

## LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, June 11, 2025  
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048

[www.leavenworthcounty.gov](http://www.leavenworthcounty.gov)

1. **Call to Order**
  2. **Pledge of Allegiance**
  3. **Roll Call**
  4. **Approval of Minutes**
  5. **Secretary's Report**
  6. **Declarations: (if necessary)**
    - A. Declarations of receipt of communications by Planning Commissioners
    - B. Disclosure of ex-parte communications for each hearing item
    - C. Declarations of abstention from specific agenda items by a Commissioner
  7. **Board of Zoning Appeals**
  8. **Roll Call**
  9. **Regular Agenda**
    - A. Case DEV-25-058 Variance - Eden**

Consideration of a Variance request from **Article 5, Section 4.1.a** of the Leavenworth County Zoning & Subdivision Regulations on the following described property: Lot 1, Wake Subdivision, a subdivision in Leavenworth County, Kansas.  
**Also known as 19176 Stranger Road**  
**PID: 116-24-0-00-00-008.02**  
**\*\*\*Public Hearing Required\*\*\***  
**\*\*\*Public Comment limited to five minutes per person\*\*\***
- Adjournment of the Board of Zoning Appeals**
10. **Planning Commission**
  11. **Approval of Agenda**

## **10. Regular Agenda**

### **A. Case DEV-25-023 & 024 Preliminary & Final Plat- Tuttle Acres**

Consideration of a Preliminary and Final Plat for a Tract of land in the Southeast Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

**Also known as 19701 163<sup>rd</sup> Street**

**PID: 158-33-0-00-00-044.00**

### **B. Case DEV-25-037 Boundary Line Adjustment- McKee/Runnebaum**

Consideration of an Exception for a Boundary Line Adjustment for Tracts of land in the Southeast Quarter of Section 22, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

**Also known as 26629, 26141, 26253 and 00000 155<sup>th</sup> Street**

**PID: 105-22-0-00-00-016.00, -016.01, -016.02, -016.03, -016.05 & -017.00**

### **C. Case DEV-25-054 Boundary Line Adjustment- Altenhofen/Valenzuela**

Consideration of an Exception for a Boundary Line Adjustment for Tracts of land in the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

**Also known as 20426 & 20500 Woodend Rd**

**PID: 197-35-0-00-00-011.01, -011.00 & -011.05**

### **D. Case DEV-25-057 Rezoning - Rose**

Consideration of a rezoning request from RR-5 zoning district to R-1 (43) zoning on the following described property: The East Half of Lots 13 to 24 inclusive AND the West Half of Lots 19 to 24 inclusive, Block 4, in the TOWN OF RENO AND The West ½ of Lots 13, 14, 15, 16, 17 and 18 in Block 4, in the TOWN OF RENO, according to the recorded plat thereof in Leavenworth County, Kansas

**Also known as 23326 & 00000 Reno Road**

**PID: 199-31-0-00-00-020.00 & 199-31-0-00-00-0021.00**

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

**\*\*\*Public Comment limited to five minutes per person\*\*\***

### **E. Case DEV-25-011 Special Use Permit - Flat Land Disposal LLC**

Consideration of a Special Use Permit request for a Disposal or Storage of Waste Materials: Landfill on the following described property: Two tracts of land in the Northwest ¼ of Section 20, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

**Also known as 00000 & 00000 Turner Road**

**PID: 064-20-0-00-00-002.00 & 064-20-0-00-00-002.01**

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

**\*\*\*Public Comment limited to five minutes per person\*\*\***

**Adjournment of Planning Commission**



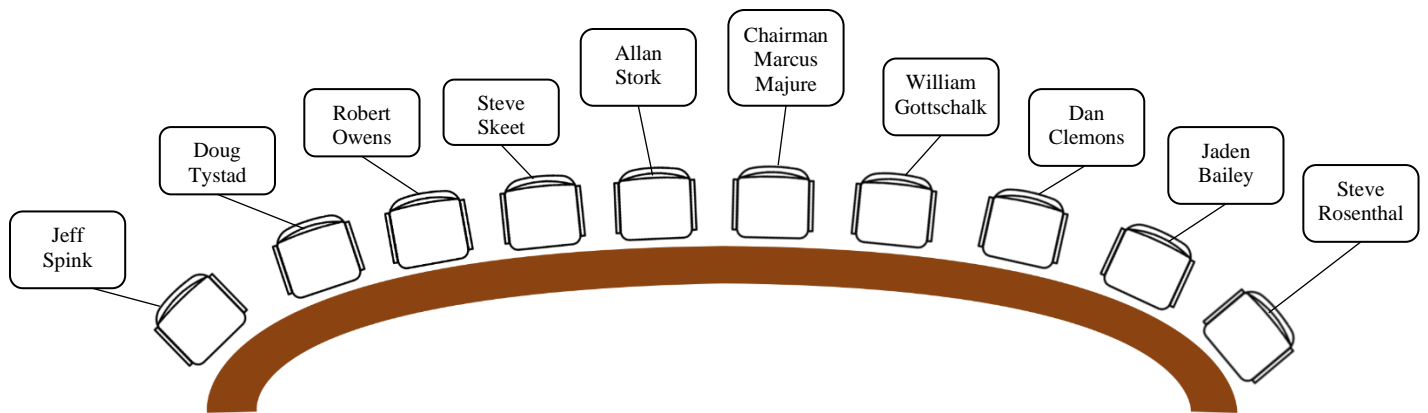
**Upcoming meeting dates:**

**Wednesday, July 9, 2025, 5:30 PM**  
**Regular Planning Commission Meeting**

**For More Information**

If you have any questions or need to make special arrangements for a meeting,  
please call or stop by the Planning and Zoning Department.  
Contact Dawn Chamberlain – 913-364-5750

**Planning Commission Seating Chart 2025**



LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
May 14, 2025

*The complete recorded meeting can be found on the County's YouTube channel.*

**The Planning Commission meeting was called to order at 5:30 p.m.**

**Pledge of Allegiance**

**Members present:** Jaden Bailey, Allan Stork, William Gottschalk, Jeff Spink, Doug Tystad, Robert Owens, Marcus Majure, Steve Skeet, Dan Clemons and Steve Rosenthal

**Members absent:** None.

**Staff present:** John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Development Planner, Jon Khalil, Deputy County Counselor

**Approval of Minutes**

Commissioner Stork made a motion to approve the minutes. Commissioner Clemons seconded the motion.

**ROLL CALL VOTE - Motion to approve the minutes passed, 8/1 (1 abstained).**

**Secretary's Report.** Amy Allison indicated there are two items on the consent agenda and five subdivision and exception items on the Regular Agenda, as well as two rezones and one variance request before the Board of Zoning Appeals.

**Declarations.** Yes, Commissioner Rosenthal abstained from the consent agenda vote due to a conflict.

**Approval of Agenda**

Commissioner Stork made a motion to approve the agenda. Commissioner Owens seconded the motion.

**ROLL CALL VOTE - Motion to approve the agenda passed, 8/1 (1 abstain)**

**Regular Agenda**

**A. Case DEV-25-017/018 Preliminary and Final Plat – Schram Estates**

Consideration of a Preliminary and Final Plat for a tract of land in the Northwest Quarter of Section 4, Township 12 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 14445 170<sup>th</sup> Street**

Amy Allison stated the property is currently zoned RR-2.5 and the owner is requesting to subdivide the property into a two-lot subdivision. Both parcels are in compliance with the zoning district standards; however, Lot 2 is not in compliance with the Lot depth to lot width subdivision standards. The applicant is requesting an Exception from the lot-depth to lot-width standard. Additionally, a condition of approval is that the Accessory Dwelling Unit permit must be amended to a single-family permit once approved.

Commissioner Tystad motioned to approve the Exception and Commissioner Stork seconded.

**ROLL CALL VOTE - Motion to approve the exception passed, 9/0**

Commissioner Clemons motioned to approve the preliminary and final plat based upon the findings of Staff. Commissioner Tystad seconded.

**ROLL CALL VOTE - Motion to approve the plats passed, 9/0**

**B. Case DEV-25-027 Boundary Line Adjustment – Miller/Watson**

Consideration of a Boundary Line Adjustment for tracts of land in the Northeast Quarter of Section 24, Township 9 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 26447 187<sup>th</sup> Street & 26567 187<sup>th</sup> Street**

Amy Allison stated that applicant has requested a boundary line adjustment to enlarge their non-compliant tract. The additional land would make the tract compliant with the minimum acreage requirement in the RR-5 zoning district. However, the boundary line adjustment would make the smaller lot non-compliant with the lot width to lot depth and the proposed tract layout creates an oddly shaped lot. Staff recommends approval of the request. Commissioner Tystad questioned what problems may arise later. Ms. Allison stated when a natural creek line is involved, creek lines can adjust; rainfall and flooding can change that. Surveyor Joe Herring clarified pins in the creek would not be set and that the description was written to the center of the creek line if the creek were to change, the boundary line would amend.

Chairman Majure asked about the lot width. Ms. Allison confirmed the lot is wider than it is deep.

Commissioner Tystad motioned to approve the Exception for the shape of the tract. Commissioner Clemons seconded.

**ROLL CALL VOTE - Motion to approve the exception passed, 9/0**

Commissioner Bailey motioned to approve the Exception lot width to lot depth. Commissioner Skeet seconded.

**ROLL CALL VOTE - Motion to approve the plats passed, 9/0**

**C. Case DEV-25-030/031 Preliminary and Final Plat – Wren Meadows**

Consideration of a Preliminary and Final Plat for a tract of land in the Northeast Quarter of Section 14, Township 11 South, Range 20 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 00000 Evans Road**

Amy Allison presented the preliminary and final plat request for a 3-lot subdivision which is compliant with the RR-5 zoning district. However, the bottom parcel does not match lot width to lot depth ratio. Configuration on the roadway system would make it difficult to find an alternative to subdivide the parcel.

Commissioner Owens motioned to approve the Exception and Commissioner Tystad seconded.

**ROLL CALL VOTE - Motion to approve the exception passed, 9/0**

Commissioner Tystad motioned to approve the request for the preliminary and final plat. Commissioner Gottschalk seconded.

**ROLL CALL VOTE - Motion to approve the plats passed, 9/0**

**D. Case DEV-25-032/033 Preliminary and Final Plat – Carolina Wren Estates**

Consideration of a Preliminary and Final Plat for a tract of land in the Southeast Quarter of Section 32, Township 9 South, Range 23 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 24675 Wolcott Road**

Josh Schweitzer presented the request for a 2-lot subdivision. The property has two single-family homes. One is a new-build and the other near the road will be removed. One of the proposed lots exceeds the maximum lot-width to lot-depth requirement and will need an exception.

Discussion ensued.

Commissioner Clemons motioned to approve Exception and Commissioner Tystad seconded.

**ROLL CALL VOTE - Motion to approve the exception passed, 9/0**

Commissioner Bailey motioned to recommend approval of the preliminary and final plat based upon the recommendations of Staff. Commissioner Clemons seconded.

**ROLL CALL VOTE - Motion to approve the plats passed, 9/0**

**E. Case DEV-25-035 Boundary Line Adjustment – Limestone Land Company LLC**

Consideration of a Boundary Line Adjustment for tracts of land in the North Half of Section 16, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 00000 & 00000 Tonganoxie Road**

Josh Schweitzer provided the background on the applicant's request for a boundary line adjustment. Two exceptions were granted when the tract was split previously and to modify through the boundary line adjustment, an the same exceptions would need to be granted.

Commissioner Clemons motioned to approve the Lot-Width to Lot-depth exception, seconded by Commissioner Bailey.

**ROLL CALL VOTE - Motion to approve the exception passed, 9/0**

Commissioner Bailey motioned to approve the lot line design exception and Commissioner Clemons seconded.

**ROLL CALL VOTE - Motion to approve the exception passed, 9/0**

**F. Case DEV-25-022 Rezoning - Tuttle**

Consideration of a rezoning request from RR-2.5 zoning district to R-1(43) zoning on the following described property: A tract of land in the southeast quarter of Section 33, Township 10 South, Range 22 East of the 6<sup>th</sup> p.m., in Leavenworth County, Kansas, prepared by Roger B Dill pls 1408 dated February 17<sup>th</sup>, 2025; being more particularly described as follows: Commencing at the Southeast corner of Section 33; thence North 00°55'55" West, along the east line of the Southeast quarter of said Section 33, a distance of 659.91 feet, to the point of beginning of the herein described tract; thence north 00°55'55" West, a distance of 157.85 feet; thence South 88°07'22" West, a distance of 414.33 feet; thence South 01°51'34" East, a distance of 159.58 feet, to a point on the South line of the North half of the southeast quarter of said southeast quarter; thence North 87°52'40" East, a distance of 411.78 feet, to the point of beginning.

**Also known as 19701 163<sup>rd</sup> St**

Josh Schweitzer outlined the rezone request to amend a portion of the property from RR-2.5 to R-1(43). The concept plan provided shows that Lot 2, which contains the existing house would be approximately 1.5 acres if the rezoning were approved. The applicant has proposed that only that section of the parcel be rezoned and the remainder remain RR-2.5 zoning. Staff recommended that the entire parcel be rezoned to create one consistent zoning district for the entire development. Staff is concerned that this request may be spot zoning. Therefore, staff is not supportive.

**Chairman Majure opened the public hearing.**

Krystal Voth of Atlas Land Consulting spoke about the applicant's re-zone request. Ms. Voth explained why the applicants are requesting a portion of their land be rezoned versus all of their property. Ms. Voth confirmed most of the adjacent properties are residential and agricultural in nature; however, all adjacent properties are zoned RR-2.5 which could be considered spot zoning.

Commissioner Owens asked about the property owners plans for the property. Owner, Mr. Tuttle, owns the property and is requesting to sell one of the properties while keeping the rest as agricultural. He currently owns the farm directly north of this parcel.

Commissioner Tystad clarified where the applicant resides. The property owner clarified that he lives two tracts south of the property. No one spoke in favor of the request nor in opposition of the request.

**Chairman Majure closed the public hearing.**

Commissioner Stork asked for further clarification about Spot Zoning and the minimum frontage requirements for the R-1(43) zoning district. Staff provided additional discussion about spot zoning but acknowledged that the underlying future land use designation supports R-1(43) zoning in this area. The frontage requirements would be met based on the provided concept. Commissioner Tystad mentioned the issue with lot width to lot depth and staff clarified that an exception would be needed once platting took place.

Commissioner Bailey motioned to recommend approval and Commissioner Skeet seconded.

**ROLL CALL VOTE - Motion to approve the rezoning request passed, 9/0**

**G. Case DEV-25-038 Rezoning - Breidenthal**

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning on the following described property: All that part of the West Half of the Northwest Quarter of Section 33, Township 11 South, Range 22 East of the 6th P.M. lying South of Kansas Highway 32, as written by Joseph A. Herring PS-1296 on April 14, 2025, Leavenworth County, Kansas, together with and subject to covenants, easements, and restrictions of record.

**Also known as 15212 174<sup>th</sup> Street**

Amy Allison presented the staff report for the proposed rezoning request. The applicant would like to rezone the southern portion of the property from RR-5 to RR-2.5. The concept plan shows that a 2.5-acre tract will be split from the southwest corner of that section of land. Staff is supportive of the request as it complies with the future land use map and RR-2.5 zoning is adjacent to the south.

**Chairman Majure opened the Public Hearing.**

Joe Herring of Herring Surveying stated the request does meet the criteria of the Comprehensive Plan. Mr. Herring further stated most of the property is currently used for farming and the applicant would prefer to continue to farm. However, the applicant may have other plans for the land where Basehor and Linwood will connect at a later date the applicant may split a portion of the property and pass is on to family.

Skeet requested clarification regarding the flood plain. Commissioner Tystad inquired if the owner is aware that an entrance on Linwood Road would be unlikely. Mr. Herring confirmed that the owner is aware.

No one spoke in favor of the request nor in opposition of the request.

**Chairman Majure closed the Public Hearing.**

Commissioner Gottschalk motioned to approve the request and Commissioner Tystad seconded.

**ROLL CALL VOTE - Motion to approve the rezoning request passed, 9/0**

Adjournment of Planning Commissioner at 6:38pm.

**Board of Zoning Appeals** – commenced at 6:43pm.

**11. ROLL CALL VOTE:** Commissioners Spink, Tystad, Gottschalk, Clemons, Bailey and Rosenthal

**12. Regular Agenda**

**A. Case DEV-25-028 Variance - Schultz**

Consideration of a Variance request from Article 20, Section 6 of the Leavenworth County Zoning & Subdivision Regulations on the following described property: Lot 1, Crosby Addition, Leavenworth County, Kansas.

**Also known as 16042 Linwood Road**

Josh Schweitzer presented the case. The variance request is for a rear yard setback requirement for an accessory structure. The property owner obtained a building permit for an accessory structure that was compliant with regulations. However, at some point, an addition was added onto the structure without a building permit and it was determined during the platting process for this parcel that the addition did not meet the setback requirements and currently sits approximately 10.5 feet from rear property line. To approve the request, the Board must find that five criteria have been met.

Chairman Majure opened the Public Hearing.

Krystal Voth of Atlas Land Consulting spoke about the intent of the setback requirement which is to ensure buildings are not built over the property line. She acknowledged that the owners should have applied for the building permit but are now aware of the requirement and understand they cannot encroach on setbacks for any future construction.

Commissioner Clemons clarified the location of a pool. No one spoke in favor or opposition of the request.

Tystad asked for clarification if the property owners would be able to apply for future building permits. Staff said that if the variance were approved, they would be eligible for future permits but if it were denied, the property would be considered non-compliant. Chairman Majure asked for clarification on the setback to the property owner and acknowledged that no adjoining land owners have come forward opposing the structure.

No one spoke in favor of the request nor in opposition of the request.

**Chairman Majure closed the Public Hearing.**

Commissioner Bailey motioned to approve the Variance and Commissioner Rosenthal seconded.

**ROLL CALL VOTE - Motion to approve the Request passed, 7/0**

**Adjournment of the Board of Zoning Appeals at 6:55pm.**

**LEAVENWORTH COUNTY  
BOARD OF ZONING APPEALS  
STAFF REPORT**

CASE NO: DEV-25-058 Eden (**PUBLIC HEARING REQUIRED**)

June 11, 2025

**REQUEST:** Variance from Zoning and Subdivision Regulations Article 5, Section 4.1.a.

**STAFF REPRESENTATIVE:**  
JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 19176 Stranger Road



**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
Herring Surveying Company  
315 N 5<sup>th</sup> Street  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Travis Eden  
19176 Stranger Road  
Leavenworth, KS 66048

**CONCURRENT APPLICATIONS:**  
N/A

**LAND USE**

ZONING: RR-5

FUTURE LAND USE DESIGNATION:  
RR-2.5

**LEGAL DESCRIPTION:**

Lot 1, WAKE SUBDIVISION, a subdivision in Leavenworth County, Kansas

SUBDIVISION: Wake

FLOODPLAIN: N/A

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

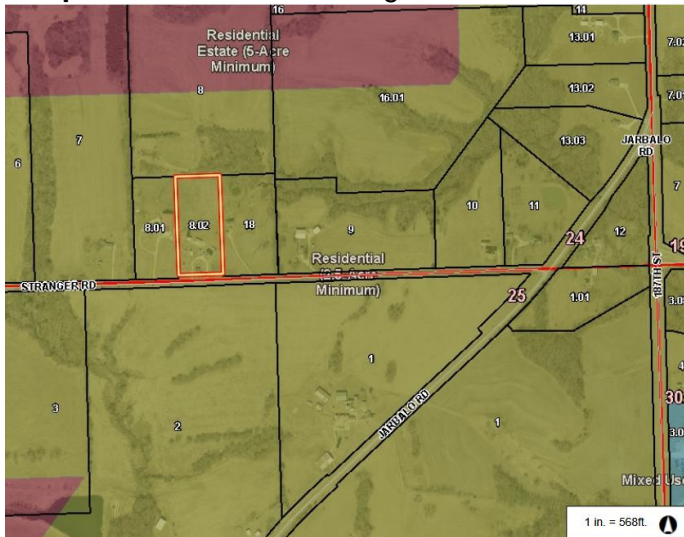
1. Recommend approval of Case No. DEV-25-058 , variance from the required minimum front yard setback on all structures; or
2. Recommend denial of Case No. DEV-25-058 , variance from the required minimum front yard setback on all structures; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 4.8 ACRES

PARCEL ID NO:  
116-24-0-00-00-008.02

BUILDINGS:  
Existing House and Outbuilding

**Location Map: Future Land Use Designation**



ACCESS/STREET:  
Stranger Road; Local; ±24' WIDE,  
GRAVEL

**UTILITIES**

SEWER: SEPTIC

FIRE: High Prairie Township

WATER: N/A

ELECTRIC: Freestate

**NOTICE & REVIEW:**

STAFF REVIEW: 6/4/2025

NEWSPAPER NOTIFICATION:  
5/15/2025

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
5/21/2025

**FACTORS TO BE CONSIDERED:**

***A request for a variance may be granted in such individual case upon finding that all of the following conditions have been met (KS Statute 12-759)***

***1. The variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning classification, and is created by the zoning regulations and not by an action of the property owner or the applicant;***

- The residence was built 1963 based off the appraisal information. This predates regulations, which would make this a legal nonconforming structure.
- In 2004, the tract was platted into a 1-lot subdivision with the restriction that if the existing home were to be damaged beyond repair. The replacement structure shall conform with plat setback, which at that time was 105' from the centerline of the road.

***2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;***

- Granting of the variance does not appear to adversely affect the rights of the adjacent property owners or residents.

***3. The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application:***

- This would limit the property owners' ability to expand their residence, which would also increase the value of their property.
- The current residence is not damaged beyond repair. The addition is needed in order to accommodate their family needs.

***4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and;***

- Granting of the variance does not appear to adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

***5. Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations***

- The structure was built prior to regulations being adopted.
- The addition is being placed to the side of the existing house and is not encroaching any further on the front property line, but it is expanding the nonconformity of the structure.

**STAFF COMMENTS:**

The applicant is requesting a variance from the front yard setback requirement in order to build an addition to their existing residence that expands the nonconformity of the structure by at least 50%. The residence was built 1963 based off the appraisal information. This predates regulations, which would make this a legal nonconforming structure. In 2004 the tract was platted into a 1-lot subdivision with a restriction of if the existing house was damaged beyond repair that the replacement structure shall conform with plat setbacks. In 2004 the front yard setback was 105' front the centerline of the road. The requested 30x30 addition is being added to the side of house with a front yard setback of 67' from section line as indicted on provided site plan. adding to the nonconformity. Based off of the location of the septic/lateral field, the only location that the addition can be placed is to the side of the residence.



**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Map

C: Memorandums

Josh

~~\* Payment~~  
~~\* owner auth~~  
~~\* deed~~

# BOARD OF ZONING APPEALS APPLICATION

Leavenworth County Planning and Zoning  
300 Walnut, Suite 212  
Leavenworth, Kansas 66048  
913-684-0465

Office Use Only

Case No. \_\_\_\_\_  
PID: \_\_\_\_\_  
Township \_\_\_\_\_  
BZA Hearing Date \_\_\_\_\_  
ACTION \_\_\_\_\_ Date Received \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_  
Comprehensive Plan land use designation \_\_\_\_\_

## APPLICANT/AGENT INFORMATION

NAME Joe Herring  
ADDRESS 315 North 5th Street  
CITY/ST/ZIP Leavenworth, KS 66048  
PHONE 913-651-3858  
EMAIL herringsurveying@outlook.com

## OWNER INFORMATION (If different)

NAME Travis Eden  
ADDRESS 19176 STRANGER RD  
CITY/ST/ZIP Leavenworth, KS 66048  
PHONE N/A  
EMAIL N/A

## GENERAL INFORMATION

Description of Appeal or Variance – Attach narrative addressing the Factor to be Considered (last page of application packet) to this application.

## PROPERTY INFORMATION

Address of Property 19176 STRANGER RD  
Parcel size 5.09 Acres  
Present improvements or structures Single Family Residence and Agriculture Structures  
Current use of the property? Agriculture and Residential

I, the undersigned, am the (circle one) owner authorized agent of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for an appeal/variance as indicated above.

Signature Joe Herring - digitally signed May 13, 2025 Date 5/13/25

ATTACHMENT A



*Janet Klasinski*  
COUNTY CLERK

Doc #: 2021R10336  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
08/24/2021 09:05:23 AM  
RECORDING FEE: 72.00  
PAGES: 4

Continental Title Company: 21415650

**Warranty Deed**  
(Individuals)

This indenture, Made this 11<sup>th</sup> day of August, 2021, between, Beatrice R. Wake, FKA Beatrice R. Jasuta, a single person and Karen K. Bottary and Michael J. Bottary, wife and husband and Janet M. Baker and Stephen Baker, wife and husband and Leonard F. Wake, Jr., a single person, of Leavenworth County, in the State of Kansas, party(ies) of the first part, and Travis Eden, a single person, of Leavenworth County, in the State of KS, party(ies) of the second part. WITNESSETH, that the said party(ies) of the first part, in Consideration of the sum of TEN Dollars and other valuable considerations, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto said party(ies) of the second part, his/her/their successors and/or assigns, all of the following described real estate, situated in the County of Leavenworth and State of Kansas to wit:

Legal Description: Lot 1, WAKE SUBDIVISION, a subdivision in Leavenworth County, Kansas.

Note: Subject to easements, reservations, restrictions, if any of record.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

And said party(ies) of the first part, for itself, and its successors and assigns, does hereby covenant, promise and agree, to and with said party(ies) of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the able granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, states, judgments, taxes, assessments and encumbrances, of what nature and kind so ever, and that it will Warrant and Forever Defend the same unto said party(ies) of the second part, his/her/their heirs and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I Travis Eden and Taylor Eden

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
19176 Stranger Rd Leavenworth Ks 66048, and that we authorize the  
following people or firms to act in our interest with the Leavenworth County Planning  
and Zoning Department for a period of one calendar year. Additionally, all statements  
herein contained in the information herewith submitted are in all respects true and correct  
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

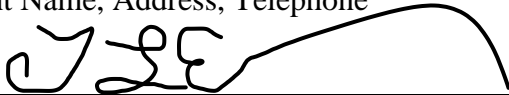
1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth,  
KS 66048, 913-651-3858

2)

Signed and entered this 12 day of May, 2025.

Travis Eden, 19176 Stranger Rd Leavenworth Ks 66048, 785-817-5875

Print Name, Address, Telephone



Signature

STATE OF KANSAS                    )  
  ) SS  
COUNTY OF LEAVENWORTH )

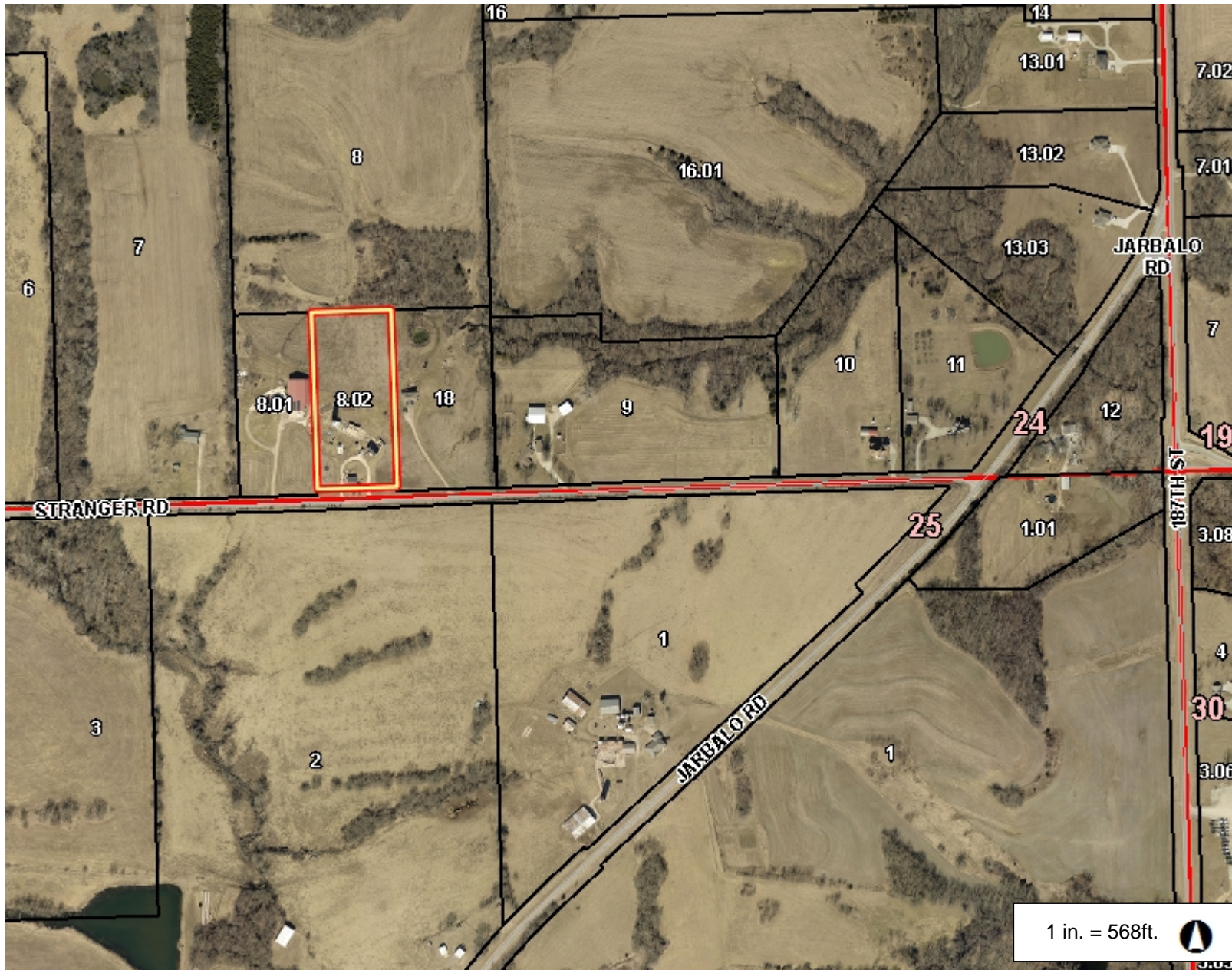
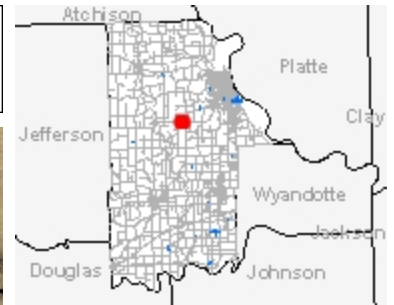
Be it remember that on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, before me, a notary public in and  
for said County and State came \_\_\_\_\_ to me  
personally known to be the same persons who executed the forgoing instrument of writing, and  
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand  
and affixed my notary seal the day and year above written.

NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(seal)

# Leavenworth County, KS



## Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- +
- Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 568ft.



1,136.8 0 568.40 1,136.8 Feet

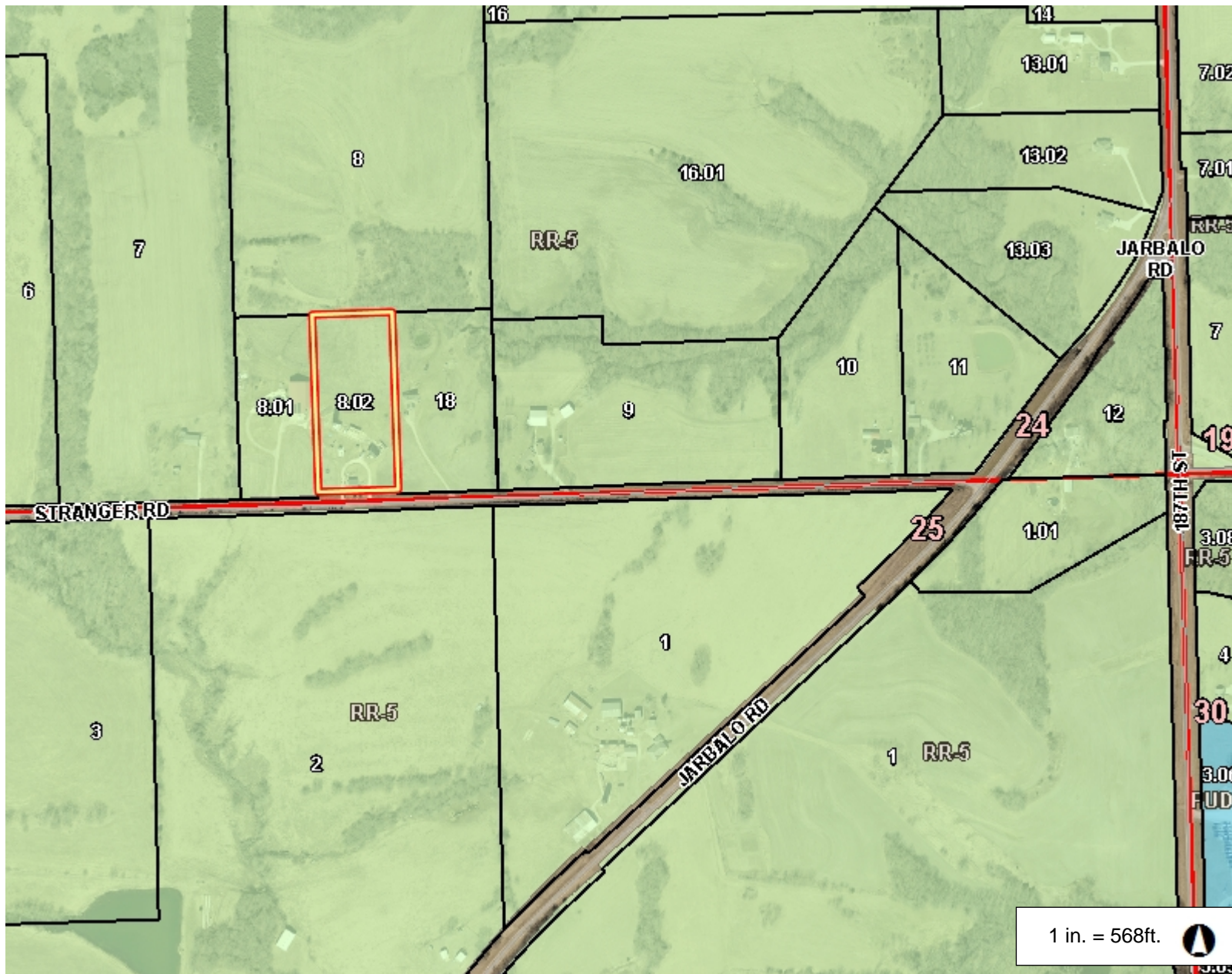
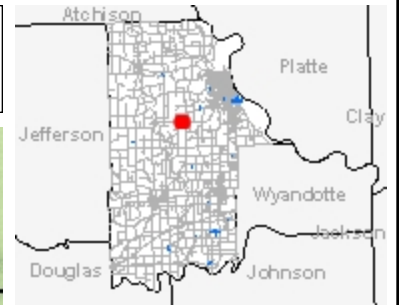
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



# Leavenworth County, KS



## Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
- B-1
- B-2
- B-3
- I-1
- I-2
- I-3
- MXD
- PC
- PI
- PR-1
- PR-2
- PR-3

1 in. = 568ft.



1,136.8 0 568.40 1,136.8 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

# VARIANCE EXHIBIT

*Lot 1, WAKE SUBDIVISION, Leavenworth County, Kansas.*

PREPARED FOR:

TRAVIS EDEN

19176 STRANGER RD

LEAVENWORTH, KS 66048

PID NO. 116-24-0-00-00-008.02

*NARRATIVE*

- (A) Residence was constructed in 1963 according to county tax information, a structure is shown on property since the 1941 aerial per the GIS website. County did not have zoning regulations at that time. Regulations were created in 1966 for Leavenworth County imposing setbacks. It is unclear on how the 105' Front Setback distance was determined and when it was created.
- (B) This will not have an adversely on the adjacent neighbors since those structures were built after this structure was constructed and all were a part of the family farm.
- (C) It would prohibit the current owners from expanding their livable space, to increase their property's value, and to accommodate their growing family.
- (D) It will not, has been in place since 1963 and the granting of the variance will allow for the improvement of the property.
- (E) It will not, it was built prior to the zoning regulations, it was platted in 2004 into a single Lot in accordance with the zoning regulations, approved by the planning commission and the board of county commissioners, as the structure exists today.

**NOTE:**

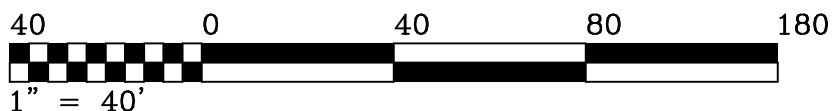
- Updated plan reflects the provided location of the septic and lateral field. Due to the required 25' setback from a structure, the proposed addition has been reduced in size and moved farther south. The south side of the 6' porch will now match the south face of the existing house.



Scale 1" = 40'

Job # K-25-1911

May 13, 2025 Rev. 6-4-25



THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Monday, May 19, 2025 11:36 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-058 Eden Variance  
**Attachments:** 2021.07.20 Septic Inspection.pdf

We have not received any complaints on this property. The septic tank and lateral field were installed inside the circle drive in 2021. The new addition will need to be at least 25' from the lateral field. It appears laterals will need to be decommissioned and replaced to meet the setback requirements before the addition can be permitted (if the variance is approved).

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

*Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.*

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Thursday, May 15, 2025 12:29 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Dedেকে, Andrew <adedেকে@lvsheriff.org>; 'jgates@lansingks.org' <jgates@lansingks.org>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-058 Eden Variance

Good Afternoon,

The Department of Planning and Zoning has received a request for a Variance from Article 5, Section 4.1.a. the front yard setback for all structures for the property located at 19176 Stranger Road.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by May 30, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov)

v / r

Joshua J. Schweitzer  
Development Planner



## Schweitzer, Joshua

---

**From:** McAfee, Joe  
**Sent:** Friday, May 16, 2025 3:05 PM  
**To:** Schweitzer, Joshua; Magaha, Chuck; Brown, Misty; Khalil, Jon; Dedeker, Andrew; 'jgates@lansings.org'  
**Cc:** PZ; Noll, Bill  
**Subject:** RE: DEV-25-058 Eden Variance

Josh,  
PW Engineering has no comment on the variance.

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Thursday, May 15, 2025 12:29 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Dedeker, Andrew <adedeker@lvsheriff.org>; 'jgates@lansings.org' <jgates@lansings.org>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-058 Eden Variance

Good Afternoon,

The Department of Planning and Zoning has received a request for a Variance from Article 5, Section 4.1.a. the front yard setback for all structures for the property located at 19176 Stranger Road.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by May 30, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov)

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048  
(913) 684-0465

## Schweitzer, Joshua

---

**From:** Jeff Simpson <[jsimpson@highprairietownship.org](mailto:jsimpson@highprairietownship.org)>  
**Sent:** Thursday, May 15, 2025 12:47 PM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-058 Eden Variance

**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.

Joshua,

Thanks for forwarding this to me. I'll be the contact for High Prairie Township now for items of this. Everything looks good. High Prairie Township Fire Dept. is ok with allowing the variance.

**Jeff Simpson**

Fire Chief  
High Prairie Township Fire Department  
Station: 913-297-0001  
Cell: 913-683-1383  
25093 187<sup>th</sup> Street, Leavenworth, Kansas 66048

---

**From:** Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)>  
**Sent:** Thursday, May 15, 2025 12:34 PM  
**To:** Jeff Simpson <[jsimpson@highprairietownship.org](mailto:jsimpson@highprairietownship.org)>  
**Subject:** FW: DEV-25-058 Eden Variance

Sir,

Please see below for a variance request our office received.

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048  
(913) 684-0465

---

**From:** Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)>  
**Sent:** Thursday, May 15, 2025 12:29 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Khalil, Jon <[jkhalil@leavenworthcounty.gov](mailto:jkhalil@leavenworthcounty.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; McAfee, Joe <[JMcAfee@leavenworthcounty.gov](mailto:JMcAfee@leavenworthcounty.gov)>; Dedeker, Andrew <[adedeker@lvsheriff.org](mailto:adedeker@lvsheriff.org)>; 'jgates@lansingks.org' <[jgates@lansingks.org](mailto:jgates@lansingks.org)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** DEV-25-058 Eden Variance

Good Afternoon,

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-25-023 & 024 Tuttle Acres

June 11, 2025

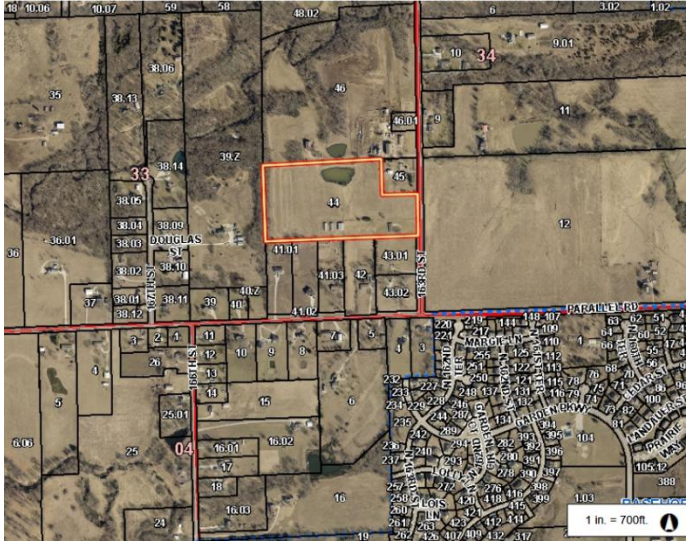
**REQUEST:** *Regular Agenda*

☒ Preliminary Plat      ☒ Final Plat

**STAFF REPRESENTATIVE:**

JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 19701 163<sup>rd</sup> Street



**APPLICANT/APPLICANT AGENT:**

Krystal Voth  
Atlas Land Consulting  
14500 Parallel Road Suite R  
Basehor, KS 66007

**PROPERTY OWNER:**

Steve & Diana Tuttle  
19701 163<sup>rd</sup> Street  
Basehor, KS 66007

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

**ZONING:** RR-2.5 & R-1(43)

**FUTURE LAND USE DESIGNATION:**

Residential 3 units an acre

**LEGAL DESCRIPTION:**

A Minor Subdivision in the Southeast Quarter of Section 33, Township 10 South, Range 22, East of the 6th P.M., in Leavenworth County Kansas.

**SUBDIVISION:** N/A

**FLOODPLAIN:** N/A

**STAFF RECOMMENDATION:** APPROVAL

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-25-023 & 024, Preliminary & Final Plat for Tuttle Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-023 & 024, Preliminary & Final Plat for Tuttle Acres to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 17.5 ACRES

**PARCEL ID NO:**

158-33-0-00-00-044

**BUILDINGS:**

N/A

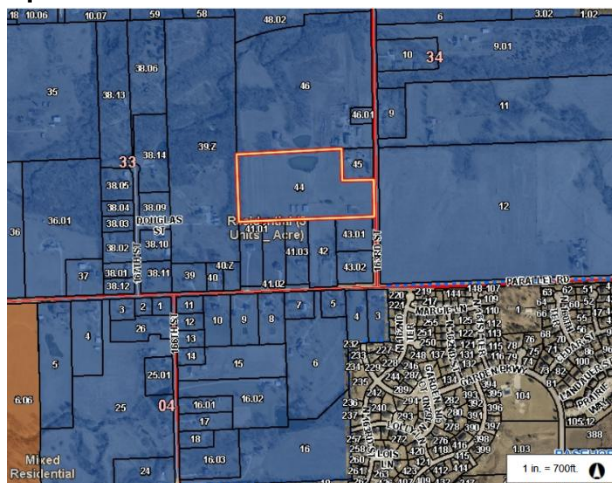
**PROJECT SUMMARY:**

Request for preliminary & final plat approval to subdivide property located at 19701 163<sup>rd</sup> Street (158-33-0-00-00-044) as Lots 01 through 02 of Tuttle Acres.

**ACCESS/STREET:**

163<sup>rd</sup> Street - Collector, Paved ± 26'

**Location Map: FUTURE LAND USE DESIGNATION**



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** Fairmount

**WATER:** Suburban

**ELECTRIC:** Evergy

**NOTICE & REVIEW:**

**STAFF REVIEW:**

6/2/2025

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A

<b>STANDARDS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>			
<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	X	
40-20	<b>Final Plat Content</b>	X	
41-6	<b>Access Management</b>	X	
41-6.B.a-c.	<b>Entrance Spacing</b>	X	
41-6.C.	<b>Public Road Access Management Standards</b>	X	
43	<b>Cross Access Easements</b>	N/A	
50-20	<b>Utility Requirements</b>	X	
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b>		X
	Exception requested from Article 50, Section 40.3.h. & 40.3.i.		
50-50	<b>Sensitive Land Development</b>	N/A	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	N/A	

#### **STAFF COMMENTS:**

The applicant is proposing to divide a 17.5-acre parcel into two (2) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lot 1 will be approximately 16.24 acres in size. Lot 2 will be approximately 1.5 acres in size. Lot 1 needs an exception to allow a non-conforming structure and an exception for Lot-depth to Lot-width. If exceptions are approved, Lot 1 meets the requirements for the RR-2.5 zoning district. Lot 2 meets the requirements for the R-1(43) zoning district.

#### **EXCEPTIONS:**

The applicant has requested an exception from Article 50, Section 40.3.h. – Non-conforming Structure. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.h. – Non-conforming Structure conformance with the Zoning & Subdivision Regulations for the Tuttle Acres subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width conformance with the Zoning & Subdivision Regulations for the Tuttle Acres subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

**PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary, infrastructure is available.
5. An exception from Article 50, Section 40.3.h. has been approved for Lot 1.
6. An exception from Article 50, Section 40.3.i. has been approved for Lot 1.
7. The developer must comply with the following memorandums:  
Memo – Chuck Magaha, dated April 28, 2025

**PROPOSED MOTIONS:**

Approve case DEV-25-023/024, a request to plat the property located at 19701 163<sup>rd</sup> St. into a 2-lot subdivision in conformance with the Zoning and Subdivision Regulations with a majority vote; or

*Motion: Chairman, I find that the subdivision request complies with the Zoning and Subdivision Regulations and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-023/024 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.*

Deny case DEV-25-023/024, a request to plat the property located at 19701 163<sup>rd</sup> St. into a 2-lot subdivision not in conformance with the Zoning and Subdivision Regulations with a majority vote; or

*Motion: Chairman, I find that the subdivision request does not comply with the Zoning and Subdivision Regulations (list Article and Section #) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-023/024.*

Table the case to a date and time certain for additional information.

*Motion: Chairman, I move to table Case No. DEV-25-023/024 to (Date and Time) requesting additional information for (STATE THE REASON(S)).*

**ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map
- C: Road Map (A minimum of 1/4 mile)
- D: Memorandums

## FINAL PLAT APPLICATION

Leavenworth County Planning and Zoning Department,  
300 Walnut St., Suite 212  
County Courthouse  
Leavenworth, Kansas 66048  
913-684-0465

### Office Use Only

Township: \_\_\_\_\_ Planning Commission Meeting Date: \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Received/Paid: \_\_\_\_\_  
Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation: \_\_\_\_\_

### APPLICANT/AGENT INFORMATION

### OWNER INFORMATION

NAME: Atlas Land Consulting Krystal Voth/Austin Thompson NAME: Steve & Diana Tuttle  
MAILING ADDRESS: 14500 Parallel Road, Suite R MAILING ADDRESS 19701 163rd Street  
CITY/ST/ZIP: Basehor, KS 66007 CITY/ST/ZIP Basehor, KS 66007  
PHONE: 417-622-2907 PHONE: 816-225-8820  
EMAIL: krystal@alconsult-llc.com EMAIL tutfarms@sunflower.com

### GENERAL INFORMATION

Proposed Subdivision Name: Tuttle Acres  
Address of Property: 19701 163rd Street, Basehor, KS 66007  
PID: 158-33-0-00-00-044.00-0 Urban Growth Management Area: N/A

### SUBDIVISION INFORMATION

Gross Acreage: 17.74	Number of Lots: 2	Minimum Lot Size: 1.5
Maximum Lot Size: 16.24	Proposed Zoning: RR-2.5 & R-1(43)	Density: .11
Open Space Acreage:	Water District: Suburban	Proposed Sewage: On-site wastewater
Fire District: Fairmount	Electric Provider: Everygy	Natural Gas Provider:
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: Local – Collector – Arterial – State – Federal	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Is any part of the site designated as Floodplain? ☐ Yes ☒ No if yes, what is the panel number:

I, the undersigned, am the owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a final plat approval as indicated above.

Signature: Krystal A. Voth Authorized Agent Date: 2/19/2025

ATTACHMENT A

ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 01/31/2025

*Gian Kyplur*

COUNTY CLERK

DOC #: 2025R00583  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
01/31/2025 08:00:30 AM  
RECORDING FEE: 38.00  
PAGES: 2

**CONTINENTAL TITLE**  
**24400717**

**EXECUTOR'S DEED**  
(Joint Tenancy)

This indenture made this Le day of September, 2024, by and between Michael W. McDowell, Executor of the Estate of Betty J. McDowell, deceased, by virtue of Letters Testamentary issued on March 22, 2024 by the District Court of Leavenworth County, Kansas in case number LV-2024-PR-000009, captioned In the Matter of the Estate of Betty J. McDowell, deceased (hereinafter, "Grantor"), and Steve Tuttle and Diana Tuttle, husband and wife, (hereinafter "Grantees").

Grantor, by virtue of the specific authority and direction set forth in the Last Will and Testament of Betty J. McDowell, that was admitted to probate and record by the District Court of Leavenworth County, Kansas on March 22, 2024 in the above-referenced case and by virtue of an "Order Authorizing Sale of Real Estate at Private Sale and Approving Appraiser" issued out of such Court on August 9, 2024 and an "Order Confirming Sale of Real Estate at Private Sale and Approving Appraiser" issued out of such Court on August 23, 2024, having sold the estate's interest in the real estate hereinafter described in conformity with the provisions of such Will and such Order, in consideration of the gross sale price of \$667,000.00, which is not less than three-fourths of the appraised value of the real estate hereinafter described, the receipt of which is acknowledged, does by these presents, grant, bargain, sell and convey unto Grantees as joint tenants with the rights of survivorship and not as tenants in common, their heirs and assigns, all right, title and interest of Betty J. McDowell, deceased, discharged from liability for decedent's debts, in and to the following described real estate situated in Leavenworth County, Kansas, commonly known as 19701 163<sup>rd</sup> Street, Basehor, Kansas and legally described as:

The North Half (N ½) of the South Half (S ½) of the East Half (E ½) of the Southeast Quarter (SE ¼) of Section Thirty-Three (S 33), Township Ten (T 10), Range Twenty-Two (R 22), in Leavenworth County, Kansas, subject to that part in street or road

LESS

A tract of land in the North one-half of the South one-half of the East one-half of the Southeast quarter of Section 33, Township 10 South, Range 22 East of the 6<sup>th</sup> P.M., described as follows: Beginning at a point 1,320 feet North of the Southeast corner of said Section 33, thence Westerly 330 feet,



thence Southerly 300 feet, thence Easterly  
330 feet, thence Northerly 300 feet along the  
East line of said Section 33 to the point of  
beginning, in Leavenworth County, Kansas,  
less road right of way

subject, however, to easements, covenants, reservations, declarations, restrictions, zoning laws,  
party wall agreements, special assessments and other matters of record.

TO HAVE AND TO HOLD the above granted premises, together with the appurtenances  
and hereditaments and every part thereof, unto Steve Tuttle and Diana Tuttle, their heirs and  
assigns.

IN WITNESS WHEREOF, Grantor has executed this instrument on the date set forth  
above.

Estate of Betty J. McDowell, deceased

By: Michael W. McDowell  
Michael W. McDowell  
Executor

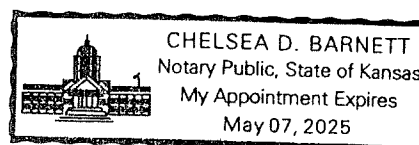
STATE OF KANSAS )  
 ) ss:  
COUNTY OF LEAVENWORTH )

BE IT REMEMBERED, that on this 14 day of September, 2024, before  
me, the undersigned, a notary public in and for the County and State aforesaid, personally  
appeared Michael W. McDowell, Executor of the Estate of Betty J. McDowell, deceased, who is  
known to me to be the person who executed the above and foregoing instrument and  
acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial  
seal on the day and year last above written.

