

Anyone wishing to attend will need to call ahead at 913-684-0417 to reserve a seat as the meeting room has limited capacity. We are encouraging everyone to continue to view the meeting live via YouTube.

Leavenworth County
Board of County Commissioners

Regular Meeting Agenda
300 Walnut Street, Suite 225
Leavenworth, KS 66048
December 29, 2021
9:00 a.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
- III. ROLL CALL
- IV. PUBLIC COMMENT: Public Comment shall be limited to 15 minutes at the beginning of each meeting for agenda items **only** and limited to three minutes per person. Comments at the end of the meeting shall be open to any topic of general interest to the Board of County Commissioners and limited to five minutes per person. There should be no expectation of interaction by the Commission during this time.

Anyone wishing to make comments either on items on the agenda or not are encouraged to provide their comments in writing no later than 8:00 AM the Monday immediately preceding the meeting. These comments will be included in the agenda packet for everyone to access and review. This allows the Commission to have time to fully consider input and request follow up if needed prior to the meeting.

- V. ADMINISTRATIVE BUSINESS:
 - a) Amendment to lease agreement on Cushing Hospital per County Counselor
- VI. CONSENT AGENDA: The items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, it will be removed from the Consent Agenda and considered separately.

- a) Approval of the minutes of December 22, 2021

- b) Approval of the schedule for the week January 3, 2022
- c) Approval of the check register
- d) Approve and sign the OCB's

VII. FORMAL BOARD ACTION:

- a) Consider a motion to approve Board Order 2021-4, transferring funds from the Election Fund to the Equipment Reserve Election Fund in the amount of \$25,000.00.
- b) Consider a motion to approve Board Order 2021-5, transferring funds from the General Fund to the Council on Aging in the amount of \$160,000.00.
- c) Consider a motion to approve Board Order 2021-6, transferring funds from the General Fund to the Capital Road Fund in the amount of \$390,789.05.
- d) Consider a motion to approve Board Order 2021-7, transferring funds from the 2006 ten-year Sales Tax Fund to the General Fund in the amount of \$45,140.00.
- e) Consider a motion to approve Board Order 2021-8, transferring funds from the Sheriff Department in General Fund to Equipment Reserve Fund in the amount of \$80,000.00.
- f) Consider a motion to approve Board Order 2021-9, transferring funds from the Solid Waste Operating Fund to the Capital Improvement Fund in the amount of \$145,000.00.
- g) Consider a motion to approve Board Order 2021-10, transferring funds from Sewer District #5 to General Fund/Special Building Maintenance in the amount of \$8,624.00.
- h) Consider a motion to approve Board Order 2021-11, transferring funds from Sewer District #2 to General Fund/ Special Building Maintenance in the amount of \$12,784.00.
- i) Consider a motion to approve Board Order 2021-12, transferring funds from Sewer District #1 to General Fund/Special Building Maintenance in the amount of \$15,456.00.

j) Consider a motion to approve Board Order 2021-13, transferring funds from the Road & Bridge Fund to the Capital Road Fund in the amount of \$200,000.00.

k) Consider a motion to award the design engineering and construction engineering of the ST-100 project to Finney and Turnipseed.

l) Consider a motion to accept the State Fiscal Year 2022 Local Bridge Program for E-48 Bridge Replacement on 255th Street.

m) Consider a motion to approve Resolution 2021-58, a rezoning from RR-5 to RR-2.5 located 28181 207th St.

n) Consider a motion to approve Resolution 2021-59, a text amendment to Articles 3, 27 (C) and 41 of the 2006 Leavenworth County Zoning and Subdivision Regulations.

o) Consider a motion to approve Resolution 2021-60, a renewal of a special use permit for Happy Trails Kennel located at 21918 227th St.

VIII. PRESENTATIONS AND DISCUSSION ITEMS: presentations are materials of general concern where no action or vote is requested or anticipated.

a) Discuss submittals for the Regional Transportation Capital Improvement Plan Study.

IX. ADDITIONAL PUBLIC COMMENT IF NEEDED

X. ADJOURNMENT

LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, December 27, 2021 THE COURTHOUSE WILL BE CLOSED IN OBSERVANCE OF THE CHRISTMAS HOLIDAY

Tuesday, December 28, 2021

Wednesday, December 29, 2021

9:00 a.m. Leavenworth County Commission meeting
• Commission Meeting Room, 300 Walnut, Leavenworth KS

Thursday, December 30, 2021

Friday, December 31, 2021 THE COURTHOUSE WILL BE CLOSED IN OBSERVANCE OF THE NEW YEAR'S HOLIDAY

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

*****December 22, 2021*****

The Board of County Commissioners met in a regular session on Wednesday, December 22, 2021. Commissioner Mike Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Doug Smith and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Janet Klasinski, County Clerk; Krystal Voth, Planning and Zoning Director; Kristen Wood, Goodwill; John Richmeier, Leavenworth Times

Residents: Joe Herring, Mike Goetz, Raymond and Lisa Reynolds, Kiann Caprice, John Matthews, Janette Labbee-Holdeman

PUBLIC COMMENT:

Raymond Reynolds and Kiann Caprice commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Mark Loughry requested the Roman Ridge plat be removed from the consent agenda.

Mr. Loughry recognized the County departments for making Leavenworth County successful throughout the year.

Commissioner Doug Smith recognized all of the retirees over the past year from Leavenworth County.

Commissioner Stieben requested an update from the County Health Officer next month.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve the consent agenda for Wednesday, December 22, 2021 minus Case Number DEV-21-177 & 178 Roman Ridge Estates.

Motion passed, 5-0.

Krystal Voth reported the Roman Ridge plat needs a condition added to the face of the plat that it is within proximity to an active quarry.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to add the condition to the face of the plat that the lots are within proximity to an active quarry.

Motion passed, 5-0.

Kristen Wood presented a letter of support for the Goodwill of Western Missouri and Eastern Kansas to the U.S. Economic Development Administration to enhance workforce capacity.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the chairman to sign a letter of support for Goodwill Industries of Western Missouri and Kansas.

Motion passed, 5-0.

Janet Klasinski requested approval of budget amendments as presented.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to approve budget amendment document as presented by the County Clerk.

Motion passed, 5-0.

Ms. Klasinski presented Resolution 2021-57 that establishes the Commission districts for Leavenworth County.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to approve Resolution 2021-57, for the reapportionment of the County Commission Districts of Leavenworth County.

Motion passed, 4-1, Commissioner Culbertson voting nay.

For purpose of discussion Commissioner Stieben made a motion and Commissioner Doug Smith seconded the motion.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to approve Resolution 2021-52, with additional conditions that there will be no burning allowed at all at the location and that all required documents be provided prior to the initiation of the resolution for a probationary period of one year.

Motion failed 3-2, Commissioners Culbertson, Kaaz and Doug Smith voting nay.

Mac McCowan commented on a non-agenda item.

Kiann Caprice and Raymond Reynolds made additional comments.

Commissioner Culbertson met with Senator Rob Olson to discuss LAVTR, demand transfers and the 152 bridge.

Commissioner Kaaz wished everyone a safe holiday weekend.

Commissioner Mike Smith participated in gift giveaways with Unity in the Community.

Commissioner Doug Smith attended Mayor Dave Breuer's celebration party.

Commissioner Kaaz attended the retirement party for Steve Jack with LCDC.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to adjourn.

Motion passed, 5-0.

The Board adjourned at 9:44 a.m.

LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, January 3, 2022

Tuesday, January 4, 2022

Wednesday, January 5, 2022

9:00 a.m. Leavenworth County Commission meeting
• Commission Meeting Room, 300 Walnut, Leavenworth KS

Thursday, January 6, 2022

Friday, January 7, 2022

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

TYPES OF CHECKS SELECTED: * ALL TYPES

		P.O.NUMBER		CHECK#						
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	324743	96139 AP	12/23/2021	1-001-5-53-215	4013-01994 UNIFORM RENTALS	77.71		
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	324743	96139 AP	12/23/2021	1-001-5-53-215	4013-01994 UNIFORM RENTALS	77.71		
								*** VENDOR	4120 TOTAL	155.42
396	ACI BOLAND INC	ACI BOLAND INC	324744	96140 AP	12/23/2021	1-001-5-01-214	3-21113.025 CUSHING REMODEL -	8,986.95		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-213	VEH MAINT & SUPPLIES (EMS)	356.13		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-213	VEH MAINT & SUPPLIES (EMS)	1,197.39		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-213	VEH MAINT & SUPPLIES (EMS)	579.56		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-213	VEH MAINT & SUPPLIES (EMS)	299.64		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-213	VEH MAINT & SUPPLIES (EMS)	98.45		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-213	VEH MAINT & SUPPLIES (EMS)	817.39		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-213	VEH MAINT & SUPPLIES (EMS)	1,254.39		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-213	VEH MAINT & SUPPLIES (EMS)	902.89		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-213	VEH MAINT & SUPPLIES (EMS)	912.39		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-213	VEH MAINT & SUPPLIES (EMS)	147.21		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-213	VEH MAINT & SUPPLIES (EMS)	239.88		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-306	VEH MAINT & SUPPLIES (EMS)	134.82		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-306	VEH MAINT & SUPPLIES (EMS)	1,207.98		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-306	VEH MAINT & SUPPLIES (EMS)	423.50		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-306	VEH MAINT & SUPPLIES (EMS)	245.61		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-306	VEH MAINT & SUPPLIES (EMS)	266.97		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-306	VEH MAINT & SUPPLIES (EMS)	527.83		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-306	VEH MAINT & SUPPLIES (EMS)	1,135.48		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-306	VEH MAINT & SUPPLIES (EMS)	734.03		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-306	VEH MAINT & SUPPLIES (EMS)	1,088.19		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-306	VEH MAINT & SUPPLIES (EMS)	352.43		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	324746	96142 AP	12/23/2021	1-001-5-05-306	VEH MAINT & SUPPLIES (EMS)	11.88		
								*** VENDOR	1513 TOTAL	12,934.04
338	BEAR GRAPHICS	BEAR GRAPHICS INC	324748	96144 AP	12/23/2021	1-001-5-02-301	BOCC COMMISSIONER'S MINUTE BOO	386.00		
1523	BOB BARKER	BOB BARKER CO INC	324749	96145 AP	12/23/2021	1-001-5-07-359	LEAKS4 JAIL SUPPLIES	279.17		
1523	BOB BARKER	BOB BARKER CO INC	324749	96145 AP	12/23/2021	1-001-5-07-359	LEAKS4 JAIL SUPPLIES	264.24		
								*** VENDOR	1523 TOTAL	543.41
36	CAHILL PAT	PATRICK J CAHILL	324754	96150 AP	12/23/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	3,000.00		
25101	CANON U S	CANON U S A INC	324755	96151 AP	12/23/2021	1-001-5-19-204	1865950 COPIER CLICKS - CLERKS	186.33		
362	CASAD BENJAMIN	BENJAMIN CASAD	324756	96152 AP	12/23/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	3,000.00		
5637	CLEARWATER ENTERPRIS	CLEARWATER ENTERPRISES,LLC	324718	96130 AP	12/20/2021	1-001-5-05-215	0317B24244 GAS SERVICE	84.90		
5637	CLEARWATER ENTERPRIS	CLEARWATER ENTERPRISES,LLC	324718	96130 AP	12/20/2021	1-001-5-14-220	20642-120942643212111 GAS SVC	2,887.44		
5637	CLEARWATER ENTERPRIS	CLEARWATER ENTERPRISES,LLC	324718	96130 AP	12/20/2021	1-001-5-32-392	20642-12019296502111 GAS SERV	4,289.14		
								*** VENDOR	5637 TOTAL	7,261.48
28531	COMMENCO I	COMMENCO INC	324719	96131 AP	12/20/2021	1-001-5-07-365	SHF - TOWNSHIP PAGERS PER BOCC	122,197.55		
28531	COMMENCO I	COMMENCO INC	324719	96131 AP	12/20/2021	1-001-5-07-365	SHF - TOWNSHIP PAGERS PER BOCC	13,534.20		
								*** VENDOR	28531 TOTAL	135,731.75
544	CPI GUARDIAN	CLEARWATER PACKAING INC	324759	96155 AP	12/23/2021	1-001-5-07-219	INMATE PROPERTY VACUUM SEALER	20,622.00		
11721	DEAF EXPRESSION,INC	DEAF EXPRESSION,INC	324760	96156 AP	12/23/2021	1-001-5-19-221	LEAV02 INTERPRETER 1214/21 (BO	189.80		
21300	DIST CT EMPL REIMB	CHRISTINA DOUTHITT	324762	96158 AP	12/23/2021	1-001-5-19-213	REIM MILEAGE - INTERVIEWS	56.00		
21300	DIST CT EMPL REIMB	STEVEN CROSSLAND	324763	96159 AP	12/23/2021	1-001-5-19-213	REIM MILEAGE MTG JUDGES, COMMI	99.68		
								*** VENDOR	21300 TOTAL	155.68
2900	EMS OVERPAYMENT									
								*** VENDOR	2900 TOTAL	445.35
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	324711	16	12/20/2021	1-001-5-11-253	FBN4343642 VEHICLE LEASES 5167	413.25		
86	EVERGY	EVERGY KANSAS CENTRAL INC	324720	96132 AP	12/20/2021	1-001-5-05-215	ELEC SVC EMS 9101	707.70		
86	EVERGY	EVERGY KANSAS CENTRAL INC	324766	96162 AP	12/23/2021	1-001-5-05-215	ELEC SVC EMSADMIN/HEALTH/WIC	581.84		

TYPES OF CHECKS SELECTED: * ALL TYPES

		P.O.NUMBER	CHECK#							
				*** VENDOR				86 TOTAL		1,289.54
8726	FAGAN COMPANY	FAGAN COMPANY	324767	96163 AP	12/23/2021	1-001-5-32-209	24520 JC WATER HEATERS,CUSHING	3,286.68		
8726	FAGAN COMPANY	FAGAN COMPANY	324767	96163 AP	12/23/2021	1-001-5-33-209	24520 JC WATER HEATERS,CUSHING	4,047.90		
				*** VENDOR				8726 TOTAL		7,334.58
1011	FEDEX	FEDEX	324768	96164 AP	12/23/2021	1-001-5-19-302	2389-5871-7 TRANSPORTATION CHA	157.42		
81	FULLER G	GARY L FULLER ATTY	324773	96169 AP	12/23/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	3,000.00		
971	GALLS	GALLS	324774	96170 AP	12/23/2021	1-001-5-07-350	5289255 UNIFORMS	559.93		
971	GALLS	GALLS	324774	96170 AP	12/23/2021	1-001-5-07-350	5289255 UNIFORMS	4,819.96		
				*** VENDOR				971 TOTAL		5,379.89
83	GRAFIX SHOPPE	M J DONOVAN ENTERPISES, INC	324777	96173 AP	12/23/2021	1-001-5-07-213	SHERIFF - VEHICLE GRAPHICS	396.17		
16080	GT DISTRIBUTORS	GT DISTRIBUTORS	324778	96174 AP	12/23/2021	1-001-5-07-356	009074 AMMUNITION	41,296.00		
16080	GT DISTRIBUTORS	GT DISTRIBUTORS	324778	96174 AP	12/23/2021	1-001-5-07-356	009074 AMMUNITION	7,620.00-		
				*** VENDOR				16080 TOTAL		33,676.00
1941	HALLEY	LAW OFFICE OF E ELAINE HALLEY	324779	96175 AP	12/23/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	3,000.00		
22605	HINCKLEY S	HINCKLEY SPRINGS	324782	96178 AP	12/23/2021	1-001-5-11-208	17137512660768 FILTRATION SYST	42.50		
191	HOME DEPOT	HOME DEPOT USA	324784	96180 AP	12/23/2021	1-001-5-07-355	1137682 GOJO SOAP FOR DISPENSE	283.75		
468	HR DIRECT	TAYLOR CORPORATION	324785	96181 AP	12/23/2021	1-001-5-07-303	A02881507 CK 93558 CDT TO WRON	79.99		
26400	KANSAS GAS	KANSAS GAS SERVICE	324722	96134 AP	12/20/2021	1-001-5-33-392	510614745 1562996 18 CUSHING B	70.77		
26400	KANSAS GAS	KANSAS GAS SERVICE	324722	96134 AP	12/20/2021	1-001-5-33-392	510614745 1562996 18 CUSHING B	69.02		
26400	KANSAS GAS	KANSAS GAS SERVICE	324722	96134 AP	12/20/2021	1-001-5-33-392	510614745 1562996 18 CUSHING B	2.79		
				*** VENDOR				26400 TOTAL		142.58
251	KC PATHOLOGY PA	KC PATHOLOGY PA	324786	96182 AP	12/23/2021	1-001-5-07-219	INMATE MEDICAL BILLS	63.59		
251	KC PATHOLOGY PA	KC PATHOLOGY PA	324786	96182 AP	12/23/2021	1-001-5-07-219	INMATE MEDICAL BILLS	30.95		
				*** VENDOR				251 TOTAL		94.54
1138	KELLER FIRE SAFETY	KELLER FIRE SAFETY	324787	96183 AP	12/23/2021	1-001-5-31-290	LEACI COURTHOUSE SVC CALL	455.96		
5542	KU TRANSPORTATION CE	KU TRANSPORTATION CENTER	324792	96188 AP	12/23/2021	1-001-5-07-202	EIP,CASE MGMT,AFFIDAVIT PREP	245.00		
5542	KU TRANSPORTATION CE	KU TRANSPORTATION CENTER	324792	96188 AP	12/23/2021	1-001-5-07-202	EIP,CASE MGMT,AFFIDAVIT PREP	35.00		
5542	KU TRANSPORTATION CE	KU TRANSPORTATION CENTER	324792	96188 AP	12/23/2021	1-001-5-07-202	EIP,CASE MGMT,AFFIDAVIT PREP	35.00		
				*** VENDOR				5542 TOTAL		315.00
148	LAW LIBRARY	LEAV CO LAW LIBRARY	324723	96135 AP	12/20/2021	1-001-5-11-203	LAW LIBRARY DUES - CO ATTY OFF	10.00		
148	LAW LIBRARY	LEAV CO LAW LIBRARY	324723	96135 AP	12/20/2021	1-001-5-11-203	LAW LIBRARY DUES - CO ATTY OFF	10.00		
148	LAW LIBRARY	LEAV CO LAW LIBRARY	324723	96135 AP	12/20/2021	1-001-5-11-203	LAW LIBRARY DUES - CO ATTY OFF	10.00		
148	LAW LIBRARY	LEAV CO LAW LIBRARY	324723	96135 AP	12/20/2021	1-001-5-11-203	LAW LIBRARY DUES - CO ATTY OFF	10.00		
148	LAW LIBRARY	LEAV CO LAW LIBRARY	324723	96135 AP	12/20/2021	1-001-5-11-203	LAW LIBRARY DUES - CO ATTY OFF	10.00		
148	LAW LIBRARY	LEAV CO LAW LIBRARY	324723	96135 AP	12/20/2021	1-001-5-11-203	LAW LIBRARY DUES - CO ATTY OFF	10.00		
148	LAW LIBRARY	LEAV CO LAW LIBRARY	324723	96135 AP	12/20/2021	1-001-5-11-203	LAW LIBRARY DUES - CO ATTY OFF	10.00		
148	LAW LIBRARY	LEAV CO LAW LIBRARY	324723	96135 AP	12/20/2021	1-001-5-11-203	LAW LIBRARY DUES - CO ATTY OFF	10.00		
				*** VENDOR				148 TOTAL		70.00
168	LCHS	LEAVENWORTH CO HUMANE SOCIETY	324793	96189 AP	12/23/2021	1-001-5-07-266	SHERIFF CONTRACT NOVEMBER / DE	1,250.00		
168	LCHS	LEAVENWORTH CO HUMANE SOCIETY	324793	96189 AP	12/23/2021	1-001-5-07-266	SHERIFF CONTRACT NOVEMBER / DE	1,250.00		
				*** VENDOR				168 TOTAL		2,500.00
1409	LEAV CO CO	LEAV CO CONSERVATION DISTRICT	324795	96191 AP	12/23/2021	1-001-5-25-230	4TH QUARTER PER LVCO BUDGET	11,250.00		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	324797	96193 AP	12/23/2021	1-001-5-19-301	DIST CT CLERK - SPOONS	3.75		
537	LEAV TIMES	LEAVENWORTH TIMES	324798	96194 AP	12/23/2021	1-001-5-14-218	ACCT 85085 NOTICE OF BUDGET AM	16.20		
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	324801	96197 AP	12/23/2021	1-001-5-01-201	OPK595_K COPIER MAINT BOCC	219.29		
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	324801	96197 AP	12/23/2021	1-001-5-11-303	OPL305_K COIER - CO ATTY	22.46		
				*** VENDOR				2059 TOTAL		241.75
4124	POCKET PRESS, INC	POCKET PRESS, INC	324804	96200 AP	12/23/2021	1-001-5-11-307	LV COUNTY ATTORNEY - POCKET GU	199.80		
4124	POCKET PRESS, INC	POCKET PRESS, INC	324804	96200 AP	12/23/2021	1-001-5-11-307	LV COUNTY ATTORNEY - POCKET GU	29.97		
				*** VENDOR				4124 TOTAL		229.77
2612	QUALITY REPORTING	QUALITY REPORTING	324808	96204 AP	12/23/2021	1-001-5-19-251	OCR SVCS 12/9/21 2019JV034	280.24		
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 2 SURGE PROTECTORS	21.98		
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	47.05		

