

RESOLUTION 2019-30

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for Disposal Of Waste, Clean Rubble Landfill– Reisbig Landfill on the following described property:

A tract of land in the Northwest ¼ of Section 4, Township 9 South, Range 22 East and in the Southwest ¼ of Section 33, Township 8 South, Range 22 East in Leavenworth County, Kansas, more fully described as follows: Beginning at a point 33.00 feet West of the Southeast corner of the Southwest ¼ of said Section 33; said point of beginning also being 33.00 feet West of the Northeast corner of the Northwest ¼ of said Section 4, said point of beginning also being on the West right of way line of State Highway No. 92; thence North 198 feet along the West right of way line of said Highway No. 92; thence (N 87° 52' 55" W) 330.00 feet; thence (S 00° 03' 45" W) 210.20 feet; thence (N 88° 51' 56" W) 296.61 feet; thence (N 00° 51' 33" W) 119.08 feet; thence (N 86° 19' 59" W) 357.33 feet; thence (S 02° 41' 34" E) 62.25 feet; thence (N 89° 33' 52" W) 388.51 feet; thence (S 09° 02' 28" E) 743.43 feet; thence (S 89° 15' 40" E) 372.84 feet; thence (N 06° 18' 50" E) 584.31 feet; thence (S 87° 52' 55" E) 813.08 feet to a point on the West right of way line of said Highway No. 92; thence (N 01° 48' 09" E) 102.00 feet to the point of beginning.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 4th day of September 2019, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 13th day of November, 2019; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 4th day of December, 2019, the recommendation of the Leavenworth County Planning Commission.

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

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 4th day of December, 2019, and incorporated herein by reference;

That Case No. DEV-19-104, Special Use Permit for Disposal Of Waste, Clean Rubble Landfill– Reisbig Landfill approved subject to the following conditions:

1. The SUP shall be limited to a period of 10 years.
2. The business shall be limited to the hours of 7am to 6pm, Monday through Saturday
3. The SUP shall be limited to LEXECO Employees.
4. The applicant shall post a sign on the property indicating that this is a private, clean rubble landfill for LEXECO only.

5. The landfill shall be limited to materials from LEXECO projects only.
6. The applicant shall adhere to the following memorandums:
 - a. Melissa Johnson – Codes Enforcement Officer, October 8, 2019
 - b. Chuck Magaha – Emergency Management, October 4, 2019
 - c. David Van Parys, Senior County Counselor, October 2, 2019
 - d. David Asmus – LVCO Fire District #1, October 2, 2019
7. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
8. No on-street parking shall be allowed.
9. LEXECO shall contact the Planning and Zoning Department to inform them when they are finished with the restoration of the landfill.
10. The landfill shall be limited to Clean Rubble as defined by Construction and Demolition Wastes and Clean Rubble Technical Guidance Document SW 94-G2.
11. All waste not defined as Clean Rubble shall be deposited of in a state licensed landfill for said material.
12. Clean rubble shall be dumped, or pushed, over the edge of the top of the dump area at the end of each demolition job.
13. The applicant and owner shall not park or store trucks or equipment on the site with the exception of a bulldozer that may be used to maintain the site.
14. The site shall be open to inspection by Leavenworth County Staff. If waste materials other than clean rubble are found at the landfill, the landfill shall be closed to additional dumping until such time that said waste materials have been removed and disposed of properly. A copy of dump receipt(s) from a site that is permitted by the State to accept said waste material shall be submitted to the Planning & Zoning Department. Dumping at the site shall only be allowed to resume after the Planning and Zoning Department issues a letter to the applicant indicating so.
15. The applicant shall provide a certificate of liability insurance with a minimum \$1,000,000 per occurrence with certificate holder listed as Leavenworth County.
16. The applicant shall adhere to all permit conditions required by the NOI and storm water protection plan.
17. The Special Use Permit shall be subject to Attachment D- Written Narrative Requirements submitted with this application.
18. The applicant shall adhere to all county, state and federal regulations.
19. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Office within 30 days.

located in Section 4, Township 9 South, Range 22, also known as 16698 Springdale Road,

parcel no. 102-04-0-00-00-004.00 in Leavenworth County, Kansas.

Adopted this 4th day of December, 2019
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman



Jeff Culbertson, Member

abstained

Vicky Kaaz, Member



Chad Schimke, Member



Mike Stieben, Member

ATTEST


Janet Klasinski