Chelsea D. Barnett  
Notary Public  
Chelsea D. Barnett

My commission expires: 5/7/2025





OWNER AUTHORIZATION

I/WE Stephen W. Tuttle, hereby referred to as the  
"Undersigned", being of lawful age, do hereby on this 14 day of February, 2025, make the following  
statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of  
the following described real property  
  
See Attachment "A" attached hereto and incorporated herein by reference.
2. I/We the undersigned, have previously authorized and hereby authorize Austin Thompson with Atlas Land Consulting (Hereinafter referred to as "Applicant"), to act on my/our behalf  
for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Golden Rd. Linwood, KS 66054 (common address) the subject real property, or portion  
thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily  
required of Applicant in the application process.
3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County  
Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter  
collectively referred to as the "County"), free and harmless from and against any and all claims, losses,  
penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether  
false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any  
and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and  
character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of  
this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the  
Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any  
such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all  
other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
4. It is understood that in the event the Undersigned is a corporation or partnership then the individual  
whose signature appears below for and on behalf of the corporation or partnership has in fact the  
authority to so bind the corporation or partnership to the terms and statements contained within this  
instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

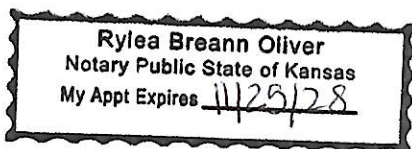
Stephen W. Tuttle  
Owner

Owner

STATE OF KANSAS  
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 14<sup>th</sup> day of February 2025  
by Rylea Oliver

My Commission Expires:



11/25/28  
Notary Public

ATTACHMENT B



# OWNER AUTHORIZATION

I/WE Diana Tuttle, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 14 day of March, 2025 make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property  
See Exhibit A attached hereto and incorporated herein by reference.
2. I/We the undersigned, have previously authorized and hereby authorize Atlas Consulting (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, \_\_\_\_\_ (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Diana Tuttle  
Owner

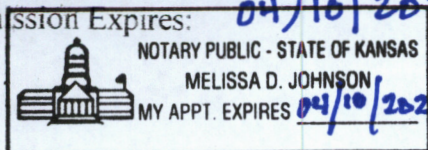
\_\_\_\_\_  
Owner

STATE OF KANSAS  
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 14<sup>th</sup> day of March, 2025,

by Diana Tuttle

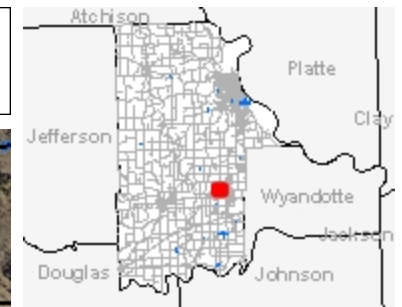
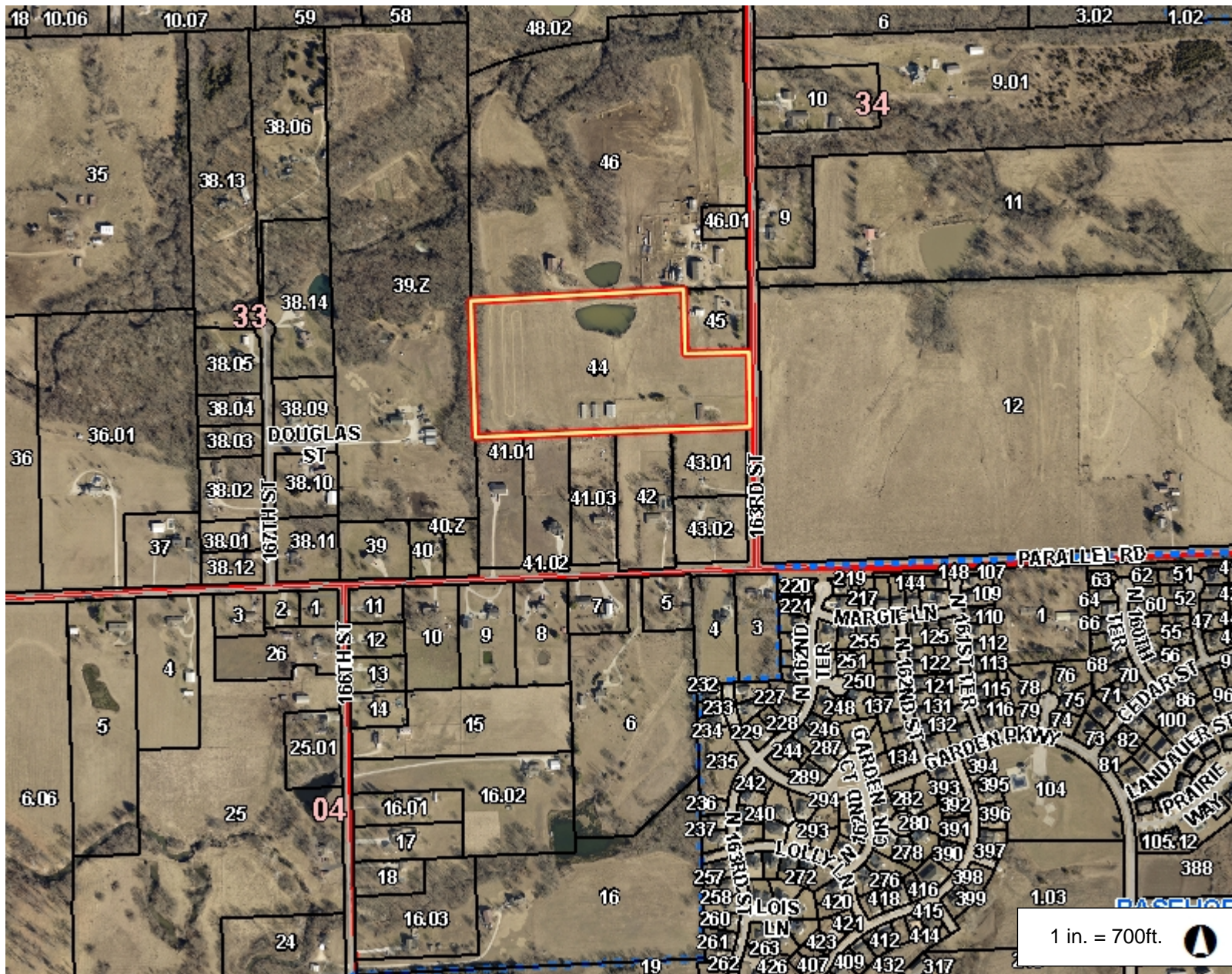
My Commission Expires: 04/10/2028













Melissa D. Johnson  
Notary Public Melissa D. Johnson



# Leavenworth County, KS



## Legend

-  Parcel
-  City Limit Line
-  <all other values>
-  70
-  <all other values>
-  PRIVATE
-  Railroad
-  Section
-  Section Boundaries
-  County Boundary

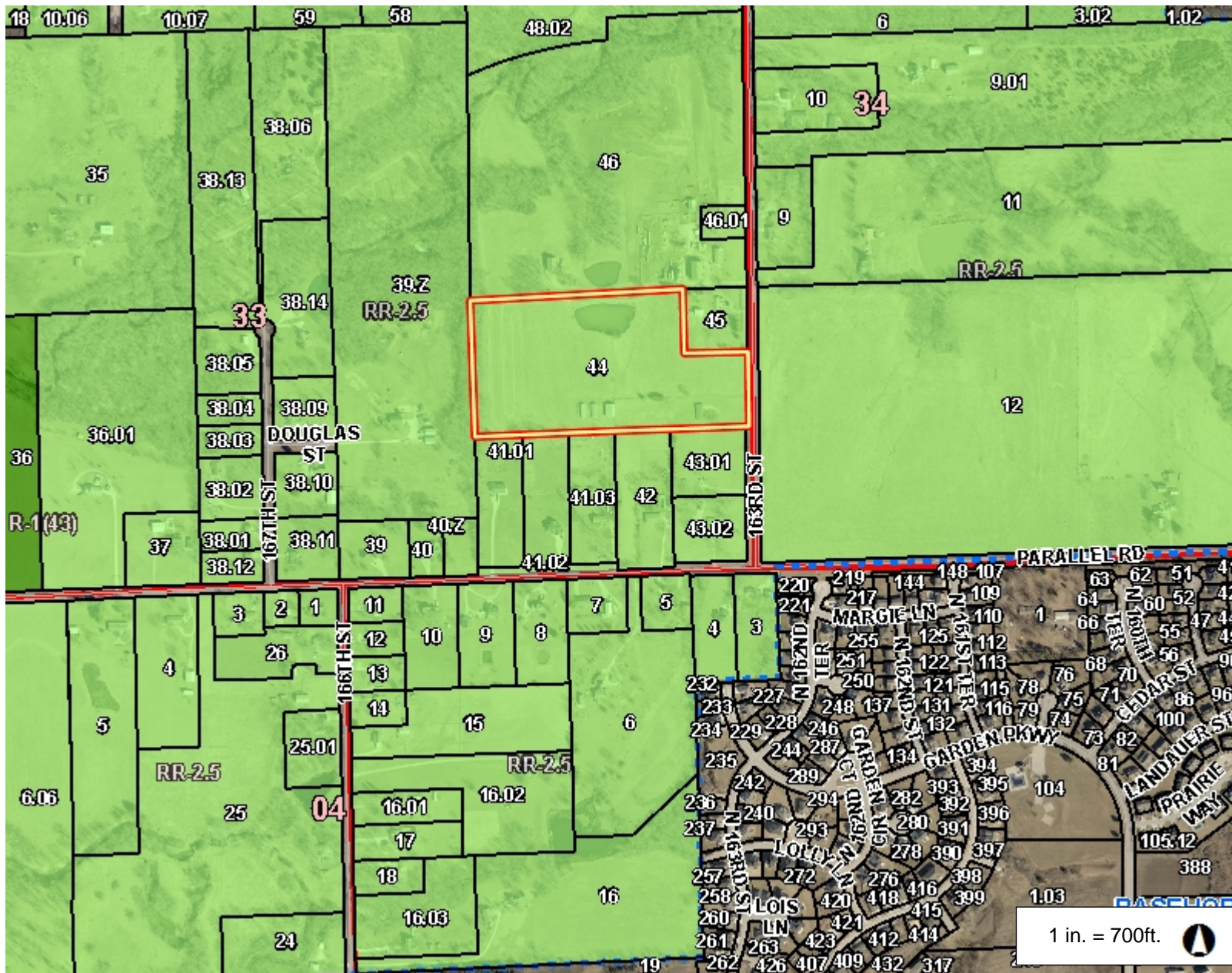
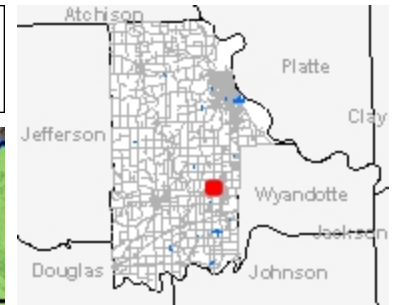
## Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



# Leavenworth County, KS



## Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
- B-1
- B-2
- B-3
- I-1
- I-2
- I-3
- MXD
- PC
- PI
- PR-1
- PR-2
- PR-3

1 in. = 700ft.



1,400.4 0 700.22 1,400.4 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

---

Krystal Voth  
Atlas Land Consulting  
14500 Parallel Road  
Basehor, KS 66007

417-622-2907  
Krystal@alconsult-llc.com

---

02/20/2025

Mr. John Jacobson  
Leavenworth County Planning & Zoning Director  
300 Walnut, Leavenworth, KS 66048

Mr. Jacobson

Thank you for the opportunity to submit a Preliminary and Final Plat for a two-lot subdivision to be known as "Tuttle Acres." On behalf of Mr. Tuttle, Atlas Land Consulting intends to submit a request for a rezoning of a portion of the property located at 19701 163<sup>rd</sup> Street. This request will be for the southeasternmost 1.5 acres. Our request is to allow the home to be divided from the existing 17.74 acres, leaving the remaining acreage in a single tract. Due to the size of the parcel being less than 40 acres, we are not able to request a simple tract split. As such, the remaining property must also be platted. In doing so, the remaining 16.24 acres will not meet the county requirement for width-to-depth ratio. Per Article 56 of the Zoning and Subdivision Regulations, an exception can be granted provided the following criteria are met:

1. That there are special circumstances or conditions affecting the property. This property has very limited road frontage, less than 360 feet, but a depth of 1,320 feet. The significant disparity in frontage and depth complicates the owner's ability to meet the width-to-depth ratio requirement.
2. That the exception is necessary for the reasonable and acceptable development of the property in question. If

not granted, the property is not able to be divided in the manner presented.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property. Granting the exception is not likely to be detrimental to the public welfare or injurious to adjacent property owners. Granting the exception allows the property owner to divide their property into two lots.

Thank you for the opportunity to submit this application and the request to recommend approval of the lot width-to-depth ratio requirement.

Sincerely,

Krystal Voth

*Land Use Planner*  
Atlas Land Consulting

---

Krystal Voth, MURP  
Atlas Land Consulting  
14500 Parallel Road  
Basehor, KS 66007

417-622-2907  
Krystal@alconsult-llc.com

---

04/15/2025

Mr. John Jacobson  
Leavenworth County Planning & Zoning Director  
300 Walnut, Leavenworth, KS 66048

Mr. Jacobson

Thank you for the opportunity to submit a Preliminary and Final Plat for a two-lot subdivision to be known as "Tuttle Acres." On behalf of Mr. Tuttle, Atlas Land Consulting is requesting an exception to Article 4.6.7 (Buildings larger than 600 square feet upon a vacant parcel). The Leavenworth County Zoning Regulations permit the Planning Commission to grant exceptions to the regulations provided the following items are met:

1. That there are special circumstances or conditions affecting the property. The property is currently approximately 20 acres in size and has an existing home on the parcel. The owners desire to split the southeastern-most 1.5 acres, which contains the existing home, from the remainder of the property. This request is being made for estate-planning purposes. The buildings are located more than 240' to the west of the proposed boundary line for Lot 2. Incorporating them into the proposed Lot 2 is not feasible. Further, the buildings are used for agricultural purposes and are necessary for the continuance of agricultural activities on the property. Additionally, Mr. and Mrs. Tuttle also own the property to the north of the subject parcel. The adjoining property is more than 35 acres in size. When combined with the subject

parcel (approximately 16 acres in size) the properties exceed 40-acres.

2. That the exception is necessary for the reasonable and acceptable development of the property in question. The existing buildings are necessary for the agricultural use of the property. Not granting the exception would preclude the property owner from dividing the property as presented. The proposed division is in the best interest of the property owner and does not negatively impact the surrounding residents in any way.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property. Granting the exception is not likely to be detrimental to the public welfare or injurious to adjacent property owners. Granting the exception allows the property owner to divide their property into two lots and to continue using the buildings for agricultural purposes..

Thank you for the opportunity to submit this application and the request to recommend approval of the exception as presented.

Sincerely,

Krystal Voth, MURP

*Land Use Planner*  
Atlas Land Consulting





KS ENG COA: #0315  
KS SUR COA: #490  
MO ENG COA: #022014084  
MO SUR COA: #022014231

**ALC**  
ATLAS LAND CONSULTING  
SURVEYING | ENGINEERING | DRONE | CAD  
913-702-5073  
14500 Parallel Road, Unit R, Basehor KS 66007  
ANDREA@ALCONSULT.LLC.COM

**5-6-25  
PW Combined No  
Comments**

14500 Parallel Rd. Unit R  
Basehor, KS 66007

## DRAINAGE STUDY

For:

### Tuttle Farms

19701 163<sup>rd</sup> St.  
Basehor, KS 66007

Prepared for:

**Steve & Diana Tuttle**  
19701 163<sup>rd</sup> St.  
Basehor, KS 66007

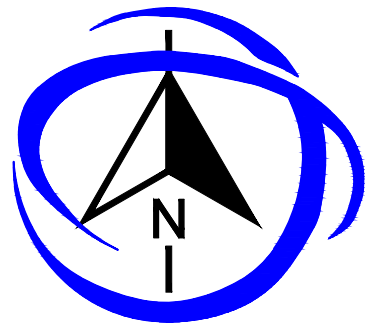


Prepared by:

**ATLAS LAND CONSULTING, LLC**  
14500 Parallel Rd Unit R  
Basehor, Ks 66007  
913-662-5050

March 3<sup>rd</sup>, 2025

Revision	Date	By	Description
1	4/16/2025	TAE	Driveway Easement Change
2	4/30/2025	TAE	Access Easement Clarification
3			



5-6-25  
PW Combined No  
Comments

# TUTTLE ACRES

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 33,  
TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN  
LEAVENWORTH COUNTY, KANSAS

FOUND 1/2" REBAR  
NORTHWEST CORNER OF THE  
SOUTHEAST QUARTER OF  
SECTION 33-10-22  
1. 15.0' NW TO NAIL IN TOP OF TREE STUMP  
2. 10.0' NNE TO NAIL IN TOP OF FENCE POST  
3. 6.8' SE TO NAIL IN N FACE OF 18" TREE  
4. 15.1' E TO MAG NAIL IN N FACE 30" TREE

FOUND 1/2" REBAR  
NORTHEAST CORNER OF THE  
SOUTHEAST QUARTER OF  
SECTION 33-10-22  
1. 26.79' E TO PK NL & SHINER IN PP  
2. 80.29' NE TO 60D NL & WASHER IN PP  
3. 65.37' W TO PK NL IN PP  
4. 41.96' NW TO 4" CUT IN E RIM OF MH  
5. IN APPARENT CL OF 163RD ST

N87°52'42"E 2655.58'  
NORTH LINE SE 1/4 OF SEC. 33-10S-22E

FOUND 1/2" REBAR  
ORIGIN UNCERTAIN  
(13.65' NE OF BOUNDARY CORNER)

S87°52'41"W 992.60'  
NORTH LINE OF THE NORTH HALF OF THE SE 1/4 OF THE  
SE 1/4 OF SEC. 33-10S-22E

UNPLATTED  
PID 1583300000046000

FOUND 1/2" REBAR  
ORIGIN UNCERTAIN  
(10.77' NNW OF  
BOUNDARY CORNER)

UNPLATTED  
PID 1583300000045000

S87°52'41"W 330.07'(C)  
& 330.00'(D)  
20' U/E

163RD STREET  
(60' B/W PER ROAD RECORD  
BOOK B, PAGE 280)

25' EXISTING R/W

25' EXISTING R/W

20' U/E

105' B/L

20' U/E

105' B/L

20' U/E

105' B/L

20' U/E

105' B/L

20' U/E

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20' U/E

105' B/L

20' U/E

105' B/L

20' U/E

105' B/L

20' U/E

105' B/L

## DESCRIPTION PER TITLE COMMITMENT

TITLE COMMITMENT FILE NO: KS-ANTA-LV-202410222 VIA ALLIANCE NATIONWIDE TITLE AGENCY, LLC DATED OCTOBER 28, 2024

THE NORTH HALF (N 1/2) OF THE SOUTH HALF (S 1/2) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP TEN (10), RANGE TWENTY-TWO (22), LEAVENWORTH COUNTY, KANSAS.

LESS AND EXCEPT: A TRACT OF LAND IN THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE 6TH P.M. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 1,320 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 33, THENCE WESTERLY 330 FEET, THENCE SOUTHERLY 300 FEET, THENCE EASTERLY 330 FEET, THENCE NORTHERLY 300 FEET ALONG THE EAST LINE OF SAID SECTION 33 TO THE POINT OF BEGINNING.

LESS ANY PART THEREOF TAKEN OR USED FOR ROADS

## SURVEYORS SUGGESTED DESCRIPTION:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B DILL PLS 1408 DATED FEBRUARY 17TH, 2025; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33; THENCE NORTH 00°55'55" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 659.51 FEET, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 00°55'55" WEST, A DISTANCE OF 359.84 FEET; THENCE SOUTH 87°52'41" WEST, A DISTANCE OF 330.07 FEET; THENCE PARALLEL TO SAID EAST LINE, NORTH 00°55'55" WEST, A DISTANCE OF 300.06 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 87°52'41" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 992.60 FEET, TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 01°09'14" EAST, A DISTANCE OF 659.86 FEET; THENCE NORTH 87°52'40" EAST, ALONG THE SOUTH LINE OF THE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 1320.12 FEET, TO THE POINT OF BEGINNING.

CONTAINING 772,789.64 SQ FEET OR 17.74 ACRES MORE OR LESS INCLUDING ROAD RIGHT OF WAY.

## DEDICATION

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "TUTTLE ACRES".

The undersigned proprietor(s) of Lot 2, as shown on this plat, do hereby dedicate to the owner(s), successors, and assigns of Lot 1 a perpetual, non-exclusive private access easement over, across, and through the area labeled "Access Easement" or "A/E" for the purpose of ingress and egress to and from Lot 1. This easement shall run with the land and be binding upon and inure to the benefit of the successors and assigns of Lot 1 and Lot 2. No permanent structures, fences, or other obstructions shall be constructed within said easement that would impair its use for access purposes. Maintenance of the access easement shall be the sole responsibility of the owner(s) of Lot 2 unless otherwise provided in a recorded maintenance agreement.

The undersigned proprietor of the above described tract of land does hereby certify that all prior existing easement rights on land to be dedicated for the public use running to any person, utility, or corporation have been absolved except that same person, utility or corporation shall retain whatever rights they would have as if located in a public street.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities upon, over, and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", is hereby granted to the Leavenworth County, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

Building Lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

Taxes for subject property are paid.

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

OWNER

STEVE TUTTLE, OWNER

DIANA TUTTLE, OWNER

STATE OF KANSAS) )SS  
COUNTY OF LEAVENWORTH)  
BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, before me, a Notary Public in and for said County and State, came, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year above written.

My Commission Expires: \_\_\_\_\_

Notary Public

This plat of **TUTTLE ACRES** has been submitted and approved by Leavenworth County Planning Commission, this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

CHAIRMAN - MARCUS MAJURE

SECRETARY - JOHN JACOBSON

This plat approved by the Board of County Commissioners of Leavenworth County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

(SEAL)

CHAIRPERSON - MIKE SMITH

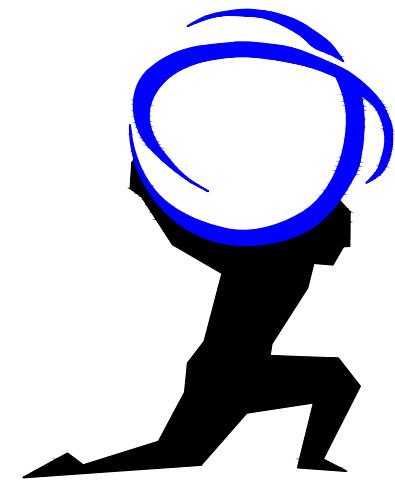
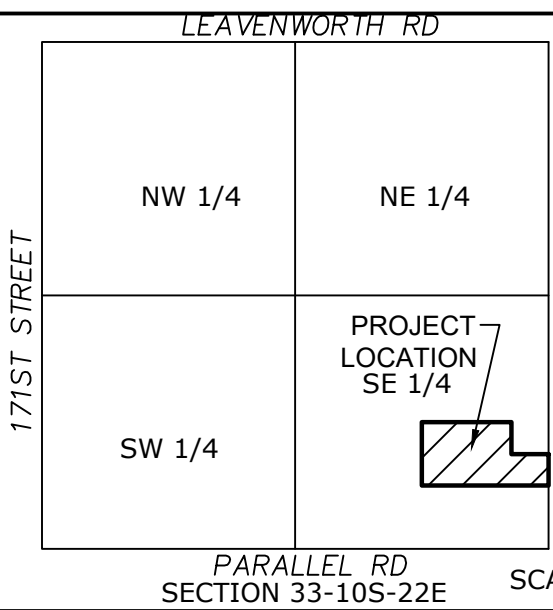
ATTEST - COUNTY CLERK - FRAN KEPLER

I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED FOR COMPLIANCE WITH KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

LEAVENWORTH COUNTY SURVEYOR  
DANIEL BAUMCHEN, PS-1363

POINT OF COMMENCEMENT  
FOUND 3" ALUMINUM MONUMENT  
SOUTHEAST CORNER OF THE  
SOUTHEAST QUARTER OF  
SECTION 33-10-22  
1. 62.20' WNW TO 60D NAIL IN N FACE OF PP  
2. 44.75' NE TO 60D NAIL TOP FENCE COR POST  
3. 70.15' ENE TO CL TOP OPERATING NUT FH  
4. 76.75' SSW TO 60D NAIL IN N FACE OF PP  
5. 1.5' S TO TRAVELWAY OF E/W ROAD  
(PARALLEL RD)  
6. 1.0' W TO TRAVELWAY OF ROAD TO N (163RD ST)

## VICINITY MAP



ALC

ATLAS LAND CONSULTING  
SURVEYING | CIVIL ENGINEERING | DRONE | CAD  
atlaslandconsulting.com  
14500 Parallel Road, Unit R, Basehor KS 66007  
PREPARED BY: AUSTIN THOMPSON

FINAL PLAT

## LEGEND

FOUND CORNER  
FOUND PROPERTY CORNER AS NOTED  
SET 1/2" X 24" REBAR CAP ALC KS CLS 363

NO ACCESS

## GENERAL NOTES

- THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983.
- ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20103C0239G EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONES "X".
- KS ONE CALL WAS NOT CALLED ON THIS SURVEY.
- THE MINIMUM FRONT YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 105 FEET FROM THE CENTERLINE OF THE ROAD.
- THE MINIMUM SIDE YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 15 FEET FROM EACH SIDE OF STRUCTURE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE SIDE PROPERTY LINE.
- THE MINIMUM REAR YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 40 FEET FROM THE STRUCTURE TO THE PROPERTY LINE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE REAR PROPERTY LINE.
- CURRENT USE - AG / FUTURE USE - AG/RESIDENTIAL
- CURRENT ZONING RR-2.5 - PROPOSED ZONING LOT 1 RR-2.5 / LOT 2 R-1(43)
- ALL PROPOSED STRUCTURES WITHIN THIS PLAT SHALL COMPLY WITH THE LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS.
- REFERENCED SURVEYS  
-FINAL PLAT OF MOSES ESTATES BOOK 15 PG. 20 NKA 2003P00020  
-WESTERN HOLLOW SUBDIVISION DOC. #2020P00005
- DEATH TRANSFER DEED RECORDED DOC 2022R00463
- EASEMENT TO KANSAS ELECTRIC POWER COMPANY RECORDED IN BOOK 344 AT PAGE 446. (AS SHOWN ON SURVEY)
- A TITLE REPORT WAS ORDERED FOR THIS SURVEY FILE NO: KS-ANTA-LV-202410222 BY ALLIANCE NATIONWIDE TITLE AGENCY, LLC DATED OCTOBER 28, 2024
- BENCHMARK - KNOT CAP STAMPED HCP LV 311 ELEVATION 940.20'. MONUMENT IS ON WEST SIDE OF FIRST PRIVATE DRIVEWAY WEST OF 166TH ST. (HOUSE #16684) AND 42' NORTH OF NORTH EDGE OF PAVEMENT OF WESTBOUND 24-40

This is to certify on this 12th day of DECEMBER, 2024 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the Kansas Minimum Standards for boundary surveys.



ROGER B. DILL PLS 1408

JOB NO:24-389

SCALE 1"=100'

100 50 0 100  
SCALE IN FEET

SEC-TWN-RNG

33-10S-22E

PREPARED FOR

PID 1583300000044000

STEVE & DIANA TUTTLE

ADDRESS:  
19701 163RD ST  
BASEHOR, KS 66007

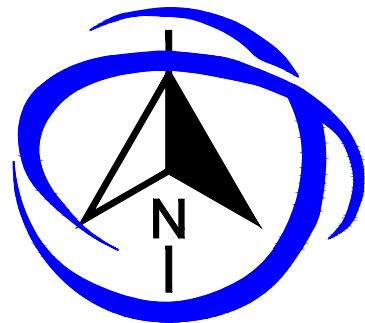
DATE

FEBRUARY 17, 2024









# TUTTLE ACRES

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 33,  
TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN  
LEAVENWORTH COUNTY, KANSAS

5-6-25  
PW Combined No  
Comments

## DESCRIPTION PER TITLE COMMITMENT

TITLE COMMITMENT FILE NO: KS-ANTA-LV-202410222 VIA ALLIANCE NATIONWIDE TITLE AGENCY, LLC DATED OCTOBER 28, 2024

THE NORTH HALF (N 1/2) OF THE SOUTH HALF (S 1/2) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP TEN (10), RANGE TWENTY-TWO (22), LEAVENWORTH COUNTY, KANSAS.

LESS AND EXCEPT: A TRACT OF LAND IN THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE 6TH P.M. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 1,320 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 33, THENCE WESTERLY 330 FEET, THENCE SOUTHERLY 300 FEET, THENCE EASTERLY 330 FEET, THENCE NORTHERLY 300 FEET ALONG THE EAST LINE OF SAID SECTION 33 TO THE POINT OF BEGINNING.

LESS ANY PART THEREOF TAKEN OR USED FOR ROADS

## SURVEYORS SUGGESTED DESCRIPTION:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B DILL PLS 1408 DATED FEBRUARY 17TH, 2025; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33; THENCE NORTH 00°55'55" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 659.51 FEET, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 00°55'55" WEST, A DISTANCE OF 359.84 FEET; THENCE SOUTH 87°52'41" WEST, A DISTANCE OF 330.07 FEET; THENCE PARALLEL TO SAID EAST LINE, NORTH 00°55'55" WEST, A DISTANCE OF 300.06 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 87°52'41" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 992.60 FEET, TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, THENCE SOUTH 01°09'14" EAST, A DISTANCE OF 659.86 FEET; THENCE NORTH 87°52'40" EAST, ALONG THE SOUTH LINE OF THE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 1320.12 FEET, TO THE POINT OF BEGINNING.

CONTAINING 772,789.64 SQ FEET OR 17.74 ACRES MORE OR LESS INCLUDING ROAD RIGHT OF WAY.



## PRELIMINARY PLAT

## LEGEND

- SECTION CORNER
- BENCHMARK AS NOTED
- FOUND PROPERTY CORNER AS NOTED
- SET 1/2" X 24" REBAR CAP ALC KS CLS 363
- NO ACCESS
- OHP OVERHEAD POWER LINE
- POWER UNDERGROUND POWER LINE
- FOV UNDERGROUND CABLE LINE
- FOV UNDERGROUND FIBER OPTIC LINE
- FOV UNDERGROUND WATER LINE
- GAS UNDERGROUND GAS LINE
- FOV UNDERGROUND TELEPHONE LINE
- CHAINLINK FENCE
- BARBED WIRE FENCE
- WOODPLANK FENCE
- SILT FENCE
- POWER POLE
- TELEPHONE PEDESTAL
- TELEPHONE MANHOLE
- ELECTRIC MANHOLE
- TRANSFORMER
- ELECTRIC BOX
- LIGHT POLE
- POWER POLE/LIGHT POLE
- SANITARY MANHOLE
- SANITARY CLEAN OUT
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- WATER WELL
- CABLE BOX
- GAS VALVE
- GAS METER
- SIGN
- FLAG POLE
- MAIL BOX
- GUY ANCHOR
- TREE
- BUSH
- GATE POST

## GENERAL NOTES

- THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983.
- ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20103C0239G EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONES "X".
- KS ONE CALL WAS NOT CALLED ON THIS SURVEY
- THE MINIMUM FRONT YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 105 FEET FROM THE CENTERLINE OF THE ROAD.
- THE MINIMUM SIDE YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 15 FEET FROM EACH SIDE OF STRUCTURE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE SIDE PROPERTY LINE.
- THE MINIMUM REAR YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 40 FEET FROM THE STRUCTURE TO THE PROPERTY LINE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE REAR PROPERTY LINE.
- CURRENT USE - AG / FUTURE USE - AG/RESIDENTIAL
- CURRENT ZONING RR-2.5 PROPOSED ZONING LOT 1 RR-2.5 / LOT 2 R-1(43)
- ALL PROPOSED STRUCTURES WITHIN THIS PLAT SHALL COMPLY WITH THE LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS.
- REFERENCED SURVEYS
  - FINAL PLAT OF MOSES ESTATES BOOK 15 PG. 20 NKA 2003P00020
  - WESTERN HOLLOW SUBDIVISION DOC. #2020P00005
- WARRANTY DEED RECORDED DOC 2012R-07948
- EASEMENT TO KANSAS ELECTRIC POWER COMPANY RECORDED IN BOOK 344 AT PAGE 446. (AS SHOWN ON SURVEY)
- A TITLE REPORT WAS ORDERED FOR THIS SURVEY FILE NO: KS-ANTA-LV-202410222 BY ALLIANCE NATIONWIDE TITLE AGENCY, LLC DATED OCTOBER 28, 2024
- AN EXCEPTION FROM ARTICLE 50, SECTION 40.3.1 (LOT-DEPTH TO LOT-WIDTH) HAS BEEN GRANTED FOR LOT 1.
- CLOSURE PRECISION: 1 PART IN 7925118.800"
- BENCHMARK - KDOT CAP STAMPED HCP LV 311 ELEVATION 940.20'. MONUMENT IS ON WEST SIDE OF FIRST PRIVATE DRIVEWAY WEST OF 166TH ST. (HOUSE #16684) AND 42' NORTH OF NORTH EDGE OF PAVEMENT OF WESTBOUND 24-40

This is to certify on this 12th day of DECEMBER, 2024 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGER B DILL PLS 1408

JOB NO:24-389

SCALE 1"=100'

SCALE IN FEET

SEC-TWN-RNG

33-10S-22E

PREPARED FOR

PID 1583300000044000

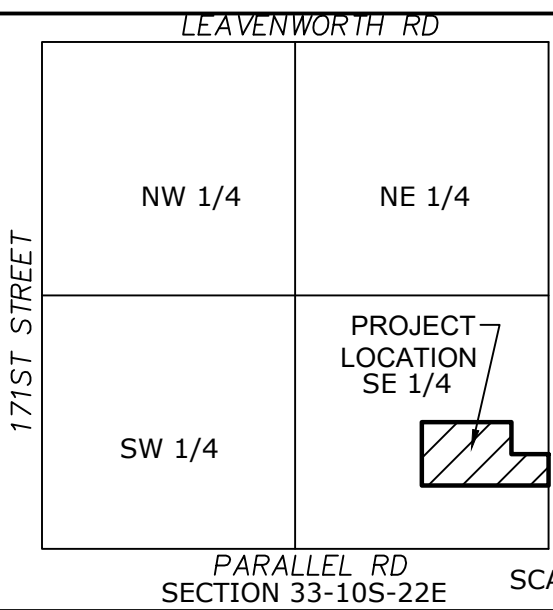
STEVE & DIANA TUTTLE

ADDRESS:  
19701 163RD ST  
BASEHOR, KS 66007

DATE

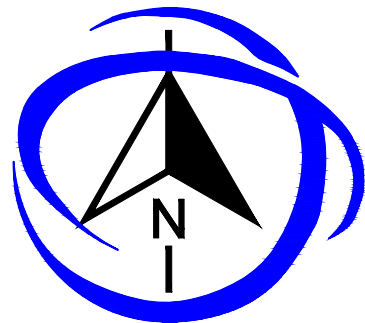
FEBRUARY 17, 2024

## VICINITY MAP



SCALE 1"=2000'





# TUTTLE ACRES

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 33,  
TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN  
LEAVENWORTH COUNTY, KANSAS

FOUND 1/2" REBAR  
NORTHWEST CORNER OF THE  
SOUTHEAST QUARTER OF  
SECTION 33-10-22  
1. 15.0' NW TO NAIL IN TOP OF TREE STUMP  
2. 10.0' NNE TO NAIL IN TOP OF FENCE POST  
3. 6.8' SE TO NAIL IN N FACE OF 18" TREE  
4. 15.1' E TO MAG NAIL IN N FACE 30" TREE

FOUND 1/2" REBAR  
NORTHEAST CORNER OF THE  
SOUTHEAST QUARTER OF  
SECTION 33-10-22  
1. 26.79' E TO PK NL & SHINER IN PP  
2. 80.29' NE TO 60D NL & WASHER IN PP  
3. 65.37' W TO PK NL IN PP  
4. 41.96' NW TO "4" CUT IN E RIM OF MH  
5. IN APPARENT CL OF 163RD ST

N87°52'42"E 2655.58'  
NORTH LINE SE 1/4 OF SEC. 33-10S-22E

UNPLATTED  
PID 1583300000046000

FOUND 1/2" REBAR  
ORIGIN UNCERTAIN  
(13.65' NE OF BOUNDARY CORNER)

S87°52'41"W 992.60'  
NORTH LINE OF THE NORTH HALF OF THE SE 1/4 OF THE  
SE 1/4 OF SEC. 33-10S-22E

FOUND 1/2" REBAR  
ORIGIN UNCERTAIN  
(10.77' NNW OF  
BOUNDARY CORNER)

UNPLATTED  
PID 1583300000045000

163RD STREET  
(60' 8" PER ROAD RECORD  
BOOK B, PAGE 280)

25' EXISTING R/W

25' EXISTING R/W

UNPLATTED  
PID 1583300  
00003900Z

FOUND 1/2" REBAR 13.85' NORTH  
AND 0.91' EAST OF CORNER  
ORIGIN UNCERTAIN  
(NOT HELD)

SOUTH LINE OF NORTH 1/2 OF  
SE 1/4 OF THE SE 1/4 OF SEC. 33-10S-22E  
N87°52'40"E 1320.12'

FOUND 1/2" REBAR  
ORIGIN UNCERTAIN  
10.34' NORTH OF LINE  
(NOT HELD)

FOUND 1/2" REBAR WITH  
CAP LS 1349 (HELD)

CL ELECTRICAL TRANSMISSION LINE  
RECORDED JAN. 29, 1946 BK. 344  
PG. 446 IN THE REGISTER OF DEEDS  
OFFICE IN LEAVENWORTH COUNTY.  
NO WIDTH FOR THIS EASEMENT WAS  
GIVEN  
SEE NOTE 13

LOT 2  
PID 1583300000043010

UNPLATTED  
PID 1583300000042000

LOT 1  
PID 1583300000043020

POINT OF COMMENCEMENT  
FOUND 3" ALUMINUM MONUMENT  
SOUTHEAST CORNER OF THE  
SOUTHEAST QUARTER OF  
SECTION 33-10-22  
1. 62.20' WNW TO 60D NAIL IN N FACE OF PP  
2. 44.75' NE TO 60D NAIL TOP FENCE COR POST  
3. 70.15' ENE TO CL TOP OPERATING NUT FH  
4. 76.75' SSW TO 60D NAIL IN N FACE OF PP  
5. 1.5' S TO TRAVELWAY OF E/W ROAD  
(PARALLEL RD)  
6. 1.0' W TO TRAVELWAY OF ROAD TO N (163RD  
ST)

## DESCRIPTION PER TITLE COMMITMENT

TITLE COMMITMENT FILE NO: KS-ANTA-LV-202410222 VIA ALLIANCE NATIONWIDE TITLE AGENCY, LLC DATED OCTOBER 28, 2024

THE NORTH HALF (N 1/2) OF THE SOUTH HALF (S 1/2) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP TEN (10), RANGE TWENTY-TWO (22), LEAVENWORTH COUNTY, KANSAS.

LESS AND EXCEPT: A TRACT OF LAND IN THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE 6TH P.M. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 1,320 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 33, THENCE WESTERLY 330 FEET, THENCE SOUTHERLY 300 FEET, THENCE EASTERLY 330 FEET, THENCE NORTHERLY 300 FEET ALONG THE EAST LINE OF SAID SECTION 33 TO THE POINT OF BEGINNING.

LESS ANY PART THEREOF TAKEN OR USED FOR ROADS

## SURVEYORS SUGGESTED DESCRIPTION:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B DILL PLS 1408 DATED FEBRUARY 17<sup>TH</sup>, 2025; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33; THENCE NORTH 00°55'55" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 659.51 FEET, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 00°55'55" WEST, A DISTANCE OF 359.84 FEET; THENCE SOUTH 87°52'41" WEST, A DISTANCE OF 330.07 FEET; THENCE PARALLEL TO SAID EAST LINE, NORTH 00°55'55" WEST, A DISTANCE OF 300.06 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 87°52'41" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 992.60 FEET, TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, THENCE SOUTH 01°09'14" EAST, A DISTANCE OF 659.86 FEET; THENCE NORTH 87°52'40" EAST, ALONG THE SOUTH LINE OF THE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 1320.12 FEET, TO THE POINT OF BEGINNING.

CONTAINING 772,789.64 SQ FEET OR 17.74 ACRES MORE OR LESS INCLUDING ROAD RIGHT OF WAY.



KS ENG. CO. #7315  
KS SUR. CO. #363  
MO ENG. CO. #202014084  
MO SUR. CO. #202014031

# ALC

ATLAS LAND CONSULTING  
SURVEYING | CIVIL ENGINEERING | DRAINAGE | CAD  
atlaskandconsulting.com  
14500 Parallel Road, Unit R, Basehor KS 66007  
PREPARED BY: AUSTIN THOMPSON

## PRELIMINARY PLAT

## LEGEND

- |   |                              |
|---|------------------------------|
| SECTION CORNER                          | NO ACCESS                    |
| BENCHMARK AS NOTED                      |                              |
| FOUND PROPERTY CORNER AS NOTED          |                              |
| SET 1/2" X 24" REBAR CAP ALC KS CLS 363 |                              |
| OHP                                     | OVERHEAD POWER LINE          |
| POWER                                   | UNDERGROUND POWER LINE       |
| F                                       | UNDERGROUND CABLE LINE       |
| F                                       | UNDERGROUND FIBER OPTIC LINE |
| W                                       | UNDERGROUND WATER LINE       |
| GAS                                     | UNDERGROUND GAS LINE         |
| FON                                     | UNDERGROUND TELEPHONE LINE   |
| CHAINLINK FENCE                         |                              |
| BARBED WIRE FENCE                       |                              |
| WOODPLANK FENCE                         |                              |
| SILT FENCE                              |                              |
| POWER POLE                              |                              |
| TELEPHONE PEDESTAL                      |                              |
| TELEPHONE MANHOLE                       |                              |
| ELECTRIC MANHOLE                        |                              |
| TRANSFORMER                             |                              |
| ELECTRIC BOX                            |                              |
| LIGHT POLE                              |                              |
| POWER POLE/LIGHT POLE                   |                              |
| SANITARY MANHOLE                        |                              |
| SANITARY CLEAN OUT                      |                              |
| FIRE HYDRANT                            |                              |
| WATER VALVE                             |                              |
| WATER METER                             |                              |
| WATER WELL                              |                              |
| CABLE BOX                               |                              |
| GAS VALVE                               |                              |
| GAS METER                               |                              |
| SIGN                                    |                              |
| FLAG POLE                               |                              |
| MAIL BOX                                |                              |
| GUY ANCHOR                              |                              |
| TREE                                    |                              |
| BUSH                                    |                              |
| GATE POST                               |                              |

## GENERAL NOTES

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- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20103C0239G EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONES "X".
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- CURRENT ZONING RR-2.5 PROPOSED ZONING LOT 1 RR-2.5 / LOT 2 R-1(43)
- ALL PROPOSED STRUCTURES WITHIN THIS PLAT SHALL COMPLY WITH THE LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS.
- REFERENCED SURVEYS
  - FINAL PLAT OF MOSES ESTATES BOOK 15 PG. 20 NKA 2003P00020
  - WESTERN HOLLOW SUBDIVISION DOC. #2020P00005
- DEED RECORDED DOC 2025R00583
- EASEMENT TO KANSAS ELECTRIC POWER COMPANY RECORDED IN BOOK 344 AT PAGE 446. (AS SHOWN ON SURVEY)
- A TITLE REPORT WAS ORDERED FOR THIS SURVEY FILE NO: KS-ANTA-LV-202410222 BY ALLIANCE NATIONWIDE TITLE AGENCY, LLC DATED OCTOBER 28, 2024
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- CLOSURE PRECISION: 1 PART IN 7925118.800"
- BENCHMARK - 400 CAP STAMPED HCP LV 311 ELEVATION 940.20'. MONUMENT IS ON WEST SIDE OF FIRST PRIVATE DRIVEWAY WEST OF 166TH ST. (HOUSE #16684) AND 42' NORTH OF NORTH EDGE OF PAVEMENT OF WESTBOUND 24-40
- AN EXCEPTION FROM ARTICLE 50, SECTION 40.3.h - NON CONFORMING STRUCTURE (ACCESSORY STRUCTURE WITHOUT A PRINCIPLE STRUCTURE) HAS BEEN GRANTED FOR LOT 1.

This is to certify on this 12th day of DECEMBER, 2024 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGER B DILL PLS 1408

JOB NO:24-389

SCALE 1"=100'

SEC-TWN-RNG

33-10S-22E

PREPARED FOR

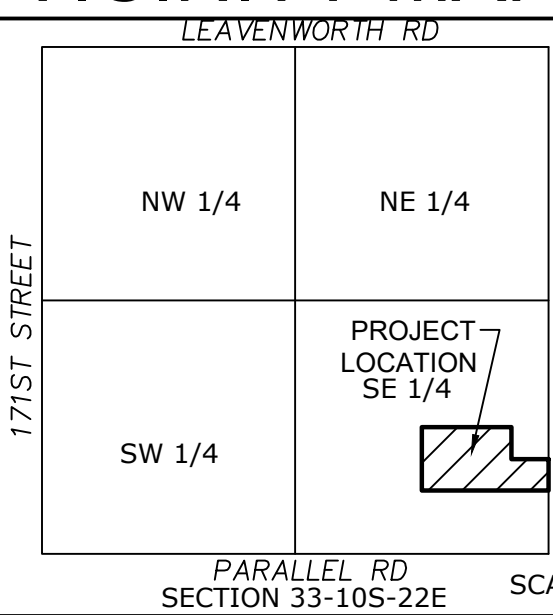
PID 1583300000044000

STEVE & DIANA TUTTLE  
ADDRESS:  
19701 163RD ST  
BASEHOR, KS 66007

DATE

FEBRUARY 17, 2024

## VICINITY MAP



SCALE 1"=2000'

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Tuttle Acres Subdivision  
**Date:** April 28, 2025

Amy, I have reviewed the preliminary plat of the Tuttle Acres Subdivision presented by Steve and Diana Tuttle. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, a fire hydrant already exist on the South East of the property line on the Tuttle Parcel.

I have no further recommendation for this subdivision.

If you have any questions please call me 684-0455.



## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Friday, March 28, 2025 9:08 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-022 Tuttle Rezone

We have not received any complaints on this property.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

*Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.*

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Wednesday, March 26, 2025 9:02 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Dedeker, Andrew <adedeker@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'travis@suburbanwaterinc.com' <travis@suburbanwaterinc.com>; 'trish@suburbanwaterinc.com' <trish@suburbanwaterinc.com>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-022 Tuttle Rezone

Good Morning

The Department of Planning and Zoning has received an application for a rezone regarding the property at 19701 163<sup>rd</sup> St (Only Lot 2 of the proposed Preliminary Plat) from RR-2.5 to R-1(43).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by April 9, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov)

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning  
300 Walnut St, Suite 212



March 11th, 2025

Leavenworth County Planning and Zoning Department  
Leavenworth County Courthouse  
300 Walnut Suite 212  
Leavenworth, Kansas 66048

RE: Tuttle Acres

Suburban Water, Inc. (SWC) has received the proposed plat for Tuttle Farms, Leavenworth County, KS. Suburban has completed an initial review of the proposed development. SWC has existing infrastructure located in proximity. SWC will provide water service to the proposed development. System improvements necessary to provide service to the proposed development will be provided by SWC to the developer upon approval of the preliminary and final plat approval by LVCO.

Sincerely,

Travis J Miles

President





Krystal Voth <krystal@alconsult-llc.com>

---

## Two-Lot Subdivision

5 messages

---

**Krystal Voth** <krystal@alconsult-llc.com>  
To: ingenfelserm@fairmountfd.org

Tue, Mar 18, 2025 at 1:58 PM

[Preview attachment Tuttle Acres-Preliminary Plat.pdf](#)



[Tuttle Acres-Preliminary Plat.pdf](#)

777 KB

Good afternoon, Chief

I am working on behalf of Atlas on behalf of Steve Tuttle. Mr. Tuttle is seeking approval from LVCO for the attached two-lot plat. We are required to provide this proposal to the Fire District for review. As you can see, there are no internal streets proposed; this is simply creating a lot where an existing home is currently located. I would greatly appreciate your input on this matter at your earliest convenience. We have submitted this item to the County, but they will not proceed until we have approval from the FD. If you have any questions, please let me know! Thanks so much!

Best,

Krystal Voth  
417-622-2907



**Tuttle Acres-Preliminary Plat.pdf**

777K

---

**Krystal Voth** <krystal@alconsult-llc.com>  
To: "lingenfelserm@fairmountfd.org" <lingenfelserm@fairmountfd.org>

Tue, Mar 18, 2025 at 2:14 PM

[Quoted text hidden]



**Tuttle Acres-Preliminary Plat.pdf**

777K

---

**Krystal Voth** <krystal@alconsult-llc.com>  
To: "lingenfelserm@fairmountfd.org" <lingenfelserm@fairmountfd.org>

Wed, Apr 2, 2025 at 12:07 PM

Hi Mike!

I hope this email finds you well. I just wanted to check in on the status of this project. If you need additional information, please let me know.

Thanks!

Krystal

[Quoted text hidden]

---

**Mike Lingenfelser** <lingenfelserm@fairmountfd.org>  
To: Krystal Voth <krystal@alconsult-llc.com>

Wed, Apr 2, 2025 at 12:11 PM

Krystal  
Fairmount Township Fire Department has no issues with this.  
*Mike Lingenfelser, Fire Chief*  
*Fairmount Township Fire Department*

**From:** [Krystal Voth](#)  
**To:** [Schweitzer, Joshua](#)  
**Subject:** Fwd: 19701 163rd Street (Basehor) Two-Lot Plat Comment Request  
**Sent:** 5/13/2025 1:56:25 PM

---

*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.

Joshua,

Sorry for the delay. Here is the electric letter.

Krystal

----- Forwarded message -----

**From:** Boone Heston <[Boone.Heston@evergy.com](mailto:Boone.Heston@evergy.com)>  
**Date:** Fri, Feb 21, 2025 at 11:27 AM  
**Subject:** Re: 19701 163rd Street (Basehor) Two-Lot Plat Comment Request  
**To:** Krystal Voth <[krystal@alconsult-llc.com](mailto:krystal@alconsult-llc.com)>

Internal Use Only

Evergy will be the electric service provider for this plat.

Thank you,

**Boone Heston**

SR TD Designer  
Leavenworth, KS

**Evergy**

[Boone.Heston@evergy.com](mailto:Boone.Heston@evergy.com)

O 785-508-2590

---

**From:** Krystal Voth <[krystal@alconsult-llc.com](mailto:krystal@alconsult-llc.com)>  
**Sent:** Friday, February 21, 2025 11:22 AM  
**To:** Boone Heston <[Boone.Heston@evergy.com](mailto:Boone.Heston@evergy.com)>  
**Subject:** Fwd: 19701 163rd Street (Basehor) Two-Lot Plat Comment Request

---

**This Message Is From an External Sender**

This message came from outside your organization.

Report Suspicious

Hi, Boone!

Here is the original email and plat.

## Schweitzer, Joshua

---

**From:** Alex Van Dyke <avandyke@cityofbasehor.org>  
**Sent:** Wednesday, April 9, 2025 1:11 PM  
**To:** Schweitzer, Joshua  
**Subject:** Re: Tuttle Rezone

**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.

I understand now. I got them mixed up in the quick read through, thank you for the clarification!

Yes, we have no objection to the rezoning request or the 2-lot plat of the Tuttle Acres that is being proposed.

Thanks again,  
**Alex Van Dyke**  
City Planner  
City of Basehor  
1600 N. 158th Street  
Basehor, KS 66007  
913-724-1370  
avandyke@cityofbasehor.org



This email transmission and any attachments are for the exclusive use of the intended recipient(s) to whom addressed and may contain information that is confidential, privileged or exempt from public disclosure and which is the sole property of the City of Basehor, Kansas. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient or believe you received this communication in error, please contact the sender at (913) 724-1670; permanently delete this message from your system, without first forwarding or replying to it; and destroy and delete any and all copies or printouts of this email and any attachments thereto.

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Wednesday, April 9, 2025 1:07 PM  
**To:** Alex Van Dyke <avandyke@cityofbasehor.org>  
**Subject:** RE: Tuttle Rezone

Alex,

They have concurrent applications in. After the disposition of the rezone, the plat will be placed on the agenda. We are just reviewing both items at the same time. Are your comments the same for the plat as well?

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

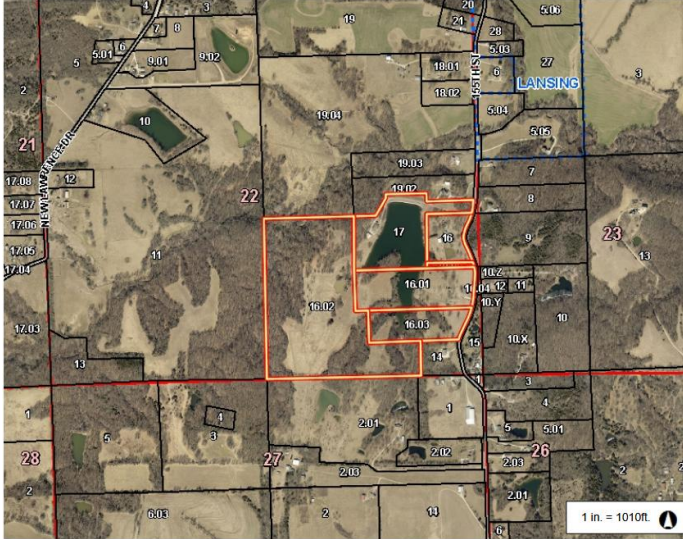
**CASE NO:** DEV-25-037 Runnebaum/Allen/McKee BLA Exception

June 11, 2025

**REQUEST:** Exception from Zoning and Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

**STAFF REPRESENTATIVE:**  
JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** Various Addresses along 155<sup>th</sup> Street



**APPLICANT/APPLICANT AGENT:**  
Joe Herring  
Herring Surveying Company  
315 N. 5th St.  
Leavenworth, KS 66048

**PROPERTY OWNER:**  
William & Virginia Runnebaum  
Melissa Allen & Andrew Allen  
Donald & Melissa Allen  
Donald & Norma Runnebaum  
JBMcKee Properties LLC  
Leavenworth, KS 66048

**CONCURRENT APPLICATIONS:**  
N/A

**LAND USE**

**ZONING:** RR-2.5

**FUTURE LAND USE DESIGNATION:**  
Mixed Residential

**LEGAL DESCRIPTION:**

Tracts of land in the Southeast 1/4 of Section 22, Township 9 South, Range 22, East of the 6th p.m., Leavenworth County, Kansas.

**SUBDIVISION:** N/A

**FLOODPLAIN:** Zone A

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

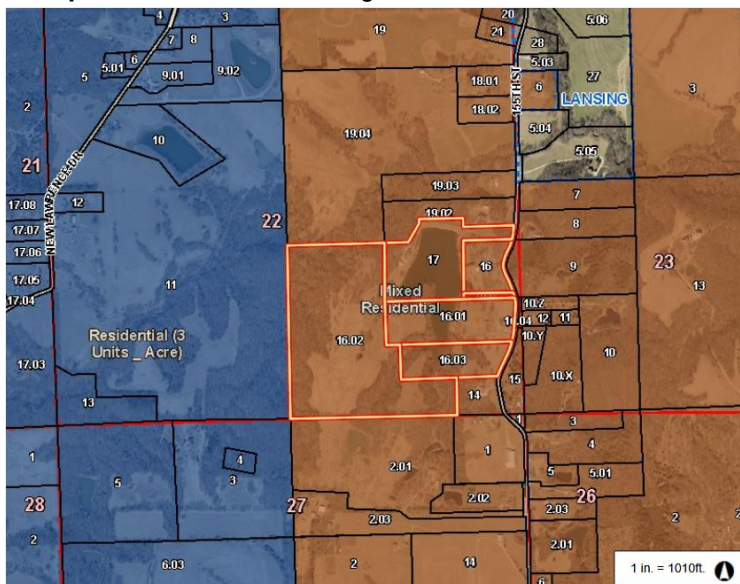
1. Approve Case DEV-25-037, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
2. Deny Case No.DEV-25-037, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
3. Modify Case No DEV-25-037, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio)

**PARCEL SIZE:** 58.90; 19; 16.6; 10.70  
6.90; .80 Acres

**PARCEL ID NO:**  
105-22-0-00-00-016; 016.01; 016.02;  
016.03; 016.05; 017

**BUILDINGS:**  
Existing Houses and Outbuildings

**Location Map:** Future Land Use Designation



**ACCESS/STREET:**

155<sup>th</sup> Street: Local, ±23' Wide, Paved

**UTILITIES**

**SEWER:** N/A

**FIRE:** Lansing City

**WATER:** RWD#8

**ELECTRIC:** EVERGY

**NOTICE & REVIEW:**

**STAFF REVIEW:** 06/03/2025

**NEWSPAPER NOTIFICATION:**  
N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**  
N/A



<b>FACTORS TO BE CONSIDERED:</b> Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio) Tracts 1 & 2
<b><i>Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.</i></b>
<b>1. That there are special circumstances or conditions affecting the property;</b> <ul style="list-style-type: none"> <li>Only portion that is changing with Tract's 1 &amp; 2 is a small portion around the lake for the ownership of the lake to be reduced to two properties. All other aspects of the tracts are remaining the same as they were prior to the boundary line adjustment.</li> </ul>
<b>2. That the exception is necessary for the reasonable and acceptable development of the property in question;</b> <ul style="list-style-type: none"> <li>The realignment of Tract's 1 &amp; 2 is necessary in order to reduce the number of owners of the lake.</li> </ul>
<b>3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.</b> <ul style="list-style-type: none"> <li>Granting the exception does not appear to cause any issues with public welfare or injurious to adjacent properties.</li> </ul>

#### **STAFF COMMENTS:**

The applicants are proposing adjust the boundaries of 6 parcels into 5. Tracts 3 & 4 are being reduced in size for tract 5 to obtain more land. Tracts 1 & 2 are being adjusted for the lake to remain on tract 1. This allows for the shared ownership of the lake to be reduced to two properties. An exception for lot-depth to lot-width is required for both tracts 1 & 2. Tract 1 exceeds the 1:4 ratio and tract 2 exceeds the 1:1 ratio. If the exceptions were to be approved, all lots were be in compliant with regulations.

#### **EXCEPTIONS:**

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width of the Zoning & Subdivision Regulations for Case DEV-25-037, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

#### **ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums

# Department of Planning and Zoning

## Leavenworth County Kansas

### BOUNDARY LINE ADJUSTMENT APPLICATION

#### OWNERSHIP INFORMATION

##### TRACT 1

Donald & Norma Runnebaum

Name RUNNEBAUM, WILLIAM R & VIRGINIA L

Address 26253 155TH ST  
26305 155TH ST

City/St/Zip Leavenworth, KS 66048

Phone \_\_\_\_\_

Email \_\_\_\_\_

Book/Page Existing Deed See email

Applicant/Agent Contact Email Joe Herring - herringsurveying@outlook.com

##### TRACT 2 (Add separate sheet for additional parcels)

Don & Melissa Allen

Name Melissa & Andrew Allen JBMCKEE PROPERTIES LLC

Address 26141 155th Street 520 S 4TH ST 8

City/St/Zip Leavenworth, KS 66048

Phone \_\_\_\_\_

Email \_\_\_\_\_

Book/Page Existing Deed See email

#### EXISTING TRACT INFORMATION

Parcel Numbers 105-22-0-00-00-016, 016.01, 016.02, 016.03, 016.05, 017

Tract 1

Tract 2

I, the undersigned, am the owner or duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a boundary line approval as indicated above.

Signature: Joe Herring - digitally signed 3-26-25 Date: 3-26-25

Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner/Agent, Tract 1

Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner/Agent, Tract 2

#### Received by Planning and Zoning Office

Case No. \_\_\_\_\_

Existing Zoning \_\_\_\_\_

Office Staff: \_\_\_\_\_ Date Received: \_\_\_\_\_

STATE OF KANSAS  
COUNTY OF LEAVENWORTH  
FILED FOR RECORDTO  
2002 AUG 16 P 12:00 R

Entered in the transfer record in my office this

16<sup>th</sup> day of August, 2002

Linda A. Scheel, County Clerk

STATE OF KANSAS

County, } ss.

This instrument was filed for record on the  
day of19, at o'clock M., and  
duly recorded in Book of Deeds,  
at page

Register of Deeds.

By Deputy.

## FEES.

Register of Deeds, for recording. \$

County Clerk, for transfer, \$

Total, \$

THIS DEED, Made this August 13 day of  
2002, betweenDonald Lynn Runnebaum and Norma I. Runnebaum  
Husband and wifeof Leavenworth County, in the State of Kansas  
as first party, and

Donald R. Allen

Donald R. Allen and Melissa M. Allen,  
Husband and wifeof Leavenworth County, in the State of Kansas  
as joint tenants with the right of survivorship and not as tenants in common,  
as second parties,

WITNESSETH: In consideration of the sum of

NO CONSIDERATION

and 100 Dollars

the receipt of which is hereby acknowledged, first party hereby conveys  
and warrants unto second parties, as joint tenants with the right of sur-  
vivorship and not as tenants in common, all the following described real estate  
situated in the County of Leavenworth  
State of Kansas, to wit:

RE-RECORDED

STATE OF KANSAS  
COUNTY OF LEAVENWORTH  
FILED FOR RECORD

2002 AUG 29 A 9:57 R

STACY R. DRISCOLL  
REGISTER OF DEEDS

A tract of land in the South Half of the Southeast 1/4 of Section 22, Township 9 South, Range 22 East of the 6th P.M., described as follows: Commencing at the Southeast corner of the Southeast 1/4 of Section 22, Township 9 South, Range 22 East; thence N 89 degrees 37' 15" West 236.03 feet along the South line of the Southeast 1/4 of Section 22; thence North 10 degrees 00' 00" West 434.40 feet; thence North 89 degrees 25' 21" West 1,100.00 feet; thence North 00 degrees East 400.00 feet to the POINT OF BEGINNING of this tract; thence North 00 degrees East to the South boundary of Bill Runnebaum's property; thence East to the West right of way of the County road; thence Southerly to the North boundary of an 11 acre tract m/l owned by Donald Runnebaum thence North to the POINT OF BEGINNING.

