paragraph.
- J. The keeping of stock and trade on premises shall be permitted so long as the majority of commerce is done via mail service.
- K. Home occupation shall comply with all local, state, and federal rules and regulations that may be applicable.

#### Section 15. PERMITTED HOME OCCUPATIONS

Permitted home occupations may include, but are not limited to, the following list of occupations, provided, however, that each home occupation is subject to the home occupation restrictions and limitations within these regulations:

- A. Teaching or instruction provided not more than three (3) students are taught at any one time and not more than 12 students per day.
- B. Preschools or day-care centers for not more than 12 children or adults per day, when properly approved by the Kansas Department of Health and the Environment or other such agencies as may be required by law.
- C. Professional office for accountants, architects, bookkeepers, engineers, lawyers, and similar professions.
- D. Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
- E. Home crafts and hobbies such as model making, rug weaving, and the like articles produced or constructed as a hobby activity.
- F. Tailoring, alterations, and seamstresses.
- G. Personal Service shops (i.e Barbershop, Beauty shop, Massage Therapy).
- H. Medical offices such as physicians, dentists, chiropractors' offices.
- I. Repair of items such as small appliances; electronic devices provided that the use fully conforms with the performance requirements for home occupations.
- J. Or other uses that meet the performance standards of a home occupation license.

#### Section 16. PROHIBITED HOME OCCUPATIONS

Prohibited uses from obtaining a Home Occupation License are as follows:

- A. Retail sales (if under 2.5 acres) such as antiques, second-hand merchandise, groceries, and the like. However, this prohibition shall not apply to garage sales, tag sales, or similar occasional, temporary sales which may otherwise be permitted by County regulations and Temporary Special Use Permit regulations
- B. Equipment rental.
- C. Automobile and other motor vehicle repair services.
- D. Tourist homes including bed and breakfast facilities.

Section 17. HOME OCCUPATION LICENSE – APPLICATION & PROCEDURE

Home Occupations shall require a permit from the Leavenworth County Planning and Zoning Department. Permit fees shall be subject to the fee schedule as determined by the Board of County Commissioners. Permits shall remain valid unless the conditions of the home occupation permit as set forth in these regulations have not been met. Site plan, floor plan, other required documents

(BOCC Resolution 2020-09; March 4, 2020)

## **ARTICLE 33 – ACCESSORY DWELLING UNITS**

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### **Section 1. OVERVIEW**

The purpose of allowing Accessory Dwelling Units is to:

- A. Allow life-style choices in single-family zoning districts that respond to changing demographics and economic conditions.
- B. Respond to the needs of family members with health concerns or disabilities in a manner that is appropriate for people at a variety of stages in their life cycle by providing homeowners with a means of obtaining companionship, security and services.
- C. Provide homeowners with the opportunity to use their property to enhance or fulfill personal objectives by allowing more options for the use of accessory buildings.
- D. Recognize that homeowners are likely to maintain an owner-occupied residence in a manner that upholds the single-family character of the property. Requiring owner occupancy is intended, therefore, to support and foster housing maintenance and neighborhood stability.

### **Section 2. RESTRICTIONS & LIMITATIONS**

Accessory dwelling units shall comply with the following:

- A. Accessory dwelling units shall only be permitted in rural residential zoning districts.
- B. The accessory dwelling unit shall be under the same ownership as the principal dwelling unit.
- C. The accessory dwelling unit may not be used for the purpose of long-term or short-term rentals to the general public.
- D. The accessory dwelling unit shall be used for residential purposes only and shall not be used for any commercial use.
- E. Lots or tracts of land shall be limited to one (1) accessory dwelling unit.
- F. The accessory dwelling unit shall be required to have an appropriate onsite waste water system which conforms to the requirements of the Leavenworth County Sanitary Code and any applicable Kansas Department of Health and Environment regulations.
- G. The accessory dwelling unit shall have an appropriate potable water source.
- H. The accessory dwelling unit shall have appropriate utilities in compliance with County regulations.
- I. The accessory dwelling unit shall meet all setback requirements of its respective zoning district.

### **Section 2. APPLICATION**

Accessory Dwelling Units shall require a permit from the Leavenworth County Planning and Zoning Department. Permit fees shall be subject to the fee schedule as determined by the Board of County Commissioners. Permits shall remain valid unless the conditions of the accessory dwelling unit permit as set forth in these regulations have not been met.

### Section 3. PROCEDURE

Property owners shall submit for review an application for an Accessory Dwelling Unit, along with all applicable supporting documents, including a site plan, to the Planning & Zoning Department. Upon receipt of all required documents, Staff will review the application and when appropriate, issue a permit for the Accessory Dwelling Unit. The applicant will be required to sign an affidavit stating they agree to the terms and conditions of an Accessory Dwelling Unit. The applicant shall register this affidavit with the Leavenworth County Register of Deeds Office. The affidavit shall be recorded prior to Staff providing the final permit to the applicant.

### Section 4. TEMPORARY DWELLING UNIT

Temporary Dwelling Units, for the sole purpose of occupancy during construction of a single-family residence, shall be exempt from payment of any Accessory Dwelling Unit fees. The use of a Temporary Dwelling Unit for one year or less shall require authorization through a signed affidavit. The applicant will be required to sign an affidavit stating they agree to the terms and conditions of a Temporary Dwelling Unit. If a temporary dwelling unit is later reverted into an Accessory Dwelling Unit, as defined by these regulations, an appropriate application and payment of all fees shall be required.

## ARTICLE 35 – PRELIMINARY PLAT PROCEDURE AND CONTENT

### Section 30. PRELIMINARY PLAT PROCEDURE

In obtaining final approval of a proposed subdivision by the Planning Commission and County Board, the subdivider shall first submit a preliminary plat in accordance with these procedures.

1. The subdivider shall prepare and submit to the Planning Department two (2) copies, one (1) physical and one (1) **acceptable** digital, of a preliminary plat, to be used for review purposes, at least forty-five (45) days before the Planning Commission meets. **The subdivider shall also provide preliminary road and storm drainage plans, if applicable.**  
(BOCC Resolution 2020-012; April 1, 2020)

### Section 40. PRELIMINARY PLAT CONTENT (all subdivision classes)

The preliminary plat shall be made to a scale of one-inch equals one hundred feet (1" = 100') or larger, or if the subdivision contains more than one hundred and sixty (160) acres, the plat may be drawn to a scale of one-inch equals two hundred feet (1" = 200'). Unique conditions may allow for lesser scales approved by the Director of Planning. The preliminary plat shall show:

1. Clearly marked "Preliminary Plat".
2. The proposed name of subdivision and, if different, the title under which the subdivision is to be recorded.
3. The name and address of the owner and the name, address and profession of the person preparing the plat. All parts of the plat must be certified according to State Statutes and Administrative Regulations.
4. The date, scale, north point, and a key map showing the general location of the proposed subdivision in relation to surrounding development.
5. The legal description of the area being platted.
6. The boundary line (based on a survey accurately drawn to scale verifying corner pins in place), the dimensions and the location of the property to be platted, the location of section or quarter section lines, the projected control bench mark (identified as to location, elevation, and published datum). The exterior boundary must comply with Kansas Minimum Standards for Boundary Surveys.  
  
(BOCC Resolution 2020-012; April 1, 2020)
7. Contours with intervals of not more than five (5) feet.
8. The names and location of adjacent subdivisions and the names of record owners and the location of adjoining parcels of unplatted land.
9. The location of property lines, streets and alleys, bridges and culverts, easements, public property, buildings, utilities (pipe sizes, manholes, grades, etc.), watercourses,

tree masses, ground covers, lakes and other existing features within or adjacent to the proposed subdivision potentially affecting the plan.

10. The zoning classification and existing use and the proposed use of the area being platted.
11. The layout, numbers and approximate dimensions of proposed lots.
12. The location and dimensions of all existing and proposed building lines and easements.
13. The location, width, and dimensions of all streets, alleys, pedestrian ways and grounds proposed to be dedicated for parks, schools, or any public or semi-public use.
14. Proposed names for all streets in the area being platted.
15. Written and signed agreements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement and drainage structures.
16. Written and signed statement from the Environmental Officer of the County Health Department or designee, stating their approval of the type of sewage system to be used or their recommendations.
17. Applicant shall provide written and signed statements from the appropriate officials of subject utilities and public services, as follows;
  - a. availability of gas,
  - b. electricity and
  - c. water to the proposed subdivision.
  - d. fire response
  - e. State and Local transportation review
18. Any restrictions proposed to be included in the owner's declaration of plat, including but not restricted to those listed in the appendix.
19. General layout of adjacent property, to show how streets and other public facilities in the proposed subdivision relate to adjacent subdivided and unsubdivided property.
- ~~20. Preliminary Plats shall include the location, width, dimensions, preliminary grade, proposed street name and relationship to the existing street network of all proposed streets. Preliminary road plans and stormwater drainage calculations shall be prepared in accordance with Leavenworth County's Road Construction and Storm Water Drainage Checklist, , or latest edition approved by the Board of County Commissioners.~~
21. Preliminary Plats shall include horizontal and vertical locations and materials of existing culverts and bridges, horizontal and vertical locations and materials of proposed culverts, bridges and drainage swales & a preliminary grading plan with drainage arrows.
22. A Storm Drainage Report in compliance with the current policy.