START DATE: 12/18/2021 END DATE: 12/29/2021

TYPES OF CHECKS SELECTED: * ALL TYPES

			P.O.NUMBER	CHECK#					
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	105.99	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	.03	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	37.57	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	1,919.97	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	186.15	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	209.62	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	12.85	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	30.99	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	7.29	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	17.58	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	37.57-	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-28-301	5643954 HR 3 SCANNERS,2HUMIDIF	23.53-	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-42-301	5368496 PUBLIC WORKS (GIS) - OF	196.09	
7098	QUILL CORP	QUILL CORP	324809	96205 AP	12/23/2021	1-001-5-42-301	5368496 PUBLIC WORKS (GIS) - OF	26.99	
							*** VENDOR 7098 TOTAL		2,759.05
294	SCANSTORE	META ENTERPRISES	324810	96206 AP	12/23/2021	1-001-5-11-203	CO ATTY SIMPLEINDEX MAINT TO 2	985.00	
915	SMITHEREEN PEST MANA	SMITHEREEN PEST MANAGEMENT	324811	96207 AP	12/23/2021	1-001-5-31-212	204513 PEST CONTROL	533.00	
915	SMITHEREEN PEST MANA	SMITHEREEN PEST MANAGEMENT	324811	96207 AP	12/23/2021	1-001-5-32-211	204513 PEST CONTROL	75.00	
							*** VENDOR 915 TOTAL		608.00
49	ST LUKES	ST LUKES HOSPITAL	324812	96208 AP	12/23/2021	1-001-5-14-321	EVIDENCE COLLECTION 4001095343	725.00	
1270	ST VINCENT CLINIC	ST VINCENT CLINIC	324813	96209 AP	12/23/2021	1-001-5-29-205	PER LVCO BUDGET	10,000.00	
1270	ST VINCENT CLINIC	ST VINCENT CLINIC	324813	96209 AP	12/23/2021	1-001-5-29-205	PER LVCO BUDGET	10,000.00	
							*** VENDOR 1270 TOTAL		20,000.00
248	SUMMIT FOOD	ELIOR, INC	324814	96210 AP	12/23/2021	1-001-5-07-261	C74100 INMATE MEALS TO 12.17.2	5,533.39	
248	SUMMIT FOOD	ELIOR, INC	324814	96210 AP	12/23/2021	1-001-5-07-261	C74100 INMATE MEALS TO 12.17.2	5,633.38	
248	SUMMIT FOOD	ELIOR, INC	324814	96210 AP	12/23/2021	1-001-5-07-261	C74100 INMATE MEALS TO 12.17.2	5,707.07	
248	SUMMIT FOOD	ELIOR, INC	324814	96210 AP	12/23/2021	1-001-5-07-261	C74100 INMATE MEALS TO 12.17.2	5,707.59	
248	SUMMIT FOOD	ELIOR, INC	324814	96210 AP	12/23/2021	1-001-5-07-261	C74100 INMATE MEALS TO 12.17.2	5,806.98	
							*** VENDOR 248 TOTAL		28,388.41
829	THOMSON REUTERS	THOMSON REUTERS - WEST	324816	96212 AP	12/23/2021	1-001-5-11-210	1000590171 WEST INFORMATION CH	752.24	
3510	UNIFORM ALLOWANCES								
							*** VENDOR 3510 TOTAL		260.00
100	WITNESS LIST								
							*** VENDOR 100 TOTAL		147.80
							TOTAL FUND 001		318,876.59
86	EVERGY	EVERGY KANSAS CENTRAL INC	324766	96162 AP	12/23/2021	1-108-5-00-219	ELEC SVC EMSADMIN/HEALTH/WIC	436.38	
86	EVERGY	EVERGY KANSAS CENTRAL INC	324766	96162 AP	12/23/2021	1-108-5-00-606	ELEC SVC EMSADMIN/HEALTH/WIC	145.46	
							*** VENDOR 86 TOTAL		581.84
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	324791	96187 AP	12/23/2021	1-108-5-00-280	PRENATAL CLINICAL SVCS DECEMBE	1,800.00	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	324791	96187 AP	12/23/2021	1-108-5-00-280	PRENATAL CLINICAL SVCS DECEMBE	1,800.00	
							*** VENDOR 1629 TOTAL		3,600.00
							TOTAL FUND 108		4,181.84
1532	KERIT	KERIT	324788	96184 AP	12/23/2021	1-112-5-00-240	1ST HALF 2022 WORKERS COMP PRE	194,268.00	
							TOTAL FUND 112		194,268.00

warrants by vendor

START DATE: 12/18/2021 END DATE: 12/29/2021

TYPES OF CHECKS SELECTED: * ALL TYPES

		P.O.NUMBER	CHECK#						
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	324711	16	12/20/2021	1-115-5-00-410	FBN4343642 VEHICLE LEASES 5167	1,424.64	
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	324711	16	12/20/2021	1-115-5-00-411	FBN4343642 VEHICLE LEASES 5167	1,771.33	
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	324711	16	12/20/2021	1-115-5-00-415	FBN4343642 VEHICLE LEASES 5167	266.28	
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	324711	16	12/20/2021	1-115-5-00-418	FBN4343642 VEHICLE LEASES 5167	931.98	
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	324711	16	12/20/2021	1-115-5-00-423	FBN4343642 VEHICLE LEASES 5167	375.80	
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	324711	16	12/20/2021	1-115-5-00-434	FBN4343642 VEHICLE LEASES 5167	5,667.43	
								*** VENDOR 516725 TOTAL	10,437.46
16080	GT DISTRIBUTORS	GT DISTRIBUTORS	324778	96174 AP	12/23/2021	1-115-5-00-408	009074 GLOCKS, TRADE-INS,HOLST	23,479.50	
406	PUBLIC SAFETY	PUBLIC SAFETY UPFITTERS LLC	324807	96203 AP	12/23/2021	1-115-5-00-408	LVSO -BULLET PROOF VEST	876.00	
								TOTAL FUND 115	34,792.96

24545	CDW GOVERN	CDW GOVERNMENT INC	324757	96153 AP	12/23/2021	1-118-5-00-405	3773122 CO TREAS-CHECK SCANNER	2,304.72	
								TOTAL FUND 118	2,304.72

843	FIDLAR	FIDLAR	324770	96166 AP	12/23/2021	1-119-5-00-252	2010343 BASTION AVID HOSTING T	3,050.00	
843	FIDLAR	FIDLAR	324770	96166 AP	12/23/2021	1-119-5-00-301	2010343 PROPERTY FRAUD ALERT B	784.45	
								*** VENDOR 843 TOTAL	3,834.45
9737	KS ROD	KANSAS REGISTER OF DEEDS ASSN	324790	96186 AP	12/23/2021	1-119-5-00-253	ROD ASSOC ANNUAL DUES 2022 T M	250.00	
975	LEAV LANSI	LEAVENWORTH/LANSING CHAMBER	324796	96192 AP	12/23/2021	1-119-5-00-253	2022 ANNUAL BANQUET	50.00	
								TOTAL FUND 119	4,134.45

516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	324711	16	12/20/2021	1-126-5-00-221	FBN4343642 VEHICLE LEASES 5167	14.77	
543	HEARTLAND RADAC	HEARTLAND REGIONAL ALCOHOL AND	324781	96177 AP	12/23/2021	1-126-5-00-705	ASSESSMENT (175.00	
2505	INTRINSIC INTERVENTI	INTRINSIC INTERVENTIONS	324721	96133 AP	12/20/2021	1-126-5-00-226	SMART SCREEN UA TEST CUPS	316.00	
								TOTAL FUND 126	505.77

4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	324743	96139 AP	12/23/2021	1-133-5-00-215	12-33 4013-01993 UNIFORM RENTA	264.55	
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	324743	96139 AP	12/23/2021	1-133-5-00-215	12-48 4013-01993 UNIFORM RENTA	276.80	
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	324743	96139 AP	12/23/2021	1-133-5-00-312	12-33 4013-01993 UNIFORM RENTA	209.52	
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	324743	96139 AP	12/23/2021	1-133-5-00-312	12-48 4013-01993 UNIFORM RENTA	217.21	
								*** VENDOR 4120 TOTAL	968.08
24545	CDW GOVERN	CDW GOVERNMENT INC	324757	96153 AP	12/23/2021	1-133-5-00-327	12-34 3773122 COMPUTER FOR SUR	1,714.41	
24545	CDW GOVERN	CDW GOVERNMENT INC	324757	96153 AP	12/23/2021	1-133-5-00-327	12-49 3773122 MONITORS,SOFTWAR	418.48	
24545	CDW GOVERN	CDW GOVERNMENT INC	324757	96153 AP	12/23/2021	1-133-5-00-327	12-49 3773122 MONITORS,SOFTWAR	296.46	
								*** VENDOR 24545 TOTAL	2,429.35
5637	CLEARWATER ENTERPRIS	CLEARWATER ENTERPRISES,LLC	324718	96130 AP	12/20/2021	1-133-5-00-304	12-43 20642-56000012111 GAS	153.76	
2533	COMMERCIAL INDUSTRIA	COMMERCIAL INDUSTRIAL SUPPLY C	324758	96154 AP	12/23/2021	1-133-5-00-207	12-35 SERVICE CALL-SHOP FURNAC	649.00	
290	FELDMANS	FELDMANS	324769	96165 AP	12/23/2021	1-133-5-00-364	12-50 30336 SAFETY BOOTS STITE	154.99	
507	FORCE AMERICA	FORCE AMERICA DISTRIBUTING LLC	324772	96168 AP	12/23/2021	1-133-5-00-360	12-51 114694 RETROFIT KIT, SWI	1,029.43	
507	FORCE AMERICA	FORCE AMERICA DISTRIBUTING LLC	324772	96168 AP	12/23/2021	1-133-5-00-360	12-51 114694 RETROFIT KIT, SWI	133.56	
								*** VENDOR 507 TOTAL	1,162.99
617	GEIGER	GEIGER READY MIX	324775	96171 AP	12/23/2021	1-133-5-00-325	12-52 4325 WA450 POSTHOLE	1,312.20	
617	GEIGER	GEIGER READY MIX	324775	96171 AP	12/23/2021	1-133-5-00-440	12-52 4325 WA450 POSTHOLE	828.98	
617	GEIGER	GEIGER READY MIX	324775	96171 AP	12/23/2021	1-133-5-00-440	12-52 4325 WA450 POSTHOLE	57.84-	
617	GEIGER	GEIGER READY MIX	324775	96171 AP	12/23/2021	1-133-5-00-440	12-52 4325 WA450 POSTHOLE	16.48-	
								*** VENDOR 617 TOTAL	2,066.86
434	HAMM QUARR	HAMM QUARRIES	324780	96176 AP	12/23/2021	1-133-5-00-361	12-53 300467 ROCK	1,487.86	
191	HOME DEPOT	HOME DEPOT USA	324784	96180 AP	12/23/2021	1-133-5-00-312	12-54 1111680 CONCRETE MIX,WII	94.80	
191	HOME DEPOT	HOME DEPOT USA	324784	96180 AP	12/23/2021	1-133-5-00-326	12-54 1111680 CONCRETE MIX,WII	182.07	
191	HOME DEPOT	HOME DEPOT USA	324784	96180 AP	12/23/2021	1-133-5-00-326	12-54 1111680 CONCRETE MIX,WII	14.56-	
								*** VENDOR 191 TOTAL	262.31
1186	KRANZ OF KANSAS CITY	KRANZ OF KANSAS CITY	324789	96185 AP	12/23/2021	1-133-5-00-360	12-55 11318 HENDERSON SPRINGS	209.23	

START DATE: 12/18/2021 END DATE: 12/29/2021

TYPES OF CHECKS SELECTED: * ALL TYPES

		P.O.NUMBER	CHECK#							
461	LEAV CO CO	LEAV CO COOP	324724	96136 AP	12/20/2021	1-133-5-00-304	12-44 FUEL, FLUIDS/LUBES		43,587.50	
461	LEAV CO CO	LEAV CO COOP	324794	96190 AP	12/23/2021	1-133-5-00-304	12-57 LEAROA DYED DIESEL,SEMI		855.86	
461	LEAV CO CO	LEAV CO COOP	324794	96190 AP	12/23/2021	1-133-5-00-304	12-57 LEAROA DYED DIESEL,SEMI		1,684.65	
461	LEAV CO CO	LEAV CO COOP	324794	96190 AP	12/23/2021	1-133-5-00-304	12-57 LEAROA DYED DIESEL,SEMI		4,666.84	
461	LEAV CO CO	LEAV CO COOP	324794	96190 AP	12/23/2021	1-133-5-00-304	12-57 LEAROA DYED DIESEL,SEMI		758.81	
461	LEAV CO CO	LEAV CO COOP	324794	96190 AP	12/23/2021	1-133-5-00-304	12-57 LEAROA DYED DIESEL,SEMI		19,259.92	
461	LEAV CO CO	LEAV CO COOP	324724	96136 AP	12/20/2021	1-133-5-00-310	12-44 FUEL, FLUIDS/LUBES		782.00	
								*** VENDOR	461 TOTAL	71,595.58
537	LEAV TIMES	LEAVENWORTH TIMES	324798	96194 AP	12/23/2021	1-133-5-00-208	12-38 ACCT 264 RFQ PUB FOR 52C		72.65	
537	LEAV TIMES	LEAVENWORTH TIMES	324798	96194 AP	12/23/2021	1-133-5-00-208	12-56 ACCT 264 BID NOTICES		17.75	
537	LEAV TIMES	LEAVENWORTH TIMES	324798	96194 AP	12/23/2021	1-133-5-00-208	12-56 ACCT 264 BID NOTICES		18.20	
								*** VENDOR	537 TOTAL	108.60
232	MHC KENWORTH	MHC KENWORTH-OLATHE	324799	96195 AP	12/23/2021	1-133-5-00-360	12-58 95988 GEARS, TUBES,FILTE		777.49	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	324799	96195 AP	12/23/2021	1-133-5-00-360	12-58 95988 GEARS, TUBES,FILTE		769.23	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	324799	96195 AP	12/23/2021	1-133-5-00-360	12-58 95988 GEARS, TUBES,FILTE		257.76	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	324799	96195 AP	12/23/2021	1-133-5-00-360	12-58 95988 GEARS, TUBES,FILTE		605.21	
								*** VENDOR	232 TOTAL	871.23
2666	MISC REIMBURSEMENTS	BLAKE KINGSOLVER	324802	96198 AP	12/23/2021	1-133-5-00-203	12-36 REIM CDL		12.50	
490	POOR RICH	POOR RICHARDS	324805	96201 AP	12/23/2021	1-133-5-00-208	12-39 PUBLIC WORKS - 2020 CENS		189.90	
418	PREMIER TRUCK	PENSKE COMMERCIAL VEHICLES US	324806	96202 AP	12/23/2021	1-133-5-00-360	12-59 8052255000 HEADER		665.04	
1675	SPRINT	SPRINT	324725	96137 AP	12/20/2021	1-133-5-00-210	12-40 GPS MOBILE TELEMETRY		39.99	
42	TECH ELECTRONICS	TRONICOM, INC	324815	96211 AP	12/23/2021	1-133-5-00-360	12-60 2/000925000 GECH UNI SEA		218.80	
22972	TRANSFER STATION	TRANSFER STATION	324817	96213 AP	12/23/2021	1-133-5-00-214	12-41 ACCT 656 CONSTRUCITON WA		118.00	
392	VANDERBILT	VANDERBILT'S	324818	96214 AP	12/23/2021	1-133-5-00-364	12-42 10000127 SFAETY BOOTS DO		89.99	
392	VANDERBILT	VANDERBILT'S	324818	96214 AP	12/23/2021	1-133-5-00-364	12-42 10000127 SFAETY BOOTS DO		165.00	
								*** VENDOR	392 TOTAL	254.99
								TOTAL FUND 133		83,619.06

516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	324711	16	12/20/2021	1-136-5-00-221	FBN4343642 VEHICLE LEASES 5167		14.77	
								TOTAL FUND 136		14.77

4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	324743	96139 AP	12/23/2021	1-137-5-00-203	12-12 4013-01993 UNIFORM RENTA		94.09	
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	324743	96139 AP	12/23/2021	1-137-5-00-203	12-15 4013-01993 UNIFORM RENTA		146.59	
								*** VENDOR	4120 TOTAL	240.68
117	BUILDEX, LLC	HAMM INC (FORMERLY BUILDEX)	324753	96149 AP	12/23/2021	1-137-5-00-312	12-19 430742 ROCK		10,784.90	
117	BUILDEX, LLC	HAMM INC (FORMERLY BUILDEX)	324753	96149 AP	12/23/2021	1-137-5-00-312	12-19 430742 ROCK		8,822.57	
117	BUILDEX, LLC	HAMM INC (FORMERLY BUILDEX)	324753	96149 AP	12/23/2021	1-137-5-00-312	12-19 430742 ROCK		8,647.07	
								*** VENDOR	117 TOTAL	28,254.54
2588	FOLEY EQUIPMENT	FOLEY EQUIPMENT	324771	96167 AP	12/23/2021	1-137-5-00-320	12-16 016993 CAP AS-FUEL		97.18	
434	HAMM QUARR	HAMM QUARRIES	324780	96176 AP	12/23/2021	1-137-5-00-312	12-13 300467 ROCK		572.08	
434	HAMM QUARR	HAMM QUARRIES	324780	96176 AP	12/23/2021	1-137-5-00-312	12-17 300467 ROCK		1,141.21	
434	HAMM QUARR	HAMM QUARRIES	324780	96176 AP	12/23/2021	1-137-5-00-312	12-17 300467 ROCK		544.49	
434	HAMM QUARR	HAMM QUARRIES	324780	96176 AP	12/23/2021	1-137-5-00-312	12-17 300467 ROCK		821.26	
434	HAMM QUARR	HAMM QUARRIES	324780	96176 AP	12/23/2021	1-137-5-00-312	12-17 300467 ROCK		130.75	
434	HAMM QUARR	HAMM QUARRIES	324780	96176 AP	12/23/2021	1-137-5-00-312	12-17 300467 ROCK		431.70	
434	HAMM QUARR	HAMM QUARRIES	324780	96176 AP	12/23/2021	1-137-5-00-312	12-17 300467 ROCK		1,041.38	
434	HAMM QUARR	HAMM QUARRIES	324780	96176 AP	12/23/2021	1-137-5-00-312	12-17 300467 ROCK		1,340.17	
434	HAMM QUARR	HAMM QUARRIES	324780	96176 AP	12/23/2021	1-137-5-00-312	12-17 300467 ROCK		429.17	
434	HAMM QUARR	HAMM QUARRIES	324780	96176 AP	12/23/2021	1-137-5-00-312	12-17 300467 ROCK		537.83	
								*** VENDOR	434 TOTAL	6,990.04
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	324783	96179 AP	12/23/2021	1-137-5-00-312	12-18 218331 ROCK		266.19	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	324783	96179 AP	12/23/2021	1-137-5-00-312	12-18 218331 ROCK		286.90	

START DATE: 12/18/2021 END DATE: 12/29/2021

TYPES OF CHECKS SELECTED: * ALL TYPES

				P.O.NUMBER	CHECK#					
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	324783	96179 AP	12/23/2021	1-137-5-00-312	12-18 218331 ROCK	139.94		
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	324783	96179 AP	12/23/2021	1-137-5-00-312	12-18 218331 ROCK	414.97		
								*** VENDOR	369 TOTAL	1,108.00
								TOTAL FUND 137		36,690.44

2621	BOOKER TERRY	TERRY BOOKER	324751	96147 AP	12/23/2021	1-145-5-00-256	MEALS RESERVED - COA	5,822.25		
2621	BOOKER TERRY	TERRY BOOKER	324751	96147 AP	12/23/2021	1-145-5-00-256	MEALS RESERVED - COA	9,807.00		
2621	BOOKER TERRY	TERRY BOOKER	324751	96147 AP	12/23/2021	1-145-5-00-256	MEALS RESERVED - COA	9,933.00		
								*** VENDOR	2621 TOTAL	25,562.25
545	DEAN, GEORGIA LYNN	GEORGIA LYNN DEAN	324761	96157 AP	12/23/2021	1-145-5-00-212	REDESIGN COA LOGO	1,500.00		
86	EVERGY	EVERGY KANSAS CENTRAL INC	324766	96162 AP	12/23/2021	1-145-5-00-246	ELEC SVC COA	777.42		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	324797	96193 AP	12/23/2021	1-145-5-00-301	CO ON AGING MESSAGE BOOKS,BAND	29.11		
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	324801	96197 AP	12/23/2021	1-145-5-00-208	OPK596_K CANON CONTRACT	739.85		
								TOTAL FUND 145		28,608.63

516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	324711	16	12/20/2021	1-153-5-00-401	FBN4343642 VEHICLE LEASES 5167	7,371.05		
243	GEOTAB	GEOTAB USA INC	324776	96172 AP	12/23/2021	1-153-5-00-401	LEAV01 - OVERCREDIT ON REFUND	7.25		
								TOTAL FUND 153		7,378.30

26195	ADVANCE AUTO PARTS	GENERAL PARTS DISTRIBUTION	324745	96141 AP	12/23/2021	1-160-5-00-213	670030 GREASE,DEF,HOSE,ETC	102.84		
26195	ADVANCE AUTO PARTS	GENERAL PARTS DISTRIBUTION	324745	96141 AP	12/23/2021	1-160-5-00-213	670030 GREASE,DEF,HOSE,ETC	40.84		
26195	ADVANCE AUTO PARTS	GENERAL PARTS DISTRIBUTION	324745	96141 AP	12/23/2021	1-160-5-00-213	670030 GREASE,DEF,HOSE,ETC	12.84		
26195	ADVANCE AUTO PARTS	GENERAL PARTS DISTRIBUTION	324745	96141 AP	12/23/2021	1-160-5-00-213	670030 GREASE,DEF,HOSE,ETC	101.10		
26195	ADVANCE AUTO PARTS	GENERAL PARTS DISTRIBUTION	324745	96141 AP	12/23/2021	1-160-5-00-213	670030 AIR COMB 48", 29 ONYX	77.20		
								*** VENDOR	26195 TOTAL	334.82
2518	BROWN BEAR PRINTING	BROWN BEAR PRINTING	324752	96148 AP	12/23/2021	1-160-5-00-305	UNIFORM SHIRTS - OFFICE (LESS	242.35		
2518	BROWN BEAR PRINTING	BROWN BEAR PRINTING	324752	96148 AP	12/23/2021	1-160-5-00-305	UNIFORM SHIRTS - OFFICE (LESS	34.88-		
								*** VENDOR	2518 TOTAL	207.47
461	LEAV CO CO	LEAV CO COOP	324794	96190 AP	12/23/2021	1-160-5-00-304	FUEL - TRANSFER STATION	800.31		
537	LEAV TIMES	LEAVENWORTH TIMES	324798	96194 AP	12/23/2021	1-160-5-00-212	85736 2 4X6 DISPLAY ADS-REGULA	86.40		
105	MIDWEST M	MIDWEST MOBILE RADIO SERVICE	324800	96196 AP	12/23/2021	1-160-5-00-263	R293 PROGRAMMING TRUNKING RADI	85.00		
								TOTAL FUND 160		1,514.00

396	ACI BOLAND INC	ACI BOLAND INC	324732	10096 AP	12/22/2021	1-172-5-00-107	3-21113.00 CUSHING REMODEL	5,127.31		
396	ACI BOLAND INC	ACI BOLAND INC	324732	10096 AP	12/22/2021	1-172-5-00-107	3-21113.01 CRISIS STABILIZATIO	10,430.00		
								*** VENDOR	396 TOTAL	15,557.31
534	SANDS CONSTRUCTION	SANDS CONSTRUCTION LLC	324733	10097 AP	12/22/2021	1-172-5-00-107	3-21113.00 CUSHING REMODEL	134,478.00		
								TOTAL FUND 172		150,035.31