West  
in LEAVENWORTH COUNTY, KANSAS.

## Exemption #4

THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever, as joint tenants, the survivor to take the whole estate.

First party, for themselves, their heirs, executors and administrators do hereby covenant, promise and agree to and with second parties that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above described premises together with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, estates, taxes, assessments and incumbrances of what nature or kind soever, except;

and that they will WARRANT AND FOREVER DEFEND the same unto second parties, as joint tenants with the right of survivorship and not as tenants in common, and the heirs and assigns of the survivor of them, against first party, their heirs, and all and every person or persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, first party, do hereunto set their hands, the day and year first above written.

*Donald Lynn Runnebaum*  
Donald Lynn Runnebaum

*Norma I. Runnebaum*  
Norma I. Runnebaum

STATE OF Kansas, Leavenworth

BE IT REMEMBERED, That on this 13th day of August, 2002, before me, the undersigned, a Notary Public

COUNTY, ss.

day of August, 2002, before me, the In and for the County and State aforesaid, came

Donald Lynn Runnebaum and Norma I. Runnebaum

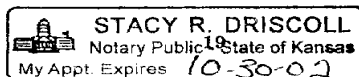
who is personally known to me to be the same persons who executed the foregoing deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

BOOK 0847 PAGE 0951

My appointment expires

(Seal)



*Stacy R. Driscoll*  
BOOK 0846 PAGE 0463

Notary Public

11  
12

Entered in Transfer Record in my office this

day of \_\_\_\_\_, A.D., 19\_\_\_\_

County Clerk.

Vincent A. Runnebaum and NeVada A. Runnebaum, husband and wife

CONVEY \_\_\_\_\_ AND WARRANT \_\_\_\_\_ TO

Donald Lynn Runnebaum and Norma I. Runnebaum, Husband and Wife, as Joint Tenants with the right of survivorship and not as Tenants in Common

all the following described REAL ESTATE in the County of Leavenworth

and the State of Kansas, to-wit:

The South Half of the North Half of the Southeast Quarter of Section Twenty-two (22), Township Nine (9), Range Twenty-two (22), Leavenworth County, Kansas, and the South Half of the Southeast Quarter of Section Twenty-two (22), Township Nine (9), Range Twenty-two (22), Leavenworth County, Kansas, less road right-of-way and LESS the following: Beginning at a point 660 feet North of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section Twenty-two (22), Township Nine (9) South, Range Twenty-two (22) East; thence West 644 feet to the true point of beginning; thence West 900 feet; thence South 660 feet; thence East 900 feet; thence North 660 feet to point of beginning, Leavenworth County, Kansas ALSO LESS: A tract of land in

the Southeast Quarter (SE/4) of Section Twenty-two (22), Township Nine (9) South, Range Twenty-Two (22) East more fully described as follows: Beginning at a point 236.03 feet N 89° 37'15"W from the Southeast Corner of said Southeast Quarter; thence N 10°W 434.40 feet; thence N 89°25'21"W 472.61 feet; thence S 00°45'50"E 429.01 feet; thence S 89°37'15" E 542.31 feet along an existing fence line to the point of beginning. Containing 5.0 ac. more or less ALSO LESS all that property lying and being between the above description to the West right-of-way line on said traveled way as shown on survey of September 9, 1975. for the sum of \$1.00 and other valuable considerations

EXCEPT AND SUBJECT TO:

STATE OF KANSAS  
COUNTY OF LEAVENWORTH } ss  
FILED FOR RECORD

1996 DEC 30 A 11: 24 8

DORA I. PARMER  
REGISTER OF DEEDS

DEP.

Dated February 29, 1984

STATE OF KANSAS, Leavenworth COUNTY, ss

BE IT REMEMBERED, That on this 29th day of February, NeVada A. Runnebaum

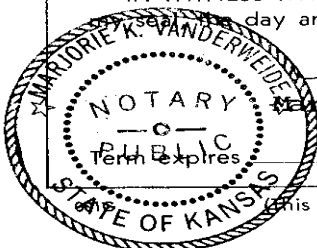
A.D. 1984, before me, the undersigned, a Notary Public

in and for the County and State aforesaid, came

Vincent A. Runnebaum and NeVada A. Runnebaum, husband and wife

who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed day and year last above written.



Marjorie K. Vanderweide  
Notary Public.

December 29, 1984

STATE OF \_\_\_\_\_ } ss.  
County, \_\_\_\_\_

This instrument was filed for record on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded in book \_\_\_\_\_ of \_\_\_\_\_ at page \_\_\_\_\_.

Register of Deeds.

Deputy.

Fees, \$ \_\_\_\_\_



Entered in the transfer record in my office this

22 day of August 20 13

by [Signature] County Clerk

DEED - GENERAL WARRANTY JOINT TENANCY PHOTOSTATIC P-1JT-2TW

Copy center of Topeka, Inc. Topeka, KS



\* 2 0 1 3 R 0 8 2 0 3 1 \*  
Doc #: 2013R08203  
STACY R. DRISCOLL/REGISTER OF DEEDS  
LEAVENWORTH COUNTY  
RECORDED ON  
08/22/2013 02:02PM  
RECORDING FEE: 8.00  
INDEBTEDNESS: 0.00  
PAGES: 1

THIS DEED, Made this 22nd day of August 20 13, between

Donald Lynn Runnebaum and Norma I. Runnebaum,  
Husband and Wife

of Leavenworth County, in the State of Kansas

Nicholas D Runnebaum and Brooke Runnebaum, Husband  
And Wife

Of Leavenworth County, in the State of Kansas

As joint tenants with the right of survivorship and not as tenants in common  
As second parties,

WITNESSETH: In consideration of the sume of

No/100 and other valuable consideration:

The receipt of which is hereby acknowledged, first part y hereby convey  
And warrants unto second parties, as joint tenants with the right of  
Survivorship and not as tenants in common, all the following described real  
Estate situated in the County of Leavenworth  
State of Kansas to wit:

STATE OF KANSAS

County, } ss

This instrument was filed for record on the

Day of 20 at

O'Clock m. and duly recorded in Book

of Deeds

at page

Register of Deeds

By Deputy

FEES

Register of Deeds for recording: \$

A tract of land in the South Half of the Southeast 1/4 of Section 22, Township 9 South, Range 22 East of the 6th P.M., described as follows: Commencing at the Southeast corner of the Southeast 1/4 of Section 22, Township 9 South, Range 22 East; thence North 89 degrees 37' 15" West 236.03 feet along the South line of the Southeast 1/4 of Section 22; thence North 10 degrees 00' 00" West 434.40 feet to the POINT OF BEGINNING of this tract; thence North 89 degrees 25' 21" West 1,100.00 feet; thence North 00 degrees East 400.00 feet; thence South 89 degrees 25' 21" East to the West right of way of the County road; thence Southwesterly to the POINT OF BEGINNING of this tract, Contains 11 acres m/l.

in LEAVENWORTH COUNTY, KANAS.

Exemption #4

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever, as joint tenants, the survivor to take the whole estate.

First part ies, for themselves; heirs, executors and administrators do hereby covenant, promise and agree to and with the second parties that at the delivery of these presents that they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above described premises together with the appurtenances; that the same are free, clear discharged, and unencumbered of and from all former and other grants, estates, taxes assessments and incumbrances of what nature of kind soever, except,

And that they will WARRANT AND FOREVER DEFEND the same unto second parties, as joint tenants with the right of survivorship and not as tenants in common, and the heirs and assigns of the survivor of them against first part, their heirs, and all and every person or person whomsoever lawfully claiming or to claim the same

IN WITNESS WHEREOF, first part ies, hereunto set their hand s; the day and year first above written.

[Signature]  
Donald Lynn Runnebaum

[Signature]  
Norma I. Runnebaum

STATE OF Kansas Leavenworth County, ss.

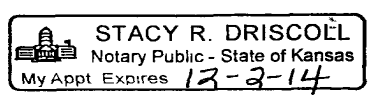
BE IT REMEMBERED, that on this 22nd day of August 20 13, before me, the undersigned, a in and for the County and State aforesaid, came

Donald Lynn Runnebaum and Norma I Runnebaum, Husband and Wife

Who are personally known to me to be the same person S who executed the foregoing deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

My appointment expires on:



[Signature]  
Stacy R. Driscoll  
Notary Public

(seal)

DEED RECORD No. 449  
WARRANTY DEED—Joint Tenancy

AMERICAN PRINTING CO., LEAVENWORTH, KANSAS LITHO.

Entered in Transfer Record in my office, this <u>27</u> day of <u>March</u> A. D. 19 <u>64</u> <u>Charles R. Turner</u> County Clerk. (Seal of County Clerk) By <u>Agnes Ward</u> Deputy.	Recorded <u>March 27</u> A. D., 19 <u>64</u> at <u>8:32</u> o'clock <u>A</u> M. <u>E. M. Walker</u> Register of Deeds. By _____ Deputy.
---	--

THIS INDENTURE, Made this 26th day of March A. D. ~~XXXXXX~~ One Thousand  
Nine Hundred Sixty-four by and between  
Henry Stiglmire and Irene Stiglmire, husband and wife  
of Leavenworth County, in the State of Kansas of the first part, and  
Vincent A. Runnebaum and Nevada Runnebaum, husband and wife  
of Leavenworth County, in the State of Kansas ~~XXXXXX~~

WITNESSETH, That said part ies of the first part, in consideration of the sum of considerations  
One Hundred Dollars and other good and valuable ~~XXXX~~ DOLLARS  
of which the receipt is hereby acknowledged, do joint by these presents, GRANT, BARGAIN, SELL AND CONVEY unto said parties of the second part,  
and the survivor of them, as all the following described REAL ESTATE, Situated in the County of Leavenworth, and State of Kansas, to wit:

The North Half of the Northeast Quarter ( $N\frac{1}{2}NE\frac{1}{4}$ ) of Section Twenty-two (22), Township Nine (9) South, Range Twenty-two (22) East of the Sixth P.M. less One (1) acre conveyed to School District No. 18, described as beginning at a point 952 feet South and 730 feet West of the Northeast corner of said Section 22, Township 9, Range 22; thence West 208 feet; thence South 208 feet; thence East 208 feet; thence North 208 feet to the place of beginning. ALSO: All of the South Half of the Northeast Quarter ( $S\frac{1}{2}NE\frac{1}{4}$ ) and the North Half of the Southeast Quarter ( $N\frac{1}{2}SE\frac{1}{4}$ ), except that part lying East of the Public Road of about One and One-half ( $1\frac{1}{2}$ ) acres, all in Section Twenty-two (22), Township Nine (9) South, Range Twenty-two (22) East of the Sixth P.M., except lands taken for public roads; and all according to Government Survey.  
\$20.90 U. S. I. R. Stamps Cancelled

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining forever.  
And said ~~parties~~ ies of the first part  
for themselves, their heirs, executors or administrators, do hereby covenant, promise and agree, to and with said parties of the second part, that  
at the delivery of these presents they are lawfully, seized, in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular, the above-granted and described premises, with the appurtenances, that the same are free, clear, discharged, and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments, and incumbrances, of what nature or kind soever;  
and that they will WARRANT AND FOREVER DEFEND the same unto the said parties of the second part, their assigns, and the heirs and assigns of the survivor of them,  
against said part ies of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hand s the day and year first above written.  
Henry Stiglmire  
Henry Stiglmire  
Irene Stiglmire  
Irene Stiglmire

STATE OF KANSAS, County of Leavenworth ~~XXXXXX~~ ss.  
BE IT REMEMBERED, That on this 26th day of March A. D. 1964, before me, the undersigned, a Notary Public  
in and for the said County and State aforesaid came Henry Stiglmire and Irene Stiglmire,  
husband and wife  
who are personally known to me to be the same person s who executed the within instrument of writing, and ~~XXXXXX~~ duly acknowledged the execution of the same.  
subscribed my name official  
IN WITNESS WHEREOF, I have hereunto ~~XXXXXX~~ and affixed my seal, the day and year last above written.  
F. C. Bannon  
(Notarial Seal) My commission April 17, 1965  
Notary Public, ~~XXXXXX~~ expires

STATE OF KANSAS, \_\_\_\_\_ COUNTY, ss.  
BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19\_\_\_\_, before me, the undersigned, a \_\_\_\_\_  
in and for the \_\_\_\_\_ County and State aforesaid came \_\_\_\_\_  
who \_\_\_\_\_ personally known to me to be the same person \_\_\_\_\_ who executed the within instrument of writing, and such person \_\_\_\_\_ duly acknowledged the execution of the same.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my \_\_\_\_\_ seal, the day and year last above written.  
\_\_\_\_\_  
Notary Public, (Term expires \_\_\_\_\_, 19\_\_\_\_)

This 27th day of July, 19 77

Vincent A. Runnebaum and NeVada Runnebaum, aka Nevada Runnebaum, husband and wife

CONVEY AND WARRANT TO  
William R. Runnebaum and Virginia L. Runnebaum, husband and wifeas JOINT TENANTS and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, all the following described REAL ESTATE in the County of Leavenworth

and the State of Kansas, to-wit: 19.05 acres more or less Tract in the North Half, Southeast Quarter, Section Twenty-two (22), Township Nine (9), Range Twenty-two (22), and more particularly described as follows: Beginning at a point on the section line 660.00' north of the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4), Section Twenty-two (22), Township Nine (9), Range Twenty-two (22); thence West 644.00'; thence South 660.00'; thence West 900.00'; thence North 660.00'; thence East 400.00'; thence North 260.00'; thence East 500.00'; thence South 95.00'; thence East 644.00' to the section line; thence South 165.00' to the point of beginning, containing 19.05 acres more or less.

For the sum of \$1.00 and other valuable considerations.

EXCEPT AND SUBJECT TO: Easement for roadway purposes as follows: 125 foot strip across the North side of the above and more particularly described as follows: Beginning at a point 644 feet West and 795 feet North of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section Twenty-two (22), Township Nine (9), Range Twenty-two (22); thence North 125 feet; thence West 500 feet; thence South 125 feet; thence East 500 feet to the point of beginning, containing 1.43 acres more or less.

AND: Easement beginning at a point on the section line 660.00' North of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section Twenty-two (22), Township Nine (9), Range Twenty-two (22); thence West 644.00 feet'; Thence North 165.00'; Thence East 644.00'; thence South 165.00' to the point of beginning, containing 2.43 acres more or less.

~~EXCEPT AND SUBJECT TO:~~Dated 27th July, 19 77STATE OF KANSAS, Leavenworth COUNTY, ssBE IT REMEMBERED, That on this 27th day of JulyA. D. 19 77, before me, the undersigned, a Notary Public

in and for the County and State aforesaid, came

Vincent A. Runnebaum and NeVada

Runnebaum, aka Nevada Runnebaum, husband and wife

Vincent A. Runnebaum  
Vincent A. Runnebaum  
NeVada Runnebaum  
NeVada Runnebaum

who are personally known to me to be the same person.s who executed the within instrument of writing and such person.s duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and date last above written.  
MARVIN E. PAYNE  
NOTARY PUBLIC  
LEAVENWORTH COUNTY, KANSAS  
Marvin E. Payne  
Notary Public.  
19 77STATE OF \_\_\_\_\_ } ss.  
County, }

This instrument was filed for record on the

\_\_\_\_\_ day of \_\_\_\_\_, A. D., 19 \_\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded

in book \_\_\_\_\_ of \_\_\_\_\_

at page \_\_\_\_\_

Register of Deeds.

Fees, \$ 5.00 Deputy.



\* 2 0 1 3 R 0 2 2 9 5 2 \*  
Doc #: 2013R02295  
STACY R. DRISCOLL/REGISTER OF DEEDS  
LEAVENWORTH COUNTY  
RECORDED ON  
03/08/2013 03:08PM  
RECORDING FEE: 12.00  
INDEBTEDNESS: 0.00  
PAGES: 2

Entered in the transfer record in my office this  
8 day of March 13  
Jason D. Slaughter  
by [Signature] Clerk

### Kansas Joint Tenancy Warranty Deed (Statutory)

THE GRANTORS, Jason D. Slaughter and Amy A. Slaughter, husband and wife

convey and warrant to Aaron J. Francis and Michelle Francis, husband and wife

GRANTEES, as JOINT TENANTS and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, all the following described REAL ESTATE in the County of Leavenworth, and the State of Kansas, to-wit:

SEE ATTACHED EXHIBIT A

Per County tax roll records commonly known as: 26395 155th St, Leavenworth, KS 66048

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this 17th day of March, A.D. 2013.

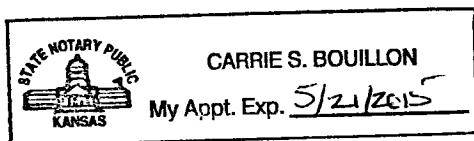
[Signature]  
Jason D. Slaughter

[Signature]  
Amy A. Slaughter

STATE OF Kansas, Wyandotte COUNTY, SS:

The foregoing instrument executed by Jason D. Slaughter and Amy A. Slaughter, husband and wife was acknowledged before me this 17th day of March, 2013.

(Seal)



[Signature]  
Notary Public

My Term Expires: 5/21/2015

copy 0169  
12.00  
AAT



**EXHIBIT A**

**A TRACT OF LAND IN THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST 1/4 OF SECTION 22; THENCE NORTH 825.00 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING OF THIS TRACT; THENCE WEST 644.00 FEET, THENCE NORTH 95.00 FEET, THENCE WEST 500 FEET, THENCE SOUTH 260.00 FEET, THENCE WEST 400.00 FEET, THENCE NORTH 465.00 FEET, THENCE EAST 1,544.00 FEET TO THE EAST LINE OF SECTION 22, THENCE SOUTH 300.00 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING OF THIS TRACT.**

**TO INCLUDE AN ACCESS & UTILITY EASEMENT DESCRIBED AS FOLLOWS:**

**A PERMANENT ROAD ACCESS AND UTILITY EASEMENT ACROSS A TRACT RECORDED IN BOOK 529, PAGE 690 AND IN BOOK 863, PAGE 143 IN THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH PM LEAVENWORTH COUNTY, KANSAS. THE EASEMENT IS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 22E, THENCE NORTH 660.00 FEET TO THE POINT OF BEGINNING OF THIS EASEMENT, THENCE WEST 644.00 FEET, THENCE NORTH 135.00 FEET, THENCE WEST 500 FEET, THENCE NORTH 125 FEET, THENCE EAST 500.00 FEET, THENCE SOUTH 95 FEET, THENCE EAST 644.00 FEET, THENCE SOUTH 165.00 FEET TO THE POINT OF BEGINNING OF THIS EASEMENT. THIS EASEMENT IS TO PROVIDE ACCESS AND UTILITIES TO THE ABOVE DESCRIBED PROPERTY.**

**LESS THE FOLLOWING DESCRIBED TRACT:**

**A TRACT OF LAND IN THE NORTH HALF OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE SIXTH PM IN LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 22 EAST. THENCE NORTH 825.00 FEET; THENCE WEST 644.00 FEET; THENCE NORTH 95 FEET; THENCE WEST 500 FEET; THENCE SOUTH 50 FEET TO THE POINT OF BEGINNING OF THIS TRACT. THENCE SOUTH 210 FEET, THENCE WEST 124 FEET, THENCE NORTHEASTERLY 243.87 FEET TO THE POINT OF BEGINNING.**

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I Donald and Norma

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - \_\_\_\_\_, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring - Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2) Signed and entered this 10<sup>th</sup> day of April, 2024

Donald / Norma Runnebaum 21253155<sup>th</sup> & Lyks 913-727-1697  
Print Name, Address, Telephone

Donald Runnebaum Norma Runnebaum  
Signature  
By Norma Runnebaum, his attorney -  
In-Fact.

STATE OF KANSAS )

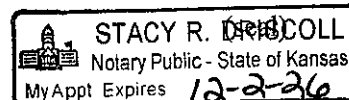
) SS

COUNTY OF LEAVENWORTH )

Be it remember that on this 10<sup>th</sup> day of April, 2024, before me, a notary public in and for said County and State came Donald Runnebaum & Norma Runnebaum personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC Stacy R. Driscoll \* By Norma Runnebaum his attorney - N-Fact

My Commission Expires: 12-2-26





AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I William R. Runnebaum and Virginia L. Runnebaum

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
26305 155th St. LV KS 66048, and that we authorize the  
following people or firms to act in our interest with the Leavenworth County Planning  
and Zoning Department for a period of one calendar year. Additionally, all statements  
herein contained in the information herewith submitted are in all respects true and correct  
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth,  
KS 66048, 913-651-3858

2)

Signed and entered this 7th day of April, 2025.

913-683-2220

William R. Runnebaum & Virginia L. Runnebaum

Print Name, Address, Telephone

William R. Runnebaum Virginia L. Runnebaum  
Signature

STATE OF KANSAS )

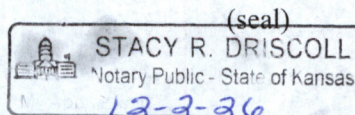
) SS

COUNTY OF LEAVENWORTH )

Be it remember that on this 7th day of April, 2025, before me, a notary public in and  
for said County and State came William R. Runnebaum & Virginia L. Runnebaum  
personally known to be the same persons who executed the forgoing instrument of writing, and  
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand  
and affixed my notary seal the day and year above written.

NOTARY PUBLIC Stacy R. Driscoll

My Commission Expires: 12-2-26





AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Melissa M. Allen and Andrew C. Allen

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 26253 155th St. LV KS 66048, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

- 1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2) Signed and entered this 3rd day of April, 2025 26253 155th St.  
Melissa M. Allen and Andrew C. Allen LV KS 66048

Print Name, Address, Telephone

Melissa M. Allen

Andrew C. Allen

Signature

STATE OF KANSAS )

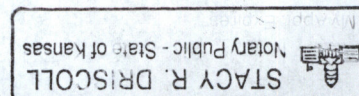
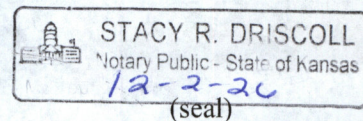
) SS

COUNTY OF LEAVENWORTH )

Be it remember that on this 3rd day of April, 2025, before me, a notary public in and for said County and State came Melissa M. Allen and Andrew C. Allen to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC Stacy R. Driscoll

My Commission Expires: 12-2-26





AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Brooke and Nicholas Runnebaum

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - \_\_\_\_\_, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

- 1) Joseph A. Herring - Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2) Signed and entered this 10<sup>th</sup> day of April, 2024. Don & Melissa Allen  
2644 155<sup>th</sup> St.  
Leavenworth KS 66048  
Brooke and Nicholas Runnebaum, 14112 Richards St. Overland Park, KS  
66221  
Print Name, Address, Telephone 913 683 9486

Signature

STATE OF KANSAS )

) SS

COUNTY OF LEAVENWORTH )

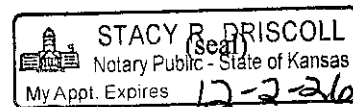
Be it remember that on this 10<sup>th</sup> day of April, 2024, before me, a notary public in and for said County and State came Nicholas and Brooke Runnebaum to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC

Stacy R. Driscoll

My Commission Expires:

12-2-26



AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I Don and Melissa Allen

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 26141 155<sup>th</sup> St Leavenworth KS 66048, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2)  
Signed and entered this 10 day of April, 2024

Don & Melissa Allen 26141 155<sup>th</sup> Leavenworth KS 66048  
Print Name, Address, Telephone 913-683-0073

Melissa Allen Don Allen  
Signature

STATE OF KANSAS )

) SS

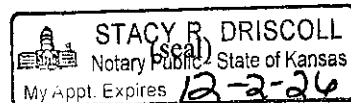
COUNTY OF LEAVENWORTH )

Be it remember that on this 10<sup>th</sup> day of April 2024, before me, a notary public in and for said County and State came DON and Melissa Allen to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC

Stacy R Driscoll

My Commission Expires: 12-2-26



AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I Joseph McKee and \_\_\_\_\_

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - \_\_\_\_\_, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring - Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2)

Signed and entered this 26<sup>th</sup> day of March, 2025.

Joseph McKee 520 S. 4<sup>th</sup> Leavenworth, KS 66078 913-240-4983  
Print Name, Address, Telephone

Joseph McKee  
Signature

STATE OF KANSAS )

) SS

COUNTY OF LEAVENWORTH )

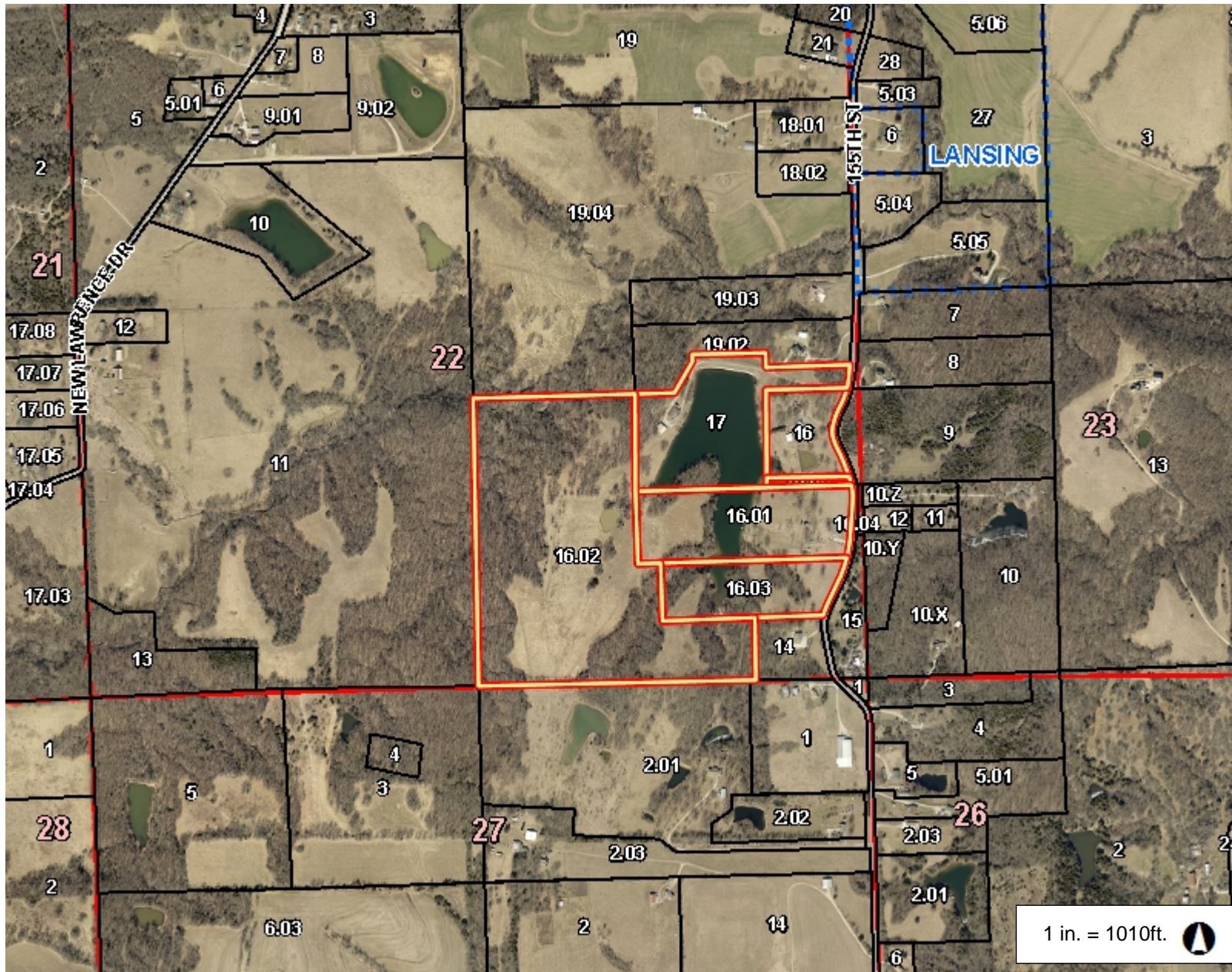
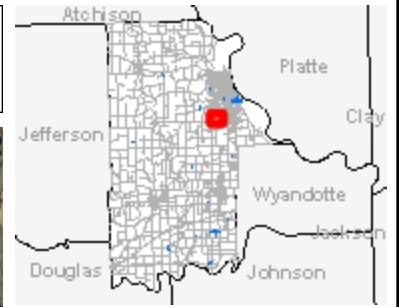
Be it remember that on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, before me, a notary public in and for said County and State came \_\_\_\_\_ to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(seal)

# Leavenworth County, KS



## Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

## Notes

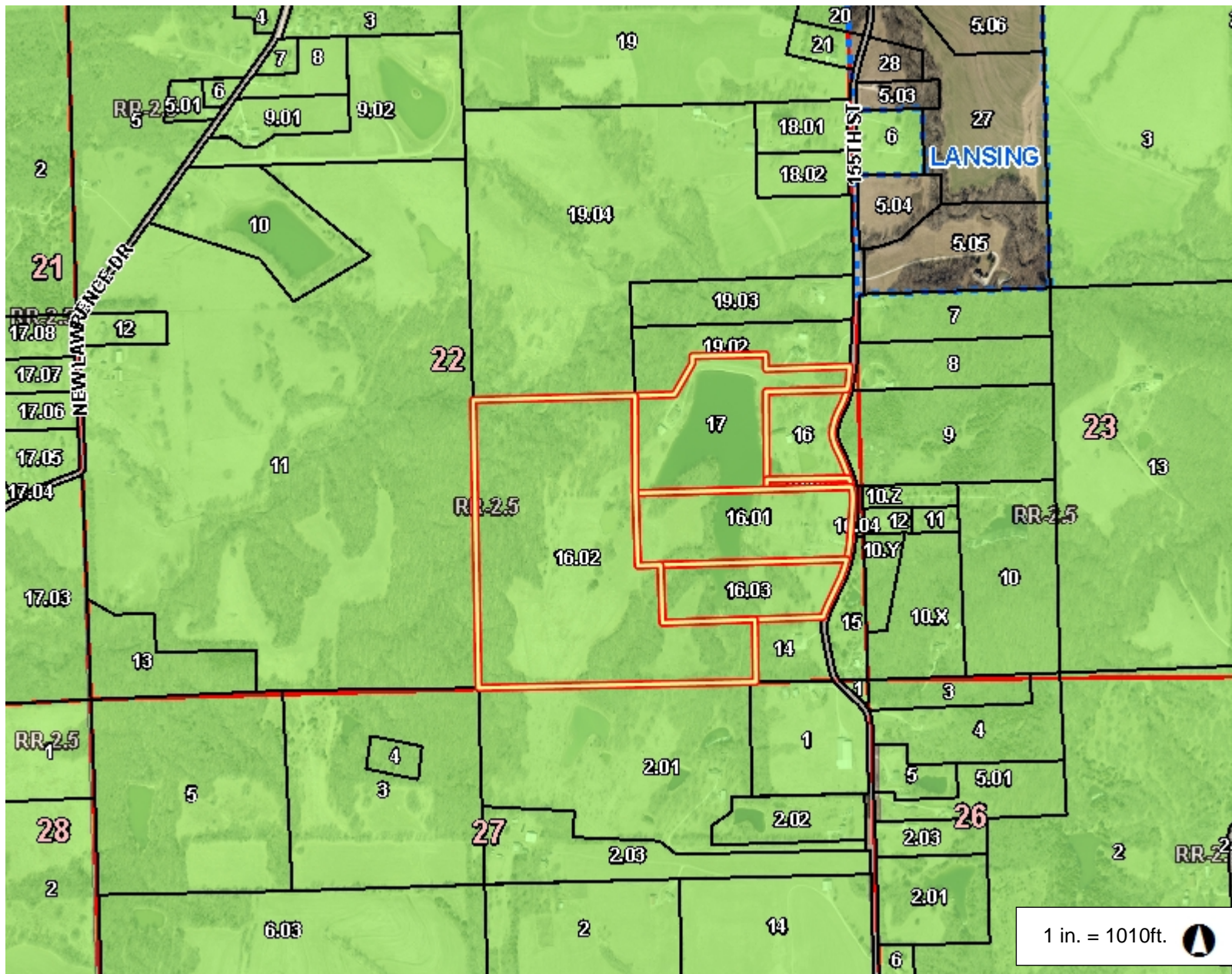
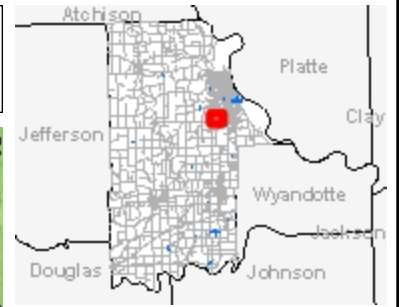
2,019.1 0 1,009.53 2,019.1 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



# Leavenworth County, KS



## Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3

## Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



## BOUNDARY LINE ADJUSTMENT

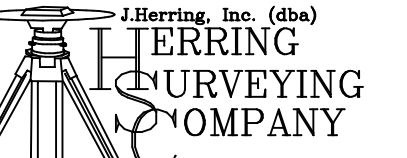
*Planning Commission Chairperson,*  
*Marcus Majure*

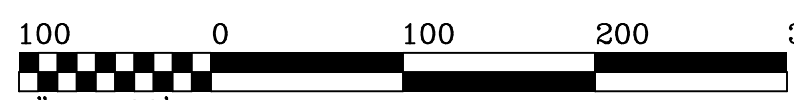
**NOTARY CERTIFICATE:**  
I do remember that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me,  
a notary public in and for said County and State came \_\_\_\_\_  
in the personally known to be the same persons who executed the  
foregoing instrument of writing, and duly acknowledged the execution  
thereof. In testimony whereof, I have hereunto set my hand and affixed  
my notary seal the day and year above written.

Scale 1" = 100'

**NOTARY PUBLIC:**  
  
My Comm. Expires: \_\_\_\_\_  
(year)

Job # K-34-1785  
March 24, 2025 Rev. 5/30/25

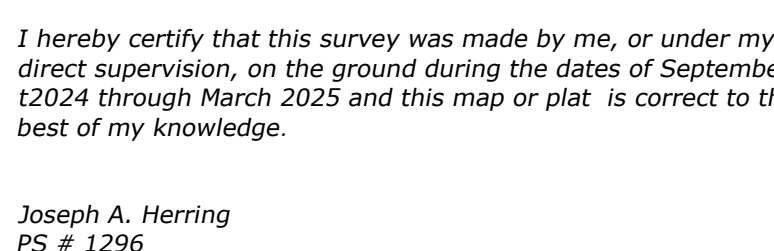
  
315 North 5th Street, Leaw, KS 66604  
Ph. 913 651-0081 Fax 913 674-5581  
Email - [survey@escalls.com](mailto:survey@escalls.com)



15R  
SW COR SE 1/4  
Sec. 22-9-22  
1/2" Rebar

at meets the  
 The face of this  
 vance with Kansas  
 surveys. No field  
 is for survey

VICINITY MAP





## **ARTICLE 56 – EXCEPTIONS**

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

In recommending such variance or exception, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

Exception for Width to Depth and angle break along south line (irregular shape).

- 1) Both Tract 1 and 2 exist with irregular shapes and width to depth ratio issues. Only portion changing in either tract is the small area around the lake. Neither tract adjusted their width or depth in this process.
- 2) Yes it is necessary for the realignment of these properties to reduce the number of owners of the existing lake.
- 3) It will not be detrimental to the public welfare or injurious to adjacent property.

## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Wednesday, April 23, 2025 9:35 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-037 BLA for Runnebaum/Allen/McKee

We have not received any complaints on this property, and it appears all currently installed septic systems will remain on the same property as the home it services.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

*Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.*

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Thursday, April 10, 2025 2:46 PM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-037 BLA for Runnebaum/Allen/McKee

Good Afternoon,

The Department of Planning and Zoning has received a request for a Boundary Line Adjustment for the properties located at PID: 105-22-0-00-00-016; 016.01; 016.02; 016.03; 016.05; 017.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by April 24, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048  
(913) 684-0465

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-25-054 Valenzuela/Altenhofen BLA Exception

June 11, 2025

**REQUEST:** Exception from Zoning and Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

**STAFF REPRESENTATIVE:**  
JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 20500 & 20426 Woodend Road



**APPLICANT/APPLICANT AGENT:**

Joe Herring  
Herring Surveying Company  
315 N. 5th St.  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Ramiro & Maria Valenzuela  
Rebecca Higginbotham & Robert Altenhofen  
20500 & 20426 Woodend Road  
Linwood, KS 66052

**CONCURRENT APPLICATIONS:**  
N/A

**LAND USE**

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION: RR-2.5

SUBDIVISION: N/A

FLOODPLAIN: Zone A

**PROPERTY INFORMATION**

**PARCEL SIZE:** 2.90; 4.80; 11.40 Acres

**PARCEL ID NO:**

197-35-0-00-00-011; 011.01; 011.05

**BUILDINGS:**

Existing Houses and Outbuildings

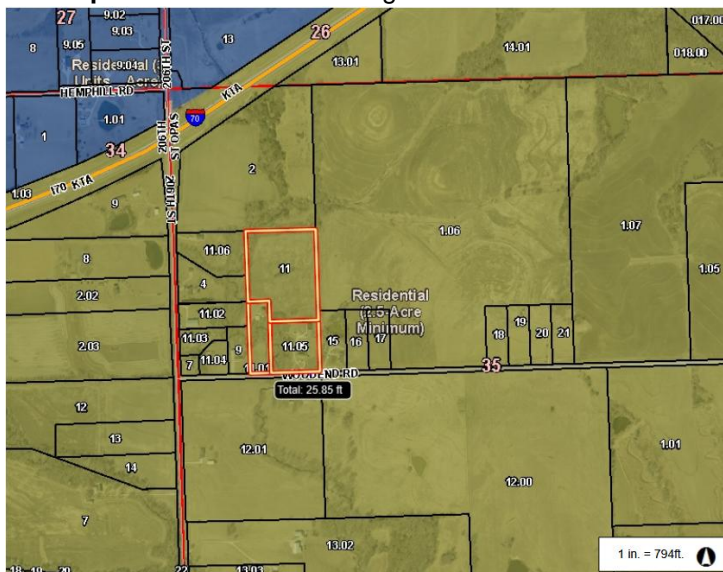
**LEGAL DESCRIPTION:**

Tracts of land in the Northwest 1/4 of Section 35, Township 11 South, Range 21, East of the 6th p.m., Leavenworth County, Kansas.

**ACTION OPTIONS:**

1. Approve Case DEV-25-054, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
2. Deny Case No.DEV-25-054, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
3. Modify Case No DEV-25-054, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio)

**Location Map: Future Land Use Designation**



**ACCESS/STREET:**

Woodend Road: Local, ±25' Wide, Gravel

**UTILITIES**

SEWER: Private Septic

FIRE: FD# 2

WATER: RWD#10

ELECTRIC: EVERGY

**NOTICE & REVIEW:**

STAFF REVIEW: 06/03/2025

NEWSPAPER NOTIFICATION:  
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:  
N/A



<b>FACTORS TO BE CONSIDERED:</b> Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)	
<i>Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.</i>	
1. <b><i>That there are special circumstances or conditions affecting the property;</i></b>	<ul style="list-style-type: none"> <li>The tract is already skinny in nature, property owners are acquiring approximately 5 feet in width to match the road frontage requirements for the RR-2.5 zoning district. Approximately 3 acres in total is being acquired from the adjacent property owner.</li> </ul>
2. <b><i>That the exception is necessary for the reasonable and acceptable development of the property in question;</i></b>	<ul style="list-style-type: none"> <li>The adjustment of the property lines allows for the tracts to be reduced from 3 to 2 tracts of land.</li> </ul>
3. <b><i>That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.</i></b>	<ul style="list-style-type: none"> <li>Granting the exception does not appear to cause any issues with public welfare or injurious to adjacent properties.</li> </ul>

#### **STAFF COMMENTS:**

The applicant's are proposing to readjust their property lines where tract 011.01 allows for better use of the property to match the zoning district. These properties were recently rezoned to RR-2.5 to allow the properties to match the requirements for the RR-2.5 zoning district. This request is removing a non-compliant property by absorbing it into lots with frontage. If the exception were to be approved, both tracts would be in compliance with the regulations of the RR-2.5 zoning district.

#### **EXCEPTIONS:**

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width of the Zoning & Subdivision Regulations for Case DEV-25-054, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

#### **ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums

# Department of Planning and Zoning

## Leavenworth County Kansas

### BOUNDARY LINE ADJUSTMENT APPLICATION

#### OWNERSHIP INFORMATION

##### TRACT 1

Name Joe Herring / Herring Surveying Company

Address 315 North 5th Street

City/St/Zip Leavenworth, KS 66048

Phone 913-651-3858

Email herringsurveying@outlook.com

Book/Page Existing Deed \_\_\_\_\_

Applicant/Agent Contact Email herringsurveying@outlook.com

##### TRACT 2 (Add separate sheet for additional parcels)

VALENZUELA, RAMIRO & MARIA L

Name HIGGINBOTHAM, REBECCA L & ALTENHOFEN, ROBERT

Address 20500 Woodend Road  
20426 Woodend Road

City/St/Zip Linwood, KS 66052

Phone N/A

Email N/A

Book/Page Existing Deed See Survey

#### EXISTING TRACT INFORMATION

Parcel Numbers 197-35-0-00-00-011.01 (20500 Woodend)

Tract 1

197-35-0-00-00-011.05 & 197-35-0-00-00-011

Tract 2

I, the undersigned, am the owner or **duly authorized agent**, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a boundary line approval as indicated above.

Signature: Joe Herring - digitally signed 5-8-25 Date: 5-8-25

Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner/Agent, Tract 1

Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner/Agent, Tract 2

#### Received by Planning and Zoning Office

Case No. \_\_\_\_\_

Existing Zoning \_\_\_\_\_

Office Staff: \_\_\_\_\_ Date Received: \_\_\_\_\_

Entered in the transfer record in my office this

13 day of June, 2017  
Stacy R. Driscoll  
County Clerk  
by B. Jones

Please return to:

Kansas Secured Title, Inc.

P.O. Box 803

Tonganoxie, KS 66086

TX0009959

**GENERAL WARRANTY DEED**  
(Statutory)

**Britten Dwight Bethune, an unmarried person and Melissa R. Bethune, an unmarried person**

convey and warrant to

**Ramiro Valenzuela and Maria L. Valenzuela, husband and wife, as joint tenants with the right of survivorship and not as tenants in common all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:**

**A tract of land in the Southwest Quarter of the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., described as follows: Commencing at the Southwest corner of the Northwest Quarter of Section 35, Township 11, Range 21; thence South 89°46'36" East (assumed) 676.72 feet to the point of beginning of this tract; thence North 00° East 681.61 feet; thence South 89°46'36" West 197.03 feet to the point of beginning, in Leavenworth County, Kansas, less any part thereof taken or used for road purposes.**

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

0788

*Janet Klammer*  
COUNTY CLERK

Mail Tax Statement to:

Robert Altenhofen  
Rebecca L Higginbotham AKA Rebecca L Altenhofen  
Property Address 20928 Woodend Rd  
Linwood, KS 66052

JOINT TENANCY QUIT CLAIM DEED Pursuant to K.S.A. 79-1437 (e), a real estate validation questionnaire is not

required due to exemption no. 3

GRANTOR Paul E Altenhofen and  
Rose M Altenhofen (single/married person(s))

CONVEY and QUITCLAIM TO  
Robert Altenhofen and Rebecca L Higginbotham  
AKA Rebecca L Altenhofen (single/married person(s))

As JOINT TENANTS and not as tenants in common, with full rights of survivorship, the whole estate to  
vest in the survivor in the event of the death of either, all of the following described real estate in the  
County of Leavenworth, State of Kansas, to-wit:

SEE EXHIBIT "A"

for the sum of One Dollar, the receipt of which is hereby acknowledged. This conveyance is made subject to easements,  
restrictions, reservations and covenants of record, if any.

Dated this 13 day of September A.D. 20 22

Paul E Altenhofen  
GRANTOR (Signature)

Paul E. Altenhofen  
(Printed Name)

Rose M. Altenhofen  
GRANTOR (Signature)

Rose M. Altenhofen  
(Printed Name)

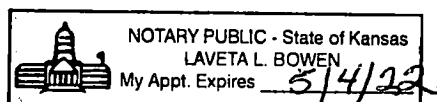
STATE OF KANSAS, COUNTY OF LEAVENWORTH

Be it remembered that before me, a notary public in and for the State and County aforesaid, personally appeared  
Paul E Altenhofen and Rose M. Altenhofen  
Known to me be the same person(s) who executed the within document and who acknowledged the execution of  
same as a free act and deed. In witness whereof, I have hereunto set my hand and affixed my official seal the day  
and year last above written.

Laveta L Bowen  
NOTARY PUBLIC (Signature)

Laveta L Bowen  
(Printed Name)

My commission expires: 5/4/22



TX:4085720

DocId:8120479





Exhibit A

1. East  $\frac{1}{2}$  of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 35 Township 11 S Range 21 E of the 6<sup>th</sup> P.M. in Leavenworth County, Kansas less the following 2 tracts of land:

A tract of land in the Southwest Quarter of the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M., described as follows: Commencing at the Southwest corner of the Northwest Quarter of Section 35, Township 11, Range 21; thence South 89° 46' 36" East (assumed) 676.72 feet to the point of beginning of this tract; thence North 00° East 681.61 feet; thence South 89° 46' 36" East 197.54 feet; thence South 00° 02' 34" West 681.61 feet; thence North 89°46' 36" West 197.03 feet to the point of beginning, in Leavenworth County, Kansas, less any part taken or used for road.

And (less):

**A tract of land in the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 35, Township 11 South, Range 21 East of the Sixth Principal Meridian and more particularly described as follows:**

**Beginning at the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section 35; Thence S90°00'00" W, along the South line of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section 35, a distance of 445.00 feet; Thence N00°10'50"W a distance of 490.00 feet; Thence N90°00'00"E, a distance of 445.00 feet to the East line of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section 35; Thence S00°10'50"E along the East line of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section 35, a distance of 490.00 feet to the point of beginning, all in Leavenworth County, Kansas. As shown on the Survey recorded August 30, 1985 in Survey Book 13 at Page #39**

AND

2. The Northwest Quarter (NW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 35 Township 11 S Range 21 E of the 6<sup>th</sup> P.M. in Leavenworth County, Kansas less the following tract of land:

A tract of land in the Southwest Quarter of the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas, described as follows: Commencing at the Southwest corner of the Northwest Quarter of Section 35, Township 11, Range 21; thence North 681.61 feet to the Point of Beginning of this Tract; thence North 465.10 feet; thence South 89°46'36" East 40.00 feet; thence South 56°17'47" East 422 feet; thence South 89°46'36" East 285.11 feet; thence South 232.18 feet; thence North 89°46'36" West 676.72 feet to the point of beginning, less any part thereof taken or used for road purposes.

## Schweitzer, Joshua

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Thursday, October 17, 2024 7:52 PM  
**To:** PZ  
**Subject:** Fw: María Valenzuela Planing and zoning

**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.

Thank you - Joe Herring

---

J.Herring Inc., dba,Herring Surveying Company  
315 N. 5th Street, Leavenworth, KS 66048  
913-651-3858 - ROCK CHALK!

---

**From:** Ramiro Valenzuela <valenzuelaramiro2@gmail.com>  
**Sent:** Thursday, October 17, 2024 7:40 PM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Subject:** María Valenzuela Planing and zoning

This leather is to authorize Mr Herring in the transaction whit Mr Altenhofen      Any questions please let me know  
María L Valenzuela 913 7079228.



AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I Robert Altenhofen and Rebecca Altenhofen

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
20426 Woodend Rd. Unwood KS, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2)

Signed and entered this 22 day of August, 2024.

Robert Altenhofen and Rebecca Altenhofen  
Print Name, Address, Telephone 20426 Woodend Rd. Unwood KS

[Signature]

Signature

Rebecca Altenhofen 66052  
913-656-9663

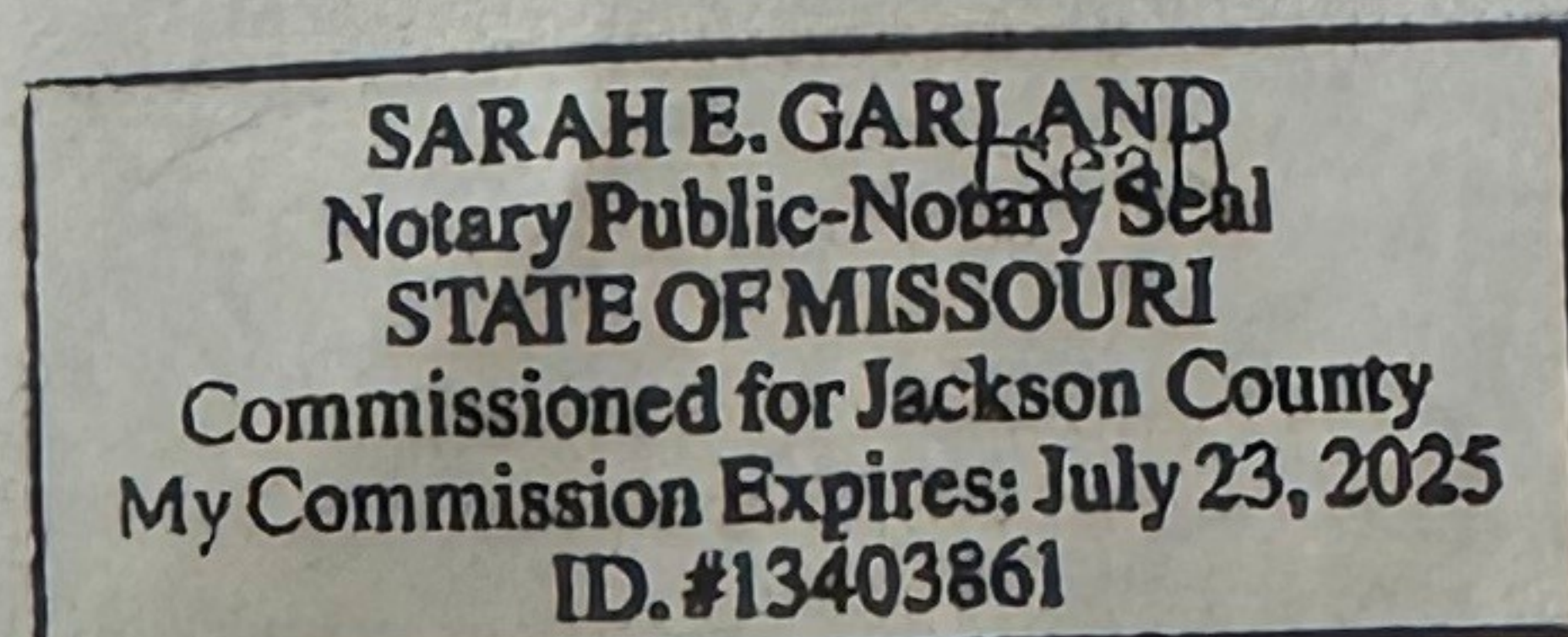
Missouri  
STATE OF ~~KANSAS~~ )

Jackson ) SS  
COUNTY OF ~~LEAVENWORTH~~ )

Be it remember that on this 22 day of August, 2024, before me, a notary public in and for said County and State came Robert & Rebecca Altenhofen to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

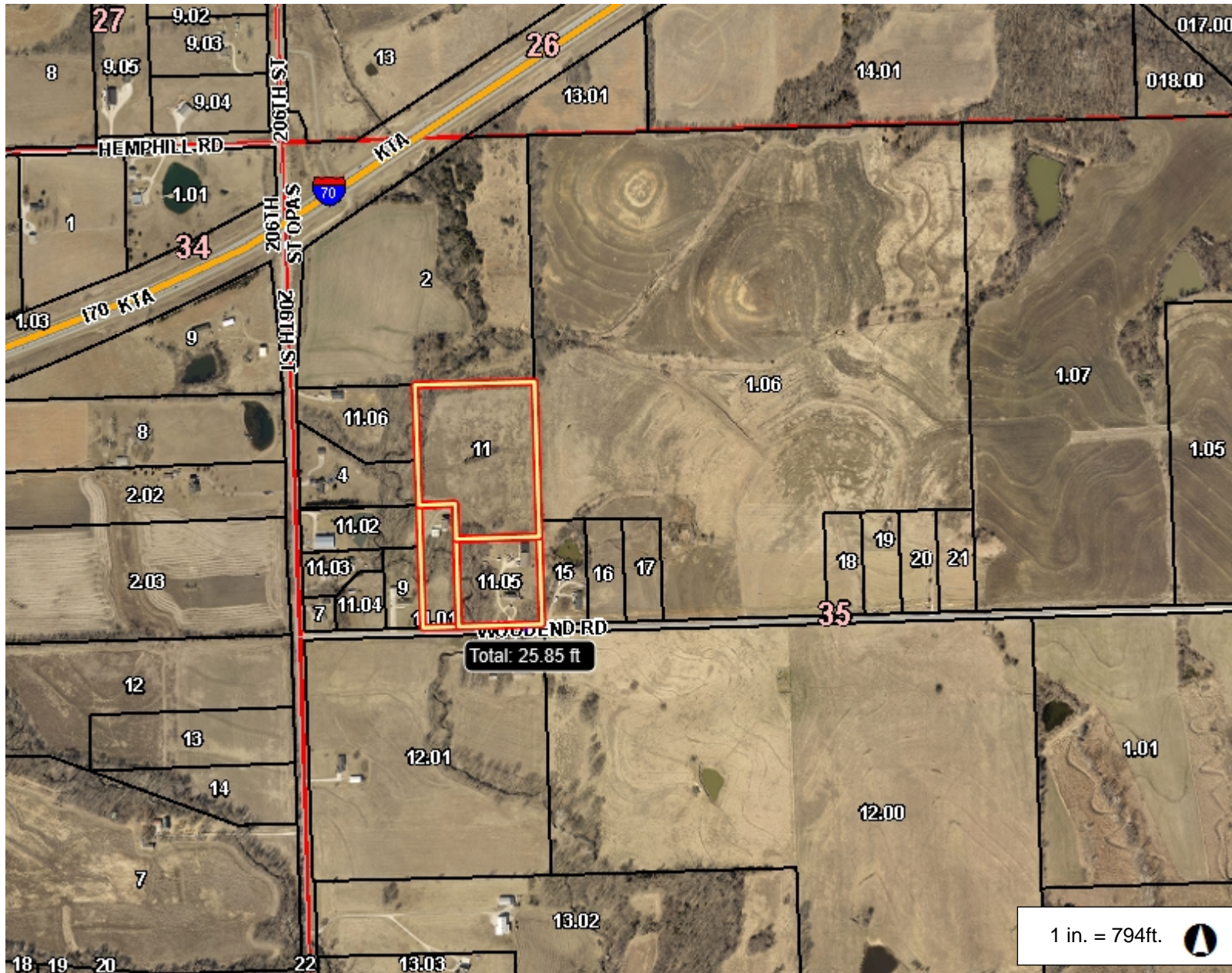
NOTARY PUBLIC Sarah E. Garland  
Sarah E. Garland

My Commission Expires: July 23, 2025





# Leavenworth County, KS



## Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

## Notes

1,588.0 0 794.02 1,588.0 Feet

1 in. = 794ft.