(BOCC Resolution 2023-20; August 2, 2023)



## ARTICLE 40 – FINAL PLAT PROCEDURE, CONTENT AND ACTION BY THE PLANNING COMMISSION

### Section 10. FINAL PLAT PROCEDURE

1. For final approval, the subdivider shall file with the Planning Department not less than thirty (30) days before the Planning Commissions regularly scheduled meeting:
  - a. Two (2) copies, one (1) physical copy and one (1) **acceptable** digital copy of the final plat.
  - b. One (1) acceptable digital copy of the Road and Storm Drainage Plans in compliance with the current policy. A letter from the County Engineer stating the engineering specifies and final improvement plans for the final plat meet the county regulations and are substantially in accord with the preliminary plat as previously approved by the Planning Commission. Letter should also state that a copy of the certified, approved plans, profiles, cross sections (if required) and specifications for the project are on file with the County Engineer.
  - c. A performance guaranty or bond, if required (see definition) in an amount and with sureties approved by the County Engineer.
  - d. The County Surveyor shall carefully examine the exterior boundaries of the final plat for compliance with county and state regulations and Kansas Minimum Standards for Boundary Surveys including the signature, seal, and date of the land surveyor preparing the boundary.
  - e. Before the Final Plat is signed, the developer must submit a letter from a title company certifying the owner(s) of record as of the date that the Board of County Commissioners approved the Final Plat. All certified owners must sign the plat. The certification letter must accompany the Plat when it is recorded.
  - f. A copy of the policy verifying title, easements and liens. These documents should be dated no more than thirty (30) days prior to the application date.  
(BOCC Resolution 2020-012; April 1, 2020)
  - g. Two (2) copies, one (1) **acceptable** digital and one (1) print, of three-line profiles of streets to be dedicated, indicating the grades thereon, shall be required by the Planning Commission for plats submitted where street grades are more than five (5) percent.
  - h. Certificate stating that all taxes and encumbrances have been paid shall be submitted with the Final Plat.
  - i. If private restrictions are to be filed affecting the subdivision or any part thereof, two (2) copies, one (1) **acceptable** digital and one (1) print shall be submitted to the Planning Commission with the Final Plat.
2. When the final plat has been passed upon by the Planning Commission, the original copy, furnished by the subdivider, shall be signed by the Chairman and Secretary of the Planning

Commission and the County Engineer, and shall be forthwith transmitted to the County Commission with the performance guaranty or bond, if required, and a letter from the Planning Director stating the Planning Commission's approval.

The Governing Body shall accept or refuse dedication of land upon a plat within thirty (30) days of its submission to the Governing Body. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modification to comply with requirements established by the Governing Body.

3. In instances where a performance bond has been required, when the final plat has been approved by the County Board and all conditions of that approval have been met, the performance bond accepted and filed with the County Clerk and the plat duly signed as set forth in Section 20, Item 15, the Planning Director shall release the plat to be recorded by the developer/owner in the office of the Register of Deeds of Leavenworth County, Kansas. The Register of Deeds office shall retain 1 paper original for their use. .
  4. Approval by the Board of County Commissioners shall constitute final approval of the subdivision of the area and upon receipt of one (1) paper copy by the subdivider from the Planning Commission office with the appropriate and necessary signatures, the subdivider shall cause such plat to be recorded in the Office of the Register of Deeds of Leavenworth County, Kansas, before the County shall recognize the plat as being in full force and effect. A final plat that has been duly approved by the Board shall be in effect for 1 year from the date of approval. Any approved final plat not filed within that period of time shall be declared void. The approved plat may be extended for one year upon appeal to the Board of County Commissioners.
  5. Receipt of the duly certified final plat by the subdivider is authorization that he may proceed with the installation and construction of the required improvements subject to acquisition of appropriate permits.
  6. The County Engineer shall return any performance bond or guarantee to the subdivider upon meeting all of the requirements as stipulated in Leavenworth County's Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition approved by the Board of County Commissioners.
  7. No plat or re-plat or dedication or deed of a street or public way shall be filed with the Register of Deeds, as provided by law, until such plat or re-plat or dedication or deed shall have endorsed on it the fact that it has been submitted and approved by the Planning Commission and by the Governing Body.
- (BOCC Resolution 2023-20; August 2, 2023)

## ARTICLE 43 – CROSS ACCESS EASEMENTS

(BOCC Resolution 2020-29; September 2, 2020)

### Section 1. OVERVIEW

The purpose of this policy is to allow ~~an administrative approval~~ procedure for divisions of land to accommodate rural residential development within Leavenworth County where it is not desired by the applicant to build internal roads to County Standards. These developments shall be known as “Cluster Development” and they shall be accompanied by a subdivision plat in accordance with the Leavenworth County Zoning and Subdivision Regulations. These developments should be thoughtfully considered and should give forethought to future development.

### Section 2. PROCEDURES

- A. Cross Access Easements shall accompany a request for a subdivision development which shall be known as “Cluster Development.” The subdivision plat shall be subject to the requirements of the zoning district set forth in the Leavenworth County Zoning and Subdivision Regulations.
  1. Parcels located within a Cluster Development shall be subject to the zoning district requirements for lot area and lot frontage in which the tract of land is located.
  2. Parcels which are located within a Cluster Development shall be serviced by a “Cross Access Easement.” A Cross Access Easement shall provide access to each lot within a cluster development, but will in no way be considered a public, county-maintained road.
  3. Lots within Cluster Developments shall be situated so that all lots are accessed by the cross-access easement. Cross access easements shall be a minimum of 60 feet in width. Cross access easements shall be subject to the Leavenworth County Access Management policy requirements for driveway and roadway spacing when servicing three or more parcels. Developments serving two parcels shall only be required to meet the driveway spacing requirements. (BOCC Resolution 2021-18; June 16, 2021)
  4. Cluster Developments with cross access easements shall not be permitted within 660’ of an incorporated city.
  5. Cluster Developments shall be limited to eight (8) lots or less.
- B. The cross access easement shall be established by separate legal instrument and shall be recorded with the Leavenworth County Register of Deeds. A separate restrictive covenant that encompasses, by legal description, the entire development must be filed in conjunction with the easement. The covenant shall clearly state that maintenance of the cross access easement is the sole responsibility of the developer and/or the future property owners of the properties the CAE provides access to. The covenant shall clearly state the cross access easement is not a public right-of-way and will in no way be maintained by the County.

- C. If any portion of the development lies within a FEMA designated regulatory floodplain, or if drainage channel or swales exist on the development that carry runoff from adjacent property, the FEMA designated regulatory floodplain, channel or swale shall be protected by grant of an easement according to the same standards that apply to typical subdivisions. Maintenance of the drainage easement shall be the responsibility of the property owner.

### Section 3. ACCESS AND ROAD STANDARDS

- A. A cluster development with an access easement shall have direct access to a fully maintained public road.
- B. Only one access point shall be allowed for the entire development.
- C. When established as part of a cluster development, the road and drainage plans submitted to County Staff shall be prepared and sealed by an engineer licensed in the State of Kansas. The developer shall provide documentation from the designing engineer stating the Cross Access Easement was built in accordance with the submitted design plans to the County upon completion of the Cross-Access Easement. Building permits shall not be issued until such document has been received. (BOCC Resolution 2021-18; June 16, 2021)
- D. There will be no consideration by the County to assume responsibility of the cross access easement until the cross access easement is built to the current County standard in place at the time the request is made to accept the roadway. Any improvements or upgrades will be the sole responsibility of the developer and/or the owners of the properties being accessed by the CAE.
- E. Cluster Developments with private drives terminating via cul-de-sac must design the cul-de-sac with a 50 foot radius.
- F. Cluster Developments with private drives terminating via hammer head or similar turnaround device must design the turnaround feet that meets engineering design standard.

## ARTICLE 60 – MISCELLANEOUS PROVISIONS

### Section 10. BUILDING AND ZONING PERMITS

After the date of the adoption of these subdivision regulations by the Planning Commission and Governing Body, no building permit or zoning permit shall be issued for any structure that is located upon a lot in an area that has not been subdivided in an approved process or by a County department unless approved in the manner as provide for in these subdivision regulations. This shall not apply to subdivisions or lots of record that were platted prior to the adoption of this subdivision regulation.

Applications for building permits must be approved or rejected within seven (7) days of their submittal. Appeals on the rejection of a building permit application by the Administrative Officer may be made to the Governing Body and shall be made in writing within ten (10) days of such rejection.

### Section 20. DEVELOPMENT PLANS

Development Plans shall be required as a submittal of a zoning amendment application when the request is for a residential zoning district with a maximum lot size of 2.5 acres, a commercial or industrial zoning district or as requested by the Planning & Zoning Director.

Development Plans shall be submitted via one (1) paper copies and one (1) acceptable digital copy. The Development Plan shall contain but not limited to the following information:

1. North arrow and scale
2. With regard to the subject property only:
  - a. Existing topography with contours at five-foot intervals, and delineating any land areas within the 100-year flood plain;
  - b. Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and easements;
  - c. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan; and
  - d. General extent and character of any proposed landscaping.
3. With regard to areas within 1000 feet of the subject property:
  - a. Any public street which are of record;
  - b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the County;
  - c. Any building which exists or which are proposed to the degree that their location and size are shown on plans on file with the County. Single- and Two-family residential buildings may be shown in approximate location and general size and shape; and
  - d. The location and size of any drainage structures, such as culverts, paved or earthen ditches or storm water sewer and inlets.
4. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan, a separate sketch shall be prepared for each type. These sketches shall include elevation drawings, but detailed drawings and perspectives are not required.
5. A schedule shall be included indicating total floor area, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with requirements of this section can be met.

