

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 11, 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 4, 2024
 - b) Approval of the schedule for the week September 16, 2024
 - c) Approval of the check register
 - d) Approve and sign the OCB's
- VII. FORMAL BOARD ACTION:

- a) Consider a motion to approve a gate rate increase of \$2.00 per ton effective November 1, 2024 for the Solid Waste Department.
- b) Consider a motion to approve the purchase of two skid mounted roadside sprayers from Fairbank Equipment in the amount of \$49,222.70.
- c) Consider a motion to approve the bid from Central Salt for 2024-2025 for winter salt for snow and ice removal in the amount of \$58.32 per ton.
- d) Consider a motion to authorize initiation of proceedings in eminent domain to acquire certain necessary easements for the Tonganoxie Road Safety project.
- e) Consider a motion 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.
- f) Resolution 2024-15, proposed amendments to the Leavenworth County Zoning and Subdivision Regulations, Articles 3, 22,33,35,40,43 & 60.
- g) Resolution 2024-13, amending the Leavenworth County Comprehensive Plan, in whole or in part, with findings of fact.
- h) Consider a motion that this Board finds that the annexation as proposed by City 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.

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

IX. ADJOURNMENT

LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, September 9, 2024

Tuesday, September 10, 2024

Wednesday, September 11, 2024

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

12:30 p.m. Juvenile Advisory Board Special Meeting via Zoom

Thursday, September 12, 2024

12:00 p.m. LCDC meeting

Friday, September 13, 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 4, 2024 *****

The Board of County Commissioners met in a regular session on Wednesday, September 4, 2024. Commissioner Culbertson, Commissioner Kaaz, Commissioner Mike Smith, Commissioner Doug Smith and Commissioner Stieben are present; Mark Loughry, County Administrator is absent; Also present: David Van Parys, Senior County Counselor; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director; Edd Hingula, Leavenworth City Commission; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Commissioner Kaaz inquired about the status of the Fire District #1.

David Van Parys reported he has been in contact with the attorney for the Fire District and it is the County's position as to not get involved in their fire protection plan.

Commissioner Doug Smith requested an executive session in the next few weeks to discuss legal matters.

Commissioner Doug Smith inquired if chemical dust control can be applied by the County on Hemphill Road since it was a detour for the County Road 25 project for people along that route paid for it.

Commissioner Stieben requested a work session to discuss which outside agencies will be funded.

Commissioner Culbertson read a letter congratulating an Eagle Scout.

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, September 4, 2024.

Motion passed, 5-0.

Amy Allison presented Case DEV-24-051 & 052, preliminary and final plat for Metro Estates.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith by finding that the proposed final plat as outlined in Case DEV-24-051 & 052 is compliant with the Leavenworth County Zoning and Subdivision Regulations and move that the proposed final plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

Motion passed, 5-0.

Ms. Allison presented Case DEV-24-071 & 072, preliminary and final plat for Serenity Acres.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith by finding that the proposed final plat as outlined in Case DEV-24-071 & 072 is compliant with the Leavenworth County Zoning and Subdivision Regulations and move that the proposed final plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

Motion passed, 5-0.

Ms. Allison presented Resolution 2024-22, a rezone from RR-5 to RR-2.5 located on Honey Creek Road.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to adopt Resolution 2024-22 and approve the rezoning as outlined in Case DEV-24-094 based on the findings on the Golden Factors, as set forth in the staff report and as substantiated by the findings of fact as adopted by the Planning Commission.

Motion passed, 5-0.

Ms. Allison presented Resolution 2024-23, a rezone from RR-5 to RR-2.5 located at 13963 206th Street.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to adopt Resolution 2024-23 and approve the rezoning as outlined in Case DEV-24-095 based on the findings on the Golden Factors, as set forth in the staff report and as substantiated by the findings of fact as adopted by the Planning Commission.

Motion passed, 5-0.

Commissioner Kaaz attended the Transit Authority meeting.

Commissioners Culbertson and Stieben participated in a Kansas Association of Counties zoom meeting.

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

Motion passed, 5-0.

The Board adjourned at 9:45 a.m.

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

FMWARRPTR2		LEAVENWORTH COUNTY						9/05/24	16:41:35
DCOX		WARRANT REGISTER - BY FUND / VENDOR						Page	1
		START DATE: 08/31/2024 END DATE: 09/06/2024							
TYPES OF CHECKS SELECTED: * ALL TYPES									
			P.O.NUMBER	CHECK#					
2770	BOYD SHAWN REIM	SHAWN BOYD	343995	110386 AP	09/06/2024	4-001-5-11-211	REIM AIRFARE WASHINGTON DC HOM	408.96	
283	BUSETTI ROBERT	ROBERT BUSETTI	343996	110387 AP	09/06/2024	4-001-5-07-219	SEPTEMBER DENTIST FOR INMATES	350.00	
24545	CDW GOVERN	CDW GOVERNMENT INC	343998	110389 AP	09/06/2024	4-001-5-07-362	11106763 HP LASER PRINTER LVSO	220.41	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-001-5-05-215	TONGAONXIE WATER - EMS 9102	74.10	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-001-5-05-280	8-16 MIDWEST MOBILE RADIO MONT	438.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-001-5-06-216	AT&T MOBILITY - CODE ENFORCEME	86.46	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-001-5-07-208	8-16 MIDWEST MOBILE RADIO MONT	1,106.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-001-5-07-210	AT&T WIRELESS LVSO 1005	4,349.50	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-001-5-07-210	AT&T SHF WIRELESS 5018	92.46	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-001-5-07-220	8-16 MIDWEST MOBILE RADIO MONT	422.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-001-5-07-353	MIDWEST MOBILE RADIO - PARTS,	50.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-001-5-11-205	KTA CO ATTY TOLLS	12.20	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-001-5-14-220	TONGANOXIE WATER - ANNEX	57.73	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-001-5-49-341	4IMPRINT - 2024 PRESIDENTIAL R	1,163.19	
*** VENDOR								648 TOTAL	7,851.64
2900	EMS OVERPAYMENT	PATIENT	344001	110392 AP	09/06/2024	4-001-5-05-290	REIMB PT - BCBS PAID 8/2/24	406.00	
8686	EVERGY EFT	EVERGY KANSAS CENTRAL INC	343975	259	08/31/2024	4-001-5-53-219	ELEC SVC NOX WEED	379.59	
754	HARRIS, JANA	JANA HARRIS	344002	110393 AP	09/06/2024	4-001-5-07-219	SEPTEMBER MEDICAL SERVICE - IN	6,250.00	
551	HUTTON,ASHLEY	ASHLEY HUTTON	344003	110394 AP	09/06/2024	4-001-5-11-211	REIMB AIRFARE NDAA CONF 9/15-9	500.96	
1851	KANSAS ONE-CALL SYST	KANSAS ONE-CALL SYSTEM INC	344004	110395 AP	09/06/2024	4-001-5-18-213	08-LVCOKS01 LOCATES	4.80	
688	LOGICALIS INC	LOGICALIS	344006	110397 AP	09/06/2024	4-001-5-18-424	COLEAV01 PROF SVC - PROJ INITI	8,220.50	
2419	MCKESSON MEDICAL SUR	MCKESSON MEDICAL SURGICAL	344008	110399 AP	09/06/2024	4-001-5-07-219	4227550 INMATE MEDICAL SUPPLIE	296.25	
2419	MCKESSON MEDICAL SUR	MCKESSON MEDICAL SURGICAL	344008	110399 AP	09/06/2024	4-001-5-07-219	4227550 INMATE MEDICAL SUPPLIE	76.10	
2419	MCKESSON MEDICAL SUR	MCKESSON MEDICAL SURGICAL	344008	110399 AP	09/06/2024	4-001-5-07-219	4227550 INMATE MEDICAL SUPPLIE	18.00	
2419	MCKESSON MEDICAL SUR	MCKESSON MEDICAL SURGICAL	344008	110399 AP	09/06/2024	4-001-5-07-219	4227550 INMATE MEDICAL SUPPLIE	13.23	
2419	MCKESSON MEDICAL SUR	MCKESSON MEDICAL SURGICAL	344008	110399 AP	09/06/2024	4-001-5-07-219	4227550 INMATE MEDICAL SUPPLIE	23.69	
*** VENDOR								2419 TOTAL	427.27
25081	SHRED-IT	STERICYCLE, INC	344014	110405 AP	09/06/2024	4-001-5-07-208	1000710061 SHF SHREDDING	187.76	
248	SUMMIT FOOD	ELIOR,INC	344015	110406 AP	09/06/2024	4-001-5-07-261	INMATE MEALS	5,900.23	
248	SUMMIT FOOD	ELIOR,INC	344015	110406 AP	09/06/2024	4-001-5-07-261	INMATE MEALS	5,807.39	
248	SUMMIT FOOD	ELIOR,INC	344015	110406 AP	09/06/2024	4-001-5-07-261	INMATE MEALS	5,944.36	
248	SUMMIT FOOD	ELIOR,INC	344015	110406 AP	09/06/2024	4-001-5-07-261	INMATE MEALS	5,728.76	
*** VENDOR								248 TOTAL	23,380.74
5610	UNION MILL SUPPLY	UNION MILL SUPPLY,LLC	344017	110408 AP	09/06/2024	4-001-5-07-359	10 PRO DRY 5 GAL FOR JAIL	830.00	
100	WITNESS LIST								
*** VENDOR								100 TOTAL	356.36
TOTAL FUND 001									49,774.99

648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-108-5-00-601	8-16 MIDWEST MOBILE RADIO MONT	75.00	
TOTAL FUND 108									75.00

648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343974	258	08/31/2024	4-126-5-00-210	FIRSTNET - COMM CORR	251.45	

warrants by vendor

START DATE: 08/31/2024 END DATE: 09/06/2024

warrants by vendor

FMWARRPTR2		LEAVENWORTH COUNTY						9/05/24	16:41:35
DCOX		WARRANT REGISTER - BY FUND / VENDOR						Page	3
		START DATE: 08/31/2024 END DATE: 09/06/2024							
TYPES OF CHECKS SELECTED: * ALL TYPES									
		P.O.NUMBER		CHECK#					
						TOTAL FUND 184		154.00	
17551	DIGGER JIM	DIGGER JIM'S	343999	110390 AP	09/06/2024	4-189-5-00-2	9-1 BR T-34 PROJ - CLEAN TANK,	1,480.00	
						TOTAL FUND 189		1,480.00	
3998	DREXEL TEC	DREXEL TECHNOLOGIES INC	344000	110391 AP	09/06/2024	4-220-5-01-400	9-1 28984 RFP PROJ PLANST FOR	40.25	
						TOTAL FUND 220		40.25	
						TOTAL ALL CHECKS		87,136.37	

TYPES OF CHECKS SELECTED: * ALL TYPES

FUND SUMMARY

001	GENERAL	49,774.99
108	COUNTY HEALTH	75.00
126	COMM CORR ADULT	251.45
133	ROAD & BRIDGE	839.63
136	COMM CORR JUVENILE	201.16
138	JUV INTAKE & ASSESSMENT	201.16
144	PALS (PETS AND LOVING SENIORS	75.00
145	COUNCIL ON AGING	30,604.00
174	911	439.73
176	VETERANS TREATMENT COURT (16.753)	3,000.00
184	HIGH PRAIRIE TWP TRAFFIC IMPACT	154.00
189	TONGANOXIE TWP TRAFFIC IMPACT	1,480.00
220	CAP IMPR: RD & BRIDGE	40.25
TOTAL ALL FUNDS		87,136.37

CONSENT AGENDA 9/11/2024
CHECKS 8/31 - 9/6

Leavenworth County Request for Board Action

Date: September 11, 2024

To: Board of County Commissioners

From: Tammy Saldivar, Leavenworth County Solid Waste

Department Head Approval:

Additional Reviews as needed:

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

Action Requested: Adopt a rate increase of \$2.00/ton.

Recommendation: Approve and adopt the \$2.00/ton gate rate increase effective November 1, 2024.

Analysis: With our current hauling contract, the Consumer Price Index adjustment begins in July each year. This year it came in at 2.9% so the requested increase is to balance our business needs while retaining the necessary resources to continue providing a quality service to our county.

Alternatives:

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: N/A

Additional Attachments: Page 2 Section a of the effective January 1, 2023 Hamm Contract.

defined in RCRA. 2. Compensation. Leavenworth County shall pay Hamm for the performance of the Contract, subject to additions and deductions hereinafter provided or subsequently agreed to in writing between the parties, the base price of Thirty-One Dollars and Ninety cents (\$31.90) for each ton of solid waste hauled and disposed of by Hamm. Said base price shall be subject to the following:

a. Consumer Price Index adjustment: Beginning in July 2023 and each year thereafter, the CPI percentage increase or decrease as calculated for the previous 12-month period shall be added to the Base Price (Thirty-One dollars and Ninety cents \$31.90 for 2023) per ton. For the purpose of this agreement the Consumer Price Index for All Urban Consumers, U.S. City Average, for all items, published by the United States Department of Labor shall be used. The new fee will be calculated by Hamm and added to the billing for July services and all services thereafter. The adjusted price will become the new base price for purposes of calculating adjustments going forward.

b. Fuel Surcharge. A fuel surcharge fee to be added to the monthly cost for hauling and disposing of waste from the Leavenworth County's Transfer Station when the price of diesel fuel exceeds the base price below. The surcharge fee is based on the following information.