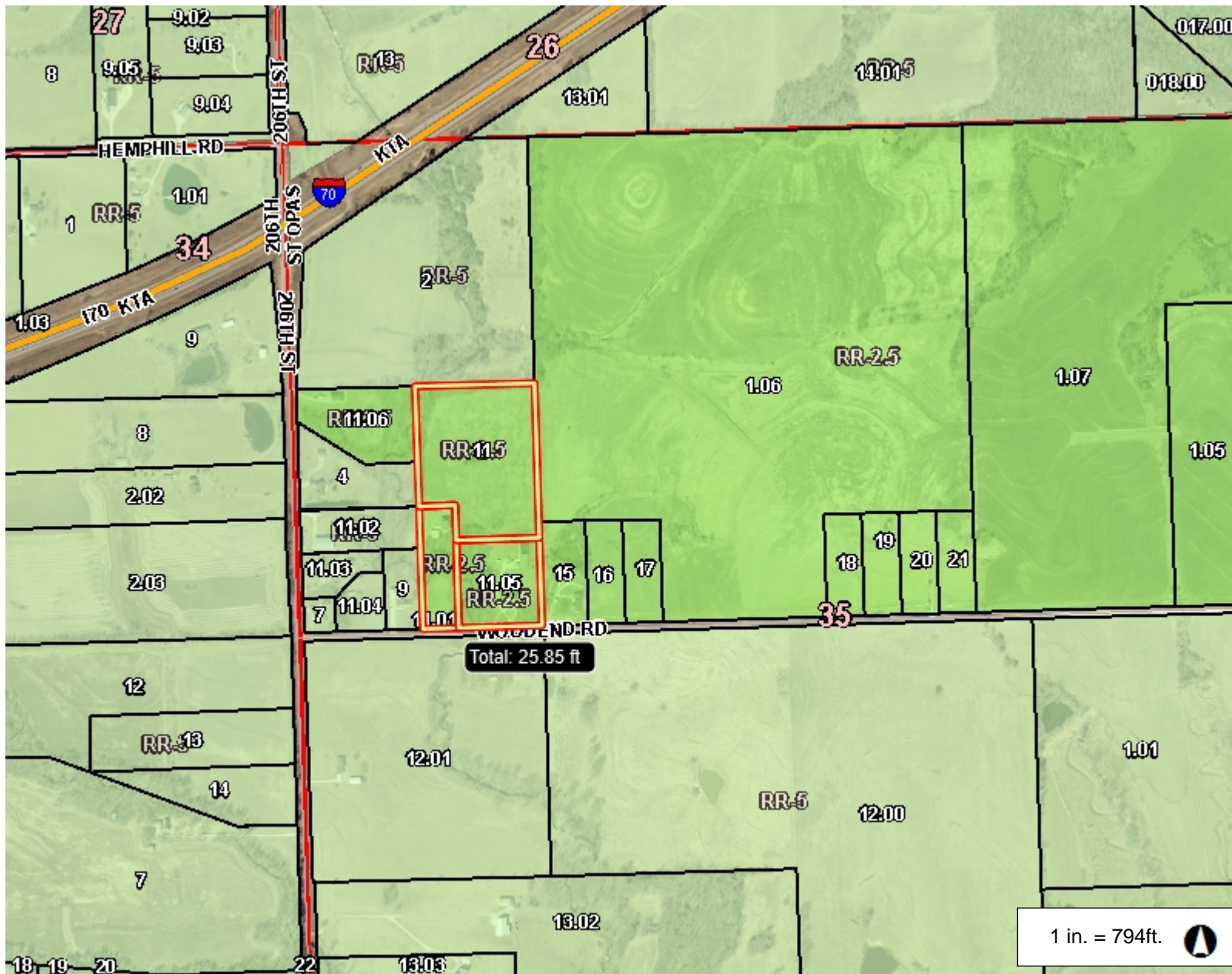


This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



# Leavenworth County, KS



## Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3

## Notes

1,588.0 0 794.02 1,588.0 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



## ARTICLE 56 – EXCEPTIONS

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

In recommending such variance or exception, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.  
*West Parent tract is narrow as it exists - rezone was approved to allow this adjustment*
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.  
*Yes - Allows for better use of property to match the approved rezone*
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.  
*No*

## BOUNDARY LINE ADJUSTMENT

HIGGINBOTHAM, REBECCA L & ALTENHOFEN, ROBERT  
20426 WOODEND ROAD  
Linwood, KS 66052  
PID NO. 197-35-0-00-00-011 & 011.05

Error of Closure: 1 - 808166

Joseph A. Herring  
PS # 1296



CERTIFICATE OF SURVEY

Tracts of land in the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

BOUNDARY LINE ADJUSTMENT

PREPARED FOR:

VALENZUELA,RAMIRO & MARIA L  
20500 WOODEND ROAD  
Linwood, KS 66052  
PID NO. 197-35-0-00-00-011.01

HIGGINBOTHAM,REBECCA L & ALTENHOFEN,ROBERT  
20426 WOODEND ROAD  
Linwood, KS 66052  
PID NO. 197-35-0-00-00-011 & 011.05

SURVEYOR'S DESCRIPTION:

TRACT 1:  
Tract of land in the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on May 8, 2025, and more fully described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence North 88 degrees 20'42" East for a distance of 676.72 feet along the South line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence North 01 degrees 50'37" West for a distance of 1321.07 feet; thence North 88 degrees 29'58" East for a distance of 200.00 feet; thence South 01 degrees 50'37" East for a distance of 1320.53 feet to said South line; thence South 88 degrees 20'42" West for a distance of 200.00 feet along said South line to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 6.06 acres, more or less, including road right of way.

Error of Closure: 1 - 1145193

TRACT 2:

Tract of land in the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on May 8, 2025, and more fully described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence North 88 degrees 20'42" East for a distance of 876.72 feet along the South line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence North 01 degrees 50'37" West for a distance of 1320.53 feet; thence North 88 degrees 29'58" East for a distance of 439.40 feet; thence South 01 degrees 50'17" East for a distance of 1319.34 feet to said South line; thence South 88 degrees 20'42" West for a distance of 439.27 feet along said South line to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 13.31 acres, more or less, including road right of way.

Error of Closure: 1 - 568194

TRANSFER TRACT:

Tract of land in the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on May 8, 2025, and more fully described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence North 88 degrees 20'42" East for a distance of 873.75 feet along the South line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence North 01 degrees 48'01" West for a distance of 681.49 feet; thence South 88 degrees 20'42" West for a distance of 197.54 feet; thence North 01 degrees 50'37" West for a distance of 639.58 feet; thence North 88 degrees 29'58" East for a distance of 200.00 feet; thence South 01 degrees 50'37" East for a distance of 1320.53 feet to said South line; thence South 88 degrees 20'42" West for a distance of 2.97 feet along said South line to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 2.98 acres, more or less, including road right of way.

Error of Closure: 1 - 808166

Parent Descriptions:

A tract of land in the Southwest Quarter of the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., described as follows: Commencing at the Southwest corner of the Northwest Quarter of Section 35, Township 11, Range 21; thence South 89°46'36" East (assumed) 676.72 feet to the point of beginning of this tract; thence North 00° East 681.61 feet; thence South 89°46'36" West 197.03 feet to the point of beginning, in Leavenworth County, Kansas, less any part thereof taken or used for road purposes.

East ½ of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 35 Township 11 S Range 21 E of the 6th P.M. in Leavenworth County, Kansas less the following 2 tracts of land:

A tract of land in the Southwest Quarter of the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., described as follows: Commencing at the Southwest corner of the Northwest Quarter of Section 35, Township 11, Range 21; thence South 89° 46' 36" East (assumed) 676.72 feet to the point of beginning of this tract; thence North 00° East 681.61 feet; And (less):

A tract of land in the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 35, Township 11 South, Range 21 East of the Sixth Principal Meridian and more particularly described as follows:  
Beginning at the Southeast corner of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of said Section 35; Thence S90°00'00" W, along the South line of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of said Section 35, a distance of 445.00 feet; Thence N00°10'50" W a distance of 490.00 feet; Thence N90°00'00" E, a distance of 445.00 feet to the East line of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of said Section 35; Thence S00°10'50" E along the East line of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of said Section 35, a distance of 490.00 feet to the point of beginning, all in Leavenworth County, Kansas. As shown on the Survey recorded August 30, 1985 in Survey Book 13 at Page #39

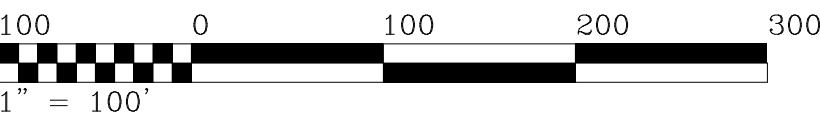
The Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 35 Township 11 S Range 21 E of the 6th P.M. in Leavenworth County, Kansas less the following tract of land:

A tract of land in the Southwest Quarter of the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas , described as follows: Commencing at the Southwest corner of the Northwest Quarter of Section 35, Township 11, Range 21; thence North 681.61 feet to the Point of Beginning of this Tract; thence North 465.10 feet; thence South 89°46'36" East 40.00 feet; thence South 56°17'47" East 422 feet; thence South 89°46'36" East 285.11 feet; thence South 232.18 feet; thence North 89°46'36" West 676.72 feet to the point of beginning, less any part thereof taken or used for road purposes.

Job # K-24-1844  
May 8, 2025



Scale 1" = 100'



POC TR1, TR2, Transfer  
17X  
SW COR NW 1/4  
Sec. 35-11-21  
1/2" Rebar

I hereby certify that 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.

Daniel Baumchen, PS#1363  
County Surveyor

LEGEND:

- - 1/2" Rebar Set with Cap No.1296
- - 1/2" Rebar Found, unless otherwise noted.
- POB - Point of Beginning
- POC - Point of Commencing
- Tree/Brush Line
- NS - Not Set this Survey per agreement with client

ZONE:

- RR 2.5

NOTES:

- 1) This survey does not show ownership or easements, per agreement with client
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Surveyor's Description
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys -  
DGW - D.G.White - S-12 Pg. 30, 1987 - NKA1987S030  
ACRES OF FOXRIDGE 1ST PLAT - 2023P00035
- 8) Road Records - See Survey
- 9) Referenced Deed Document #2017R04654, 2022R028575
- 10) Survey prepared without the benefit of a title commitment.
- 11) Fence Lines do not necessarily denote property lines.
- 12) Structures are shown in approximate location.
- 13) Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0325G dated July 16, 2015
- 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.
- 15) Exception to regulation Article 50, Section 40.3.i. Lot-width to lot-depth was granted by the Leavenworth County Planning Commission for Tract 1.



RATIFICATION BY COUNTY STAFF

This tract split, as described and shown above, has been submitted to and approved by the following County Staff persons this \_\_\_\_ day of \_\_\_\_ 2025.

Planning Director \_\_\_\_\_  
Marcus Majure

NOTARY CERTIFICATE

Be it remember that on this \_\_\_\_ day of \_\_\_\_ 2025, before me, a notary public in and for said County and State came Marcus Majure, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
(seal)

19X  
SE COR NW 1/4  
Sec. 35-11-21  
1/2" Rebar Cap 356



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of February through May 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Monday, May 12, 2025 1:24 PM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-054 BLA for Valenzuela/Altenhofen (Herring)

We have not received any complaints on either of these properties. The septic system appears to remain on the same property as the home it services.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

*Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.*

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Friday, May 9, 2025 11:10 AM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-054 BLA for Valenzuela/Altenhofen (Herring)

Good Morning,

The Department of Planning and Zoning has received a request for a Boundary Line Adjustment for the properties located at 20500 & 20426 Woodend Road.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by May 23, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048  
(913) 684-0465



## Schweitzer, Joshua

---

**From:** McAfee, Joe  
**Sent:** Thursday, May 15, 2025 11:52 AM  
**To:** Schweitzer, Joshua  
**Cc:** PZ; Noll, Bill; Baumchen, Daniel  
**Subject:** RE: DEV-25-054 BLA for Valenzuela/Altenhofen (Herring)

Josh,  
PW Engineering has no comment on the BLA.

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Friday, May 9, 2025 11:10 AM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-054 BLA for Valenzuela/Altenhofen (Herring)

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If you have any questions or need additional information, please contact me at (913) 684-0465 or at [PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048  
(913) 684-0465

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-25-057 Rose Rezone

June 11, 2025

**REQUEST: *Public Hearing Required***

☒ ZONING AMENDMENT                      ☐ SPECIAL USE PERMIT  
☐ TEMPORARY SPECIAL USE PERMIT

**STAFF REPRESENTATIVE:**

Amy Allison  
Deputy Director

**SUBJECT PROPERTY:** 23326 & 00000 Reno Road  
**FUTURE LAND USE MAP:** Residential (2.5-acre min)

**APPLICANT/APPLICANT AGENT:**

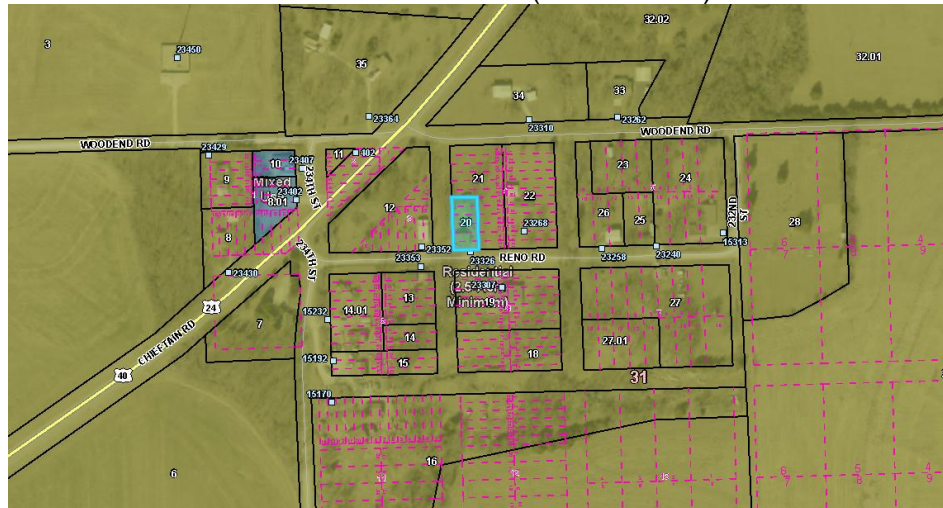
Jeremy & Colby (Bennett) Rose  
23326 Reno Road  
Tonganoxie, KS 66086

**PROPERTY OWNER:**

See above

**CONCURRENT APPLICATIONS:**

N/A



**LAND USE**

ZONING: RR-5

FUTURE LAND USE  
DESIGNATION: Residential (2.5-acre min)

**LEGAL DESCRIPTION:**

Lots 13-24, Block 4 of Reno Township, Leavenworth County, Kansas

SUBDIVISION: Reno Township

FLOODPLAIN: N/A

**STAFF RECOMMENDATION: NO OPPOSITION**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-25-057, Rezone for Rose to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-057, Rezone for Rose, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 0.3 & 0.80 ACRES

PARCEL ID NO:  
199-31-0-00-00-0020.00 & -021.00

BUILDINGS:  
Single-family residence and accessory structure

**PROJECT SUMMARY:**

Request to rezone two parcels at 23326 & 00000 Reno Road from RR-5 to R-1(43)  
(PID: 199-31-0-00-00-0020.00 & -021.00).

ACCESS/STREET:  
Reno Road, Local, Gravel, ±17' WIDE AND Woodend Rd, Local, Paved, ±22' WIDE

**Location Map:**



**UTILITIES**

SEWER: SEPTIC  
FIRE: Fire District #2  
WATER: Water Well  
ELECTRIC: Everygy

**NOTICE & REVIEW:**

STAFF REVIEW: N/A  
NEWSPAPER NOTIFICATION:  
5/20/2025

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
5/20/2025



<b>FACTORS TO BE CONSIDERED:</b>		
<i><b>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</b></i>	<b>Met</b>	<b>Not Met</b>
<b>1. Character of the Neighborhood:</b> <i>Density:</i> Surrounding parcels range in size from 0.20 acres to more than 170 acres. The area is not densely populated.  <i>Nearby City Limits:</i> Tonganoxie is more than two miles to the northeast.  <i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.	X	
<b>2. Zoning and uses of nearby property:</b> <i>Adjacent Uses:</i> Most of the adjacent parcels are residential in nature, with some agriculture to the north.  <i>Adjacent Zoning:</i> All adjacent properties are zoned RR-5. A parcel within the immediate vicinity is zoned R-1(43)	X	
<b>3. Suitability of the Property for the uses to which it has been restricted:</b> The property is suitable for rural residences uses.	X	
<b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b> <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains residential in nature.</i>	X	
<b>5. Length of time the property has been vacant as zoned:</b> <input checked="" type="checkbox"/> <i>Vacant:</i> 00000 Reno Rd is currently vacant but based on historical images, there appears to have been a house on the parcel in the 1940s but has been removed since. <input checked="" type="checkbox"/> <i>Not Vacant:</i> 23326 Reno Road is currently developed with structures being on the property since at least the 1950s.	x	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> The rezoning does not appear to have any impact on economic development, public health, safety or welfare. The applicant intends to combine the parcels into one parcel for the purpose of supporting the existing house.	X	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map:</i> Residential (2.5-acre min) <i>Section 4 Land Use and Development Plan Strategies:</i> The proposed use is not compatible with the future land use designation.		x

#### **STAFF COMMENTS:**

The applicants are requesting a rezoning from Rural-Residential 5 to Residential-1(43). The applicants currently own two adjoining parcels, one with a residence on the property and a vacant parcel next door. The applicant has indicated that the existing septic system on the parcel with the house is failing and with roughly 0.3 acres, there is not sufficient room on this parcel to locate a new septic system. They have acquired the parcel next door and if added to the existing parcel would be more than one acre in size which is sufficient to meet the private septic requirements in the County. However, their existing zoning is RR-5 and they do not have sufficient acreage to comply with current standards. In 2014, the County did approve a parcel to be rezoned to R-1(43) under similar conditions. This parcel is roughly 400 feet to the East. The Comprehensive Plan identifies the future land use of this area as *Residential (2.5-acre min)*. While Staff would typically recommend denial of a request that does not conform to the future land use, Staff would not oppose this request due to the R-1(43) being within the immediate vicinity (notification area) of these parcels.

**PROPOSED MOTIONS:**

Approve case DEV-25-057, a request to rezone the property at 23326 & 00000 Reno Road from RR-5 to R-1(43) with Findings of Fact with a majority vote; or

*Motion: Chairman, I find that the rezoning request complies with the Golden Factors and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-057 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.*

Deny case DEV-25-057, a request to rezone the property at 23326 & 00000 Reno Road from RR-5 to R-1(43) with Findings of Fact with a majority vote; or; or

Motion: Chairman, I find that the rezoning request does not comply with Golden Factors (LIST FACTORS) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-057.

Table the case to a date and time certain for additional information.

Motion: Chairman, I move to table Case No. DEV-25-057 to (Date and Time) requesting additional information for (STATE THE REASON(S)).

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Map

C: Memorandums



199-31 020.00 Reno  
021.00 Energy RR-5  
NA 464 1.21  
Lot 16 B-4 no flood  
Reno Town

Amy

\$400 Cash Paid  
05.14.2025  
in safe

**REZONING APPLICATION**  
Leavenworth County Planning Department  
300 Walnut, St., Suite 212  
County Courthouse  
Leavenworth, Kansas 66048  
913-684-0465

MAY 14 2025

Office Use Only	
Township: _____	Date Received: <u>05.14.2025</u>
Planning Commission Date _____	
Case No. _____	Date Paid <u>05.14.2025</u>
Zoning District _____	Comprehensive Plan Land Use Designation _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>JEREMY ROSE &amp; COLBY BENNETT</u>	NAME _____
ADDRESS <u>23326 RENO ROAD</u>	ADDRESS _____
CITY/ST/ZIP <u>TONGANOXIE, KS. 66086</u>	CITY/ST/ZIP _____
PHONE <u>913-634-8236</u>	PHONE _____
EMAIL <u>jrose2122@yahoo.com</u>	EMAIL _____
CONTACT PERSON <u>JEREMY ROSE</u>	CONTACT PERSON _____

PROPOSED USE INFORMATION	
Proposed Land Use <u>RESIDENTIAL</u>	
Current Zoning <u>RR-5</u>	Requested Zoning <u>RR-1</u>
Reason for Requesting Rezoning <u>Adding a lateral field for over Septic system.</u>	

PROPERTY INFORMATION	
Address of Property <u>23326 RENO ROAD</u>	
Parcel Size <u>1 ACRE +/-</u>	
Current use of the property <u>RESIDENTIAL</u>	
Present Improvements or structures <u>HOUSE &amp; GARAGE</u>	
PID <u>199-31-20 &amp; 199-31-21</u>	
I, the undersigned am the (owner), (duly authorized agent), (Circle One) of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.	
Signature <u>[Signature]</u>	Date <u>5/14/2025</u>

ATTACHMENT A



ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 01/20/2023

  
COUNTY CLERK

**Doc #: 2023R00427**  
**TERRILOIS MASHBURN**  
**REGISTER OF DEEDS**  
**LEAVENWORTH COUNTY, KANSAS**  
**RECORDED ON:**  
**01/20/2023 03:56:20 PM**  
**RECORDING FEE: 38.00**  
**PAGES: 2**

## WARRANTY DEED

File No. 0922138589

THE GRANTOR, **Vance M Allred and Heather L. Marshall , husband and wife**

hereby CONVEYS AND WARRANTS to **Jeremy A Rose and Colby M Rose, husband and wife**, the Grantee(s), as joint tenants with the full rights of survivorship and not as tenants in common, the following described real estate, to-wit:

**The East Half of Lots 13 to 24 inclusive AND the West Half of Lots 19 to 24 inclusive, Block 4, in the TOWN OF RENO, Leavenworth County, Kansas**

**Parcel #: 199-31-0-00-00-021.00-0**

**Commonly known as: 00000 Reno Road, Tonganoxie, KS 66086**

**Grantee's Mailing Address: 23326 Reno Road Tonganoxie KS 66086**

PURSUANT to K.S.A. 79-1437 a real estate validation questionnaire is not required due to Exemption No. \_\_\_\_\_, if applicable.

for the sum of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged.

EXCEPT AND SUBJECT TO:

Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

TO HAVE AND TO HOLD, the premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said parties of the second part as joint tenants with full rights of survivorship, and not as tenants in common, and unto the heirs and assigns of such survivor forever; the said Grantor hereby covenanting that they lawfully seized of an indefeasible estate fee of the premises herein conveyed; that they have good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by them or those under whom they claim ; and that they will warrant and defend the title to the said premises unto the said parties of the second part, as joint tenants with full rights of survivorship, and not as tenants in common, and unto the heirs and assigns of such survivor forever, against the lawful claims and demands of all persons whomsoever.



Dated this the 13<sup>th</sup> day of January, 2023,

Vance M Allred  
Vance M Allred

Heather L Marshall  
Heather L. Marshall

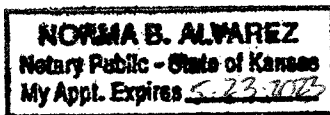
STATE OF KANSAS, COUNTY OF WYANDOTTE

BE IT REMEMBERED, that on the 13<sup>th</sup> day of January 2023, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came

**Vance M Allred and Heather L. Marshall**

who are personally known to me to be the same person(s) who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.



Norma B. Alvarez  
Norma B. Alvarez NOTARY PUBLIC

MY TERM EXPIRES: May 23, 2023

Entered in the transfer record in my office this

20 day of Oct, 2015  
Janet Klasmeska  
County Clerk  
by B Jones

INDEBTEDNESS: 0  
PAGES: 2

Continental Title  
15097404

**Warranty Deed**  
(Kansas Form for Individuals)  
Joint Tenancy

This indenture, Made this 14th day of **October, 2015**, between **Frank C. Hughes, Jr. and Cynthia A. Hughes, husband and wife of Leavenworth County**, in the State of **Kansas**, party(ies) of the first part, and **Jeremy A Rose and Colby M Bennett, both single people, of Leavenworth County**, in the State of **Kansas**, as Joint Tenants with Right of Survivorship, parties of the second part:

Witnesseth, that the said party(ies) of the first part, in Consideration of the sum of TEN Dollars and other valuable considerations, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto said parties of the second part, their successors and/or assigns, all of the following described real estate, situated in the County of **Leavenworth** and State of **Kansas** to wit:

Tax Id No. 19244

**The West ½ of Lots 13, 14, 15, 16, 17 and 18 in Block 4, in the TOWN OF RENO, according to the recorded plat thereof in Leavenworth County, Kansas..**

Subject to easements, reservations, and restrictions, if any of record.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

And said party of the first part, for itself, and its successors and assigns, does hereby covenant, promise and agree, to and with said party (ies) of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the able granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, states, judgments, taxes, assessments and encumbrances, of what nature and kind so ever, and that it will Warrant and Forever Defend the same unto said party(ies) of the second part, his/her/their heirs and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

QW 1339



## Allison, Amy

---

**From:** Colby Bennett <cbennett09@hotmail.com>  
**Sent:** Thursday, May 29, 2025 4:36 PM  
**To:** Allison, Amy  
**Subject:** Colby Rose signature

**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.

I Colby Rose approve and is aware of the application and are supportive of the request.

Sent from my iPhone

## Allison, Amy

---

**From:** Jeremy rose <jrose2122@yahoo.com>  
**Sent:** Thursday, May 29, 2025 4:28 PM  
**To:** Allison, Amy  
**Subject:** Re: DEV-25-057 Rose Rezone Review Comments

**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.

I Jeremy Rose approve and is aware of the application and are supportive of the request.  
Sent from my iPhone

On May 29, 2025, at 3:41 PM, Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Afternoon Jeremy,

For the owner's authorization, we will need an email from both owners saying that they are aware of the application and are supportive of the request.

Sincerely,  
Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757

### Disclaimer

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---

**From:** Allison, Amy  
**Sent:** Wednesday, May 28, 2025 4:34 PM  
**To:** 'jrose2122@yahoo.com' <jrose2122@yahoo.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-25-057 Rose Rezone Review Comments

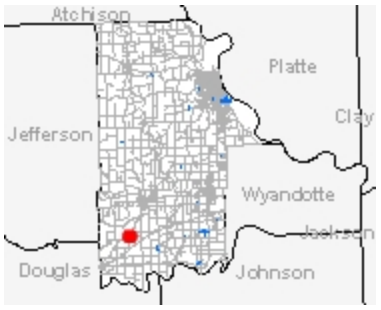
Good Afternoon,

Please find the review comments for the above-mentioned case attached:

1. Emergency Management – 5/16/2025
2. Public Works – 5/16/2025
3. Code Enforcement – 5/19/2025



# DEV-25-057 Rose Rezone



**Legend**

Parcel Number

Parcel

City Limit Line

Major Road

<all other values>

70

Road

<all other values>

PRIVATE

Railroad

Section

Section Boundaries

County Boundary

Zoning

B-1

B-2

B-3

I-1

I-2

I-3

MXD

PC

PI

PR-1

PR-2

PR-3

**Notes**

917.5 0 458.76 917.5 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Rezoning Bennett  
**Date:** May 16, 2025

Amy, I have reviewed the request of the rezoning from the Jeremy Rose and Colby Bennett, regarding the rezoning of the parcel you provided to our office from a RR5 to a RR1. If this will turn into a subdivision I will comment on the new application. I have no comments to lend at this time. If you feel I have missed an issue please give a call at 684-0457.

Bennett Rezoning



## Allison, Amy

---

**From:** McAfee, Joe  
**Sent:** Friday, May 16, 2025 2:58 PM  
**To:** Allison, Amy; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Dedেকে, Andrew; Khalil, Jon; Noll, Bill  
**Cc:** PZ  
**Subject:** RE: RE: DEV-25-057 Rose Rezone

Amy,  
PW Engineering has no comment concerning the rezone.

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Thursday, May 15, 2025 2:46 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Dedেকে, Andrew <adedেকে@lvsheriff.org>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-25-057 Rose Rezone

Good Afternoon,

The Department of Planning and Zoning has received an application for a rezoning regarding the properties at 23326 Reno Rd and 00000 Reno RD (PID: 199-31-0-00-00-021.00) from RR-5 to R-1 (43).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, May 29, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov).

Thank you,

Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757

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## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Monday, May 19, 2025 11:07 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-25-057 Rose Rezone

We have not received any complaints on this property. The septic system servicing the home at 23326 Reno Rd has been reaching its limits for several years. It is in a failing state multiple times a year, and when it is not failing it is very full. The current property does not have enough space to install a new septic system. A rezone to R-1(43) will allow them to combine the two properties which will give them the space needed to install a new septic system keeping the home livable.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

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---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Thursday, May 15, 2025 2:46 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Dedekke, Andrew <adedekke@lvsheriff.org>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-25-057 Rose Rezone

Good Afternoon,

The Department of Planning and Zoning has received an application for a rezoning regarding the properties at 23326 Reno Rd and 00000 Reno RD (PID: 199-31-0-00-00-021.00) from RR-5 to R-1 (43).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, May 29, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov).

Thank you,

Amy Allison, AICP



## Allison, Amy

---

**From:** Ryan McCallister <Ryan.McCallister@evergy.com>  
**Sent:** Wednesday, May 21, 2025 2:31 PM  
**To:** Allison, Amy  
**Subject:** RE: DEV-25-057 Rose Rezone

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Internal Use Only

Hey Amy,

That should not be an issue at all.

Thanks!

**Ryan McCallister**

Evergy  
Distribution Designer  
[ryan.mccallister@Evergy.com](mailto:ryan.mccallister@Evergy.com)  
O (785) 865-4844

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Wednesday, May 21, 2025 2:26 PM  
**To:** Ryan McCallister <Ryan.McCallister@evergy.com>  
**Subject:** RE: DEV-25-057 Rose Rezone

Internal Use Only

**This Message Is From an External Sender**

This message came from outside your organization.

Report Suspicious

Good Afternoon Ryan,

The applicant would like to combine both parcels into one. Will that be an issue for Evergy?

Sincerely,  
Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757

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and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

---

**From:** Ryan McCallister <[Ryan.McCallister@evergy.com](mailto:Ryan.McCallister@evergy.com)>  
**Sent:** Tuesday, May 20, 2025 8:32 AM  
**To:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Subject:** RE: DEV-25-057 Rose Rezone

**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.

Internal Use Only

Good morning,

I do not see any conflict or issues with this as far as electrical service goes if it stays as is.

Thanks!

**Ryan McCallister**  
Evergy  
Distribution Designer  
[ryan.mccallister@Evergy.com](mailto:ryan.mccallister@Evergy.com)  
O (785) 865-4844

---

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Thursday, May 15, 2025 2:46 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Dedeker, Andrew <[adedeker@lvsheriff.org](mailto:adedeker@lvsheriff.org)>; Khalil, Jon <[jkhalil@leavenworthcounty.gov](mailto:jkhalil@leavenworthcounty.gov)>; 'Mitch Pleak' <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; McAfee, Joe <[JMcAfee@leavenworthcounty.gov](mailto:JMcAfee@leavenworthcounty.gov)>; Design Group Lawrence Service Center <[designgrouplawrenceservicecenter@evergy.com](mailto:designgrouplawrenceservicecenter@evergy.com)>; 'kriter@lvcofd2.com' <[kriter@lvcofd2.com](mailto:kriter@lvcofd2.com)>; 'driter@lvcofd2.com' <[driter@lvcofd2.com](mailto:driter@lvcofd2.com)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** RE: DEV-25-057 Rose Rezone

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Report Suspicious

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The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, May 29, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov).



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-25-011 Flat Land Special Use Permit

June 11, 2025

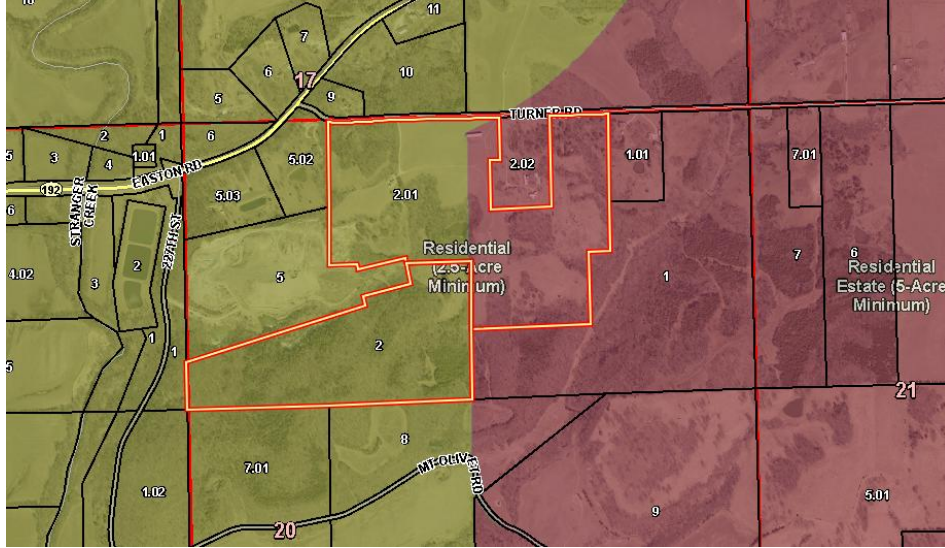
**REQUEST: Public Hearing Required**

- ☐ Zoning Amendment      ☒ Special Use Permit  
☐ Temporary Special Use Permit

**STAFF REPRESENTATIVE:**

Amy Allison  
Deputy Director

**SUBJECT PROPERTY:** 00000 Turner Road



**APPLICANT/APPLICANT AGENT:**

Christy Bretz  
Flat Land Disposal LLC  
13575 Gilman Road  
Lansing KS 66043

**PROPERTY OWNER:**

Flat Land Disposal, LLC

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-2.5 & RR-5

FUTURE LAND USE DESIGNATION:  
Residential (2.5-acre min) &  
Residential Estates (5-acre min)

**LEGAL DESCRIPTION:**

Two tracts of land in the northwest Quarter of Section 20, Township 8, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION: DENIAL**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-25-011, Special Use Permit for Flat Land Disposal for a C&D Landfill, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-011, Special Use Permit for Flat Land Disposal for a C&D Landfill, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 52.6 & 84.6 acres

**PARCEL ID NO:**

064-20-0-00-00-002.00 & -002.01

**BUILDINGS:**

Two accessory structures and oil production facilities

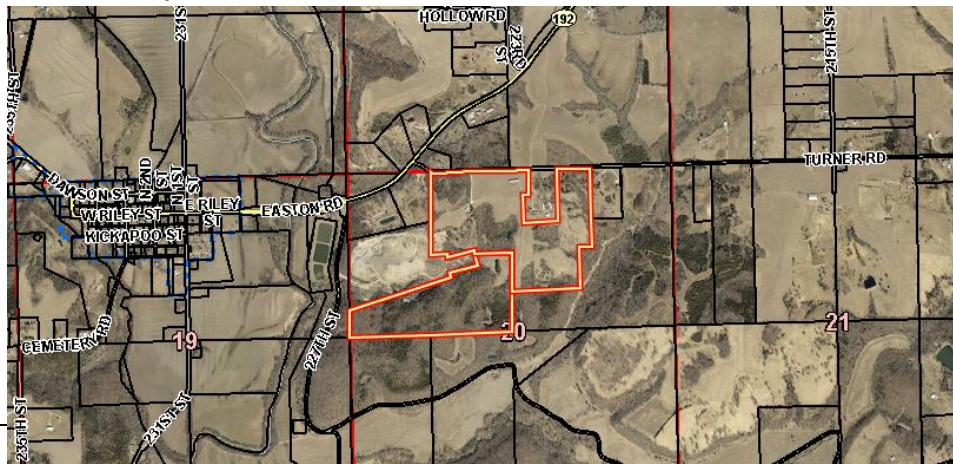
**PROJECT SUMMARY:**

Request for Special Use Permit to operate a C&D Landfill for Flat Land Disposal at the property located at 00000 Turner Road (PID 064-20-0-00-00-002.00 & 064-20-0-00-00-002.01).

**ACCESS/STREET:**

227<sup>th</sup> Street  
COUNTY Local  
±26' WIDE, Gravel

**Location Map:**



[illegible]



<p><i>Visitors/Employees: One to eight employees are proposed for this site and the number of customers (truck visits) will be approximately 15, but up to 60 per day. While the number of employees may not generate much traffic, as stated above, the maximum amount of traffic proposed is not common for uses in this area.</i></p> <p><i>Waste: A C&amp;D Landfills by its very definitions is the storage of waste. In addition to storage of waste, the applicant is proposing to store other chemicals, fuel and lubricants on site.</i></p>		✓
<p><b>5. Length of time the property has been vacant as zoned:</b>  <input checked="" type="checkbox"/> <i>Vacant: To our knowledge, the property has never been developed. There are accessory structures and oil production facilities on-site, it appears that this land has been used for agricultural and recreational purposes.</i>  <input type="checkbox"/> <i>Not Vacant:</i></p>	✓	
<p><b>6. Relative gain to economic development, public health, safety and welfare:</b>  <i>While the proposed application would allow for another business to be located within Leavenworth County, any reviewer would be hard pressed to argue there is a defined benefit to the community's public health and welfare by locating this use on the proposed site.</i></p>		✓
<p><b>7. Conformance to the Comprehensive Plan:</b>  <i>Future Land Use Map: Residential (2.5-acre min) and Residential Estate (5-acre min)</i></p>		✓

#### STAFF COMMENTS:

The applicant has requested to operate a 22.81-acre Construction and Demolition Landfill on two undeveloped tracts of land off of Turner Road. The applicant is proposing to operate the landfill from 7 am to 6pm, Monday through Friday and Saturdays from 7 am to 5 pm. They will employee up to eight (8) people on-site and anticipate truck traffic being from 15 trucks a day initially but up to 60 truck loads per day once established. Truck traffic will enter an adjoining property from 227<sup>th</sup> Street and will utilize internal roads to dump into the proposed cell. Parking for employees and any visitors will be located on the adjoining parcel as well.

The applicant will be using heavy equipment to manage the facility and will be storing chemicals, fuel and lubricants on-site. A temporary bathroom facility is provided on the adjoining site with a Connex storage box and a scale house. Outdoor storage of equipment and materials is proposed on the adjoining parcel. The applicant is proposing to add a 500-gallon fuel tank on the adjoining parcel but said addition is not proposed on the site of this SUP, therefore it's addition would not be a part of this application.

The proposed disposal area is proposed to be constructed and maintained to reduce visibility from adjoining parcels. Some additional landscaping is proposed at the entrance and the applicant indicated that existing vegetation will be utilized to reduce visibility from adjoining residential structures.

Since C&D Landfills are permitted/regulated by the State as far as best practices for waste management and for environmental impacts, staff's analysis did not include those factors as per our review.

An assessment of neighborhood character determines whether changes expected in analysis area may affect a defining feature of neighborhood. The preliminary assessment first identifies the defining physical characteristics or uses of the existing neighborhood.

In this case, primary physical characteristics are agricultural land and primary uses are residential and agricultural. These define the neighborhood, then staff evaluates whether the proposed action has the *potential* to affect those defining features, either through the potential for a significant adverse impact or a combination of moderate

effects in these areas. If the project has the potential to affect defining uses or features of a neighborhood, a detailed assessment of neighborhood character may be appropriate. Conversely, if the project has no potential to affect the defining features of neighborhood character, a detailed assessment is not warranted.

The key elements that characterize a neighborhood and establish their interrelationships form the basis for assessing the significance of potential impacts. In general, the more uniform and consistent the existing neighborhood context, the more sensitive it may be to change. A neighborhood that has a more varied context is typically able to tolerate greater change without experiencing a significant adverse impact related to neighborhood character.

In this case, the *uses that surround* the proposed project site have minimal effect on the land and foster a sense of rural connection that promotes similar uses. The proposed project is by its very nature is an intensive industrial use that brings with it noise, traffic, visual impacts, substantial grading and dissimilar uses that have the potential to dominate the existing neighborhood. The proposed use does not match the character of the neighborhood, is not compatible with existing zoning due to its intensity of use and has the potential to detrimentally impact the surrounding area. Additionally, the proposal is non-compliant with the Comprehensive Future Land Use Plan.

As such, staff must find that the proposal does not match the character of the neighborhood.

The surrounding zoning is rural residential 2.5 and 5 acres, with compatible uses including residential uses, agricultural uses and compatible commercial uses. Intensive, industrial uses are not typically compatible with this zoning designation. One adjoining parcel is an industrial use that has been in operation since the 1950s, however, the surrounding areas have continued to maintain residences and farms and have not transitioned into more-intense commercial or industrial uses.

Due to its incompatibility, Staff has concerns with the potential detrimental impacts to surrounding property owners if the request were approved. Potential detrimental impacts include; the proposed traffic, specifically commercial truck traffic, and the disposal of waste and containment of debris on site. As stated previously, since C&D Landfills are regulated by State, County Staff did not review this proposal for compliance with state regulation and environmental impacts, but staff does have concerns with disposal of waste being within 1,000 feet of residences in the area.

Last, staff believes this request is not in compliance with the County's Comprehensive Plan due to this area being identified as Residential (2.5-acre min) and Residential Estate (5-acre min) which supports further development in this area for much less intensive use i.e. primarily residential uses.

When the proposal is weighed in its totality against the golden rules, staff feels the proposed use is incompatible with the surrounding land uses and goals established by the comprehensive plan. For these reasons, staff must recommend denial of the proposed special use permit.

If the Commission considers approving this request, staff recommends that any conditions placed on this permit be made part of a Development Agreement between the County and the applicant.

#### **PROPOSED MOTIONS:**

Approve case DEV-25-011, Special Use Permit Request for Storage of Waste & Materials: Landfill with Findings of Fact with a majority vote; or

Motion: *Chairman, I find that the special uses permit request complies with the Golden Factors and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-011 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.*

Deny case DEV-25-011, Special Use Permit Request for Storage of Waste & Materials: Landfill without Findings of Fact with a majority vote; or



Motion: *Chairman, I find that the special use permit request does not comply with Golden Factors (LIST FACTORS) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-011.*

3. Table the case to a date and time certain for additional information.

Motion: *Chairman, I move to table Case No. DEV-25-011 to (Date and Time) requesting additional information for (STATE THE REASON(S)).*

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Map

C: Memorandums



15620 West 113<sup>th</sup> Street  
Lenexa, KS 66219  
P (913) 492-7777  
F (913) 492-7443  
**Terracon.com**

May 9, 2025

(Supersedes previous submittals of January 31, 2025 and March 26, 2025)

County of Leavenworth Planning & Zoning  
300 Walnut, Suite 212  
Leavenworth, KS 66048

Attn: Ms. Amy Allison  
Deputy Director  
Planning and Zoning  
Leavenworth County

**Re: Flat Land C&D Landfill Special Use Permit (SUP) Application**

Flat Land Disposal, LLC  
Terracon Project No. 02247246

Dear Ms Allison:

Terracon Consultants, Inc. (Terracon), working in conjunction with Blackstone Environmental, Inc is pleased to submit this Special Use Permit (SUP) Application for the above-referenced site. This Application is in response to the following (each in Appendix A):

- December 15, 2023 (updated July 11, 2024) letter from Planning & Zoning to Ms. Christy Britz
- March 3, 2025 Planning & Zoning review comments to Ms. Christy Britz
- March 7, 2025 Public Works Department Review
- April 8, 2025 Planning & Zoning review comments
- April 15, 2025 Public Work Department review comments
- Captain Patzwald February 27, 2025 e-mail
- Leavenworth County Emergency Management February 12, 2025 e-mail.

This SUP permit application is presented as part of a comprehensive plan to maintain, operate and modernize the Flat Land Disposal, LLC (Flat Land) Construction and Demolition (C&D) Landfill in Leavenworth County. The SUP request includes a potential expansion to the C&D landfill that will allow for continued operation and improvement of the facility in accordance with KDHE regulations. Universal Waste Systems, the parent company of Flat Land Disposal LLC, will direct operations and maintenance of the landfill.

Flat Land is requesting this SUP (SUP #2) to supplement the existing SUP (SUP #1) on the current landfill property at 31358 227th Street. The C&D landfill expansion plan includes additional landfill area added east of the existing landfill waste mass. This expansion of the



## **Flat Land C&D Landfill Special Use Permit (SUP) Application**

Flat Land Disposal, LLC | Easton, Kansas

May 9, 2025 | Terracon Project No. 02247246



existing landfill will serve multiple purposes.

This expansion will be the first step to satisfying the need for additional air space at the facility (pending Kansas Department of Health and Environment (KDHE) approval of the same expansion request). It complements the work that has been completed during 2024 to maintain and improve the facility.

The expansion area would be constructed and operated in a manner to be less visible from the surrounding properties. Additionally, relocated cedar trees and other features if needed will be added to help blend the landfill into the adjacent topography and minimize line of site directly to the working face.

An expanded and re-opened C&D disposal site will provide a beneficial service for citizens of Leavenworth County and the surrounding community. Since the facility has been closed, Flat Land has received multiple calls per week asking when the facility will resume accepting C&D waste. This site offers an economically beneficial option for C&D waste in Leavenworth County.

In addition, Flat Land Disposal, LLC is prepared to offer Leavenworth County a host fee for operation of the facility. The plan is to install scales at the entrance as part of our facility improvement process and offer the county a \$0.25 per ton host fee on waste placed in the landfill, payable quarterly.

The approval of this request will allow the facility to continue to provide waste management options to the citizens and businesses of Leavenworth County. The design incorporates advanced waste disposal technologies environmental controls and best management practices (BMPs) for stormwater. By providing local C&D waste disposal options, the County can reduce its dependence on external waste management solutions, reducing costs and emissions associated with transporting waste over longer distances and reduce the potential for illegal dumping in the County. This can lead to a more sustainable and cost-effective waste management strategy. Additionally, the potential tipping host fee can help generate revenue for the County.

The hours of operation would be Monday-Friday 7am to 6pm and Saturday 7 am to 5 pm. There will be no additional signage. A fire barrier will be maintained as directed by Chuck Magaha from Leavenworth County Emergency Management. There will be no additional parking needed. All employees will be parked at 31358 227th Street. All traffic will enter the site from private property at 31358 227th Street to reach the new areas. So, there will be no external traffic generated on these parcels.

The property covered under this SUP is to supplement the property under the existing SUP. The SUP #1 has a waste disposal area of 19.18 acres and a facility permitted area of 37.18 acres. The SUP #2 has waste disposal area of 22.81 acres and a facility permitted area of

## Flat Land C&D Landfill Special Use Permit (SUP) Application

Flat Land Disposal, LLC | Easton, Kansas

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32.74 acres (Appendix C, Drawing 4). Both SUP tracts and surrounding land is owned by Flat Land Disposal, LLC.

## 1.0 PLANNING AND ZONING RESPONSES (7/11/24)

Below we address the items mentioned in the July 11, 2024 letter and in subsequent conversations with County officials in the order they appear in the letter.

### 1. New Application Form

The executed Special Use Permit (SUP) Application Form in Appendix B includes the names of the new owners as requested, revised from the January 31, 2025 submittal.

### 2. Plans for KDHE

The landfill expansion Design Plans will be included with the landfill expansion permit modification package submitted to KDHE for review and approval. The landfill expansion Design Plans include plans for site improvement such as landscaping the entrance, maintaining access roads, fuel tanks and stormwater improvements, as well as KDHE requirements for excavation, groundwater contours, top-of-waste contours, final contours, cap details, letdown structures. A full set of Design Plans have been included in Appendix C

### 3. Submittal of review letters from all applicable Utilities

Letters from Freestate Electric Cooperative, the City of Easton Wastewater, Easton Fire District and Leavenworth County Transfer Station were requested. Responses from Freestate, Easton Fire District, and Leavenworth County Transfer Station were received and are in Appendix D. The response from Easton Wastewater will be added to Appendix D when received.

### 4. Resubmittal of Site Plan

- a. Drawings in Appendix C show the full dimensions of the Proposed C&D Landfill expansion area as requested.
- b. A landscape plan is shown on Drawing 3, Landscaping & Access Road Improvements. Landscaping improvements at the entrance will be completed within six months of receipt of KDHE permit.
- c. Parking and haul roads anticipated for the next five years are shown on Drawing 3.
- d. The location for a fuel tank is shown on Drawing 3.
- e. Drawing 6 Proposed Stormwater Improvements shows improvements planned for the next five years, including dredging the current two ponds which is scheduled to be completed in the first six months of receipt of the permit from KDHE. The two existing stormwater ponds will remain the stormwater collection and management



features for the site as expansion of the landfill proceeds. Final design and stormwater calculations to be submitted with KDHE permit application will evaluate the need for the addition of a third pond east of the expansion area.

- f. Drawing 2 has been updated to show interim and long term access roads to SUP #2 for landfill activities. Quarry operations are not proposed at this time on the expansion properties. SUP #1 (existing SUP) does include quarry operations.
- g. In the SWPPP, Outfall 001A is to be relocated to the west of 227<sup>th</sup> St to sample outfall after leaving the site after the two stormwater and settling ponds are joined. Exhibit 2 in Appendix A of the SWPPP accurately shows that new location while Appendix B shows the existing sampling location for 001A.

## 5. Initial Requests from Public Works

- a. Traffic. Traffic will be in accordance with item #13 in the Memorandum of Understanding adopted January 23<sup>rd</sup>, 2023 for 31358 227<sup>th</sup> Street. This expansion is expanding the area where landfill activities will occur. The traffic amount and route to enter the facility will remain the same. Access to the new area will be through the existing facility. Updated SUP application with projected traffic is included, however, this projected traffic is for both the existing SUP and the new SUP.
- b. Drainage Structure Assessment. The existing drainage structures including the two stormwater ponds were visually observed by a licensed engineer on January 20, 2025. The current stormwater runoff system of two detention ponds successfully controls runoff for the landfill facility and for the expansion area. The stormwater ponds are non-discharging ponds.
- c. Stormwater Plan. A stormwater pollution prevention plan (SWPPP) has been prepared for this site updating and replacing the current plan developed in 2009. The SWPPP is an operational SWPPP encompassing the quarry and C&D landfill operations. A draft of the new SWPPP is included in Appendix F.
- d. Current NPDES Permits also appear in Appendix F as part of the SWPPP
- e. Information on registered water wells and oil-gas wells in proximity to the landfill is provided respectively in Figures 1 and 2 in Appendix G.

## 2.0 RESPONSE TO PUBLIC WORKS COMMENTS (3/7/25)

- 1. Traffic will be accordance with item #13 in the Memorandum of Understanding adopted January 23<sup>rd</sup>, 2023 for 31358 227<sup>th</sup> Street. This expansion is expanding the area where landfill activities will occur. The traffic amount and route to enter the facility will remain the same. Access to the new area will be through the existing

## Flat Land C&D Landfill Special Use Permit (SUP) Application

Flat Land Disposal, LLC | Easton, Kansas

May 9, 2025 | Terracon Project No. 02247246



facility. Updated SUP application with projected traffic is included, however, this projected traffic is for both the existing SUP and the new SUP.

2. This SUP request is for an expansion to the existing permitted landfill located at 31358 227<sup>th</sup> Street. Current operations at the site include quarry operations on the site of SUP #1 and until recently the C&D Landfill which has been paused. The operations of the quarry will continue in SUP#1.
3. All traffic will enter through the existing facility to access the additional space created with the expansion area. Trips and types of vehicles will be in accordance with #13 of the MOU dated January 23<sup>rd</sup>, 2023 for 31358 227<sup>th</sup> Street.
4. Scan was enlarged to make it more legible. This is the wording from #13 of the MOU dated January 23<sup>rd</sup>, 2023 for 31358 227<sup>th</sup> Street.

### 3.0 RESPONSE TO CAPTAIN PATZWALD'S E-MAIL (2/27/25)

Flat Land appreciates the Sheriff's department response to the trespassing, criminal damage to property and theft response. In the memorandum of understanding that was signed as part of the settlement agreement from the lawsuit the amount of truck traffic was addressed in item #13 setting a limit of not more than 60 commercial trucks per day. It does allow for additional non-commercial traffic.

To address the non-secure loads, Flat Land will enforce a no-tarp policy like the Leavenworth County Transfer station and charge a fee for non-tarped loads. Flat Land experiences the same problem as any landfill or transfer station but cannot force customers to tarp loads. The customers actions prior to the time they enter Flat Land's property is not within Flat Land's control. Flat Land's office is located next door to the transfer station and they have many of the transfer station customers pull into the parking lot and "tarp" their loads to avoid the fee. Many times that is simply laying the tarp over the load so it is on when they pull through the gate. Flat Land will encourage them to tarp waste in advance verbally and also with a tarp fee.

The odor issue is a result of the subsurface fire that is under KDHE fire mitigation oversight. Flat Land is currently in Phase 1A of the plan doing some regrading that has caused some temporary increase in odor events as they implement new mitigation measures in response to efforts to resolve the issue. It is the intention of the plan to have minimal odor issues after full implementation.

Flat Land appreciates having these issues brought to their attention with open and productive conversations to find reasonable solutions.



## **4.0 RESPONSE TO EMERGENCY MANAGEMENT**

### **(2/12/25)**

The Emergency Contact List in Appendix H has been updated to include contacts and phone numbers provided by Chuck Magaha.

## **5.0 RESPONSE TO PLANNING AND ZONING**

### **(3/3/25)**

Narrative: The initial narrative was prepared with only SUP #2 in mind per the request of Planning and Zoning staff. The answers below consider the facility as a whole.

- a. Excavation in the east expansion for SUP #2 will take place as necessary to establish the base grade for the fill area.
- b. Equipment, materials and tools will be stored outside.
- c. The number of employees will vary from one to eight depending on the level of business
- d. Noise will be generated by the equipment and activities at the site. Per the Memorandum of Understanding Item #2, noise generating activities will be limited to Hours of Operations, with exception of emergencies situations or approval from Leavenworth County.
- e. There are security lights near the entrance and additional lighting for security purposes may be installed but will be positioned in manner to not impact surrounding properties.
- f. There will not be any outside displays
- g. There are not proposed retail sales at the expansion property (dump tickets will be handled at office on original property).
- h. Customers will be visiting the property.
- i. Food will not be served.
- j. Alcohol will not be served.
- k. Small amounts of paint, cleaning supplies, etc for daily operations in storage container or the office.
- l. There will be fuel, oil, and normal shop supplies onsite. They will be stored in small amounts inside a storage container or the office. The only large quantity we are requesting is for the 500-gallon diesel fuel tank.

## Flat Land C&D Landfill Special Use Permit (SUP) Application

Flat Land Disposal, LLC | Easton, Kansas

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- m. There is a portable bathroom facility on the original SUP site that is serviced on a regular basis.
- n. We have reached out to Emergency Management for input on an updated Emergency Management plan.
- o. There will not be quarry activities on Site #2. If rock is encountered during excavating of soil it will be moved with an excavator.
- p. In the SWPPP, Outfall 001A is to be relocated to the west of 227<sup>th</sup> St to sample outfall after leaving the site after the two stormwater and settling ponds are joined. Exhibit 2 in Appendix A of the SWPPP accurately shows that new location while Appendix B shows the existing sampling location for 001A.

### Site Plan

- a. Drawings in Appendix C show the full dimensions of the Proposed C&D Landfill expansion area as requested.
- b. Parking and haul roads anticipated for the next five years are shown on Drawing 3.
- c. The distance from the east side of SUP #2 to the west property line of Parcel ID# 064-20-0-00-00-002.02 is approximately 365 feet.
- d. A landscape plan is shown on Drawing 3, Landscaping & Access Road Improvements. Landscaping improvements at the entrance will be completed within six months of facility reopening to accepting construction and demolition materials.
- e. Parking will be located near the scale house. The area will be gravel with a minimum of five employee spaces and three visitor spaces.
- f. No additional permanent outdoor lighting is proposed at this time. Additional portable security lighting may be needed in areas where work is taking place but will be positioned to not affect surrounding properties.
- g. Outdoor storage locations will change depending on where work is taking place. The current storage areas are marked on the site plan.
- h. There will be portable trash receptacles onsite that will be moved to areas we are working in for reject materials and onsite trash. They will not be visible from the public right of way

## RESPONSE TO PLANNING AND ZONING (4/8/25)

- 2 a. Drawings 2,3 and 4 of the permit set have added existing topography for East Expansion into SUP #2. Other Drawings have also been updated to show current topography in SUP #1 as portions approach final contours.

- 2d. Landscaping and Screening. Drawing 3 has been updated to show screening

with relocated cedar trees.

## RESPONSE TO DEPARTMENT OF PUBLIC WORKS (4/15/25)

Listing of the April 15, 2025 comments which required responses are provided below. The full memo is included in Appendix A

*1.Olsson Response (04.15.25): The SUP application indicates passenger daily trips vary with 30 or less trips per day. This is equivalent to 15 vehicles on site per day. Is 15 vehicles to the site per day (not trucks) the current traffic for the original SUP? Parking is provided for 5 employees, which would represent 10 of these trips. Applicant to confirm only 10 additional passenger vehicles (representing 20 trips) are expected daily. Is this consistent with the trips associated with SUP #1? The MOU item #13 clarifies that pickup trucks/pickup trucks with trailers are not considered trucks.*

*Per the SUP application, 60 loads or less are expected daily. This is equivalent to 120 trips per day. Revise application estimated traffic section to passenger vehicle trips and commercial vehicle trips.*

**The current traffic for the SUP is 10 trips or less a day since the site is not currently accepting loads to the landfill. For disposal purposes one load equates to one trip in and one trip out of the facility, two trips total per load. It is difficult to predict how fast traffic will increase but the maximum allowed by the MOU for commercial vehicle trips is 60 loads (120 trips). As for employees, vendors and pickup trucks/pickup trucks with trailers, 15 vehicles (30 trips) a day or less are anticipated the first year. These trips include SUP #1 and #2 as the traffic enters to the site as a whole. Traffic will enter the facility through SUP #1 and be directed to the appropriate unloading location within the facility (SUP#1 and SUP#2).**

*5.Olsson Comment (04.15.25): Revised SUP application indicates that trips/loads will occur during operating hours. "There will be occasional after hours traffic for maintenance and/or nonbusiness activities." Is this additional traffic associated with SUP #2? All trips need to be accounted for in the estimates above. Also, please provide an explanation of the after-hours traffic for maintenance and/or nonbusiness activities and will it be allowable per KDHE regulations.*

**All trips are accounted for in the trips mentioned above, which are limited to 120 commercial trips, and 30 trips for employees and vendors some of which may be after hours. KDHE will allow support functions including maintenance of equipment, fueling and general maintenance to take place outside of the site's posted operating hours. Other areas owned outside of the KDHE designated permit limits can be accessed by owners as desired.**



**Flat Land C&D Landfill Special Use Permit (SUP) Application**

Flat Land Disposal, LLC | Easton, Kansas

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*6.Olsson Comment (04.15.25): In written response applicant states "No external traffic generated on these parcels" (page 2 of response). Clarify this statement. Is statement referring to no traffic on the parcels or no new traffic generated by proposed SUP?*

**The traffic is generated to visit the site as a whole (SUP#1 and SUP#2). The traffic is already accounted for on SUP 1. Traffic will enter through SUP#1 and pass through to SUP#2. Adding a separate traffic count for SUP#2 would result in double counting site traffic.**

Terracon appreciates the opportunity to provide environmental services to Flat Land Disposal LLC in preparing this SUP submittal to County of Leavenworth. Should you have any questions or require additional information, please do not hesitate to contact Keith Connor at (816) 645-0774.