6. Name and address of landowner.
7. Name and address of architect, landscape architect, planner, engineer, surveyor or other person involved in the preparation of the plan
8. Date of preparation of the plan
9. The following information shall be submitted in support of the application for the development plan approval:
  - a. All studies as may reasonably be required
  - b. Assurances of adequate public facilities, as may be required.

**Case No. DEV-24-006**  
**Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations**

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

**Staff Report – Planning Commission**

**June 12, 2024**

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**GENERAL INFORMATION:**

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

**Planner:** Amy Allison

**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 3 – Definitions

Article 22 – Special Use Permits and Temporary Use Permits

Article 33 – Accessory Dwelling Units (Creation of Article)

Article 35 – Preliminary Plat Procedure and Content

Article 40 – Final Plat Procedure, Content and Action by the Planning Commission

Article 43 – Cross Access Easements

Article 50 – Minimum Subdivision Design Standards and General Requirements

Article 60 – Miscellaneous Provisions

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**STAFF RECOMMENDATION:**

The staff recommends approval of Case No.DEV-24-006, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

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**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-24-006, 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-24-006, 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:**

Redline of Proposed Amendments

### **ARTICLE 3 – DEFINITIONS**

Accessory Dwelling Unit: A dwelling unit that is accessory and secondary to the principal dwelling unit and under the same ownership in all respects.

Home Occupation: A permitted accessory use in Rural Residential Zoning that shall be subject to the following: Home Occupation: an incidental use for a primary dwelling unit of a commercial or business nature with minimal impacts on the surrounding neighborhood.

#### A. Restrictions and Limitations:

The home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as such person's private residence.

No display or storage of equipment or material outside of a building or structure shall be permitted.

No alteration of the exterior of the principal residential building shall be made that removes the character of that building as a residence. There shall not be visible evidence of the business from the street or surrounding properties. The appearance of the building as a dwelling or residence shall not be altered to the extent it would appear to be a commercial or business operation. Alterations of building material, size, or color; light fixtures or intensity; parking area; or any other exterior change shall not cause the structure to lose its residential character nor shall it detract from the rural or residential character of the area.

Only one (1) non-illuminated ground or wall sign, not more than 16 square feet in sign area, may be used to identify the home occupation.

Employees or other assistants shall be limited to immediate members of the family residing on the premises and two (2) other people.

No equipment or machine may be used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.

Parking generated by the conduct of a home occupation shall be provided off street in an area other than the required front yard except that existing driveways may be used.

Vehicular or parking demand shall not exceed twelve (12) two-way vehicular or parking of greater than four (4) customer vehicles at any one time during any 24-hour period.

The commercial exchange of tangible goods or items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation except on an incidental, occasional and infrequent basis. Members of the general public shall not include persons in the home by prior individualized invitation.

A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6 A.M. and 7 P.M. A home occupation shall not generate more than twelve (12) business



related visitations per day which shall constitute twelve (12) arrivals and twelve (12) departures by vehicle. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified above in this paragraph.

The keeping of stock and trade on premises shall be permitted so long as the majority of commerce is done via mail service.

Home occupation shall comply with all local, state, and federal rules and regulations that may be applicable.

**B. Particular Home Occupations Permitted:** Permitted home occupations may include, but are not limited to, the following list of occupations, provided, however, that each home occupation is subject to the home occupation restrictions and limitations within these regulations:

Teaching or instruction provided not more than three (3) students are taught at any one time and not more than twelve (12) students per day.

Preschools or day-care centers for not more than twelve (12) children or adults per day, when properly approved by the Kansas Department of Health and the Environment or other such agencies as may be required by law.

Professional office for accountants, architects, bookkeepers, engineers, lawyers, and similar professions.

Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.

Home crafts and hobbies such as model making, rug weaving, and the like articles produced or constructed as a hobby activity shall not be sold on the premises except on an occasional and infrequent basis.

Tailoring, alterations, and seamstresses.

Beauty shops.

Medical offices such as physicians, dentists, chiropractors' offices.

Repair of items such as small appliances; personal electronic devices such as radios, televisions, stereos, personal computers or calculators provided that the use fully conforms with the performance requirements for home occupations.

**C. Particular Home Occupations Prohibited:**

Retail sales and services such as antiques, second hand merchandise, groceries, and the like. However, this prohibition shall not apply to garage sales, tag sales, or similar occasional, temporary sales which may otherwise be permitted by County regulations and Temporary Special Use Permit regulations

~~Equipment rental.~~

~~Automobile and other motor vehicle repair services.~~

~~Tourist homes including bed and breakfast facilities.~~

~~D. Home Occupations shall require a permit from the Leavenworth County Planning and Zoning Department.~~

~~Permit fee shall be subject to the fee schedule as determined by the Board of County Commissioners~~

~~Permits shall remain valid unless the conditions of the home occupation permit as set forth in these regulations have not been met.~~

~~(BOCC Resolution 2020-09; March 4, 2020)~~

Principle Dwelling Unit: A dwelling unit that is the primary residence for any lot or tract of land.

Recreational Vehicle Park: A lot or parcel of land occupied or intended for occupancy by recreation vehicles for travel, recreational, or vacation purposes not to exceed 612 months of occupancy by any single recreational vehicle. Recreational Vehicles Parks can also include communal buildings and group camping sites. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

Temporary Dwelling Unit: A dwelling unit that is used as a ~~nonim~~permanent residence while the principal dwelling unit is under ~~permitted~~ construction.

## **ARTICLE 22 – SPECIAL USE PERMITS, ~~AND~~ TEMPORARY USE PERMITS AND HOME OCCUPATION LICENSES**

### **Section 1. GENERAL**

Certain uses, specified in this Article or other Articles, are of a type or nature which may be desirable or necessary to be located in the County, but, due to their nature, may be incompatible with the surrounding area without a thorough review and possibly the placing of conditions on the use to protect the health, safety and welfare. As specified in these regulations, these specific uses may be permitted only after ~~the approval of a Special Use Permit or a Temporary Use Permit by the Board of County Commissioners.~~ approval by the Planning & Zoning Director or by the Board of County Commissioners. A maximum of two special use permits shall be allowed per parcel. All valid Special Use Permits which remain in compliance with the approved conditions of the permit or have no substantiated complaints shall be approved without expiration upon approval of this amendment.

(BOCC Resolution 2009-41- August 27, 2009; Resolution 2022-08 - March 30, 2022)

### **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.

(BOCC Resolution 2011-45, December 1, 2011; Resolution 2022-08 - March 30, 2022)

### **Section 3. PROCEDURE**

Following the public hearing, the Planning Commission shall make a recommendation for approval or disapproval of the application to the Board of County Commissioners. A majority vote of the membership of the Planning Commission is required in order to make a recommendation.

When the Planning Commission submits a recommendation of approval or disapproval of a Special Use Permit, the Board of County Commissioners may adopt the same, amend the recommendation, or disregard the recommendation by resolution. Upon receipt of a recommendation of the Planning Commission with which the Board of County Commissioners disagrees, the Board of County Commissioners may return the recommendation to the Planning Commission with a written statement specifying the basis of disagreement. The Planning Commission may choose to reconsider the issue. After reconsideration of the same, the Planning Commission may resubmit their written recommendation, giving the reasons thereof, or submit a new recommendation. The Board of County Commissioners may only return a recommendation to the Planning Commission only one time.

(BOCC Resolution 2007-50; October 2, 2007)

Regardless of the recommendation of the Planning Commission, if a valid protest petition against a proposed amendment or Special Use Permit is filed in the office of the County Clerk within fourteen (14) days after the date of the conclusion of the hearing, duly signed and acknowledged by the owners of twenty (20) percent of the total area, excepting public streets and ways, which is located within one-thousand (1,000) feet of the boundaries of the property for which a Special Use Permit is sought, such permit shall not be approved except by at least a  $\frac{3}{4}$  vote of the Board of County Commissioners.

(BOCC Resolution 2019-23; September 4, 2019)

### **Section 4. LIMITATIONS ON SUCCESSIVE APPLICATIONS**

In the event of a denial by the Board of County Commission of an application for any rezoning or special use permit affecting a tract of real property, no subsequent application for any rezoning or special use permit for that tract of real property shall be accepted by the County until 12 months has elapsed from the date of the denial, provided that upon a finding by the Board of County Commission that there has been a material change of circumstances affecting the tract, such an application may be accepted by the County prior to the expiration of the 12 month period.

(BOCC Resolution 2016-15; June 2, 2016)

#### **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 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.

#### **Section 6. FACTORS TO BE CONSIDERED**

The following matters are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving a Special Use Permit or Temporary Use Permit request:

1. Character of the neighborhood.
2. Zoning and uses of nearby property.
3. Suitability of the property for the uses to which it has been restricted.
4. Extent to which removal of the restrictions will detrimentally affect nearby property.
5. Length of time the property has been vacant as zoned.
6. Relative gain to economic development, public health, safety and welfare.
7. Conformance to the Comprehensive Plan.
8. Staff recommendation.