2138	ABSOLUTE COMFORT TEC	ABSOLUTE COMFORT TECHNOLOGIES	324742	96138 AP	12/23/2021	1-174-5-00-210	FT LEAV 911 TOWE4R SIGN GENERA	1,975.00		
2138	ABSOLUTE COMFORT TEC	ABSOLUTE COMFORT TECHNOLOGIES	324742	96138 AP	12/23/2021	1-174-5-00-210	EISENHOWER 911 TOWER - GENERAT	429.95		
								*** VENDOR	2138 TOTAL	2,404.95
1737	AT&T-CAROL STREAM IL	AT&T	324747	96143 AP	12/23/2021	1-174-5-00-210	913A38-0682-421-2 SVC TO 4 TOW	89.93		
1737	AT&T-CAROL STREAM IL	AT&T	324747	96143 AP	12/23/2021	1-174-5-00-210	913A38-0682-421-2 SVC TO 4 TOW	89.93		
1737	AT&T-CAROL STREAM IL	AT&T	324747	96143 AP	12/23/2021	1-174-5-00-210	913A38-0682-421-2 SVC TO 4 TOW	85.92		
1737	AT&T-CAROL STREAM IL	AT&T	324747	96143 AP	12/23/2021	1-174-5-00-210	913A38-0682-421-2 SVC TO 4 TOW	167.82		
								*** VENDOR	1737 TOTAL	433.60
								TOTAL FUND 174		2,838.55

2	WATER DEPT	WATER DEPT	324819	96215 AP	12/23/2021	1-195-5-00-290	WATER SVC JDC	44.04		
								TOTAL FUND 195		44.04

TYPES OF CHECKS SELECTED: * ALL TYPES

			P.O.NUMBER	CHECK#						
2666	MISC REIMBURSEMENTS	ZACHARY FARR	324803	96199 AP	12/23/2021	1-212-5-00-2	PER DIEM & PURCHASE OF CALCULA	28.00		
2666	MISC REIMBURSEMENTS	ZACHARY FARR	324803	96199 AP	12/23/2021	1-212-5-00-2	PER DIEM & PURCHASE OF CALCULA	46.00		
2666	MISC REIMBURSEMENTS	ZACHARY FARR	324803	96199 AP	12/23/2021	1-212-5-00-2	PER DIEM & PURCHASE OF CALCULA	10.46		
							*** VENDOR	2666 TOTAL	84.46	
							TOTAL FUND 212		84.46	

2570	BOND ESCROW REFUND	KYLE AND HELISSA HARISS	324750	96146 AP	12/23/2021	1-503-5-00-2	REF ENTRANCE PERMIT 151ST ST	100.00		
							TOTAL FUND 503		100.00	

							TOTAL ALL CHECKS		869,991.89	

TYPES OF CHECKS SELECTED: * ALL TYPES

FUND SUMMARY

001	GENERAL	318,876.59
108	COUNTY HEALTH	4,181.84
112	EMPLOYEE BENEFIT	194,268.00
115	EQUIPMENT RESERVE	34,792.96
118	TREASURER TECH FUND	2,304.72
119	ROD TECHNOLOGY	4,134.45
126	COMM CORR ADULT	505.77
133	ROAD & BRIDGE	83,619.06
136	COMM CORR JUVENILE	14.77
137	LOCAL SERVICE ROAD & BRIDGE	36,690.44
145	COUNCIL ON AGING	28,608.63
153	PUBLIC WORKS,EQUIP.RESERVE FUND	7,378.30
160	SOLID WASTE MANAGEMENT	1,514.00
172	AMERICAN RECOVERY PLAN	150,035.31
174	911	2,838.55
195	JUVENILE DETENTION	44.04
212	SEWER DISTRICT 2: TIMBERLAKES	84.46
503	ROAD & BRIDGE BOND ESCROW	100.00
	TOTAL ALL FUNDS	869,991.89

Consent Agenda 12-29-21
Checks dated 12/18-12/23

BOARD ORDER 2021 - 4

**AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF LEAVENWORTH, KANSAS, TRANSFERRING FUNDS FROM THE
ELECTION FUND TO THE EQUIPMENT RESERVE FUND.**

Now, on this _____ day of December 2021 the Board of County Commissioners of Leavenworth County, Kansas adopts the following Board Order:

That the Clerk of Leavenworth County, Kansas is hereby directed to cause the transfer of the sum of **Twenty-Five Thousand Dollars and no/100 (\$25,000.00)** from the Election Fund to the Equipment Reserve Election Fund.

Transfer Out: Election (D) 1-001-5-49-501
(C) 1-001-1-00-001

Transfer To: Equipment Reserve/Election (C) 1-115-4-00-924
(D) 1-115-1-00-001

Dated this _____ day of December 2021.

Board of County Commissioners
Of Leavenworth County, Kansas

Mike Smith, Chairman

Jeff Culbertson, Member

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

ATTEST:

Janet Klasinski, Leavenworth County Clerk

BOARD ORDER 2021 - 5

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, TRANSFERRING FUNDS FROM THE GENERAL FUND OF THE COUNTY TO THE COUNCIL ON AGING.

Now, on this _____ day of December 2021 the Board of County Commissioners of Leavenworth County, Kansas adopts the following Board Order:

That the Clerk of Leavenworth County, Kansas is hereby directed to cause the transfer of the sum of **One Hundred Sixty Thousand dollars and no/100 (\$160,000.00)** from the General Fund to Council on Aging. (To replace lost revenue due to Federal and State funds not received in 2021)

Transfer Out: General Fund (D) 1-001-5-14-502
(C) 1-001-1-00-001

Transfer To: Council on Aging (C) 1-145-4-00-901
(D) 1-145-1-00-001

Dated this _____ day of December 2021.

Board of County Commissioners
Of Leavenworth County, Kansas

Mike Smith, Chairman

Jeff Culbertson, Member

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

ATTEST:

Janet Klasinski, Leavenworth County Clerk

BOARD ORDER 2021 - 6

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, TRANSFERRING FUNDS FROM THE GENERAL FUND OF THE COUNTY TO THE CAPITAL ROAD FUND.

Now, on this _____ day of December 2021 the Board of County Commissioners of Leavenworth County, Kansas adopts the following Board Order:

That the Clerk of Leavenworth County, Kansas is hereby directed to cause the transfer of the sum of **Three Hundred Ninety Thousand Seventy Hundred Eighty Nine dollars and 05/100 (\$390,789.05)** from the General Fund to Capital Roads. (To reimburse Road & Bridge for labor, materials and equipment relating to the 2019 Linwood Tornado cleanup)

Transfer Out: General Fund (D) 1-001-5-14-370
(C) 1-001-1-00-001

Transfer To: Capital Road Fund (C) 1-220-4-00-901
(D) 1-220-1-00-001

Dated this _____ day of December 2021.

Board of County Commissioners
Of Leavenworth County, Kansas

Mike Smith, Chairman

Jeff Culbertson, Member

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

ATTEST:

Janet Klasinski, Leavenworth County Clerk

BOARD ORDER 2021 - 7

**AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF LEAVENWORTH, KANSAS, TRANSFERRING FUNDS FROM THE 2006
10 YEAR SALES TAX FUND TO GENERAL FUND.**

Now, on this _____ day of December 2021 the Board of County Commissioners of Leavenworth County, Kansas adopts the following Board Order:

That the Clerk of Leavenworth County, Kansas is hereby directed to cause the transfer of the sum of **Forty-Five Thousand, One Hundred and Forty Dollars (\$45,140.00)** from the 2006 10 Yr. Sales Tax Fund to General Fund to close the Fund.

Transfer Out: 2006 10 Yr. Sales Tax (D) 1-170-5-00-5
(C) 1-170-1-00-001

Transfer To: General Fund, Transfer In:
(C) 1-001-4-00-9
(D) 1-001-1-00-001

Dated this _____ day of December 2021.

Board of County Commissioners
Of Leavenworth County, Kansas

Mike Smith, Chairman

Jeff Culbertson, Member

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

ATTEST:

Janet Klasinski, Leavenworth County Clerk

BOARD ORDER 2021 - 8

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, TRANSFERRING FUNDS FROM THE SHERIFF DEPARTMENT IN GENERAL FUND TO THE EQUIPMENT RESERVE FUND.

Now, on this _____ day of December 2021 the Board of County Commissioners of Leavenworth County, Kansas adopts the following Board Order:

That the Clerk of Leavenworth County, Kansas is hereby directed to cause the transfer of the sum of **Eighty Thousand Dollars and no/100 (\$80,000.00)** from the Sheriff Department to the Equipment Reserve Election Fund for Motorola Radios.

Transfer Out: Sheriff (D) 1-001-5-07-501
(C) 1-001-1-00-001

Transfer To: Equipment Reserve/Election (C) 1-115-4-00-929
(D) 1-115-1-00-001

Dated this _____ day of December 2021.

Board of County Commissioners
Of Leavenworth County, Kansas

Mike Smith, Chairman

Jeff Culbertson, Member

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

ATTEST:

Janet Klasinski, Leavenworth County Clerk

BOARD ORDER 2021 - 9

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, TRANSFERRING FUNDS FROM THE SOLID WASTE OPERATING FUND OF THE COUNTY TO THE CAPITAL IMPROVEMENT FUND.

Now, on this _____ day of December 2021 the Board of County Commissioners of Leavenworth County, Kansas adopts the following Board Order:

That the Clerk of Leavenworth County, Kansas is hereby directed to cause the transfer of the sum of **One Hundred Forty-Five Thousand Five Hundred Dollars (\$145,000.00)** from the Solid Waste Operating Fund to the Capital Improvement Fund to be designated for new scale house, wiring, asphalt and concrete.

Transfer Out: Solid Waste (D) 1-160-5-00-502
(C) 1-160-1-00-001

Transfer To: Capital Improvement, Solid Waste:
(C) 1-215-4-00-903
(D) 1-215-1-00-001

Dated this _____ day of December 2021.

Board of County Commissioners
Of Leavenworth County, Kansas

Mike Smith, Chairman

Jeff Culbertson, Member

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

ATTEST:

Janet Klasinski, Leavenworth County Clerk

BOARD ORDER 2021 - 10

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, TRANSFERRING FUNDS FROM SEWER DISTRICT NO. 5 TO GENERAL FUND/SPECIAL BUILDING MAINTENANCE.

Now, on this _____ day of December 2021 the Board of County Commissioners of Leavenworth County, Kansas adopts the following Board Order:

That the Clerk of Leavenworth County, Kansas is hereby directed to cause the transfer of the sum of **Eight Thousand Six Hundred Twenty-Four Dollars (\$8,624.00)** from the Sewer District No. 5 to General Fund/Special Building Maintenance for reimbursement of salaries as approved in the 2021 Budget.

Transfer Out: Sewer District No. 5 (D) 1-218-5-00-901
(C) 1-218-1-00-001

Transfer To: General Fund/Special Building Maintenance:
(C) 1-001-4-31-928
(D) 1-001-1-00-001

Dated this _____ day of December 2021.

Board of County Commissioners
Of Leavenworth County, Kansas

Mike Smith, Chairman

Jeff Culbertson, Member

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

ATTEST:

Janet Klasinski, Leavenworth County Clerk

BOARD ORDER 2021 - 11

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, TRANSFERRING FUNDS FROM SEWER DISTRICT NO. 2 TO GENERAL FUND/SPECIAL BUILDING MAINTENANCE.

Now, on this _____ day of December 2021 the Board of County Commissioners of Leavenworth County, Kansas adopts the following Board Order:

That the Clerk of Leavenworth County, Kansas is hereby directed to cause the transfer of the sum of **Twelve Thousand Seven Hundred Eighty-Four Dollars (\$12,784.00)** from the Sewer District No. 2 to General Fund/Special Building Maintenance for reimbursement of salaries as approved in the 2021 Budget.

Transfer Out: Sewer District No. 2 (D) 1-212-5-00-901
(C) 1-212-1-00-001

Transfer To: General Fund/Special Building Maintenance:
(C) 1-001-4-31-922
(D) 1-001-1-00-001

Dated this _____ day of December 2021.

Board of County Commissioners
Of Leavenworth County, Kansas

Mike Smith, Chairman

Jeff Culbertson, Member

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

ATTEST:

Janet Klasinski, Leavenworth County Clerk

BOARD ORDER 2021 - 12

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, TRANSFERRING FUNDS FROM SEWER DISTRICT NO. 1 TO GENERAL FUND/SPECIAL BUILDING MAINTENANCE.

Now, on this _____ day of December 2021 the Board of County Commissioners of Leavenworth County, Kansas adopts the following Board Order:

That the Clerk of Leavenworth County, Kansas is hereby directed to cause the transfer of the sum of **Fifteen Thousand Four Hundred Fifty-Six Dollars (\$15,456.00)** from the Sewer District No. 1 to General Fund/Special Building Maintenance for reimbursement of salaries as approved in the 2021 Budget.

Transfer Out: Sewer District No. 1 (D) 1-210-5-00-901
(C) 1-210-1-00-001

Transfer To: General Fund/Special Building Maintenance:
(C) 1-001-4-31-920
(D) 1-001-1-00-001

Dated this _____ day of December 2021.

Board of County Commissioners
Of Leavenworth County, Kansas

Mike Smith, Chairman

Jeff Culbertson, Member

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

ATTEST:

Janet Klasinski, Leavenworth County Clerk

BOARD ORDER 2021 - 13

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, TRANSFERRING FUNDS FROM THE ROAD & BRIDGE FUND OF THE COUNTY TO THE CAPITAL ROAD FUND.

Now, on this _____ day of December 2021 the Board of County Commissioners of Leavenworth County, Kansas adopts the following Board Order:

That the Clerk of Leavenworth County, Kansas is hereby directed to cause the transfer of the sum of **Two Hundred Thousand and no/100 (\$200,000.00)** from the Road & Bridge Fund to the Capital Roads.

Transfer Out: Road & Bridge (D) 1-133-5-00-5
(C) 1-133-1-00-001

Transfer To: Capital Road Fund (C) 1-220-4-00-901
(D) 1-220-1-00-001

Dated this _____ day of December 2021.

Board of County Commissioners
Of Leavenworth County, Kansas

Mike Smith, Chairman

Jeff Culbertson, Member

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

ATTEST:

Janet Klasinski, Leavenworth County Clerk

Leavenworth County Request for Board Action

Date: 12/30/2021

To: Board of County Commissioners

From: Public Works

Department Head Approval: *B. Noll*

Additional Reviews as needed:

Budget Review Administrator Review Legal Review

Action Requested: Accept the selection committee recommendation to award design engineering and construction engineering of the ST-100 (KDOT Off System Bridge) project to Finney & Turnipseed.

Recommendation: Approval

Analysis:

Proposals were solicited from KDOT prequalified firms and evaluated based upon training and qualifications, experience, available resources and familiarity with project and area.

All proposals were submitted to the County Clerk by 10:00 on Monday, December 20, 2021. A selection committee met on Wednesday, December 22, 2021 to review the proposals.

Of the three received proposals, Finney & Turnipseed was selected by the committee to perform the design engineering and construction engineering services.

With your approval, we will begin negotiations with Finney & Turnipseed to move the project forward.

Alternatives: Deny, Table

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds (Sales Tax Fund)
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Total Amount Requested: No Funds Required

Additional Attachments:

Finney & Turnipseed Proposal

FINNEY & TURNIPSEED

CRAIG A. MATTOX, P.E., P.L.S.
Principal
KIP E. McNORTON, P.E.
TIMOTHY A. REED, P.E.
ANDREW S. STUEWE, P.E.

TRANSPORTATION & CIVIL ENGINEERING, L.L.C.
610 SW 10TH STREET, SUITE 200 PHONE (785) 235-2394
FAX (785) 235-1902
E-MAIL - cmattox@finturn.com
TOPEKA, KANSAS 66612-1674

DEBRA I. BRIANT, P.E.
JOSEPH A. HARRINGTON, P.E.

December 17, 2021

Selection Committee

Leavenworth County Department of Public Works
300 Walnut, Suite 007
Leavenworth Ks, 66048-2815

Re: Request for Qualifications
Engineering Design Services for ST-100 Bridge Replacement
Project No. 052 C-5144-01

Committee Members,

We have reviewed your request for qualifications regarding engineering services on the above referenced bridge replacement project. Finney & Turnipseed, Transportation & Civil Engineering, L.L.C. wish to thank you for the opportunity to present our qualifications for this bridge project.

Finney & Turnipseed, Transportation & Civil Engineering, L.L.C. is a group of design professionals with the specific expertise required for this project. This firm has been providing engineering services on field surveys, studies, designs, plans, specifications and construction engineering for all types of public works projects. We have provided these services to Cities, Counties, the Kansas Department of Transportation, the Kansas Turnpike Authority and the US Army Corps of Engineers for more than 80 years. Our proposed project team brings more than 20 years of experience working together as a design team. This makes our team very knowledgeable and efficient when designing projects of this type.

The contact person and project manager for this project will be;

Craig A. Mattox, PE, PLS – Principal
Finney & Turnipseed, Transportation & Civil Engineering, L.L.C.
610 SW 10th Street, Suite 200 Topeka, Kansas 66612 Office - (785) 235-2394

Finney & Turnipseed, Transportation & Civil Engineering, L.L.C. has only one office. It is located at 610 SW 10th Street in Topeka, Kansas. Work on this project will be performed from this office.

OUR PROJECT TEAM

Craig Mattox, PE, LS – Principal

BS in Civil Engineering, 1985, Master's Degree in Civil Engineering from Kansas State University in 1992. Craig will lead the bridge analysis/design task. Craig is a structural engineer with over 35 years of experience designing, constructing, and inspecting bridges for the KTA, KDOT, cities, and counties. Replacement bridge projects he has work on include all types of structures including reinforced concrete slabs, prestressed concrete beams, steel beams, welded steel plates girders and large reinforced concrete box bridges. His duties will be:

- Develop alternative bridge concepts for replacing the existing structure.
- Perform and evaluate hydraulics for any proposed replacement structure.
- Develop construction cost estimates.
- Oversee and manage project staff and tasks for both design and construction.
- Provide QA/QC for the project plans.

Kip McNorton, PE – Senior Bridge Design Engineer

Kip will perform the bridge analysis/design task of the study for the proposed structure. Kip is a structural engineer with over 27 years of experience designing and inspecting bridges for the KTA, KDOT, cities, and counties. He has designed many reinforced concrete, prestressed and steel structures for the KDOT, cities and counties. His duties will be:

- Provide the structural design for replacing the existing structure.
- Review bridge hydraulics.
- Oversee the development of bridge plans and details.

Tim Reed, PE, LSIT – Senior Road Design Engineer

Tim will perform the roadway design task of the study for each proposed alternate. Tim is a road design engineer with over 23 years of experience in designing road projects of all types for the KTA, KDOT, cities, and counties. His duties will be:

- Perform the engineering design survey for this project.
- Evaluate the existing bridge roadway approaches.
- Develop roadway design requirements for replacing the existing structure and roadway approaches.
- Develop the approach roadway design and provide plan details for the bridge approaches.



Figure No. 1 Aerial view of project site.

PROJECT APPROACH

Existing Bridge Conditions

The Fairmont Road Bridge (County Bridge ST-100) over Little Stranger Creek is a 25.5'-40'-25.5' Prestressed Concrete Double Tee Girder Spans on pile bent piers and pile bent abutments. The bridge was built in 1973 with an existing roadway width of 28.0 feet. There are patched areas and delamination throughout the deck and these areas and others are spalling or delaminated. The bridge is posted 16 tons. The approaches to the bridge are asphalt surfaces 24.5 feet wide. There is no the guardrail. Side slopes are generally 3 to 1 or flatter adjacent to the bridge.

The horizontal alignment is a tangent section through the bridge (See Figure No. 1). Horizontal sight distance is adequate for 55 mph. The vertical alignment is generally and relatively flat through the bridge site. The vertical alignment at the bridge site is adequate for 55 mph.

Little Stranger Creek at this location has a tub shaped channel that is very deep from streambed to top of bank. The stream approaches the bridge for the northwest on about a 30° angle and exists to the southeast. The banks both up and downstream are raw and quite steep but are moderately wooded. The project site is within a FEMA Map Zone A and no base flood elevation has been determined.

There are two visible utilities through the project. Electric power and telephone cable/television are aerial along north right of line. There is buried waterline adjacent to the south right of way line.

Project Design Criteria

Fairmont Road is classified as a rural local collector road. Design criteria used to evaluate this project are for a 55-mph design speed for horizontal and vertical curvature. The traffic count is 1,515 vehicles per day with 11% trucks. The minimum clear zone required for this speed and traffic count is a range of 14 to 18 feet. We recommend 4 to 1 side slopes as the minimum. Designed guard rail installations will be required on all four quadrants of any bridge structure. All new proposed bridge designs will meet HL-93 loading criteria using load and resistance factor design and meet AASHTO specifications.

This entire project at the bridge and to the north is within a Zone A FEMA mapped flood plain. This will require that any replacement structure be designed to cause no more than a 1-foot rise in the 100-year flood elevation. The final bridge configuration will be determined by hydraulic investigation using actual field survey data for a new structure.

Design Alternatives

The drainage area for this structure is approximately 15.2 square miles. Averaging three different methods of calculation, the fifty-year design storm discharge is approximately 10,300 cubic feet per second. This will require a waterway opening at a velocity of 8 feet per second of approximately 1,290 square feet. The potential for drift during a flood is moderate with drift and heavy timber present on both banks. We would study three types of proposed bridges for this project. Each bridge alternative type studied will need to provide for the passage of large drift. Since this is a FEMA Zone A (no established backwater), a minimal rise in backwater may be allowed.

Alternative No. 1

One alternative would be a three span 39'-52'-39' (132.5') Reinforced Concrete Haunched Slab bridge with a 32' roadway. The bridge would have open corral rail with drainage over the side and guard fence on all four quadrants. This bridge type is used routinely in the State in this type of application, since it is relatively cheap to build and requires little maintenance. Because of its shallow superstructure depth, a Reinforced Concrete Haunched Slab provides more waterway opening with the same span than a girder type structure. It is rare that a Reinforced Concrete Slab Bridge would sustain any significant damage from collision with floating debris or drift. The major disadvantage of this structure type is the need to build falsework in the channel for constructing it. With the amount of flow during normal flooding, this can be overcome by other than standard falsework used to build this type of structure. Another disadvantage is with RC slabs the end to center span ratio needs to be balanced for design. This may require the piers will be close to the edge of the channel which may catch drift during high flooding periods. In this case, the new pier will need to avoid conflicts with the existing footings.