Base Diesel Fuel Price \$4.82

Basis of Future Price: Average monthly price for Midwest as posted from the Energy Information Administration of the U.S. Department of Energy.

Basis of Fuel Consumption: 5.5 miles per gallon.

Miles per trip: 78

$$\frac{(\text{No. of trips}) \times (\text{Round trip miles}) \times (\text{Avg. monthly price} - \$4.82/\text{gal})}{5.5 \text{ miles/gal.}}$$

Any applicable surcharge will be calculated by Hamm and added to the monthly billing.

c. Transportation Route. Hamm will utilize the shortest practical route between the County facility and its landfill.

d. Terms of Payment. Hamm shall invoice Leavenworth County weekly or monthly for transport and disposal of Solid Waste from transfer station. Billing will be provided showing the total amount owed on an invoice, and will include all statements and tickets associated with the invoice. Invoices sent by Hamm on or before the 15th day of each month shall be paid in full by Leavenworth County no later than the 15th day of the following month or 1 ½% interest shall be assessed on a monthly basis.

3. Governmental Mandates. For the purposes of this Contract, the term "regulatory change," shall mean any change after January 1, 2023, in any applicable state, federal or local regulations, or written interpretations, directives or requests thereof or thereunder (whether or not having force of law), by any court or governmental authority charged with the interpretation or administration thereof. If, as a result of a regulatory change, the cost to Hamm for performing its obligations under this Contract is increased, then Leavenworth County shall pay Hamm, upon demand, such actual additional cost. Hamm shall notify Leavenworth County as promptly as practicable of any

Leavenworth County Request for Board Action

Date: 9/3/2024

To: Board of County Commissioners

From: Public Works

Department Head Approval:

Additional Reviews as needed:

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

Action Requested: Approval for the purchase of two skid mounted roadside sprayers from Fairbank equipment.

Analysis: This is a replacement for our current two roadside sprayers that have depreciated out and are starting to wear out and break, thus needing to be replaced. We are requesting approval of the bid pricing for the purchase of two (2) skid mounted roadside sprayers from Fairbank Equipment. The bid from Fairbank Equipment was for \$24,611.35 each. This was the second lowest bid of the three bids received. This unit which includes a sprayer rate controller that automatically adjusts the spray rate and application rate according to the speed of the vehicle thus will be easier for the operator to manage accuracy for application of chemicals. This will also reduce the amount of chemicals used. It is estimated that this controller could reduce chemical usage and we should see a 18-20% reduction in chemicals used. This bid also includes upgraded hose reel, and a high-pressure belt driven pump versus a direct drive pump. The other bid that was presented doesn't include these additional upgrades.

The low bidder has not provided any of the specs for their equipment to ensure that meets the requirements of the bid specifications. The hose reel is marked as not meeting specifications by the vendor. We simply do not have any information to verify if any other parts do not meet spec only the vendor marking the box yes. The existing equipment will be sold on PurpleWave. We have spent over \$3000 in the past year to keep one of the units operational.

Recommendation: Approval

Alternatives:

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: \$49,222.70

Additional Attachments: Bid Tab and Bids

BID FORM

The bid form must be completed and included in the bids for the following.

Bid Price for (1) Road Side Sprayer

\$ 24,611.35

GRAND TOTAL (2) Road Side Sprayers

\$ 49,222.70

NOTICE TO BIDDERS:

*Leavenworth County reserves the right to reject any and all bids and waive any nonconformity in any submitted bid.

*Time of delivery must be specified below.

* Vehicles must be delivered and ready to use within 120 days of awarded contract.

Sealed bids must be received by:

Tuesday, September 3, 2024 at 10:00 a.m.

Please submit all sealed bids to:

Leavenworth County Clerk

300 Walnut, Suite 106

Leavenworth, KS 66048

Your Company Name:

Fairbank Equipment

3700 Jewell, Wichita, KS 67212

Name (Printed):

Paul Kear

Date:

8-14-24

*Delivery of vehicles

Normal delivery would be 120 day

We are moving our facility to a new location in November 2024. Therefore our shop will be closed for most of that month. As these are plow trucks spring time would probably work best for both parties.

Leavenworth County Noxious Weed Road Side Sprayer Specifications

Specifications for road side Sprayer

Mounted on 2023 Chevrolet 3500 with 11'X96" f with 11 ft. x 96" flatbed.	Meets Specs (Y/N)	Comments
Frame : Complete sprayer should be mounted on heavy duty frame with skid tubes for forklift unit removal	Y	
Tank 400 gallons, poly tank with baffles on full length saddle. jet agitation Tank valve strainer Rear fill 2" shut off valve	Y Y Y Y Y	Tank Valve 3" strainer on pump outlet
Engine: Honda GX 270, 9 hp, electric start. To be started and stopped inside of cab.	Y	
Hose Reel: PW -2 Hannay with 150ft. x 1/2", 800 psi sprayer to be Green Garde 38688. Hydro Model 3381-0010 or equivalent, spray gun. Mounted on right hand side.	N Y Y	PW-2 Hannay 12 Volt Electric Reel Capacity E 1520-117-18 with guide rollers Holds 150ft Hb.
Pump: High pressure pump package to include 1.5 x 1.25 straight centrifugal min. of 100- gpm and 110-psi max pressure with switch to shut off inside of cab.	Y Y	Hydro 9203C Pump Belt Driven
Spray boom: Front mounted 3 nozzle boom to spray 10, 20 & 30 feet swaths. Each boom nozzle to be plumbed to 12-volt valve Control to be simple toggle switch to be mounted inside of cab Unit to be mounted in Boss snow plow brackets that are on trucks	Y Y N Y	Raven 450 Rte Controller 6 boom switches To be mounted in cab with Ram computer mount
Misc. : glycerin filled 160 psi pressure guage. Line strainer to be on outlet side of pump. Garden hose outlet with shut off valve plumbed near rear for filling of other sprayers Electric wiring to be a single, weather tight connector 9 gallon safety container mounted on unit	Y Y Y Y N	6.5 gallon Safety Water container with glove & Goggles compartment

Notice To Bidder:

Any questions call Zac Evans 913-727-4910 between the hours of 7:30 am to 4:00 pm Monday thru Friday.

Leavenworth County reserves the right to reject any and all bids and to waive any non-conformity in any submitted bid and to remove any trade equipment from the bid.

Equipment supplier must return completed specifications along with the bid form by the published date.

If additional information outside of the specifications needs to be included, please provide that information in the section below.

Additional Comments:

Our sprayer will come with Raven Rate Controller which automatically adjust rate according to speed and application Ratio. This will save fatigue on your drivers and will save chemical over application. Application accuracy is improved over conventional Switch Systems. On average customers report 18-20% savings on chemicals when using a Raven rate Controller.

FAIRBANK EQUIPMENT - WICHITA BRANCH
3700 W Jewell St
PO Box 13237
WICHITA KS 67213-0237
316-943-2247 Fax 316-943-6510

Quotation

QUOTE DATE	QUOTE NUMBER
08/13/24	S2455511
ORDER TO: FAIRBANK EQUIPMENT - WICHITA B 3700 W Jewell St PO Box 13237 WICHITA KS 67213-0237	PAGE NO 1

QUOTE TO:
 Leavenworth County Weed Department
 23674 187th St
 LEAVENWORTH, KS 66048-8321

SHIP TO:
 Leavenworth County Weed Department
 23674 187th St
 LEAVENWORTH, KS 66048-8321

CUSTOMER NUMBER		CUSTOMER ORDER NUMBER		RELEASE NUMBER		SALESPERSON			
17552		Spray Truck				Wichita House- Speci			
WRITER		SHIP VIA		TERMS		SHIP DATE		FREIGHT ALLOWED	
PAUL KEAR		QUOTE / BID		NET DUE 15 DAYS		05/27/25		No	
ORDER QTY	PART NO	DESCRIPTION				Net		Extended	
1ea	58510	FB-9203C-H				1767.760		1767.76	
1ea	29667	FAIRBANK HYPRO - HONDA PUMP PKG				2517.515		2517.52	
1ea	30928	063-0171-220				484.484		484.48	
1ea	88119	RAVEN CONSOLE ASSY SCS 450				540.570		540.57	
1ea	23942	115-0171-085				460.460		460.46	
1ea	79954	RAVEN 10' SCS CONSOLE CABLE NEW				697.697		697.70	
1ea	65563	STYLE				416.880		416.88	
1ea	36658	RAVEN 12' FLOW CONTROL CABLE FOR 6				25.209		25.21	
13ea	32562	SECTIONS SCS 440/450				45.204		587.65	
1ea	17730	063-0172-125				221.867		221.87	
150ft	56485	RAVEN 1" POLY CONTROL VALVE FLANGED				4.465		669.75	
1ea	28165	063-0171-985				712.530		712.53	
		RAVEN RFM60P FLOWMETER HIGH PULSE							
		DS-GPSM-R5							
		GPS SPEED SENSOR for Raven							
		SENSOR ONE							
		10528							
		ACE 16" THREADED LID W/ AIR							
		BREATHER							
		SB2							
		SURGE BUSTER FOR 16" LID							
		GAL DIVIDED BY 32 = NUMBER NEEDED							
		FOR WATER							
		7.901.103B							
		UDOR LONG RANGE GUN, 17", 1/2" BARB							
		3381-0010							
		38688 1/2" 800PSI							
		1/2" NEON GREEN GARDE HOSE							
		HE0400-57							
		ACE 400 ELLIPTICAL TANK							
*** Continued on Next Page ***									

FAIRBANK EQUIPMENT - WICHITA BRANCH
3700 W Jewell St
PO Box 13237
WICHITA KS 67213-0237
316-943-2247 Fax 316-943-6510

Quotation

QUOTE DATE	QUOTE NUMBER
08/13/24	S2455511
ORDER TO: FAIRBANK EQUIPMENT - WICHITA B 3700 W Jewell St PO Box 13237 WICHITA KS 67213-0237	PAGE NO 2

QUOTE TO:
 Leavenworth County Weed Department
 23674 187th St
 LEAVENWORTH, KS 66048-8321

SHIP TO:
 Leavenworth County Weed Department
 23674 187th St
 LEAVENWORTH, KS 66048-8321

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON	
17552	Spray Truck		Wichita House- Speci	
WRITER	SHIP VIA	TERMS	SHIP DATE	FREIGHT ALLOWED
PAUL KEAR	QUOTE / BID	NET DUE 15 DAYS	05/27/25	No
ORDER QTY	PART NO	DESCRIPTION	Net	Extended
1ea	28166	HE0400-C	593.300	593.30
1ea	6799	ACE 400 ELLIPTICAL CRADLE		
1ea	68769	PEN 3/4POLY	46.904	46.90
		PENBERTHY 3/4" EDUCTOR		
		E1520-17-18-C2	1045.000	1045.00
		HANNAY REEL 12V WITH C-2 ROLLER		
		ASSY LAWN CARE 175' 1/2" HOSE		
		** NON-STOCK ITEM **		
		Painted Red MGHT on riser C2 top		
		rewind roller assembly.		
1ea	56038	260-11R	121.329	121.33
1ea	36286	BOOM BUSTER NOZZLE		
1ea	17848	375-R	129.903	129.90
		BOOM BUSTER NOZZLE		
1ea	40282	437-R	133.381	133.38
		BOOM BUSTER ROADSIDE NOZZLE		
3ea	56122	8210G3	341.053	1023.16
		3/4" ASCO VALVE 12V DC		
1ea	88676	K2G20-12V-BR-06VMS	1436.222	1436.22
		KODIAK 6" ACTUATOR		
1ea	91197	RAM-VB-203-SW2	366.784	366.78
		RAM MT FOR 2019-20 CHEVY, LESS BOX		
		** NON-STOCK ITEM **		
		Mount for raven console with		
		remote start/kill		
1ea	4886	6000-30	222.977	222.98
		TANK KIT, 6.5GAL-YELLOW W/LID"		
1ea	10302	GG200	10.021	10.02
		200# GLYC GAUGE		
1ea		FB-PK	2000.000	2000.00
		PLUMBING KIT		
*** Continued on Next Page ***				

FAIRBANK EQUIPMENT - WICHITA BRANCH
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PO Box 13237
WICHITA KS 67213-0237
316-943-2247 Fax 316-943-6510

Quotation

QUOTE DATE	QUOTE NUMBER
08/13/24	S2455511
ORDER TO: FAIRBANK EQUIPMENT - WICHITA B 3700 W Jewell St PO Box 13237 WICHITA KS 67213-0237	PAGE NO 3

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 Leavenworth County Weed Department
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CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON	
17552	Spray Truck		Wichita House- Speci	
WRITER	SHIP VIA	TERMS	SHIP DATE	FREIGHT ALLOWED
PAUL KEAR	QUOTE / BID	NET DUE 15 DAYS	05/27/25	No
ORDER QTY	PART NO	DESCRIPTION	Net	Extended
1ea	69540	Tank frame with fork tubes for easy removal All suction/discharge plumbing Bottom rear fill 2" cam. 1" gardenhose outlet with shutoff Hose on outlet to fill utv sprayers. BOOM FRAMES: PER CUSTOMER SPECIFICATIONS ** NON-STOCK ITEM ** 3 nozzle passenger side front boom 1 437R 1 375-R 1 260-11R Boom to mount to Boss snow plow bracket.	2000.000	2000.00
58ea	99082	LABOR CHARGE: BILLABLE SPRAY TRUCK BUILD CHEVY 3500HD Sprayer to be fully removeable from customers truck.	100.000	5800.00
1ea	17752	SHOP SUPPLIES MISC SUPPLIES USED TAXES NOT INCLUDED	580.000	580.00

This is a Quotation.