The Planning Commission and the Board of County Commissioners when approving or disapproving a Special Use Permit or Temporary Use Permit request may also consider the following matters, when appropriate:

Traffic / Parking	Location /Access
Archaeological / Historic significance	Topography / Drainage
Wildlife Presence	Ecological analysis
Design compatibility with surrounding area	Tax base implications
Vegetation analysis	Flood hazards
Soil survey	Sewage disposal
Market / Economic analysis	Water supply
Police / Fire / EMS protection	Air / Noise pollution
Demographic study	

#### **Section 7. PUBLICATION AND REVIEW**

The Administrative Official shall create a list of all active Special Use Permits annually. Upon receipt of a substantiated complaint or evidence that a Special Use Permit has been modified or expanded, the Planning Department may request submittal of documentation or an inspection to be held to verify that conditions of a Special Use Permit have not been violated. If a Special Use Permit has been found to not be in compliance with the conditions of approval, the Planning Department shall proceed with code enforcement until the time that all violations have

been remedied or the person(s) responsible for the Special Use Permit has applied and been approved for a modification to their application.  
(Resolution 2022-08 - March 30, 2022)

#### **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. 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 9. SPECIAL USES**

For a complete list of the Special Uses allowed in each district, refer to Article 19, Table of Uses.

Special Uses shall be classified into one of four categories. Special Use categories shall be determined by the intensity of the use, impacts on surrounding properties, impacts on public roadways and services, and the scale of the development. The categories shall be defined as:

Type 1: Uses on large tracts of land that are recreational or public/quasi-public in nature, but occasionally can include accessory uses or limited characteristics that can be detrimental to adjoining property if not controlled or constrained.

Type 2: Uses related to communications or utilities, which tend to be out of character to the land uses in the immediate vicinity.

Type 3: Uses with unique characteristics and potential to produce nuisance impacts such as light glare, noise, traffic, litter and more.

Type 4: Uses that are largely industrial operations that frequently generate hazardous or intense nuisance factors.

Use categories shall determine whether additional requirements or conditions will be placed on the Special Use Permit as well as the term limit of the permit, unless otherwise directed by the Board of County Commissioners.

#### **Section 10. TEMPORARY USES**

(BOCC Resolution 2019-23; September 4, 2019)

The purpose of this Article is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. The following types of temporary uses are permitted in any district upon review and finding of the Department of Planning & Zoning that the proposed use is in the public interest. The use shall be approved for a specific short-term duration. The following is a list of typical Temporary Uses which may be reviewed and permitted by the Director of Planning and Zoning. In the event that the Director of

Planning and Zoning denies the request, the applicant shall receive written notice from the Director within 10 days of application submittal.

Type 1: Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures used in conjunction with the event. Examples of these types of events include, but are not limited to: fun runs, bicycle races, foot races, ATV rides, auctions and other related activities. The following items shall be required:

- a. Organizations with appropriate documentation of 501(c)(3) status shall be exempt from application fees for a Temporary Special Use Permit.
- b. Organizations with appropriate documentation of 501(c)(3) status shall be required to submit an application for a Temporary Special Use Permit. 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. The application shall require review and approval by the Department of Emergency Management.
- e. 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.

Type 2: Fund-raising or non-commercial events for for-profit organizations: including any on-site signs and structures used in conjunction with the event. Examples of these types of events include, but are not limited to: fun runs, bicycle races, foot races, ATV rides auctions, and other related activities. The following items shall be required:

- 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. The application shall require review and approval by the department of Emergency Management.
- e. 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.

Type 3: Fireworks stands either non-profit or for-profit: including any on-site signs and structures used in conjunction with the event. The following items shall be required:

- a. Payment of application fee as set by the Board of County Commissioners per Resolution 2020-46. (Staff is recommending a fee based upon costs associated with inspections and staff review process)
- b. Applications, and all required supporting documents, shall be submitted to the Planning and Zoning Department a minimum of 30 days prior to the opening of the fireworks stand.
- c. Fireworks stands shall not be permitted on public roads or within public rights-of-way.
- d. Applications shall require review and approval by The Department of Emergency Management.
- e. Fireworks stands shall be located on private property and applicants shall submit with application an "Owner's Authorization" with property owners' signature and the Authorization shall be notarized.
- f. Applicants shall submit proof of required insurance and applicable bonds.
- g. Adequate off-street parking shall be required.

**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).

#### **Section 12. PRIVATE EVENTS**

(BOCC Resolution 2019-23; September 4, 2019)

Events meeting the definition of "Private Event" as defined by Article 3- Definitions- of these Regulations shall not require a Temporary Special Use Permit.

#### **Section 13. HOME OCCUPATION LICENSES**

Home Occupation Licenses shall be a permitted accessory use in the Rural Residential and Residential zoning districts to single family residences.

#### **Section 14. RESTRICTIONS AND LIMITATIONS**

The following restrictions and limitations shall apply to all Home Occupation Licenses.

1. The home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as such person's private residence. The Home Occupation shall be limited to 75 percent of the floor area of any structure on the premises.
2. No display or storage of equipment or material outside of a building or structure shall be permitted.
3. No alteration of the exterior of the principal residential building shall be made that removes the character of that building as a residence. There shall not be visible evidence of the business from the street or surrounding properties. The appearance of the building as a dwelling or residence

shall not be altered to the extent it would appear to be a commercial or business operation. Alterations of building material, size, or color; light fixtures or intensity; parking area; or any other exterior change shall not cause the structure to lose its residential character nor shall it detract from the rural or residential character of the area.

4. Only one (1) non-illuminated ground or wall sign, not more than 16 square feet in sign area, may be used to identify the home occupation on parcels 2.5 acres or larger. Signage for Home Occupations on parcels less than 2.5 acres are prohibited.
5. ~~Employees or other assistants shall be limited to immediate members of the family residing on the premises and two (2) other people.~~
6. No equipment or machinery may be used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
7. Parking generated by the conduct of a home occupation shall be provided off-street in an area other than the required front yard except that existing driveways may be used. Parking areas shall be paved with gravel, asphalt or concrete. Parking areas on grass are prohibited.
8. Vehicular or parking demand shall not exceed ~~twelve (12)~~ twenty (20) two-way vehicular trips. Off-premises employee parking shall be included in this count.
9. The commercial exchange of tangible goods or items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation on properties less than 2.5 acres except on an incidental, occasional and infrequent basis. Members of the general public shall not include persons in the home by prior individualized invitation.
10. A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6 A.M. and 7 P.M. A home occupation shall not generate more than ~~twelve (12)~~ twenty (20) business related visitations per day which shall constitute ~~twelve (12)~~ twenty (20) arrivals and ~~twelve (12)~~ twenty (20) departures by vehicle. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified above in this paragraph.
11. The keeping of stock and trade on premises shall be permitted so long as the majority of commerce is done via mail service.
12. Home occupation shall comply with all local, state, and federal rules and regulations that may be applicable.

#### **Section 15. PERMITTED HOME OCCUPATIONS**

Permitted home occupations may include, but are not limited to, the following list of occupations, provided, however, that each home occupation is subject to the home occupation restrictions and limitations within these regulations:

1. Teaching or instruction provided not more than three (3) students are taught at any one time and not more than twelve (12) students per day.
2. Preschools or day-care centers for not more than twelve (12) children or adults per day, when properly approved by the Kansas Department of Health and the Environment or other such agencies as may be required by law.

3. Professional office for accountants, architects, bookkeepers, engineers, lawyers, and similar professions.
4. Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
5. Home crafts and hobbies such as model making, rug weaving, and the like articles produced or constructed as a hobby activity shall not be sold on the premises except on an occasional and infrequent basis.
6. Tailoring, alterations, and seamstresses.
7. Personal Service shops (i.e Barbershop, Beauty shop, Massage Therapy) .
8. Medical offices such as physicians, dentists, chiropractors' offices.
9. Repair of items such as small appliances; personal electronic devices such as radios, televisions, stereos, personal computers or calculators provided that the use fully conforms with the performance requirements for home occupations.
10. Or other uses that meet the performance standards of a home occupation license.

#### **Section 16. PROHIBITED HOME OCCUPATIONS**

Prohibited uses from obtaining a Home Occupation License are as follows:

1. Retail sales (if under 2.5 acres) such as antiques, second-hand merchandise, groceries, and the like. However, this prohibition shall not apply to garage sales, tag sales, or similar occasional, temporary sales which may otherwise be permitted by County regulations and Temporary Special Use Permit regulations
2. Equipment rental.
3. Automobile and other motor vehicle repair services.
4. Tourist homes including bed and breakfast facilities.