Alternative No. 2

Another alternative bridge type to provide this amount of needed waterway is a three Span Prestressed Concrete Beam. The bridge would have open corral rail with drainage over the side and guard fence on all four quadrants. A preliminary estimate of needed bridge length would be a 35'-55'-35' (132.5') long K2 Prestressed Concrete Beam spans with a 32-foot roadway. The major advantages of this structure type are ease of construction and low maintenance. This bridge type has an advantage of not needing any falsework thus allowing the channel to remain clear during construction. Another advantage is span flexibility to keep piers out of the water and allow for span adjustments to clear the existing substructure elements. Its major disadvantages are the need for bigger cranes to erect the girders and larger substructure elements to support the heavier superstructure. A 1.0 foot or more raise in profile grade will be needed to accommodate the increased superstructure. The existing superstructure depth is 2'-8". The overall depth with a K2 beam would be 3'-9".

Alternative No. 3

Another alternative bridge type is a 100' Single Span NU43 Prestressed Concrete Beam Span bridge with a 32' roadway. Similar to the three span prestressed beams, the single span prestressed beam has an advantage of not needing any falsework, thus allowing the channel to remain clear during construction. Another advantage is there will be no piers to keep out of the waterway and to miss the existing substructure elements. Its major disadvantages are the need for bigger cranes to erect the girders and larger substructure elements to support the heavier superstructure. A 1.75' foot or more raise in profile grade will be needed to accommodate the increased superstructure. The existing superstructure depth is 2'-8". The overall depth with an NU43 would be 4'-5".

The final bridge type, size and configuration will be determined by hydraulic investigation using actual field survey data as well as cost estimates. All viable bridge types will be examined and construction cost estimates prepared to ensure that a low cost and low maintenance structure is constructed at this location. These will be submitted to the County for their selection of the preferred structure type.

OUR PAST EXPERIENCE

The firm of Finney & Turnipseed has been designing and constructing public works projects in the State of Kansas for over 80 years. We have designed streets, highways and bridges for cities, counties, the Kansas Department of Transportation, and the U.S. Army Corps of Engineers. The following are bridge projects we have done recently;



Project No. 89 C-0066-01

NW Carlson Road (Willard) Bridge over Kansas River: Shawnee & Wabaunsee Counties

Total Length = 2,298' Structure Type – Continuous Steel Deck Truss with 250-foot maximum main spans and 36-foot roadway with an 8-foot sidewalk. Bridge spans the Kansas River and the UPRR Tracks. The new structure was built on an offset alignment requiring only a 90-day closure to tie in to the existing roadway.

Westbound and Eastbound I-70/KTA over Kansas River

Owner – Kansas Turnpike Authority Total length – 2,332 feet
Structure Type – Twin two-unit Continuous Steel Plate Girder spans with maximum 250-foot main span. Roadway width varies from 56 feet to 68 feet.



This firm has performed numerous bridge replacements for the counties. These include the following projects that are similar to this bridge replacement project and through the KDOT Local Projects of System Bridge Program;

- Project No. 89 C-4084-01, Shawnee County - SW Hodges Road over Wakarusa River
40'-80'-40' Continuous Weathering Steel Beam Prestressed Concrete Girder spans founded on Pile Bent Piers, Pile Bent abutments – 28-foot roadway. Complete project including survey and bridge and roadway plans and LPA construction inspection.
- Project No. 89 C-4189-01, Shawnee County - NW 66th Street over Halfday Creek
39'-52'-39' RC Haunched Slab bridge founded on Column Bent Piers on pile footings, Pile Bent abutments – 28-foot roadway. Complete project including survey and bridge and roadway plans and LPA construction inspection.
- Project No. 89 C-4830-01, Shawnee County, Shawnee County – NW 94th Street over Little Soldier Creek
48'-64'-48' RC Haunched Slab bridge founded on Column Bent Piers on pile footings, Pile Bent abutments – 28-foot roadway. Complete project including survey and bridge and roadway plans and LPA construction inspection.
- Project No. 89 C-4479-01, Shawnee County - SW Auburn Road over Wakarusa River
65'-75'-65' K4 Prestressed Concrete Girder bridge founded on Column Bent Piers on drilled shafts, Pile Bent abutments – 32-foot roadway. Complete project including survey and bridge and roadway plans and LPA construction inspection.
- Project No. 89 C-4614-01, Shawnee County - SW Carlson Road over Mission Creek
54'-72'-54' RC Haunched Slab bridge founded on Column Bent Piers on drilled shafts, Pile Bent abutments – 28-foot roadway. Complete project including survey and bridge and roadway plans and LPA construction inspection.
- Project No. 44 C-4700-01, Jefferson County - 202nd Street over Crooked Creek,
39'-52'-39' RC Haunched Slab bridge founded on Pile Bent Piers, Pile Bent abutments – 28-foot roadway. Complete project including survey and bridge and roadway plans and LPA construction inspection.
- Project No. 44 C-4873-01, Jefferson County -98th Street over Big Slough Creek
36'-48'-36' RC Haunched Slab bridge founded on Column Bent Piers on drilled shafts, Pile Bent abutments – 28-foot roadway. Complete project including survey and bridge and roadway plans and LPA construction inspection.
- Project No. 8 C-0073-01, Butler County -60th Street over Dry Creek
36'-48'-36' RC Haunched Slab bridge founded on Column Bent Piers on drilled shafts, Pile Bent abutments – 30-foot roadway. Complete project including survey and bridge and roadway plans.
- Project No. 8 C-4112-01, Butler County –Hopkins Switch Road over Walnut River
71'-92'-71' Post Tensioned Reinforced Concrete Haunched Slab bridge founded on Column Bent Piers on spread footing, Pile Bent abutments – 30-foot roadway. Complete project including survey and bridge and roadway plans.
- Project No. 8 C-4998-01, Butler County – 157th Terrace over Little Wakarusa River
85'-115'-85' Prestressed Concrete (NU43) Girder bridge founded on Column Bent Piers on drilled shafts, Pile Bent abutments – 28-foot roadway. Complete project including survey and bridge and roadway plans

This firm has also performed numerous bridge replacements for the Kansas Department of Transportation. These include the following projects that are similar to this project:

- I-70 over Dry Creek, Wabaunsee County
Twin – 60'-90'-60' Prestressed Concrete Girder bridge founded on Column Bent Piers on drilled shaft footings, Pile Bent abutments – 40-foot roadways.

US -160 over the Hitchen Creek, Elk County

40'-80'-40' Prestressed Concrete Girder bridge founded on Column Bent Piers on drilled shaft footings, Pile Bent abutments – 36-foot roadway. Complete project including survey and bridge and roadway plans.

K-20 over Ash Creek, Brown County

42'-56'-42' RC Haunched Slab bridge founded on Column Bent Piers on pile footings, Pile Bent abutments – 32-foot roadway. Complete project including survey, bridge and roadway.

US-77 over Swede Creek, Marshall County

48'-64'-48' RC Haunched Slab bridge founded on Column Bent Piers on spread footings, Pile Bent abutments – 44'-6" roadway. Complete project including survey, bridge and roadway plans.

For Leavenworth County

206th Street (SH-22) over Ninemile Creek

39'-52'-39' RC Haunched Slab bridge founded on Column Bent Piers on drilled shafts, Pile Bent abutments – 32-foot roadway. Complete project including survey, bridge and roadway plans and construction inspection

OUR TEAM ADVANTAGE

Finney & Turnipseed feel we have a project team that has many advantages that other firms do not. Our engineering team has worked together for over twenty plus years on many successful projects for the Kansas Department of Transportation, the Kansas Turnpike Authority and cities and county governments. This vast experience give us the ability to quickly develop project plans to meet any deadlines. We work exclusively in the State of Kansas. Our engineers are well rounded in all disciplines. Our bridge engineers can do roadway design and our roadway design people can perform some structural designs. All our engineers are capable of performing hydraulic designs and studies. Being well rounded means they see they whole project and not just on aspect. We develop all our projects along the following method;

- The project engineering team will perform the actual field engineering survey. This means the project design engineers have actually been to project site and have seen the project on the ground. It's not just survey data.
- The project engineering team will then designed and develop the bridge and approach roadway. The design engineers may even perform the CADD drawing of some plan details for the construction plans.
- Craig, Kip and Tim have each had several projects where they performed or assisted in the construction inspection of a project that they had surveyed, designed and developed plans for. The other engineers in our office are trained in the same manner.
- Our engineering technicians help develop and check our project plans as well. Their review and input can help make certain details more contractor friendly. The construction inspector assigned to a project already has firsthand knowledge of a project before he goes out and performs the onsite inspection.

We have found that by having engineers that have actually performed the construction inspection makes our engineers better designers. A project is not just a set of details on a piece of paper. It also allows our engineers to see how difficult a detail or method is to construct. This makes them better and smarter detailers.

Additionally, Finney & Turnipseed routinely assists more than a dozen contractors around the state by performing falsework and shoring designs as well as cofferdams and erection plans. This helps us to see the constructability side of details and help us provide better and more contractor friendly details.

Another firm advantage is our size when it comes to a project such as this. Everyone is experienced in both road and bridge design. Being a small team oriented firm, everyone works including the principals. This is why our audited 2020 overhead factor only 64.63% and one of the lowest in the state. Since we don't have high overhead costs, this is a cost saving passed on to our clients.

LPA CONSTRUCTION INSPECTION

We currently have eight LPA certified inspectors on staff. We are also on the KDOT prequalified on-call construction inspection firms list for all categories required for the construction inspection of any bridge type that may be selected for this project location.

Qualified personnel available that would be assigned to this perform inspection on this project include;

Craig Mattox, PE, PLS - BS in Civil Engineering, 1985, MS Degree in Civil Engineering
Principal Kansas State University in 1992.
Kansas Registration No. 11405
KDOT L.P.A. Certification No. 426

Andrew Stuewe, PE - B.S. in Civil Engineering, Kansas State University in 1999.
Kansas Registration No. 17935
KDOT L.P.A. Certification No. 1903

Michael Mayer, ET Senior – Graduate of Topeka High in 1990, US Army 1990-1994
KDOT L.P.A. Certification No. 3183

We would assign Michael Mayer, ET Senior to be the onsite resident inspector as well as Andrew Stuewe, PE. Mike is KDOT Certified in all areas required to inspect this project. He has been with Finney & Turnipseed for over 15 years. He recently completed the construction inspection of the SH-22 Bridge Replacement Project. Project with KDOT LPA construction inspection services include the following projects:

Project No. 44 C-4700-01, Jefferson County -Bridge replacement, grading and surfacing
Project No. 89 C-4614-01, Shawnee County -Bridge replacement, grading and surfacing
Project No. 44 C-4873-01, Jefferson County -Bridge replacement, grading and surfacing
KTA Contract 7055, Osage County – K-31 Highway over Kansas Turnpike/I-335 – bridge rehabilitation, grading and surfacing

He will be supported and overseen by Andrew Stuewe, PE. Andy has over 23 years' experience in bridge and construction inspection. This includes being the lead construction inspector and project manager for the Topeka Boulevard over the Kansas River in downtown Topeka and the Carlson Road over the Kansas River in NW Shawnee County. Both projects were major Kansas River crossings and on regionally significant routes.

The firm of Finney & Turnipseed, Transportation & Civil Engineering, L.L.C. is approved by the Kansas Department of Transportation to perform all design work and is prequalified to perform the LPA Construction Inspection.

Finney & Turnipseed takes pride in meeting project deadlines set by KDOT or our clients. We do so without any additional costs for overtime. We have the experienced personnel available to begin work immediately on this project as soon as a contract is executed. Catching up to the KDOT schedule will not be a problem for us as we are aware that the project schedule has been delayed somewhat already.

Respectfully submitted,
FINNEY & TURNIPSEED
TRANSPORTATION & CIVIL ENGINEERING, L.L.C.



Craig A. Mattox, PE, PLS
Principal

Certification of Final Indirect Costs

Firm Name: Finney & Turnipseed, Transportation & Civil Engineering, L.L.C.

Indirect Cost Rate Proposal: 64.63%

Date of Proposal Preparation (mm/dd/yyyy): 12/20/2021

Fiscal Period Covered (mm/dd/yyyy to mm/dd/yyyy): 01/01/2021 to 12/31/2021

I, the undersigned, certify that I have reviewed the proposal to establish final indirect cost rates for the fiscal period as specified above and to the best of my knowledge and belief:

- 1.) All costs included in this proposal to establish final indirect cost rates are allowable in accordance with the cost principles of the Federal Acquisition Regulations (FAR) of title 48, Code of Federal Regulations (CFR), part 31.*
- 2.) This proposal does not include any costs which are expressly unallowable under the cost principles of the FAR of 48 CFR 31.*

All known material transactions or events that have occurred affecting the firm's ownership, organization and indirect cost rates have been disclosed.

Signature: 

Name of Certifying Official (Print): Craig A. Mattox

Title: Principal


Date of Certification (mm/dd/yyyy): 12/20/2021

Tax Clearance Certificate

Consultants and Sub-Consultants are required obtain a current Tax Clearance Certificate from the Kansas Department of Revenue [KDOR]. The Tax Clearance Certificate contains a Transaction Number and a 90 day time period that need to be transcribed to this attachment (below) at the time of contract execution. The Tax Clearance process is a tax account review by KDOR to determine the Consultant's and Sub-Consultant's account is compliant with Kansas tax laws administered by the Director of Taxation. The Secretary will not execute this agreement if the Consultant and Sub-Consultant(s), as listed as Direct Expenses on the *Estimate of Preliminary Engineering Fee*, are not listed below. The Bureau of Local Projects will verify the certification through the Transaction Number.

To obtain a Tax Clearance Certificate, the Consultant (or Sub-Consultant) shall complete an Application Form and submit it to KDOR. The Application Form must be completed and submitted online at <http://www.ksrevenue.org/taxclearance.html>. After the Consultant (or Sub-Consultant) submits the Application Form, KDOR will provide the applicant a Transaction ID number and a certification time period. The Consultant (or Sub-Consultant) shall use the Transaction ID number to retrieve the Tax Clearance Certificate. Decisions on online applications are generally available the following business day. **Include a copy of the Certificate of Tax Clearance with the proposal.** See sample below.

If the Consultant (or Sub-Consultant) is unable to retrieve the Tax Clearance Certificate or if KDOR denies the Application for Tax Clearance, the Consultant (or Sub-Consultant) shall call KDOR's Special Projects Team at 785-296-3199 to determine why KDOR failed to issue the Certificate.

	Jeff Colyer, M.D., Governor Samuel M. Williams, Secretary www.ksrevenue.org
CERTIFICATE OF TAX CLEARANCE	
[REDACTED]	
[REDACTED]	
ISSUE DATE 11/27/2018	
TRANSACTION ID [REDACTED]	CONFIRMATION NUMBER [REDACTED]
TAX CLEARANCE VALID THROUGH 02/25/2019	
<small>Verification of this certificate can be obtained on our website, www.ksrevenue.org, or by calling the Kansas Department of Revenue at 785-296-3199</small>	



Laura Kelly, Governor
Mark A. Burghart, Secretary
www.ksrevenue.org

CERTIFICATE OF TAX CLEARANCE

Finney and Turnipseed

ISSUE DATE
12/17/2021

TRANSACTION ID
TD65-DDBP-ES3S

CONFIRMATION NUMBER
CB4Y-57XG-HPJP

TAX CLEARANCE VALID THROUGH 03/17/2022

*Verification of this certificate can be obtained on our website, www.ksrevenue.org,
or by calling the Kansas Department of Revenue at 785-296-3199*

Leavenworth County Request for Board Action

Date: 12/30/2021

To: Board of County Commissioners

From: Public Works

Department Head Approval: *B. Noll*

Additional Reviews as needed:

Budget Review **Administrator Review** **Legal Review**

Action Requested: Accept the State Fiscal Year (SFY) 2022 Local Bridge Program Award for E-48 Bridge Replacement on 255th Street, 1.25 miles north of K-192 Highway

Recommendation: Approval

Analysis:

Leavenworth County submitted an 10/90 cost share proposal, with a maximum award of \$150,000, to KDOT for the SFY2022 Off-System Bridge Program. This program is for costs associated with replacement of bridges on very low- volume roads with spans between 20 to 50 feet.

On December 17th, Leavenworth County was selected and awarded the requested funding, not to exceed, \$150,000 to assist with costs of E-48 Bridge Replacement. Public Works is anticipating the total cost of the bridge replacement (including bridge design, utility relocation and easement acquisition) to be approximately \$484,200, resulting in Leavenworth County funding approximately \$334,200 of the entire replacement costs.

This project has not yet been designed. With this award acceptance, Public Works will begin to move forward with an accelerated replacement project to meet the SFY 2022 funding window.

Alternatives: Deny, Table

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization (Special Highway)
- Non-Budgeted item with additional funds requested

Total Amount Requested: N/A

Additional Attachments:

Award Letter Leavenworth County

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745
Julie L. Lorenz, Secretary



Phone: 785-296-3461
Fax: 785-368-7415
kdot#publicinfo@ks.gov
<http://www.ksdot.org>
Laura Kelly, Governor

December 17, 2021

Mr. Bill Noll
Leavenworth County
300 Walnut Street, Suite 007
Leavenworth, KS 66048

Dear Mr. Noll:

Congratulations! Your bridge project to replace LPA Bridge ID: E-48, NBI Structure #000521051503888, located 1.25 miles north of K-192 Hwy on 255th Street over Dawson Creek, has been selected for the State Fiscal Year (SFY) 2022 Kansas Local Bridge Improvement Program. The Kansas Department of Transportation (KDOT) was able to fund 29 projects using \$5.05 million of State funding for the program (\$11.4 million in total project costs).

The funds will be reimbursed at a rate of 90 percent (90%) state and 10 percent (10%) local up to the maximum amount of \$150,000. The local agency will be responsible for any costs over the maximum amount. Eligible work phases include design, construction, and inspection performed under contract. Right-of-way acquisition and utility relocation costs are also eligible. Reimbursement for costs of design, right-of-way acquisition, and utility relocations shall be made only after a project has been let to contract.

The Guidelines and the Request for Reimbursement for the Kansas Local Bridge Improvement Program are attached for your reference and use. You are authorized to initiate this project at any time.

We are coordinating a public announcement of all the selected projects and may be in contact with an elected official in your community very soon as we develop local and statewide news releases. We look forward to working with you in developing your project.

Sincerely,

Julie L. Lorenz
Secretary of Transportation
Director of Kansas Turnpike Authority

cc: Leroy Koehn, PE, District Engineer
Calvin Reed, PE, Director of Engineering and Design
Chris Herrick, PE, Director of Planning and Development

**Leavenworth County
Request for Board Action
Resolution 2021-58
Rezoning from RR-5 to RR-2.5**

Date: December 29, 2021
To: Board of County Commissioners
From: Planning & Zoning Staff

Department Head Review: Krystal Voth, Reviewed

Additional Reviews as needed:

Budget Review Administrator Review Legal Review

Action Requested: Approve Resolution 2021-58, a request to tract of land in the Northwest Quarter of Section 10, Township 9 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas from RR-5 to RR-2.5.

Analysis: The applicant is proposing to rezone only 2.52 acres of their property (see Attachments). The property is currently being used a single-family residence with accessory structures. The applicant is proposing to sell off a 2.52 acre parcel so a second single family residence may be built. The Public Works Department will require a shared access for the second home. The request is in conformance with the Comprehensive Plan, therefore staff is generally in support.

Planning Commission Recommendation: The Planning Commission voted 7-0 (2 absent) to recommend approval of Case No. DEV-21-175 (Resolution 2021-58), Rezoning from RR-5 to RR-2.5.

Alternatives:

1. Approve Resolution 2021-58 (Case No. DEV-21-175), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
2. Deny Resolution 2021-58 (Case No. DEV-21-175), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-58 (Case No. DEV-21-175), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

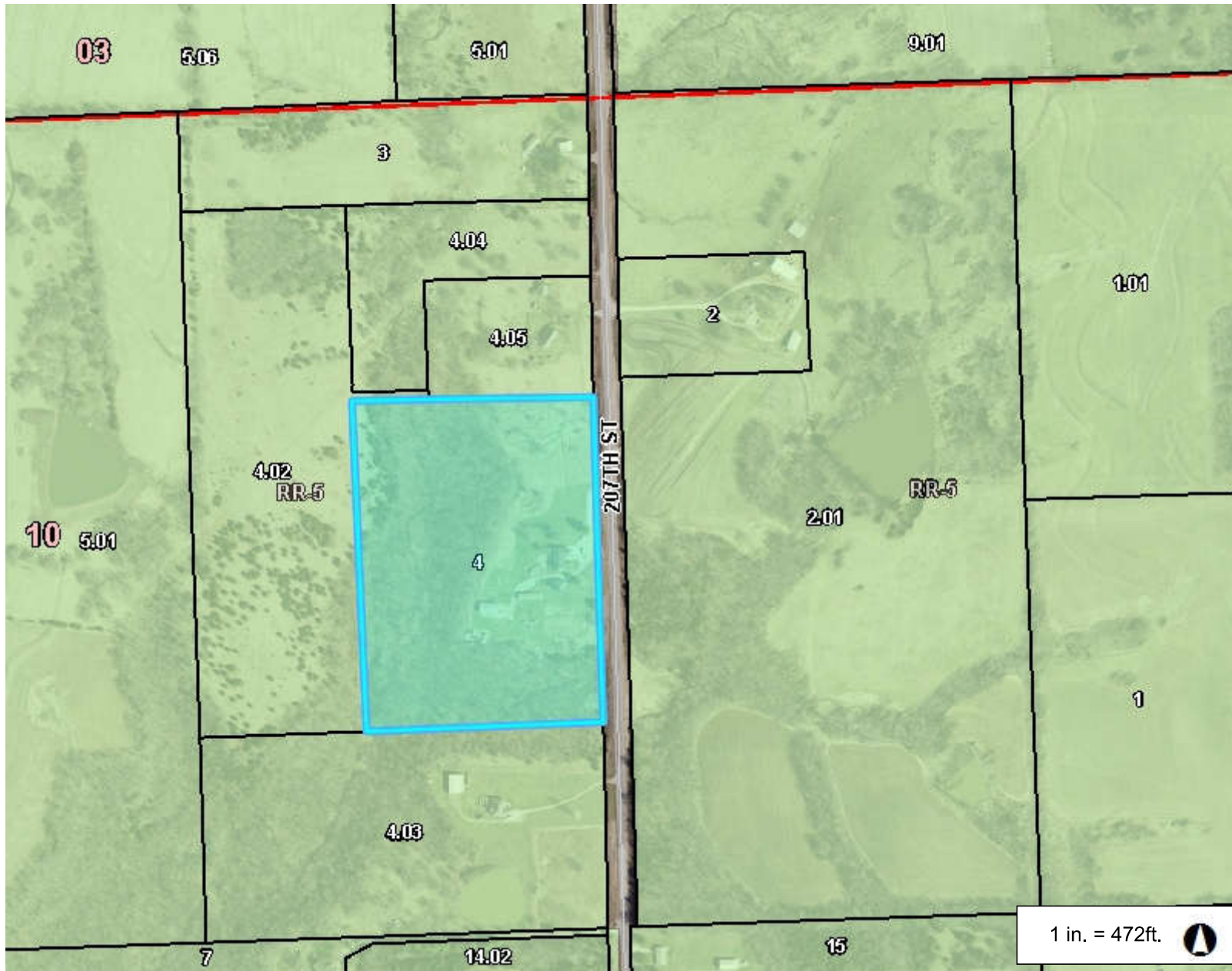
Budgetary Impact:

- X Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Total Amount Requested:\$0.00

Additional Attachments: Staff Report, Planning Commission Minutes

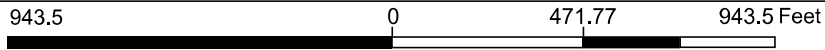
DEV-21-175 Hyde Rezoning



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
- Railroad
- Airstrip
- 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
 - PUD

1 in. = 472ft.