Price are firm for 10 days, subject to change without notice after 10 days.
 Applicable taxes extra.

Subtotal	24611.35
S&H CHGS	0.00
Amount Due	24611.35

BID FORM

The bid form must be completed and included in the bids for the following.

Bid Price for (1) Road Side Sprayer

\$ 17,900

GRAND TOTAL (2) Road Side Sprayers

\$ 35,800

NOTICE TO BIDDERS:

*Leavenworth County reserves the right to reject any and all bids and waive any nonconformity in any submitted bid.

*Time of delivery must be specified below.

* Vehicles must be delivered and ready to use within 120 days of awarded contract.

Sealed bids must be received by:

Tuesday, September 3, 2024 at 10:00 a.m.

Please submit all sealed bids to:

Leavenworth County Clerk

300 Walnut, Suite 106

Leavenworth, KS 66048

Your Company Name:

Sprayer Specialties, Inc

Name (Printed):

Joe Bonewitz

Date:

8/28/2024

*Delivery of vehicles

10-15 weeks after order is submitted
or sooner



Joe Bonewitz
Location Manager

Email: Joe@sprayers.com
Phone: 877-829-8502
Cell: 913-787-1580
Fax: 913-856-7441

30070 W 191st St
Gardner, KS 66030
www.sprayers.com
www.agsprayerparts.com

Leavenworth County Noxious Weed Road Side Sprayer Specifications

Specifications for road side Sprayer

Mounted on 2023 Chevrolet 3500 with 11'X96" f with 11 ft. x 96" flatbed.	Meets Specs (Y/N)	Comments
Frame : Complete sprayer should be mounted on heavy duty frame with skid tubes for forklift unit removal	Y	
Tank 400 gallons, poly tank with baffles on full length saddle. jet agitation	Y	
Tank valve strainer	Y	
Rear fill	Y	
2" shut off valve	Y	
Engine: Honda GX 270, 9 hp, electric start. To be started and stopped inside of cab.	Y	
Hose Reel: PW -2 Hannay with 150ft. x 1/2", 800 psi sprayer to be Green Garde 38688. Hydro Model 3381-0010 or equivalent, spray gun. Mounted on right hand side.	N	600 psi hose, 800 psi N/A
Pump: High pressure pump package to include 1.5 x 1.25 straight centrifugal min. of 100- gpm and 110-psi max pressure with switch to shut off inside of cab.	Y	
Spray boom: Front mounted 3 nozzle boom to spray 10, 20 & 30 feet swaths. Each boom nozzle to be plumbed to 12-volt valve Control to be simple toggle switch to be mounted inside of cab	Y	
Unit to be mounted in Boss snow plow brackets that are on trucks	Y	
Misc. : glycerin filled 160 psi pressure guage. Line strainer to be on outlet side of pump. Garden hose outlet with shut off valve plumbed near rear for filling of other sprayers Electric wiring to be a single, weather tight connector 9 gallon safety container mounted on unit	Y	

Notice To Bidder:

Any questions call Zac Evans 913-727-4910 between the hours of 7:30 am to 4:00 pm Monday thru Friday.

Leavenworth County reserves the right to reject any and all bids and to waive any non-conformity in any submitted bid and to remove any trade equipment from the bid.

Equipment supplier must return completed specifications along with the bid form by the published date.

If additional information outside of the specifications needs to be included, please provide that information in the section below.

Additional Comments:



COUNTY OF LEAVENWORTH
OPENING 09.03.2024
BID TABULATION - FINAL Roadside
Sprayers



Item Description		IVM Solutions LLC Hot Springs, ARK		Sprayer Specialites, Inc Gardner, KS		Fairbank Equipment KS Wichita,	
		Each	Total Cost	Each	Total Cost	Each	Total Cost
Roadside sprayer x 2	Each	\$29,787.50	\$59,575.00	\$17,900.00	\$35,800.00	\$24,611.35	\$49,222.70
Leavenworth County Contractor (local preference, percentage difference from lowest bid)			\$59,575.00		\$35,800.00		\$49,222.70

Leavenworth County Request for Board Action

Date: 9/3/2024

To: Board of County Commissioners

From: Public Works

Department Head Approval:

Additional Reviews as needed:

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

Action Requested: Approval of the low bid by Central Salt for 2024-2025 winter salt for snow and ice removal.

Analysis: This year's bid was a very small margin less than last year's salt cost. Central Salt is at times hard to get salt from but we try to plan ahead and store as much material as our facilities will hold prior to winter and keep them as full as possible anytime we use salt by immediately ordering more after every storm event.

Attached are the bids for the 2024-2025 (Prices have gone down)

Central	\$58.32
Independent	\$59.75
Hutchinson	\$59.07

2023-2024 (LAST YEARS COSTS)

Central	\$58.74
Independent	\$62.10
Hutchinson Salt	\$64.30

Recommendation: Approval

Alternatives:

Budgetary Impact:

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

Additional Attachments: Bid Tab



COUNTY OF LEAVENWORTH
Salt supplier bid opening 09.05.2024
BID TABULATION- FINAL



Item Description			Compass Minerals Overland Park, KS	Hutchinson Salt Baxter Springs, KS	Independent Salt Co. Kanopolis, KS	Cargill North Olmsed, OH	Central Salt LLC Lyons, KS
	Unit	Quantity	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
Bid Price (Up to 3000 tons, with option to purchase additional.	Per Ton	1	No Bid	\$59.07	\$59.75	No Bid	\$58.32
Alternate Bid Price (to include Basehor, Tonganoxie, Lansing & Leavenworth Cities as per bid specifications)	Per Ton	1	No Bid	\$59.07	\$59.75	No Bid	\$58.32
Leavenworth County Contractor (local preference, percentage difference from lowest bid)							

Leavenworth County Request for Board Action

Date: September 5, 2024

To: Board of County Commissioners

Cc: Mark Loughry, Misty Brown, Bill Noll, Joe McAfee

From: David C. Van Parys

Department Head Approval: N/A

Additional Reviews as needed:

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

Action Requested: Authorize initiation of proceedings in eminent domain to acquire certain necessary easements for the Tonganoxie Road Safety project

Recommendation: Authorize initiation of proceedings in eminent domain to acquire certain necessary easements for the Tonganoxie Road Safety project.

This recommendation can be accomplished through the adoption of the following motion:

“Mr. Chairman, I move that this board authorize the initiation of proceedings in eminent domain to acquire certain easements necessary for KDOT Project No. 52C-5242, Tonganoxie Drive, 187th Street to 189th Street High Risk Road project.”

Analysis: Public Works has successfully acquired the easements necessary for the Tonganoxie Road Safety Project to be completed. Save one. The county has not been successful in negotiating with the owners the acquisition of the necessary easements on one parcel. Acquisition of the easements in question is necessary for the public purpose of improving a road.

Alternatives: (1) Redesign the project at great cost to the public; (2) Abandon the project. Given the time constraints at play, tabling of this matter is not recommended and could lead to the de facto adoption of alternative 2.

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: Funds for the acquisition of the easements has been included in the project budget previously approved.

Additional Attachments: None.

Leavenworth County Request for Board Action

Date: September 5, 2024

To: Board of County Commissioners

Cc: Mark Loughry, Dr. San Soma, John Jacobson, Misty Brown

From: David C. Van Parys

Department Head Approval: N/A

Additional Reviews as needed:

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

Action Requested: Approval of a third Quit Claim Deed to properly transfer ownership of a tract of land previously owned and utilized by the county as a facility for a sewer district.

Recommendation: Approval of a third Quit Claim Deed to properly transfer ownership of a tract of land previously owned and utilized by the county as a facility for a sewer district

Analysis: Prior conveyances either contained the naming of a non-existent party to the deed or did not address survey issues arising over the 24+ years from the original conveyance to the county. The county surveyor and GIS dept have reviewed the legal description contained in the Quit Claim Deed before you this day, recommending that it be authorized for recording in order to rectify discrepancies on the West boundary line of the property and the adjoining property.

Legal counsel for the persons to whom the property will be transferred to approves of this action.

Alternatives: No rationally viable alternatives

Budgetary Impact: .None

- ☐ 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: N/A

Additional Attachments: Copy of Quit Claim Deed, map showing survey discrepancies

QUIT CLAIM NEED

THIS INDENTURE, made this _____ day of September, 2024, between The Board of County Commissioners of the County of Leavenworth, Kansas (“Grantor”), and Audra Raylene Dodd, a married person, and Joyce Carlene Scott, a single person, as tenants in common (“Grantee”).

WITNESSETH, that said Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) to Grantor duly paid, the receipt of which is duly acknowledged, has sold, and by these presents does GRANT, BARGAIN, SELL, RELEASE AND FOREVER QUIT CLAIM unto said Grantee, Grantee’s heirs and assigns forever, all of the following described tract, piece, and parcel of land, situated in Leavenworth County, Kansas, to wit:

A tract of land in the West half of Section 14, Township 11 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas, prepared by Daniel Baumchen, PS-1363 on August 28, 2024, described as follows:

Commencing at the Southeast corner of Lot 47, Glenwood Estates Subdivision; thence South 70° 31’ 19” West, 111.17 feet to the point of beginning of this tract; thence South 84° 25’ 23” East, 325.00 feet; thence South 05° 35’ 27” West, 564.00 feet; thence North 84° 25’ 23” West, 325.00 feet to the West line of Lot 2 of Glenwood Ridge Elementary Subdivision; thence North 05° 35’ 27” East along said West line, 159.53 feet; thence North 47° 41’ 31” West, continuing along said West line, 24.95 feet; thence North 05° 35’ 27” East, continuing along said West line, 389.55 feet; thence South 84° 25’ 23” East, departing from said West line, 20.00 feet to the point of beginning. Containing 4.4 acres more or less.

TO HAVE AND HOLD THE SAME, together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

Pursuant to K.S.A. 79-1437e(a), a real estate validation questionnaire is not required due to exemption number 3.

Signed, sealed and delivered in the presence of us:

Jeff Culbertson, Chair

Vicky Kaaz

Doug Smith

Mike Smith

Mike Stieben

ACKNOWLEDGMENT

STATE OF KANSAS

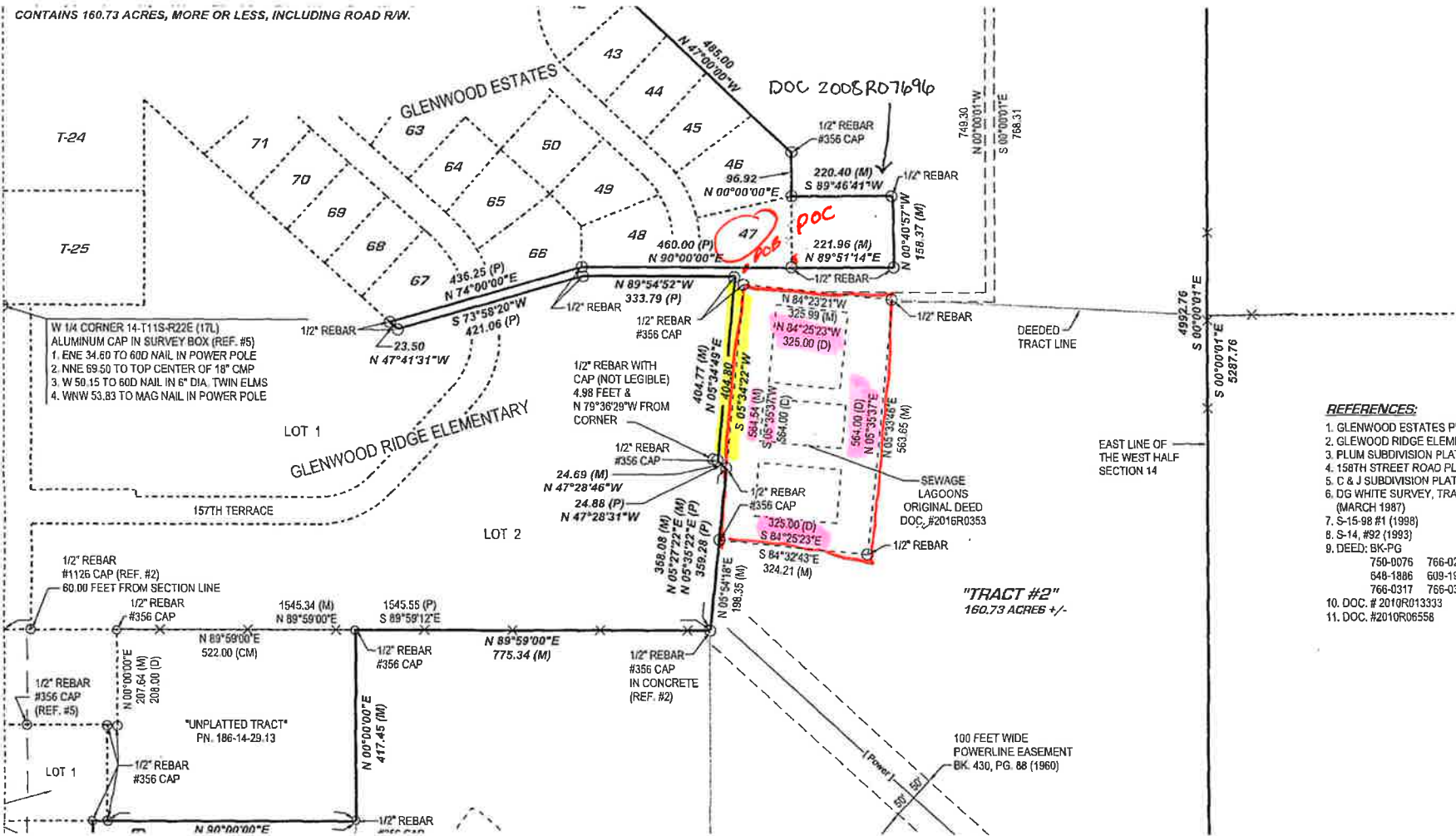
COUNTY OF LEAVENWORTH

This instrument was acknowledged before me on ____ September, 2024, by Jeff Culbertson, Vicky Kaaz, Doug Smith, Mike Smith and Mike Stieben, being all members of the Board of County Commissioners of the County of Leavenworth, Kansas, who are personally known to me, and who each executed the foregoing Quitclaim Deed and acknowledged their execution of the same.