#### **Section 17. HOME OCCUPATION LICENSE – APPLICATION & PROCEDURE**

Home Occupations shall require a permit from the Leavenworth County Planning and Zoning Department. Permit fees shall be subject to the fee schedule as determined by the Board of County Commissioners. Permits shall remain valid unless the conditions of the home occupation permit as set forth in these regulations have not been met. Site plan, floor plan, other required documents (BOCC Resolution 2020-09; March 4, 2020)

## ARTICLE 33 – ACCESSORY DWELLING UNITS

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### Section 1. OVERVIEW

The purpose of allowing Accessory Dwelling Units is to:

1. Allow life-style choices in single-family zoning districts that respond to changing demographics and economic conditions.
2. Respond to the needs of family members with health concerns or disabilities in a manner that is appropriate for people at a variety of stages in their life cycle by providing homeowners with a means of obtaining companionship, security and services.
3. Provide homeowners with the opportunity to use their property to enhance or fulfill personal objectives by allowing more options for the use of accessory buildings.
4. Recognize that homeowners are likely to maintain an owner-occupied residence in a manner that upholds the single-family character of the property. Requiring owner occupancy is intended, therefore, to support and foster housing maintenance and neighborhood stability.

### Section 2. RESTRICTIONS & LIMITATIONS

Accessory dwelling units shall comply with the following:

1. Accessory dwelling units shall only be permitted in rural residential zoning districts.
2. The accessory dwelling unit shall be under the same ownership as the principal dwelling unit.
3. The accessory dwelling unit may not be used for the purpose of long-term or short-term rentals to the general public.
4. The accessory dwelling unit shall be used for residential purposes only and shall not be used for any commercial use.
5. Lots or tracts of land shall be limited to one (1) accessory dwelling unit.
6. The accessory dwelling unit shall be required to have an appropriate onsite waste water system which conforms to the requirements of the Leavenworth County Sanitary Code and any applicable Kansas Department of Health and Environment regulations.
7. The accessory dwelling unit shall have an appropriate potable water source.
8. The accessory dwelling unit shall have appropriate utilities in compliance with County regulations.
9. The accessory dwelling unit shall meet all setback requirements of its respective zoning district.

### Section 2. APPLICATION

Accessory Dwelling Units shall require a permit from the Leavenworth County Planning and Zoning Department. Permit fees shall be subject to the fee schedule as determined by the Board of County Commissioners. Permits shall remain valid unless the conditions of the accessory dwelling unit permit as set forth in these regulations have not been met.

### Section 3. PROCEDURE

Property owners shall submit for review an application for an Accessory Dwelling Unit, along with all applicable supporting documents, including a site plan, to the Planning & Zoning Department. Upon receipt of all required documents, Staff will review the application and when appropriate, issue a permit for the

Accessory Dwelling Unit. The applicant will be required to sign an affidavit stating they agree to the terms and conditions of an Accessory Dwelling Unit. The applicant shall register this affidavit with the Leavenworth County Register of Deeds Office. The affidavit shall be recorded prior to Staff providing the final permit to the applicant.

#### Section 4. TEMPORARY DWELLING UNIT

Temporary Dwelling Units, for the sole purpose of occupancy during construction of a single-family residence, shall be exempt from payment of any Accessory Dwelling Unit fees. The use of a Temporary Dwelling Unit for one year or less shall require authorization through a signed affidavit. The applicant will be required to sign an affidavit stating they agree to the terms and conditions of a Temporary Dwelling Unit. If a temporary dwelling unit is later reverted into an Accessory Dwelling Unit, as defined by these regulations, an appropriate application and payment of all fees shall be required.

## **ARTICLE 35 – PRELIMINARY PLAT PROCEDURE AND CONTENT**

### **Section 5. GENERAL**

The pre-application and the preliminary procedures are intermediary steps prior to the actual filing of a subdivision for processing as a “final plat” as outlined in Article 40. These two steps do not constitute “submission” as set forth in K.S.A. 12-752.

While the subdivision of land may be denied subject to the Planning Commission’s finding that such subdivision concept does not meet any one requirement set forth in these regulations, the principal reasons for denial are most likely to be:

1. Does not meet Zoning Regulations or not properly zoned.
2. Inadequate service of water or sewerage.
3. Lack of appropriate restraint of storm water runoff or protection from flooding.
4. Streets too steep, lacking continuity or hazardous to public safety.
5. Soils inadequate or lots too steep for development.
6. Destruction of unique natural features.
7. Inadequate right-of-way continuity, grades, site distance, or poor relationship to the Comprehensive Guide Plan pertinent to collector streets, thoroughfares, (arterials) or any street necessary to avoid landlocking abutting property.
8. Not meeting any of the plat subdivision design or improvement requirements for the particular class of subdivision.
9. The applicant refuses to allow the County Planner, Engineer or other officials involved in the review of the plat access to the property for which he/she is requesting approval of such Preliminary Plat.

### **Section 10. CLASSIFICATION OF SUBDIVISION**

1. General: The Comprehensive Plan for Leavenworth County establishes two distinct areas or growth management zones as a tool to better manage such growth and development that is impacting those areas. Any proposed subdivision falling within such areas or zones must meet the requirements as set forth in these regulations.

The boundaries of such areas or growth management zones have been established through the adoption procedures as set forth in the Kansas Statutes, K.S.A. 12-741 et. Seq., for the development and adoption of the Comprehensive Plan. Any change in the boundary of these areas or zones must follow that procedure.

Subdivisions are classified as A, or C and are further defined on the basis of where they are permitted within the growth management zones as follows:

1. Class "A": Any subdivision in which one or more lots lies within the Initial Urban Growth Area of Leavenworth County.
3. Class "C": Any subdivision in which all of the lots lie within the Rural Growth Area of Leavenworth County.

(BOCC Resolution 2023-20; August 2, 2023))

#### **Section 20. PRE-APPLICATION**

Prior to the filing of the preliminary plat, the subdivider shall contact the Planning Department to determine:

1. Subdivision requirements and class designation of the proposed subdivision.
2. Procedure for plat filing.
3. Comprehensive Plan requirements for major streets, land use, parks, easements, schools and public open spaces.
4. Zoning requirements for the property being subdivided and adjacent properties.
5. Potential problems resulting from the conceptual design of the subdivision as determined from the pre-application sketch.
6. A pre-application conference with the County Engineer and County Planning Department is required prior to the filing of the preliminary plat. The subdivider, design engineer, and surveyor shall attend this conference.

(BOCC Resolution 2023-20; August 2, 2023)

#### **Section 30. PRELIMINARY PLAT PROCEDURE**

In obtaining final approval of a proposed subdivision by the Planning Commission and County Board, the subdivider shall first submit a preliminary plat in accordance with these procedures.

1. The subdivider shall prepare and submit to the Planning Department two (2) copies, one (1) physical and one (1) digital, of a preliminary plat, to be used for review purposes, at least forty-five (45) days before the Planning Commission meets. The subdivider shall also provide preliminary road and storm drainage plans, if applicable.  
(BOCC Resolution 2020-012; April 1, 2020)
2. Said plat shall be accompanied by a fee as established by Board Order 1985-8 dated May 13, 1985 (or as amended).
3. The Planning Director shall forthwith refer the digital copy to the County Engineer.
4. Where the preliminary plat is within 660 feet of any incorporated city, the Planning Director shall, at least ten (10) days prior to the Planning Commission meeting, forward a copy of such preliminary plat to the city staff for review and comment.
5. a. The County Engineer shall carefully examine said plat as to its compliance with the regulations of the County and specifically in regards to design and planning issues such as street grades, sight distance, storm drainage, easement locations, etc.

- b. Each department head shall, submit his/her findings to the Planning Department on a timely basis.
6. A hearing on the proposed plat will be held before the Planning Commission at its next regularly scheduled meeting.
7. Following receipt of required or requested reports, the Planning Commission will review the preliminary plat (see Section 50 of this Article).
8. If approved, a notification shall be sent to the subdivider, thus allowing him/her to proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations.
9. The approval of the preliminary plat does not constitute final approval or acceptance of the subdivision by the Board of County Commissioners or authorization to proceed on construction of the improvements within the subdivision, but shall constitute approval of layout and general engineering proposals and plans only.
10. The approval of the preliminary plat shall only be effective for one (1) year, unless an extension is granted by the Planning Commission. If the final plat has not been filed for review and approval within this period, a preliminary plat must again be submitted to the Planning Commission for approval.

(BOCC Resolution 2023-20; August 2, 2023)

**Section 40. PRELIMINARY PLAT CONTENT (all subdivision classes)**

The preliminary plat shall be made to a scale of one-inch equals one hundred feet (1" = 100') or larger, or if the subdivision contains more than one hundred and sixty (160) acres, the plat may be drawn to a scale of one-inch equals two hundred feet (1" = 200'). Unique conditions may allow for lesser scales approved by the Director of Planning. The preliminary plat shall show:

1. Clearly marked "Preliminary Plat".
2. The proposed name of subdivision and, if different, the title under which the subdivision is to be recorded.
3. The name and address of the owner and the name, address and profession of the person preparing the plat. All parts of the plat must be certified according to State Statutes and Administrative Regulations.
4. The date, scale, north point, and a key map showing the general location of the proposed subdivision in relation to surrounding development.
5. The legal description of the area being platted.
6. The boundary line (based on a survey accurately drawn to scale verifying corner pins in place), the dimensions and the location of the property to be platted, the location of section or quarter section lines, the projected control bench mark (identified as to location, elevation, and published datum). The exterior boundary must comply with Kansas Minimum Standards for Boundary Surveys.

