

RESOLUTION 2021-18

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

Article 41- Access Management

Article 43 – Cross Access Easements

ARTICLE 41- ACCESS MANAGEMENT

Section 1. OVERVIEW

The intent and purpose of the Access Management Policy is to encourage the orderly development of land while maximizing the health, safety and welfare of residents within Leavenworth County. The proposed Access Management Policy shall promote safety within Leavenworth County by assessing the number of access points thereby evaluating the safety of County roadways. The proposed Access Management Policy shall promote current and future development within areas of the County by encouraging the preservation of property which ultimately preserves land for future development. The proposed Access Management Policy shall preserve parcels of land where services can be feasibly provided in the future. Parcels of land which are situated adjacent to and abutting County Arterial and County Local Roads shall be subject to the policies and restrictions set forth in the Access Management Policy. Policies and regulations set forth in the Special Development District and future development districts shall supersede the Access Management Policy for parcels within those districts.

The Access Management Policy provides for the development of land, while protecting and managing current and future access, by allowing access of driveways to parcels which meet the minimum required road frontage. Driveway spacing will be determined by the road classification system.

Those regulations specific to the Access Management Policy would apply to properties only upon development or change of use. The Access Management Policy encompasses all parcels of land which are adjacent to or abutting County Arterial and County Collector Road.

Section 2. DEFINITIONS

1. Development – Any division of the land.
2. Road Classification System – See Exhibit A
3. Public Road Entrance Management Standards – See Exhibit B
4. Public Road Access Management Standards – See Exhibit C

Section 3. ZONING AND SUBDIVISION REGULATIONS

Development of parcels shall be subject to the standards and requirements set forth in the Leavenworth County Zoning and Subdivision Regulations, Sanitary Code and Floodplain Management Ordinance.

Section 4. URBAN GROWTH MANAGEMENT AREAS

Development occurring within 660' feet of an incorporated city limits shall be required to obtain and produce a Certificate of Authorization for access; unless:

1. The incorporated City and County have agreed upon and implemented a separate Access Agreement Policy.

Section 5. VARIANCES

An applicant may apply for a variance to the Access Management Policy. The Board of Zoning Appeals may review and approve a variance on a case-by-case basis according to the criteria set forth in the Leavenworth County Zoning and Subdivision Regulations Article 28 – Board of Zoning Appeals.

Section 6. EXHIBITS

EXHIBIT A – Roadway Classification Definitions:

- A. MAJOR – Roadway section with historical vehicle traffic volumes of greater than 1000 vehicles per day (vpd).

- B. MINOR – Roadway section with historical vehicle traffic volumes of less than or equal to 1000 vehicles per day (vpd).
- C. STATE – Roadway that is maintained by the State of Kansas. All Access Management on state maintained roadways is determined by the State of Kansas
- D. ARTERIAL – Roadway that carries longer-distance traffic flow between communities and important centers of activity.
- E. COLLECTOR – Roadway that carries traffic from local streets to arterial streets
- F. LOCAL – Low capacity roadways that carries traffic from interior subdivision roadways to adjacent local, collector, arterial, or state roads
- G. INTERIOR SUBDIVISION – Roadways, either public or private, designed as part of a subdivision, built by the developer, to provide access to the residential properties within the subdivision. These roadways are identified as 'Local Roadways' or 'Private Roadways' on Leavenworth County Classification Map.

EXHIBIT B - Public Road Entrance Management Standards:

1. The minimum entrance spacing standards from adjacent roadways or other adjacent entrances shall be dependent upon the road classification of the roadway being accessed. Spacing is required to be met only along the side of the roadway that is being accessed. Entrance spacing requirements are designated by zoning districts as follows:
 - a. **Residential Entrance Spacing:**
The entrance spacing standards for entrance permits for platted and unplatted residential property onto public roads in the unincorporated areas of Leavenworth County are hereby adopted as follows:
 - I. Major Arterial Roadway: Minimum Required Entrance Spacing = 660 feet
 - II. Corner Clearance from Intersection = 330 feet
 - III. Minor Arterial Roadway: Minimum Required Entrance Spacing = 300 feet
 - IV. Corner Clearance from Intersection = 200 feet
 - V. Major Collector Roadway: Minimum Required Entrance Spacing = 300 feet
 - VI. Corner Clearance from Intersection = 200 feet
 - VII. Minor Collector Roadway: Minimum Required Entrance Spacing = 200 feet
 - VIII. Corner Clearance from Intersection = 100 feet
 - IX. Local/Interior Subdivision Roadway: Minimum Required Entrance Spacing = *See Below
 - X. Corner Clearance from Intersection = 100 feet
 - b. **Additional Provisions**
 - I. Residential Lots fronting upon a roadway classified as a Local Road by the Leavenworth County Classification Map shall access the roadway with an entrance in a location that meets the line of sight requirements generally accepted by engineering standards within the AASHTO Green Book. It is desirable that they be designed and located to meet criteria for intersection sight distance and other design elements set forth. However, where this is not practical, they should be located to provide the best reasonable sight distance and meet other design criteria to the extent practicable.
 - II. Lots with frontage on roadways of various road classifications must place their entrance along the roadway with the lower roadway classification. Any lot that abuts a local road and has secondary frontage must utilize the local roadway for its access location. Any lot that abuts two local roadways must utilize the roadway with the lowest traffic volume. All lots that have frontage on interior subdivision roadways must access the property from said interior roadway.