NOTARY PUBLIC

SEAL:

CONTAINS 160.73 ACRES, MORE OR LESS, INCLUDING ROAD R/W.



REFERENCES:

1. GLENWOOD ESTATES PLAT
2. GLENWOOD RIDGE ELEMENTARY PLAT
3. PLUM SUBDIVISION PLAT
4. 158TH STREET ROAD PLANS (2000)
5. C & J SUBDIVISION PLAT
6. D.G. WHITE SURVEY, TRACTS IN NW 1/4 SECTION 14 (MARCH 1987)
7. S-15-98 #1 (1998)
8. S-14, #92 (1993)
9. DEED: BK-PG

750-0076	766-0298	744-0302
648-1886	609-1994	525-1896
766-0317	766-0318	1005-2110
10. DOC. # 2010R01333
11. DOC. #2010R06558

**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 11, 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** ☒

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.

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 an 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.

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 11, 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 13, 2024 after its adoption and publication in the official County newspaper.

Adopted this 11th 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~~ 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 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

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 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) **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

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

STAFF RECOMMENDATION:

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

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.

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

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 1/100th 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)~~

Resolution 2024-13

2024 Comprehensive Plan Annual Review

Staff Report – Board of County Commissioners

September 11, 2024

GENERAL INFORMATION:

Applicant: Leavenworth County Planning and Zoning Department

Planner: John Jacobson

REQUEST:

Adopt the Leavenworth County Comprehensive Plan with the proposed amendments, as recommended by the Planning Commission.

The 2024 Comprehensive Plan Annual Review is a state requirement to ensure that the recommendations of a community's plan are being regularly reviewed and compared to the actions being taken. As part of the 2024 Annual Review process, Planning Staff have prepared action matrices for proposed actions to be taken in 2024 and 2025, provided an update on all actions outlined in the Comprehensive Plan and identified the proposed amendments to strategies outlined in the attached report.

A joint work session was held between the Board of County Commissioners and the Planning Commission on May 8, 2024. The proposed amendments were discussed.

This item was considered at the July 3, 2024 Board of County Commission meeting and was tabled to allow for further review of the recommendation.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted 7-0 to recommend approval of the 2024 Comprehensive Plan Annual Review and also approved staff recommendations to amend the Comprehensive Plan.

ACTION OPTIONS:

1. Approve the Planning Commission's recommendations and adopt Resolution 2024-13 amending the Leavenworth County Comprehensive Plan, in whole or in part, with findings of fact; or
2. Take no further action on Resolution 2024-13 amending the Leavenworth County Comprehensive Plan with findings of fact; or
3. Remand the recommendations or parts thereof back to the Planning Commission for further consideration along with a written statement of the reasons for disapproving the same or with suggested modifications.

ATTACHMENTS:

2024 Comprehensive Plan Update
Public Comments
Resolution
Appendix A

Leavenworth County 2024 Comprehensive Plan Update

Staff Report – Planning Commission

April 10, 2024

GENERAL INFORMATION:

Applicant: Leavenworth County Planning and Zoning Department

Planner: Amy Allison

REQUEST:

The Leavenworth County Comprehensive Plan was adopted in 2020. According to KSA-12-747 the Planning Commission shall review the Comprehensive Plan on a yearly basis. This review, upon completion, will fulfill the requirement for the year 2024. During the review process, Staff reached out to affected County Departments requesting amendments, corrections or clarification. Their comments have been included in the recommendations for amendments as well as the Action Matrixes for 2024 & 2025.

RECOMMENDED AMENDMENTS

Holistic Implementation Measures							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4:	Review the Plan periodically and strategically; Prepare an Annual Progress Report						
	Conduct an internal update of the Plan every three to five years; dovetail this review with the preparation of the county budget and capital improvements program	Process	Planning & Zoning, Public Works, Commissioners	Low	Low	Proposed for 2025	
Strategy 6:	Widely Communicate and Market the Plan to celebrate the Plan's successes						
	Regularly maintain and update the Plan website (www.lvcountyplan.com) with progress and changes; utilize the email marketing tool integration to send update emails out to the contact list. Amend	Program	Planning & Zoning	Low	Low	Amend - 2024	
	Utilize the developed project branding style guide to ensure a consistent look and feel in Plan-related messaging.	Process	Planning & Zoning	Low	Low	Amend - 2024	

Land Use and Economic Development Implementation Measures							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4:	Develop and adopt an economic development strategic plan						
	Identify funding for an economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning, economic development goals and policies, and stakeholder input	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
	Develop a county economic development strategic plan with robust stakeholder input	Plan	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Consider regional and municipal economic development activities in the economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
Strategy 5:	Create an economic development roundtable						
	Identify critical participants, including public, private, and nonprofit partners, in the economic development roundtable to be part of the first line of communication between businesses and local government and subsequent recommendations to the Planning Commission and County Commission	Process	Economic Development Planning & Zoning , County Administrator, LCDC, Commissioners	Medium	Low	Proposed 2025	
	Standardize the economic development roundtable's meeting schedule, member responsibilities, and goals, as they relate to business recruitment and retention; workforce development and training; marketing; regional collaboration; and strategic economic development planning.	Program	Economic Development Planning & Zoning , County Administrator, LCDC	Medium	Low	Proposed 2025	
	Invest in online mapping software that can be integrated into the county's website in order to show the spatial location of available properties and incentives.	Process	Economic Development Planning & Zoning , County Administrator, LCDC	Medium	Medium	Proposed 2025	

ACTION MATRIXES

This year, Staff has prepared action matrixes to track the progress of all strategies of the Comprehensive Plan as well as identify those strategies that will be scheduled for the 2024 & 2025 calendar years. These matrixes are designed to be updated and modified as strategies are completed or adapted to meet the goals of the Plan. The action matrixes are attached.

TOP PRIOTIES

The top three priorities that staff proposes to work on in 2024 are:

1. Create a Special Use Permit Tiering System
2. Expand the Home Occupation License Regulations to allow more uses
3. Creation of the Utilities Commission

STAFF RECOMMENDATION:

Staff recommends approving the amendments suggested above and proceeding with the action matrixes as presented.

ACTION OPTIONS:

1. Recommend approval of the proposed amendments for the 2024 Annual Comprehensive Plan Review, to the Board of County Commission, with Findings of Fact; or
2. Recommend denial of the proposed amendments for the 2024 Annual Comprehensive Plan Review, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

ATTACHMENTS:

2024 Annual Review Presentation
2024 Action Matrix
2025 Action Matrix



LEAVENWORTH COUNTY COMPREHENSIVE PLAN ANNUAL REVIEW

2024





2024 ANNUAL REVIEW OBJECTIVES

Annual Reviews should consider the strategies of a Comprehensive Plan and plan for what the focus will be in the upcoming year

- Provide a status report of the strategy matrix
- Amend strategies to reflect current policies or trends and eliminate strategies that are no longer feasible or applicable
- Designate strategies to focus on in 2024
- Schedule strategies for 2025 and 2026

STATUS REPORT

Holistic Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 1:	Adopt the Updated Comprehensive Plan (Date of approval: 20201109)						
	Post final draft Plan to the county website prior to Planning Commission and County Commission adoption hearings	Process	Planning & Zoning, Commissioners	High	Low	Complete	9-Nov-20
	Determine when and how the Leavenworth County Planning and Zoning Department will utilize the Plan during the development review process and communicate to Planning Commission and County Commission	Process	Planning & Zoning, Commissioners	High	Low	Ongoing	
	Present the Plan to the Planning Commission for recommendation of adoption and to the County Commission for Adoption	Policy	Planning & Zoning, Commissioners	High	Low	Complete	9-Nov-20
Strategy 2:	Amend Relevant Regulations and Plans						
	Conduct a thorough review of the existing zoning and subdivision regulations and compile a comprehensive list of changes (with exact policy text) necessary to align county zoning and subdivision regulations with the intent of the Plan	Process	Planning & Zoning, Commissioners	High	Low	Annual Review	
	Conduct a thorough review of the existing plans, such as the U.S. 24/40 Corridor Study, and compile a comprehensive list of changes (with exact policy text) necessary to align the plans with the intent of the Plan	Process	Planning & Zoning, Public Works, Commissioners	High	Low	Proposed for 2025	
	Communicate changes with county residents through the Planning & Zoning Department's webpage on the county website	Process	Planning & Zoning, Commissioners	High	Low	Ongoing	
	Present proposed plan amendments to the Planning Commission for recommendation of approval and to the County Commission for approval	Policy	Planning & Zoning Dept., Commissioners	High	Low	Annual Review	

Holistic Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 3:	Use the Plan on a Day-to-Day Basis						
	Evaluate all improvement and development proposals within the county by the Plan's targets and strategies to assess whether the proposal aligns completely, partially aligns, or does not align with the Plan	Process	Planning & Zoning, Commissioners	Low	Low	Ongoing	
	Assist the Planning Commission and County Commission in the day-to-day administration, interpretation, and application of the Plan	Process	Planning & Zoning, Commissioners	Low	Low	Ongoing	
Strategy 4:	Review the Plan periodically and strategically; Prepare an Annual Progress Report						
	Maintain a list of current possible amendments, issues, or needs that may be a subject of change, addition or deletion from the Plan	Process	Planning & Zoning	Low	Low	Annual Review	
	Monitor demographic and market data as it becomes available to alter land use-specific demand projections	Process	Planning & Zoning, Economic Development	Low	Low	Proposed for 2025	
	Prepare an annual progress report and presentation to present to the Planning Commission and County Commission that describes the list of successes and possible amendments, issues or needs that may be subjects of change, addition or deletion from the Plan	Process	Planning & Zoning, Commissioners	Low	Low	Annual Review	
	Conduct an internal update of the Plan every three to five years; dovetail this review with the preparation of the county budget and capital improvements program	Process	Planning & Zoning, Public Works, Commissioners	Low	Low	Proposed for 2025	

Holistic Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 5:	Educate Elected Officials, County Departments, Local Municipalities and the Public						
	Conduct a work session with the Planning Commission and County Commission to educate them on the findings and recommendations of the Plan as leadership changes; prepare a key takeaways document for easy reference after the presentation.	Process	Planning & Zoning, County Administrator, Commissioners	Low	Low	Proposed for 2024	
	Meet with relevant department heads and local municipal leaders to explain the findings and recommendations of the Plan; prepare a succinct presentation and provide a copy of it to the department heads and local municipal leaders.	Process	Planning & Zoning, Public Works, County Administrator, Municipalities, Commissioners	High	Low	As needed	2023
	Make copies of the Plan available online for free and provide hard copies at the County Courthouse for purchase	Process	Planning & Zoning	High	Low	Complete	9-Nov-20
	Aid the public in explaining the Plan and its relationship to private and public development projects and other proposals, as appropriate	Process	Planning & Zoning, Commissioners	Low	Low	Ongoing	
	Draft a summary document at that includes key recommendations from the Plan that can be distributed to residents, developers, businesses and other interested parties.	Process	Planning & Zoning Dept.	High	Low	Proposed for 2024	
Strategy 6:	Widely Communicate and Market the Plan to celebrate the Plan's successes						
	Post the final Plan on the City's and county's website	Process	Planning & Zoning	High	Low	Complete	9-Nov-20
	Provide a copy of the Plan to each county department	Process	Planning & Zoning	High	Low	Complete	9-Nov-20
	Regularly maintain and update the Plan website (www.lvcountryplan.com) with progress and changes; utilize the email marketing tool integration to send update emails out to the contact list. Amend	Program	Planning & Zoning	Low	Low	Amend - 2024	
	Post updates related to the Plan on the county's social media accounts	Program	Planning & Zoning	Low	Low	Ongoing	
	Utilize the developed project branding style guide to ensure a consistent look and feel in Plan-related messaging.	Process	Planning & Zoning	Low	Low	Amend - 2024	

Holistic Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 7:	Develop strong relationships with implementation partner organizations						
	Ensure open communication lines between the county and vital implementation partner organizations, such as the Leavenworth County Development Corporation, Leavenworth County Port Authority and Leavenworth County Council on Aging	Process	Planning & Zoning, County Administrator, Economic Development, Leavenworth County Development Corporation, Leavenworth County Port Authority, Leavenworth County Council on Aging, Commissioners	Low	Low	Ongoing	
	Gather demographic and market insight and research from implementation partner organizations to avoid duplicative efforts as the Plan is updated to reflect changing conditions	Program	Planning & Zoning, County Administrator, Economic Development, Leavenworth County Development Corporation, Leavenworth County Port Authority, Leavenworth County Council on Aging, Commissioners	Low	Low	Proposed for 2025	