(BOCC Resolution 2020-012; April 1, 2020)



7. Contours with intervals of not more than five (5) feet.
8. The names and location of adjacent subdivisions and the names of record owners and the location of adjoining parcels of unplatted land.
9. The location of property lines, streets and alleys, bridges and culverts, easements, public property, buildings, utilities (pipe sizes, manholes, grades, etc.), watercourses, tree masses, ground covers, lakes and other existing features within or adjacent to the proposed subdivision potentially affecting the plan.
10. The zoning classification and existing use and the proposed use of the area being platted.
11. The layout, numbers and approximate dimensions of proposed lots.
12. The location and dimensions of all existing and proposed building lines and easements.
13. The location, width, and dimensions of all streets, alleys, pedestrian ways and grounds proposed to be dedicated for parks, schools, or any public or semi-public use.
14. Proposed names for all streets in the area being platted.
15. Written and signed agreements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement and drainage structures.
16. Written and signed statement from the Environmental Officer of the County Health Department or designee, stating their approval of the type of sewage system to be used or their recommendations.
17. Applicant shall provide written and signed statements from the appropriate officials of subject utilities and public services, as follows\;
  - a. availability of gas,
  - b. electricity and
  - c. water to the proposed subdivision.
  - d. fire response
  - e. State and Local transportation review
18. Any restrictions proposed to be included in the owner's declaration of plat, including but not restricted to those listed in the appendix.
19. General layout of adjacent property, to show how streets and other public facilities in the proposed subdivision relate to adjacent subdivided and unsubdivided property.

~~20. — 20. Preliminary Plats shall include the location, width, dimensions, preliminary grade, proposed street name and relationship to the existing street network of all proposed streets. Preliminary road plans and stormwater drainage calculations shall be prepared in accordance with Leavenworth County's Road Construction and Storm~~

~~Water Drainage Checklist, , or latest edition approved by the Board of County Commissioners.~~

20. Preliminary Plats shall include horizontal and vertical locations and materials of existing culverts and bridges, horizontal and vertical locations and materials of proposed culverts, bridges and drainage swales & a preliminary grading plan with drainage arrows.

21. A Storm Drainage Report in compliance with the current policy.

(BOCC Resolution 2023-20; August 2, 2023)

**Section 50. APPROVAL OR DISAPPROVAL OF THE PRELIMINARY PLAT (all subdivision classes)**

1. Within sixty (60) days after the first consideration of a preliminary plat, the Planning Commission shall approve, disapprove or, with the approval of the applicant, table the preliminary plat. Action by the Planning Commission shall be conveyed to the subdivider in writing within ten (10) days after the Planning Commission hearing at which the plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet approval of the Planning Commission. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.
2. If the Planning Commission disapproves or withholds approval of a preliminary plat, the applicant may request that said plat be submitted to the Governing Body, and the Planning Commission shall send the proposed preliminary plat, together with their report, stating the reason or reasons for the action taken. The Governing Body may make such findings and determinations as are deemed proper.
3. The approval of the preliminary plat shall only be effective for a period of one (1) year, unless an extension is granted by the Planning Commission. If the final plat has not been submitted for approval, within this specified period, the preliminary plat must be resubmitted to the Planning Commission for approval.

**Section 60. CONTINUANCE**

Applicants may request the continuance of Planning Commission consideration of an application to a specific date. A maximum of three continuances are allowed. After that time, the Planning Commission shall remove the case from the agenda. Once removed the applicant may re-file a new application at any time.

## ARTICLE 40 – FINAL PLAT PROCEDURE, CONTENT AND ACTION BY THE PLANNING COMMISSION

### Section 10. FINAL PLAT PROCEDURE

1. For final approval, the subdivider shall file with the Planning Department not less than thirty (30) days before the Planning Commissions regularly scheduled meeting:
  - a. Two (2) copies, one (1) physical copy and one (1) digital copy of the final plat.
  - b. ~~One (1) digital copy of the Road and Storm Drainage Plans in compliance with the current policy. A letter from the County Engineer stating the engineering specifics and final improvement plans for the final plat meet the county regulations and are substantially in accord with the preliminary plat as previously approved by the Planning Commission. Letter should also state that a copy of the certified, approved plans, profiles, cross sections (if required) and specifications for the project are on file with the County Engineer.~~
  - c. A performance guaranty or bond, if required (see definition) in an amount and with sureties approved by the County Engineer.
  - d. The County Surveyor shall carefully examine the exterior boundaries of the final plat for compliance with county and state regulations and Kansas Minimum Standards for Boundary Surveys including the signature, seal, and date of the land surveyor preparing the boundary.
  - e. Before the Final Plat is signed, the developer must submit a letter from a title company certifying the owner(s) of record as of the date that the Board of County Commissioners approved the Final Plat. All certified owners must sign the plat. The certification letter must accompany the Plat when it is recorded.
  - f. A copy of the policy verifying title, easements and liens. These documents should be dated no more than thirty (30) days prior to the application date.  
(BOCC Resolution 2020-012; April 1, 2020)
  - g. Two (2) copies, one (1) digital and one (1) print, of three-line profiles of streets to be dedicated, indicating the grades thereon, shall be required by the Planning Commission for plats submitted where street grades are more than five (5) percent.
  - h. Certificate stating that all taxes and encumbrances have been paid shall be submitted with the Final Plat.
  - i. If private restrictions are to be filed affecting the subdivision or any part thereof, two (2) copies, one (1) digital and one (1) print shall be submitted to the Planning Commission with the Final Plat.
2. When the final plat has been passed upon by the Planning Commission, the original copy, furnished by the subdivider, shall be signed by the Chairman and Secretary of the Planning Commission and the County Engineer, and shall be forthwith transmitted to the County Commission with the performance guaranty or bond, if required, and a letter from the Planning Director stating the Planning Commission's approval.

The Governing Body shall accept or refuse dedication of land upon a plat within thirty (30) days of its submission to the Governing Body. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modification to comply with requirements established by the Governing Body.

3. In instances where a performance bond has been required, when the final plat has been approved by the County Board and all conditions of that approval have been met, the performance bond accepted and filed with the County Clerk and the plat duly signed as set forth in Section 20, Item 15, the Planning Director shall release the plat to be recorded by the developer/owner in the office of the Register of Deeds of Leavenworth County, Kansas. The Register of Deeds office shall retain 1 paper original for their use. .
4. Approval by the Board of County Commissioners shall constitute final approval of the subdivision of the area and upon receipt of one (1) paper copy by the subdivider from the Planning Commission office with the appropriate and necessary signatures, the subdivider shall cause such plat to be recorded in the Office of the Register of Deeds of Leavenworth County, Kansas, before the County shall recognize the plat as being in full force and effect. A final plat that has been duly approved by the Board shall be in effect for 1 year from the date of approval. Any approved final plat not filed within that period of time shall be declared void. The approved plat may be extended for one year upon appeal to the Board of County Commissioners.
5. Receipt of the duly certified final plat by the subdivider is authorization that he may proceed with the installation and construction of the required improvements subject to acquisition of appropriate permits.
6. The County Engineer shall return any performance bond or guarantee to the subdivider upon meeting all of the requirements as stipulated in Leavenworth County's Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition approved by the Board of County Commissioners.
7. No plat or re-plat or dedication or deed of a street or public way shall be filed with the Register of Deeds, as provided by law, until such plat or re-plat or dedication or deed shall have endorsed on it the fact that it has been submitted and approved by the Planning Commission and by the Governing Body.

(BOCC Resolution 2023-20; August 2, 2023)

#### **Section 20. FINAL PLAT CONTENT**

The final shall be made to a scale no smaller than one-inch equals two hundred feet (1" = 200') from an accurate survey drawn on a sheet whose overall dimensions are 24" x 36". (A scale of one-inch equals one hundred feet (1" = 100') shall be used if the tract is 1350' in width or less) and shall show:

1. The correct legal description of the property being subdivided.
2. The boundary lines of the area being subdivided with accurate distances and bearings.
3. The lines of all proposed highways, streets and alleys with their width and names.

4. The accurate outline of any portion of the property intended to be dedicated or granted to public use.
5. The lines of departure of one street from another.
6. The lines of all adjoining property and the lines of the adjoining highways, streets and alleys with their widths and names.
7. All lots designated by numbers or letters and streets, avenues and other grounds by names, letters or numbers.
8. The location and widths of building lines of front yards, the location and widths of utility easements for possible future construction, and easements for drainage purposes. Show a note on the plat listing the dimension of side, rear and front setbacks.
9. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and any other areas for public or private use. Linear dimensions are to be given to the nearest 1/100<sup>th</sup> of a foot and bearing to the nearest second of angle. The plat must comply with Kansas Minimum Standards for Boundary Surveys.
10. The radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
11. The location of all survey monuments and benchmarks together with their descriptions. All lot corners must be monumented with a minimum #4 (1/2") rebar 24" long with a survey cap bearing the registration number of the responsible party.
12. The name of the subdivision and the scale of the plat, points of the compass, and the name of the owner or owners or subdividers.
13. When private restrictions and trusteeships are of such lengths as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be on the plat.
14. Acknowledgement of the owner or owners of the plat restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
15. The following certificates to be signed:
  - a. Acknowledgement of ownership by owner or owners, and statements by a notary public authorized to take acknowledgements of deeds, to the effect, that all previous taxes have been paid and that all highways, streets, alleys and public grounds shown on the plat are dedicated for public use.
  - b. Land Surveyor certifying that he/she has accurately surveyed such subdivision and that said survey has been performed under his/her direct supervision. Month and year of field survey required.