Sincerely,

**Terracon Consultants, Inc.**

*Keith R. Connor*

Keith R. Connor, P.E.  
Senior Project Engineer

*Keith R. Connor*

For:  
Anthony R. Mellini Jr., P.G.  
Senior Associate

**Attachments:**

**Appendix A Correspondence**

December 15, 2023 (updated July 11, 2024) letter from County of Leavenworth Planning & Zoning  
March 3, 2025 Planning & Zoning review comments memo  
March 7, 2025 Public Works Department review comments  
April 8, 2025 Planning & Zoning review comments memo  
April 15, 2025 Public Works Department review comments  
Captain Patzwald February 27, 2025 e-mail  
Leavenworth County Emergency Management February 12, 2025 e-mail.

**Appendix B Application Form**

**Appendix C Design Plans**

**Appendix D Utility Review Letters**

Freestate Electric Cooperative  
City of Easton Wastewater  
Easton Fire District  
Leavenworth County Transfer Station

**Appendix E Traffic Requirements**

**Appendix F Stormwater Pollution Prevention Plan (SWPPP) and NDPES Documents**

**Appendix G Figure 1 Water Wells within One Mile**

**Figure 2 Oil-Gas Wells within One Mile**

**Appendix H Emergency Contact List**

cc: Kyle Kukuk, P.E. Blackstone Environmental. Inc.

## **Appendix A**

**December 15, 2024 (updated July 11, 2024) letter from County of  
Leavenworth P&Z**

**March 3, 2025 Planning & Zoning review comments memo**

**March 7, 2025 Public Works Department review comments**

**April 8, 2025 Planning & Zoning review comments memo**

**April 15, 2025 Public Works Department review comments**

**Captain Patzwald February 27, 2025 e-mail**

**Leavenworth County Emergency Management February 12, 2025 e-mail.**



County of Leavenworth  
Planning & Zoning  
300 Walnut, Suite 212  
Leavenworth, KS 66048  
Phone: 913-684-0465

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December 15, 2023 (updated July 11, 2024)

To: Christy Britz  
Flat Land Excavating, LLC  
13575 Gilman Rd  
Lansing, KS 66043

RE: Construction & Demolition Landfill & Rock Quarry Special Use Permit Application

Dear Mrs. Britz,

The Planning & Zoning office has reviewed your Special Use Permit Application, received on December 7, 2023, and has determined that additional information will be needed to complete the application and begin the review period. The information needed is as follows:

1. New Application Form submitted by new owners with updated information, as discussed.
2. Approved Plans by KDHE for the proposed Construction and Demolition Landfill. Plans should include information about landfill liners, containment facilities, mitigation plans, environmental assessments, phasing plans and other pertinent information to the proposed landfill.
3. Confirmation from KDHE that Construction and Demolition Landfills can operate simultaneously as active quarries, and if so, information about separation, phasing or other regulatory requirements for the operation of the two uses.
4. Confirmation from KDHE that they are aware that existing oil wells and containment facilities are located on the property including any restrictions as to the use of the proposed landfill with those facilities. Confirmation should also include acknowledgement that at least one oil well is located within the proposed boundary of the ~~rock quarry~~/construction and demolition landfill.
5. ~~Resubmittal of a complete Special Use Permit application with a completed estimated traffic count.~~
6. ~~Submittal of information regarding the proposed rock quarry prepared by a Licensed Engineer, including but not limited to:~~
  - a. ~~Site Plan of proposed Rock Quarry, including but not limited to dimensions from all property lines, distance to the closest residence, floodplain, location of all utilities and oil wells/tanks on the property~~
  - b. ~~Phasing Plan~~
  - c. ~~Reclamation Plan, including map~~
  - d. ~~Sediment Map~~

Leavenworth County Planning and Zoning Department  
Leavenworth County Courthouse  
300 Walnut Suite 212 Leavenworth, Kansas 66048



- ~~e. When was the last blast and use of a rock quarry for this business conducted on this site or surrounding properties?~~
- ~~f. Pre & Post blast Monitoring Plan~~
- ~~g. Topographical information about the site including mineable ledges~~
- ~~h. Proposed Screening and Buffering Plan, including a complete Landscape Plan with Landscape Schedule~~
- ~~i. Mitigation Plan including but not limited to location and information about the storage of any explosives on site, proposed burning plans, if any, on the site, seismic activity monitoring, and an emergency action plan~~
- 7. Submittal of review letters from all applicable Utility and Public Service entities, including but not limited to:
  - ~~a. Evergy~~
  - b. Freestate, due to proximity
  - c. City of Easton Wastewater, due to proximity
  - ~~d. Rural Water District 12~~
  - ~~e. Leavenworth County Sheriff's Office~~
  - ~~f. Leavenworth County Emergency Management~~
  - g. Easton Township Fire District
  - h. Leavenworth County Transfer Station
- 8. Resubmittal of Site Plan prepared by a Licensed Engineer, including but not limited to:
  - a. Fully dimensioned location of proposed C&D Landfill including depths of cells
  - b. Landscaping Plan with Landscape Schedule
  - c. Location of all parking and loading areas and haul roads
  - d. Location of all proposed permanent and temporary structures indicated in the narrative, including location of proposed fuel tank
  - e. Location of all water runoff/containment facilities
- ~~9. Submittal of State Tax Clearance Letter~~
- ~~10. Provide payment for the correct Special Use Permit Application fee of \$400.00.~~
- 11. Likely submittal request from Public Works may include but not limited to:
  - a. Submittal of a Traffic Study including the proposed traffic route and analysis of traffic impact based on the proposed generated traffic prepared by a Licensed Engineer.
  - b. Submittal of a Drainage Structure Assessment identifying the impact to all County-owned roadways and structures on the specified traffic route completed by a Licensed Engineer.
  - c. Submittal of a Stormwater Plan prepared by a Licensed Engineer.
  - d. Submittal of all required permits and documentation to comply with NPDES requirements.

The application will not be considered complete until all information requested here and any further information requested once the review period has begun has been submitted to our office and reviewed by County Staff.

**Leavenworth County Planning and Zoning Department  
Leavenworth County Courthouse  
300 Walnut Suite 212 Leavenworth, Kansas 66048**



County of Leavenworth  
Planning & Zoning  
300 Walnut, Suite 212  
Leavenworth, KS 66048  
Phone: 913-684-0465

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [AAllison@LeavenworthCounty.Gov](mailto:AAllison@LeavenworthCounty.Gov)

Respectfully,

A handwritten signature in cursive script that reads "Amy Allison".

Amy Allison  
Deputy Director  
Planning and Zoning  
Leavenworth County

Cc: John Jacobson, Director of Planning & Zoning  
Mark Loughry, County Administrator  
Misty Brown, Deputy County Counselor

**Leavenworth County Planning and Zoning Department  
Leavenworth County Courthouse  
300 Walnut Suite 212 Leavenworth, Kansas 66048**



# COUNTY OF LEAVENWORTH

## Department of Public Works

300 Walnut, Suite 007  
Leavenworth, Kansas 66048-2815  
Phone (913) 684-0470  
Fax (913) 684-0473

---

March 7, 2025

### **Flat Land SUP DEV-25-011 – Public Works Review**

The Public Works Department has reviewed the following documents:

- 2023.12.23 SUP (Special Use Permit) Application
- 2024.02.12 Narrative
- 2025.02.03 Application summary and appendices
- 2024.12.20 Fire Mitigation Plan

This SUP review is based on the County's: TIF Policy and Article 22 Section 6 of the Zoning & Subdivision Regulations. This SUP application is a standalone application and not part of a modification and/or renewal of an existing SUP. Review of SUPs (expired/active) near the site including any investigations, studies, permits, and other information not part of this application were not reviewed. Review is limited to public roadway routes to the existing entrance at the site and the proposed SUP (22.81 acres).

Review of C&D (Construction & Demolition) Landfill operation and management is limited to the documents provided and accepted industry standards. This review did not include the permit application and associated application documents required to obtain a permit from the Kansas Department of Health and Environment (KDHE) for C&D Landfills. The Kansas solid waste regulations are the governing statutes for the development, operation, and compliance requirements for C&D Landfills. KDHE will review and determine if the applicant's permit application for the proposed C&D Landfill complies with the state regulations. Review doesn't imply KDHE approval. Based on the limitations described above, the C&D Landfill documents received do align with industry standards. County requests the right to sample surface and groundwater media at their discretion. County requests the applicant provide the KDHE permit with all associated application documents including the Fire Mitigation and Response Plan and Stormwater Management Plan when approved for record keeping.

Below are initial comments based on the documents received.

### **Request for Additional Information:**

1. Review cannot determine traffic impact based on provided information. Applicant states no additional trips are proposed beyond the existing SUP trips for 31358 227<sup>th</sup> Street. Provide further description regarding why the proposed SUP will not result in additional trips to 31358 227<sup>th</sup> Street. Confirm traffic will be limited to #13 from the Memorandum of Understanding adopted January 23<sup>rd</sup>, 2023. Complete the SUP application estimated traffic section (if trips are 'existing' and not proposed to change provide a summary of existing trips that are to be maintained). Provide





## COUNTY OF LEAVENWORTH

### Department of Public Works

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- 
- summary of projected traffic for all uses to the entrance of the site (daily/weekly/monthly trips for passenger and commercial vehicles) when fully operational. Include types of commercial vehicles and their trips. Include any operational vehicle support trips, employee vehicle trips, and describe vehicles used for said trips.
2. Application indicates the SUP request includes a rock quarry operation. Please confirm a rock quarry is part of the application.
  3. Provide proposed vehicular public routing to the site. Provide estimated trips and vehicle types for each route to the site.
  4. 2025.01.31 Appendix E traffic information document includes traffic counts but is not legible. Revise document to make legible.

Based on the review of the requested information above, additional comments may be generated, and additional investigations/studies may be required. Direct any questions to Amy Allison at [aallison@leavenworthcounty.gov](mailto:aallison@leavenworthcounty.gov).



**County of Leavenworth**  
Planning & Zoning Department  
300 Walnut, Suite 212  
Leavenworth, Kansas 66048  
Phone: 913-684-0465

March 3, 2025 – **Updated April 8, 2025**

To: Christy Britz  
Flat Land Disposal LLC  
13575 Gilman Road  
Lansing, KS 66043

Re: Special Use Permit  
DEV-25-011 – Flat Land Disposal

Ms. Britz,

Staff has reviewed the application and narrative for Flat Land Disposal LLC, which was submitted on February 6, 2025. The application was reviewed upon the Leavenworth County Zoning & Subdivision Regulations, as well as all departmental policies applicable to Special Use Permits.

Upon review of your application, staff has the following comments:

1. Narrative: Staff recommends updating the narrative to answer all questions listed in the narrative guide that was included in the application packet. Additional information will need to be provided for the following questions.
  - a. ~~Will there be any excavation?~~
  - b. ~~Will there be outdoor storage of materials outside of waste?~~
  - c. ~~How many employees will there be on-site?~~
  - d. ~~Will the use produce noise?~~
  - e. ~~Is outdoor safety lighting proposed?~~
  - f. ~~Will there be any outdoor displays?~~
  - g. ~~Are there any retail sales on-site?~~
  - h. Will there be customers visiting the property? **How many proposed customer visits per day, excluding dump truck traffic?**
  - i. ~~Will food be served?~~
  - j. ~~Will alcohol be served?~~
  - k. ~~Will chemicals or hazardous material be used for the business?~~
  - l. ~~Will oils, lubricants or fluids be used (beyond the 500-gallon fuel tank)?~~
  - m. ~~Will there be any bathrooms, permanent or portable, on-site?~~
  - n. ~~Please provide an emergency plan. Contact Emergency Management for information that should be included.~~
  - o. ~~The Terracon letter dated January 31, 2025 indicated that quarry activities will be on both Waste Disposal sites. If quarry activities will be on Waste Disposal Site #2, please refer to the letter from Planning & Zoning dated December 15, 2023 for all additional information needed for quarry activities. If no quarry activities are proposed, please remove reference from letter.~~
  - p. ~~Outfall 001A Location: There is a discrepancy in the location of Outfall 001A between Appendix A and Appendix B. Is this outfall being relocated?~~
2. Site Plan: Please provide an updated site plan answering all the following questions.
  - a. Expand **existing** contour lines into Waste Disposal Area #2.

- ~~b. Will the driveway be extended into the Waste Disposal Area #2? If so, indicate where.~~
- ~~c. What is the distance from the Proposed Waste Disposal Area #2 to the west property line of Parcel ID# 064-20-0-00-00-002.02?~~
- d. Landscaping and screening: Show location or furthest extent, including maximum height, of the proposed berm? Landscaping should be utilized to reduce the visible appearance of the proposed Waste Disposal Area #2 from surrounding parcels. Provide landscape schedule for improvements. **Site Control berms and other features is included in the Terracon Letter dated March 26, 2025. All features must be included in landscape plan.**
- ~~e. Parking: Will parking be asphalt? A parking stall shall be required for every 2 employees. Verify that adequate parking has been included.~~
- ~~f. Lighting: If any outdoor lighting is being installed, include location and direction of lighting.~~
- ~~g. Outdoor Storage: If any outdoor storage area is proposed, please show location on site plan.~~
- ~~h. Trash Receptacles: If any trash receptacles for off-site removal area proposed on located on site, please indicate on site plan. All trash receptacles shall be screened from all public right-of ways.~~

Please refer to the 2025 Planning Commission and Board of Zoning Appeals Schedule for all applicable deadlines. Failure to provide a response within six months of the date of this letter may result in your case being cancelled.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov)

Respectfully,

Amy Allison  
Deputy Director  
Planning and Zoning  
Leavenworth County





# COUNTY OF LEAVENWORTH

## Department of Public Works

300 Walnut, Suite 007  
Leavenworth, Kansas 66048-2815  
Phone (913) 684-0470  
Fax (913) 684-0473

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April 15<sup>th</sup>, 2025

### **Flat Land SUP DEV-25-011 – Public Works Review**

The Public Works Department has reviewed the following documents:

- 2025.03.26 SUP (Special Use Permit) Application
- January 2025 KDHE Landfill Permit Modification Proposed Expansion
- 2024.12.20 Fire Mitigation Plan

This SUP review is based on the County's: TIF Policy and Article 22 Section 6 of the Zoning & Subdivision Regulations. This SUP application is a standalone application and not part of a modification and/or renewal of an existing SUP. Review of SUPs (expired/active) near the site including any investigations, studies, permits, and other information not part of this application were not reviewed. Review is limited to public roadway routes to the existing entrance at the site and the proposed SUP (22.81 acres).

Review of C&D (Construction & Demolition) Landfill operation and management is limited to the documents provided and accepted industry standards. This review did not include the permit application and associated application documents required to obtain a permit from the Kansas Department of Health and Environment (KDHE) for C&D Landfills. The Kansas solid waste regulations are the governing statutes for the development, operation, and compliance requirements for C&D Landfills. KDHE will review and determine if the applicant's permit application for the proposed C&D Landfill complies with the state regulations. Review doesn't imply KDHE approval. Based on the limitations described above, the C&D Landfill documents received do align with industry standards. County requests the right to sample surface and groundwater media at their discretion. County requests the applicant provide the KDHE permit with all associated application documents including the Fire Mitigation and Response Plan and Stormwater Management Plan when approved for record keeping.

### **Comment Responses:**

1. Olsson Comment (03.07.25): Review cannot determine traffic impact based on provided information. Applicant states no additional trips are proposed beyond the existing SUP trips for 31358 227<sup>th</sup> Street. Provide further description regarding why the proposed SUP will not result in additional trips to 31358 227<sup>th</sup> Street. Confirm traffic will be limited to #13 from the Memorandum of Understanding adopted January 23<sup>rd</sup>, 2023. Complete the SUP application estimated traffic section (if trips are 'existing' and not proposed to change provide a summary of existing trips that are to be maintained). Provide summary of projected traffic for all uses to the entrance of the site (daily/weekly/monthly trips for passenger and commercial vehicles) when fully operational. Include



## COUNTY OF LEAVENWORTH

### Department of Public Works

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types of commercial vehicles and their trips. Include any operational vehicle support trips, employee vehicle trips, and describe vehicles used for said trips.

Applicant Response (03.26.25): Applicant provided additional information in a response document dated March 26<sup>th</sup>, 2025, that states in Section 1.5.a (*initial requests from public works*) that the "traffic amount and route to enter the facility will remain the same". The SUP application document has also been updated to state "nothing additional above SUP for 31358 227<sup>th</sup> St".

Olsson Response (04.15.25): The SUP application indicates passenger daily trips vary with 30 or less trips per day. This is equivalent to 15 vehicles on site per day. Is 15 vehicles to the site per day (not trucks) the current traffic for the original SUP? Parking is provided for 5 employees, which would represent 10 of these trips. Applicant to confirm only 10 additional passenger vehicles (representing 20 trips) are expected daily. Is this consistent with the trips associated with SUP #1? The MOU item #13 clarifies that pickup trucks/pickup trucks with trailers are not considered trucks.

Per the SUP application, 60 loads or less are expected daily. This is equivalent to 120 trips per day. Revise application estimated traffic section to passenger vehicle trips and commercial vehicle trips.

2. Olsson Comment (03.07.25): Application indicates the SUP request includes a rock quarry operation. Please confirm a rock quarry is part of the application.

Applicant Response (03.26.25): Quarry operations are not proposed at this time on the expansion properties.

Olsson Response (04.15.25): Applicant response indicates that rock quarry activity will not be present on the property associated with SUP #2. No further comment.

3. Provide proposed vehicular public routing to the site. Provide estimated trips and vehicle types for each route to the site.

Applicant Response (03.26.25): Applicant response indicates that the existing route to the site (192 to 227<sup>th</sup>) will be used for SUP #2.

Olsson Response (04.15.25): Routing comment addressed. The second part of the comment (provide estimated trips) should be clarified under comment #1. No further comment.

4. Olsson Comment (03.07.25): 2025.01.31 Appendix E traffic information document includes traffic counts but is not legible. Revise document to make legible.



# COUNTY OF LEAVENWORTH

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Applicant Response (03.26.25): Scan was enlarged to make it more legible. This is the wording from #13 of the MOU dated January 23<sup>rd</sup>, 2023 for 31358 227<sup>th</sup> Street.

Olsson Response (04.15.25): No further comment.

5. Olsson Comment (04.15.25): Revised SUP application indicates that trips/loads will occur during operating hours. "There will be occasional after hours traffic for maintenance and/or nonbusiness activities." Is this additional traffic associated with SUP #2? All trips need to be accounted for in the estimates above. Also, please provide an explanation of the after-hours traffic for maintenance and/or nonbusiness activities and will it be allowable per KDHE regulations.
6. Olsson Comment (04.15.25): In written response applicant states "No external traffic generated on these parcels" (page 2 of response). Clarify this statement. Is statement referring to no traffic on the parcels or no new traffic generated by proposed SUP?

Based on the review of the requested information above, additional comments may be generated, and additional investigations/studies may be required. Direct any questions to Amy Allison at [aallison@leavenworthcounty.gov](mailto:aallison@leavenworthcounty.gov).



**Allison, Amy**

---

**From:** Patzwald, Joshua  
**Sent:** Thursday, February 27, 2025 10:42 AM  
**To:** Allison, Amy  
**Cc:** Jacobson, John  
**Subject:** RE: RE: DEV-25-011 Special Use Permit - Flat Land Disposal - Email 1

Ms. Allison,

Our in-house history shows seven calls for service to Flatland Excavating, 31358 227<sup>th</sup> St, during 2022-2023. These calls dealt with trespassing, criminal damage to property, and theft. The type and volume of these calls is not overly concerning to our Office. More concerning, and less easy to quantify, were the significant amount of calls we responded to regarding citizen complaints. The main thrust of these citizen complaints concerned loose debris falling from the truck traffic to and from the facility, the amount of truck traffic, and the odor of the facility itself. Any effort to mitigate unsecure loads (loose debris) from truck traffic would be appreciated should the facility go back into operation. Calls concerning odor or the amount of truck traffic were, and would in the future, be referred back to your office.

Thank you, Cpt. Patzwald

**From:** Dedeker, Andrew <[adedeker@lvsheriff.org](mailto:adedeker@lvsheriff.org)>  
**Sent:** Wednesday, February 26, 2025 4:24 PM  
**To:** Jacobson, John <[JJacobson@leavenworthcounty.gov](mailto:JJacobson@leavenworthcounty.gov)>  
**Cc:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>  
**Subject:** RE: RE: DEV-25-011 Special Use Permit - Flat Land Disposal - Email 1

I will forward the initial request for comment to Captain Patzwald for input from the perspective of our office.

**From:** Jacobson, John <[JJacobson@leavenworthcounty.gov](mailto:JJacobson@leavenworthcounty.gov)>  
**Sent:** Wednesday, February 26, 2025 4:22 PM  
**To:** Dedeker, Andrew <[adedeker@lvsheriff.org](mailto:adedeker@lvsheriff.org)>  
**Cc:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Subject:** RE: RE: DEV-25-011 Special Use Permit - Flat Land Disposal - Email 1

Sherriff,

While we completely understand your opposition to the proposal from a personal standpoint, the regulations require a departmental response to forward to the PC/BOCC for consideration. These responses are not intended to be in the affirmative or the negative but simply to define additional resources if necessary should an application be approved.

On the surface, it appears there would be little to no impact from a Sheriff's Department prospective but that is certainly a laymen's perspective. Additionally, we would be happy to include any letter that provides your personal opposition to the proposal in the agenda packet. Please let either Amy or myself know if you have questions.

Respectfully,

John Jacobson

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Wednesday, February 26, 2025 4:00 PM  
**To:** Jacobson, John <[JJacobson@leavenworthcounty.gov](mailto:JJacobson@leavenworthcounty.gov)>  
**Subject:** FW: RE: DEV-25-011 Special Use Permit – Flat Land Disposal - Email 1

FYI

**From:** Dedeke, Andrew <[adedeke@lvsheriff.org](mailto:adedeke@lvsheriff.org)>  
**Sent:** Wednesday, February 26, 2025 3:59 PM  
**To:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Subject:** RE: RE: DEV-25-011 Special Use Permit – Flat Land Disposal - Email 1

Good afternoon, Amy. In full disclosure, I do not believe I can render an unbiased opinion regarding this application as I am a neighbor to this operation (21200 Block of Turner Road). I do not want any type of landfill in the area, but that ship has sailed. As an area resident I am in opposition.

---

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Friday, February 21, 2025 8:55 AM  
**To:** Dedeke, Andrew <[adedeke@lvsheriff.org](mailto:adedeke@lvsheriff.org)>  
**Subject:** FW: RE: DEV-25-011 Special Use Permit – Flat Land Disposal - Email 1

Good Morning,

We have updated our policy to have all development cases routed to your email address. Before that was done however, we had sent out the below application for review by all reviewer departments. Please let me know if you have any questions or comments that you would like passed on to the applicant.

A second email will also be sent.

Sincerely,  
Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757

#### Disclaimer

*This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.*

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Tuesday, February 11, 2025 4:09 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Khalil, Jon <[jkhilil@leavenworthcounty.gov](mailto:jkhilil@leavenworthcounty.gov)>; 'Steven Taylor [KDOT]' <[Steven.Taylor@ks.gov](mailto:Steven.Taylor@ks.gov)>

**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>

**Subject:** RE: DEV-25-011 Special Use Permit – Flat Land Disposal - Email 1

Good Afternoon,

The Department of Planning and Zoning has received a Special Use Permit application for the properties located at 00000 Turner Road (PID 064-20-0-00-00-002.01 and 064-20-0-00-00-002.00).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, February 25, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov)

Thank you,

Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757

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## Allison, Amy

---

**From:** Magaha, Chuck  
**Sent:** Wednesday, February 12, 2025 11:12 AM  
**To:** Allison, Amy; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Brown, Misty; Khalil, Jon; 'Steven Taylor [KDOT]'  
**Cc:** PZ  
**Subject:** RE: RE: DEV-25-011 Special Use Permit – Flat Land Disposal - Email 2

The Emergency Contact list needs to change to reflect the following. Wyandotte EMS is nonexistence it should read Leavenworth County EMS 913-250-2000 administration number 911 for emergency. Leavenworth County Emergency Management number is incorrect should be 913-684-0455 administration, Emergency 911

Thanks

**Note:** My email has changed to [cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)

*Charles (Chuck) Magaha  
Leavenworth County Emergency Management  
Director  
300 Walnut  
Suite 50  
Leavenworth, Kansas 66048-2765  
Work-913-684-0455 (Main)  
Direct- 913-680-2677  
[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)  
Like us on Facebook at : [www.facebook.com/lvcokansaseoc](https://www.facebook.com/lvcokansaseoc)  
Follow us on Twitter at: [www.twitter.com/lvcountyeoc](https://www.twitter.com/lvcountyeoc)*

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Tuesday, February 11, 2025 4:10 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Khalil, Jon <[jkhalil@leavenworthcounty.gov](mailto:jkhalil@leavenworthcounty.gov)>; 'Steven Taylor [KDOT]' <[Steven.Taylor@ks.gov](mailto:Steven.Taylor@ks.gov)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** RE: RE: DEV-25-011 Special Use Permit – Flat Land Disposal - Email 2

Please find the additional information attached.

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Tuesday, February 11, 2025 4:09 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Khalil, Jon <[jkhalil@leavenworthcounty.gov](mailto:jkhalil@leavenworthcounty.gov)>; 'Steven Taylor [KDOT]'

<[Steven.Taylor@ks.gov](mailto:Steven.Taylor@ks.gov)>

Cc: PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>

Subject: RE: DEV-25-011 Special Use Permit – Flat Land Disposal - Email 1

Good Afternoon,

The Department of Planning and Zoning has received a Special Use Permit application for the properties located at 00000 Turner Road (PID 064-20-0-00-00-002.01 and 064-20-0-00-00-002.00).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, February 25, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov)

Thank you,

Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757

**Disclaimer**

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**Appendix B**

**Application Form**

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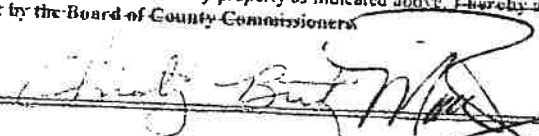


SPECIAL USE PERMIT APPLICATION  
Leavenworth County Planning Department  
300 Walnut St., Suite 212  
County Courthouse  
Leavenworth, Kansas 66048  
913-684-0465

DEC 07 2023

APPLICANT/AGENT INFORMATION		OWNER INFORMATION (If different)	
NAME	Flat Land Excavating, LLC	NAME	Same
ADDRESS	13513 Gilman Rd. Flat Land Disposal	ADDRESS	
CITY/ST/ZIP	Lansing, Ks 66043	CITY/ST/ZIP	
PHONE	913-351-3172	PHONE	
EMAIL	Christy@flatlandexcavating.com	EMAIL	
CONTACT PERSON	Christy Butz / Mark Blackburn	CONTACT PERSON	

PROPERTY INFORMATION	
PID: CL4-26-00-00-002-00-0	Zoning District: RRD E / RES
Address of property: 13513 Gilman Rd. Flat Land Disposal	Parcel size: _____
Current use of the property: ag (hay) / trails / wooded	
Does the owner live on the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Proposed Special Use: expansion of existing landfill	

TAX ASSESSEMENT STATEMENT	
Upon the granting of a Special Use Permit by the Leavenworth County Board of County Commissioners, the assessable nature of the above referenced property and structures on the property may result in a change of the Appraised Class and Value and in the next year's Tax Assessment.	
I, the applicant, have read and understand that there may be a change in the appraised value of my property due to the presence of a Special Use Permit for my property. (Check one) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I, the undersigned am the (circle one) owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit and acknowledge the potential of a change in the Appraised Value of my property as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.	
Signature: 	Date: 12-6-23

ATTACHMENT A

# PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business Flat Land Excavating, LLC

Existing and Proposed Structures 1 existing pole barn

Number of structures used for Special Use Permit 1

Will the use require parking? ☐ Yes ☒ No How many parking spaces are proposed/available? \_\_\_\_\_

Is the proposed use seasonal? ☐ Yes ☒ No  
If yes, what months will the use be active? \_\_\_\_\_ through \_\_\_\_\_

Reason for requesting a Special Use Permit: expansion of existing landfill  
rock quarry revised per request

**Estimated Traffic** nothing additional above SUP for 31358 227th St

*In this section, you are determining the impact your proposed use will have on the county roadways. A vehicle visiting your site is to be considered two trips because the visitor/employee/user will use the roadways twice. If you are planning to expand the use that may generate additional traffic during the duration of the permit, provide the traffic generation for the full expansion.*

How many total Passenger vehicle trips (both entering and exiting) will be generated by the Special Use Permit? Existing trips with SUP for 31358 227th St  
Daily varies Weekly \_\_\_\_\_ Monthly \_\_\_\_\_

If applicable, how many total Commercial (delivery, heavy trucks, equipment, etc.) vehicle trips (both entering and exiting) will be generated by the Special Use Permit? Existing trips approved by SUP at 31358 227th St  
Daily 60 loads or less Weekly \_\_\_\_\_ Monthly \_\_\_\_\_  
Memorandum of Understanding #13 1-23-23

If applicable, describe Seasonal trips not accounted for above: What type (Passenger and Commercial) vehicle trips, how many trips per vehicle type in the seasonal timeframe, and describe the seasonal time frame (months, weeks, or days) in a calendar year.

Passenger: Months \_\_\_\_\_ Weeks \_\_\_\_\_ Days \_\_\_\_\_

Commercial: Months \_\_\_\_\_ Weeks \_\_\_\_\_ Days \_\_\_\_\_

When are trips to the site expected to occur (i.e. throughout the day, limited certain hours, etc.)? If applicable, separate occurrences by vehicle type (Passenger, Commercial, Seasonal Passenger, and Seasonal Commercial):

Trips/loads will occur during operating hours. There will be occasional after hours traffic for maintenance and/or non business activities  
What is the anticipated route(s) from the nearest State Highway to the Site? 227th South to our entrance. 192 to

## Special Use Permit Renewal

Describe any change to operations since the SUP was last issued including traffic trips compared to this SUP:

Have you added any buildings since the SUP was last issued? ☐ Yes ☐ No Any parking? ☐ Yes ☐ No

ATTACHMENT B

## **Appendix C**

### **Permitting Plans**



## **Appendix D**

### **Utility Review Letters**

Freestate Electric Cooperative

City of Easton Wastewater

Easton Fire District

Leavenworth County Transfer Station

---

## Kyle Kukuk

---

**From:** Gary Willits <gary.willits@freestate.coop>  
**Sent:** Wednesday, January 24, 2024 10:49 AM  
**To:** Christy flatlandexcavating.com  
**Subject:** RE: Leavenworth County SUP Review Letter

Okay. FYI, The South half of section 20, Township 8 South, Range 21 East is in FreeState Electric Coop's certified territory, the North half of section 20 is in Evergy's certified territory. FreeState Electric does not have any issues with your change in operations.

Thanks,  
Gary

**Gary Willits**  
Staking Engineer



1-800-794-1989 | [www.freestate.coop](http://www.freestate.coop)

**From:** Christy flatlandexcavating.com <christy@flatlandexcavating.com>  
**Sent:** Wednesday, January 24, 2024 9:06 AM  
**To:** Gary Willits <gary.willits@freestate.coop>  
**Subject:** Re: Leavenworth County SUP Review Letter

**Warning:** This message originated outside of the FEC organization. Do not click links or open attachments unless you have validated the sender and know the content is safe. <="" span="">

Good Morning,

We are located at 31358 227th Street. I appreciate your quick response.

Let me know if you have any further questions!

Christy

On Jan 24, 2024, at 7:59 AM, Gary Willits <[gary.willits@freestate.coop](mailto:gary.willits@freestate.coop)> wrote:

Hello Christy,

To my knowledge FreeState Electric Coop has not been involved with any review letters before. I don't see that FreeState Electric Coop would have any concerns or issues with you expanding your landfill. Where is this landfill located in Leavenworth County?

Thank you,  
Gary Willits

**Gary Willits**  
Staking Engineer



1-800-794-1989 | [www.freestate.coop](http://www.freestate.coop)

-----Original Message-----

From: Line Department <[linedepartment@freestate.coop](mailto:linedepartment@freestate.coop)>  
Sent: Wednesday, January 24, 2024 7:18 AM  
To: Gary Willits <[gary.willits@freestate.coop](mailto:gary.willits@freestate.coop)>  
Subject: FW: Leavenworth County SUP Review Letter

Morning,

Can you take a look at this email and let me know who needs to be aware of it or take further action for it?

Thank you,  
Shauna

-----Original Message-----

From: Christy [flatlandexcavating.com](http://flatlandexcavating.com) <[christy@flatlandexcavating.com](mailto:christy@flatlandexcavating.com)>  
Sent: Tuesday, January 23, 2024 4:41 PM  
To: Line Department <[linedepartment@freestate.coop](mailto:linedepartment@freestate.coop)>  
Subject: Leavenworth County SUP Review Letter

Good Afternoon,

I have been given your contact information by Leavenworth Planning and Zoning in regards to utility review/purveyance letters for a special use permit application that we submitted to Leavenworth County. Part of the application process is for the applicant to reach out and gather the review letters.

Flat Land Excavating has submitted a special use permit that is requesting to add two parcels that are adjacent to the existing C&D Landfill to the permitted areas for fill. This will be construction and demolition materials. We are not asking for an increase in traffic at this time. We are asking for permission to have a fuel tank on site with guidance in placement from the Easton Township Fire Department.

Please reach out with any further questions you may have and I will be happy to respond. If you could reply to this email with your review response, I would appreciate it.

Have a great day!

Christy

Christy Britz  
Flat Land Excavating, LLC  
PO Box 1332  
Platte City, MO. 64079  
913-351-3772 - Office  
816-596-0559 - Cell



## Kyle Kukuk

---

**From:** Yahoo! <james.herken@yahoo.com>  
**Sent:** Wednesday, October 9, 2024 9:43 PM  
**To:** Christy flatlandexcavating.com  
**Subject:** Re: Leavenworth County SUP Review Letter

You have answered all the question I had at this time.

The fire department has no objections to you adding a fuel tank on site at the landfill. We will assist you with placement of the tank if you need are assistance.

We would like to do an inspection of the tank and location when you have the tank set up and ready for use. If you have any other questions let me know.

Thanks Chief Herken

Easton Township Fire Department.

Sent from Yahoo Mail for iPhone

On Wednesday, September 25, 2024, 11:51 AM, Christy flatlandexcavating.com <christy@flatlandexcavating.com> wrote:

Hello...

I was following up on my email from before and don't see a response to these questions. I feel like we discussed them, but wanted to make sure you had something so you could email me back concerning this request

1. It would be a 500 gallon tank with a containment system provided by the fuel supplier
2. Location would be flexible based on needs. And I would like the option to move it with your approval. We would start with it near the white office at a location approved by you.
3. The only utility would be electric needed for the pump on the tank. Map can be provided as soon as location is confirmed. Shawn can meet you anytime to help with the initial site determination
4. It would have a containment system and any other requirements you would need

Let me know if you have other questions...

Thanks

Christy

On Jan 25, 2024, at 8:44 AM, Yahoo! <james.herken@yahoo.com> wrote:

I have a few questions

1 how many gallon tank are we talking?

2 where are you thinking about putting the tank location?

3 I will need a drawing of the site where your thinking of putting the tank. I will also need what utilities would be nearby the tank location.

4 There would have to be a dike built around the tank to hold 1 and half times the amount of fuel the tank holds.

If you have questions for me you can text me email or call me anytime.

Thanks Chief Herken

Easton Township Fire Department.

913-683-2972

[Sent from Yahoo Mail for iPhone](#)

On Tuesday, January 23, 2024, 4:46 PM, Christy flatlandexcavating.com <christy@flatlandexcavating.com> wrote:

Good Afternoon,

I have been given your contact information by Leavenworth Planning and Zoning in regards to utility review/purveyance letters for a special use permit application that we submitted to Leavenworth County. Part of the application process is for the applicant to reach out and gather the review letters.

Flat Land Excavating has submitted a special use permit that is requesting to add two parcels that are adjacent to the existing C&D Landfill to the permitted areas for fill. This will be construction and demolition materials. We are not asking for an increase in traffic at this time. We are asking for permission to have a fuel tank on site with guidance in placement from the Easton Township Fire Department.

Our emergency plan will be the same as the existing site.

Please reach out with any further questions you may have and I will be happy to respond. If you could reply to this email with your review response, I would appreciate it.

Have a great day!

Christy

Christy Britz  
Flat Land Excavating, LLC  
PO Box 1332  
Platte City, MO. 64079

Leavenworth County Solid Waste Committee  
Minutes of Meeting, December 5, 2024  
11:00 a.m. @ Lansing Public Works Conference Room

**Present:** Mike Spickelmier, Chairperson  
Tammy Saldivar, Secretary  
Gene Myracle, Vice Chairperson  
Zach Phillips  
Beth Sanford  
Bobby Hancock

**Absent:** Stephanie Sloop  
Jim Anderson  
George Jacob  
Steve King /Brian Faust

**Guest:** Misty Brown  
Kyle Kukuk  
Christy Britz

**Call to Order:** Mike Spickelmier, Chairperson called the meeting to order at 11:00 a.m.

**Sign – in, Introduction:** The sign-in sheet was completed and introductions were made.

**Approve the minutes of the previous meeting:**

A motion was made by Tammy and seconded by Gene to approve the minutes of the August 15, 2024 meeting.

Motion passed 5-0.

**Solid Waste Management Plan:**

The committee discussed possible changes to the Solid Waste Plan that addresses the current C and D component of Leavenworth County and makes it consistent with our plan. Tammy reported that our 5-year plan is due in 2027 so any change now would need to be noted on our annual review that the BOCC approves and is due March 24, 2025.

The plan area that was reviewed and discussed was Section 4, Paragraph B, Section 7 (construction and demolition wastes).

Mike provided research information that was done on plans in the surrounding areas. It was a discussion only so the committee could have a chance to review the proposed language change as well as anyone else that views the minutes.

A motion was made by Mike and seconded by Gene to add the proposed language change for the committee to review at its January 2025 meeting as follows:



Existing

7. Construction and demolition wastes:

- There is no permitted C&D landfill in Leavenworth County available to county residents. All construction and demolition waste are treated as solid waste.

Proposed:

7. Construction and demolition waste

- A. C&D waste collected at the Leavenworth County Transfer Station is treated as solid waste, and processed accordingly.
- B. A C&D Landfill is operated in the north end of Leavenworth County under the following conditions
  - a. Active Permit through KDHE
  - b. Consistent zoning and land use certification by governing body
  - i. Valid Special Use Permit

Motion passed 5-0.

**Other Business and announcements:**

The committee set the next meeting date of January 9, 2025 to be held at 11:00 am at Basehor City Hall.

**Adjournment:**

A motion was made by Tammy and seconded by Mike to adjourn the meeting.

Motion passed 5-0

Meeting adjourned at 11:16 p.m. Scribe - Tammy Saldivar



Solid Waste Committee  
Leavenworth County

---

To: Committee Members

From: Tammy Saldivar – Solid Waste Committee Secretary

Date: January 23, 2025 11:00 AM @ Basehor City Hall

RE: Agenda

---

A. Call to Order

B. Sign -in, Introductions

C. Approval previous meeting minutes

D. Membership/Leadership

a. Election of officers

E. Annual Department of Health and Environment

a. Annual Permits

b. Annual inspection

F. Recycling

G. Solid Waste Management Plan—follow up from December 5, 2024 meeting

a. Review of Solid Waste Plan

b. Recommendation

c. Process

H. Other Business and announcement's

I. Next meeting- TBD

J. Adjourn

**Appendix E**

**Traffic Requirements**

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13. Truck Traffic: SUP Condition 6 requires Flat Land to "adhere to the submitted project narrative for the quarry and landfill." The project narrative indicates that "[s]ome days zero loads [are] received, and other days are busier with up to 25+ loads possible." The parties agree that "25+ loads possible" means Flat Land is permitted up to but not more than 60 commercial trucks (dump trucks or larger) per day on average over the prior 12-month period, unless otherwise approved by Leavenworth County. For purposes of this agreement, a trip to and from the landfill (which is two trips) is considered a single "load." The parties further agree that "load" as used in the project narrative encompasses commercial dump trucks, and that pick up trucks and trailers are not considered a "load" and do not count toward the limit. As part of Flat Land's compliance with this requirement, Flat Land will provide Leavenworth County with a copy of its past twelve monthly log books if request in writing from Leavenworth County but no more than one time in any 90-day period.

## **Appendix F**

### **Stormwater Pollution Prevention Plan SWPPP and NDPES Documents**

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# Storm Water Pollution Prevention Plan (SWPPP)

**Flat Land Excavating LLC**

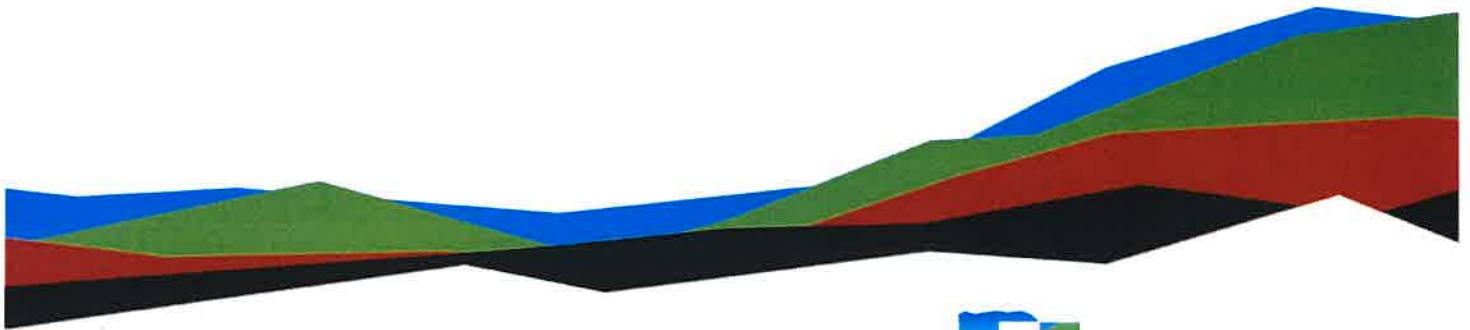
**C & D Landfill - Easton Quarry**

**Highway 192**

**Easton, Leavenworth County, Kansas 66020**

**GPS: 39.341816, -95.104192**

**January 30, 2025 | Project Number: 02247246**



**Prepared For:**

Flatland Excavating LLC  
13575 East Gilman Road  
Leavenworth, Kansas 66048



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## **APPENDICES**

<b>APPENDIX A:</b>	<b>EXHIBITS</b> Exhibit 1: Topographic Map Exhibit 2: Site Layout and Storage Diagram
<b>APPENDIX B:</b>	<b>PERMIT ASSOCIATED DOCUMENTS</b> Certification Signature Page Permit Coverage Approval Notice State Operating Permit
<b>APPENDIX C:</b>	<b>STORMWATER POLLUTION PREVENTION TEAM</b> Stormwater Pollution Prevention Team Responsibilities SWPPP Employee Training Report
<b>APPENDIX D:</b>	<b>INSPECTIONS AND EVALUATIONS</b> Monthly Routine Facility Inspections Comprehensive Site Compliance Evaluations
<b>APPENDIX E:</b>	<b>POLLUTION PREVENTION MEASURES</b> Inventory of Exposed Materials Table of Potential Pollutants Onsite
<b>APPENDIX F:</b>	<b>BLANK FORMS</b> Non-Compliance Notification Form Stormwater Monitoring Worksheet Spills and Leaks Report Form
<b>APPENDIX G:</b>	<b>SWPPP REVISIONS</b> SWPPP Revision Log SWPPP Schedule Summary
<b>APPENDIX H:</b>	<b>EMERGENCY CONTACT LIST</b>

## 1.0 PERMIT ELIGIBILITY

### 1.1 Introduction

The purpose of the SWPPP is to identify potential pollutant sources of stormwater pollution at the Facility and to develop selective programs to prevent or control stormwater discharges.

This SWPPP is expected to satisfy the requirements of the Kansas Department of Health and Environment (KDHE) NPDES Kansas Permit Number I-KS13-PO04, a copy of which is included in Appendix B. The SWPPP is certified by the Facility signatory authority and a copy of that certification is included in Appendix B. The SWPPP will be reviewed by the Stormwater Pollution Prevention Team (SWPPP Team) at least once per year or when significant modifications are made to the Facility. The SWPPP will also be updated and/or revised, as necessary, after each inspection and/or Annual Comprehensive Site Compliance Evaluation. The SWPPP will also be updated, as appropriate, when applying for a new permit at least 180 days prior to expiration of the permit on May 31, 2027. Revisions to the SWPPP will be documented using the forms located in Appendix G.

Certifications, worksheets, reports, and other documentation required by the SWPPP will be signed by a designated signatory authority. Signature authority may also be delegated to other people or positions as authorized personnel or designees.

### 1.2 Facility Description

The Easton Quarry is located south of Highway 192, east of the town of Easton, Kansas. The C & D Landfill - Easton Quarry is operated by Flat Land Excavating LLC (Flat Land) and the location occupies an approximately 115-acre site, most of which is developed. The quarry facilities include an office which serves as a weight station for truck scales, rock crushing and process equipment, parking, and on-site roads. On site is also the C & D Landfill.

The facility has a series of two stormwater retention ponds that capture the stormwater on site. The first pond has a 50-year storm conduit that connects to the second pond. Water that enters the ponds will evaporate and infiltrate. A 100-year storm conduit is attached to the second pond in the case of an extreme rain event, which would be the only time Flat Land would expect to discharge out of Outfall 001 on the southwestern corner of the property. Outfall 001 would then empty into a tributary of Stranger Creek, approximately 750 feet west of the property. Exhibit 2 (Appendix A) shows the location of the facility's significant activities and the direction of the stormwater surface runoff.

The SIC Codes for the Facility are 1429, Crushed and Broken Stone, and 4953, Refuse Systems.



### 1.3 Discharges

Stormwater discharge from the property is only expected during an extreme rain event and consists of flow from the stormwater pipe out of the second stormwater pond in a series of two and flows out of Outfall 001 to Stranger Creek, 750 feet to the west of the facility. Stormwater management for the Landfill consists of perimeter berms, grades, and swales. The perimeter berms direct run-on around the Landfill to the first stormwater pond around the Facility. Once the first stormwater pond is full, a pipe will discharge water into the second stormwater pond. During landfill operations, contact water pond and/or perimeter berms are used to control contact water within the waste disposal area. The contact water low-lying areas within the perimeter berm will gradually be filled in as waste is placed in the landfill.

### 1.4 Impaired Water Bodies and Total Maximum Daily Load (TMDL)

If a TMDL has been established for the receiving water of the facility, which restricts the discharge of a specified pollutant, the Kansas General Stormwater Permit requires the facility to limit its discharge of such a pollutant to comply with the TMDL. Additionally, the facility must not contribute to the exceedance of a water quality standard for which the receiving water is listed as impaired on the latest published Kansas 303(d) List of Impaired Waters. The facility's receiving waters are Stranger Creek, which has no TMDL issues at this time.

## 2.0 STORMWATER POLLUTION PREVENTION PLAN

### 2.1 Consistency with Other Plans

The SWPPP has been prepared to work in conjunction with existing plans and measures currently in place at the facility. Requirements of the SWPPP will not conflict with existing facility regulatory plans, programs, or requirements.

### 2.2 Stormwater Pollution Prevention Team

The facility's Stormwater Pollution Prevention Team (SWPPP Team) is responsible for the following.

- Evaluating the effectiveness of measures to reduce pollutant loads and whether additional measures are needed
- Observing BMPs to ensure proper operation
- Inspecting spill response equipment (i.e., spill kits) and procedures needed to implement the SWPPP
- Conducting monitoring of stormwater discharges

- Completing monitoring forms and modifying the SWPPP as necessary to minimize pollutants in the stormwater discharge, including assessing results and follow up actions
- Conducting routine facility inspections including designated stormwater outfall(s), drainage area(s), exposed storage, and handling area(s) and evaluating for indications of pollutants entering the stormwater drainage system
- The SWPPP Team will conduct the Annual Comprehensive Site Compliance Evaluation to identify incidents of noncompliance in a written report. When there are no incidents of noncompliance, facility management will certify the facility is in compliance with the SWPPP.
- Providing a schedule to implement necessary facility modifications in a timely manner
- Revising the SWPPP as needed

The Team Leader will maintain copies of the documentation required by the SWPPP in the appropriate SWPPP appendices and the SWPPP will be kept readily available to the members of the SWPPP Team. The SWPPP will be reviewed by the Team Leader or a designated person at least annually to ensure the SWPPP is consistent with other facility contingency and response plans, if applicable. The Team Leader will assign additional team members or duties as needed to facilitate the implementation of the SWPPP. Additional SWPPP Team members and responsibilities may be added to the SWPPP Team Responsibilities worksheet located in Appendix C.

## 2.3 Inventory of Exposed Materials

Materials exposed to precipitation events may be a source of stormwater pollutants. The Inventory of Exposed Materials in Appendix E includes materials that are stored outdoors at the facility. Locations of exposed materials are depicted on the Site Layout and Storage Diagram Map (Exhibit 2). The Inventory of Exposed Materials will be updated within 30 days following a significant change in the types of materials or material management practices.

## 2.4 Potential Pollutant Sources

Facility operations and activities can be potential sources of pollutants in stormwater. The following narrative includes a description of applicable areas of the facility property. This narrative can be updated, as necessary, using the Description of Potential Pollutant Sources worksheet provided in Appendix E.

### 2.4.1 Waste Landfill

The Landfill receives household waste. Stormwater is controlled by a perimeter berm which diverts stormwater run-on around the Landfill. However, direct precipitation onto the waste generates contact water which may contain metals, total dissolved solids (TDS), and/or total

suspended solids (TSS). Contact water is contained within the disposal area by perimeter berms. The likelihood of contact with stormwater within the Landfill is high.

### 2.4.2 Equipment Fueling

There are no structures, utilities, or ancillary facilities at the landfill. Landfill operations are limited to waste dumping and grading within the disposal area. Waste disposal occurs periodically by a dump truck. Occasionally, earthmoving equipment is mobilized to the Landfill for grading and shaping of the waste and placement of cover. Therefore, equipment is not staged or based at the Facility and is only mobilized to the landfill as needed.

Equipment fueling does not occur on site currently. However, a 500-gallon, double-walled diesel tank is proposed for the site between the stormwater ponds along the access roads. Secondary containment will be provided for possible future fueling operations. Therefore, the likelihood of contact with stormwater is low.

### 2.4.3 Soil Stockpiles, Covers, and Unvegetated Soil Areas

Stormwater run-off from the soil stockpiles, interim and (future) final disposal area covers, and other unvegetated areas may contain sediment (TSS, TDS). The soil stockpiles and unvegetated areas are sloped and graded to reduce erosion. The final covers are/will be sloped and vegetated. Stormwater run-off from these areas generally drains through vegetative buffers to low-lying areas then to the stormwater ponds on the property. The likelihood of contact with stormwater is high.

### 2.4.4 Future Potential Pollutant Sources

If additional potential pollutant sources are identified in the future, they will be described on the Pollutant Source Identification, included in Appendix C. The newly identified source will then be added to the SWPPP inspection list and schedule for the facility.

## 2.5 Spills and Leaks

As required by the Permit, information on significant spills and leaks of toxic/hazardous materials in the exposed areas for the past 3 years was reviewed. Significant leaks and spills may include, but are not limited to, releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (40 CFR 110.10, 112, and 117.21, or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

According to information provided by the Facility, documented spills of a reportable quantity, which could potentially affect stormwater at the Facility, have not occurred within the past three years.



## 2.6 Pollution Prevention Measures and Controls

### 2.6.1 Best Management Practices (BMPs)

Pollution prevention involves identifying and implementing Best Management Practice (BMP) measures and controls that would effectively prevent or control releases of pollutants into stormwater. The BMPs implemented by the Facility are outlined below.

The Facility employs the following BMPs, to reduce the risk of spills and stormwater runoff contamination.

### 2.6.2 Good Housekeeping Measures

Good housekeeping includes ongoing activities involving cleanup of handling, storage, and operation areas on a day-to-day schedule by Facility employees. Good housekeeping measures utilized at the facility include the following.

- Weekly sweeping
- Proper disposal of waste materials
- Monitoring waste disposal activities

### 2.6.3 Preventive Maintenance

Preventive maintenance is conducted at the facility to reduce the potential for leaks, spills, or other releases of pollutants in stormwater and to maintain the effectiveness of other control measures. Maintenance practices in use at the facility include the following.

- Timely inspections
- Self-help repairs by operators
- Replacement of worn or leaking
- Pre-operation checks of equipment

### 2.6.4 Erosion and Sedimentation Control Measures

Stormwater is diverted around the active disposal area by perimeter berm, drainage ditches, and/or grades and discharged into stormwater ponds. Precipitation that contacts the waste will be contained within the disposal areas. For inactive disposal areas, interim cover is placed over the waste and graded to enhance drainage of stormwater away from the disposal areas. Vegetative, structural, and/or stabilization measures are implemented

and maintained to reduce erosion in unpaved areas to the extent feasible. The facility inspects unpaved (graveled or vegetated) areas for indications of erosion or sediment deposition and takes appropriate actions as necessary.

Structural and/or non-structural stabilization measures will be implemented and maintained to prevent erosion in unvegetated non-road areas. Unvegetated areas will be inspected for erosion and gullies periodically and after significant storm events. Dry weather and wet weather inspections will be conducted to observe for indications of sediment in stormwater. Areas with constructed drainage ditches will be inspected to ensure they are vegetated and maintained. The access road will be inspected and maintained; debris will be removed and properly disposed of. If vegetation is observed to be absent in areas (disturbed areas, soil stockpile), vegetation or other stabilization will be established in those areas. If significant quantities of sediment are observed in the drainage ditches or outfalls, steps will be taken to manage the sediment, so contaminants are not discharged off site. Physical structures may be used in conjunction with other pollution prevention measures and controls, as necessary, to reduce pollutants in stormwater discharges. Discharge velocities will be controlled to the extent necessary and feasible.

#### 2.6.5 Spill Prevention and Response Measures

Spill prevention and response measures are summarized as follows.

- Containers are tightly closed when not in use and inspected regularly for leaks.
- Containers are stored away from high traffic areas, when feasible, to prevent leaks and ruptures.
- Materials and chemicals are stored in designated areas on spill containment pallets when feasible.
- Trained onsite personnel are able to respond using spill kits.

For large spills or spills that cannot be contained by on-site personnel, the area will be evacuated and 911 called. A spill contractor will also be contacted. Exceedances of threshold quantities requires immediate reporting to KDHE and NRC (Emergency contact list Appendix H).

#### 2.6.6 Management of Runoff

Surface runoff at the site flows generally south and around the landfill. Drainage flows into a series of two stormwater ponds for settling, evaporation, and infiltration. Water that can not be contained in the ponds in the case of an extreme rain event will be released through piping to a tributary of Stranger Creek approximately 750 feet west of the property. Runoff, depicted in Exhibit 2, should be managed to reduce stormwater pollution and erosion.

## 2.7 Employee Training Program and Employee Education

The SWPPP Team is provided with the necessary information included in this SWPPP and the permit, training, and equipment to limit stormwater runoff pollution. Training and awareness education to effectively communicate the goals of the program are implemented and updated on an annual basis, at a minimum. The schedule for employee training sessions is developed based on changes, employee turnover rate, and other factors determined applicable. The schedule for each training session held, whether for facility personnel or contractors, is documented on an Employee Training Program Form, and records of employee attendance are documented on the Employee Training Sign-in Sheet maintained in Appendix C.



## 3.0 PERIODIC INSPECTIONS AND MONITORING

### 3.1 Investigation and Certification of Non-Stormwater Discharges

Facilities covered under the NPDES will conduct an inspection of the stormwater outfalls to evaluate and determine the potential presence of non-stormwater discharges within 180 days of filing for permit coverage under the General Permit. The Operator or appointed designee has completed this certification, and the form is included in Appendix D.

Allowable, non-stormwater discharges include those from the following sources.

- Landscape watering and similar irrigation drainage
- Fire-fighting or fire hydrant flushing
- Potable water sources
- Water from routine external washing of buildings conducted without the use of detergents or other chemicals
- Water from the routine washing of pavement conducted without the use of detergents or other chemicals and where spills or leaks of toxic or hazardous substances have not occurred
- Unpolluted groundwater seepage, springs, and other uncontaminated groundwater
- Uncontaminated air conditioning condensate, compressor condensate, and steam condensate
- Water from foundation or footing drains
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the Facility

Unallowable, non-stormwater discharge includes the following.