Land Use and Economic Development Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 1:	Create Commercial and Mixed Use Development and Redevelopment Plans with Incentives along identified key corridors and at specific intersections						
	Prepare incentive plans and assistance packages to spur the development of the U.S. 24/40 corridor between Basehor and Tonganoxie; the intersection of U.S. 24/40 and CR-1; and 155th Street between Basehor and Lansing; the package should detail the proposed uses on the site, as well as the site's advantages	Process	Economic Development, Planning & Zoning, Public Works	Medium	Medium	Complete	2023
	Consider preparing a Request for Proposal for the above mentioned corridors and intersections to send to interested developers; the RFP should detail the available incentive and assistance package; high standards for site and building design should be required	Process	Economic Development, Planning & Zoning, Public Works	Medium	Low	Complete - Use As Needed	2023
	Use the County's existing online mapping software to show the spatial location of available properties and incentives	Process	Economic Development, Planning & Zoning, Public Works	Medium	Medium	Complete - Use As Needed	2023
Strategy 2:	Update the Special Use Permit Categories and Review and Monitoring Process						
	Create a tiered review and approval system for special uses within the county with different categories of special uses, dependent on their scale, use and potential impact on the health, safety, welfare and property values of surrounding properties, using page 81 of this Plan as a guide	Policy	Planning & Zoning, County Administrator, County Attorney, Commissioners	High	Low	Proposed 2024	
	Consider longer approval terms for lower special uses within the County	Policy	Planning & Zoning, Commissioners	High	Low	Complete	2022
	Integrate the Land Evaluation component of the Land Evaluation and Site Assessment (LESA) system into the special use permit review process, as spelled out in the county's zoning and subdivision regulations, to identify areas of and protect the most productive farmland.	Policy	Planning & Zoning	High	Low	Proposed 2024	

Land Use and Economic Development Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 3:	Integrate a "Land First" approach into the development review process, and a clear analysis of such an approach into County Planning Staff Reports						
	Update the County's zoning and subdivision regulations to include graphic examples and descriptive text that illustrates conservation design principles, as described on page 82.	Process	Planning & Zoning, Commissioners	High	Low	Proposed 2024	
	Work with and educate development review applicants on ways to incorporate conservation design principles into their development proposals	Process	Planning & Zoning, Commissioners	Low	Low	Ongoing	
	Consider the use of incentives to encourage applicants to incorporate conservation design principles into their development proposals.	Policy	Planning & Zoning, Commissioners	Low	Low	Proposed 2024	
Strategy 4:	Develop and adopt an economic development strategic plan						
	Identify funding for an economic development strategic plan	Process	Economic Development, Planning & Zoning, County Administrator	Medium	Medium	Proposed 2024	
	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning , economic development goals and policies, and stakeholder input	Process	Economic Development, Planning & Zoning, County Administrator	Medium	Low	Proposed 2024	
	Develop a county economic development strategic plan with robust stakeholder input	Plan	Economic Development, Planning & Zoning, County Administrator	Medium	Medium	Proposed 2024	
	Consider regional and municipal economic development activities in the economic development strategic plan	Process	Economic Development, Planning & Zoning, County Administrator	Medium	Low	Proposed 2024	
	Develop a comprehensive economic development incentive policy demonstrating the availability, applicability and utilization of various incentives to enhance the local economy through business attraction, business retention and entrepreneurship	Policy	Economic Development, County Administrator, Commissioners	On-Going	Low	Complete	2023

Land Use and Economic Development Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 5:	Create an economic development roundtable						
	Identify critical participants, including public, private, and nonprofit partners, in the economic development roundtable to be part of the first line of communication between businesses and local government and subsequent recommendations to the Planning Commission and County Commission	Process	Planning & Zoning, County Administrator, LCDC, Commissioners	Medium	Low	Proposed 2025	
	Standardize the economic development roundtable's meeting schedule, member responsibilities, and goals, as they relate to business recruitment and retention; workforce development and training; marketing; regional collaboration; and strategic economic development planning.	Program	Planning & Zoning, County Administrator, LCDC	Medium	Low	Proposed 2025	
	Invest in online mapping software that can be integrated into the county's website in order to show the spatial location of available properties and incentives.	Process	Planning & Zoning, County Administrator, LCDC	Medium	Medium	Proposed 2025	

Transportation and Mobility Implementation							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 1: Develop and adopt a Transportation Master Plan							
	Allocate funding for a transportation master plan in the county's upcoming budget cycle	Plan	Planning & Zoning, Public Works, Commissioners	High	Medium	Proposed 2025	
	Prepare a scope of services for a transportation master plan that covers all modes of transportation, including maintenance of roads (including paving guidelines), road construction or upgrades, trails, pedestrian and bicycle facilities, transit, freight, railroads, and aviation; attention should be placed on funding	Process	Planning & Zoning, County Administrator, Public Works, Commissioners	High	Low	Proposed 2026	
	The transportation master plan should take into consideration regional and municipal planning activities, including but not limited to the Kansas City Regional Bike Plan, MetroGreen Regional Greenway System, KDOT planned improvements, MARC's Regional Transportation Plan 2050, KCATA transit plans, and Leavenworth County's Council on Aging	Process	Planning & Zoning, Public Works, KDOT, KCATA, MARC, Council on Aging, Commissioners	Medium	Low	Proposed 2026	
	Use the recommendations illustrated on Figure 5.1 Transportation Plan as a starting point for the transportation master plan	Process	Planning & Zoning, Public Works, Commissioners	Medium	Low	Proposed 2026	
	Following existing conditions analysis, public engagement, and formulation of transportation recommendations, present the master plan to the Planning Commission for recommendation of adoption and to the County Commission for adoption.	Process	Planning & Zoning, Public Works, Commissioners	Medium	Low	Proposed 2026	
Strategy 2: Improve connectivity in the County's transportation network							
	Align transportation improvements with development and redevelopment projects to link activity center with appropriate roadway infrastructure	Policy	Planning & Zoning, Commissioners, Public Works	Low	Medium	Proposed 2024	
	Regularly coordinate with the Leavenworth County Port Authority to address barge and rail operations and determine their role in the regional transportation network	Process	Planning & Zoning, Public Works, Leavenworth County Port Authority	Low	Low	Proposed 2025	

Transportation and Mobility Implementation							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 3:	Update the County's road standards						
	Review and potentially update the county road standards, based on best management practices, peer county practices, and FHWA guidance	Process	Public Works, Commissioners	High	Low	In Process	Summer 2024
	Regularly (every one to three years) review the updated county road standards and revise them to follow national best practices	Process	Public Works, Commissioners	Low	Low	Proposed 2027	
Strategy 4:	Actively coordinate with other municipalities on the County roadway system						
	Host quarterly transportation meetings with representatives from each municipality's public works department, as well as KDOT, to ensure a coordinated strategy for the incorporated and unincorporated roadways	Process	Public Works, KDOT, Municipalities	Low	Low		
	Proactively communicate with municipalities about the updated county road standards	Process	Public Works, Municipalities	Low	Low	Proposed 2024	
Strategy 5:	Monitor transit needs countywide						
	Meet annually with KCATA to evaluate how well the current transit system is meeting demand	Process	Council on Aging, Planning & Zoning, KCATA	Low	Low	Ongoing	
	Continue allocating appropriate funds to operate the Leavenworth County's Council on Aging on-demand meals and transportation service to seniors	Program	Commissioners, Council on Aging, Planning & Zoning	Low	Low	Ongoing	

Community Services and Infrastructure Implementation							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 1:	Develop and adopt a Utility Master Plan						
	Allocate funding for a utility master plan in the county's upcoming budget cycle	Process	Public Works, Planning & Zoning, County Administrator, Commissioners	Medium	Medium	Proposed 2025 or as determined by the Utility Commission	
	Prepare a scope of services for a utility master plan that covers all utilities, including water, wastewater, stormwater , and energy.	Process	Public Works, Planning & Zoning, County Administrator, Commissioners	Medium	Low	Proposed 2025 or as determined by the Utility Commission	
	Consider hiring a consultant to draft the utility master plan or dedicate staff time to perform the study in-house	Process	Public Works, Planning & Zoning, County Administrator, Commissioners	Medium	Low / Medium	Proposed 2025 or as determined by the Utility Commission	
	Following existing conditions analysis, public engagement, and formulation of utility master plan recommendations, present the Plan to the Planning Commission for recommendation of adoption and to the County Commission for adoption	Process	Public Works, Planning & Zoning, Commissioners	Medium	Low	Proposed 2025 or as determined by the Utility Commission	
	Perform a Cost of Services study to understand the cost associated with the provision of utility infrastructure based on development type	Plan	Public Works, Planning & Zoning, Commissioners	Medium	Medium	Proposed 2026 or as determined by the Utility Commission	
	Host regular coordination meetings between the county, municipalities, and utility providers to ensure utility infrastructure is properly maintained and residents receive quality service	Process	Public Works, Planning & Zoning, County Administrator, Utility Providers, Municipalities, Commissioners	Low	Low	In Process	Spring/ Summer 2024

PROPOSED AMENDED STRATEGIES

Holistic Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4:	Review the Plan periodically and strategically; Prepare an Annual Progress Report						
	Conduct an internal update of the Plan every three to five years; dovetail this review with the preparation of the county budget and capital improvements program	Process	Planning & Zoning, Public Works, Commissioners	Low	Low	Proposed for 2025	
Strategy 6:	Widely Communicate and Market the Plan to celebrate the Plan's successes						
	Regularly maintain and update the Plan website (www.lvcountryplan.com) with progress and changes; utilize the email marketing tool integration to send update emails out to the contact list. Amend	Program	Planning & Zoning	Low	Low	Amend - 2024	
	Utilize the developed project branding style guide to ensure a consistent look and feel in Plan-related messaging.	Process	Planning & Zoning	Low	Low	Amend - 2024	

Land Use and Economic Development Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4:	Develop and adopt an economic development strategic plan						
	Identify funding for an economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning , economic development goals and policies, and stakeholder input	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
	Develop a county economic development strategic plan with robust stakeholder input	Plan	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Consider regional and municipal economic development activities in the economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
Strategy 5:	Create an economic development roundtable						
	Identify critical participants, including public, private, and nonprofit partners, in the economic development roundtable to be part of the first line of communication between businesses and local government and subsequent recommendations to the Planning Commission and County Commission	Process	Economic Development Planning & Zoning , County Administrator, LCDC, Commissioners	Medium	Low	Proposed 2025	
	Standardize the economic development roundtable's meeting schedule, member responsibilities, and goals, as they relate to business recruitment and retention; workforce development and training; marketing; regional collaboration; and strategic economic development planning.	Program	Economic Development Planning & Zoning , County Administrator, LCDC	Medium	Low	Proposed 2025	
	Invest in online mapping software that can be integrated into the county's website in order to show the spatial location of available properties and incentives.	Process	Economic Development Planning & Zoning , County Administrator, LCDC	Medium	Medium	Proposed 2025	

2024 ACTION MATRIX

2024 Action Matrix

Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Actions
1.2	Conduct a thorough review of the existing zoning and subdivision regulations and compile a comprehensive list of changes (with exact policy text) necessary to align county zoning and subdivision regulations with the intent of the Plan	Planning & Zoning, Commissioners	Low	Annual Review
1.2	Communicate changes with county residents through the Planning & Zoning Department's webpage on the county website	Planning & Zoning, Commissioners	Low	On-going
1.2	Present proposed plan amendments to the Planning Commission for recommendation of approval and to the County Commission for approval	Planning & Zoning Dept., Commissioners	Low	Annual Review
1.3	Evaluate all improvement and development proposals within the county by the Plan's targets and strategies to assess whether the proposal aligns completely, partially aligns, or does not align with the Plan	Planning & Zoning, Commissioners	Low	On-going
1.3	Assist the Planning Commission and County Commission in the day-to-day administration, interpretation, and application of the Plan	Planning & Zoning, Commissioners	Low	On-going
1.4	Maintain a list of current possible amendments, issues, or needs that may be a subject of change, addition or deletion from the Plan	Planning & Zoning	Low	On-going
1.4	Prepare an annual progress report and presentation to present to the Planning Commission and County Commission that describes the list of successes and possible amendments, issues or needs that may be subjects of change, addition or deletion from the Plan	Planning & Zoning, Commissioners	Low	Annual Review
1.5	Conduct a work session with the Planning Commission and County Commission to educate them on the findings and recommendations of the Plan as leadership changes; prepare a key takeaways document for easy reference after the presentation.	Planning & Zoning, County Administrator, Commissioners	Low	Newly elected or appointed official orientation packet.
1.5	Aid the public in explaining the Plan and its relationship to private and public development projects and other proposals, as appropriate	Planning & Zoning, Commissioners	Low	On-going
1.5	Draft a summary document at that includes key recommendations from the Plan that can be distributed to residents, developers, businesses and other interested parties.	Planning & Zoning Dept.	Low	10 Bullet Point List