- c. Approval of Planning Commission by the Secretary and Chairman of the Planning Commission.
- d. Approval by the County Engineer, with the following note: The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.
- e. Approval of the County by the Chairman of the Board of County Commissioners and attested by the County Clerk.
- f. By the Register of Deeds, stating the day, month, year, time, book and page that said plat was recorded.
- g. Approval by the County Surveyor, with the following note: "I hereby certify this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

16. True north point, graphic scale and date.

17. All exceptions to and variances from the Zoning & Subdivision Regulations shall be listed on the face of the plat.

(BOCC Resolution 2023-20; August 2, 2023)

**Section 30. PLANNING COMMISSION'S ACTION**

The Planning Commission shall act upon the final plat within sixty (60) days after its first meeting following submission of the final plat, and if the Planning Commission does not ask the subdivider for an extension of this period and no action is taken within this period, then the plat shall be deemed to have been approved by the Planning Commission.

If the Planning Commission feels that it lacks information on which to base the approval of said final plat within the time limitation and no "time waiver" has been provided by the subdivider, the Planning Commission will normally deny said final plat.

## ARTICLE 43 – CROSS ACCESS EASEMENTS

(BOCC Resolution 2020-29; September 2, 2020)

### Section 1. OVERVIEW

The purpose of this policy is to allow an ~~administrative approval~~ procedure for divisions of land to accommodate rural residential development within Leavenworth County where it is not desired by the applicant to build internal roads to County Standards. These developments shall be known as “Cluster Development” and they shall be accompanied by a subdivision plat in accordance with the Leavenworth County Zoning and Subdivision Regulations. These developments should be thoughtfully considered and should give forethought to future development.

### Section 2. PROCEDURES

1. Cross Access Easements shall accompany a request for a subdivision development which shall be known as “Cluster Development.” The subdivision plat shall be subject to the requirements of the zoning district set forth in the Leavenworth County Zoning and Subdivision Regulations.
  - a. Parcels located within a Cluster Development shall be subject to the zoning district requirements for lot area and lot frontage in which the tract of land is located.
  - b. Parcels which are located within a Cluster Development shall be serviced by a “Cross Access Easement.” A Cross Access Easement shall provide access to each lot within a cluster development, but will in no way be considered a public, county-maintained road.
  - c. Lots within Cluster Developments shall be situated so that all lots are accessed by the cross-access easement. ~~Cross access easements shall be a minimum of 60 feet in width.~~ Cross access easements shall be subject to the Leavenworth County Access Management policy requirements for driveway and roadway spacing when servicing three or more parcels. Developments serving two parcels shall only be required to meet the driveway spacing requirements. (BOCC Resolution 2021-18; June 16, 2021)
    - ~~d.~~ e. Cluster Developments shall be limited to eight (8) lots or less.
2. The cross access easement shall be established by separate legal instrument and shall be recorded with the Leavenworth County Register of Deeds. A separate restrictive covenant that encompasses, by legal description, the entire development must be filed in conjunction with the easement. The covenant shall clearly state that maintenance of the cross access easement is the sole responsibility of the developer and/or the future property owners of the properties the CAE provides access to. The covenant shall clearly state the cross access easement is not a public right-of-way and will in no way be maintained by the County.
3. If any portion of the development lies within a FEMA designated regulatory floodplain, or if drainage channel or swales exist on the development that carry runoff from adjacent property, the FEMA designated regulatory floodplain, channel or swale shall be protected by grant of an easement according to the same standards that apply to typical subdivisions. Maintenance of the drainage easement shall be the responsibility of the property owner.

### Section 3. ACCESS AND ROAD STANDARDS

1. A cluster development with an access easement shall have direct access to a fully maintained public road.
2. Only one access point shall be allowed for the entire development.

3. When established as part of a cluster development, the road and drainage plans submitted to County Staff shall be prepared and sealed by an engineer licensed in the State of Kansas. The developer shall provide documentation from the designing engineer stating the Cross Access Easement was built in accordance with the submitted design plans to the County upon completion of the Cross-Access Easement. Building permits shall not be issued until such document has been received. (BOCC Resolution 2021-18; June 16, 2021)
4. There will be no consideration by the County to assume responsibility of the cross access easement until the cross access easement is built to the current County standard in place at the time the request is made to accept the roadway. Any improvements or upgrades will be the sole responsibility of the developer and/or the owners of the properties being accessed by the CAE.
5. Cluster Developments with private drives terminating via cul-de-sac must design the cul-de-sac with a 50 foot diameter.
- 4-6. Cluster Developments with private drives terminating via hammer head or similar turnaround device must design the turnaround with a minimum dimension of 60 feet by 20 feet that meets engineering design standard

#### **Section 4. AMENDMENTS TO THE DEVELOPMENT**

1. Any further division for development purposes is prohibited until an amended Replat is approved by the Governing Body and recorded with the Register of Deeds.



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

### **Section 10. MINIMUM SUBDIVISION DESIGN STANDARDS**

Each class of subdivision may require a variance in types of requirements. Care should be taken to utilize the correct requirements.

1. Acreage Subdivisions. Whenever a tract is divided into large lots each containing one or more acres and there are indications that such lots will eventually be re-subdivided into smaller urban sized lots, consideration must be given to the highways, streets, utility easements, and lot arrangement of the original subdivision so that additional streets can be opened which will permit a logical arrangement of smaller lots. Easements providing for future opening and extension of such streets may, at the discretion of the Planning Commission, be made a requirement of the plat.

The preferred subdivision design will be to plat the ultimate lot size and then group lots as indicated in the following example. Such groupings must be sufficient to meet sewage disposal or water supply, or any other code or Comprehensive Plan requirement adopted for the unincorporated portion of the County.

(BOCC Resolution 2023-20; August 2, 2023)

### **Section 20. UTILITY REQUIREMENTS**

In all classes of subdivisions, the required area of the lots will be determined by the method of treatment or disposal of wastewater. The determination of whether or not an approved public sanitary sewer system and an approved water system are available in sufficient size and capacity to serve the subdivision shall be made in the following manner.

1. All applications shall be submitted with a written report from the water department or district in which the subdivision is located on the availability of water to the proposed subdivision. The report from a rural water district shall be signed by the Board of Directors and its engineer. The report from a public water supply system shall be signed by its administrative official and engineer.
2. If the water supply is not from a rural water district or a public water supply system, a performance bond or guaranty shall be filed with the applicable rural water district sufficient to secure that the water system will be constructed in accordance with these regulations.
3. A copy of the preliminary plat shall be sent to the County Sewer District Administrator for a written report on the availability of an approved public sanitary sewer system.
4. Private sewage disposal systems will be allowed in subdivisions where all the lots are greater than 1 acre subject to the following procedure. The plat shall be reviewed by the Planning Department for compliance with the Leavenworth County Sanitary Code. A licensed sanitarian or engineer shall provide evidence that the soils within the platted area will safely handle private wastewater disposal systems or a notation stating that engineered septic systems may be required due to soil conditions.

(BOCC Resolution 2023-20; August 2, 2023)

**Section 30. OTHER REQUIREMENTS**

The following particular requirements are hereby made of each of the classes of subdivisions:

1. Class "A" Subdivisions:

All class "A" Subdivisions shall be served by an approved public sewage system and an approved public water system and shall be subject to Section 40 Minimum Design Standards. The subdivider may request a waiver of the requirement for an approved public sewage system pursuant to Article 30, Section 30.4 of these regulations.

2. Class "C" Subdivisions:

All class "C" Subdivisions shall be served by an approved public sewage system and an approved public water system, or a private water well if the requirements of the sanitary code are met, and shall be subject to Section 40 Minimum Design Standards. The subdivider may request a waiver of the requirement for an approved public sewage system pursuant to Article 50, Section 30.3. of these regulations.

3. Waiver of Requirement for Approved Sanitary Sewage System.

- a. A subdivider may request that the Planning Commission consider the granting of a waiver to the requirement that a subdivision be served by an approved sanitary sewage system, and be served by individual private sewage disposal systems.
- b. A request for a waiver may be granted in such case, upon a finding by the Planning Commission that all of the following conditions have been met:
  - 1) That the reason or reasons given for the waiver is not created by an action or actions of the property owner or the subdivider;
  - 2) That the strict application of this requirement for which a waiver is sought would constitute unnecessary hardship upon the owner or subdivider. Unnecessary hardship shall not mean that the cost of providing for private sewage disposal systems is less costly than for a public sewage system unless the cost/benefit ratio exceeds 2:1. Unnecessary hardship shall specifically exclude the reason or reasons given for the waiver which are determined to be for the convenience of the owner or subdivider;
  - 3) That the granting of the waiver will not adversely affect the rights of adjacent property owners or residents;
  - 4) That the waiver requested will not adversely affect the public health or safety;
  - 5) That the waiver requested will not be opposed to the general spirit and intent of the subdivision regulations, zoning regulations and sanitary code.

(BOCC Resolution 2023-20; August 2, 2023)

**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.
- b. The minimum lot depth shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.
- c. The minimum lot area shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.