- Wastewater
- Wash water
- Other un-authorized, non-stormwater discharge

If not covered under a separate NPDES permit, unallowable non-stormwater discharge must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements or otherwise disposed of appropriately.

The Operator or appointed designee will certify that the indicated outfall has been evaluated for the presence of non-stormwater discharges. Stormwater discharges will be certified to be free of illicit discharges and process water according to the following procedure(s).

- Visually inspect the stormwater outfalls for indications of water being discharged during periods of dry weather. Key parameters to look for are the presence of stains, smudges, odors, and other abnormal conditions. The appearance of dry weather discharge usually indicates process water could be commingled with stormwater and further investigation should be done to find the source of the discharge and to eliminate commingling.
- Visually inspect the drains for signs of cross connections in conjunction with a storm sewer map, a sanitary sewer map, and/or plant schematic.
- Visually inspect for the presence of prohibited non-stormwater discharges.

The facility was evaluated for sources of non-stormwater discharges at the time the initial NOI was prepared. This evaluation was conducted by reviewing facility schematics. Subsequent plant wide visual inspections confirmed the absence of unauthorized process discharge.

### 3.2 Routine Facility Inspections

Facility inspections are conducted at a minimum of twice per year (May and September) to determine SWPPP effectiveness. The SWPPP Team Leader designates qualified facility personnel as needed to conduct the inspection. Facility inspection requirements include inspections of the following areas, as applicable.

- Areas where industrial materials or activities are exposed to stormwater
- Area identified in the SWPPP and those that are potential pollutant sources
- Areas where spills and leaks have occurred in the last 3 years
- Discharge points
- Control measures used to comply with both technology-based and water quality-based effluent limits
- Failed control measures that need replacement or additional control measures needed
- Storage areas, including associated containment areas
- Waste management units
- Storage areas and areas of industrial activities
- Loading and unloading areas
- Existing BMPs and good housekeeping measures

During the inspection, the inspector must examine or look for the following.

- Industrial materials, residue, or trash that may have or could come into contact with stormwater
- Leaks or spills from industrial equipment, drums, tanks and other containers
- Offsite tracking of industrial or waste materials, or sediment from areas of no exposure to exposed areas
- Control measures needing replacement, maintenance, or repair

If feasible, at least two of these routine inspections each year is conducted during a period when a stormwater discharge occurs. At a minimum, documentation of each routine facility inspection includes the following.

- The inspection date and time
- Name of the inspector
- Weather information and a description of discharges occurring at the time of the inspection
- Previously unidentified discharges of pollutants from the facility
- Observations relating to the areas of materials or activities at the facility exposed to stormwater
- Observations relating to the implementation of control measures at the facility
- Control measures needing maintenance or repairs
- Indications of, or the potential for, pollutants entering the drainage system
- Observations regarding the physical condition of and around the outfall, including flow dissipation devices, and indications of pollutants in discharges and/or the receiving water
- Incidents of noncompliance that are observed
- Additional control measures needed to comply with the permit requirements
- Identification of existing BMPs and good housekeeping measures not being properly or completely implemented

Completed Routine Facility Inspection forms are submitted to the SWPPP Team Leader for review then signed and maintained in Appendix D.

When revisions or additions to the SWPPP are recommended as a result of the inspections, a summary description of these proposed changes is attached to the Routine Facility Inspection form in Appendix D; completed revisions may be recorded on the SWPPP Revision Log in Appendix G. Each revision is dated and retained in Appendix G as required by the Permit.



### 3.3 Visual Examination of Stormwater

Stormwater discharges from the outfalls authorized by the NPDES are visually examined on a periodic basis at a minimum of twice per year. The facility began visual monitoring in the first full year following the submission of the initial NOI. Visual examination is conducted during normal hours of operation and samples are collected in a clean, clear, glass or plastic container and examined in a well-lit area.

The inspector observes the samples for the following characteristics.

- Color
- Noticeable odors
- Clarity
- Floating, suspended, and settled solids
- Oil sheen
- Foam
- Other obvious indications of contamination or pollution (e.g., residues or foreign matter)

The following conditions are noted if they occur.

- Lack of a qualifying storm event during a calendar year
- Inability to conduct visual observations due to facility shutdown
- Inability to conduct visual observations because storm event begins after daylight hours
- Inability to conduct visual observation due to adverse weather conditions
- Inability to conduct visual observation because of lack of sufficient flow
- Storm event occurs within three days of previous rainfall

### 3.4 Quantitative Sampling

Sampling is not required by the current NPDES permit. This is not to be confused with visual examination, which is required. However, the facility may sample and analyze stormwater to evaluate BMP effectiveness. Analytical data of stormwater discharges will be summarized, and the summary will be updated on a quarterly basis to include the results of additional analyses. The summary will either be included in Appendix D of the SWPPP or may be referenced and maintained separately.

Other than visual examination, the permittee is not required to sample stormwater discharges under this permit. However, if benchmark sampling is completed by the facility, the records

must be kept on site and made readily available for review upon request by authorized KDHE personnel as well as a local pollution control agency with jurisdiction.

### 3.5 Qualifying Storm Event

Monitoring, sampling, examinations, and inspections of stormwater discharges required as a provision of the NPDES will be conducted on discharges from a 0.1 inch or greater storm event that results in an actual discharge from the site and that follows the preceding measurable storm event by at least 72 hours (3 days). If sampling is completed, it will be conducted during a discharge event using a grab sample. A member of the SWPPP Team or other designated facility personnel will conduct the stormwater sampling. Samples will be "first flush" grab samples taken within the first 30 minutes of runoff flow by qualified personnel during a qualifying storm event or immediately after when deemed safe for personnel.

### 3.6 Exceptions to Monitoring Requirements

Requirements to sample, inspect, examine, or otherwise monitor stormwater discharges within a monitoring period may be temporarily suspended for adverse conditions. Adverse conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightning) or conditions that prohibit access to a discharge (e.g., flooding, freezing conditions, extended periods of drought). Adverse conditions that result in temporary suspension of a permit requirement will be documented and maintained with the SWPPP in the appropriate appendices. Documentation will include the date, time, and name(s) of personnel that witnessed the adverse condition and the nature of the condition.

When monitoring is temporarily suspended due to adverse conditions, monitoring will be conducted in the next qualifying storm event.

## 4.0 CORRECTIVE ACTIONS

### 4.1 Conditions Requiring SWPPP Review and Revision to Eliminate Problems

When the following conditions occur or are detected during an inspection, monitoring, or other means; the KDHE or EPA requires that if one or more of the following conditions have occurred, the facility must review and revise, as appropriate, the SWPPP so that the condition is eliminated, and pollutant discharges are prevented.

- An unauthorized release or discharge occurs at the facility
- A discharge violates a numeric effluent benchmark
- Control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent conditions in the permit

- A required control measure was never installed, was installed incorrectly, or is not being properly operated or maintained
- Whenever a routine inspection, visual monitoring, or comprehensive site evaluation shows evidence of stormwater pollution

## 4.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary

If one of the following conditions occurs, the facility must review the SWPPP to determine if modifications are necessary to meet the effluent limits in this permit.

- Construction or a change in design, operation, or maintenance at the facility that significantly changes the nature of pollutants discharged in stormwater from the facility, or significantly increases the quantity of pollutants discharged
- If the results of visual examination indicate observations would lead a reasonable person to believe the stormwater was polluted

## 4.3 Corrective Actions and Deadlines

If corrective action is needed, the facility must immediately take reasonable steps necessary to reduce or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up contaminated surfaces so the material will not be discharged in subsequent storm events.

### 4.3.1 Subsequent Actions

If it is determined additional actions are necessary beyond those implemented pursuant to Part 4.3 of the Permit, the facility must complete a Corrective Action Report form before the next storm event if possible and within 14 calendar days of the time of discovery of the condition. Where corrective actions result in changes to the controls or procedures documented in the SWPPP, the facility must modify the SWPPP accordingly within 14 calendar days of completing corrective action. This time interval is not a grace period but is considered reasonable for documenting findings and for making repairs and improvements. This requirement is included in the permit to ensure the conditions prompting the need for these repairs and improvements do not persist indefinitely.

### 4.3.2 Corrective Action Report

The facility must document the existence of conditions listed in Sections 4.1 or 4.2 of this SWPPP. Operational deficiencies must be corrected within 7 calendar days. Minor structural deficiencies must be corrected within 14 calendar days. Major structural deficiencies must be



reported to the regional office within 7 calendar days. A Corrective Action Report form is included in Appendix F. The facility must include, at a minimum, the following information in the corrective action report.

- Description of the condition triggering the need for corrective action review. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and leaks, spills or other releases that resulted in discharges of pollutants to waters of the State, through stormwater or otherwise
- Date the condition was identified
- Description of immediate actions taken pursuant to Section 4.3.1 of this SWPPP to minimize or prevent the discharge of pollutants. For spills or leaks, including response actions, the date/time clean-up was completed, notifications made, and staff involved. Also include measures taken to prevent the recurrence of such releases.

Within 14 days from the time of discovery of any of those conditions listed in Section 4.1 or 4.2 of this SWPPP, the facility must document the following information.

- Summary of corrective actions taken or to be taken as a result of the conditions listed in Sections 4.1 or 4.2 of this SWPPP (or, for triggering events in Section 4.2 where the facility determines corrective action is not necessary, the basis for this determination)
- Dates and times when each corrective action was initiated and completed
- Notice of whether SWPPP modifications are required as a result of this discovery or corrective action

The facility is not required to submit a corrective action report to KDHE, unless specifically requested to do so. However, the facility must summarize the findings in the Annual Comprehensive Site Compliance Evaluation per Section 5.2 of this SWPPP and keep a copy of the corrective action report in the SWPPP.

## 5.0 REPORTING AND RECORDKEEPING

### 5.1 Reporting

The following is a general list of reporting requirements.

- A release of oil or hazardous substances requires the authorized representative to notify the EPA National Response Center, Kansas Division of Emergency Management (KDEM), and KDHE as soon as the release has been discovered. A reportable quantity of oil is the quantity which causes a film or sheen upon the surface of the water. Contact information is located in Appendix H.

- A discharge of sewage, chemicals, or waste that threatens to contaminate or alter property of waters of the State or pollute the soil creating a nuisance requires immediate reporting to the KDHE
- Corrective action reports per Section 4.3 of this SWPPP
  - Document the existence of any of the conditions listed in Sections 4.1 or 4.2 of this SWPPP
  - Document corrective actions taken or to be taken, dates and times when corrective action was initiated and completed, notice of whether SWPPP modifications are required as a result of this discovery or corrective action, a signed and certified statement
- Planned change reporting
  - The facility must give notice to KDHE as soon as possible, but no later than 30 days, of planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged
  - The facility must give notice to KDHE of planned changes in the permitted facility or activity anticipated to result in noncompliance with permit requirements
- Compliance schedules: Reports of compliance or noncompliance with, or progress reports on, interim and final requirements contained in any compliance schedule of the permit must be submitted no later than 14 days following each schedule date.

## 5.2 Record Keeping

Copies of the SWPPP (including modifications made during the term of the permit), additional documentation requirements, reports and certifications required by the permit, monitoring data, and records of data used to complete the NOI must be retained for a period of at least 3 years from the date that the coverage under this permit expires or is terminated.

The facility is required to keep the following inspection, monitoring, and certification records with the SWPPP.

- A copy of the acknowledgment letter received from the KDHE notifying the facility of its permit authorization number
- A copy of the permit (an electronic copy easily available to SWPPP personnel is also acceptable)
- Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the State, through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent a recurrence (Appendix E)
- Records of employee training, including the date training was received (Appendix C)

- Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for extended maintenance/repair schedules (Appendix E)
- Inspection reports, including the Routine Facility Inspection Reports, the Visual Examination Reports, and the Annual Comprehensive Site Compliance Evaluation
- Monitoring data must be maintained with the SWPPP
- Descriptions of deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations
- Description of corrective action taken at the site, including the triggering event and dates when deficiencies were discovered, and modifications occurred
- Documentation of benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding the exceedance was due to natural background pollutant levels, and determinations that pollutants of concern are not expected to be present above natural background levels or (3) a finding that further pollutant reductions were not technologically available and economically practicable and achievable in light of best industry practice

A copy of the records for the facility is maintained on-site and is available for review and inspection upon request.

## 6.0 RECORDS RETENTION AND REPORTING

Monitoring and reporting records, copies of other records required by the Permit, and records of data used to complete the NOI will be maintained at the facility for a period of three years from the date of the record. The SWPPP and a copy of SWPPP revisions located in Appendix G for the preceding three-year period will be maintained at the facility for inspection and review upon request by facility employees, KDHE, EPA, and representatives of the U.S. Fish and Wildlife Service (USFWS) at the time of an onsite inspection.



## **APPENDIX A**

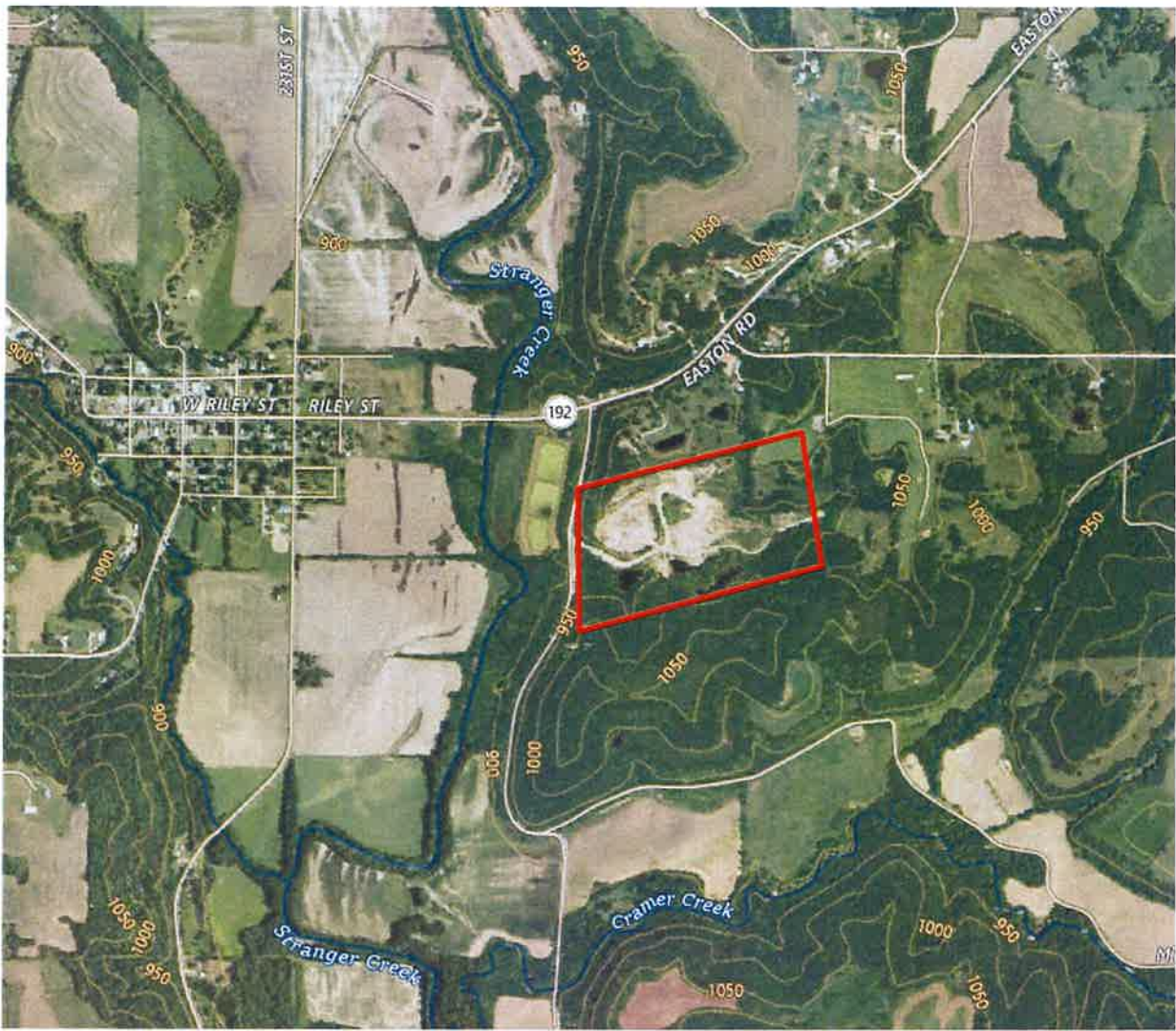
### **EXHIBITS**

Exhibit 1: Topographic Map

Exhibit 2: Site Layout and Storage Diagram

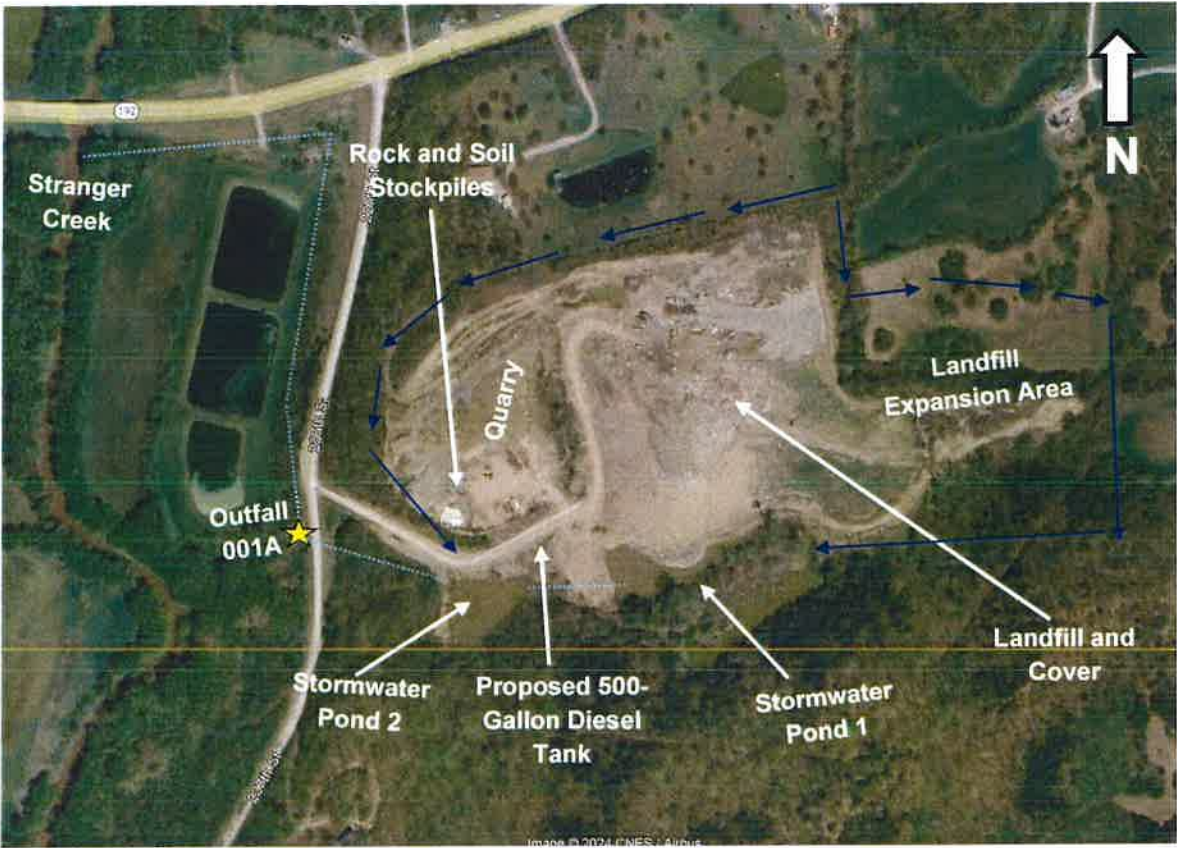
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Exhibit 1: Topographic Map



 **Approximate Site Boundary**

Exhibit 2: Site Layout and Storage Diagram



→ **Stormwater Flow**      ——— **Stormwater Pipe**



## **APPENDIX B**

### **PERMIT ASSOCIATED DOCUMENTS**

Certification Signature Page  
Permit Coverage Approval Letter  
KDHE State Operating Permit



**Flat Land Management Approval**

The SWPPP Team Leader must sign SWPPPs and subsequent modifications, inspection reports, Notice of Termination (NOT), and the Notice of Transfer of Ownership (NOTO) and forms, reports, and other correspondence or information which must be submitted as required by the Kansas General Permit. The following Certification by Facility Management must be executed to initiate implementation of the SWPPP.

**Certification by Facility Management**

"I certify under penalty of law that I have read and understand the requirement for this Stormwater Pollution Prevention Plan. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Shawn Britz \_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

Plant Manager \_\_\_\_\_  
Title

\_\_\_\_\_  
Date

KANSAS WATER POLLUTION CONTROL PERMIT AND  
AUTHORIZATION TO DISCHARGE UNDER  
THE NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165, the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq; the "Act"),

Owner: Flat Land Excavating  
Owner's Address: 13575 E. Gilman Road  
Lansing, Kansas 66043  
Facility Name: Easton Quarry  
Facility Location: NW ¼ of Section 20, Township 8S, Range 21E  
Leavenworth County, Kansas

Feature Name	Latitude	Longitude
Facility Center	39.34273	-95.10145
Outfall 001A	39.34123	-95.10409


Receiving Stream & Basin: Kansas River via Stranger Creek via unnamed tributary  
Kansas River Basin

is authorized to discharge from the waste treatment facility described herein, in accordance with effluent limitations and monitoring requirements as set forth herein.

This permit is effective July 1, 2022, supersedes the previously issued water pollution control permit I-KS13-PO04 and expires May 31, 2027.

FACILITY DESCRIPTION:

This is a limestone quarrying and crushing operation with no washing. Outfall 001A consists of stormwater runoff from the quarry area and a portion of the landfill cap and will be treated by two ponds in series. All contact water will be located at the open face of the landfill and will not runoff but seep into the landfill. The Construction/Demolition (C/D) landfill area, including the contact water, will be permitted by the Bureau of Waste Management.

  
Secretary, Kansas Department of Health and Environment

June 9, 2022  
Date



A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from outfall(s) with serial number(s), as specified in this permit.

Outfalls 001A - Pit Drainage and Stormwater Runoff

The permittee is authorized to discharge from the above named outfall(s), in accordance with the conditions as specified herein. The discharge shall not cause a violation of Kansas Surface Water Quality Standards, K.A.R. 28-16-28b through 28-16-28e, including the following:

- a. Oil or grease in concentrations which cause any visible film or sheen to form upon the surface of the receiving water;
- b. Oil or grease which causes a sludge or emulsion to be deposited beneath the surface of the receiving water, upon submerged substrate, or upon adjoining shorelines;
- c. Turbidity or color producing substances causing any change in the natural appearance of the stream or water body;
- d. Substances in the wastewater which cause objectionable odors in the vicinity of the receiving water;
- e. Floating debris, scum, foam, froth, or other floating material in other than trace amounts or
- f. Materials which create deposits of sludge or fine solids causing aesthetic or environmental concerns downstream of the outfall.

The permittee shall, at a minimum, visually inspect the outfall(s) and receiving stream(s) in May and September to ensure compliance with the above Water Quality Standards. The permittee shall maintain a log documenting the results of any visual inspections performed and shall provide the log to KDHE staff for review upon request.

Any violation of the above general Water Quality Standards shall be reported within 24 hours of discovery, to either the Kansas Department of Health and Environment, Division of Environment at (785) 296-5517 or the appropriate KDHE District Office followed by a letter, within 5 days of discovery, explaining the cause of the water quality violation, the actions taken to correct the violation, and actions taken to prevent recurrence.

B. STANDARD CONDITIONS

In addition to the specified conditions stated herein, the permittee shall comply with the attached Standard Conditions dated December 1, 2021.

C. SCHEDULE OF COMPLIANCE

None

D. SUPPLEMENTAL CONDITIONS

1. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301 (b)(2), (C), and (D), 304 (b)(2), and 307 (a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

- a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit, or
- b. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

2. Changes in Discharges of Toxic Substances

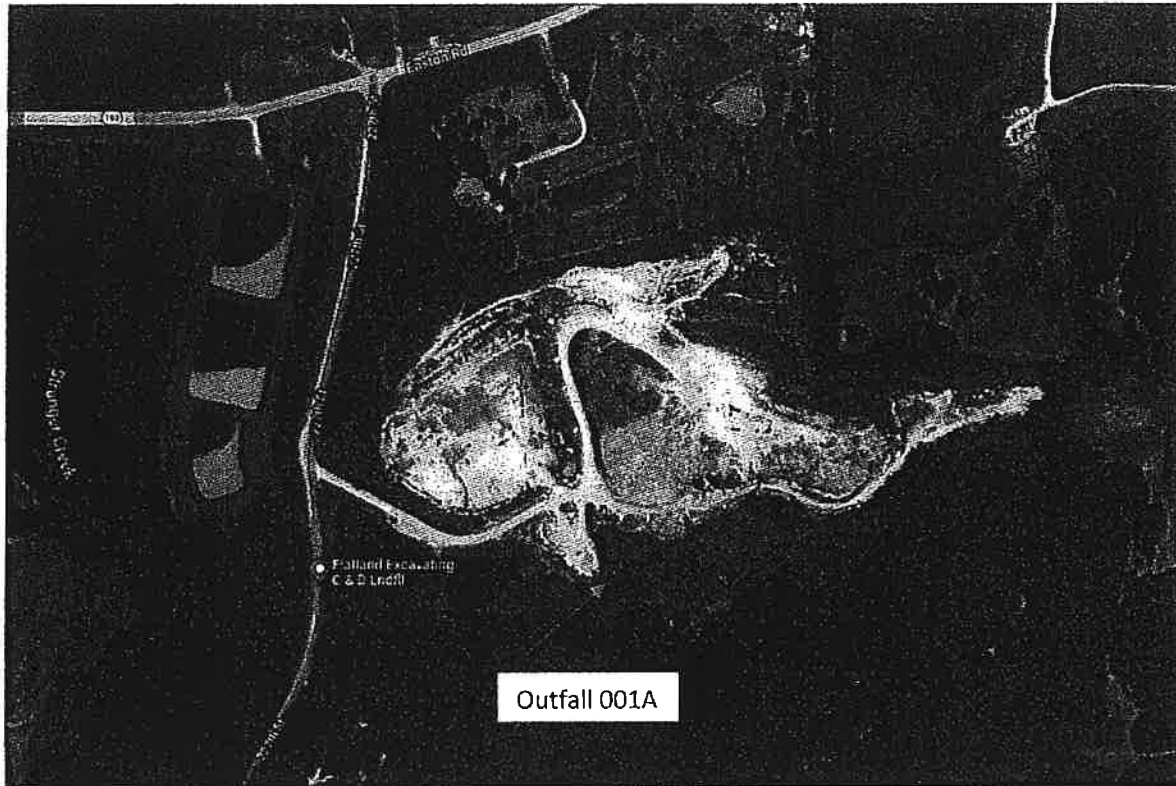
The permittee shall notify the Director as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - (1) One hundred micrograms per liter (100 µg/l);
  - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application.
- b. That any activity has occurred or will occur which result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following notification levels".
  - (1) Five hundred micrograms per liter (500 µg/l);
  - (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.

D. SUPPLEMENTAL CONDITIONS - Continued

3. In the event the Environmental Protection Agency amends or promulgates the BPT, BAT, and/or BCT effluent guideline limitations for a specific Point Source Category or any of the subcategories covering your industry, this permit will be revoked and reissued to incorporate the new limitation(s).
4. This permit is issued specifically for operations, described in the FACILITY DESCRIPTION, on page 1 of this permit. Any other activities conducted at the site, such as rock washing or asphalt production is not permitted and will need approval and permit modifications, prior to operation or use.
5. The permittee shall develop and implement procedures to minimize the discharge of silt from this site. Procedures shall provide for, but not be limited to, methods to minimize erosion of stockpiles on-site and proper suction placement to minimize the amount of solids in the water pumped from the quarry pit. The written procedures shall be available for KDHE staff review, upon request.
6. Industrial Stormwater Discharges: This permit also authorizes the discharge of industrial stormwater as defined in 40 CFR part 122.26 (b) (14), in accordance with Kansas Water Quality Standards (KAR 28-16-28), the requirements of this permit, and in accordance with an Industrial stormwater pollution prevention plan. If expansion or changes to the facility are planned which involves construction activities such as the removal of overburden, the development of roads, the creation of overburden piles, etc., the permittee shall amend and implement the Industrial SWP2 Plan to control sediment and other pollutants from the expansion activities prior to construction. Upon completion of expansion activities the permittee shall amend and implement the Industrial SWP2 Plan to address the changes to the quarry within 90 days of the expansion. The permittee shall keep a copy of the most current SWP2 Plan either on-site or at a local office and this plan shall be submitted to the KDHE, Bureau of Water when revised and shall be provided to EPA or KDHE District Office staff, upon request.
7. The permittee shall implement the SWP2 Plan dated *October 29, 2020* or a more recent, revised plan submitted to KDHE. This plan shall be re-evaluated and modified in a timely manner, but in no case more than 90 days after (1) a change in the design, construction, operation or maintenance of the facility that would have a significant effect on the potential for discharge of pollutants from the facility's outfalls; (2) deficiencies are found in the SWP2 Plan or any BMPs, discovered during the site compliance evaluation or during other on-site inspections conducted by KDHE; (3) a visual inspection of the site indicates the plan appears to be ineffective in eliminating or significantly minimizing pollutants from sources identified in the SWP2 Plan; (4) an outfall is either added or eliminated. The permittee shall keep a copy of the most current SWP2 Plan either on-site or at a local office and this plan shall be submitted to the KDHE, Bureau of Water when revised and shall be provided to EPA or KDHE District Office staff, upon request.
8. EPA's National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule ("NPDES eRule") requires regulated entities to report data electronically. KDHE has developed electronic reporting tools to assist permittees in complying with the EPA electronic reporting rule. Unless a waiver has been approved by KDHE, permittees are required to submit information electronically. The electronic reporting system is called the **Kansas Environmental Information Management System (KEIMS)** and can be accessed at <https://www.kdheks.gov/water/bow-keims.htm>. Upon KDHE request, associated lab reports can also be submitted in KEIMS.





Flat Land Excavating

Lansing, Kansas

I-KS13-PO04

STANDARD CONDITIONS FOR  
KANSAS WATER POLLUTION CONTROL AND  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS

1. Representative Sampling and Discharge Monitoring Report Submittals:

- A. Samples and measurements taken as required herein shall be representative of the quality and quantity of the monitored discharge. Test results shall be recorded for the day the samples were taken. If sampling for a parameter was conducted across more than one calendar day, the test results may be recorded for the day sampling was started or ended. All samples shall be taken at the locations designated in this permit, and unless specified, at the outfall/monitoring location(s) before the wastewater joins or is diluted by any other water or substance.
- B. EPA's *National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule* ("NPDES eRule") requires regulated entities to report data electronically. KDHE has developed electronic reporting tools to assist permittees in complying with the EPA electronic reporting rule. Unless a waiver has been approved by KDHE, permittees are required to submit information electronically. The electronic reporting system is called the **Kansas Environmental Information Management System (KEIMS)** and can be accessed at <https://keims.kdhe.ks.gov>. Monitoring results shall be submitted no later than the 28th day of the month following the completed reporting period. If granted a waiver, signed and certified copies of data, information and reports, required herein, prepared in accordance with KAR 28-16-59, may be e-mailed as scanned attachments to [kdhe.bowkeims@ks.gov](mailto:kdhe.bowkeims@ks.gov), faxed to 785.559.4257, or sent by U.S. mail to:

Kansas Department of Health & Environment  
Bureau of Water-Technical Services Unit  
1000 SW Jackson Street, Suite 420  
Topeka, KS 66612-1367

2. Definitions:

- A. Unless otherwise specifically defined in this permit, the following definitions apply:
1. The "Daily Maximum" is the total discharge by weight or average concentration, measurement taken, or value calculated during a 24-hour period. The parameter, pH, is limited as a range between and including the values shown.
  2. The "Weekly Average" is the arithmetic mean of the value of test results from samples collected, measurements taken, or values calculated during four monitoring periods in each month consisting of calendar days 1-7, 8-14, 15-21 and 22 through the end of the month.
  3. The "Monthly Average", other than for *E. coli* bacteria, is the arithmetic mean of the value of test results from samples collected, measurements taken, or values calculated during a calendar month. The monthly average is determined by the summation of all calculated values or measured test results divided by the number of calculated values or test results reported for that parameter during the calendar month. The monthly average for *E. coli* bacteria is the geometric average of the value of the test results from samples collected in a calendar month. The geometric average can be calculated by using a scientific calculator to multiply all the *E. coli* test results together and then taking the *n*th root of the product where *n* is the number of test results. Non-detect values shall be reported using the less than symbol (<) and the minimum detection or reportable value. To calculate average values, non-detects shall be defaulted to zero (or one for geometric averages). Greater than values shall be reported using the greater than symbol (>) and the reported value. To calculate average values, the greater than reported value shall be used in the averaging calculation.
- B. A "grab sample" is an individual sample collected in less than 15 minutes. A "composite sample" is a combination of individual samples in which the volume of each individual sample is proportional to the flow, or the sample frequency is proportioned to the flow rate over the sample period, or the sample frequency is proportional to time.
- C. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health, and Environment, respectively.

D. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an in-plant diversion. Severe property damage does not mean economic loss caused by delays in production.

E. "Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

3. Schedule of Compliance: No later than 14 calendar days following each date identified in the "Schedule of Compliance," the permittee shall submit via KEIMS at <https://keims.kdhe.ks.gov> as notified in your KEIMS Dashboard, either a report of progress or, in the case of specific action being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements, or, if there are no more scheduled requirements, when such noncompliance will be corrected.

4. Test Procedures: All analyses required by this permit shall conform to the requirements of 40 CFR Part 136, unless otherwise specified, and shall be conducted in a laboratory accredited by the Department. For each measurement or sample, the permittee shall record the exact place, date, and time of measuring/sampling; the date and time of the analyses, the analytical techniques or methods used, minimum detection or reportable level, and the individual(s) who performed the measuring/sampling and analysis and, the results. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved procedures, the results shall be included in the Discharge Monitoring Report form required in 1.B. above. Such increased frequencies shall also be indicated.

5. Change in Discharge: All discharges authorized herein shall be consistent with the permit requirements. The discharge of any pollutant not authorized by this permit or of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit. Any anticipated facility expansions, production or flow increases, or production or wastewater treatment system modifications which result in a new, different, or increased discharge of pollutants shall be reported to the Division at least one hundred eighty (180) days before such change.

6. Facilities Operation: The permittee shall always properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the requirements of this permit and Kansas and Federal law. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the requirements of this permit. The permittee shall take all necessary steps to minimize or prevent any adverse impact to human health or the environment resulting from noncompliance with any effluent limits specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. When necessary to maintain compliance with the permit requirements, the permittee shall halt or reduce those activities under its control which generate wastewater routed to this facility.

7. Incidents:

"Collection System Diversion" means the diversion of wastewater from any portion of the collection system.

"In-Plant Diversion" means routing the wastewater around any treatment unit in the treatment facility through which it would normally flow.

"In-Plant Flow Through" means an incident in which the wastewater continues to be routed through the equipment even though full treatment is not being accomplished because of equipment failure for any reason.

"Spill" means any discharge of wastewater, sludge or other materials from the treatment facility other than effluent or as more specifically described by other "Incidents" terms.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance or anticipated noncompliance with permit effluent limits because of factors beyond the reasonable control of the permittee, as described by 40 C.F.R. 122.41(n).

8. Diversions not Exceeding Limits: The permittee may allow any diversion to occur which does not cause effluent limits to be exceeded, but only if it also is for essential maintenance to assure efficient operation. Such diversions are not subject to the Incident Reporting requirements shown below.

9. **Prohibition of an In-Plant Diversion:** Any in-plant diversion from facilities necessary to maintain compliance with this permit is prohibited, except: (a) where the in-plant diversion was unavoidable to prevent loss of life, personal injury, or severe property damage; (b) where there were no feasible alternatives to the in-plant diversion, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime and (c) the permittee submitted a notice as required in the Incident Reporting paragraph below. The Director may approve an anticipated in-plant diversion, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.
10. **Incident Reporting:** The permittee shall report any unanticipated collection system diversion, in-plant diversion, in-plant flow through occurrences, spill, upset, or any violation of a permitted daily maximum limit within 24 hours from the time the permittee became aware of the incident. An Incident Report shall be provided within 5 days of the time the permittee became aware of the incident. The Report shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. An Incident Report may be submitted in KEIMS, see 1B above.

For an anticipated incident or any planned changes or activities in the permitted facility that may result in noncompliance with the permit requirements, the permittee shall submit written notice, if possible, at least ten days before the date of the event.

For other noncompliance, the above information shall be provided with the next Discharge Monitoring Report.

11. **Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment of water shall be utilized or disposed of in a manner acceptable to the Division.
12. **Power Failures:** The permittee shall provide an alternative power source sufficient to operate the wastewater control facilities or otherwise control pollution and all discharges upon the loss of the primary source of power to the wastewater control facilities.
13. **Right of Entry:** The permittee shall allow authorized representatives of the Division of Environment or the Environmental Protection Agency upon the presentation of credentials, to enter upon the permittee's premises where an effluent source is located, or in which are located any records required by this permit, and at reasonable times, to have access to and copy any records required by this permit, to inspect any facilities, monitoring equipment or monitoring method required in this permit, and to sample any influents to, discharges from or materials in the wastewater facilities.
14. **Transfer of Ownership:** The permittee shall notify the succeeding owner or controlling person of the existence of this permit by certified letter, a copy of which shall be forwarded to the Division. The succeeding owner shall secure a new permit. This permit is not transferable to any person except after notice and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.
15. **Records Retention:** Unless otherwise specified, all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instruments and recordings from continuous monitoring instruments, shall be retained for a minimum of 3 years, or longer if requested by the Division. Biosolids/sludge records and information are required to be kept for a minimum of 5 years, or longer if requested by the Division. Groundwater monitoring data, including background samples results, shall be kept for the life of the facility regardless of ownership.
16. **Availability of Records:** Except for data determined to be confidential under 33 USC Section 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and KSA 65-170c.
17. **Permit Modifications and Terminations:** As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through g. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.



18. Toxic Pollutants: Notwithstanding paragraph 17 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified at such effluent standards) is established under 33 USC Section 1317(a) for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition. Nothing in this permit relieves the permittee from complying with federal toxic effluent standards as promulgated pursuant to 33 USC Section 1317.
19. Administrative, Civil and Criminal Liability: The permittee shall comply with all requirements of this permit. Except as authorized in paragraph 9 above, nothing in this permit shall be construed to relieve the permittee from administrative, civil or criminal penalties for noncompliance as provided for in KSA 65-161 et seq., and 33 USC Section 1319.
20. Oil and Hazardous Substance Liability: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under 33 USC Section 1321 or KSA 65-164 et seq. A municipal permittee shall promptly notify the Division by telephone upon discovering crude oil or any petroleum derivative in its sewer system or wastewater treatment facilities.
21. Industrial Users: A municipal permittee shall require any industrial user of the treatment works to comply with 33 USC Section 1317, 1318 and any industrial user of storm sewers to comply with 33 USC Section 1308.
22. Property Rights: The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringements of or violation of federal, state, or local laws or regulations.
23. Operator Certification: The permittee shall, if required, ensure the wastewater facilities are under the supervision of an operator certified by the Department. If the permittee does not have a certified operator or loses its certified operator, appropriate steps shall be taken to obtain a certified operator as required by KAR 28-16-30 et seq.
24. Severability: The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.
25. Removal from Service: The permittee shall inform the Division at least three months before a pumping station, treatment unit, or any other part of the treatment facility permitted by this permit is to be removed from service and shall make arrangements acceptable to the Division to decommission the facility or part of the facility being removed from service such that the public health and waters of the state are protected.
26. Duty to Reapply: A permit holder wishing to continue any activity regulated by this permit after the expiration date, must apply for a new permit at least 180 days prior to expiration of the permit, see 1B above.
27. Publicly owned treatment works (POTWs): All POTWs shall provide adequate notice to the Director of the following per 40 CFR 122.42(b):
  - A. Any new introduction of pollutants into the POTW from a non-domestic source which would be subject to section 301 or 306 of the CWA ; and
  - B. Any substantial change in the volume or character of pollutants being introduced into a POTW by a non-domestic source.
  - C. For purposes of this paragraph, adequate notice shall mean within 30 days of the POTW being aware of the introduction of pollutants and shall include information on the quality and quantity of influent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
28. POTW regulated pretreatment program requirements: For POTWs with an approved pretreatment program, the POTW shall:
  - A. Identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of CWA and 40 CFR part 403.
  - B. Provide to KDHE and EPA a written technical evaluation of the need to develop new local limits or revise existing local limits under 40 CFR 403.5(c)(1).
29. This permit may be reopened and modified if KDHE and/or EPA determines the permittee shall develop an approved pretreatment program that complies with 40 CFR, Part 403.

## **APPENDIX C**

SWPPP Team Responsibilities  
SWPPP Employee Training Reports

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**TABLE 1: STORMWATER POLLUTION PREVENTION TEAM**

<b>Area of Responsibility</b>	<b>Position</b>	<b>Name</b>	<b>Phone Number</b>
SWPPP Team Leader	Manager of Flat Land Excavating LLC	Christy Britz	816-351-0559 (C)
Operations/Production (O/P) Liaison / Responsible Official	Easton Quarry Plant Manager	Shawn Britz	816-918-4615 (C)

## Employee Training and Education Sign-In Sheet

Date: \_\_\_\_\_

Trainer: \_\_\_\_\_  
Name Company

Name	Signature	Name	Signature

### Topics Discussed

- Materials management & handling
- Spill prevention methods
- Location of spill cleanup supplies
- Spill cleanup equipment
- Spill cleanup techniques
- Proper spill reporting
- Good housekeeping measures
- Best management practices
- Goals of the SWPPP
- Contacting the pollution prevention team



## **APPENDIX D**

### **INSPECTIONS AND EVALUATIONS**

Monthly Routine Facility Inspections  
Comprehensive Site Compliance Evaluations



## Facility Inspection Worksheet

Inspector(s):		Inspection Date/Time:		Quarter				Corrective Action/Proposed Time Frame of Action
				1	2	3	4	
Weather:	Description of Discharge:	Maintenance/ Repair/ Replacement Needed?	Yes	No	N/A	Findings		
	Good housekeeping measures being performed?							
	Spill prevention & response up to date?							
	Best management practices being performed?							
	Best management practices being performed?							
	Previously unidentified discharge of pollutants from site corrected?							



	Maintenance/ Repair/ Replacement Needed?	Evaluated			Findings	Corrective Action/Proposed Time Frame of Action
		Yes	No	N/A		
Outfall 001						

Were any incidents of noncompliance observed?

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Are additional control measures needed to comply with the permit?

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Are revisions or additions to the SWPPP recommended as a result of the inspection? If so summarize below:

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Print \_\_\_\_\_

Sign: \_\_\_\_\_

Date: \_\_\_\_\_





## Comprehensive Site Compliance Evaluation Worksheet

Inspector(s): Weather:				Are you substituting this inspection for one of your quarterly inspections?			Corrective Action Complete (date & initials)
Inspection Date:	Yes	No	N/A	Findings	Recommended Corrective Action		
<b>Records Inspection</b>							
Copy of SWPPP on-site?							
SWPPP certification complete?							
NPDES permit on-site?							
SWPPP training records on-site?							
SWPPP-related inspections records on-site?							
Spill and Leak Log on-site?							
Pollution Prevention Team up to date?							
Site maps up to date?							
<b>Effectiveness of Spill Prevention and Response Measures</b>							
Spill response procedures in place?							
Spill kit(s) available and stocked?							
Storage containers clearly and properly labeled?							
Evidence of leaks and/or spills?							

	Yes	No	N/A	Findings	Recommended Corrective Action	Corrective Action Complete (date & initials)
<b>Inventory of Exposed Materials</b>						
Material storage areas protective of storm water?						
Signs of leaking storage containers?						
Waste storage areas protective of storm water?						
New materials stored on-site with potential exposure to stormwater?						
<b>Erosion, Sediment, and Structural Controls and Maintenance Programs</b>						
Evidence of flooding or other drainage problems?						
Erosion, Sediment, and Structural controls operating correctly?						
Maintenance being performed on structural controls?						
Maintenance records available on-site?						
<b>Inspection of BMPs and Housekeeping Effectiveness</b>						
Facility free of trash and debris?						
Waste receptacles available and intact?						
Onsite Waste Disposal Bins closed and free of leaks?						
BMPs being performed satisfactorily?						



	Yes	No	N/A	Findings	Corrective Action	Corrective Action Complete (date & initials)
<b>Potential Pollutant Sources</b>						
Industrial materials, residue, or trash properly handled?						
Leaks or spills from industrial equipment, drums, tanks, scrap metal roll off, other containers?						
Tracking performed for industrial or waste materials from areas of no-exposure to exposure?						
Areas of raw material storage and transfer are neat and orderly?						

Certification

Signatory to Reports:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

## **APPENDIX E**

### **POLLUTION PREVENTION MEASURES**

Inventory of Exposed Materials  
Table of Possible Pollutants Onsite

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### **INVENTORY OF EXPOSED MATERIALS (See Exhibit 2)**

<b>Industrial Activity / Exposed Materials</b>	<b>Location on Site</b>
Waste Landfill	Middle and east area of the property
Future Equipment Fueling	Between stormwater ponds near access road
Soil and Rock Stockpiles	Northwest area around quarry
Cover	On top of unused landfill area
Unvegetated areas	Quarry, access roads, and areas around landfill

**Table of Possible Pollutants On-site**  
(See Exhibit 2)

<b>Industrial Activity / Exposed Materials</b>	<b>Location on Site</b>	<b>Associated Pollutants</b>
Landfill waste	Eastern area inside in-use landfill	Total Suspended Particles (TSP), pH, Oils & Greases, metals
Diesel fuel	Between stormwater ponds on access road	TSP, pH, Oils & Greases
Soil and rock	Northwest in quarry	TSP
Cover of closed landfill	On closed landfill	TSP
Unvegetated areas	Access roads, quarry, and landfill area	Oils & Greases, TSP

## **APPENDIX F**

### **BLANK FORMS**

Non-Compliance Notification Form  
Stormwater Monitoring Worksheet  
Spills and Leaks Report Form

**Non-Compliance Notification Form**

**Description of the Discharge and the Cause of Non-Compliance**

**Period of Non-Compliance**

Date of Non-Compliance:

Time:

Date of Compliance Achieved:

Time:

If Not Corrected, Anticipated Length of  
Time for Non-Compliance:

**Steps Taken to Reduce or Eliminate Non-Compliance**

**Steps Taken to Prevent Recurrence of Non-Compliant Discharges**

Name and Official Title (Print):

Signature:

Date:

**Mail Completed Form with Signature to the Following Address**

Kansas Department of Health and Environment  
Bureau of Water, Industrial Programs Section  
1000 SW Jackson, Suite 420  
Topeka, Kansas 66612-1367



<b>Stormwater Pollution Prevention Plan</b> <b>STORMWATER MONITORING WORKSHEET</b>				Completed by: _____ Plant Area: _____ Title: _____ Date: _____			
<b>Instructions:</b> Perform visual inspection during qualifying storm event. Refer to visual inspection procedure in stormwater plan for making and recording observations at the bottom of the worksheet. Record rainfall data from rain gauge after storm event is over. Archive completed form with Pollution Prevention Plan after Team Leader reviews.							
<b>Visual Observations of Stormwater Discharge:</b> Storm Event Data - Date: _____ Time: _____ Total Rainfall: _____ inches over _____ hrs or _____ days Comments on visual stormwater examination: _____ _____ _____							
Outfall No./Name	Color of Discharge	Unusual Odor (Y/N)	Clarity/Opacity (Describe)	Float/Susp/ Settled Solids (Y/N)	Foam (Y/N)	Oil Sheen (Y/N)	Corrective Action (if required)*
001							
<b>*NOTE: Evidence of pollutants will require further investigation into the source and corrective actions to mitigate the pollution.</b>							
<b>Sheet Flow Areas</b>							

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person(s) who manage the review process, or those persons directly responsible for data collection, the information contained herein is, to the best of my knowledge and belief, true, accurate and complete. I acknowledge that there are significant penalties for submitting false information, including the possibility of fines and/or imprisonment for willful violations.

\_\_\_\_\_  
Signature

# Agency Notification Standard Report

Information contained in this report, and any supporting documentation, must be submitted to the U.S. EPA National Response Center, Johnson County Emergency Management, the Kansas Division of Emergency Management, and the Kansas Department of Health and Environment within immediately of the qualifying discharge incident.

<b>Facility:</b>	
<b>Owner/operator:</b>	
<b>Name of person filing report:</b>	
<b>Location:</b>	
<b>Facility Phone Number:</b>	
<b>Damage or Injuries:</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<b>Evacuation needed?</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<b>Nature of qualifying incident(s):</b>	
<input type="checkbox"/> Quantity of oil which caused a film, sheen, or discoloration of the surface of the water or adjoining shorelines	
<input type="checkbox"/> Quantity of oil which caused a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines	
<input type="checkbox"/> Reportable quantities of hazardous substances (list hazardous substances below).	
<b>Description of Facility (attach maps, flow diagrams, and topographical maps):</b>	
<b>FACILITY DESCRIPTION</b>	
<b>Agency Notification Standard Report (continued)</b>	
<b>Names and/or organizations contacted:</b>	

**Cause of the discharge(s), including a failure analysis of the system and subsystems in which the failure occurred:**

**Corrective actions and countermeasures taken, including a description of equipment repairs and replacements:**

**Additional preventive measures taken or contemplated to minimize possibility of recurrence:**

**Other Pertinent Information:**

## **APPENDIX G**

### **SWPPP REVISIONS**

SWPPP Revision Log  
SWPPP Schedule Summary

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### SWPPP Revision Log

The SWPPP Revisions Log for preceding five-year period will be maintained with the SWPPP at the Facility or at a readily available location for inspection and review upon request by authorized State or Federal Water Board personnel, as well as any local pollution control agency with jurisdiction.

Revised By	Date Revised	Revision(s)
Terracon Consultants Inc.	January 29, 2025	Updated SWPPP with current permit.

## SWPPP Schedule Summary

ITEM	DESCRIPTION	SCHEDULE	FORM
Facility Inspection	SWPP Team Leader will inspect the exterior of the building, Facility operations, and review the SWPPP to determine if changes should be made to Facility operating procedures or the SWPPP. Deficiencies should be noted and fixed as soon as possible.	Bi-Annually	Facility Inspection Worksheet, Appendix D
Visual Examination of Stormwater Quality	SWPP Team Leader will visually examine stormwater from the Facility's permitted outfall for the quality of the discharge. The inspection will be conducted after a measureable rainfall that produces a discharge.	Bi-Annually	Stormwater Monitoring Worksheet, Appendix F
Comprehensive Site Compliance Evaluation	SWPP Team Leader will direct the annual evaluation, consisting of a visual inspection of all discharges of stormwater from the Facility and areas of the Facility contributing to stormwater discharge associated with Facility activities, for evidence of, or the potential for, pollutants to enter the drainage system.	Annually	Annual Comprehensive Site Compliance Evaluation Worksheet, Appendix D
SWPPP Training	Employee training programs will be performed to inform personnel responsible for implementing the SWPPP. Training will be performed by the SWPP Team Leader or his/her designee.	Annual or Upon New Hire	Employee Training Records, Appendix C
Permit Renewal	The Facility will submit renewal application and payment to the KDHE prior to permit expiration. Failure to apply for renewal may result in termination of the Facility's permit and enforcement action to compel compliance.	At least 180 days prior to permit expiration date	Form provided by KDHE
Non-Stormwater Discharge	Discharge not allowed under the Kansas General Permit must be reported to KDHE within 5 business days.	As Necessary	Non-Compliance Notification, Appendix F

**APPENDIX H**  
**EMERGENCY CONTACT LIST**

**Flat LandCompany Contacts**

Christy Britz 913.351.3772 / Office  
Operations Manager 816.596.0559 / Cell

Shawn Britz  
Plant Manager 816.918.4615 / Cell

**Local Emergency**

Fire, Police, Ambulance 911  
Leavenworth County Emergency Management 913.684.0455  
Easton Township Fire Department 913.773.5504 or 911  
Leavenworth County Emergency Medical Services 913.256-2000  
Leavenworth County Sheriff 913.724.1313

**State of Kansas Spill Response**

Kansas Department of Health and Environment 785.291.3333  
Spill Reporting (24 Hours)  
  
Kansas Department of Health and Environment 785.842.4600  
Northeast District Office, Lawrence, Kansas

**Federal Spill Response**

National Response Center (24 Hours) 800.424.8802  
EPA – Region VII (24 Hours) 913.281.0991

**Spill Response Contractors**

Haz-Mat Response (24 Hours) 800.229.5252

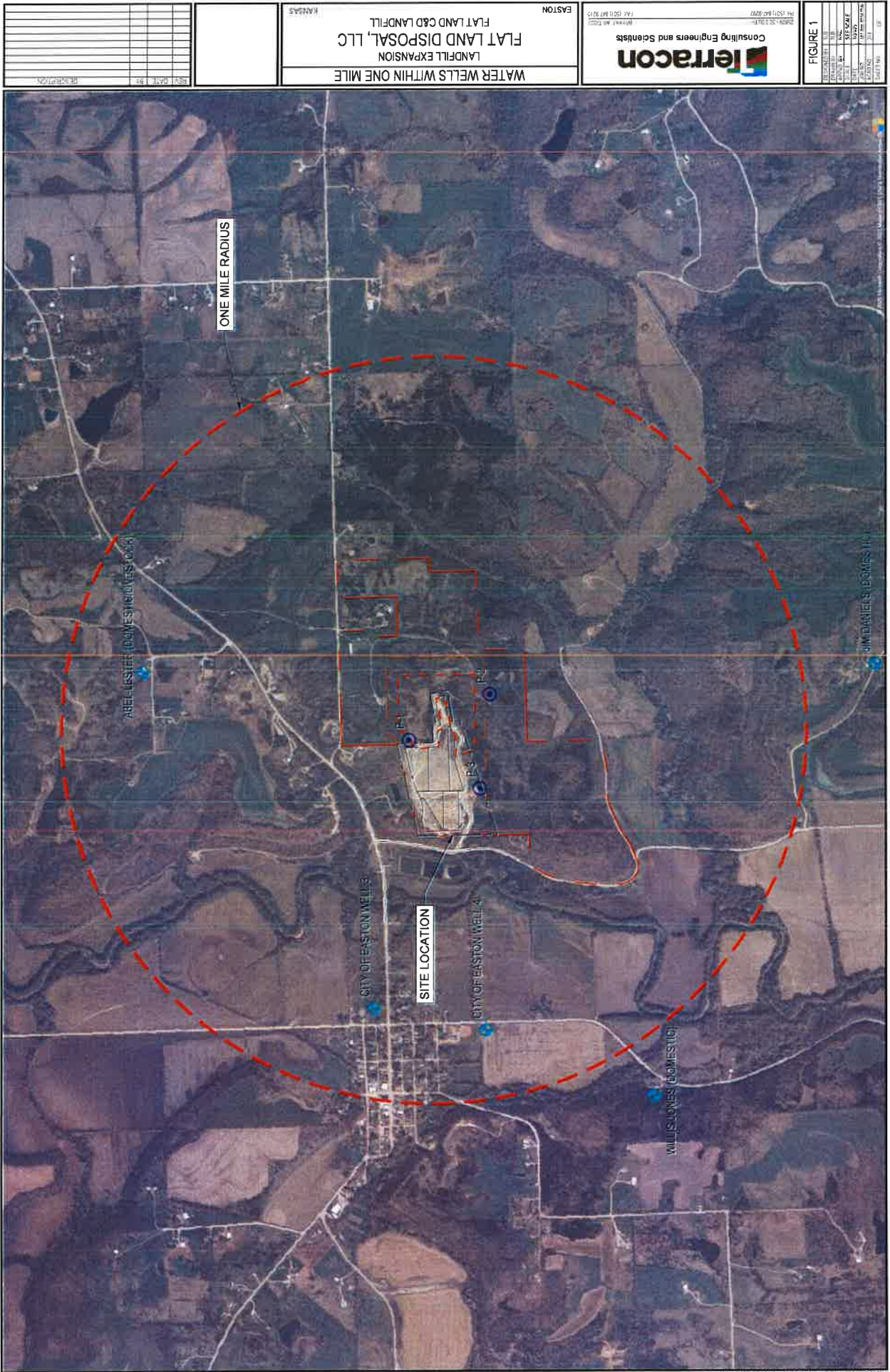
**Environmental Consultant**

Terracon Consultants, Inc. (Lenexa) 913.492.7443



## **Appendix G**

**Figure 1 Water Wells within One Mile**  
**Figure 2 Oil-Gas Wells within One Mile**



**FIGURE 1**

PROJECT NAME	FLAT LAND DISPOSAL, LLC
PROJECT NUMBER	FLD-001
DATE	10/10/2023
SCALE	1" = 1 MILE
BY	J. L. JONES
CHECKED BY	J. L. JONES
DATE	10/10/2023
APPROVED BY	J. L. JONES
DATE	10/10/2023

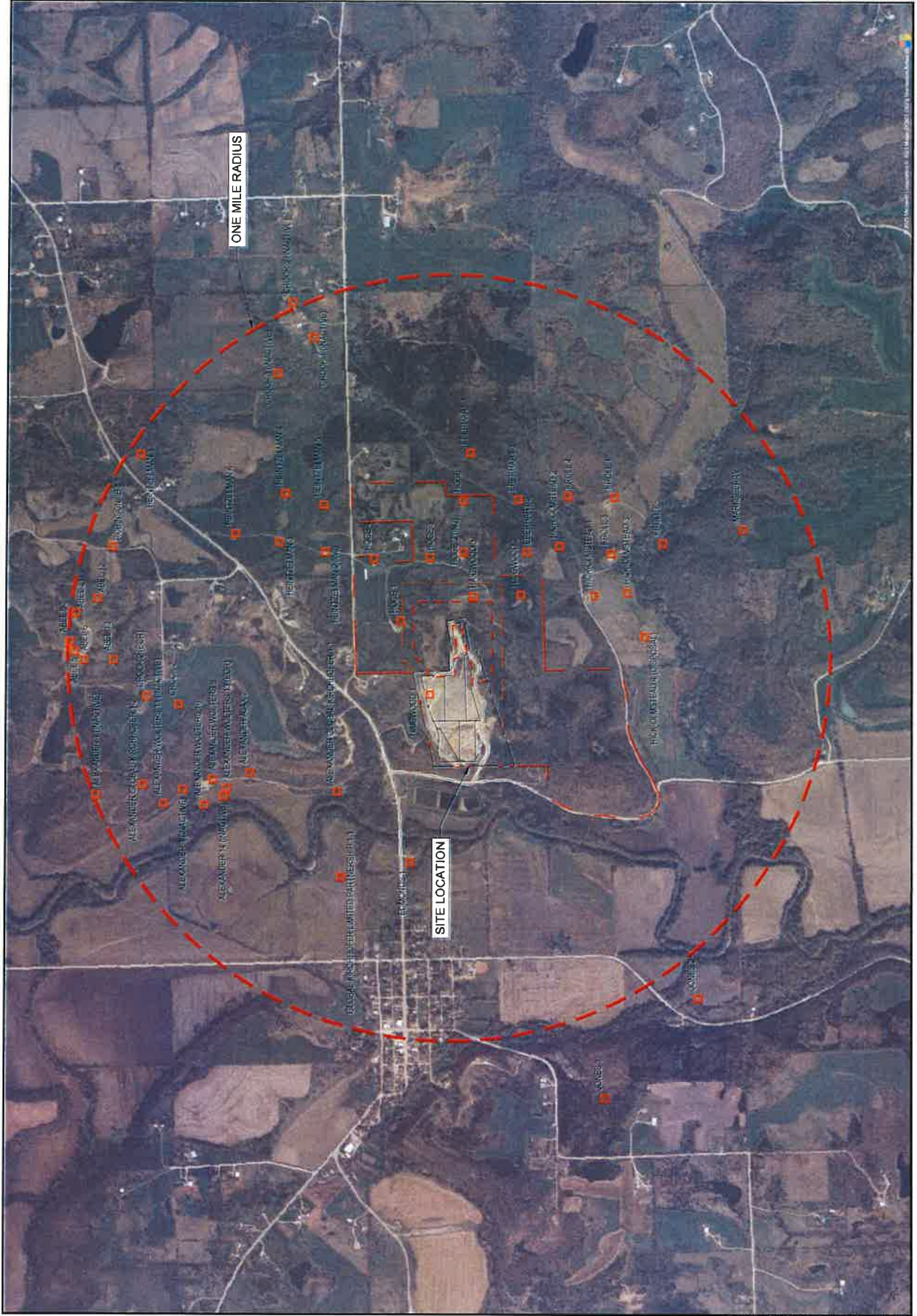
**Terracon**  
Consulting Engineers and Scientists  
10000 N. 10th Ave., Suite 100  
Denver, CO 80231  
Tel: (303) 750-8800  
Fax: (303) 750-8801  
www.terracon.com

**FLAT LAND DISPOSAL, LLC**  
LANDFILL EXPANSION  
FLAT LAND C&D LANDFILL  
EASTON  
KANSAS

REVISION	DATE	BY	DESCRIPTION
1	10/10/2023	J. L. JONES	Initial Map



FIGURE 2



### Contingency plan

Emergency	Response
Fire	In the case of a fire confined to the working face, Flat Land Excavating will initially attempt to extinguish the fire using landfill equipment. For larger fires, Flat Land Excavating may request assistance from the local fire department. Fire fighting will continue until all smoldering, smoking and burning ceases. If a fire is discovered, KDHE will be notified within one working day and a written report regarding the fire will be sent to KDHE within one week.
Spills	Spilled liquids will be contained using the site soils. The spill will be contained and the impacted soils cleaned up as appropriate. Spilled solid materials will be cleaned up using facility equipment, screened and placed in the C&D cell as appropriate. Spills of material detrimental to water quality or which could cause soil contamination will be immediately reported to the KDHE Bureau of Environmental Remediation at 785-296-0614.
Equipment breakdown	In the case of equipment breakdown that affects the working face activities, waste acceptance will cease once the screening area is full. Operations will resume once the equipment is repaired or a replacement for the broken equipment is obtained.
Personnel emergency	In the case of a personnel emergency that affects the waste screening or working face operation, waste acceptance will cease once the screening area is full or if personnel limitations prevent further screening activities. Waste acceptance will resume once the personnel emergency is resolved.
Weather	The landfill may be closed in the event of high winds, excessive snow, or other inclement weather. The Contingency Plan is in Appendix 5.