2024 Action Matrix

Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Actions
1.7	Ensure open communication lines between the county and vital implementation partner organizations, such as the Leavenworth County Development Corporation, Leavenworth County Port Authority and Leavenworth County Council on Aging	Planning & Zoning, County Administrator, Economic Development, Leavenworth County Development Corporation, Leavenworth County Port Authority, Leavenworth County Council on Aging, Commissioners	Low	On-going
2.2	Create a tiered review and approval system for special uses within the county with different categories of special uses, dependent on their scale, use and potential impact on the health, safety, welfare and property values of surrounding properties, using page 81 of this Plan as a guide	Planning & Zoning, County Administrator, County Attorney, Commissioners	Low	Create Tier System and Expand HOLs
2.2	Integrate the Land Evaluation component of the Land Evaluation and Site Assessment (LESA) system into the special use permit review process, as spelled out in the county's zoning and subdivision regulations, to identify areas of and protect the most productive farmland	Planning & Zoning	Low	Develop field criteria
2.3	Update the County's zoning and subdivision regulations to include graphic examples and descriptive text that illustrates conservation design principles, as described on page 82	Planning & Zoning, Commissioners	Low	Design Guidelines
2.3	Work with and educate development review applicants on ways to incorporate conservation design principles into their development proposals	Planning & Zoning, Commissioners	Low	On-going
2.3	Consider the use of incentives to encourage applicants to incorporate conservation design principles into their development proposals	Planning & Zoning, Commissioners	Low	PUD principles/ development plan criteria.
2.4	Identify funding for an economic development strategic plan	Economic Development, County Administrator	Medium	

2024 Action Matrix

Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Actions
2.4	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning , economic development goals and policies, and stakeholder input	Economic Development, County Administrator	Low	
2.4	Develop a county economic development strategic plan with robust stakeholder input	Economic Development, County Administrator	Medium	
2.4	Consider regional and municipal economic development activities in the economic development strategic plan	Economic Development, County Administrator	Low	
3.2	Align transportation improvements with development and redevelopment projects to link activity centers with appropriate roadway infrastructure	Public Works, Planning & Zoning, Commissioners	Medium	
3.3	Review and potentially update the county road standards, based on best management practices, peer county practices, and FHWA guidance	Public Works, Commissioners	Low	In Process
3.4	Proactively communicate with municipalities about the updated county road standards	Public Works, Municipalities	Low	Notification will be made after the standards have been adopted
3.5	Meet annually with KCATA to evaluate how well the current transit system is meeting demand	Council on Aging, Planning & Zoning, KCATA	Low	On-going
3.5	Continue allocating appropriate funds to operate the Leavenworth County's Council on Aging on-demand meals and transportation service to seniors	Commissioners, Council on Aging, Planning & Zoning	Low	On-going
4.1	Host regular coordination meetings between the county, municipalities, and utility providers to ensure utility infrastructure is properly maintained and residents receive quality service	Public Works, Planning & Zoning, County Administrator, Utility Providers, Municipalities, Commissioners	Low	Creation of the Utility Commission tasked with looking at County-wide utility related issues

2025 ACTION MATRIX

2025 Action Matrix				
Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Action
1.2	Conduct a thorough review of the existing plans, such as the U.S. 24/40 Corridor Study, and compile a comprehensive list of changes (with exact policy text) necessary to align the plans with the intent of the Plan	Planning & Zoning, Public Works, Commissioners	Low	
1.4	Monitor demographic and market data as it becomes available to alter land use-specific demand projections	Economic Development, Planning & Zoning	Low	
1.4	Conduct an internal update of the Plan every three to five years; dovetail this review with the preparation of the county budget	Planning & Zoning, Public Works, Commissioners	Low	
1.7	Gather demographic and market insight and research from implementation partner organizations to avoid duplicative efforts as the Plan is updated to reflect changing conditions	Planning & Zoning, County Administrator, Economic Development, Leavenworth County Development Corporation, Leavenworth County Port Authority, Leavenworth County Council on Aging, Commissioners	Low	On-going
2.5	Identify critical participants, including public, private, and nonprofit partners, in the economic development roundtable to be part of the first line of communication between businesses and local government and subsequent recommendations to the Planning Commission and County Commission	Economic Development County Administrator, LCDC, Commissioners	Low	

2025 Action Matrix

Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Action
2.5	Standardize the economic development roundtable's meeting schedule, member responsibilities, and goals, as they relate to business recruitment and retention; workforce development and training; marketing; regional collaboration; and strategic economic development planning.	Economic Development County Administrator, LCDC	Low	
2.5	Invest in online mapping software that can be integrated into the county's website in order to show the spatial location of available properties and incentives.	Economic Development, County Administrator, LCDC	Medium	
3.1	Allocate funding for a transportation master plan in the county's upcoming budget cycle	Planning & Zoning, Public Works, Commissioners	Medium	
3.1	Regularly coordinate with the Leavenworth County Port Authority to address barge and rail operations and determine their role in the regional transportation network	Planning & Zoning, Public Works, Leavenworth County Port Authority	Low	
4.1	Allocate funding for a utility master plan in the county's upcoming budget cycle	Public Works, Planning & Zoning, County Administrator, Commissioners	Medium	If recommended by the Utility Commission
4.1	Prepare a scope of services for a utility master plan that covers all utilities, including water, wastewater, stormwater , and energy.	Public Works, Planning & Zoning, County Administrator, Commissioners	Low	If recommended by the Utility Commission
4.1	Consider hiring a consultant to draft the utility master plan or dedicate staff time to perform the study in-house	Public Works, Planning & Zoning, County Administrator, Commissioners	Low / Medium	If recommended by the Utility Commission
4.1	Following existing conditions analysis, public engagement, and formulation of utility master plan recommendations, present the Plan to the Planning Commission for recommendation of adoption and to the County Commission for adoption	Public Works, Planning & Zoning, Commissioners	Low	If recommended by the Utility Commission

TOP PRIORITIES



Special Use Permit Tiers

- May/June



Home Occupation Expansion

- May/June



Utilities Commission

- TBD

NEXT STEPS

Planning Commission Hearing



April 10, 2024

County Commission Hearing



May 1, 2024

Implementation



May – December 2024

2024 Action Matrix				
Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Actions
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1.2	Present proposed plan amendments to the Planning Commission for recommendation of approval and to the County Commission for approval	Planning & Zoning Dept., Commissioners	Low	Annual Review
1.3	Evaluate all improvement and development proposals within the county by the Plan's targets and strategies to assess whether the proposal aligns completely, partially aligns, or does not align with the Plan	Planning & Zoning, Commissioners	Low	On-going
1.3	Assist the Planning Commission and County Commission in the day-to-day administration, interpretation, and application of the Plan	Planning & Zoning, Commissioners	Low	On-going
1.4	Maintain a list of current possible amendments, issues, or needs that may be a subject of change, addition or deletion from the Plan	Planning & Zoning	Low	On-going
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1.5	Draft a summary document at that includes key recommendations from the Plan that can be distributed to residents, developers, businesses and other interested parties.	Planning & Zoning Dept.	Low	10 Bullet Point List

1.7	Ensure open communication lines between the county and vital implementation partner organizations, such as the Leavenworth County Development Corporation, Leavenworth County Port Authority and Leavenworth County Council on Aging	Planning & Zoning, County Administrator, Economic Development, Leavenworth County Development Corporation, Leavenworth County Port Authority, Leavenworth County Council on Aging, Commissioners	Low	On-going
2.2	Create a tiered review and approval system for special uses within the county with different categories of special uses, dependent on their scale, use and potential impact on the health, safety, welfare and property values of surrounding properties, using page 81 of this Plan as a guide	Planning & Zoning, County Administrator, County Attorney, Commissioners	Low	Create Tier System and Expand HOLs
2.2	Integrate the Land Evaluation component of the Land Evaluation and Site Assessment (LESA) system into the special use permit review process, as spelled out in the county's zoning and subdivision regulations, to identify areas of and protect the most productive farmland	Planning & Zoning	Low	Develop field criteria
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2.3	Work with and educate development review applicants on ways to incorporate conservation design principles into their development proposals	Planning & Zoning, Commissioners	Low	On-going
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2.4	Identify funding for an economic development strategic plan	Economic Development, County Administrator	Medium	

2.4	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning , economic development goals and policies, and stakeholder input	Economic Development, County Administrator	Low	
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3.5	Continue allocating appropriate funds to operate the Leavenworth County's Council on Aging on-demand meals and transportation service to seniors	Commissioners, Council on Aging, Planning & Zoning	Low	On-going
4.1	Host regular coordination meetings between the county, municipalities, and utility providers to ensure utility infrastructure is properly maintained and residents receive quality service	Public Works, Planning & Zoning, County Administrator, Utility Providers, Municipalities, Commissioners	Low	Creation of the Utility Commission tasked with looking at County-wide utility related issues

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4.1	Prepare a scope of services for a utility master plan that covers all utilities, including water, wastewater , stormwater , and energy.	Public Works, Planning & Zoning, County Administrator, Commissioners	Low	If recommended by the Utility Commission

4.1	Consider hiring a consultant to draft the utility master plan or dedicate staff time to perform the study in-house	Public Works, Planning & Zoning, County Administrator, Commissioners	Low / Medium	If recommended by the Utility Commission
4.1	Following existing conditions analysis, public engagement, and formulation of utility master plan recommendations, present the Plan to the Planning Commission for recommendation of adoption and to the County Commission for adoption	Public Works, Planning & Zoning, Commissioners	Low	If recommended by the Utility Commission

Allison, Amy

From: noreply@revize.com
Sent: Sunday, March 10, 2024 9:53 PM
To: PZ
Subject: Contact Us - PZ

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Name = steve vernon

PhoneEmail = srvernonbeeman@yahoo.com

Message-Content = The comp plan should include a paragraph that included Fort Leavenworth as an urban district in the county. Draft follows: Fort Leavenworth is the oldest military installation west of the Mississippi River. It is the largest employer in the county and the majority of the employees tenth largest employer in the county, Northrup Grumman are employed there. Its military college hosts mid level military officers from all branches of the US armed forces, and military officers from around the world. It grants credit hours towards advance degrees and has a Masters Degree program in Military Science. The average length of stay for those officers attending the college and their families is one year. The salaries of the service members that are assigned to two of FT Leavenworth's component units are well in excess of the median salaries of the average LV CO resident. Even though the fort is a self contained economic entity the citizens of fort Leavenworth play a significant role in the economic activity in the county.

Client IP = 137.22.49.78



March 11, 2024

Rural Leavenworth, Inc.
P.O. Box 60
Basehor, KS 66007

Subject: Annual Review of Comprehensive Plan

Planning Commission and Board of County Commissioners,

Rural Leavenworth, Inc. (RLI) respectfully submits the following for your consideration in preparation for the annual comprehensive plan work session.

Observation 1: There are references throughout the comprehensive plan about maintaining rural lifestyles; however, it is not clearly defined what a rural lifestyle is. Recommendation:

- Establish a Leavenworth Rural Conservation Advisory Committee (or workgroup).
 - Preservation of Leavenworth County's 'Rural Character' is a long-standing goal of the Leavenworth County Comprehensive Plan and, thus, an integral part of the future of County development and well-being of its residents.
 - Purpose: Provide guidance and a way forward on the conservation, enhanced partnerships, experience and enjoyment of the natural and heritage resources found in unincorporated Leavenworth County.

Observation 2: Sustainability is mentioned but there is not much on how we are going to maintain fertile ag lands, historical sites or forests. Recommendation:

- Replicate Douglas County's concept of incorporating conservation criteria to assist in making land use decisions. See Attachment 1 for the link to their draft plan.
- Document areas within the county that are deemed a priority to preserve and why.

Observation 3: Policies are weak on preserving natural land features. Recommendation:

- Enhance regulations to encourage preservation of wooded areas and provide for natural settings.

Observation 4: Nothing exists except in the planned unit development category that prohibits planting of invasive species for ornamental landscaping. Recommendation:

- Add regulation that prohibits the planting of invasive species.
- Recommended text for inclusion in Leavenworth County Zoning and Subdivision Regulations is provided in Attachment 2.

Observation 5: Minimal policy exists to encourage residential development close to the cities. Recommendation:

- Implement policy to incent residential developers to develop adjacent or close to the cities. This will help reduce urban sprawl and the need for new infrastructure. See Minnesota Sustainable Development ordinances for ideas.

Longer term, there are additional ideas in the Douglas County Sustainability Plan and the Minnesota Sustainable Development Ordinances that are worth considering but are too involved or time consuming to address with this year's annual review. It is recommended several items be identified and worked on in preparation for next year's review. See Attachment 2.

RLI is appreciative of the work you are doing and looks forward to the work session and draft changes. Please let me know if RLI can be of any help with committees, analysis or with grants.

Sincerely,

A handwritten signature in cursive script, reading "Sherri Grogan". The signature is written in dark ink and has a fluid, connected style.

Sherri Grogan

President

Rural Leavenworth, Inc.
for the Board of Directors

POTENTIAL RESOURCES TO LEVERAGE

Douglas County Kansas' Draft Sustainability Plan - Page 54 has the list of characteristics that are a priority for preservation.

<https://douglascountyks.org/sites/default/files/2024-01/Draft%20Douglas%20County%20Open%20Space%20Plan.pdf>

Minnesota's Model Sustainability Ordinances -

<https://www.leg.mn.gov/docs/pre2003/other/010422.pdf>

Proposed Language for Subdivision Regulations
Landscaping Species

XX. Landscaping and Screening*

G. Materials. All plant materials must meet the minimum standards set by the American Association of Nurserymen. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive on native species. Plant materials shall comply with the following standards:

1. Minimum plant size shall be as specified in the following table. For the purpose of determining tree trunk size, the diameter shall be measured 6 inches above ground level.

Minimum Plant Size for Landscape Materials

Plant Type	Minimum Size
Trees: Evergreen	6 feet in height
Deciduous	2 ½ inches in diameter
Deciduous ornamental	1 ½ inches in diameter
Shrubs: Evergreen or deciduous	18 - 24" in height 18 - 24" in height

2. Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.
3. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified in the table above.
4. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within 2 years.