- III. Each Lot is allowed one primary entrance. Lots that are three acres or larger shall be allowed a secondary entrance location. The secondary location must meet the same spacing requirements set forth for the primary entrance location.
- IV. All existing lots are permitted a primary entrance, when possible. In the event that an existing property cannot meet the required spacing as stated in this policy, the entrance shall be located to provide the best reasonable sight distance and meet other design criteria to the extent practicable. No lot shall be created that would require the neighboring property to be accessed by a noncompliant entrance.

c. Business/Industrial Entrance Spacing

The entrance spacing standards for entrance permits for business or industrially zoned properties onto public roads in the unincorporated areas of Leavenworth County are hereby adopted as follows:

I. Arterial Roadway:

- a. Minimum Required Entrance Spacing = 250 feet
- b. Corner Clearance from Intersection = 330 feet

II. Collector Roadway:

- a. Minimum Required Entrance Spacing = 200 feet
- b. Corner Clearance from Intersection = 200 feet

III. Local Roadway:

- a. Minimum Required Entrance Spacing = 125 feet
- b. Corner Clearance from Intersection = 100 feet

EXHIBIT C - Public Road Access Management Standards

Roadway Spacing:

When it can be avoided, the County does not wish to create minimally offset T intersections. If there is a roadway on the opposite side of the proposed road, effort should be made to create either a 4-way intersection or provide enough spacing between the proposed and existing roadway for car stacking. The minimum spacing, if line of sight is available, between the proposed roadway and the existing roadway shall be no less than 100 feet. If the development must be reduced by more than one lot to meet this requirement, the developer may locate the proposed intersection at the location that provides the greatest distance possible but does not impact the proposed available development size.

The following roadway spacing requirements are to be met only along the side of the roadway that is being accessed. The minimum offset spacing for a new roadway intersection is based upon the highest classification of roadway for either the roadway being accessed or the nearest intersecting roadway. Where there are intersections on either side of the proposed point of access, each intersection will be treated independently and the proposed roadway must meet both roadway spacing requirements. These standards, for purposes of approval of subdivision plats pursuant to the Leavenworth County Subdivision Regulations, are hereby adopted as follows:

Existing Roadway Classification	Minimum Road Spacing (Feet)
State	660
Arterial	660
Collector	660
Local	330
Interior Subdivision	330

Article 43 – Cross Access Easements

Section 2.1.c

Lots within Cluster Developments shall be situated so that all lots are accessed by the cross-access easement. Cross access easements shall be subject to the Leavenworth County Access Management policy requirements for driveway and roadway spacing when servicing three or more parcels. Developments serving two parcels shall only be required to meet the driveway spacing requirements.

Section 3.3

When established as part of a cluster development, the road and drainage plans submitted to County Staff shall be prepared and sealed by an engineer licensed in the State of Kansas. The developer shall provide documentation from the designing engineer stating the Cross Access Easement was built in accordance with the submitted design plans to the County upon completion of the Cross-Access Easement. Building permits shall not be issued until such document has been received.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 12th day of May, 2021; and

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

WHEREAS, the Board of County Commission considered, in session on 16th day of June, 2021, 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 16th day of June 2021 and incorporated herein by reference;

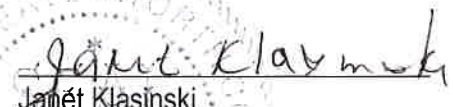
That the amendments listed herein be approved:

Adopted this 16th day of June, 2021
Board of County Commission
Leavenworth, County, Kansas



Mike Smith, Chairman

ATTEST



Janet Klasinski

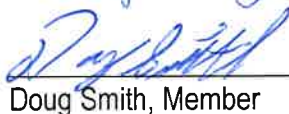
KANSAS

absent

Jeff Culbertson, Member



Vicky Kaaz, Member



Doug Smith, Member

by phone _____
Mike Stieben, Member