Narrative:  
SUP Request for Flat Land Excavating, LLC  
C&D Landfill

Owner Name: Flat Land Excavating, LLC

SUP Address: Off Turner Road  
00000 Turner Road  
Easton, KS 66002

Main Office Address: 13575 Gilman Road  
Lansing, KS 66043

Contact Information: Office: 913-351-3772  
Email: [christy@flatlandexcavating.com](mailto:christy@flatlandexcavating.com)  
Emergency Contact Numbers:  
Shawn Britz 816-918-4615  
Christy Britz 816-596-0559

This SUP permit application is presented as part of a comprehensive plan to maintain, operate and modernize the Flat Land Excavating C&D Landfill in Leavenworth County. The SUP request includes a potential expansion to the C&D landfill that will allow for continued operation and improvement of the facility in accordance with KDHE regulations. In furthering those efforts, Universal Waste Systems will become involved in the facility ownership, operation, and maintenance of the landfill.

The C&D landfill future plan would include additional landfill area added east of the existing landfill waste mass. A small expansion of the existing landfill will help the facility implement fire and odor control methods to help alleviate these issues in the future. KDHE has recommended this expansion as a necessary step to improving the landfill operation and to help reduce fire and odor issues in the future. The expansion area would be constructed and operated in a manner to be less visible from the surrounding properties. Additionally, site control berms and other features will be added to the expansion plans to help blend the landfill into the adjacent topography and minimize line of site directly to the working face.

An expanded and re-opened C&D disposal site will provide a beneficial service for citizens of Leavenworth County and the surrounding community. Since the facility has been closed, Flat Land has received 10 or more calls per week asking when the facility will resume accepting C&D waste. This site offers an economically beneficial option for C&D waste in Leavenworth County.

In addition, Flat Land Excavating is prepared to offer Leavenworth County a host fee for operation of the facility. We plan to install scales at the entrance as part of our facility improvement process and would offer the county a \$.25 per ton host fee on waste placed in the landfill, payable quarterly. Our facility is asking for ZERO tax breaks or incentives, and instead offering to become a source of income to the county budget.

The approval of this request will allow the facility to continue to provide waste management options to the citizens and businesses of Leavenworth County. The future designs will incorporate advanced waste disposal technologies and environmental controls. By providing local C&D waste disposal options, the

County can reduce its dependence on external waste management solutions, potentially saving costs associated with transporting waste over longer distances. This can lead to a more sustainable and cost-effective waste management strategy in the long run. Additionally, the potential tipping host fee can help generate revenue for the County.

The hours of operation would be Monday-Friday 7am to 6pm and Saturday 7 am to 5 pm. There will be no additional signage. A fire barrier will be maintained as directed by Chuck Magaha from Leavenworth County Emergency Management. There will be no additional parking needed. All employees will be parked at 31358 227<sup>th</sup> Street. All traffic will enter the site from private property at 31358 227<sup>th</sup> Street to reach the new areas. So, there will be no external traffic generated on these parcels.

**Additional Information On Adjoining Site**  
**31358 227<sup>th</sup> Street**

KDHE continues to regulate and inspect the facility and Flat Land continues to work through ongoing compliance plans with their guidance. At this time, the facility has an active C&D Landfill permit, with a current cease and desist order preventing the facility from accepting new fill material for disposal until the existing capacity issues are resolved and an expansion plan is approved. An expansion request has been recommended as the best path forward by KDHE. The SUP application is required by KDHE as part of the expansion application process for the state landfill permit. Additionally, the KDHE expansion application will require the County to sign a Solid Waste Management Plan approval sheet confirming the expansion meets the County's current Solid Waste Management Plan.

All parties are aware that the facility has had odor issues in the past. The facility is currently working through a Fire Mitigation and Response Plan with KDHE to help improve the overall condition of the existing landfill and help minimize the potential for future odor issues. The facility anticipates working through this plan during 2024 with KDHE input. It is anticipated that additional landfill cap (cover soils) will be constructed on portions of the site which will help in reducing the potential for future fire and odor issues. Generally, the fire and odor issues have been reduced in frequency and the facility is confident the continued work at the site will mitigate these issues in the future.

Controlling the odor and fire issues is the main focus of the facility moving forward. Universal Waste Systems is an experienced solid waste management company that has vast industry experience in California, New Mexico, and Arizona. Universal has been involved with discussions with KDHE on improving the facility upon purchase and has helped shape potential improvements for the facility in 2024 after an expansion application has been approved. Flat Land and Universal have met with KDHE and have meetings scheduled with KDHE to discuss future plans to move forward with implementation of the expansion and continued adherence with the Fire Mitigation and Response Plan.

The facility will continue to operate the active rock quarry at 31358 227<sup>th</sup> Street under its current permit.

Additional facility improvements will potentially include a new larger temporary office, installation of vehicle scales at the landfill entrance, installation of a new gate, landscaping at the entrance and along the northern perimeter of the property, and installation of a 500-gallon fuel tank placed at an agreed location with the local fire officials. These site improvements would be implemented in accordance with the SUP conditions and subsequent approvals.



## Universal Waste Systems, Inc

P O BOX 3038 • WHITTIER, CA 90605 (800) 631-7016

Telephone: (562) 205-4970 • Fax (562) 205-9237

January 31, 2025

Dear Planning and Zoning Staff and Commissioners:

Today we submit the requested follow up documents for our permit for expansion at the C&D Landfill in Easton, Kansas. This facility has provided construction and demolition waste disposal services in Leavenworth County for decades. We are excited about continuing that service and bringing new waste management ideas and solutions to the facility.

We are all aware of the challenges this facility has faced, but we are focused on a new and improved site moving forward. We have already invested a substantial amount of money and time into improving the facility, correcting existing issues and are looking forward to continuing those efforts going forward. We have put wheels in motion full force to continue the fire mitigation plan, maintain the site and prepare for the site to reopen and serve the residents of Leavenworth County.

Flat Land Disposal is a Universal Waste Systems Company. UWS leads the way in waste management in several markets in the western United States. Our company culture is centered around integrity and kindness and we are looking forward to bringing our experience and expertise to the area and implementing some new services and processes to advance local waste management solutions. We are good community partners, stewards of our environment and we've got lots of experience in doing things the right way and making residents proud to have us as a part of their community. Please let us know if you would like a reference or two to contact.

As the review process of this application unfolds, our team including Blackstone Environmental and Terracon would like to welcome county staff and commissioners to reach out to us with questions, concerns or suggestions. Successful projects require open communication, problem solving and vision. We would welcome a meeting at your office or ours. It is time for us to collaborate and work together to find solutions to move our community forward.

We look forward to hearing from you soon,

Mark Blackburn  
President



OWNER AUTHORIZATION

I/WE Flat Land Disposal, LLC / Mark Blackburn, hereby referred to as the  
"Undersigned", being of lawful age, do hereby on this 7<sup>th</sup> day of February, 2025, make the following  
statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of  
the following described real property

See Attachment "A" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Christy Britz Representat.  
for Flat Land Disposal, LLC (Hereinafter referred to as "Applicant"), to act on my/our behalf  
for the purpose of making application with the Planning Office of Leavenworth County, Kansas, \_\_\_\_\_  
064-28-0-00-00-002-08-0  
064-20-0-00-00-002-01-0 (common address) the subject real property, or portion  
thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily  
required of Applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County  
Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter  
collectively referred to as the "County"), free and harmless from and against any and all claims, losses,  
penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether  
false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any  
and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and  
character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of  
this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the  
Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any  
such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all  
other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual  
whose signature appears below for and on behalf of the corporation or partnership has in fact the  
authority to so bind the corporation or partnership to the terms and statements contained within this  
instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Owner

Owner

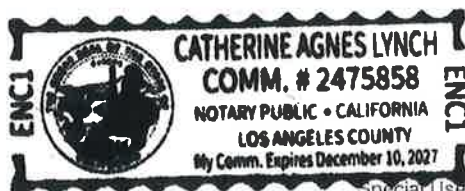
STATE OF KANSAS  
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 7<sup>th</sup> day of Feb., 2025,

by [Signature] / Catherine Lynch

My Commission Expires:

Notary Public



ATTACHMENT C



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/13/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Arthur J. Gallagher Risk Management Services, LLC 745 Francis Street San Luis Obispo CA 93401	<b>CONTACT NAME:</b> Erin Viker <b>PHONE (A/C. No. Ext):</b> 877-730-1222 <b>FAX (A/C. No):</b> 805-545-8224 <b>E-MAIL ADDRESS:</b>
<b>INSURED</b> FLATLAND EXCAVATING, LLC 13575 GILMAN RD Lansing KS 66043	<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Nautilus Insurance Company <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>
License#: 0D69293 FLATEXC-01	<b>NAIC #</b> 17370

**COVERAGES****CERTIFICATE NUMBER:** 386498097**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			GSP2036502-12	12/22/2023	2/20/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			FFX2036503-12	12/22/2023	2/20/2025	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N <input type="checkbox"/>	N / A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Evidence of Coverage Only

**CERTIFICATE HOLDER****CANCELLATION**

Leavenworth County  
Planning and Zoning Department  
Attn: Amy Allison  
300 Walnut Street, Suite 212  
County Courthouse  
Leavenworth KS 66048

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 04/01/2024

  
COUNTY CLERK

**Doc #: 2024R02078**  
**TERRILOIS MASHBURN**  
**REGISTER OF DEEDS**  
**LEAVENWORTH COUNTY, KANSAS**  
**RECORDED ON:**  
**04/01/2024 09:52:36 AM**  
**RECORDING FEE: 89.00**  
**PAGES: 5**

**WARRANTY DEED**  
(Statutory)

Kansas Secured Title, Inc. - Leavenworth  
TX0017626

**Flat Land Excavating LLC**, a limited liability company existing under the laws of the State of Kansas, and its principal place of business in the State of Kansas, hereby conveys and warrants to **Flatland Disposal LLC**, a Kansas limited liability company,

all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

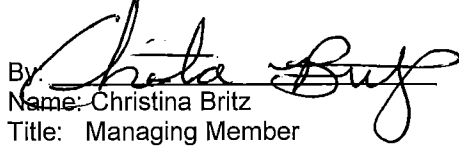
**See Exhibit "A" attached hereto and by this reference made a part hereof**

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

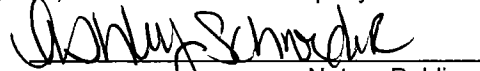
Dated this 28<sup>th</sup> day of March, 2024.

Flat Land Excavating LLC

By:   
Name: Christina Britz  
Title: Managing Member

State of Kansas, County of Leavenworth as §

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of March, 2024  
by Christina Britz, Managing Member of Flat Land Excavating LLC, on behalf of said company.

  
Notary Public  
Ashley Schroeder

My appointment expires:

4/9/2025

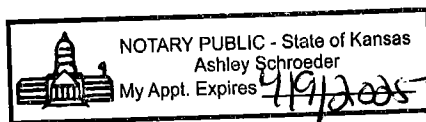




EXHIBIT "A"

PARCEL 1:

Tract 3:

A tract of land in the Northwest 1/4 of Section 20, Township 8 South, Range 21 East, Leavenworth County, Kansas, more fully described as follows:

Commencing at the Northwest corner of said NW 1/4: THENCE South 01° 35' 01" West for a distance of 2199.83 feet along the West line of said NW 1/4 to the TRUE POINT OF BEGINNING; thence South 01° 35' 01" West for a distance of 444.02 feet to the Southwest corner of said NW 1/4; thence North 89° 49' 33" East for a distance of 2691.12 feet to the Southeast corner of said NW 1/4; thence North 00° 07' 26" East for a distance of 1319.12 feet to the East 1/4 corner of said NW 1/4; thence North 89° 25' 39" West for a distance of 1077.99 feet along the South line of the Northeast 1/4 of said NW 1/4; thence South 09° 28' 05" East for a distance of 397.87 feet; thence South 73° 12' 23" West for a distance of 1743.61 feet to the point of beginning.

PARCEL 2:

The Northeast 1/4 of the Northwest 1/4 of Section 20, Township 8, Range 21, in Leavenworth County, Kansas, less any part thereof taken or used for road purposes,

ALSO

Commencing at the Northwest corner of the Northeast 1/4 of Section 20, Township 8, Range 21, in Leavenworth County, Kansas, running thence South along the West line of the Northeast 1/4 of said Section 20, 120 rods; thence East parallel with the North line of said Northeast 1/4 of said Section 20, 68 rods; thence North parallel with the West line of said Northeast 1/4 of said Section 20, 40 rods; thence East parallel with the North line of said Northeast 1/4 of said Section 20, 12 rods to the East line of the West 1/2 of said Section 20; thence North along the East line of said West 1/2 of the said Northeast 1/4 of said Section 20, 80 rods to the North line of said Northeast 1/4 of said Section 20; thence West along the North line of said Northeast 1/4 of Section 20 to the place of beginning, EXCEPT THE FOLLOWING DESCRIBED TRACT: Beginning at the North 1/4 corner of Section 20, Township 8, Range 21; thence South along the Half Section line, 1320 feet; thence East 20 feet; thence North 1320 feet; thence West 20 feet to the place of beginning, EXCEPT any part thereof taken or used for road purposes;

ALSO

W 20' of the NW 1/4 of the NE 1/4 less ROW, 20' x 1295', S20, T08, R21E, Leavenworth County, Kansas, LESS a tract legally described as follows:

Tract of land in the North Half of Section 20, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the North Quarter corner of said Section 20; thence North 88° 16' 28" East for a distance of 311.07 feet along the North line of the Northeast Quarter of said Section 20 to the TRUE POINT OF BEGINNING; thence South 01° 43' 32" East for a distance of 417.04 feet to a 1/2" Bar Cap LS- 1296; thence South 88° 16' 28" West for a distance of 91.72 feet to a 1/2" Bar Cap LS-1296; thence South 01° 43' 32" East for a distance of 454.76 feet to a 1/2" Bar Cap LS-1296; thence North 88° 16' 28" East for a distance of 559.74 feet to a 1/2" Bar Cap LS-1296; thence North 01° 43' 32" West for a distance of 871.73 feet to the North line of said Northeast Quarter; thence South 88° 16' 28" West for a distance of 468.01 feet along said North line to the point of beginning.

ALSO LESS

A tract of land lying in the Northwest Quarter of Section 20, Township 8 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas, described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence South 01° 04' 05" East, along the West line of said Northwest Quarter, a distance of 1060.70 feet; thence North 77° 13' 01" East, 1340.86 feet; thence South 01° 09' 37" East, 511.49 feet; thence North 88° 24' 31" East, 241.13 feet; thence South 11° 00' 08" East, 50.00 feet to the point of beginning; thence continue South 11° 00' 08" East, 245.00 feet; thence North 78° 59' 52" East 450.00 feet; thence North 11° 00' 08" West, 245.00 feet;

thence South 78° 59' 52" West 450.00 feet to the point of beginning. Less that part if any taken or used for roads.

PARCEL 3:

TRACT 1:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 SOUTH, RANGE 23 EAST OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9, RANGE 23; THENCE SOUTH 89°48'15" WEST 525.00 FEET ALONG THE SECTION LINE; THENCE SOUTH 00°11'22" WEST 468.40 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE SOUTH 00°11'22" WEST 468.40 FEET; THENCE SOUTH 89°48'15" WEST 465.00 FEET; THENCE NORTH 00°11'22" EAST 468.40 FEET; THENCE NORTH 89°48'15" EAST 465.00 FEET TO THE POINT OF BEGINNING, AS SHOWN BY SURVEY BY KEN HERRING DATED JANUARY 28, 1994.

TRACT 2:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 SOUTH, RANGE 23 EAST OF THE 6TH P.M., CITY OF LANSING, LEAVENWORTH COUNTY, KANSAS, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 88°15'15" WEST FOR A DISTANCE OF 499.31 FEET ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 01°25'45" EAST FOR A DISTANCE OF 468.40 FEET ALONG THE WEST LINE OF 136TH STREET TO THE TRUE POINT OF BEGINNING, SAID ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND RECORDED IN DEED BOOK 968 PAGE 163; THENCE CONTINUING SOUTH 01°25'45" EAST FOR A DISTANCE OF 695.58 FEET ALONG SAID WEST LINE OF 136TH STREET TO THE NORTH LINE OF A TRACT OF LAND RECORDED IN DEED BOOK 729 PAGE 918; THENCE SOUTH 88°01'21" WEST FOR A DISTANCE OF 491.82 FEET ALONG SAID NORTH LINE TO EAST LINE OF A TRACT OF LAND RECORDED IN DEED BOOK 770 PAGE 669; THENCE NORTH 01°23'49" WEST FOR A DISTANCE OF 229.16 FEET ALONG SAID EAST LINE; THENCE NORTH 88°15'15" EAST FOR A DISTANCE OF 465.00 FEET; THENCE NORTH 01°23'48" WEST FOR A DISTANCE OF 468.41 FEET TO THE SOUTH LINE OF SAID TRACT DEED BOOK 968 PAGE 163; THENCE NORTH 88°15'15" EAST FOR A DISTANCE OF 26.41 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

Said tracts 1 and 2 as shown on Survey by Herring Survey Company recorded as Doc. No. 2017S052.

TRACT 3:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 21 EAST OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN ALUMINUM MONUMENT FOUND AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE SOUTH 01°04'05" EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1060.70 FEET TO THE SOUTH LINE OF TRACT RECORDED IN BOOK 727 AT PAGE 1738 IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS AND THE POINT OF BEGINNING; THENCE NORTH 77°13'01" EAST, ALONG THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 1340.86 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20 AND WEST LINE OF TRACT RECORDED IN BOOK 677 AT PAGE 2107 IN SAID OFFICE OF THE REGISTER OF DEEDS; THENCE SOUTH 01°09'37" EAST, ALONG SAID WEST LINE, A DISTANCE OF 511.49 FEET TO THE CENTER CORNER OF SAID NORTHWEST QUARTER AND THE SOUTHWEST CORNER OF SAID TRACT IN BOOK 677 AT PAGE 2107; THENCE NORTH 88°02'43" EAST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER AND THE SOUTH LINE OF SAID TRACT IN BOOK 677 AT PAGE 2107, A DISTANCE OF

241.13 FEET TO THE NORTHWEST CORNER OF TRACT RECORDED IN BOOK 727 AT PAGE 1894 IN SAID OFFICE OF THE REGISTER OF DEEDS; THENCE SOUTH 11°00'08" EAST, ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 390.20 FEET; THENCE SOUTH 71 °40'20" WEST, ALONG THE NORTH LINE OF THE WESTERLY PORTION OF SAID TRACT RECORDED IN BOOK 727 AT PAGE 1894, A DISTANCE OF 1698.68 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING 437.78 NORTH 01°04'05" WEST FROM AN IRON BAR FOUND AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 01 °04'05" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1125.39 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD.

TRACT 4:

A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 21 EAST OF THE 6TH P.M. IN LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 01°04'05" EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1060.70 FEET; THENCE NORTH 77°13'01" EAST, 1340.86 FEET; THENCE SOUTH 01°09'37" EAST, 511.49 FEET; THENCE NORTH 88°24'31" EAST, 241.13 FEET; THENCE SOUTH 11°00'08" EAST, 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 11 °00'Q8" EAST 245.00 FEET; THENCE NORTH 78°59'52" EAST 450.00 FEET; THENCE NORTH 11°00'08" WEST 245.00 FEET; THENCE SOUTH 78°59'52" WEST 450.00 FEET TO THE POINT OF BEGINNING

Said Tracts 3 and 4 as shown on Survey by Randall R. Kanak recorded as Doc. No. 2009S0033.


## Tax History Inquiry for FLAT LAND DISPOSAL LLC

[View Parcel Information](#) --- [Tax Search Page](#)

Property Address											
TURNER RD											
Tax ID		Sec-Twn-Rng	Sub	Blk	Lot	Description				Parcel Id/Cama	Parcel Classes
2024 RealEstate - 37336		20-08-21E				S20, T8, R21E, ACRES 84.57, BEG 1350'(S); E OF NW COR SEC 20: E1622.7', S417'; W91.7', S454.7', E559.7', N871.7'; E542.1', S1320', W198', S660', W1122'				064-20-0-00-00-002.01-0	Agricultural Real Estate
Tax Unit	USD	Cty/Twn	Assessed Valuation	Mill Levy	Ad Valorem	Special Assessments	Total Tax	Total Paid	DIQ	Book-Page	Date of Transfer
030	449	EASTON TOWNSHIP	\$6241	108.608	\$677.82	\$0	Amount \$677.82	Amount \$677.82	No	0754 - 0541	0

[Click here for Additional Years](#)

[View Parcel Information](#) --- [Tax Search Page](#)

Tax Search powered by  **Aumentum**  
TECHNOLOGIES



Tax History Inquiry for FLAT LAND DISPOSAL LLC


[View Parcel Information](#) --- [Tax Search Page](#)

<table><tr><th colspan="12">Property Address</th></tr><tr><td colspan="12">OFF TURNER RD</td></tr></table>												Property Address												OFF TURNER RD											
Property Address																																			
OFF TURNER RD																																			
Tax ID		Sec-Twn-Rng	Sub	Blk	Lot	Description				Parcel Id/Cama	Parcel Classes																								
2024 RealEstate - 00943		20-08-21E				S20, T08, R21E, ACRES 52.56, BEG SW CORN; NW1/4: N430'(S), NE1740'(S), N90'(S);, NE450'(S), N200'(S), E600'(S), S1280'(S); , W TO POB				064-20-0-00-00-002.00-0	Vacant Real Estate																								
Tax Unit	USD	Cty/Twn	Assessed Valuation	Mill Levy	Ad Valorem	Special Assessments	Total Tax	Total Paid	DIQ	Book-Page	Date of Transfer																								
030	449	EASTON TOWNSHIP	\$29866	108.608	\$3243.7	\$0	Amount \$3243.7	Amount \$1621.85	No	0754 - 0541	0																								

[Click here for Additional Years](#)

[View Parcel Information](#) --- [Tax Search Page](#)

Tax Search powered by

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Laura Kelly, Governor  
Mark A. Burghart, Secretary  
[www.ksrevenue.gov](http://www.ksrevenue.gov)

# CERTIFICATE OF TAX CLEARANCE

Flat Land Disposal, LLC

ISSUE DATE  
02/10/2025

TRANSACTION ID  
TRX7-BPPE-7GKH

CONFIRMATION NUMBER  
CNDS-3AH2-MJXM

**TAX CLEARANCE VALID THROUGH 05/11/2025**

*Verification of this certificate can be obtained on our website, [www.ksrevenue.org](http://www.ksrevenue.org),  
or by calling the Kansas Department of Revenue at 785-296-3199*

KDHE PERMIT NO. 862

FLAT LAND DISPOSAL, LLC C&D LANDFILL  
LANDFILL PERMIT MODIFICATION  
PROPOSED EXPANSION

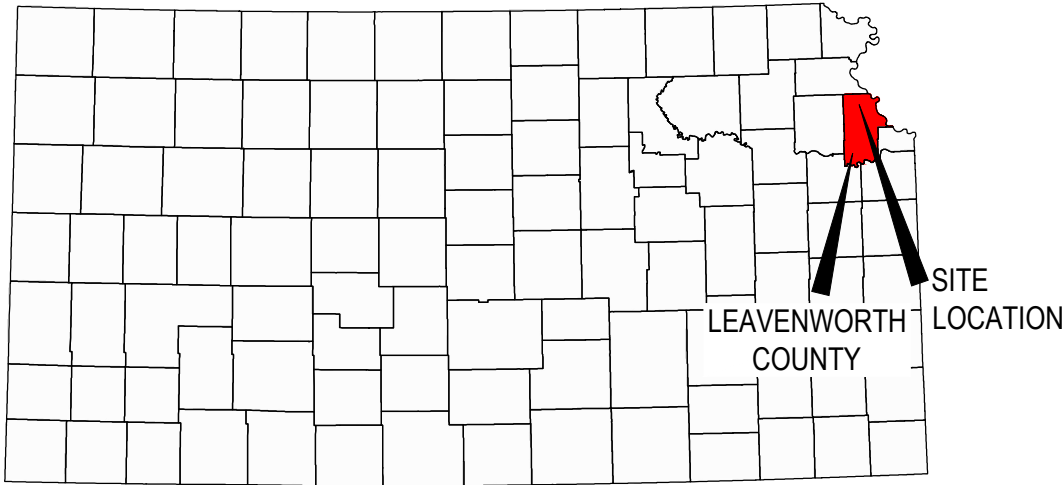
SHEET INDEX

- 1 COVER SHEET
- 2 EXISTING CONDITIONS
- 3 LANDSCAPE AND ACCESS ROAD IMPROVEMENTS
- 4 SITE PLAN
- 5 PROPOSED BASE GRADE
- 6 PROPOSED STORMWATER IMPROVEMENTS
- 7 PIOZOMETER GROUNDWATER - APRIL 4, 2025
- 8 PROPOSED TOP OF WASTE
- 9 PROPOSED TOP OF COVER
- 10 CROSS SECTIONS A-A' & B-B'
- 11 CROSS SECTIONS C-C' & D-D'
- 12 DETAILS

MAY 2025  
PROJECT NO. 02247246

PROFESSIONAL ENGINEER'S CERTIFICATION

"I CERTIFY TO THE BEST OF MY PROFESSIONAL JUDGMENT THAT THIS DRAWING SET PROPERLY ADHERE TO ESTABLISHED, SOUND ENGINEERING PRACTICES. THIS CERTIFICATION IS CONTINGENT ON THE FACT THAT ALL INFORMATION SUPPLIED TO THE SIGNATORY AUTHORITY, UP TO THE DATE OF THIS CERTIFICATION, IS UNQUESTIONABLY ACCURATE AND WAS PROVIDED IN GOOD FAITH."



VICINITY MAP  
N.T.S.

PREPARED FOR:  
  
FLAT LAND DISPOSAL, LLC  
31358 227TH ST  
EASTON, KANSAS 66020



SITE LOCATION MAP  
SCALE: N.T.S.

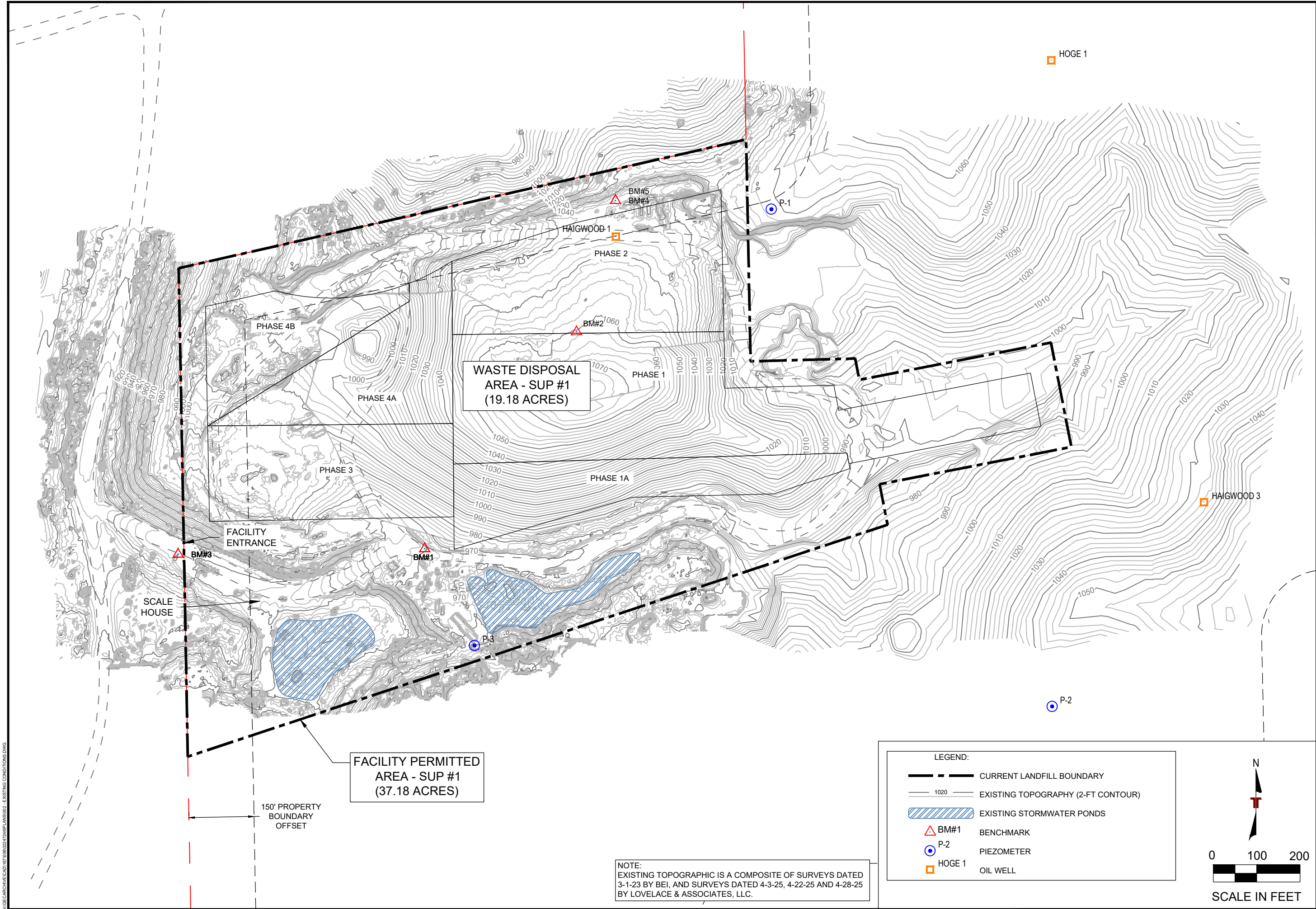
PREPARED BY:

15620 W. 113TH STREET  
PH. (913) 492-7777

LENEXA, KANSAS 66219  
FAX. (913) 492-7443



\\NGCARCHIVE\CAD\167-006-02247246P-ANS\02 - EXISTING CONDITIONS.DWG



NOTE:  
EXISTING TOPOGRAPHIC IS A COMPOSITE OF SURVEYS DATED 3-1-23 BY BEI, AND SURVEYS DATED 4-3-25, 4-22-25 AND 4-28-25 BY LOVELACE & ASSOCIATES, LLC.

LEGEND:

- CURRENT LANDFILL BOUNDARY
- 1020 --- EXISTING TOPOGRAPHY (2-FT CONTOUR)
- EXISTING STORMWATER PONDS
- BM#1 BENCHMARK
- P-2 PIEZOMETER
- HOGE 1 OIL WELL

N

0 100 200

SCALE IN FEET

REV	DATE	BY	DESCRIPTION
1	5-9-25	KRC	UPDATE TOPO

EXISTING CONDITIONS

LANDFILL EXPANSION

FLAT LAND DISPOSAL, LLC

FLAT LAND C&D LANDFILL

EASTON KANSAS

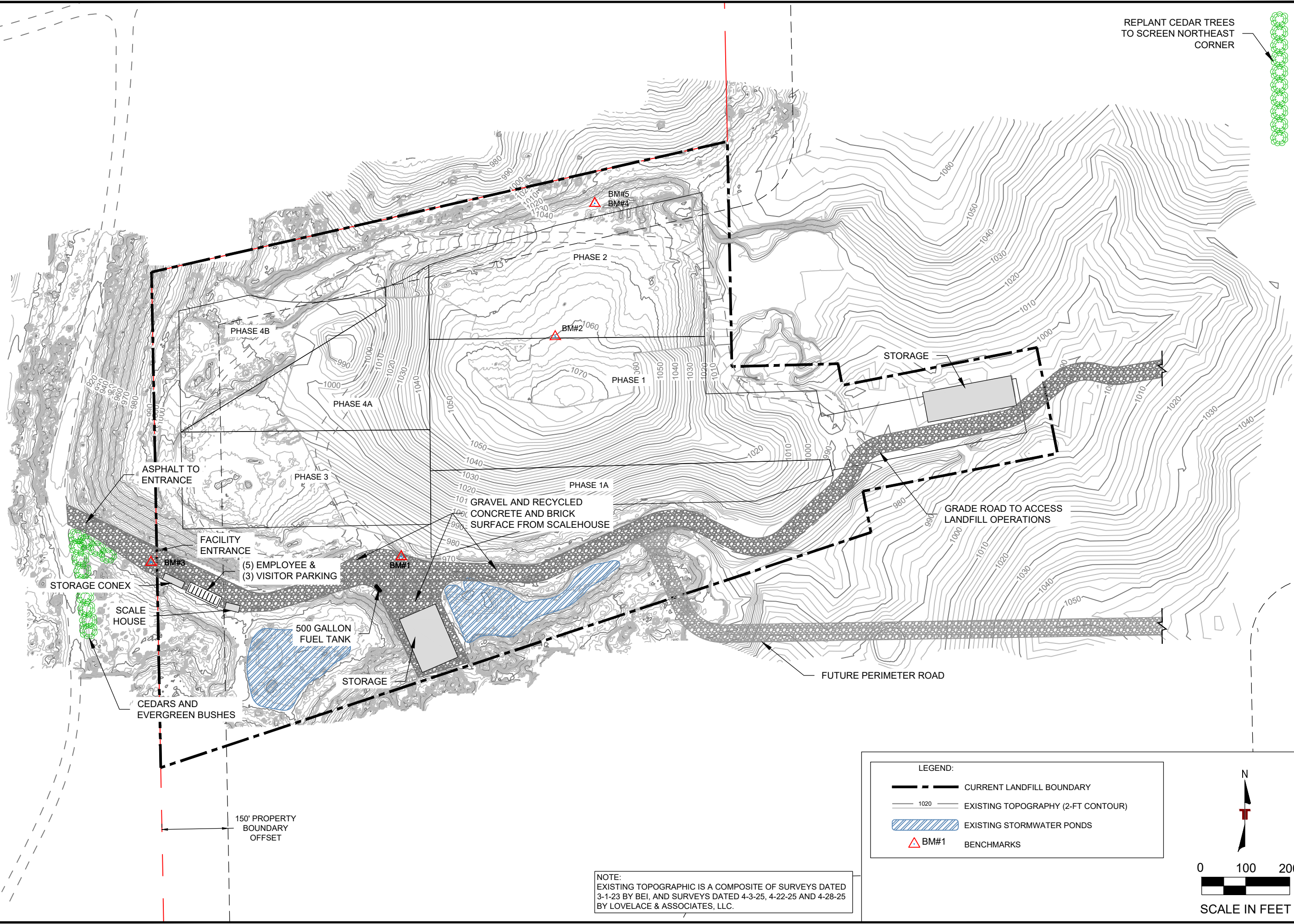
**ierracon**  
Consulting Engineers and Scientists

25809 I-30 SOUTH  
PH. (501) 847-9292  
BRYANT, AR 72022  
FAX. (501) 847-9210

DRAWING 2	
DESIGNED BY:	TLB
DRAWN BY:	TLB
APPVD. BY:	KRC
SCALE:	N.T.S
DATE:	5/9/25
JOB NO.:	167-006-02247246
ACAD NO.:	02247246
SHEET NO.:	2 OF 12



\\NGC\ARCHIVE\CAD\1671006-02247246\LANDS\02 - EXISTING CONDITIONS.DWG



NOTE:  
EXISTING TOPOGRAPHIC IS A COMPOSITE OF SURVEYS DATED 3-1-23 BY BEI, AND SURVEYS DATED 4-3-25, 4-22-25 AND 4-28-25 BY LOVELACE & ASSOCIATES, LLC.

LEGEND:

- CURRENT LANDFILL BOUNDARY
- 1020 EXISTING TOPOGRAPHY (2-FT CONTOUR)
- EXISTING STORMWATER PONDS
- BM#1 BENCHMARKS

N

0 100 200

SCALE IN FEET

REV	DATE	BY	DESCRIPTION
1	5-9-25	KRC	UPDATE TOPO & TREE PLANTING NOTE

LANDSCAPING & ACCESS ROAD IMPROVEMENTS

LANDFILL EXPANSION

FLAT LAND DISPOSAL, LLC

FLAT LAND C&D LANDFILL

EASTON KANSAS

**ierracon**

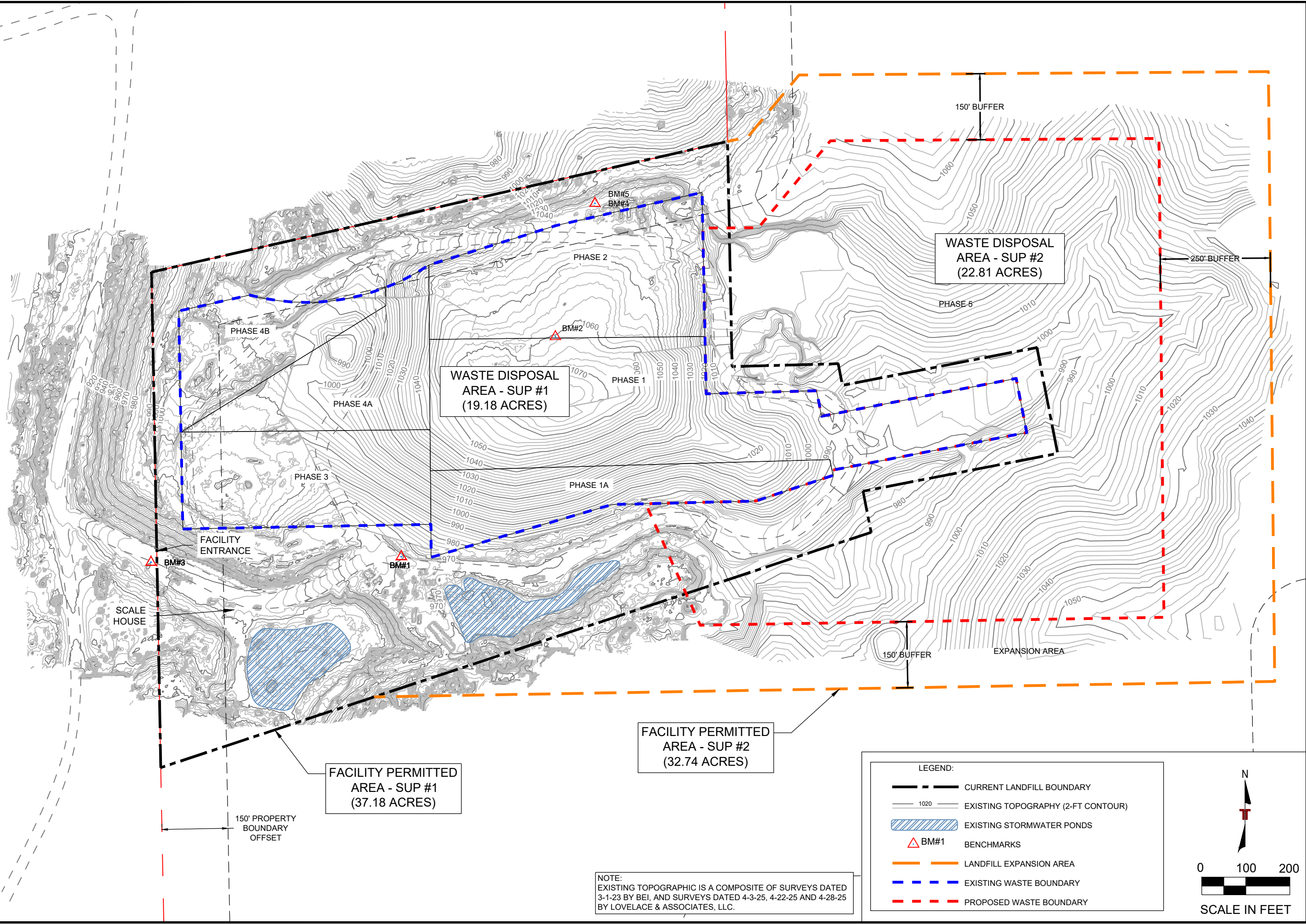
Consulting Engineers and Scientists

25809 I-30 SOUTH  
PH. (501) 847-9292  
BRYANT, AR 72022  
FAX. (501) 847-9210

DRAWING 3	
DESIGNED BY:	TLB
DRAWN BY:	TLB
APPVD. BY:	KRC
SCALE:	N.T.S.
DATE:	5/9/25
JOB NO.:	167-006-02247246
ACAD NO.:	02247246
SHEET NO.:	3 OF 12



\\NGCARCHIVE\CAD\1671006\02247246P.LANS\02 - EXISTING CONDITIONS.DWG



REV	DATE	BY	DESCRIPTION
1	5-9-25	KRC	UPDATE TOPO

SITE PLAN

LANDFILL EXPANSION

FLAT LAND DISPOSAL, LLC

FLAT LAND C&D LANDFILL

EASTON KANSAS

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Consulting Engineers and Scientists

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PH. (501) 847-9292  
BRYANT, AR 72022  
FAX. (501) 847-9210

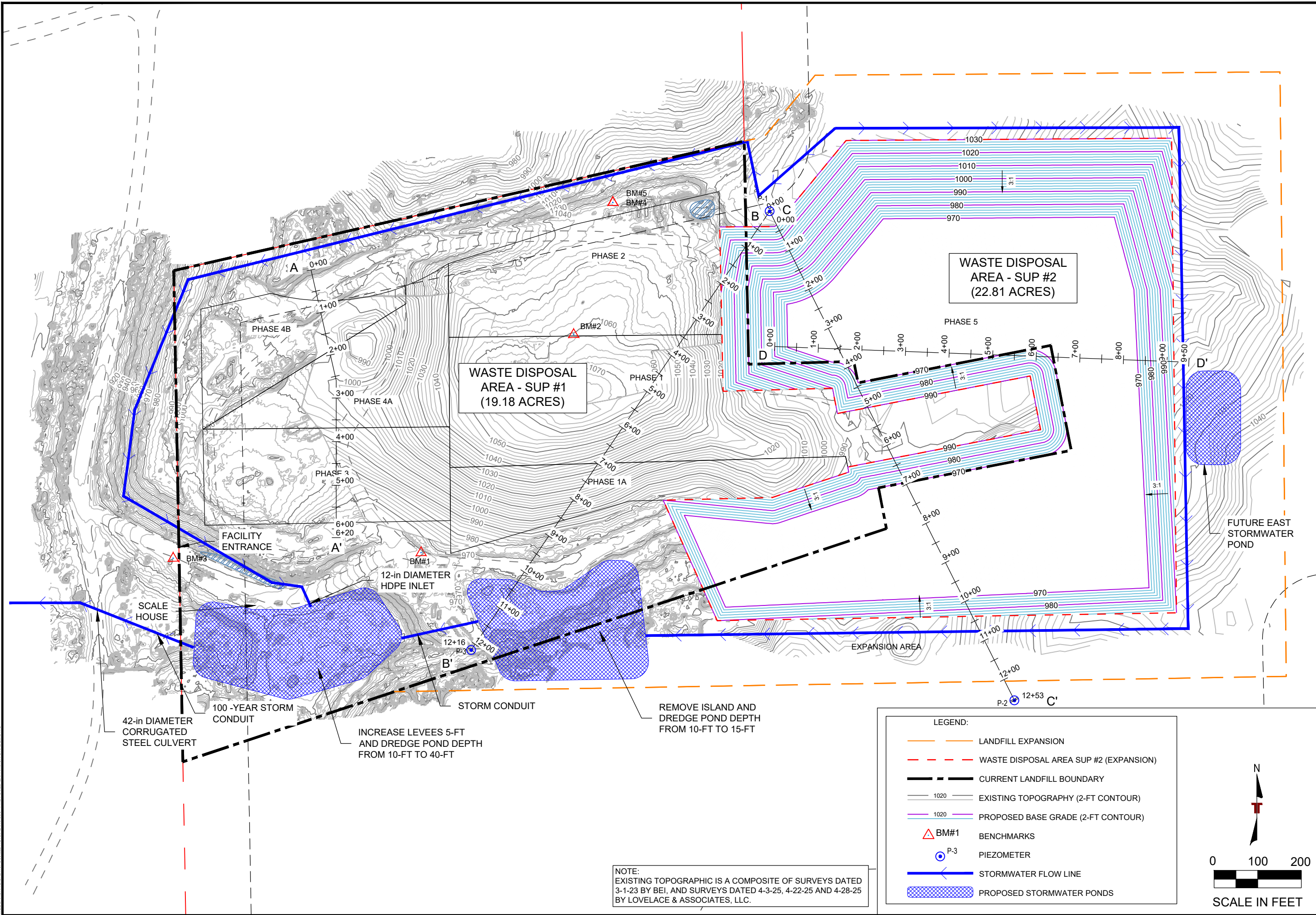
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DRAWN BY:	TLB
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DATE:	5/9/25
JOB NO.:	167-006-02247246
ACAD NO.:	02247246
SHEET NO.:	4 OF 12







\\GCC\ARCHIVE\CAD\1671006\2024\246P\ANS\03 - PROPOSED EXPANSION GRADES.DWG



REV	DATE	BY	DESCRIPTION
1	5-9-25	KRC	UPDATE TOPO

**PROPOSED STORMWATER IMPROVEMENTS**

**LANDFILL EXPANSION**

**FLAT LAND DISPOSAL, LLC**

**FLAT LAND C&D LANDFILL**

**EASTON**

**KANSAS**

**ierracon**  
Consulting Engineers and Scientists

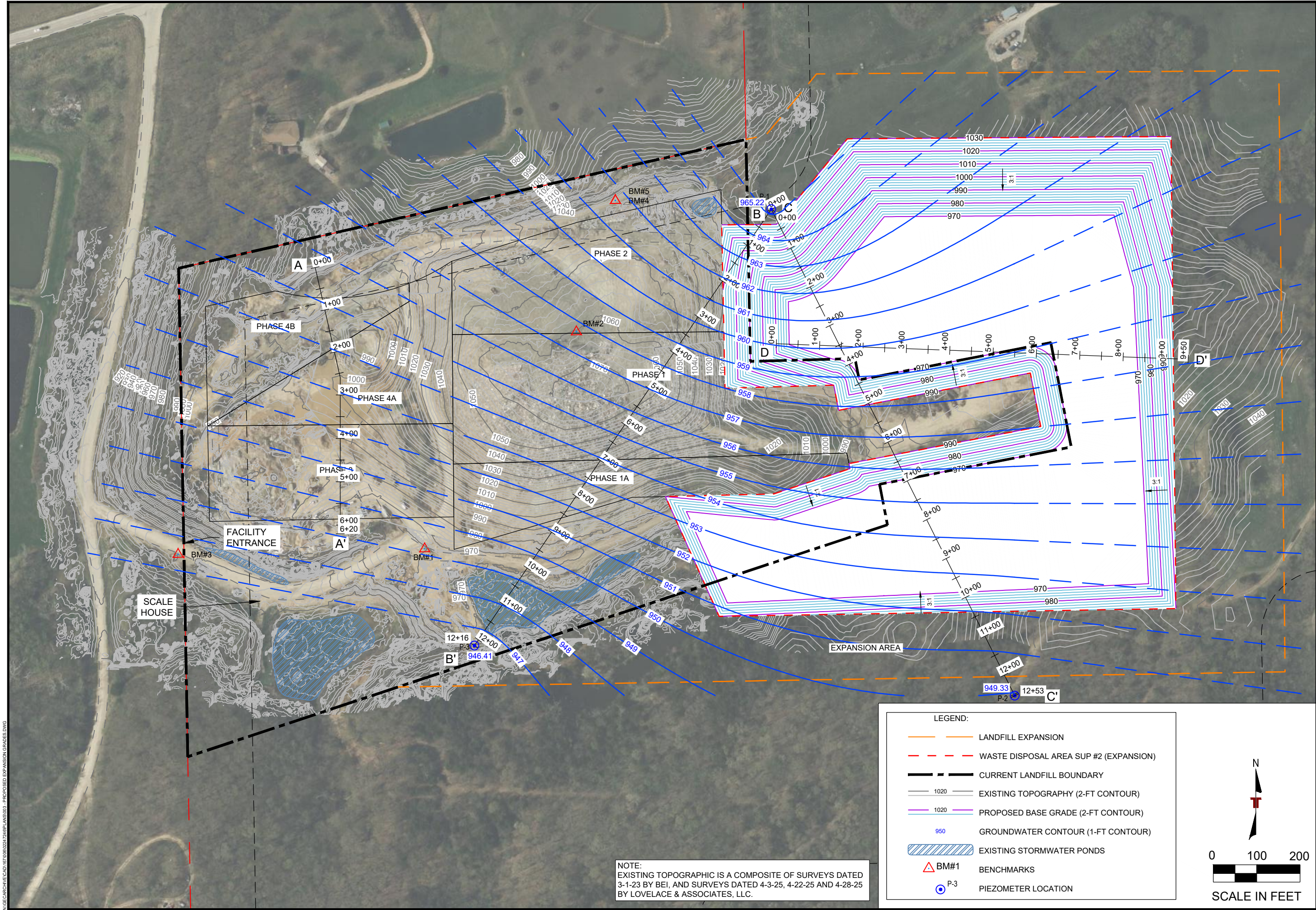
25809130 SOUTH  
PH. (601) 847-9292

BRYANT, AR 72022  
FAX. (501) 847-9210

DESIGNED BY:	TLB
DRAWN BY:	TLB
APPVD. BY:	KRC
SCALE:	N.T.S.
DATE:	5/9/25
JOB NO.:	167-006-02247246
ACAD NO.:	02247246
SHEET NO.:	6 OF 12



N:\CADD\PROJECTS\2024\247246\FLAT LAND C&D LANDFILL\PROPOSED EXPANSION GRADES.DWG



NOTE:  
EXISTING TOPOGRAPHIC IS A COMPOSITE OF SURVEYS DATED 3-1-23 BY BEI, AND SURVEYS DATED 4-3-25, 4-22-25 AND 4-28-25 BY LOVELACE & ASSOCIATES, LLC.