*Source: ***Policy to Reality: Model Ordinances for Sustainable Development***, Minnesota Planning, pg. 178 (pdf file). Available at: <http://www.mnplan.state.mn.us/SDI/ordinancestoc.html>.

Rural Leavenworth, Inc.
PO Box 60
Basehor, KS 66007



April 8, 2024

Leavenworth County Planning Department
300 Walnut St, Suite 212
Leavenworth, KS 660048

Re: Annual Comprehensive Plan Review

Dear Staff and Planning Commission,

Rural Leavenworth, Inc. respectfully submits the following comments for consideration. We generally support the proposed changes and appreciate the new strategy around the "land first" approach.

Most taxpayers are concerned with their taxes. They know residential growth isn't sufficient to cover the cost for infrastructure improvements. The action items around developing an economic development strategy and forming a utility commission should help determine current infrastructure capacity and encourage economic development that will be beneficial to the area.

It is unknown how much growth our current infrastructure can support. For example, USD458 taxpayers are voting on a bond to add space at the early learning center and high school. There have also been plats approved where the water district indicates a potential issue or it is likely the road will need to be improved.

RLI would like to ensure taxpayers have a voice when deciding whether to invest in infrastructure and public amenities. In other words, let the voters vote when significant spending is desired, i.e., new roads, bridges, parks, or other infrastructure improvements. RLI recommends:

- a more aggressive timeline for the formation of an economic development roundtable;
- working with Ft. Leavenworth to promote existing businesses in the county and region;
- defining the purpose for the utility commission and what the deliverables are;
- including the Land Evaluation and Site Assessment as a requirement for special use permits and subdivision plats and add it as a criteria for decision making;
- providing an item on the staff report for plats and special use permits that identifies whether the requestor intends to comply with open space and preservation of natural land features as outlined in the subdivision regulations;

- developing and incorporating a “per rooftop cost” representing the increased tax and utility cost burden the average country homeowner incurs for new rural subdivision rooftops;
- including a paragraph within the comprehensive plan to identify Fort Leavenworth as an urban district within the county; and
- adding specific target dates on the action matrices.

There is more that can be done to support sustainability, conservation and set a vision for the future of Leavenworth County. It needs to be a collaborative effort with the community and stakeholders. Addressing transportation and economic development as independent actions rather than an overall strategy without a vision may be counter productive.

A considerable amount of input was gathered when the comprehensive plan was originally developed. The current focus should align with the findings and priorities that are within the existing plan.

One thing that might help secure community buy-in is a better vision of what the future looks like. There is expertise in the community that can be utilized to define rural character, what public amenities are important, and priority areas for conservation. RLI envisions a public workgroup with multiple stakeholders to start the discussion. A variety of methods could be used to gather input to meet defined objectives and deliverables. Would the County staff and elected officials support such a workgroup and welcome the input?

Thank you for the opportunity to provide input. We appreciate your efforts and look forward to partnering with you in the future.

Very respectfully,



Sherri Grogan
President
Rural Leavenworth Inc. for the
Board of Directors

Looking at strategy 4 of “Land Use and Economic Development Measures” “Develop and adopt an economic development plan”. The elephant in the room as it relates to economic development and property tax generation is Fort Leavenworth. The ability of LV CO and its schools to generate revenue from property tax is severely limited by the amount of federal property in the County. As a causal observer it appears that the LV CO governments plan to make up for this property tax shortfall is to build more suburban homes and hope to located large box stores and more manufactures in the county to enhance revenue while exempting property tax for large scale investment in the county.

What appears to be missing is any attempt by the Planning Commission or the BOCC to take advantage of the Forts population to create economic activity within the county. The median salary level of the service members in two of the three Brigade sized element is approximately \$100,000. Those two are the Mission Command Training Program and the element supporting the Military College on post. US service members will serve on average 1 year attending classes or 3 years for those stationed on the Fort. The Military school semester begins in the fall, and many of the service members are assigned to the Fort during the summer to allow their children to enroll in school at the beginning of the fall semester. The spouse of foreign officers either attending the college, serving as instructors or as a liaison with the US Army are not allowed to obtain a green card. They cannot obtain employment within the US.

To welcome new arrivals on the Fort twice a year the post has a Post Activities Information and Registration Day (PAIR). Last summer it was held on August 19th the Spring Pair Day is being held on April 13. For a fee, last time I checked it was about \$250, businesses, non profits and/or government agencies can get a table for the event to inform incoming service members and their families of businesses and recreational activity within the county.

Coming back to the Leavenworth County Comprehensive Plan. Insert on page 9 the attached document defining Fort Leavenworth as an urban entity within the county. LV CO services do impact the Fort. Many times in my 28 years of working on the fort I have seen county Ambulances and law enforcement on post. In addition I recall that an officer who was recalled from a combat zone because his wife had filed for divorce. Based largely on the recommendation of LV CO courts the officer’s wife and her live in boy friend were granted residency in his government quarters.

Other considerations relating to the LV COMP Plan, on page 50 of the plan a majority of residence surveyed indicated that they lived in the county because of the “Rural Atmosphere”. On page 51 a significant portion of the surveyed population indicated that they were “With rapid residential growth in rural areas”. On pages 60 & 61 respondents indicated that maintaining agricultural land and that agricultural tourism is important in the county. A side note the state of Kansas has special incentives for drawing out of state or foreign tourists to the county. This is a boon to some small local businesses that engage in this activity.

This relates back to, strategy 4 of “Land Use and Economic Development Measures” “Develop and adopt an economic development plan”. The good news here is that it does not require much and costs even less. All that really need to be done is the LV CO Economic Development Coordinator and/or the LV CO Agricultural Agent or the designated 4H Rep in his office to represent small to micro agriculture/agritourism operations with in the county during the two PAIR days on Fort Leavenworth.

This can include “LV CO growers” equine activities, wine producers, city farmers markets, butterfly houses etc. These county official can also assist foreign students find livestock that some require for religious holidays. This will assist LV CO residents who live, work and worship in the county to generate a living and pay county sales taxes. To this southern county resident this economic activity is preferable to selling rezoned 2.5 acre lots with none native sod grass lawns for folks who will work and shop in Johnson or Douglas county.

Thank you for your time.

Draft insert:

The comp plan should include a paragraph that included Fort Leavenworth as an urban district in the county. Draft follows: "Fort Leavenworth is the oldest military installation west of the Mississippi River. It is the largest employer in the county and the majority of the employees tenth largest employer in the county, Northrup Grumman are employed there. Its military college hosts mid level military officers from all branches of the US armed forces, and military officers from around the world. It grants credit hours towards advance degrees and has a Masters Degree program in Military Science. The average length of stay for those officers attending the college and their families is one year. The Mission Command Training Program is another unit on the post, service members spend on average 2-3 years in this assignment. The salaries of the service members that are assigned to two of FT Leavenworth's component units are well in excess of the median salaries of the average LV CO residents."

RESOLUTION 2024-13

A RESOLUTION OF THE LEAVENWORTH COUNTY KANSAS BOARD OF COUNTY COMMISSION AMENDING THE LEAVENWORTH COUNTY COMPREHENSIVE PLAN

WHEREAS, K.S.A. 19-2958, *et seq.* and any amendments thereto, provides for the adoption and amendment of a Comprehensive Plan for the enactment of planning and zoning laws and regulations by Counties for the coordinated development of the county and protection of the public health, safety and welfare; and

WHEREAS, on October 28, 2020, a Comprehensive Plan was created and established for Leavenworth County; and

WHEREAS, the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing with a quorum present on proposed amendments to the Leavenworth County Comprehensive Plan on the 10th day of April, 2024; and

WHEREAS, the Leavenworth County Planning Commission, with the approval of the of the majority of the voting members, recommended for approval amendments as set forth in Exhibit A to the Leavenworth County Comprehensive Plan based upon specific findings of fact incorporated by reference herein; and

WHEREAS, the Board of County Commission considered, in session on 11th day of September, 2024, 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 Exhibit A to the Leavenworth County Comprehensive Plan 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 11th day of September, 2024 and incorporated herein by reference; and
2. This Resolution shall be in full force and effect from and after its adoption.

Adopted this 11th day of September, 2024
Board of County Commission
Leavenworth, County, Kansas

Jeff Culberston, Chairman

ATTEST

Mike Smith, Member

Janet Klasinski, Leavenworth County Clerk

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

Holistic Implementation Measures							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4:	Review the Plan periodically and strategically; Prepare an Annual Progress Report						
	Conduct an internal update of the Plan every three to five years; dovetail this review with the preparation of the county budget and capital improvements program	Process	Planning & Zoning, Public Works, Commissioners	Low	Low	Proposed for 2025	
Strategy 6:	Widely Communicate and Market the Plan to celebrate the Plan's successes						
	Regularly maintain and update the Plan website (www.lvcountryplan.com) with progress and changes; utilize the email marketing tool integration to send update emails out to the contact list. Amend	Program	Planning & Zoning	Low	Low	Amend - 2024	
	Utilize the developed project branding style guide to ensure a consistent look and feel in Plan-related messaging.	Process	Planning & Zoning	Low	Low	Amend - 2024	



Janet Klarmark

Land Use and Economic Development Implementation Measures							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4: Develop and adopt an economic development strategic plan							
	Identify funding for an economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning, economic development goals and policies, and stakeholder input	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
	Develop a county economic development strategic plan with robust stakeholder input	Plan	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Consider regional and municipal economic development activities in the economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
Strategy 5: Create an economic development roundtable							
	Identify critical participants, including public, private, and nonprofit partners, in the economic development roundtable to be part of the first line of communication between businesses and local government and subsequent recommendations to the Planning Commission and County Commission	Process	Economic Development Planning & Zoning , County Administrator, LCDC, Commissioners	Medium	Low	Proposed 2025	
	Standardize the economic development roundtable's meeting schedule, member responsibilities, and goals, as they relate to business recruitment and retention; workforce development and training; marketing; regional	Program	Economic Development Planning & Zoning , County Administrator, LCDC	Medium	Low	Proposed 2025	

	collaboration; and strategic economic development planning.						
	Invest in online mapping software that can be integrated into the county's website in order to show the spatial location of available properties and incentives.	Process	Economic Development Planning & Zoning, County Administrator, LCDC	Medium	Medium	Proposed 2025	

**Leavenworth County
Request for Board Action**

AMENDED RBA

Amending and superseding the RBA issued September 3, 2024

Date: September 9, 2024

To: Board of County Commissioners

Cc: Mark Loughry, Misty Brown, John Jacobson

From: David C. Van Parys

Department Head Approval: N/A

Additional Reviews as needed:

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

Action Requested: (1) Consideration of whether the annexation proposed by the City of Basehor, as set forth in City Resolution 2024-13, would hinder the proper growth and development of the area, or that of any other incorporated city within the county; (2) That the board review the Road Maintenance Agreement (RMA) negotiated by city and county staff.

Recommendation: That the board make a finding that the proposed annexation would not hinder the proper growth and development of the area, or of any other incorporated city within the county and that the proposed RMA is satisfactory, providing for road maintenance, access and jurisdictional issues.

A recommended motion would be the following:

“Mr. Chairman, I move that this board find that the annexation as proposed by City 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 RMA at its meeting conducted on September 11, 2024.”

Discussion by the board may then, if necessary, follow.

Analysis: The city of Basehor, through Resolution 2024-13, proposes to annex a tract of land lying south of the current city boundaries, but not contiguous to the current boundaries. Per K.S.A. 12-520c(a)(3) the county commission is required to review the proposed annexation and, in order to allow the annexation to be finalized, find that the proposed annexation does not hinder the proper growth and development of the area, or of any other incorporated city within the county. Your staff has reviewed the city resolution with regards to the accuracy of the description of the proposed annexation area, the impact of the proposed annexation on the proper growth and development of the area and has negotiated a RMA with the city to resolve road access and management issues, removing an element of uncertainty that would hinder the proper growth and development of the area.

The city anticipates adopting the RMA during its meeting on September 11, 2024, and the adoption of the RMA by the city and the subsequent adoption by the county is necessary to remove the

elements of uncertainty recited above. Staff recommends the making of the finding necessary to allow the annexation to proceed at this time as the matter is time sensitive.

Alternatives: (1) Table for further deliberation. This tabling would require the express consent by representatives of the city; (2) Find that the proposed annexation would hinder the proper growth and development of the area, setting out the reasoning supporting that finding.

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: N/A

Additional Attachments: (1) A copy of City Resolution 2024-13 with accompanying map; (2) a copy of the proposed RMA.

RESOLUTION NO. 2024-13

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS TO FIND THAT THE ANNEXATION OF CERTAIN LAND BY THE CITY WILL NOT HINDER OR PREVENT THE PROPER GROWTH AND DEVELOPMENT OF THE AREA OR THAT OF ANY OTHER INCORPORATED CITY LOCATED WITHIN LEAVENWORTH COUNTY, KANSAS.

WHEREAS, the City of Basehor, Kansas has received the consent and request of all owners of certain land described below (the "Property") to be annexed into the City; and

WHEREAS, the Property does not adjoin the limits of the City, and therefore pursuant to K.S.A. 12-520c(a)(3), a determination must be made by the Leavenworth Board of County Commissioners whether or not the requested annexation will hinder or prevent the proper growth and development of the area of the Property or that of any other incorporated city within Leavenworth County, Kansas; and

WHEREAS the City requests the Leavenworth Board of County Commissioners to make such a determination.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. The City is considering the petition and consent of all of the owners of the real property described on Exhibit A attached to this Resolution (the "Property") to annex the Property into the City.

