

## RESOLUTION 2026-07

A resolution of the Leavenworth County Kansas Board of County Commission, conditionally issuing a Special Use Permit for a sand excavation and stockpiling operation – Kaw Valley Companies, Inc. on the following described property:

A tract of land over a portion of the Northwest, Northeast, Southwest and Southeast Section 22, Township 12 South, Range 22 East, of Leavenworth County, Kansas, more particularly described as follows: BEGINNING at the North westerly corner of this SUP PERMIT BOUNDARY thence S84°49'09"E a distance of 1245.06 feet, said point also being a point on a non-tangent curve; thence Easterly, along a curve to the left, having a radius of 2348.16 feet, a central angle of 32°43'54", a distance of 1341.45 feet, thence N55°26'49"E a distance of 94.09 feet, thence S22°28'51"E, a distance of 661.46 feet, thence S68°30'32"W, a distance of 343.39 feet, thence S02°38'11"E a distance of 268.68 feet, thence N87°29'03"E, a distance of 1226.92 feet, thence N22°20'46"W, a distance of 1318.47 feet, thence N67°34'56"E a distance of 2031.74 feet, thence S02°15'53"E a distance of 3885.72 feet, thence S42°36'55"W a distance of 906.97 feet, thence S87°45'55"W a distance of 4644.77 feet, thence N02°42'34"W a distance of 437.46 feet, thence N21°33'21"E a distance of 79.21 feet, thence N01°03'15"W a distance of 2148.27 feet, thence S88°25'46"E a distance of 10.29 feet, thence N02°26'46"W a distance of 990.90 feet, to the POINT OF BEGINNING, more commonly known as 16201 & 00000 Lenape 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 13<sup>th</sup> day of May 2025, 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 12<sup>th</sup> day of November 2025; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, recommended that the Special Use Permit be denied; and

WHEREAS, the Board of County Commission considered, in session on the 25<sup>th</sup> day of March, 2026, the recommendation of the Leavenworth County Planning Commission and remained the case back to the Planning Commission to hold a second public hearing to consider a modified application based on additional information offered by the applicant for consideration, including the Golden Factors and to develop an updated record and recommendation for consideration by the Board of County Commissioners.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a second public hearing upon the granting of such request for a Special Use Permit on the 13<sup>th</sup> day of May, 2026; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, recommended that the Special Use Permit be denied; and

WHEREAS, the Board of County Commission considered, in session on the 3<sup>rd</sup> day of June 2026, the recommendation of the Leavenworth County Planning Commission.

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

- I. Based upon the findings as set forth in the staff report and the findings of fact adopted by the Board of County Commission in regular session on the 3<sup>rd</sup> day of June, 2026, and incorporated herein by reference, **Case No. DEV-25-021, Special Use Permit for a sand excavation and stockpiling operation – Kaw Valley Companies, Inc is conditionally approved subject to the performance and observation of the conditions and stipulations set forth herein.**
- II. The Special Use Permit conditionally granted in Section I. is hereby contingent upon the performance and observations of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violations shall constitute an additional basis for revocation:
  1. The SUP shall be limited to a period of 20 years with annual staff evaluations.
  2. The applicants shall enter into and fully execute a Development Agreement incorporating the provisions of the County's Roadway Improvement Agreement to ensure that the roads are evaluated and improved to a standard that will accommodate the proposed use.
  3. The applicants shall develop the property in compliance with the site plan submitted on September 30, 2025, except they shall erect an 8ft perimeter fence.
  4. An emergency plan shall be prepared and submitted to Fire District #2 and the Leavenworth County Emergency Management Department for approval prior to operations commencing.
  5. All operations shall not take place within 105' from the center of any public roadway. All activities shall be a minimum of 40' from the property line. All activity along the southern parcel boundary shall be a minimum of 80' from the property line.
  6. Machinery shall be well-maintained and lubricated to reduce noise.
  7. There shall be no truck traffic associated with the development traveling south on 166th Street into De Soto.
  8. Jake braking shall be prohibited.
  9. The designated haul route is to begin at 161st Street and Railroad Road, then traverse north, at which point vehicles will turn left onto Golden Road, traveling west. From this point, vehicles will continue on Golden Road, then follow the northward curve, at which point Golden Road becomes 189th Street. Vehicles heading to Kaw Valley's processing plant will turn left onto K-32 and then proceed southwest, at which point vehicles will turn right on 222<sup>nd</sup> Street. From this point, vehicles will continue on 222<sup>nd</sup> Street, turn right on I-70 and proceed to Kaw Valley's processing facility. Third party destinations will use the Primary Route to K-32, turning left at K-32 and proceed to their ultimate destination. Trucks shall use only the designated haul route as approved with this Special Use Permit.
  10. All trucks exiting the site shall be weighed and must meet legal load limits prior to exiting the site.
  11. Trucks shall not enter the site prior to 7:00am and shall exit the site no later than 3:00pm, Monday-Friday.
  12. Noise shall be limited to 65 dBs along property lines adjacent to Residentially Zoned Parcels.

13. Lighting generated from the development shall be limited to 0.00 foot-candles net gain, as measured at the property line.
14. A permit for the private sanitation system shall be submitted to the County and must be maintained in compliance with the Leavenworth County Sanitary Code per the email from Kyle Anderson dated March 28, 2025.
15. A right-of-way obstruction permit shall be required for any improvement within the County right-of-way.
16. Dredging and stockpiling operations shall be allowed twenty-four (24) hours a day Monday-Sunday.
17. The applicants shall file a Surface Mining Permit with the Kansas Department of Agriculture. This shall be submitted to Leavenworth County upon completion, including confirmation of the reclamation bond and a copy of the approved reclamation plan.
18. The applicant shall update and maintain the Section 401 Water Quality Certification with the Kansas Department of Health and Environment and shall comply with all conditions set forth within the Certification.
19. All Notices of Intent and Stormwater Pollution Prevention Plans shall be obtained from the State of Kansas and a copy provided to the County.
20. The applicant shall obtain and comply with all state, federal and local floodplain permits.
21. The SUP shall be limited to five (5) full-time employees not including truck operators.
22. On-site retail sales shall be permitted from the site.
23. The applicant shall adhere to the following memoranda:
  - a. Email – Kyle Anderson, Code Enforcement, dated March 28, 2025
  - b. Memo – Chuck Magaha, Emergency Management, dated July 31, 2025
  - c. Memo – Public Works, dated October 15, 2025
24. 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.
25. No on-street parking or stacking shall be allowed.
26. 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.
27. This SUP shall be limited to the application submitted on September 30, 2025, and narrative submitted on October 16, 2025.
28. That no public nuisance be allowed or created upon the subject real property.
29. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.

30. That the conditional 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. Kaw Valley Companies, Inc., 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.


located in Section 22, Township 12 South, Range 22, in Leavenworth County, Kansas, more commonly known as 16201 & 00000 Lenape Road.

Adopted this 3<sup>rd</sup> day of June 2026  
Board of County Commissioners  
Leavenworth, County, Kansas

  
Mike Stieben, Chairman

  
Jeff Culbertson, Member

  
Vanessa Reid, Member

  
Willie Dove, Member

  
Mike Smith, Member



  
Fran Keppler, County Clerk