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

**Resolution 2021-58
Case No. DEV-21-175
Rezoning from RR-5 to RR-2.5**

Staff Report – Board of County Commissioners

December 29, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Anthony & Kristin Hyde
28181 207th Street
Easton, KS 66020

Applicant Agent: Joe Herring
Herring Surveying Company
315 North 5th Street
Leavenworth, KS 66048

Legal Description: A tract of land in the Northwest Quarter of Section 10, Township 9 South, Range 21 East of the 6th P.M, in Leavenworth County, Kansas.

Location: 28181 207th Street, ± 4.7 miles from Easton

Parcel Size: ± 18.30 acres

Zoning/Land Use: RR-5, Rural Residential 5-acre minimum size parcels

Comprehensive Plan: This parcel is within the Residential (2.5 acres) land use category.

Parcel ID No.: 112-10-0-00-00-004.00

Planner: Amy Allison

REPORT:

Planning Commission Recommendation

The Planning Commission recommended approval on a vote of 7-0 (2 absences) of the request to rezone a 2.52 acre portion of 28181 207th Street from RR-5 to RR-2.5.

Request

The applicant is requesting to rezone a 2.5 acre section of their property from Rural Residential 5-acres to Rural Residential 2.5-acres.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 4.7 acres to over 140 acres in size.

Flood Plain

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0125G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Fire District #1
Water: RWD #5
Electric: FreeState

Access/Streets

The property is accessed by 207th Street. This road is a County Arterial with a paved surface ± 30' wide.

Agency Comments

See attached comments – Email – Kyle Anderson – Planning and Zoning, October 29, 2021
See attached comments – Email – Lauren Anderson – Public Works, October 22, 2021

See attached comments – Email – David Van Parys – County Counselor, October 25, 2021

See attached comments – Email – Tom Goetz - Rural Water District 5, October 31, 2021

See attached comments – Email – Amanda Tarwater – FreeState, October 27, 2021

Factors to be considered

The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Rezoning request:

1. Character of the neighborhood: The character of the neighborhood is rural; agricultural uses and rural residences.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-5, Rural Residential 5-acre minimum size parcels. The uses are rural residences and agricultural use.
3. Suitability of the property for the uses to which it has been restricted: The applicant is proposing to sell a portion (2.5 acres) in order to build another residence. The property is suitable for residential uses.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed rezoning will allow for another residence to be built.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential (2.5 acres).
8. Staff recommendation is for the approval of the rezoning request.

Staff Comments

The applicant is proposing to rezone only 2.52 acres of their property (see Attachments). The property is currently being used a single-family residence with accessory structures. The applicant is proposing to sell off a 2.52 acre parcel so a second single family residence may be built. The Public Works Department will require a shared access for the second home. The request is in conformance with the Comprehensive Plan, therefore staff is generally in support.

ACTION OPTIONS:

1. Approve Resolution 2021-58 (Case No. DEV-21-175), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
2. Deny Resolution 2021-58 (Case No. DEV-21-175), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-58 (Case No. DEV-21-175), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

ATTACHMENTS:

Narrative
Location/Aerial Maps
Memorandums

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

Office Use Only

Township: _____ Date Received: _____
 Planning Commission Date _____
 Case No. _____ Date Paid _____
 Zoning District _____ Comprehensive Plan Land Use Designation _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring - Herring Surveying Company</u>	NAME <u>Anthony & Kristin Hyde</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>28181 207th Street</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Easton, KS 66020</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>N/A</u>

PROPOSED USE INFORMATION

Proposed Land Use Rural Residential

Current Zoning RR-5 Requested Zoning RR-2.5

Reason for Requesting Rezoning Match Current Comp Plan and have ability to sell off smallest possible tract from property.

PROPERTY INFORMATION

Address of Property 28181 207th Street

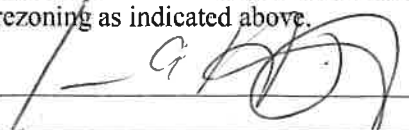
Parcel Size 19 Acres

Current use of the property Rural Residential & AG

Present Improvements or structures House with Outbuildings

PID 112-10-0-00-00-004

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  Date October 21, 2021

ATTACHMENT A

AFFIDAVIT

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

We/I Anthony S. Hyde and Kristin A. Hyde

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 28181 207th St Eastern Ks 66020, 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. 5th Street, Leavenworth, KS 66048, 913-651-3858

2) Signed and entered this 8 day of September, 2021.

Anthony S. Hyde and Kristin A. Hyde 28181 207th St Eastern Ks 66020
Print Name, Address, Telephone 913-306-2256

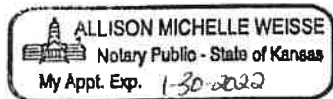
[Signature] Kristin A. Hyde
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remembered that on this 8 day of September 2021 before me, a notary public in and for said County and State came Anthony S. Hyde and Kristin A. Hyde 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 Allison Michelle Weisse

My Commission Expires: 1-30-2022 (seal)



* 2 0 1 3 R 0 7 6 6 2 *
Doc #: 2013R07666
STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY
RECORDED ON
08/08/2013 11:45AM
RECORDING FEE: 12.00
INDEBTEDNESS: 0.00
PAGES: 2

Entered in the transfer record in my office this
8 day of Aug, 2013
Stacy R. Driscoll
County Clerk

QUIT CLAIM DEED
Joint Tenancy

Deanna Joan Hyde, a single person,

conveys and quitclaims to

Anthony S. Hyde and Kristin A. Hyde, 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:

A tract of land in the East 1/2 of the Northwest 1/4 of Section 10,
Township 9, Range 21 East of the 6th P.M., described as follows:
Starting at a point, said point being the center of Section 10,
Township 9, Range 21; thence West 1320 feet to a point; thence North
2330 feet to a point; thence East 1323.25 feet to a point; thence South
2290 feet to the point of beginning, less any part thereof taken or used
for road purposes, in Leavenworth County, Kansas.

LESS

A tract of land in the East 1/2 of the Northwest 1/4 of Section 10,
Township 9 South, Range 21 East in Leavenworth County, Kansas,
described as: Beginning at the Southeast corner of said Northwest
1/4; thence North 00° East, 329.75 feet along the East line of said
Northwest 1/4; thence North 90° West, 1321.176 feet; thence South
00°17'51" West, 337.85 feet to the South line of said Northwest 1/4;
thence North 89°39'00" East, 1322.95 feet to the point of beginning,
including the road right of way.

LESS

A tract of land in the East 1/2 of the Northwest 1/4 of Section 10,
Township 9 South, Range 21 East in Leavenworth County, Kansas:
Beginning at a point 329.75 feet North 00° East from the Southeast
corner of said Northwest 1/4; thence North 00° East 330.00 feet along
the East line of said Northwest 1/4; thence North 90° West 1319.46
feet; thence South 00°17'51" West 330.00 feet; thence South 90° East
1321.17 feet to the point of beginning, including road right of way. All
in Leavenworth County, Kansas.

LESS

A tract of land in the East 1/2 of the Northwest 1/4 of Section 10,
Township 9 South, Range 21 East in Leavenworth County, Kansas:
Beginning at a point 350.00 feet South 00° East from the Northeast
corner of said Northwest 1/4; thence North 88°56'51" West 770.00 feet;
thence South 00° East 590.96 feet; thence South 90° East 769.64 feet
to the East line of said Northwest 1/4; thence North 00° East 576.81
feet to the point of beginning. Contains 10.318 acres including road
right-of-way.

KSTLV 12V

LESS

A tract of land in the East 1/2 of the Northwest 1/4 of Section 10, Township 9 South, Range 21 East in Leavenworth County, Kansas: Beginning at a point 926.81 feet South 00° East from the Northeast corner of said Northwest 1/4; thence North 90° West 769.64 feet; thence North 00° East 590.96 feet; thence North 88°56'51" West 541.28 feet; thence South 00°17'51" West 1662.36 feet; thence South 90° East 549.82 feet; thence North 00° East 1081.44 feet; thence North 90° East 769.64 feet to the east line of Northwest 1/4; thence North 00° East 30.00 feet to the point of beginning, including road right of way.

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.

No Real Estate Validation Questionnaire per KSA 1993 Supp. 79-1437e as amended (3)

Document prepared as an accommodation with no search of the records.

Dated this 8th day of August, 2013


Deanna Joan Hyde

STATE OF KANSAS, COUNTY OF LEAVENWORTH, SS:

The foregoing instrument was acknowledged before me this 8th day of August, 2013, by Deanna Joan Hyde, a single person.





Notary Public

My appointment expires: 10/13/14

Tony Hyde Rezone

REZONE DESCRIPTION:

A tract of land in the Northwest Quarter of Section 10, Township 9 South, Range 21 East of the 6th P.M., as written by Joseph A. Herring PS-1296 on November 9, 2021, Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of said Northwest Quarter; thence South 01 degrees 48'36" East for a distance of 956.82 feet along the East line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence continuing South 01 degrees 48'36" East for a distance of 265.00 feet along said East line; thence South 88 degrees 11'24" West for a distance of 415.00 feet; thence North 01 degrees 48'36" West for a distance of 265.00 feet; thence North 88 degrees 11'24" East for a distance of 415.00 feet to the point of beginning.

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

Said property contains 2.52 acres, more or less, including road right of way.

Allison, Amy

From: Gentzler, Joshua
Sent: Monday, November 1, 2021 9:38 AM
To: Allison, Amy
Subject: FW: DEV-21-175 Rezoning Review Request - 28181 207th Street

Joshua Gentzler
[Planning & Zoning](#)

From: Anderson, Kyle
Sent: Friday, October 29, 2021 12:04 PM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Subject: RE: DEV-21-175 Rezoning Review Request - 28181 207th Street

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

From: Gentzler, Joshua
Sent: Friday, October 22, 2021 11:53 AM
To: 'Mike Stackhouse' <firedistrict1@fd1lv.org>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>
Cc: Sloop, Stephanie <ssloop@leavenworthcounty.gov>; Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: DEV-21-175 Rezoning Review Request - 28181 207th Street

Good morning,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 28181 207th Street, Easton, KS 66020.

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 end of business on Friday, October 29th.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.gov.

Thank you,

Allison, Amy

From: Anderson, Lauren
Sent: Friday, October 22, 2021 3:54 PM
To: Gentzler, Joshua
Cc: Sloop, Stephanie; Allison, Amy; Noll, Bill
Subject: RE: DEV-21-175 Rezoning Review Request - 28181 207th Street

Public Works has the following comment for the rezoning request:

1. The requested rezoning meets the future land use map from the comprehensive plan.
2. 207th Street is a low volume arterial roadway (minor arterial) with less than 1000 vpd. Roadways of this classification have a required driveway spacing of 330LF, based upon current the access management policy. The current property has a frontage of approximately 1040LF, allowing for a maximum of 3 access point along this property. Current existing driveways on either side of this parcel do not create any further restructuring or reduction to the available points of access. It is likely that Public Works would require the use of shared driveways, dependent upon the layout of any future property division.
3. Speaking to the specific understanding of the intent of the rezoning from conversations during the preapplication meeting with Joe Herring – If the existing driveway is to remain and the 2.5 acres is to be removed/rezoned from the northeast corner of the property, a shared access driveway will be required at time of division.

Thanks,
Lauren

From: Gentzler, Joshua
Sent: Friday, October 22, 2021 11:53 AM
To: 'Mike Stackhouse' <firedistrict1@fd1lv.org>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>
Cc: Sloop, Stephanie <SSloop@leavenworthcounty.gov>; Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: DEV-21-175 Rezoning Review Request - 28181 207th Street

Good morning,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 28181 207th Street, Easton, KS 66020.

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 end of business on Friday, October 29th.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.gov.

Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County

Allison, Amy

From: Gentzler, Joshua
Sent: Monday, November 1, 2021 9:38 AM
To: Allison, Amy
Subject: FW: DEV-21-175 Rezoning Review Request - 28181 207th Street

Joshua Gentzler
[Planning & Zoning](#)

From: Van Parys, David
Sent: Monday, October 25, 2021 9:18 AM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Subject: RE: DEV-21-175 Rezoning Review Request - 28181 207th Street

Joshua, No legal issues if in conformity with comprehensive plan.

From: Gentzler, Joshua
Sent: Friday, October 22, 2021 11:53 AM
To: 'Mike Stackhouse' <firedistrict1@fd1lv.org>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>
Cc: Sloop, Stephanie <ssloop@leavenworthcounty.gov>; Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: DEV-21-175 Rezoning Review Request - 28181 207th Street

Good morning,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 28181 207th Street, Easton, KS 66020.

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 end of business on Friday, October 29th.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.gov.

Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County
913.684.0464

Allison, Amy

From: Gentzler, Joshua
Sent: Monday, November 1, 2021 9:39 AM
To: Allison, Amy
Subject: FW: DEV-21-175 Rezoning Review Request - 28181 207th Street

Joshua Gentzler
[Planning & Zoning](#)

From: Tim Goetz <tmgoetz@stjoewireless.com>
Sent: Sunday, October 31, 2021 10:38 PM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Subject: RE: DEV-21-175 Rezoning Review Request - 28181 207th Street

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.

Water District has no issues. Water meter would likely be approve by engineer. Any question please call me 913-704-5899

From: "Gentzler, Joshua" <JGentzler@leavenworthcounty.gov>
Sent: 10/22/21 11:53 AM
To: 'Mike Stackhouse' <firedistrict1@fd1lv.org>, "'tmgoetz@stjoewireless.com'" <tmgoetz@stjoewireless.com>, "Amanda Holloway (Amanda.holloway@freestate.coop)" <Amanda.holloway@freestate.coop>, "Anderson, Kyle" <KAnderson@leavenworthcounty.gov>, "Anderson, Lauren" <LAnderson@leavenworthcounty.gov>, "Magaha, Chuck" <cmagaha@lvsheriff.org>, "Miller, Jamie" <JMiller@leavenworthcounty.gov>, Mitch Pleak <MPleak@olsson.com>, "Thorne, Eric" <ethorne@lvsheriff.org>, "Van Parys, David" <DVanParys@leavenworthcounty.gov>
Cc: "Sloop, Stephanie" <SSloop@leavenworthcounty.gov>, "Allison, Amy" <AAllison@leavenworthcounty.gov>
Subject: DEV-21-175 Rezoning Review Request - 28181 207th Street

Good morning,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 28181 207th Street, Easton, KS 66020.

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 end of business on Friday, October 29th.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.gov.

Thank you,

Joshua Gentzler

Planner II

Allison, Amy

From: Gentzler, Joshua
Sent: Monday, November 1, 2021 9:38 AM
To: Allison, Amy
Subject: FW: DEV-21-175 Rezoning Review Request - 28181 207th Street

Joshua Gentzler
[Planning & Zoning](#)

From: Amanda Tarwater <amanda.holloway@freestate.coop>
Sent: Wednesday, October 27, 2021 9:28 AM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Subject: Re: DEV-21-175 Rezoning Review Request - 28181 207th Street

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.

FreeState Electric has no objection to this request.

Thank you,

Amanda Tarwater
Member Accounts Coordinator



1-800-794-1989 | www.freestate.coop

From: "Gentzler, Joshua" <JGentzler@leavenworthcounty.gov>
Date: Friday, October 22, 2021 at 11:53 AM
To: 'Mike Stackhouse' <firedistrict1@fd1lv.org>, "'tmgoetz@stjoewireless.com'" <tmgoetz@stjoewireless.com>, Amanda Tarwater <amanda.holloway@freestate.coop>, "Anderson, Kyle" <KAnderson@leavenworthcounty.gov>, "Anderson, Lauren" <LAnderson@leavenworthcounty.gov>, "Magaha, Chuck" <cmagaha@lvsheriff.org>, "Miller, Jamie" <JMiller@leavenworthcounty.gov>, Mitch Pleak <MPleak@olsson.com>, "Thorne, Eric" <ethorne@lvsheriff.org>, "Van Parys, David" <DVanParys@leavenworthcounty.gov>
Cc: "Sloop, Stephanie" <ssloop@leavenworthcounty.gov>, "Allison, Amy" <AAllison@leavenworthcounty.gov>
Subject: DEV-21-175 Rezoning Review Request - 28181 207th Street

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,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 28181 207th Street, Easton, KS 66020.

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 end of business on Friday, October 29th.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.gov.

Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County
913.684.0464

RESOLUTION 2021-58

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from Rural Residential-5 to Rural Residential-2.5 on the following described property:

A tract of land in the Northwest Quarter of Section 10, Township 9 South, Range 21 East of the 6th P.M., as written by Joseph A. Herring PS-1296 on November 9, 2021, Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of said Northwest Quarter; thence South 01 degrees 48'36" East for a distance of 956.82 feet along the East line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence continuing South 01 degrees 48'36" East for a distance of 265.00 feet along said East line; thence South 88 degrees 11'24" West for a distance of 415.00 feet; thence North 01 degrees 48'36" West for a distance of 265.00 feet; thence North 88 degrees 11'24" East for a distance of 415.00 feet to the point of beginning, more commonly known as 28181 207th Street.

WHEREAS, it is hereby found and determined that a request for a Rezoning as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 22nd day of October, 2021, 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 Rezoning on the 8th day of December, 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 Rezoning be approved; and

WHEREAS, the Board of County Commissioners considered, in session on the 29th day of December, 2021, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners 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 Commissioners in regular session on the 29th day of December, 2021, and incorporated herein by reference;

That request for rezoning as described above, also known as 28181 207th Street, Parcel Identification Number 112-10-0-00-00-004.00, is hereby granted.

Adopted this 29th day of December, 2021
Board of County Commission
Leavenworth, County, Kansas

Mike Smith, Chairman

ATTEST

Jeff Culbertson, Member

Janet Klasinski

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

**Leavenworth County
Request for Board Action
Resolution 2021-59
Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision
Regulations – Article 3, 27 (C) & 41**

Date: December 29, 2021
To: Board of County Commissioners
From: Planning & Zoning Staff

Department Head Review: Krystal Voth, Reviewed

Additional Reviews as needed:

Budget Review Administrator Review Legal Review

Action Requested: Approve Resolution 2021-59, Proposed Amendment to the Leavenworth County Zoning and Subdivision Regulations – Article 3, 27 (C) & 41.

Analysis: This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. The proposed amendment is for the following Article 3 – Definitions, Article 27 (C) – Subdivision Standards (Design Review Required) and Article 41 – Access Management.

Staff is requesting the Planning Commission and the Board of County Commissioners approve the attached amendments which would reduce the driveway spacing requirements for County Road 1 corridor, clarify the definitions for roadway types and move all access standards to the access management article. Additional amendments are proposed to clean up regulations related to access management and the Planned Development District design standards.

Recommendation: The Planning Commission voted 7-0 (2 absences) to recommend approval of Case No. DEV-21-174 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 27 (C), and 41.

Alternatives:

1. Approve Resolution 2021-59, Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 27 (C), and 41, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-59, Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 27 (C), and 41, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-59, Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 27 (C), and 41, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

Budgetary Impact:

- X Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Total Amount Requested:

\$0.00

Additional Attachments: Staff Report, Planning Commission Minutes

Resolution 2021-59
Case No. DEV-21-174
Proposed Amendment to the 2006 Leavenworth County Zoning and
Subdivision Regulations

Staff Report – Board of County Commissioners

December 29, 2021

GENERAL INFORMATION:

Applicant: Leavenworth County Planning and Zoning Department

Planner: Amy Allison

RECOMMENDATION:

The Planning Commission voted 7-0 (2 absences) to recommend approval of Case No. DEV-21-174 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 27 (C), and 41.

REQUEST:

This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. Proposed amendment is for the following Articles:

Article 3 Definitions
Article 27 (C) Subdivision Standards (Design Review Required)
Article 41 Access Management

The proposed language amendments will address the driveway distance requirements along County Road 1, moving the access standards located in Article 27 (C) to the Access Management section and clean up supporting language and definitions.

ACTION OPTIONS:

1. Approve Resolution 2021-59, Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 27 (C), and 41, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-59, Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 27 (C), and 41, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-59, Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 27 (C), and 41, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

ATTACHMENTS:

Article 3 Redline
Article 27 (C) Redline
Article 41 Redline

ARTICLE 27 (C) – SUBDIVISION STANDARDS (Design Review Required)

(BOCC Resolution 2021-11; March 31, 2021)

Section 1. OVERVIEW

The requirements and standards of this Article support the Planned Development District's Future Land Use Plan. This Article establishes minimum standards so that subdivisions:

1. have street systems, lot layouts, and subdivision improvements that reflect good planning principles, construction practices, incorporate and utilize the surrounding environmental attributes, and;
2. are designed and developed in a manner that demonstrates an understanding of and appreciation for both the near term, and lasting, long-range impacts, that subdivisions have on the health, safety, and general welfare of the public.