Section 2. The Property does not adjoin the limits of the City.

Section 3. The City therefore requests that, pursuant to K.S.A. 12-520c(a)(3), a determination be made by the Leavenworth Board of County Commissioners that the requested annexation will not hinder or prevent the proper growth and development of the area of the Property or that of any other incorporated city within Leavenworth County, Kansas.

Section 4. The Mayor, City Administrator, Deputy City Administrator and City Attorney are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this resolution.

Section 5. Effective Date. This resolution shall be effective upon its adoption by the City Council of the City of Basehor, Kansas.

ADOPTED by the Governing Body this 24th day of July, 2024.


SIGNED by the Mayor this 24th day of July, 2024.

[SEAL]




Dick Drennon, Mayor

ATTEST:


Katherine M. Renn, City Clerk

APPROVED AS TO FORM:



Maria Garcia, City Attorney

Exhibit "A"

DESCRIPTION:

A tract of land in the West Half of Section 14, Township 11 South, Range 22 East of the Sixth Principal Meridian, Leavenworth County, Kansas described as follows:

Beginning at the Southeast Corner of the Southwest Quarter of said Section 14; thence

S 88°26'51" W 804.50 feet; thence
N 01°32'37" W 500.49 feet; thence
S 88°25'55" W 300.08 feet; thence
N 01°33'42" W 444.77 feet; thence
S 88°13'33" W 961.93 feet; thence
N 01°48'27" W 381.80 feet; thence
S 88°02'45" W 377.43 feet; thence
N 01°50'32" W 199.99 feet; thence
N 88°13'23" E 577.37 feet; thence
N 01°45'25" W 417.49 feet; thence
N 88°08'07" E 775.03 feet; thence
N 03°43'47" E 358.96 feet; thence
N 49°02'11" W 25.32 feet; thence
N 03°42'52" E 404.68 feet; thence
S 87°31'10" W 333.76 feet; thence
S 83°35'21" W 421.06 feet; thence
N 46°02'30" W 23.50 feet; thence
N 63°37'01" E 436.25 feet; thence
N 87°37'01" E 459.96 feet; thence
N 89°11'27" E 221.34 feet; thence
N 02°28'24" W 158.55 feet; thence
S 87°54'55" W 219.69 feet; thence
N 01°40'46" W 96.97 feet; thence
N 48°51'10" W 484.78 feet; thence
N 01°47'47" W 370.01 feet; thence
N 01°48'05" W 449.92 feet; thence
N 09°52'34" E 400.45 feet; thence
N 88°33'56" E 414.90 feet; thence
N 01°23'57" W 459.03 feet; thence
N 88°44'26" E 762.70 feet; thence
S 01°49'04" E 2349.25 feet to the Northeast Corner of the Southwest Quarter of said Section 14; thence
S 01°49'23" E 2643.13 feet to the point of beginning, containing 142.83 acres, including road right-of-way.
Tim Sloan, PLS-783, June 7, 2024.

Part of the West Half of Section 14, T11S, R22E, Leavenworth County, Kansas

Part of the West Half of Section 14, T11S, R22E, Leavenworth County, Kansas



DESCRIPTION
A mass of sand in the West Hall of Section 16, Township 15 South, Range 22 East of the 6th P.M. The upper member contains small pieces of shells and is a fine sandstone.

¹ Located at the John Deere Center of the University of Tennessee, Knoxville, TN. Address:

[illegible]

CERTIFICATION

We hereby certify the bird of Lind as being a Big Game bird as verified by us at a duly constituted meeting held on the first month of July, 1906.

[illegible]

I hereby certify that survey and results are representative of R.S.A. 00 0000. The size of the survey and any deviation for comparison with Federal Minimum Standards for Inventory Territories. No final verification is required. This is true to the survey and results only.

12/15/1954

Deputy Surveyor 195-1253

Charles S. Conrad

SMH
CONSULTANT

Crab (Lagomys) • Land Crab (Lagomys) • Land Crab (Lagomys)

Manhattan, KS: HQ P (785) 746-7441 • Dodge City, KS: P (913) 235-1952
Lawrence, KS: P (913) 444-0015 • Colorado Springs, CO: P (719) 442-2145
Dumont, NJ: Project #7412-0054 TDS 896

Drawn By HLL Project #2402-U054 TDS 056

VICINITY MAP
(NOT TO SCALE)



Aerial 2024

Legend

- Kansas Ave
- 158th St
- Parcel Boundaries
- Road Centerline



Leavenworth County
GIS Services
300 Walnut Suite 030
Leavenworth, KS 66048
Ph: 913-758-6780



ROAD MAINTENANCE AGREEMENT

Leavenworth County City of Basehor

This Road Maintenance Agreement made and entered into this ____ day of _____, 2024 by and between the City of Basehor, Kansas, hereinafter referred to as the “City”, and Leavenworth County, Kansas, hereinafter referred to as the “County”.

RECITALS:

WHEREAS, statute K.S.A. 68-572 allows the Board of County Commissioners and the governing body of the City of Basehor within such county to enter into agreements for the construction, reconstruction, or maintenance of any roads; and

WHEREAS, the Board of County Commissioners desires to define the maintenance responsibilities of roads in cities and roads adjacent to the newly annexed properties that comprise the city limits, for the public safety and economic good of the County; and

WHEREAS, the City intends to annex a tract of land that abuts Kansas Avenue, approximately 1,800 feet East of 158th Street .

NOW THEREFORE, BE IT AGREED:

1. That the City will maintain 158th Street, Kansas Avenue to Evans Road from the date of this agreement until this agreement is mutually amended or the responsibilities of the parties change as set out in Section 8 of this agreement unless stated otherwise in Exhibit “A” which is incorporated herein and made a part of this agreement.
2. That the County will maintain Kansas Avenue in the area, specifically from the East City limit to 158th Street including those portions of Kansas Avenue within the City’s limits from the date of this agreement until this agreement is mutually amended or the responsibilities of the parties change as set out in Section 8 of this agreement, unless stated otherwise in Exhibit “A” which is incorporated herein and made a part of this agreement.
3. All signs on 158th Street from and including the Kansas Avenue to Evans Road will be maintained by the City. All signs on Kansas Avenue will be maintained by the County.
4. That roads described above will be maintained from right-of-way to right-of-way as agreed in this agreement. “Maintenance” shall include but not limited to:
 - a) Maintenance of the road surface, shoulders, draining structures and back slopes as required
 - b) Maintenance, repair and replacement of road culverts
 - c) Routine maintenance and inspection of existing bridge structures
 - d) Snow Removal
5. All entrances along roadways shall be permitted by the party maintaining the road. Any finish mowing, trimming, or landscaping along any trail/sidewalk constructed by the City will be maintained by the city, regardless of roadway maintenance responsibility.
6. Acquisition of any easements or right-of-ways necessary for the maintenance of any road shall

be obtained by the party having legal jurisdiction of the road and shall be obtained in a timely manner upon determination such easements or right-of-ways are required.

7. The County agrees to waive any permit fees that may be assessed to the City when working within the right-of-way adjacent to a County Road, and vice versa.
8. If, at any time, the City annexes and incorporates the adjacent grounds on both sides of Kansas Avenue beyond what is set out in Exhibit A, the City will assume maintenance responsibility for the newly annexed portion of Kansas Avenue upon completion of the annexation process unless a new or amended agreement is entered into with the County.
9. It is agreed that the County has the authority to require road improvement fees be paid by any developer of the property subject to this agreement and identified in Exhibit "A", when such development utilizes or otherwise impacts the County road system, including but not limited to Kansas Avenue and the streets in Glenwood Estates. The City shall include language in any development agreements for the area defined in Exhibit "A" stating that the Developer acknowledges that connections to County maintained roads are governed by Leavenworth County, and shall deal directly with the County and pay any connection fees or road improvement fees prior to connecting to any county maintained road.
10. This Agreement is contingent upon the County making the finding that the pending annexation of the property described in City's Resolution 2024-13 will not hinder or prevent the proper growth and development of the area of the property to be annexed or that of any other incorporated city with Leavenworth County, Kansas and the City annexing such property without challenge by the County.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be signed by their duly authorized officers, on this _____ day of _____, 2024.

Recommend for Approval

Attest:

BOARD OF COUNTY COMMISSIONERS

Janet Klasinski, County Clerk

(SEAL)

Jeff Culbertson, Chairperson, 1st District

Vicky Kaaz, 2nd District

Doug Smith, 3rd District

Mike Smith, 4th District

Mike Stieben, 5th District

IN WITNESS WHEREOF the parties here to have caused this Agreement to be signed by their duly authorized officers, on this _____ day of _____, 2024

Attest:

CITY OF BASEHOR, KANSAS

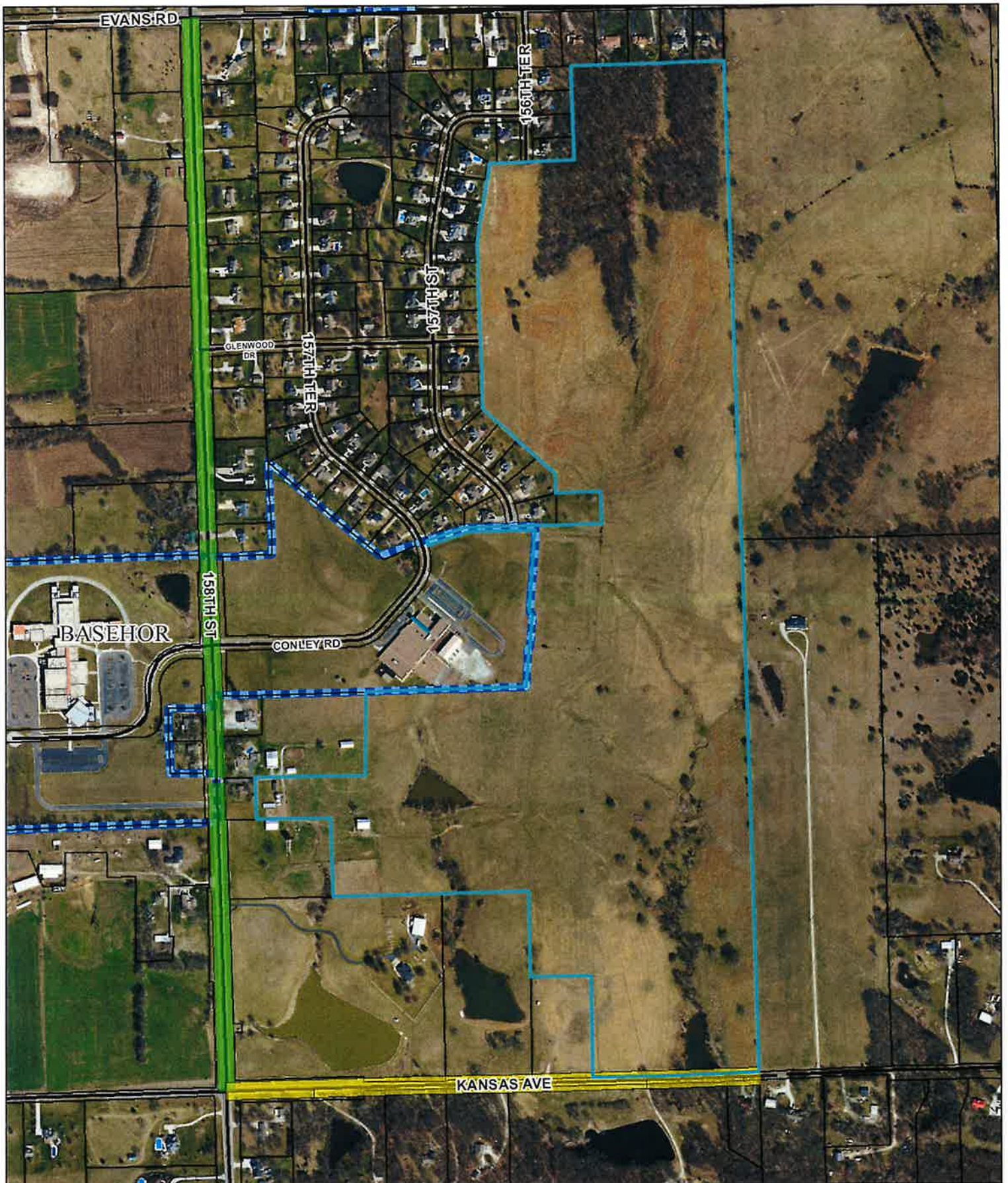
Katherine M. Renn, City Clerk

Dick Drennon, Mayor

ROAD MAINTENANCE AGREEMENT

EXHIBIT “A”

1. Roads to be maintained by the County of Leavenworth.
<Shown in Yellow in Map Attachment>
 - a. Kansas Avenue (Eastern edge of the City limit to 158th Street)
2. Roads to be maintained by the City of Basehor.
<Shown in Green in Map Attachment>
 - b. 158th Street (Kansas Avenue to Evans Road)



Aerial 2024

0 0.04 0.08 0.16 0.24 0.32 Miles

8/7/2024

Legend

- Kansas Ave
- 158th St
- Parcel Boundaries
- Road Centerline
- City Limits



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GIS Services
300 Walnut Suite 030
Leavenworth, KS 66048
Ph: 913-758-6780
Ph: 913-684-0448

