

RESOLUTION 2023-11

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a raw material extraction and landfill – Leavenworth Excavation & Equipment Company on the following described property:

A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas more commonly known as 00000 Springdale Road.

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 8th day of November, 2022, 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 11th day of January, 2023; 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 on the 5th day of May, 2023; and

WHEREAS, the Board of County Commission considered, in session on the 7th day of June, 2023, 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 7th day of June, 2023, and incorporated herein by reference;

That Case No. DEV-22-156, Special Use Permit for a raw material extraction and landfill – Leavenworth Excavation & Equipment Company approved subject to the following conditions:

1. Hours of operation shall be limited to the hours of 7:00 AM until 6:00 PM, Monday through Saturday.
2. The SUP shall be limited to one (1) full-time employees and eight (8) off-site employees.
3. The traffic to the site shall be in compliance with the approved Highway Access Permit from the Kansas Department of Transportation. If the access permit is amended, the new permit will need to be submitted to Leavenworth County Planning & Zoning within 30 days of approval.
4. The applicant shall submit an approved NOI and SWPPP prior to any work occurring on the property.
5. The applicant shall post a sign on the property indicating that this a private, clean rubble landfill for LEXECO only.
6. The landfill shall be limited to materials from LEXECO projects only.


7. Clean rubble shall be dumped, or pushed, over the edge of the top of the dump area at the end of each demolition job.
8. 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 the dump receipts(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.
9. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements. A copy of the agreement with a licensed hauler for the portable toilet must be submitted to the County prior to operations occurring on-site.
10. No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
11. No on-street parking shall be allowed.
12. No storage of inoperable vehicles shall be allowed.
13. Any noise generated from the proposed business shall be limited to 60 dB, as measured from the property line.
14. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured from the property line.
15. A 20-foot screening buffer shall be installed and maintained, either through brush/trees or a seeded berm, along all property lines.
16. No vegetation from off-site can be stored or burned on the premises.
17. Prior to any excavation taking place, the applicant will locate the existing discontinued gas line on the property and contact the Kansas Corporation Commission about best practices for abandoned gas lines.
18. All items disposed of on-site must comply with the provisions of KSA 65-3402(w) & 65-34115b. Any rubble that is mixed with other construction and demolition waste must be disposed of in an approved C&D Landfill.
19. This SUP shall be limited to the Narrative and accompanying documents dated October 31, 2022, December 1, 2022 and December 7, 2022 submitted with this application.
20. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
21. The developer must comply with the following memorandums:

- a. Email – David Van Parys, County Counselor, dated November 14, 2022
 - b. Email – Chuck Magaha, Emergency Management, dated December 6, 2022
22. LEXECO shall contact the Planning and Zoning Department to inform them when they are finished with the restoration of the landfill.
23. Applicant shall not cause or allow any public nuisance to exist on the subject property.
24. That the Special Use Permit granted herein is subject to revocation upon the breaching of the conditions set forth herein, or any substantial change in the use of the subject property. LEAVENWORTH EXCAVATION & EQUIPMENT COMPANY, and its assigns or successors in interest, hereby consent to, and authorize, entry onto the subject property by employees or agents of the county for the purpose of inspecting the subject property for compliance with the conditions set forth herein.
25. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
26. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and required documents shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

located in Section 33, Township 8 South, Range 22, also known as 00000 Springdale Road, parcel no. 078-33-0-00-00-021.00 in Leavenworth County, Kansas.

Adopted this 7th day of June, 2023
 Board of County Commission
 Leavenworth, County, Kansas


 Vicky Kaaz, Chairman

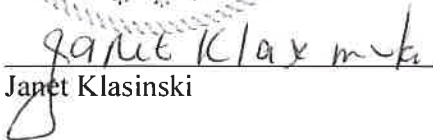

 Jeff Culbertson, Member


 Mike Smith, Member


 Doug Smith, Member


 Mike Stieben, Member




 Janet Klasinski