Section 2. STREETS AND RIGHT-OF-WAY IMPROVEMENTS

1. General Layout and Design Criteria- Existing and New Streets:

- A. General Street Layout and Design Considerations: A convenient, safe street system is important for the health, safety and welfare of the community and the economic well-being of the County. The County's street system should be designed to provide appropriate routes for through traffic, especially with respect to major nodes of urban development. Ultimately, local streets that serve individual building sites should be interconnected to the network of collector or arterial streets which primarily provide for the through traffic needs. As areas of the County develop, a pattern of interconnected streets should follow. This street network is particularly important within subdivisions with multiple streets and will become increasingly important upon the area's urbanization and densification.
- B. Environmental Considerations: Street layouts shall attempt to conform to the existing natural topography and shall attempt to avoid the disruption of existing mature vegetation, 100-year flood plains and other significant natural features of the area.
- C. Internal Street Layout Considerations: The location, arrangement, alignment, character, and type of all streets in the subdivision shall:
 - i) Provide for safe and convenient traffic circulation within, and to and from, the subdivision for the uses of the land to be served by such streets.
 - ii) Be arranged so that through traffic is minimized for local streets and so traffic is channeled to Collector streets and to Arterial Streets.
 - iii) Be arranged to facilitate the free flow of traffic and limit potential traffic hazards by providing lots in all Planned Development Districts with access onto local or collector street via driveways; and reducing direct access onto Arterial Streets, and Highways in accordance with the Street Frontage Required per Driveway of Article 41 Exhibit C.

- iv) Local or Collector Street layouts shall attempt to serve each subdivision lot or parcel and provide transportation access, and routes for utility service lines.

D. Connectivity and the Relationship of Internal Street Layouts to Adjoining Properties and Streets:

The location, arrangement, alignment, character, and type of streets serving new subdivisions shall be planned and designed:

- i) For the extension of existing dead-end streets except where topography, lakes, streams, Highways, Arterial streets, or other such natural or man-made features would obstruct the provision of through streets.
- ii) For the continuation of existing streets from adjoining subdivisions.
- iii) For streets to be continued to adjoining properties that have not been subdivided.
- iv) To be properly integrated with the existing and planned street system and pattern.
- v) To be continued to the boundaries of the area being subdivided at reasonable intervals that shall be not greater than 1,320 feet so that future-abutting subdivisions may connect therewith.

E. Geometric design and right-of-way requirements for all streets shall be based upon projected future traffic volumes. Additional factors to be considered in the geometric design and right-of-way requirements are as follows:

- i. Topography and physical features
- ii. Design speeds
- iii. Access conditions (controlled access with access opening, turning radius of design vehicles, medians, and pedestrian facilities).

F. Functional Street Classifications: Functional classification is an ordering system that defines the part that any particular road or street plays in serving the flow of vehicle trips through a street network. Functional classification categorizes streets according to their ability to 1) move vehicle traffic, and 2) provide access to adjacent properties.

G. Street Design and Construction and Right-of-way Dedication

a. Arterial Streets

- a. For each arterial street, whether it is a High Volume Arterial Street or a Low Volume Arterial Street, the ultimate pavement width is intended to be two (2) to four (4) lanes for through traffic movements.
- b. Proposed Arterial Streets within or adjacent to subdivisions shall comply with the following requirements:
 - i) The right-of-way width shall be a minimum of eighty (80) feet

b. Collector Streets

1. Proposed Collector Streets within or adjacent to subdivisions shall comply with the following requirements:

- i) The right-of-way width for Collector Streets with curbs shall be a minimum of sixty (60) feet.
- ii) The right-of-way width for Collector Streets without curbs shall be a minimum of eighty (80) feet.

c. Local Streets

1. Proposed Local Streets within or adjacent to subdivisions shall comply with the following requirements:

- i) The right-of-way width shall be a minimum of sixty (60) feet.

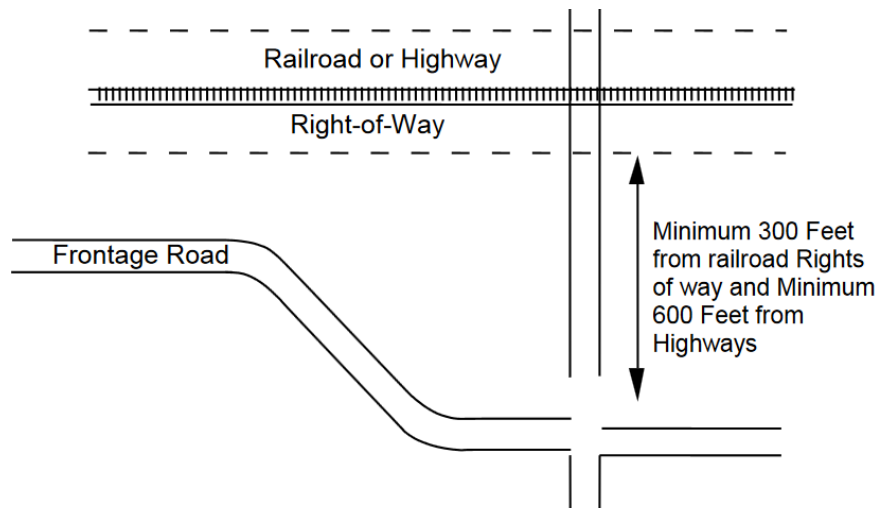
d. Cul-de-sac Streets

1. Dead-end streets, whether temporary or permanent, shall be constructed as cul-de-sac streets. It is recommended, but shall not be required, that temporary dead-end streets may terminate at the boundary of a subdivision. If a cul-de-sac terminates more than 200 feet from the nearest intersection, it shall be a temporary cul-de-sac designed to provide future connection with adjoining un-subdivided areas.
2. Cul-de-sac streets shall not be longer than 800 feet measured from the intersecting street right-of-way line to the centerline of the cul-de-sac radius.
3. Unless topography, lakes, streams, Highways, Arterial Streets, railroads or other such natural or man-made features would obstruct the provision of through streets, permanent cul-de-sac streets shall be minimized by laying out the subdivisions to comply with the block length and cul-de-sac street length criteria of these regulations in order to facilitate traffic circulation, utility line interconnections, road maintenance and snow removal.

e. Frontage Roads

1. A Frontage road is a specific type of internal street pattern and shall be encouraged when access to certain arterial roads are limited or existing geology, topography, floodplain, or other environmental constraints or lot patterns are such that frontage roads are the most feasible way to provide for local traffic service to appropriate access points on the arterial streets. For example, when internal street patterns cannot be arranged to meet the street spacing and road frontage requirements of these regulations, or if the lots cannot be arranged with side lot lines or rear lot lines adjacent to High Volume Arterial Streets or Highways.

2. Frontage roads or other internal street patterns shall be planned and constructed in subdivisions when the number of access points on one side of the Arterial Street would exceed the maximum number that would be allowed by compliance with the minimum Road Spacing requirements mentioned in Article 41 Exhibit C.
3. Frontage roads shall not intersect Arterial Streets or Collector Streets at closer intervals than minimum Road Spacing's allowed by Article 41 Exhibit C.
4. Frontage roads shall conform to Leavenworth County's approved road construction standards as adopted by the Board of County Commissioners.
5. Frontage roads or other streets that are parallel to railroad or Highway or High Volume Arterial roads rights-of-way shall not intersect streets that cross the railroad or Highway-at-grade unless the frontage road or other parallel street centerline is at least three hundred (300) feet from the closest edge of the railroad or six hundred (600) feet from the closet edge of the Highway right-of-way.



6. Frontage road access points on opposite sides of Arterial Streets shall be aligned to minimize the number of future median openings.

2. Sidewalks and Street Trees

A. Sidewalks:

1. Sidewalks are required and shall be installed by the developer on one side of all streets in residential subdivisions with a majority of the lots less than one (1) acre in size, and are permitted in all other subdivisions in conformance with the requirements set forth herein. Sidewalks are permitted in all other districts.
2. Sidewalks shall be located within the public right-of-way and shall not be more than one (1) foot from the public right-of-way line of all streets. There shall be a landscaped

area at least two (2) feet wide between the sidewalk and curb. If site conditions do not allow for the buffer area and sidewalks must be constructed adjacent to the curbs, the sidewalks shall be constructed as a separate entity to the curb, and at no time shall the two be constructed as a single unit.

3. Sidewalks shall provide for continuous pedestrian access, and also connect abutting properties or subdivisions.
4. Sidewalks shall also be provided as part of the construction of the internal subdivision streets.
5. The minimum width of sidewalks shall be four (4) feet.
6. Sidewalks at street intersections shall be ramped to provide access for physically impaired persons.

B. Street Trees

Along Arterial and Collector Street rights-of-way adjacent to planned residential subdivisions, or within or adjacent to any commercial or employment center subdivision, new shade trees shall be planted or existing trees shall be kept as follows:

1. One (1) street tree shall be provided for each 100 feet of street frontage within the landscaped setback abutting said street frontage.
2. In addition to the street trees, one ornamental tree per 50 lineal feet and one shrub per 25 lineal feet or portion thereof shall be planted within the setback. Additional trees may be clustered or arranged within the setback if approved as part of the landscape plan.
3. A minimum of 5% of the interior site shall be landscaped.
4. A minimum of 10% of the lot shall be kept as pervious area (green space).

Section 3. MINIMUM LOT DESIGN STANDARDS

A. Planned Residential Subdivisions

1. Within subdivisions of property planned residential district, the lot-depth to lot-width ratios shall not exceed three and a half to one (3.5:1) or be less than one to one (1:1). Within subdivisions of property zoned Planned Residential District, the lot-depth to lot-width ratios for lots ten (10) acres or larger shall not exceed four to one or be less than one to one.
2. Corner lots shall have sufficient depth and width to allow the yard setbacks required in the applicable zoning district to be provided along all street frontages.
3. The minimum lot width required in the zone shall be provided at least at the front building setback line.

4. Double frontage lots shall be avoided unless no other lot arrangement is possible, such as where lots back onto a High Volume Arterial Street. Access for a double frontage lot shall be on the least travelled road. All double frontage lots shall include a restricted access which shall prevent driveway access on the rear lot line.
5. Lots shall be arranged so that surface drainage in swales or channels across residential lots is avoided or is located along side or rear lot lines, unless surface drainage in other locations on the lots is necessary as determined by the County Engineer. Where surface drainage in a swale or channel on a residential lot is necessary, as determined by the County Engineer, drainage easements may be required and the drainage systems in such easements shall be improved in accordance with Leavenworth County's Road Construction and Storm Water Drainage standards, 1994 Edition or latest editions as approved by the Board of County Commissioners. Each residential lot that will have surface drainage in a swale or channel shall be appropriately shaped, sized and dimensioned to provide a buildable area that the County Engineer deems to be appropriate for the subdivision.

B. All Other Planned Districts Subdivisions

1. See Article 50 for Minimum Subdivision Standards.

ARTICLE 41 – ACCESS MANAGEMENT

Section 1. OVERVIEW

(BOCC Resolution 2018-13; May 29, 2018; BOCC Resolution 2021-18; June 16 2021)

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 public and private roadways, with the exception of State-Highways..

Section 2. DEFINITIONS

(BOCC Resolution 2021-18; June 16 2021)

1. Development – Any division of the land.
2. Public Road Entrance Management Standards – See Exhibit A
3. Public Road Access Management Standards – See Exhibit B
4. Planned Development District 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 submitted to the local city jurisdiction for review but shall be subject to the regulations outlined here within; 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

(BOCC Resolution 2021-18; June 16 2021)

EXHIBIT A - 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. High Volume Arterial Roadway: Minimum Required Entrance Spacing = 660 feet
- II. Corner Clearance from Intersection = 330 feet

- III. Low Volume Arterial Roadway: Minimum Required Entrance Spacing = 300 feet
- IV. Corner Clearance from Intersection = 200 feet

- V. High Volume Collector Roadway: Minimum Required Entrance Spacing = 300 feet
- VI. Corner Clearance from Intersection = 200 feet

- VII. Low Volume 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 B - 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

Exhibit C – Planned Development District Standards

1. Driveways and Intersections

- A. New subdivisions within Planned Development Districts are discouraged from providing a layout that is designed in a manner that requires individual building lot driveways to access non-Local roadways. During development, subdivisions will be prohibited from increasing the number of driveways along collector or arterial roadways and highways from the pre-development condition. Upon written recommendation by both the Director of Public Works and the Director of Planning & Zoning, the Planning Commission may recommend an exception to the minimum driveway spacing and corner clearance required by this Exhibit.

Road Classification	Minimum Driveway Spacing	Corner clearance from intersection for driveway entrance.
a. Highway	Lots shall not have access directly onto a Highway without written approval from the State.	
b. High & Low Volume Arterial	660 feet	330 feet
c. High Volume Collector	300 feet	200 feet
d. Low Volume Collector	200 feet	100 feet
e. Local	125 feet	100 feet

- B. The minimum Public Road spacing standards for spacing between new public roads intersecting with other public roads (regardless of which government entity maintains the public road) for the purposes of approval of subdivision plats pursuant to the Leavenworth County Subdivision Regulations shall depend upon the road classification of either public road and hereby adopted as follows:

Road Classification	Minimum Public Road Spacing
a. High Volume Arterial	5,280 feet
b. Low Volume Arterial	2,640 feet
c. High Volume Collector	2,640 feet
d. Low Volume Collector	2,640 feet
e. Local	1,320 feet

- C. Minimum sight distances shall be provided at all intersections and driveways. Minimum sight distances shall be subject to Public Works standards for road type and traffic counts.
- D. Streets shall intersect as nearly as possible at 90-degree angles; no street shall intersect at less than a 75-degree angle.
- E. Street centerlines shall be laid out to meet the following:
1. Arterial Streets continuing through an intersection shall have a continuous, straight centerline.
 2. Offset intersections shall not be allowed where Collector Streets intersect Arterial Streets.
 3. Collector Streets continuing through an intersection shall have a continuous, straight centerline.
 4. Local Streets that intersect a Collector Street shall have either a continuous, straight centerline through the Collector Street right-of-way or shall be offset so that there is at least one hundred fifty (150) feet between the centerlines of the Local Streets.
 5. Collector Streets that intersect another Collector Street also shall have either a continuous, straight centerline through the intersection or by being offset so there is at least one hundred fifty (150) feet between their centerlines.

ARTICLE 3 – DEFINITIONS

Section 2. DEFINITIONS

Accessory Building: A subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this resolution) located on the same lot as the main building or principal use of land.

Accessory Use: A use which is clearly incidental to or customarily found in connection with; and (except as otherwise provided in this resolution) on the same lot as the principal use of the premises. When “accessory” is used in the text it shall have the same meaning as accessory use.

Administrative Officer or Official: The Director of Planning and Zoning for Leavenworth County shall be the Administrative Officer and shall enforce the provisions of this resolution.

Adult Care Facility or Group Home: A residence, group home or facility that provides permanent or temporary rehabilitative or long-term care for one (1) or more physically, mentally or socially disabled or handicapped individual(s) over the age of 18 years that are unrelated to the care provider. An adult care facility may be, but is not limited to, a nursing home, a group home for the mentally or physically handicapped, a halfway house, a mental rehabilitative facility, a detention facility, etc.

Agricultural Purposes: The use of a tract of land, forty (40) acres or greater, where the principal activity is to produce income from the growing of crops, horticulture, nurseries, truck farms, or the raising of fish, poultry and cattle or other livestock, including commercial feed lots. Such definition includes the structures necessary for carrying on farming operations. The retail sale of items produced as part of the farming operation is permitted including the operation of commercial greenhouses and hydroponic farming. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use. (BOCC Resolution 2011-7; February 24, 2011)

Alley: A minor way, normally twenty (20) feet or less in width, dedicated to public use, which affords a secondary means of access to abutting property.

Apartment: A room or suite of rooms in a multiple-dwelling structure intended or designed for use as a residence by a single family.

Apartment Hotel: A building arranged for or containing apartments and individual guest rooms with or without housekeeping facilities, and which furnishes services ordinarily provided by hotels, such as maid, bellboy, desk and laundry service, and may include a dining room with internal entrance and primarily for use of tenants of the building. The building shall not include public banquet halls, ballrooms or meeting rooms.

Apartment House: See Dwelling, Multiple.

Approved Public Sanitary Sewer System: A sewage disposal plant, main sanitary sewer lines and other collection lines approved by Leavenworth County and by the Kansas Department of Health and Environment.

Approved Public Water System: Water treatment plant distribution lines approved by the Board of County Commissioners and by the Kansas Department of Health and Environment.

Arterial Street: ~~A street or road of great continuity, which serves as a major thoroughfare and is so designated in the Comprehensive Guide Plan for Leavenworth County, Kansas.~~
~~—(Also termed major street or thoroughfare) A roadway that carries longer-distance traffic flow between communities and important centers of activity.~~

Basement: A story having part, but not more than one-half (1/2), of its height below grade. A basement is counted as a story for height regulation if subdivided and used for business or dwelling purposes other than by a janitor employed on the premises.

Benchmark: See Minimum Elevation for Buildings

Block: A piece or parcel of land entirely surrounded by public highways, streets, railroad rights-of-way, or parks, etc., or a combination thereof.

Board: Board of Zoning Appeals of Leavenworth County.

Boarding House or Lodging House: A building other than a hotel where, for compensation, meals or lodging and meals are provided for three (3) but not more than twenty (20) persons.

Boundary Line Adjustment: The adjustment of one (1) or more common boundaries between existing un-platted tracts or parcels, which will not create additional tracts or parcels. A Boundary Line Adjustment shall only be granted for tracts or parcels which will meet the requirements of the Zoning and Subdivision Regulations, Sanitary Code, and other applicable regulations, and will not create a non-compliant (substandard) tract or parcel. The following exceptions shall be allowed: (BOCC Resolution 2017-13; March 23, 2017)

1. Parcels containing structures closer than 105' from the centerline of the road that were built prior to September 27, 1971 shall be eligible for a Boundary Line Adjustment provided the following criteria are met:
 - a. The structure shall be a minimum of 10' from the proposed, future, right-of-way dedication as determined by the County Engineer.
 - b. In the event the structure is destroyed more than 50%, reconstruction shall be subject to current Zoning & Subdivision Regulations, Sanitary Code and any other applicable regulations.
2. Parcels containing accessory structures closer than 15' from the side and/or rear property line that were built prior to September 27, 1971 shall be eligible for a Boundary Line Adjustment provided the structure will meet the most current applicable Zoning and Subdivision Regulations, Sanitary Code and other applicable regulations upon adjustment of the boundary line.
3. Parcels containing dwelling units closer than 15' from the side property line and/or closer than 40' from the rear property line that were built prior to September 27, 1971 shall be eligible for a Boundary Line Adjustment provided the structure will meet the most current applicable Zoning and Subdivision Regulations, Sanitary Code and other applicable regulations upon adjustment of the boundary line.

4. Parcels containing structures closer than 105' from the centerline of the road which were built prior to September 27, 1971 shall be eligible for a Boundary Line Adjustment provided the following criteria are met:
 - a. The structure shall be a minimum of 10' from the proposed, future, right-of-way dedication as determined by the County Engineer.
 - b. In the event the structure is destroyed more than 50%, reconstruction shall be subject to current Zoning & Subdivision Regulations, Sanitary Code and any other applicable regulations.

Buildable Width: The width of that part of a lot not included within the open spaces herein required.

Buildings: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

Building Setback Line: A line on a plat, generally parallel to the street right-of-way, indicating the limit beyond which no buildings or structures may be erected.

Campground: A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.
(BOCC Resolution 2009-1; January 29, 2009)

Camping Unit: Any tent, trailer, cabin, lean-to, recreational vehicles, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.
(BOCC Resolution 2009-1; January 29, 2009)

Car Restoration: The act of restoring a car/vehicle back to a prior condition, by the means of molding, welding, hammering, replacing parts, sanding, sandblasting, fabricating and painting.
(BOCC Resolution 2009-9; March 26, 2009)

Centerline of the Road: The centerline of the original street right-of-way midway between the sides. If the street has been narrowed or widened on one side or unequally, said determination shall be made by the County Engineer.

Child Care Facilities:

- a. Registered Family Day Care: Day care services offered in a person's own home for six (6) or fewer children as defined by the Kansas Department of Health and Environment.
- b. Licensed Day Care Home: A home where care is provided for seven (7) to ten (10) children as defined by the Kansas Department of Health and Environment.
- c. Child Care Center and/or Preschool: A facility providing care and/or educational activities for seven (7) or more children for less than 24 hours per day as defined by the Kansas Department of Health and Environment.
- d. Group Boarding Home: A facility caring for not less than five (5) nor more than ten (10) children unrelated to the staff as per the Kansas Department of Health and Environment.
- e. Residential Centers for Children and Youth: Provides 24-hour care for more than ten (10) residents as per the Kansas Department of Health and Environment.

Clinic: An office building or group of offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured but not where patients are lodged overnight.

Club or Lodge - Private: Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.

Collector Street: ~~A street that is designed to serve traffic needs between arterial and local streets and not to provide access to abutting properties.~~ A roadway that carries traffic from local streets to arterial streets

Commercial Vehicle: Any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer or pole trailer drawn by such motor vehicle, which vehicle is designed, used and maintained for hire, compensation, profit, or in the furtherance of commercial enterprise. Commercial vehicle shall not include any motor vehicle or motorized equipment used for agricultural purposes. Commercial vehicle shall not include any motor vehicle used exclusively for the purpose of transporting students to school or any school sanctioned event. (BOCC Resolution 2015-2; January 29, 2015)

Comprehensive Plan: The duly adopted comprehensive plan or guide plan for the development of the County which includes maps, charts, illustrations and texts for, but not necessarily limited to the following:

1. Land use studies;
2. Goals and objectives;
3. Population study and forecasts;
4. Economic data base;
5. Major thoroughfare and streets plan;
6. Community facilities and public utilities plan; and
7. General development plan.

Contractor's Yard: Any unenclosed part of a parcel of land where any of the following is stored, parked, or placed: construction equipment, machinery, vehicles, trailers, maintenance equipment, building products and materials, and other materials including but not limited to materials and equipment typically associated with construction, fabrication and maintenance. A contractor's yard may be fenced, screened or open to view from adjacent properties. Equipment used for agricultural purposes **only** shall not be considered a contractor's yard. (BOCC Resolution 2011-45; December 1, 2011)

Convalescent Home: A building where regular nursing care is provided for more than one person not a member of the family that resides on the premises.

County Board: This is the Board of County Commissioners of Leavenworth County, Kansas. (See also Governing Body)

Court: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

Cul-de-sac: A ~~minor~~ low volume street with only one outlet and culminated by a vehicle turnaround.

Design Standards or Requirements: The requirements and regulations that relate to the design and layout of subdivisions.

Detention Facility: A facility for the temporary or permanent housing and detention of any individual subject to the custody of any local, state or federal authority due to any pending or past criminal charges or convictions.