LEGEND:

- LANDFILL EXPANSION
- WASTE DISPOSAL AREA SUP #2 (EXPANSION)
- CURRENT LANDFILL BOUNDARY
- 1020 EXISTING TOPOGRAPHY (2-FT CONTOUR)
- 1020 PROPOSED BASE GRADE (2-FT CONTOUR)
- 950 GROUNDWATER CONTOUR (1-FT CONTOUR)
- EXISTING STORMWATER PONDS
- BM#1 BENCHMARK
- P-3 PIEZOMETER LOCATION

0 100 200  
SCALE IN FEET

N

PIEZOMETER GROUNDWATER - APRIL 4, 2025

LANDFILL EXPANSION

FLAT LAND DISPOSAL, LLC

FLAT LAND C&D LANDFILL

EASTON KANSAS

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BRYANT, AR 72022  
FAX. (501) 847-9210

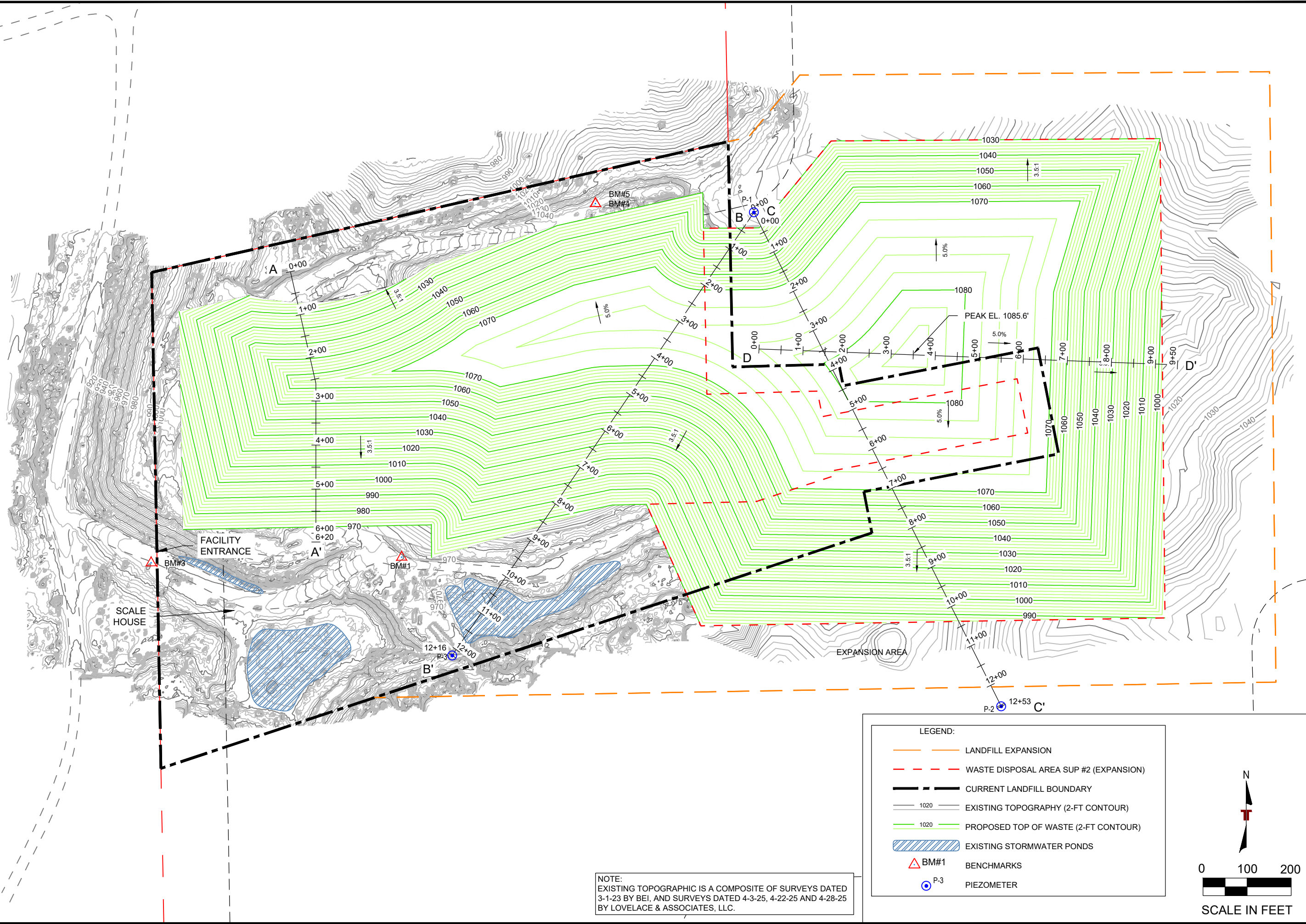
REV.	DATE	BY	DESCRIPTION
1	5-9-25	KRC	UPDATE TOPO & GROUNDWATER ELEVATIONS

DRAWING 7

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DRAWN BY:	TLB
APPVD. BY:	KRC
SCALE:	N.T.S.
DATE:	5/9/25
JOB NO.:	167-006-02247246
ACAD NO.:	02247246
SHEET NO.:	7 OF 12



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NOTE:  
EXISTING TOPOGRAPHIC IS A COMPOSITE OF SURVEYS DATED  
3-1-23 BY BEI, AND SURVEYS DATED 4-3-25, 4-22-25 AND 4-28-25  
BY LOVELACE & ASSOCIATES, LLC.

LEGEND:

- LANDFILL EXPANSION
- WASTE DISPOSAL AREA SUP #2 (EXPANSION)
- CURRENT LANDFILL BOUNDARY
- EXISTING TOPOGRAPHY (2-FT CONTOUR)
- PROPOSED TOP OF WASTE (2-FT CONTOUR)
- EXISTING STORMWATER PONDS
- BM#1 BENCHMARKS
- P-3 PIEZOMETER

0 100 200  
SCALE IN FEET

N

REV	DATE	BY	DESCRIPTION
1	5-9-25	KRC	UPDATE TOPO

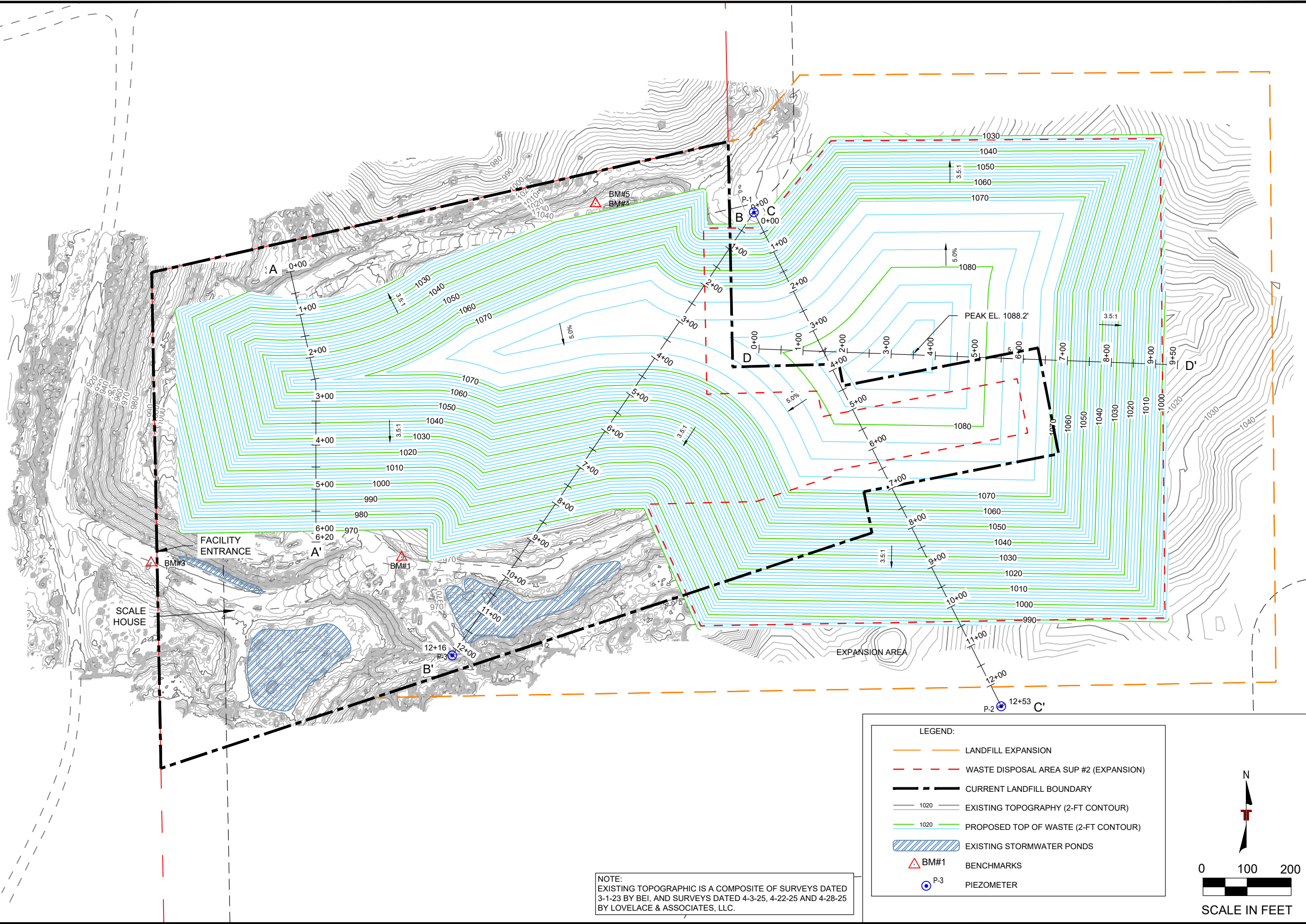
PROPOSED TOP OF WASTE  
LANDFILL EXPANSION  
FLAT LAND DISPOSAL, LLC  
FLAT LAND C&D LANDFILL  
EASTON KANSAS

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BRYANT, AR 72022  
FAX. (601) 847-9210

DRAWING 8	
DESIGNED BY:	TLB
DRAWN BY:	TLB
APPVD. BY:	KRC
SCALE:	N.T.S
DATE:	5/9/25
JOB NO.	167-006-02247246
ACAD NO.	02247246
SHEET NO.:	8 OF 12



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NOTE:  
EXISTING TOPOGRAPHIC IS A COMPOSITE OF SURVEYS DATED  
3-1-23 BY BEI, AND SURVEYS DATED 4-3-25, 4-22-25 AND 4-28-25  
BY LOVELACE & ASSOCIATES, LLC.

LEGEND:

- LANDFILL EXPANSION
- WASTE DISPOSAL AREA SUP #2 (EXPANSION)
- CURRENT LANDFILL BOUNDARY
- EXISTING TOPOGRAPHY (2-FT CONTOUR)
- PROPOSED TOP OF WASTE (2-FT CONTOUR)
- EXISTING STORMWATER PONDS
- BM#1 BENCHMARK
- P-3 PIEZOMETER

0 100 200  
SCALE IN FEET

N

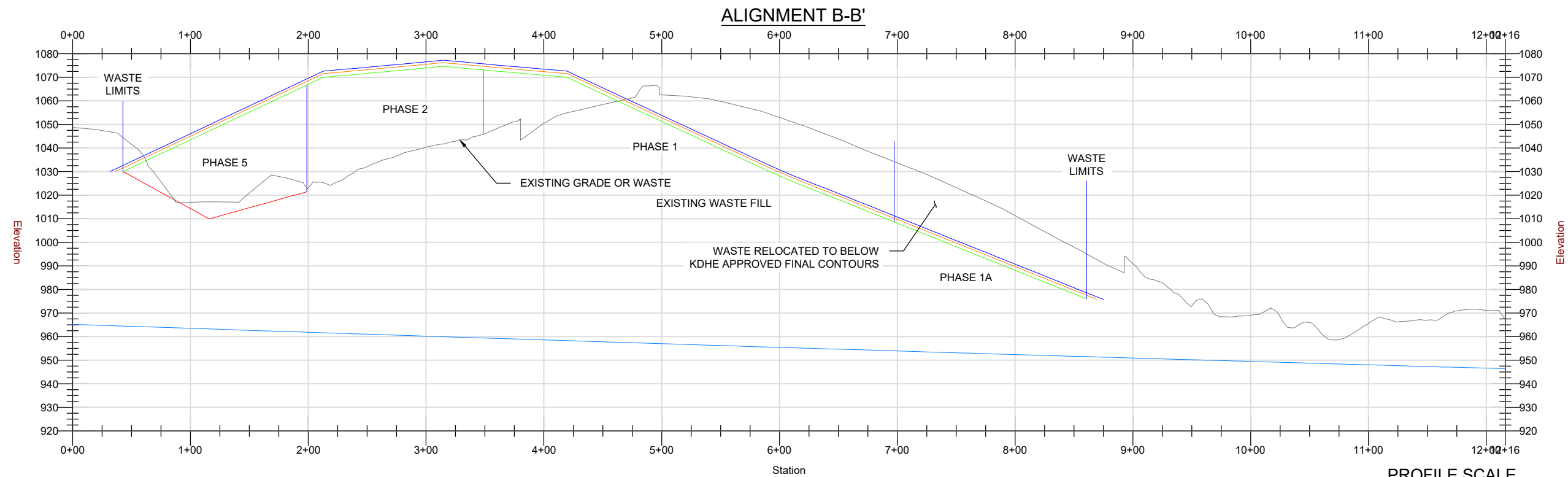
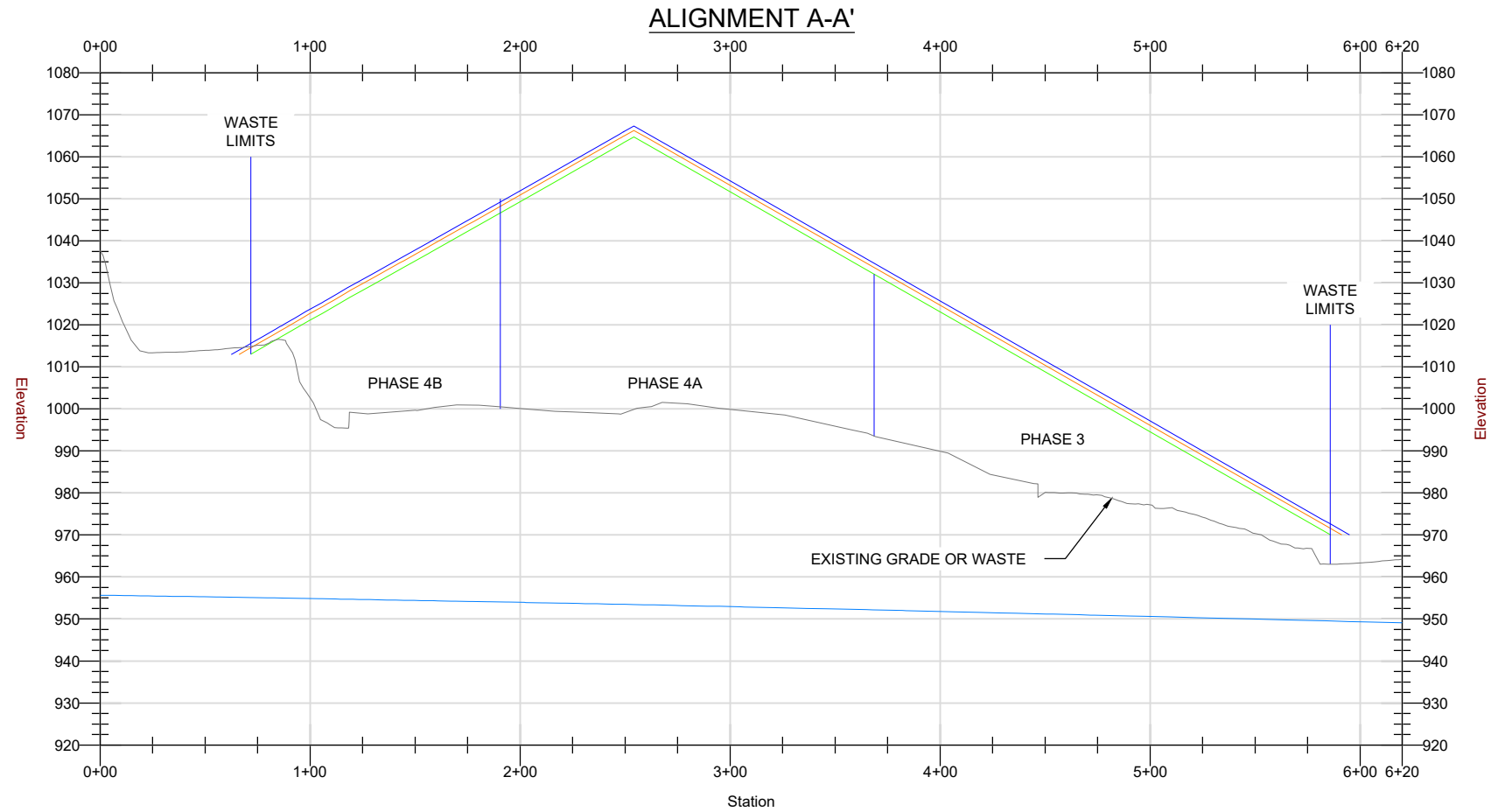
REV	DATE	BY	DESCRIPTION
1	5-9-25	KRC	UPDATE TOPO

PROPOSED TOP OF COVER  
LANDFILL EXPANSION  
FLAT LAND DISPOSAL, LLC  
FLAT LAND C&D LANDFILL

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PH. (501) 847-9292  
BRYANT, AR 72022  
FAX. (501) 847-9210

DRAWING 9			
DESIGNED BY:	TLB		
DRAWN BY:	TLB		
APPVD. BY:	KRC		
SCALE:	N.T.S		
DATE:	5/9/25		
JOB NO.	167-006-02247246		
ACAD NO.	02247246		
SHEET NO.:	9	OF	12

N:\CADD\ARCHIVE\CADD\167\006\02247246\JANS\03 - PROPOSED EXPANSION GRADES.DWG



REV		DATE	BY	DESCRIPTION
1		5-9-25	KRC	UPDATE TOPO & GROUNDWATER ELEVATIONS

CROSS SECTIONS A-A' & B-B'

LANDFILL EXPANSION

**FLAT LAND DISPOSAL, LLC**

FLAT LAND C&D LANDFILL

KANSAS

EASTON

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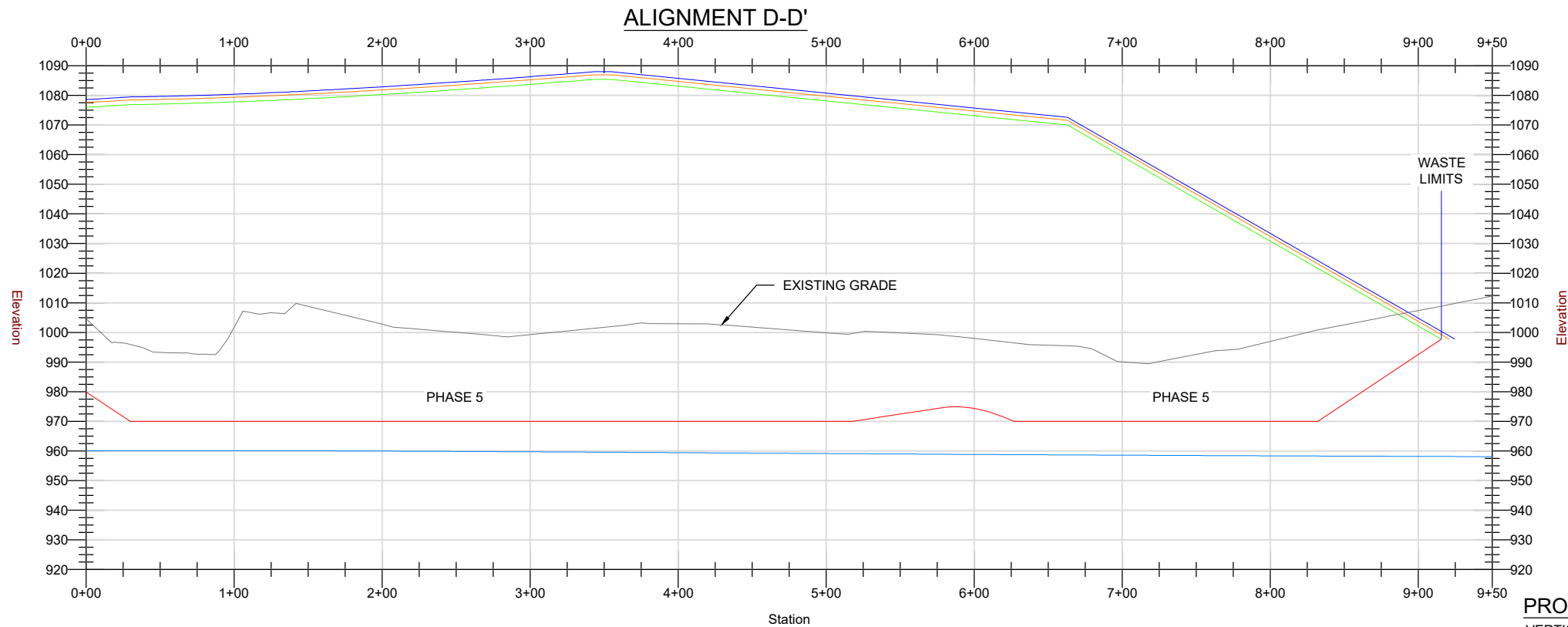
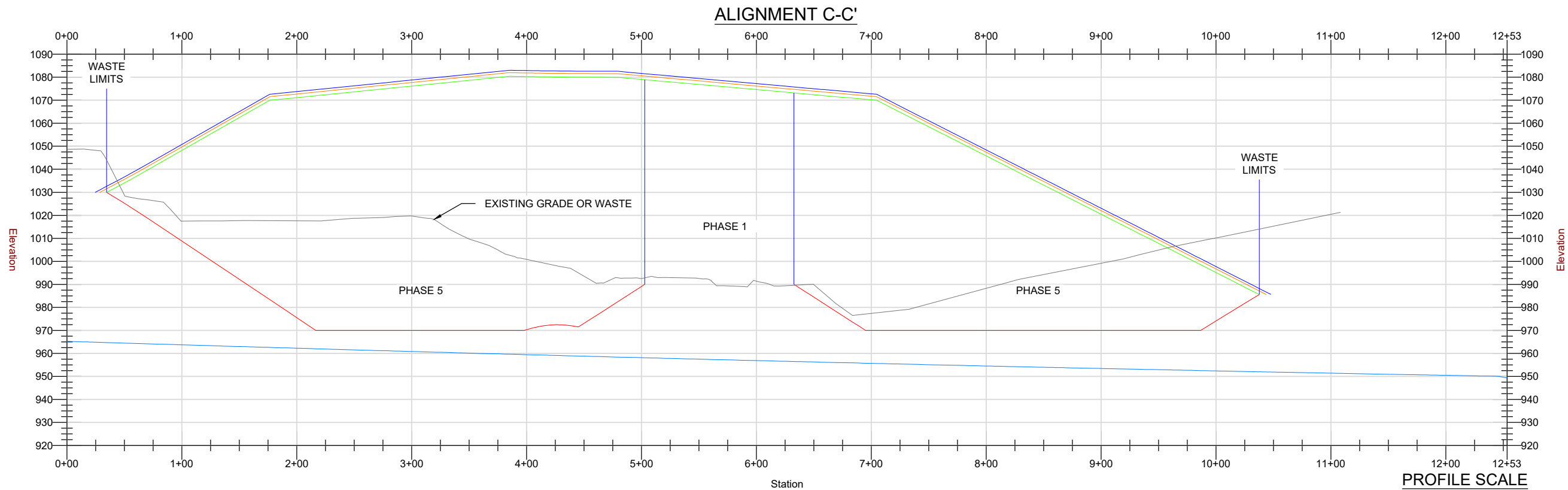
25809 I-30 SOUTH  
PH. (501) 847-9292

BRYANT, AR 72022  
FAX. (501) 847-9210

DRAWING 10	
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APPVD. BY:	KRC
SCALE:	N.T.S
DATE:	5/9/25
JOB NO.	167-006-02247246
ACAD NO.	02247246
SHEET NO.:	10 OF 12



N:\CADD\ARCHIVE\CADD\167\006\02247246\PLANS\03 - PROPOSED EXPANSION GRADES.DWG



LEGEND:	
	EXISTING GRADE
	PROPOSED BASE GRADE
	PROPOSED FINAL WASTE
	PROPOSED COVER CLAY
	PROPOSED TOP OF COVER
	GROUNDWATER ELEVATION 4-4-2025 SAMPLING EVENT

REV	DATE	BY	DESCRIPTION
1	5-9-25	KRC	UPDATE TOPO & GROUNDWATER ELEVATIONS

CROSS SECTIONS C-C' & D-D'

LANDFILL EXPANSION

FLAT LAND DISPOSAL, LLC

FLAT LAND C&D LANDFILL

KANSAS

EASTON

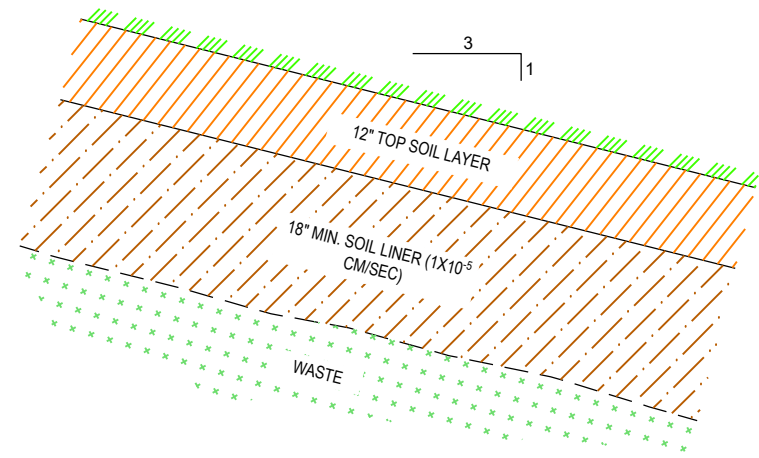
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Consulting Engineers and Scientists

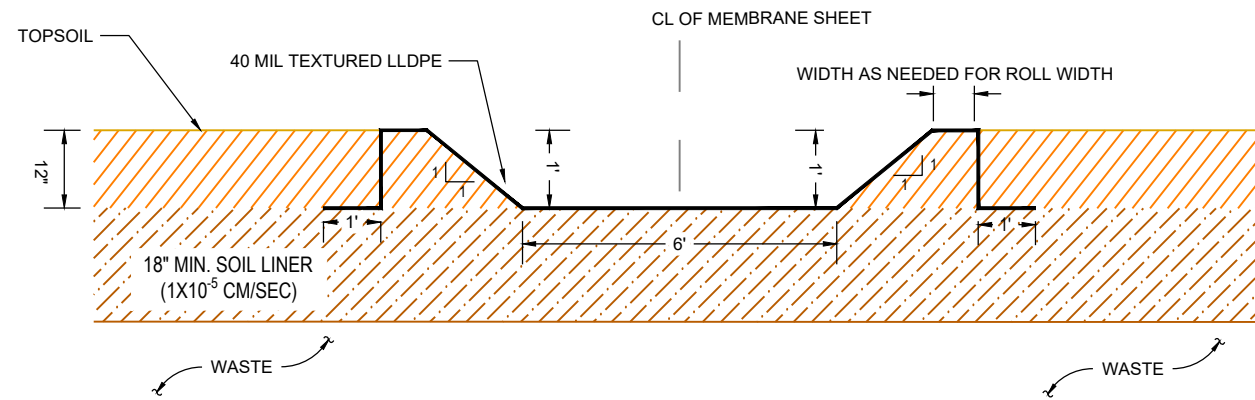
23809 I-30 SOUTH  
PH. (501) 847-9292

BRYANT, AR 72022  
FAX. (501) 847-9210

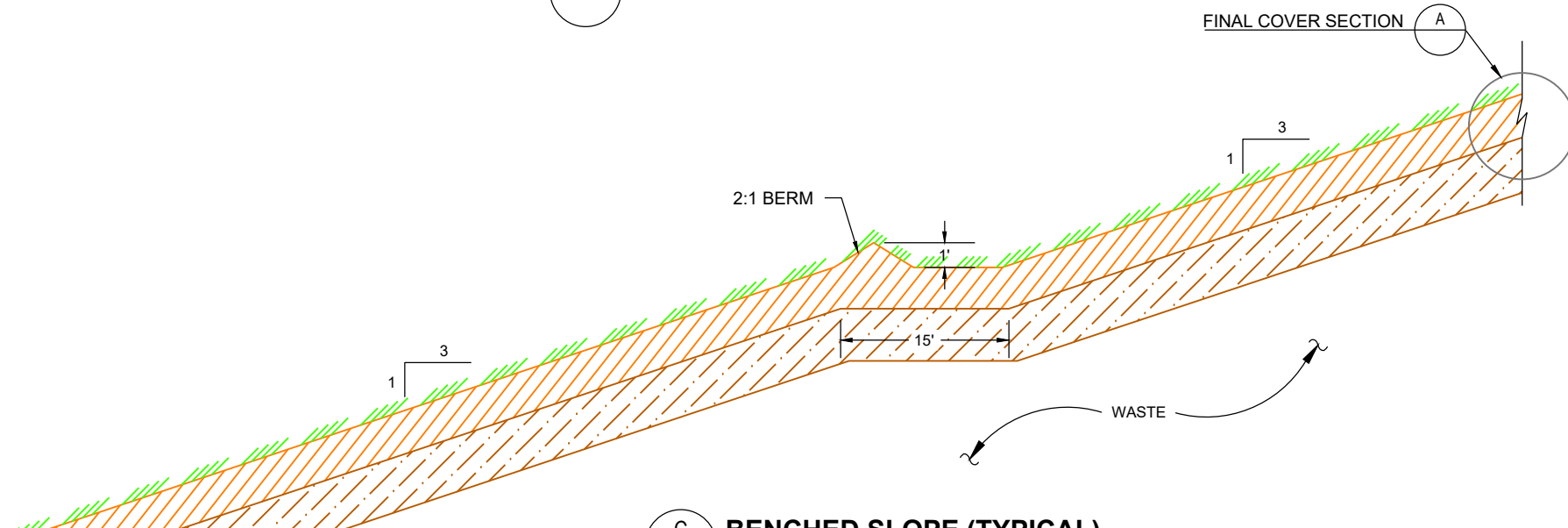
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DATE:	5/9/25
JOB NO.	167-006-02247246
ACAD NO.	02247246
SHEET NO.:	11 OF 12



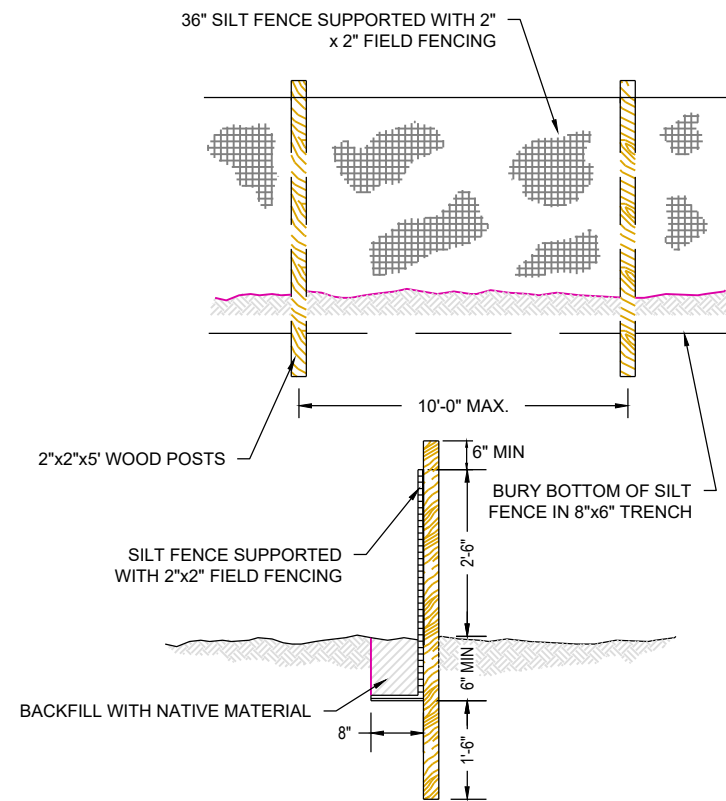
**A FINAL COVER SECTION**



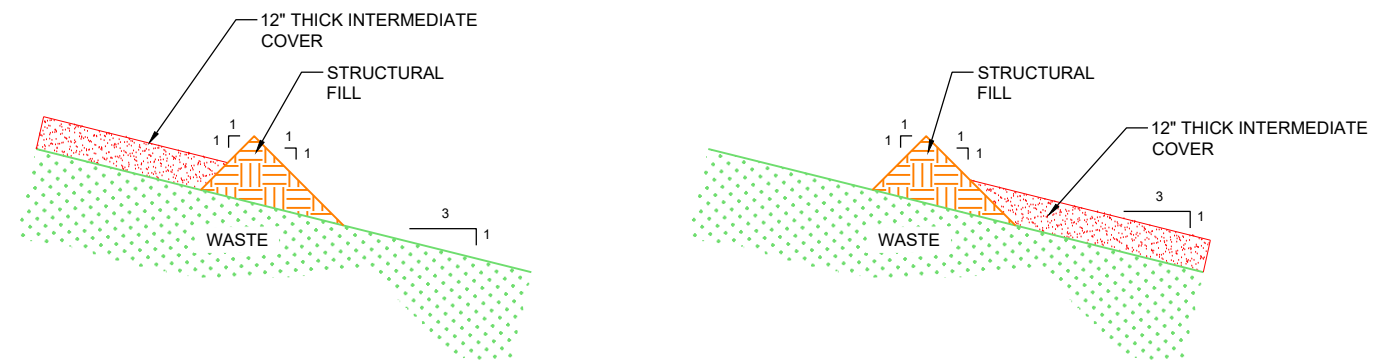
**B STORMWATER LETDOWN STRUCTURE**



**C BENCHED SLOPE (TYPICAL)**



**D SILT FENCE**



NOTES:

1. STORMWATER DIVERSION BERM SHALL BE 1' OVER INTERMEDIATE COVER.

**E ACTIVE FACE STORMWATER DIVERSION BERMS**

REV	DATE	BY	DESCRIPTION

**DETAILS**

LANDFILL EXPANSION

**FLAT LAND DISPOSAL, LLC**

FLAT LAND C&D LANDFILL

KANSAS

EASTON

**Terracon**

Consulting Engineers and Scientists

23809 I-30 SOUTH  
PH. (501) 847-9292

BRYANT, AR 72022  
FAX. (501) 847-9210

DRAWING 12	
DESIGNED BY:	TLB
DRAWN BY:	TLB
APPVD. BY:	KRC
SCALE:	N.T.S.
DATE:	5/9/25
JOB NO.	167-006-02247246
ACAD NO.	02247246
SHEET NO.:	12 OF 12

## Christy flatlandexcavating.com

---

**From:** RURAL WATER DIST <water12@embarqmail.com>  
**Sent:** Wednesday, January 24, 2024 8:47 AM  
**To:** Christy flatlandexcavating.com  
**Subject:** Re: Leavenworth County SUP Review Letter

Christy,

I have presented this email to our Maintenance Operator, Jacob Byrd. He indicated that there will be no issue to add the two parcels or having a fuel tank on site. We would like to have some sort of mapping of the two lots and where the fuel tank is located when possible.

Please feel free to contact me if you have any questions.

Thank you,

Denise Eggers

On Tue, 23 Jan, 2024 at 4:43 PM, Christy flatlandexcavating.com <christy@flatlandexcavating.com> wrote:

To: water12@embarqmail.com

Good Afternoon,

I have been given your contact information by Leavenworth Planning and Zoning in regards to utility review/purveyance letters for a special use permit application that we submitted to Leavenworth County. Part of the application process is for the applicant to reach out and gather the review letters.

Flat Land Excavating has submitted a special use permit that is requesting to add two parcels that are adjacent to the existing C&D Landfill to the permitted areas for fill. This will be construction and demolition materials. We are not asking for an increase in traffic at this time. We are asking for permission to have a fuel tank on site with guidance in placement from the Easton Township Fire Department.

Please reach out with any further questions you may have and I will be happy to respond. If you could reply to this email with your review response, I would appreciate it.

Have a great day!

Christy

Christy Britz  
Flat Land Excavating, LLC  
PO Box 1332  
Platte City, MO. 64079  
913-351-3772 - Office  
816-596-0559 - Cell.

## Christy flatlandexcavating.com

---

**From:** Tyler Rebel <Tyler.Rebel@evergy.com>  
**Sent:** Wednesday, February 7, 2024 11:56 AM  
**To:** Christy flatlandexcavating.com  
**Subject:** RE: [EXTERNAL]Leavenworth County SUP Review Letter

Internal Use Only

Christy,

Thanks for shooting over the aerial map – Evergy will have no comments on this application.

**Tyler Rebel**  
Distribution Designer  
Evergy  
[tyler.rebel@evergy.com](mailto:tyler.rebel@evergy.com)  
O: 913.758.2727  
[evergy.com](http://evergy.com)

---

**From:** Christy flatlandexcavating.com <christy@flatlandexcavating.com>  
**Sent:** Wednesday, February 7, 2024 9:45 AM  
**To:** Tyler Rebel <Tyler.Rebel@evergy.com>  
**Subject:** FW: [EXTERNAL]Leavenworth County SUP Review Letter

Internal Use Only

### This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good Morning Tyler,

Just following up to see if Evergy has any questions/issues with this proposed change...

Thanks,

Christy

---

**From:** Christy flatlandexcavating.com  
**Sent:** Friday, February 2, 2024 3:27 PM  
**To:** Tyler Rebel <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>  
**Subject:** RE: [EXTERNAL]Leavenworth County SUP Review Letter

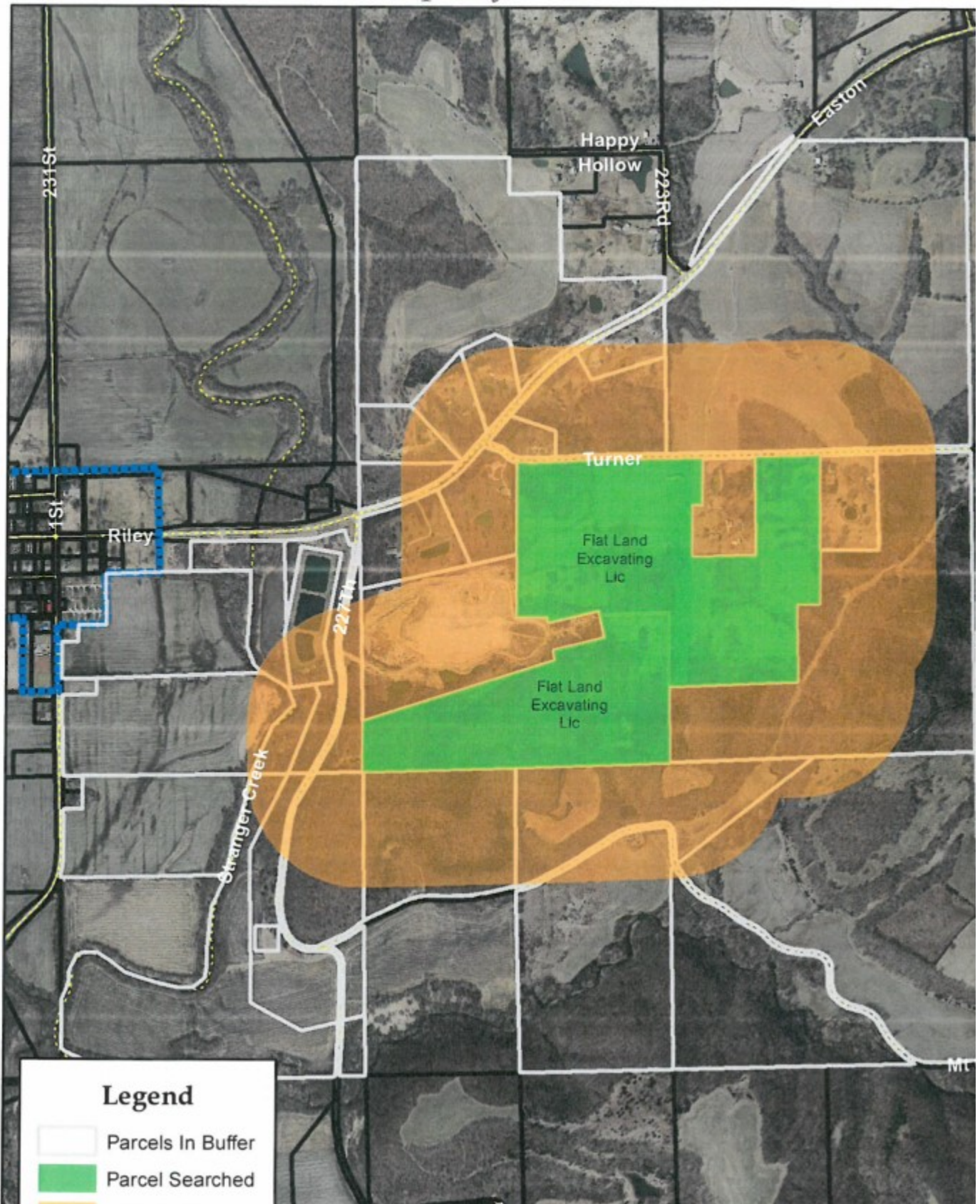
Hello Tyler,

The map below shows the property we are wanting to include as new parcels in green.



# City of Easton

## Property Radius Search



---

**From:** Tyler Rebel <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>  
**Sent:** Wednesday, January 24, 2024 8:08 AM  
**To:** Christy flatlandexcavating.com <[christy@flatlandexcavating.com](mailto:christy@flatlandexcavating.com)>  
**Subject:** RE: [EXTERNAL]Leavenworth County SUP Review Letter

Internal Use Only

Hi Christy,

Evergy typically does not have much of a comment on these types of permit applications, but I assume there's an aerial map/layout of the proposal?

**Tyler Rebel**  
Distribution Designer  
Evergy  
[tyler.rebel@evergy.com](mailto:tyler.rebel@evergy.com)  
O: 913.758.2727  
[evergy.com](http://evergy.com)

---

**From:** Christy flatlandexcavating.com <[christy@flatlandexcavating.com](mailto:christy@flatlandexcavating.com)>  
**Sent:** Tuesday, January 23, 2024 4:40 PM  
**To:** Design Group Leavenworth <[designgroupleavenworth@evergy.com](mailto:designgroupleavenworth@evergy.com)>  
**Subject:** [EXTERNAL]Leavenworth County SUP Review Letter

**This Message Is From an Untrusted Sender**

You have not previously corresponded with this sender.

Report Suspicious

Good Afternoon,

I have been given your contact information by Leavenworth Planning and Zoning in regards to utility review/purveyance letters for a special use permit application that we submitted to Leavenworth County. Part of the application process is for the applicant to reach out and gather the review letters.

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Please reach out with any further questions you may have and I will be happy to respond. If you could reply to this email with your review response, I would appreciate it.

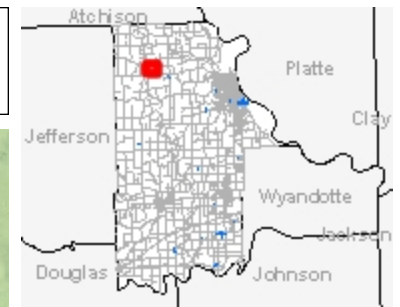
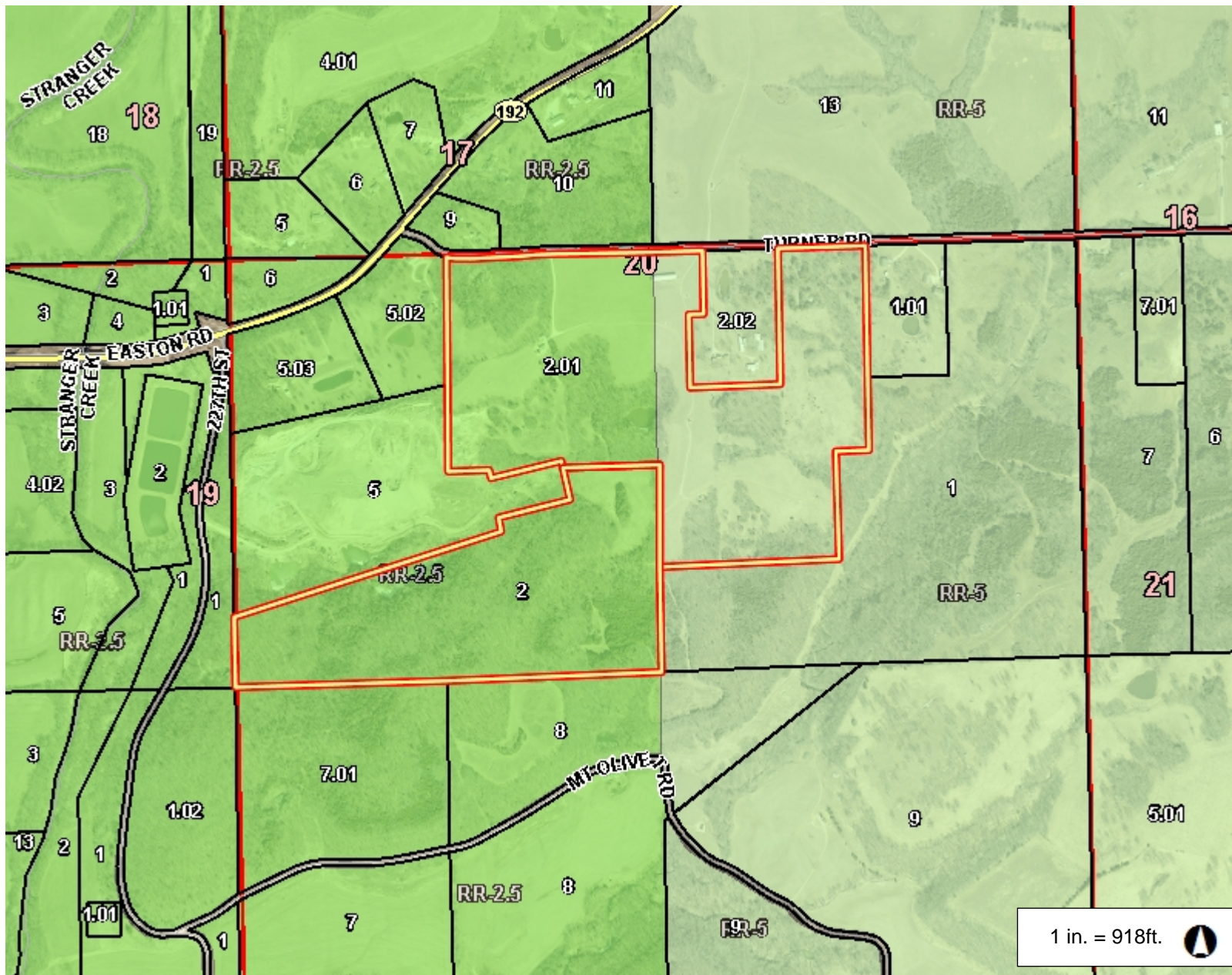
Have a great day!

Christy

Christy Britz  
Flat Land Excavating, LLC  
PO Box 1332  
Platte City, MO. 64079  
913-351-3772 - Office  
816-596-0559 - Cell



# DEV-25-011 Flat Land SUP



## Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
- B-1
- B-2
- B-3
- I-1
- I-2
- I-3
- MXD
- PC
- PI
- PR-1
- PR-2
- PR-3

1 in. = 918ft.

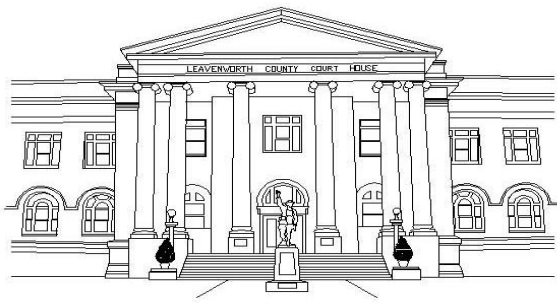


1,835.0 0 917.52 1,835.0 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



# COUNTY OF LEAVENWORTH

## Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

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May 14<sup>th</sup>, 2025

### **Flat Land SUP DEV-25-011 – Public Works Review**

The Public Works Department has reviewed the following documents:

- 2025.05.09 SUP (Special Use Permit) Application
- May 2025 KDHE Landfill Permit Modification Proposed Expansion
- 2024.12.20 Fire Mitigation Plan

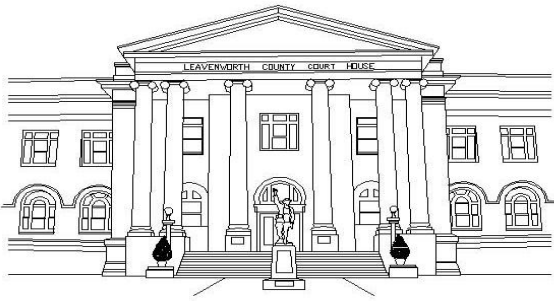
This SUP review is based on the County's: TIF Policy and Article 22 Section 6 of the Zoning & Subdivision Regulations. This SUP application is a standalone application and not part of a modification and/or renewal of an existing SUP. Review of SUPs (expired/active) near the site including any investigations, studies, permits, and other information not part of this application were not reviewed. Review is limited to public roadway routes to the existing entrance at the site and the proposed SUP (22.81 acres).

Review of C&D (Construction & Demolition) Landfill operation and management is limited to the documents provided and accepted industry standards. This review did not include the permit application and associated application documents required to obtain a permit from the Kansas Department of Health and Environment (KDHE) for C&D Landfills. The Kansas solid waste regulations are the governing statutes for the development, operation, and compliance requirements for C&D Landfills. KDHE will review and determine if the applicant's permit application for the proposed C&D Landfill complies with the state regulations. Review doesn't imply KDHE approval. Based on the limitations described above, the C&D Landfill documents received do align with industry standards. County requests the right to sample surface and groundwater media at their discretion. County requests the applicant provide the KDHE permit with all associated application documents including the Fire Mitigation and Response Plan and Stormwater Management Plan when approved for record keeping.

### **Comment Responses:**

1. Olsson Comment (03.07.25): Review cannot determine traffic impact based on provided information. Applicant states no additional trips are proposed beyond the existing SUP trips for 31358 227<sup>th</sup> Street. Provide further description regarding why the proposed SUP will not result in additional trips to 31358 227<sup>th</sup> Street. Confirm traffic will be limited to #13 from the Memorandum of Understanding adopted January 23<sup>rd</sup>, 2023. Complete the SUP application estimated traffic section (if trips are 'existing' and not proposed to change provide a summary of existing trips that are to be maintained). Provide summary of projected traffic for all uses to the entrance of the site (daily/weekly/monthly trips for passenger and commercial vehicles) when fully operational. Include





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types of commercial vehicles and their trips. Include any operational vehicle support trips, employee vehicle trips, and describe vehicles used for said trips.

Applicant Response (03.26.25): Applicant provided additional information in a response document dated March 26<sup>th</sup>, 2025, that states in Section 1.5.a (*initial requests from public works*) that the “traffic amount and route to enter the facility will remain the same”. The SUP application document has also been updated to state “nothing additional above SUP for 31358 227<sup>th</sup> St”.

Olsson Response (04.15.25): The SUP application indicates passenger daily trips vary with 30 or less trips per day. This is equivalent to 15 vehicles on site per day. Is 15 vehicles to the site per day (not trucks) the current traffic for the original SUP? Parking is provided for 5 employees, which would represent 10 of these trips. Applicant to confirm only 10 additional passenger vehicles (representing 20 trips) are expected daily. Is this consistent with the trips associated with SUP #1? The MOU item #13 clarifies that pickup trucks/pickup trucks with trailers are not considered trucks.

Per the SUP application, 60 loads or less are expected daily. This is equivalent to 120 trips per day. Revise application estimated traffic section to passenger vehicle trips and commercial vehicle trips.

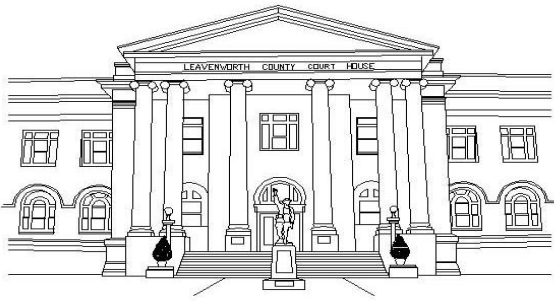
Applicant Response (05.09.25): The current traffic for the SUP is 10 trips or less a day since the site is not currently accepting loads to the landfill. For disposal purposes one load equates to one trip in and one trip out of the facility, two trips total per load. It is difficult to predict how fast traffic will increase but the maximum allowed by the MOU for commercial vehicle trips is 60 loads (120 trips). As for employees, vendors and pickup trucks/pickup trucks with trailers, 15 vehicles (30 trips) a day or less are anticipated the first year. These trips include SUP #1 and #2 as the traffic enters to the site as a whole. Traffic will enter the facility through SUP #1 and be directed to the appropriate unloading location within the facility (SUP#1 and SUP#2).

Olsson Response (05.14.25): No further comment.

2. Olsson Comment (03.07.25): Application indicates the SUP request includes a rock quarry operation. Please confirm a rock quarry is part of the application.

Applicant Response (03.26.25): Quarry operations are not proposed at this time on the expansion properties.

Olsson Response (04.15.25): Applicant response indicates that rock quarry activity will not be present on the property associated with SUP #2. No further comment.



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3. Provide proposed vehicular public routing to the site. Provide estimated trips and vehicle types for each route to the site.

Applicant Response (03.26.25): Applicant response indicates that the existing route to the site (192 to 227<sup>th</sup>) will be used for SUP #2.

Olsson Response (04.15.25): Routing comment addressed. The second part of the comment (provide estimated trips) should be clarified under comment #1. No further comment.

4. Olsson Comment (03.07.25): 2025.01.31 Appendix E traffic information document includes traffic counts but is not legible. Revise document to make legible.

Applicant Response (03.26.25): Scan was enlarged to make it more legible. This is the wording from #13 of the MOU dated January 23<sup>rd</sup>, 2023 for 31358 227<sup>th</sup> Street.

Olsson Response (04.15.25): No further comment.

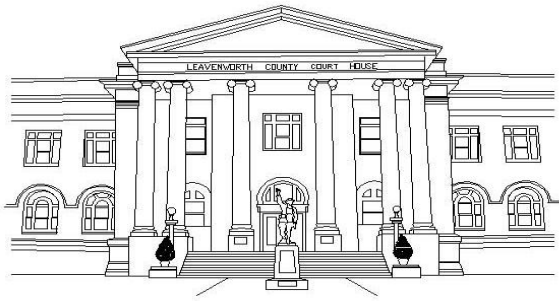
5. Olsson Comment (04.15.25): Revised SUP application indicates that trips/loads will occur during operating hours. "There will be occasional after hours traffic for maintenance and/or nonbusiness activities." Is this additional traffic associated with SUP #2? All trips need to be accounted for in the estimates above. Also, please provide an explanation of the after-hours traffic for maintenance and/or nonbusiness activities and will it be allowable per KDHE regulations.

Applicant Response (05.09.25): All trips are accounted for in the trips mentioned above, which are limited to 120 commercial trips, and 30 trips for employees and vendors some of which may be after hours. KDHE will allow support functions including maintenance of equipment, fueling and general maintenance to take place outside of the site's posted operating hours. Other areas owned outside of the KDHE designated permit limits can be accessed by owners as desired.

Olsson Response (05.14.25): No further comment.

6. Olsson Comment (04.15.25): In written response applicant states "No external traffic generated on these parcels" (page 2 of response). Clarify this statement. Is statement referring to no traffic on the parcels or no new traffic generated by proposed SUP?

Applicant Response (05.09.25): The traffic is generated to visit the site as a whole (SUP#1 and SUP#2). The traffic is already accounted for on SUP 1. Traffic will enter through SUP#1 and pass



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through to SUP#2. Adding a separate traffic count for SUP#2 would result in double counting site traffic.

Olsson Response (05.14.25): No further comment.

Based on the review of the requested information above, additional comments may be generated, and additional investigations/studies may be required. Direct any questions to Amy Allison at [aallison@leavenworthcounty.gov](mailto:aallison@leavenworthcounty.gov).

## Allison, Amy

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**From:** Magaha, Chuck  
**Sent:** Wednesday, February 12, 2025 11:12 AM  
**To:** Allison, Amy; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Brown, Misty; Khalil, Jon; 'Steven Taylor [KDOT]'  
**Cc:** PZ  
**Subject:** RE: RE: DEV-25-011 Special Use Permit – Flat Land Disposal - Email 2

The Emergency Contact list needs to change to reflect the following. Wyandotte EMS is nonexistent it should read Leavenworth County EMS 913-250-2000 administration number 911 for emergency. Leavenworth County Emergency Management number is incorrect should be 913-684-0455 administration, Emergency 911

Thanks

**Note:** My email has changed to [cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)

*Charles (Chuck) Magaha  
Leavenworth County Emergency Management  
Director  
300 Walnut  
Suite 50  
Leavenworth, Kansas 66048-2765  
Work-913-684-0455 (Main)  
Direct- 913-680-2677  
[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)  
Like us on Facebook at : [www.facebook.com/lvcokansaseoc](https://www.facebook.com/lvcokansaseoc)  
Follow us on Twitter at: [www.twitter.com/lvcountyeoc](https://www.twitter.com/lvcountyeoc)*

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**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, February 11, 2025 4:10 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: RE: DEV-25-011 Special Use Permit – Flat Land Disposal - Email 2

Please find the additional information attached.

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**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Tuesday, February 11, 2025 4:09 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Khalil, Jon <[jkhalil@leavenworthcounty.gov](mailto:jkhalil@leavenworthcounty.gov)>; 'Steven Taylor [KDOT]'



## Allison, Amy

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**From:** Patzwald, Joshua  
**Sent:** Thursday, February 27, 2025 10:42 AM  
**To:** Allison, Amy  
**Cc:** Jacobson, John  
**Subject:** RE: RE: DEV-25-011 Special Use Permit - Flat Land Disposal - Email 1

Ms. Allison,

Our in-house history shows seven calls for service to Flatland Excavating, 31358 227<sup>th</sup> St, during 2022-2023. These calls dealt with trespassing, criminal damage to property, and theft. The type and volume of these calls is not overly concerning to our Office. More concerning, and less easy to quantify, were the significant amount of calls we responded to regarding citizen complaints. The main thrust of these citizen complaints concerned loose debris falling from the truck traffic to and from the facility, the amount of truck traffic, and the odor of the facility itself. Any effort to mitigate unsecure loads (loose debris) from truck traffic would be appreciated should the facility go back into operation. Calls concerning odor or the amount of truck traffic were, and would in the future, be referred back to your office.

Thank you, Cpt. Patzwald