- d. 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)

- e. 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.
- f. Every lot shall abut on a street other than an alley.
- g. 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.
- h. 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.
- i. 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, permanent easements of not less than ten (10) feet in width shall be provided on all 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 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>	
	<u>Steel</u>	<u>Aluminum</u>
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

**Section 50. SENSITIVE LAND DEVELOPMENT**

The Planning Commission will review any proposal for development of areas considered to be sensitive lands in the Comprehensive Guide Plan with concern for all potential on and off-site impacts. It shall be the obligation of the owner/developer to provide sufficient data to the Planning Commission to show that the negative impacts such as flooding, erosion, removal of woodlands, etc. can be eliminated or limited to an acceptable level. Notwithstanding any of the provisions of these Regulations, the following requirements shall constitute the Minimum Standards of Design, and improvements in specific areas of the proposed subdivision containing hills or steep slope conditions (grades or slopes in excess of ten (10) percent. Any variation from Article 50 must be fully substantiated by satisfactory engineering justification before deviations will be approved by the Planning Commission. The subdivider shall follow all requirements contained herein for filing Preliminary and Final Plats.

1. Lot Size and Arrangement:

- a. Any portion of a proposed residential subdivision containing hillsides or steep slopes shall be platted on the basis of lot sizes in the Chart "Lot Area on Sloping Ground" in the appendix. (Drawing No. 10)
- b. The Planning Commission may permit a deviation in the front yard setback areas in order to permit garages and driveways to be placed at street level. Where excessively steep slope lots are to be used as building sites, the subdivider shall show on the plat the location of all buildings or structures proposed. No structure or building shall be permitted to project into a street right-of-way and developer will provide a minimum of twenty-five (25) feet set back from the back of curb.

2. Streets:

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. Grading Plan:

Contour lines of five (5) foot intervals shall be shown on the plat where the average slopes exceed six (6) percent. Where slopes in excess of fifteen (15) percent occur, the Preliminary Plat shall indicate the general location and magnitude of all cuts and fills.

A grading plan shall be submitted with the Preliminary Plat showing how the proposed grading will affect the drainage of the surrounding area and the nature of the improvements which are proposed, if the average slope of the hillside subdivision is in excess of twenty-five (25) percent.

4. Cuts and Fills

- a. Cuts, excavation, grading and filling, where same materially changes the site and its relationship to the surrounding property, shall not be permitted if such excavation, grading or filling results in slopes exceeding County standards for abutting lots or between adjoining tracts of land, except where adequate engineering facilities are constructed to prevent slides and erosion.
- b. Where a cut or fill area is outside the normal right-of-way of the street, an easement shall be provided of sufficient width and area to permit the required side slopes, drainage channels, warping and rounding of cross-sections to be constructed and maintained.
- c. Structures or buildings when located near cuts or fills shall have a setback line of not less than ten (10) feet from the crest of the fills up to twenty-five (25) feet in height and the distance will be increased proportionately for higher fills. On cuts, a building or structure shall have a setback line of not less than twenty (20) feet distance from the base of the slope.
- d. In any fill area, satisfactory compaction of fill is mandatory. Compaction of a lesser density, as determined by the Planning Commission may be permitted in those areas where no building or structure is to be placed.

5. Storm Water Drainage System

The improvement plans for an adequate storm water drainage system including all necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, and other necessary structures and improvements which are required for the proper drainage of all surface waters shall be provided. This system must prevent the infiltration of water in areas of cuts and fills thereby causing the land to slip or collapse. Adequate provision and maintenance must be made for on-lot drainage channels and control of erosion on slope areas for either cuts or fills.

6. Water Supply System

Where applicable, the improvement plans for the water supply system installation shall be approved by local officials and the Governing Body prior to the submission of the Final Plat.

7. Sewage Disposal System

The improvement plans for the sewage disposal system installation shall be approved by local officials and the Governing Body prior to the submission of the Final Plat.

8. Utility Easements



Utility easements will be as required.

9. Utility Connections

Connection between storm water drainage systems and sewage disposal systems will not be permitted.

10. Fire Hydrants

- a. Fire hydrants shall be provided by the developer and such fire hydrants shall be located on six (6) inch water lines in residential areas and eight (8) inch water lines in commercial areas. Fire hydrants shall be placed at or near street intersections and at intermediate points so that there shall be no more than five hundred (500) feet between hydrants in residential areas and three hundred (300) feet in commercial areas. Fire hydrants shall conform to American Water Works Association (AWWA) C502 and shall be traffic models with breakaway flanges. They shall have one 4 and ½ inch NST connection and two 2 and ½ inch NST connections, and shall be furnished with auxiliary gate valves.
- b. Fire hydrants shall be color coded as identified thru NFPA 291 Marking of Fire Hydrants as follows:

Red top	Rated capacity of less than 500 gpm (gallons per minute)
Orange top	Rated capacity of 500 - 999 gpm
Green top	Rated capacity of 1,000 – 1,400 gpm
Light blue top	Rated capacity of 1,500 gpm or more
- c. For subdivisions with lots of 2.5 acres, or greater, adequate easement shall be dedicated so as to allow and provide for the installation of fire hydrants and necessary water lines and appurtenances. Upon written notice by the water service provider that existing water service is adequate to allow for the installation of fire hydrants, the installation of hydrants and necessary water lines and appurtenances shall be required as part of the approval of the subdivision plat. In the event that existing water service is not adequate to allow for the installation of fire hydrants and necessary water lines and appurtenances, as so stated by the water service provider, the Planning Commission shall provide for fire hydrants as follows:
  - 1) If the water service provider shall state, in writing, that it plans to provide such necessary water service to the proposed subdivision area so as to allow for the installation of fire hydrants and necessary water lines and appurtenances not later than 6 years from the time of the consideration of the plat, the Planning Commission shall require the installation of fire hydrants prior to the time when adequate water service to the subdivision area exists, provided that the water service provider does not object to such installation.
  - 2) If the water service provider objects to the installation of fire hydrants prior to the time that adequate water service to the subdivision area is available, and service to the area is planned not later than 6 years from the time of the consideration of the plat, the planning commission shall require that sufficient financial assurance be given so as to provide for the installation of fire hydrants at such time that adequate water service is made available.

Notwithstanding any other provision of these regulations, should financial assurance be given for the installation of fire hydrants as part of the consideration of any subdivision plat, and water service adequate to allow for the installation of fire hydrants not be made available within 6 years of the giving of such assurance, as so determined by the water service provided, such assurance shall be deemed to have been released and if appropriate a refund of any such assurance shall be made to the party giving the assurance.

**Section 60. DEDICATION OR RESERVATION OF PUBLIC SITES & OPEN SPACES**

In subdividing land, due consideration shall be given by the subdivider to the dedication or reservation of sites for school, parks, playgrounds, or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform with the recommendations in the approved Comprehensive Plan and to the recommendations of the Board of Education. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that they may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. A written statement from the Board of Education shall be submitted by the subdivider indicating whether or not a school site in the proposed subdivision is desired.

## ARTICLE 60 – MISCELLANEOUS PROVISIONS

### **Section 10. BUILDING AND ZONING PERMITS**

After the date of the adoption of these subdivision regulations by the Planning Commission and Governing Body, no building permit or zoning permit shall be issued for any structure that is located upon a lot in an area that has not been subdivided in an approved process or by a County department, unless approved in the manner as provided for in these subdivision regulations. This shall not apply to subdivisions or lots of record that were platted prior to the adoption of this subdivision regulation.

Applications for building permits must be approved or rejected within seven (7) days of their submittal. Appeals on the rejection of a building permit application by the Administrative Officer may be made to the Governing Body and shall be made in writing within ten (10) days of such rejection.

### **Section 20. DEVELOPMENT PLANS**~~Repealed.~~

Development Plans shall be required as a submittal of a zoning amendment application when the request is for a residential zoning district with a ~~minimum~~maximum lot size less than of 2.5 acres, a commercial or industrial zoning district or as requested by the Planning & Zoning Director.

Development Plans shall be submitted via ~~three~~one (31) paper copies and one (1) digital copy. The Development Plan shall contain but not limited to the following information:

1. North arrow and scale
2. With regard to the subject property only:
  - a. Existing topography with contours at five-foot intervals, and delineating any land areas within the 100-year flood plain;
  - b. Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and easements;
  - c. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan; and
  - d. General extent and character of any proposed landscaping.
3. With regard to areas within 1000 feet of the subject property:
  - a. Any public street which are of record;
  - b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the County;
  - c. Any building which exists or which are proposed to the degree that their location and size are shown on plans on file with the County. Single- and Two-family residential buildings may be shown in approximate location and general size and shape; and
  - d. The location and size of any drainage structures, such as culverts, paved or earthen ditches or storm water sewer and inlets.
4. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan, a separate sketch shall be prepared for each type. These sketches shall include elevation drawings, but detailed drawings and perspectives are not required.
5. A schedule shall be included indicating total floor area, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with requirements of this section can be met.

6. Name and address of landowner.
  7. Name and address of architect, landscape architect, planner, engineer, surveyor or other person involved in the preparation of the plan
  8. Date of preparation of the plan
  9. The following information shall be submitted in support of the application for the development plan approval:
    - a. All studies as may reasonably be required
    - b. Assurances of adequate public facilities, as may be required.
- ~~(BOCC Resolution 2023-20; August 2, 2023)~~

**Section 30. Repealed.**

~~(BOCC Resolution 2023-20; August 2, 2023)~~