Drive-In: A term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space.

Dwelling: A building or portion thereof, with dwelling unit(s) designed exclusively for human habitation, including one-family, two-family and multiple-family dwelling structures or complexes, manufactured home, boarding and lodging houses, apartment houses and townhouses but not hotels.

Dwelling, One-Family or Single-Family: A building designed for or occupied by one (1) family.

Dwelling, Multiple-Family: A building or portion thereof designed for or occupied by more than two (2) families.

Dwelling, Two-Family or Duplex: A building designed for or occupied by two (2) families.

Dwelling Unit: A room or group of rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the unit for the exclusive use of one family maintaining a household.

Easement: A grant by the property owner to the public, a corporation or a certain person or persons, for the use of a strip of land for specific purposes.

Engineer: A professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.

Family: A group of one or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

Farm: An area encompassing a minimum of forty (40) contiguous acres which is used for the growing of the usual farm products such as vegetables, fruits, trees, and grain, and their storage on the area, as well for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operation of such an area for one or more of the above uses, including dairy farms, with the necessary operation of any such accessory uses shall be secondary to that of the normal farming activities.
(BOCC Resolution 2011-7; February 24, 2011)

Filling Station: Any building, structure, or land used for the dispensing, sale, or offering for sale at retail of any automobile fuel, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.

Final Plat: A map of a subdivision of land prepared in accordance with all state plat statutes and local subdivision regulations. A final plat will show all data required for a complete

description for the lands it delineates and, once approved and filed, constitutes the legal description for the land.

Flood Plain or Flood Plain District: That area designated by the governing body as susceptible to flooding including but not limited to the regulatory flood plain designated by the Federal Emergency Management Agency (FEMA).

Floor Area:

- a. Commercial, business and industrial buildings or buildings containing mixed uses. The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls or from the centerline of walls separating two buildings, but not including:
 - 1) attic space providing headroom of less than seven feet;
 - 2) basement space not used for retailing;
 - 3) uncovered steps or fire escapes;
 - 4) accessory water towers or cooling towers;
 - 5) accessory off-street parking spaces; and
 - 6) accessory off-street loading berths.
- b. Residential buildings: the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements and open porches, measured from the exterior faces of the exterior walls.

Front Property Line: The line of a lot, parcel, or tract common to the roadway easement or right-of-way. In the case of a lot, parcel, or tract (used for residential or agricultural purposes) that has more than one common line with the roadway easement or right-of-way, the front line shall be the line that is common with the roadway easement or right-of-way that provides the vehicular access onto the property. The Director of the Planning and Zoning Department shall make the determination of the front line in the event that the parcel has more than one line common with the roadway easement or right-of-way. A lot, parcel, or tract that has access from a private street shall comply with the requirements of approval of the development establishing the private street.
(BOCC Resolution 2011-36; August 25, 2011)

Front Yard: An open space unoccupied by buildings or structures (except hereinafter provided) across the full width of the lot extending from the front line of the building to the front street line of the lot.

Front Yard Depth: The minimum horizontal distance from the front line of a building to the front street line of the lot.

Marginal Access Street or Frontage Road: ~~A low volume minor street that is parallel and adjacent to a high volume major street, highway, or railroad right-of-way and provides access to abutting properties.~~

Garage, Private: An accessory building not exceeding 900 square feet in area designed or used for the storage of not more than four motor driven vehicles owned and used by the occupants of the building to which it is an accessory. Not more than one of the vehicles may be a commercial vehicle and that one of not more than two-ton capacity.

Garage, Public: Any building or premises used for equipping, repairing, hiring, selling or storing motor driven vehicles.

Garage, Auto Repair: Any building or premises used for the storage, care or repair of motor vehicles, which is operated for commercial purposes.

Governing Body: The Board of County Commissioners of Leavenworth County, Kansas.
(See also County Board)

Government Lot: (From United States Public Land Survey) A subdivision of a section that does not conform to an aliquot part, normally described by a lot number, as represented and identified by the approved township plat. Not a legal lot under the Leavenworth County subdivision regulations. (Aliquot: the part of a distance that divides the distance without a remainder.)

Group Home (Type One): Any dwelling occupied by not more than ten individuals including

- a) eight (8) or fewer individuals with a disability who need not be related by blood or marriage and
- b) not to exceed two staff residents who need not be related by blood or marriage to each other or to the eight or fewer other said individuals, who are occupying and living together in a single-family dwelling licensed by a regulatory agency of the State of Kansas as a group home. For purposes of this definition, the term "disability" means, with respect to an individual:
 - a. A physical or mental impairment which substantially limits one or more of such individual's major life activities;
 - b. A record of having such an impairment; or
 - c. Being regarded as having such an impairment.

Such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

Group Home (Type Two): Any dwelling occupied by not more than ten individuals including

- a) eight (8) or fewer individuals who need not be related by blood or marriage and who are:
 - a. assigned to a community corrections program or a diversion program, or
 - b. on parole from a correctional institution or on probation for a felony offense, or
 - c. in a state mental institution following a finding of not guilty by reason of insanity pursuant to K. S. A. 22-3428, and amendments thereto, or
 - d. mentally ill individuals who have either not been evaluated by a licensed provider or who have been evaluated by a licensed provider and such provider has determined that the mentally ill individual is dangerous to others or such provider has determined that the mentally ill individual is unsuitable for placement in a Group Home Type One;
- and b) not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home.
(BOCC Resolution 2020-04; January 8, 2020)

Growth Management Zones: Zones or areas designated in the Comprehensive Plan for Leavenworth County. Such zones are not to be confused with zoning districts, which control land use, but rather designate areas of the County undergoing urbanizing pressures. These zones provide for variations on development patterns and type of required improvements.

Guest House: Living quarters within a detached, accessory building located on the same lot with the main building for use by temporary guests of the occupants of the premises, such

quarters having only two (2) bedrooms and no kitchen facilities, no garage and not rented or otherwise used as a separate dwelling.

Half-Street: A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the required street right-of-way width.

Height of Building: The vertical distance from the average ground level abutting a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building.

High Volume Street: A roadway section with historical vehicle traffic volumes of greater than 1000 vehicles per day (vpd).

Home Occupation: A permitted accessory use in Rural Residential Zoning that shall be subject to the following:

A. Restrictions and Limitations:

1. The home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as such person's private residence.
2. No display or storage of equipment or material outside of a building or structure shall be permitted.
3. No alteration of the exterior of the principal residential building shall be made that removes the character of that building as a residence. There shall not be visible evidence of the business from the street or surrounding properties. The appearance of the building as a dwelling or residence shall not be altered to the extent it would appear to be a commercial or business operation. Alterations of building material, size, or color; light fixtures or intensity; parking area; or any other exterior change shall not cause the structure to lose its residential character nor shall it detract from the rural or residential character of the area.
4. Only one (1) non-illuminated ground or wall sign, not more than 16 square feet in sign area, may be used to identify the home occupation.
5. Employees or other assistants shall be limited to immediate members of the family residing on the premises and two (2) other people.
6. No equipment or machine may be used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
7. Parking generated by the conduct of a home occupation shall be provided off-street in an area other than the required front yard except that existing driveways may be used.
8. Vehicular or parking demand shall not exceed twelve (12) two-way vehicular or parking of greater than four (4) customer vehicles at any one time during any 24-hour period.
9. The commercial exchange of tangible goods or items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation except on an incidental, occasional and infrequent

basis. Members of the general public shall not include persons in the home by prior individualized invitation.

10. A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6 A.M. and 7 P.M. A home occupation shall not generate more than twelve (12) business related visitations per day which shall constitute twelve (12) arrivals and twelve (12) departures by vehicle. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified above in this paragraph.
11. The keeping of stock and trade on premises shall be permitted so long as the majority of commerce is done via mail service.
12. Home occupation shall comply with all local, state, and federal rules and regulations that may be applicable.

B. Particular Home Occupations Permitted: Permitted home occupations may include, but are not limited to, the following list of occupations, provided, however, that each home occupation is subject to the home occupation restrictions and limitations within these regulations:

1. Teaching or instruction provided not more than three (3) students are taught at any one time and not more than twelve (12) students per day.
2. Preschools or day-care centers for not more than twelve (12) children or adults per day, when properly approved by the Kansas Department of Health and the Environment or other such agencies as may be required by law.
3. Professional office for accountants, architects, bookkeepers, engineers, lawyers, and similar professions.
4. Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
5. Home crafts and hobbies such as model making, rug weaving, and the like articles produced or constructed as a hobby activity shall not be sold on the premises except on an occasional and infrequent basis.
6. Tailoring, alterations, and seamstresses.
7. Beauty shops.
8. Medical offices such as physicians, dentists, chiropractors' offices.
9. Repair of items such as small appliances; personal electronic devices such as radios, televisions, stereos, personal computers or calculators provided that the use fully conforms with the performance requirements for home occupations.

C. Particular Home Occupations Prohibited:

1. Retail sales and services such as antiques, second-hand merchandise, groceries, and the like. However, this prohibition shall not apply to garage sales, tag sales, or similar occasional, temporary sales which may otherwise be permitted by County regulations and Temporary Special Use Permit regulations
2. Equipment rental.

3. Automobile and other motor vehicle repair services.
4. Tourist homes including bed and breakfast facilities.

D. Home Occupations shall require a permit from the Leavenworth County Planning and Zoning Department.

1. Permit fee shall be subject to the fee schedule as determined by the Board of County Commissioners
2. Permits shall remain valid unless the conditions of the home occupation permit as set forth in these regulations have not been met.
(BOCC Resolution 2020-09; March 4, 2020)

Hospital: A building or group of buildings, having room facilities for one or more abiding patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices; provided, however, that such facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

Hotel: A building in which lodging or boarding and lodging are provided for more than 20 persons primarily transient and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment that are herein separately defined. A hotel may include restaurants, taverns or clubrooms, public banquet halls, ballrooms, and meeting rooms.

Improvements: Street improvements with curbs, pedestrian ways, water mains, sanitary and storm sewers, permanent street monuments, trees and other appropriate items.

Initial Urban Growth Area: An area comprised of the surrounding 660 feet of incorporated city limits.
(BOCC Resolution 2020-012; April 1, 2020)

Interior Subdivision Street: A roadway, either public or private, designed as part of a subdivision, built by a developer, to provide access to the residential properties within the subdivision.

Junk Yard/Salvage Yard: An area of land with or without buildings, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as, but not limited to, wastepaper, rags or scrap material, used building materials, house furnishings, machinery, motor vehicles or parts thereof, with or without the dismantling, processing, salvage, sale, other use or disposition of the same. A deposit or storage on a plot of two (2) or more wrecked vehicles or parts thereof, for one (1) week in an agricultural/residential district, or for three (3) weeks or more in any other district, shall be deemed a junk yard/salvage yard.

Kennel: Any place, area, building, or structure on any tract smaller than 20 acres where more than an aggregate total of four (4) adult dogs, more than one (1) year old are kept, boarded, bred or trained whether or not for commercial gain or as pets; or, any place, area

building or structure on any tract 20 acres or more where more than an aggregate total of seven (7) adult dogs, more than one (1) year old, are kept, boarded, bred, or trained, whether or not for commercial gain or as pets.(BOCC Resolution 2018-19; April 3, 2018)

Loading Space: A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

Local Street: A low volume roadway that carries traffic from interior subdivision roadways to adjacent local, collector, arterial, or state roads

Lot: A portion of a platted subdivision of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development. It shall be occupied, or intended to be occupied by one main building together with its accessory structures, including open spaces and parking spaces required by these regulations, and having its principal frontage upon a street or upon an officially approved place. In any case, such street or place must be approved and accepted by the County Planning Commission and County Engineer as regard compliance with all requirements governing such streets and places.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection and shall be deemed to front on that street on which the lot has its least dimension unless otherwise designated by the Board of Zoning Appeals.

Lot, Depth: The mean horizontal distance between the front lot line and the rear lot line. (See Drawing No. 1 in Appendix for block diagram showing lot types and setbacks.)

Lot, Double Frontage: Any lot having a frontage on two (2) nonintersecting streets.

Lot, Interior: A lot other than a corner lot with only one street frontage.

Lot Line: The boundary line of a lot.

Lot of Record: A lot which is part of a subdivision, the map or plat of which has been recorded in the office of the Register of Deeds of Leavenworth County.

Lot Split: A subdivision of land of a platted parcel. (BOCC Resolution 2011-36; August 25, 2011)

Lot, Through: An interior lot having frontages on two streets.

Lot Width: The distance between the side lot lines measured at the front property line, except on cul-de-sac lots, where it is the distance between side lot lines measured at a designated distance from the right-of-way line, not exceeding 150 feet from the front property line.

Low Volume Street: A roadway section with historical vehicle traffic volumes of less than or equal to 1000 vehicles per day (vpd).

Major ~~Thoroughfare~~ Street: See Arterial Street, High Volume Street.

Manufactured Homes: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site. See Article 26 for classification and standards.

(BOCC Resolution 2009-1; January 29, 2009)

~~Marginal Access Street or Frontage Road: A minor street that is parallel and adjacent to a major street highway or railroad right of way and provides access to abutting properties.~~

Micro Distillery: Allows the distilling, mixing, bottling, wholesale, and storage of not more than 50,000 gallons of spirits per year. Retail sales and sampling allowed only in B-1, B-2, B-3, I-1, I-2, & I-3 Zoning Districts. All applicable State and Federal permits/licenses are required. (BOCC Resolution 2015-15; June 25, 2015)

~~Minor (Local) Street: A street or road of limited continuity, which serves or is intended to serve the local direct access needs of a neighborhood. See Low Volume Street.~~

Minimum Elevation for Building: The finished floor elevation of the lowest floor, tied to a published datum, e.g. USGS, NGS, FEMA, LevCo, etc.

Mobile Home: A structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403

Mobile Home Park or Subdivision: Any park, mobile home park, mobile home court, camp site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any mobile home or mobile homes and upon which any mobile home or mobile homes are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the mobile home court and its facilities or not. "Mobile Home Park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

Motel, Motor Court, Motor Hotel or Inn: Same as "Hotel", except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or office.

Non-Conforming Use: Any building or land lawfully occupied by a use at the time of passage of this resolution or amendments thereto, which does not conform after the passage of this resolution or amendments thereto with the use regulations of the district in which it is situated.

Nursing Home: Same as "Convalescent Home".

Parcel: One or more adjoining lots and/or tracts held in a single ownership and designated by a number assigned by the Appraiser's office for taxation purposes.

Parking Lot: An area of a tract or lot devoted to unenclosed parking spaces for motor vehicles.

Parking Space: An all-weather surfaced area not in a street or alley and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

Pedestrian Way: A right-of-way, dedicated for public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Performance Bond or Guaranty: Any form of guaranty acceptable by the County but, most frequently a surety bond, cash deposit or letter of credit, made out to the County of Leavenworth in an amount equal to the full cost of the improvements, which are required by these regulations, said bond, letter of credit or cash deposit being estimated by the County Engineer, and said surety bond, letter of credit or cash deposit being legally sufficient to secure to the County of Leavenworth that said improvements will be constructed in accordance with these regulations.

Permanent Foundation: The foundation of formed and poured-in-place concrete, placed masonry units, or pressure treated material having concrete footings or piers extending below the frost line, laid up with such reinforcing materials as may be required for residential or commercial construction, whichever is applicable.

Place: An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereof.

Plat: A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey. A plat will show all data required for a complete and accurate description of the land that it delineates, including the bearings and lengths of the boundaries of each subdivision. A plat may constitute a legal description of the land and be used in lieu of a written description. A plat must meet all state plat statutes, local subdivision regulations and those set forth by Kansas Minimum Standards for Boundary Surveys No. 1.

Plat of Survey or Certificate of Survey: A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a lot, tract, or parcel(s) of land, as determined by a boundary survey. The survey must be performed according to Kansas Minimum Standards for Boundary Surveys No. 1.
(BOCC Resolution 2011-36; August 25, 2011)

Planning Commission: The advisory board appointed by the Board of County Commissioners under K.S.A. 12-741 et. seq.

Planning Department: The Leavenworth County Planning Department.

Post Release Facility: Any building or parcel of land used by any public or private organization to transition convicted felons into the community. A building or parcel of land meets the definition of a Post Release Facility if it does not meet the definition of a Detention Facility, as defined elsewhere in these regulations, and one or more persons convicted of any felony are ordered confined to the building or parcel of land for any length of time by the U.S. Department of Corrections, Kansas Secretary of Corrections, any other state department of corrections, any local law enforcement agency, or the Kansas Secretary of Social and Rehabilitative Services (SRS) for any period of time for the expressed purpose of the eventual release of said person(s) into the community.

Preliminary Plat: A map made for the purpose of showing the proposed subdivision and the existing conditions in and around it. The exterior boundary must be established according to Kansas Minimum Standards for Boundary Surveys No. 1. This map need not be based on accurate or detailed final survey of the lots in the subdivision.
(See also Plat.)

Private Event: An event occurring at a private residence/property that is not open to the general public, tickets are not required, and no fee is associated with the event. Event has not been published or advertised in a public manner. Examples of a private event include but are not limited to: graduation party, wedding reception, birthday party, family reunion, picnics, and barbecues. (BOCC Resolution 2015-35; September 24, 2015)

Private Road: A non-dedicated way, other than driveway, that forms the principal vehicular access to two or more properties. Private roads shall be subject to the Cross Access Easement requirements. (BOCC Resolution 2021-11; March 31, 2021)

Professional Office: An office with one or more employees other than members of the immediate family. An office for the conduct of a profession by a person engaged in a recognized professional occupation, vocation or calling, especially one of the three vocations of theology, law and medicine and not solely commercial, mechanical or agricultural in nature, and in which knowledge or skill in some science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of a profession.

Public Event: Any event which is publicly advertised, open to the general public, and requires a fee or ticket for entrance. Examples of a public event include but are not limited to: Concerts, movie screenings, fundraisers, organized bicycle rides, foot races, car shows, and music festivities. (BOCC Resolution 2015-35; September 24, 2015)

Rear Line: Any lot line that is not a front lot line or a side lot line.

Rear Yard: A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entranceways.

Rear Yard Depth: The minimum horizontal distance from the rear line of a building to the rear line of the lot.

Recreation Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreation and camping purposes.
(BOCC Resolution 2009-1; January 29, 2009)

Regulatory Flood: The flood determined by the Federal Emergency Management Agency (FEMA) as having a one percent chance of being equaled or exceeded in any given year.
(See also 100-year Flood)

Regulatory Flood Elevation: The elevation at which the regulatory flood is determined to occur.

Regulatory Flood Plain: Land included within the regulatory floodway and floodway fringe areas as determined by the Federal Emergency Management Agency (FEMA).

Replat: A map made as a revision to a previously recorded final plat. Such map must meet all state plat statutes, local subdivision regulations and those set forth by Kansas Minimum Standards for Boundary Surveys No. 1.

Residential-Design Manufactured Home: A manufactured home on a permanent foundation which has (a) minimum dimension of 22 feet in body width, (b) a pitched roof, (c) siding and roofing materials which are customarily used on site-built homes.

Restaurant: A building wherein food is prepared and served in ready-to-eat form to the public for human consumption. "Restaurant" includes café, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house.

Re-subdivision (Re-plat): The further subdivision of a tract of land that has previously been lawfully subdivided and for which a plat of such prior subdivision has been duly recorded.

Road or Roadway: ~~This is the portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.~~ See Street.

Rural Growth Area: The unincorporated area of Leavenworth County lying outside the incorporated cities thereof, the Initial Urban Growth Area and the Secondary Growth Area.

Secretary: This is the Secretary of the Planning Commission.

Side Line: Any lot line that intersects the front lot line. A side lot line shall include any linked line segments or arcs that have a bearing that is within 45 degrees of a line drawn perpendicular to the front lot line.

Side Yard: A yard extending between the rear line of the front yard to the rear yard line, and being the minimum horizontal distance between the side lot line and the side of the main building or any projections thereof.

Sign: A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building, fence or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except illuminated signs within show windows. A sign includes any billboard, but does not include the flag or pennant, or insignia of any nation or association of nations, or of any state, city or other political entity, or of any charitable, educational, philanthropic, civic, political, or religious organization.

Sign Area: That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it is columns, a pylon or a building or part thereof, shall not be included in the sign area.

Sign, Identification: A sign of no more than 6 square feet made of durable material, denoting and limited to the name of the occupant and the name of the business conducted on the premises.

Sign, Illuminated: Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

Small Limited Business: A secondary use permitting the keeping of stock-in-trade, the sale of economic goods, and/or an office in connection with a commercial or industrial enterprise,

provided the person engaged in the business is the resident/owner of the dwelling unit, that only one (1) person other than members of the immediate family residing in the dwelling unit may assist in the operation of the business, and that in no way shall the appearance of the structure be altered or the occupation within the dwelling unit be conducted in a manner that would cause the premises to differ from its residential character. (BOCC Resolution 2016-9; April 28, 2016)

Socially Disabled: A person that suffers from or is recovering from the effects of substance abuse, is in need of rehabilitative care, and/or any type of professional mental care or support.

Spirits: Any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. (BOCC Resolution 2015-15; June 25, 2015)

Stable, Private: A stable for horses, ponies or mules which are owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

Stable, Riding: A stable, in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded or kept for remuneration, hire or sale.

Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the next floor above it, then the space between such floor and the ceiling next above it.

Street: A ~~public~~ thoroughfare, which affords the principal means of access to ~~property~~-abutting properties thereon. For the purposes of these regulations, the term Street shall include "avenue", "highway", "road", and similar terms.

Street Line: A dividing line between a lot, tract, or parcel of land and a contiguous street.

~~Street, Marginal Access: A minor street which is generally parallel to and adjacent to a major street, trafficway, highway or railroad right-of-way and which provides access to abutting properties from through traffic.~~

Street, Width: The distance measured perpendicular to the centerline of the paved portion of the right-of-way; either to the back of the curb, where a curb exists, or to the edge of pavement where no curb exists.

Structural Alterations: Any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures and street signs.

Subdivider: The term subdivider means any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, dividing or proposing to divide land, so as to constitute a subdivision as defined herein, and includes any agent of the subdivider.

Subdivision:

1. The division of a tract of land into two or more parts, lots or parcels.
2. The pending transfer of ownership through “contract” sale or similar agreement is a subdivision of the original tract.
3. Any division of a tract of land, where a new street, additional right-of-way or an existing street is involved.

The term “subdivision” includes re-subdivision, and the term "resubdivision", as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use, or other purposes, which varies from the latest approved subdivision of the same.

The following shall be exempt from the requirements of platting, replatting, a lot split, or a tract split per these regulations:

- a. Any dividing or separating of a tract of land to be used strictly for agricultural use or single-family residential purposes only and not requiring streets, easements, utilities (other than for agricultural function) or similar improvements, and encompassing in excess of forty (40) acres of land, shall not be interpreted as a subdivision under these regulations.
- b. Any division of ownership of a single parcel as the result of the culmination of a legally recognized will shall not be defined as a subdivision for any use other than agriculture.
- c. Any parcel vacated by the Board of County Commissioners.
- d. Any parcel divided, either by a natural barrier, such as a river or stream or a man-made barrier, such as a railroad track or state, county, or township road, which creates a physical division of land, because of its characteristics.
- e. Land that is to be used for cemetery purposes.
- f. A Boundary Line Adjustment.
- g. Land used for a public purpose, including the dedication of land for a public use or instruments relating to the vacation of land for a public use.
- h. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state, or federal regulations, where no new street or easement of access is involved.

(BOCC Resolution 2014-11; April 24, 2014)

Surveyor: A surveyor licensed by the state of Kansas or licensed to practice in the State of Kansas.

Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.
(BOCC Resolution 2009-1; January 29, 2009)

Tract: A single piece of land established by a legal description on a recorded deed, but not part of an approved and recorded Final Plat.

Tract of Record: Any tract of land, not located in a recorded Final Plat, the deed of which was recorded prior to August 20, 1987.

Tract Split: A subdivision of land of an un-platted parcel.
(BOCC Resolution 2011-36; August 25, 2011)

Trailer: A vehicle other than a mobile home or manufactured home, equipped with wheels and normally towed over the road behind a motor vehicle.

Truck Hauling Business: Commercial business pertaining to the parking, storage, and maintenance of commercial vehicles, trailers, and containers. Excludes the storage or redistribution of cargo or freight. (BOCC Resolution 2015-2; January 29, 2015)

Truck Terminal: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. Includes service of fuel, fuel oil, and repair of vehicles. (BOCC Resolution 2015-2; January 29, 2015)

Unincorporated Area: That portion of Leavenworth County lying outside an incorporated municipality.

Variance: A variation from a specific requirement in the Zoning Regulations applicable to a specific piece of property.

100-Year (Frequency) Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other inland waters, that has a one percent (1%) chance of occurrence during any given year.

ARTICLE 27 (C) – SUBDIVISION STANDARDS (Design Review Required)

(BOCC Resolution 2021-11; March 31, 2021)

Section 1. OVERVIEW

The requirements and standards of this Article support the Planned Development District's Future Land Use Plan. This Article establishes minimum standards so that subdivisions:

1. have street systems, lot layouts, and subdivision improvements that reflect good planning principles, construction practices, incorporate and utilize the surrounding environmental attributes, and;
2. are designed and developed in a manner that demonstrates an understanding of and appreciation for both the near term, and lasting, long-range impacts, that subdivisions have on the health, safety, and general welfare of the public.

Section 2. STREETS AND DRIVEWAYS AND RIGHT-OF-WAY IMPROVEMENTS

1. General Layout and Design Criteria- Existing and New Streets ~~and Driveways~~:

- A. General Street Layout and Design Considerations: A convenient, safe street system is important for the health, safety and welfare of the community and the economic well-being of the County. The County's street system should be designed to provide appropriate routes for through traffic, especially with respect to major nodes of urban development. Ultimately, local streets that serve individual building sites should be interconnected to the network of ~~major high volume and minor low volume collector or~~ arterial streets which primarily provide for the through traffic needs. As areas of the County develop, a pattern of interconnected streets should follow. This street network is particularly important within subdivisions with multiple streets and will become increasingly important upon the area's urbanization and densification.
- B. Environmental Considerations: Street layouts shall attempt to conform to the existing natural topography and shall attempt to avoid the disruption of existing mature vegetation, 100-year flood plains and other significant natural features of the area.
- C. Internal Street Layout Considerations: The location, arrangement, alignment, character, and type of all streets in the subdivision shall:
 - i) Provide for safe and convenient traffic circulation within, and to and from, the subdivision for the uses of the land to be served by such streets.
 - ii) Be arranged so that through traffic is minimized for local streets and so traffic is channeled to Collector streets and to Arterial Streets.
 - iii) Be arranged to facilitate the free flow of traffic and limit potential traffic hazards by providing lots in all Planned Development Districts with access onto local or collector street via driveways; and ~~reducing preventing~~ direct access onto Arterial Streets, and Highways in accordance with the Street Frontage Required per Driveway of ~~this Article's, Section 2.A~~ Article 41 Exhibit C.

- iv) Local or Collector Street layouts shall attempt to serve each subdivision lot or parcel and provide transportation access, and routes for utility service lines.

D. Connectivity and the Relationship of Internal Street Layouts to Adjoining Properties and Streets:

The location, arrangement, alignment, character, and type of streets serving new subdivisions shall be planned and designed:

- i) For the extension of existing dead-end streets except where topography, lakes, streams, Highways, Arterial streets, or other such natural or man-made features would obstruct the provision of through streets.
- ii) For the continuation of existing streets from adjoining subdivisions.
- iii) For streets to be continued to adjoining properties that have not been subdivided.
- iv) To be properly integrated with the existing and planned street system and pattern.
- v) To be continued to the boundaries of the area being subdivided at reasonable intervals that shall be not greater than 1,320 feet so that future-abutting subdivisions may connect therewith.

E. Geometric design and right-of-way requirements for all streets shall be based upon projected future traffic volumes. Additional factors to be considered in the geometric design and right-of-way requirements are as follows:

- i. Topography and physical features
- ii. Design speeds
- iii. Access conditions (controlled access with access opening, turning radius of design vehicles, medians, and pedestrian facilities).

F. Functional Street Classifications: Functional classification is an ordering system that defines the part that any particular road or street plays in serving the flow of vehicle trips through a street network. Functional classification categorizes streets according to their ability to 1) move vehicle traffic, and 2) provide access to adjacent properties.

~~For existing or planned streets within subdivisions, the following functional street classifications and criteria shall apply:~~

- ~~a. Cul-de-sac Streets: Serve individual building lots. Connecting to other Local Streets or Collector Streets is encouraged.~~
- ~~b. Local Streets: Serve individual building lots. Connecting to other Local Streets or Collector Streets is encouraged; however, Local Streets may connect directly to Arterial Street.~~
- ~~e. Collector Streets: Connect Local Streets to Arterial Streets. Direct access from individual building lots is discouraged. Collector Streets are typically located at the 1/4 section, 1/2 section, or 1/3 section lines.~~

~~d. Arterial Streets: Provide for travel between Collector Streets and Highways.~~

~~For each arterial street, whether it is a Major Arterial Street or a Minor Arterial Street, the ultimate pavement width is intended to be two (2) to four (4) lanes for through traffic movements.~~

G. Street Design and Construction and Right-of-way Dedication

~~G. For each arterial street, whether it is a High Volume Arterial Street or a Low Volume Arterial Street, the ultimate pavement width is intended to be two (2) to four (4) lanes for through traffic movements.~~

a. Arterial Streets

a. For each arterial street, whether it is a High Volume Arterial Street or a Low Volume Arterial Street, the ultimate pavement width is intended to be two (2) to four (4) lanes for through traffic movements.

a.b. ~~Proposed~~ Arterial Streets within or adjacent to subdivisions ~~and Lot Splits~~ shall comply with the following requirements:

i) The right-of-way width shall be a minimum of eighty (80) feet.

b. Collector Streets

3.1. ~~Proposed~~ Collector Streets ~~adjacent to Lot Splits or~~ within or adjacent to subdivisions shall comply with the following requirements:

i) The right-of-way width for Collector Streets with curbs shall be a minimum of sixty (60) feet.

ii) The right-of-way width for Collector Streets without curbs shall be a minimum of eighty (80) feet.

c. Local Streets

4.1. ~~Proposed~~ Local Streets ~~adjacent to Lot Splits or~~ within or adjacent to subdivisions shall comply with the following requirements:

i) The right-of-way width shall be a minimum of sixty (60) feet.

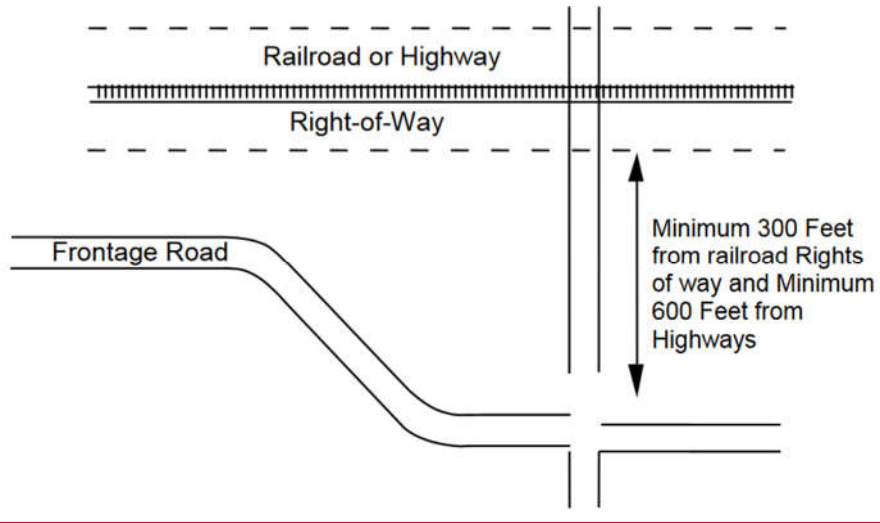
d. Cul-de-sac Streets

1. ~~Dead-end streets, whether temporary or permanent, shall be constructed as cul-de-sac streets. It is recommended, but shall not be required, that temporary dead-end streets may terminate at the boundary of a subdivision. If a cul-de-sac terminates more than 200 feet from the nearest intersection, it shall be a temporary cul-de-sac designed to provide future connection with adjoining un-subdivided areas.~~

2. Cul-de-sac streets shall not be longer than 800 feet measured from the intersecting street right-of-way line to the centerline of the cul-de-sac radius.
3. Unless topography, lakes, streams, Highways, Arterial Streets, railroads or other such natural or man-made features would obstruct the provision of through streets, permanent cul-de-sac streets shall be minimized by laying out the subdivisions to comply with the block length and cul-de-sac street length criteria of these regulations in order to facilitate traffic circulation, utility line interconnections, road maintenance and snow removal.

e. Frontage Roads

1. A Frontage road ~~are~~ is a specific type of internal street pattern and shall be encouraged when access to certain arterial roads are limited or existing geology, topography, floodplain, or other environmental constraints or lot patterns are such that frontage roads are the most feasible way to provide for local traffic service to appropriate access points on the arterial streets. For example, when internal street patterns cannot be arranged to meet the street spacing and road frontage requirements of these regulations, or if the lots cannot be arranged with side lot lines or rear lot lines adjacent to High Volume Arterial Streets or Highways.
2. Frontage roads or other internal street patterns shall be planned and constructed in subdivisions when the number of access points on one side of the Arterial Street would exceed the maximum number that would be allowed by compliance with the minimum Road Spacing requirements mentioned in [Section 2 \(2\) \(A\) of this Article](#)[Article 41 Exhibit C](#).
3. Frontage roads shall not intersect Arterial Streets or Collector Streets at closer intervals than minimum Road Spacing's allowed by [Article 41 Exhibit C](#)[Section 2 \(2\) \(A\) of this Article](#).
4. Frontage roads shall conform to Leavenworth County's approved road construction standards as adopted by the Board of County Commissioners.
5. Frontage roads or other streets that are parallel to railroad or Highway or High Volume Arterial roads rights-of-way shall not intersect streets that cross the railroad or Highway-at-grade unless the frontage road or other parallel street centerline is at least three hundred (300) feet from the closest edge of the railroad or six hundred (600) feet from the closet edge of the Highway right-of-way.



6. Frontage road access points on opposite sides of Arterial Streets shall be aligned to minimize the number of future median openings.

2. Driveways, Intersections, and Frontages Sidewalks and Street Trees

A. Minimum street frontage Required per Driveway in All Planned Districts:

Road Classification	Minimum Street Frontage Required per Driveway	Corner clearance from intersection for driveway entrance:
a.— Highway	Lots shall not have access directly onto a Highway	
b.— County Road One	2640 feet	330 feet
c.— Major Arterial	660 feet	330 feet
Minor Arterial	300 feet	200 feet
d.— Major Collector	300 feet	200 feet
— Minor Collector	200 feet	100 feet
e.— Local	125 feet	100 feet

The minimum Public Road spacing standards for spacing between new public roads intersecting with other public roads (regardless of which government entity maintains the public road) for the purposes of approval of subdivision plats pursuant to the Leavenworth county Subdivision Regulations shall depend upon the road classification of other public road and hereby adopted as follows:

Road Classification	Minimum Public Road Spacing
a.— Major Arterial	5,280 feet
Minor Arterial	2,640 feet
b.— Major Collector	2,640 feet
Minor Collector	2,640 feet
c.— Local	1,320 feet

~~B. Minimum sight distances shall be provided at all intersections and driveways. Minimum sight distances shall be subject to Public Works standards for road type and traffic counts.~~

~~C. Streets shall intersect as nearly as possible at 90-degree angles; no street shall intersect at less than a 75-degree angle.~~

~~D. Street centerlines shall be laid out to meet the following:~~

~~a. Arterial Streets continuing through an intersection shall have a continuous, straight centerline.~~

~~b. Offset intersections shall not be allowed where on Collector Streets that intersect Arterial Streets.~~

~~c. Collector Streets continuing through an intersection shall have a continuous, straight centerline.~~

~~d. Local Streets that intersect a Collector Street shall have either a continuous, straight centerline through the Collector Street right-of-way or shall be offset so that there is at least one hundred fifty (150) feet between the centerlines of the Local Streets. Collector Streets that intersect another Collector Street also shall meet this criterion by having either a continuous, straight centerline through the intersection or by being offset so there is at least one hundred fifty (150) feet between their centerlines.~~

~~E. Cul-de-sac Streets~~

~~a. Dead-end streets, whether temporary or permanent, shall be constructed as cul-de-sac streets. It is recommended, but shall not be required, that temporary dead-end streets may terminate at the boundary of a subdivision. If a cul-de-sac terminates more than 200 feet from the nearest intersection, it shall be a temporary cul-de-sac designed to provide future connection with adjoining un-subdivided areas.~~

~~b. Cul-de-sac streets shall not be longer than 700 feet measured from the intersecting street right-of-way line to the centerline of the cul-de-sac radius.~~

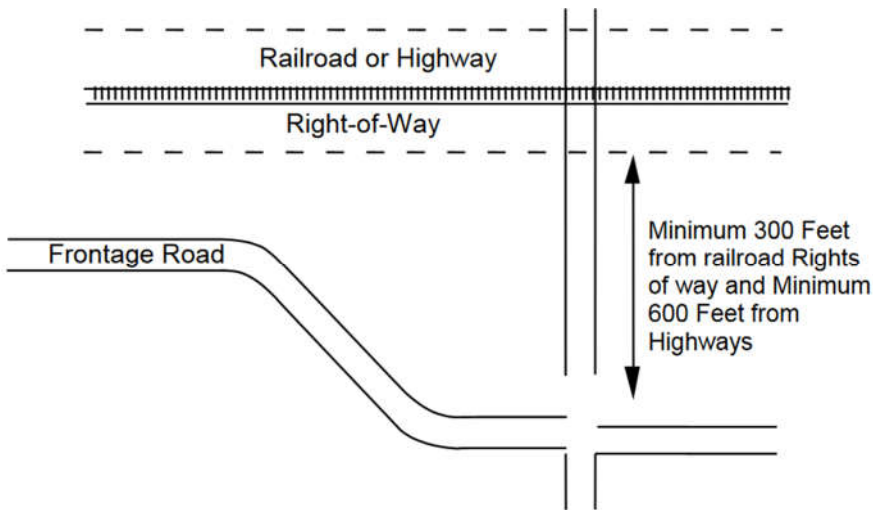
~~c. Unless topography, lakes, streams, Highways, Arterial Streets, railroads or other such natural or man-made features would obstruct the provision of through streets, permanent cul-de-sac streets shall be minimized by laying out the subdivisions to comply with the block length and cul-de-sac street length criteria of these regulations in order to facilitate traffic circulation, utility line interconnections, road maintenance and snow removal.~~

~~F. Frontage Roads~~

~~a. Frontage roads are specific type of internal street pattern and shall be encouraged when access to certain arterial roads are limited or existing geology, topography, floodplain, or other environmental constraints or lot patterns are such that frontage roads are the most feasible way~~

to provide for local traffic service to appropriate access points on the arterial streets. For example, when internal street patterns cannot be arranged to meet the street spacing and road frontage requirements of these regulations, or if the lots cannot be arranged with side lot lines or rear lot lines adjacent to Major Arterial Streets or Highways.

- b. Frontage roads or other internal street patterns shall be planned and constructed in subdivisions when the number of access points on one side of the Arterial Street would exceed the maximum number that would be allowed by compliance with the minimum Road Spacing requirements mentioned in Section 2 (2) (A) of this Article.
- e. Frontage roads shall not intersect Arterial Streets or Collector Streets at closer intervals than minimum Road Spacing's allowed by Section 2 (2) (A) of this Article.
- d. Frontage roads shall conform to Leavenworth County's Road Construction and Storm Water Drainage standards, 1994 Edition or latest editions as approved by the Board of County Commissioners.
- e. Frontage roads or other streets that are parallel to railroad or Highway or Major Arterial roads rights-of-way shall not intersect streets that cross the railroad or Highway at grade unless the frontage road or other parallel street centerline is at least three hundred (300) feet from the closest edge of the railroad or six hundred (600) feet from the closet edge of the Highway right-of-way.



- f. Frontage road access points on opposite sides of Arterial Streets shall be aligned to minimize the number of future median openings.

A. Sidewalks:

1. Sidewalks are required and shall be installed by the developer on one side of all streets in residential subdivisions with a majority of the lots less than one (1) acre in size, and are permitted in all other subdivisions in conformance with the requirements set forth herein. Sidewalks are permitted in all other districts.

2. Sidewalks shall be located within the public right-of-way and shall not be more than one (1) foot from the public right-of-way line of all streets. There shall be a landscaped area at least two (2) feet wide between the sidewalk and curb. If site conditions do not allow for the buffer area and sidewalks must be constructed adjacent to the curbs, the sidewalks shall be constructed as a separate entity to the curb, and at no time shall the two be constructed as a single unit.
3. Sidewalks shall provide for continuous pedestrian access, and also connect abutting properties or subdivisions.
4. Sidewalks shall also be provided as part of the construction of the internal subdivision streets.
5. The minimum width of sidewalks shall be four (4) feet.
6. Sidewalks at street intersections shall be ramped to provide access for physically impaired persons.

B. ~~Street~~ ~~shade~~ ~~T~~rees

Along Arterial and Collector Street rights-of-way adjacent to planned residential subdivisions, or within or adjacent to any commercial or employment center subdivision, new shade trees shall be planted or existing trees shall be kept as follows:

1. One (1) street tree shall be provided for each 100 feet of street frontage within the landscaped setback abutting said street frontage.
2. In addition to the street trees, one ornamental tree per 50 lineal feet and one shrub per 25 lineal feet or portion thereof shall be planted within the setback. Additional trees may be clustered or arranged within the setback if approved as part of the landscape plan.
3. A minimum of 5% of the interior site shall be landscaped.
4. A minimum of 10% of the lot shall be kept as pervious area (green space).

Section 3. MINIMUM LOT DESIGN STANDARDS LAYOUT OF LOTS

A. Planned Residential Subdivisions Lots

1. Within subdivisions of property planned residential district, the lot-depth to lot-width ratios shall not exceed three and a half to one (3.5:1) or be less than one to one (1:1). Within subdivisions of property zoned Planned Residential District, the lot-depth to lot-width ratios for lots ten (10) acres or larger shall not exceed four to one or be less than one to one.
2. Corner lots shall have sufficient depth and width to allow the yard setbacks required in the applicable zoning district to be provided along all street frontages.
3. The minimum lot width required in the zone shall be provided at least at the front building setback line.

4. Double frontage lots shall be avoided unless no other lot arrangement is possible, such as where lots back onto a High Volume Arterial Street. Access for a double frontage lot shall be on the least travelled road. All double frontage lots shall include a restricted access which shall prevent driveway access on the rear lot line.
5. Lots shall be arranged so that surface drainage in swales or channels across residential lots is avoided or is located along side or rear lot lines, unless surface drainage in other locations on the lots is necessary as determined by the County Engineer. Where surface drainage in a swale or channel on a residential lot is necessary, as determined by the County Engineer, drainage easements may be required and the drainage systems in such easements shall be improved in accordance with Leavenworth County's Road Construction and Storm Water Drainage standards, 1994 Edition or latest editions as approved by the Board of County Commissioners. Each residential lot that will have surface drainage in a swale or channel shall be appropriately shaped, sized and dimensioned to provide a buildable area that the County Engineer deems to be appropriate for the subdivision.

B. All Other Planned Districts Subdivisions

1. See Article 50 for Minimum Subdivision Standards.

- a. ~~Within subdivisions of property planned residential district, the lot depth to lot width ratios shall not exceed three and a half to one (3.5:1) or be less than one to one (1:1). Within subdivisions of property zoned Planned Residential District, the lot depth to lot width ratios for lots ten (10) acres or larger shall not exceed four to one or be less than one to one.~~
- b. ~~Corner lots shall have sufficient depth and width to allow the yard setbacks required in the applicable zoning district to be provided along all street frontages.~~
- c. ~~The minimum lot width required in the zone shall be provided at least at the front building setback line.~~
- d. ~~Double frontage lots shall be avoided unless no other lot arrangement is possible, such as where lots back onto a major High Volume Arterial Street. Access for a double frontage lot shall be on the least travelled road. All double frontage lots shall include a non-access easement restricted access which shall prevent driveway access on the rear lot line.~~
- e. ~~Lots shall be arranged so that surface drainage in swales or channels across residential lots is avoided or is located along side or rear lot lines, unless surface drainage in other locations on the lots is necessary as determined by the County Engineer. Where surface drainage in a swale or channel on a residential lot is necessary, as determined by the County Engineer, drainage easements may be required and the drainage systems in such easements shall be improved in accordance with Leavenworth County's Road Construction and Storm Water Drainage standards, 1994 Edition or latest editions as approved by the Board of County Commissioners. Each residential lot that will have surface drainage in a swale or channel shall be appropriately shaped, sized and~~

~~dimensioned to provide a buildable area that the County Engineer deems to be appropriate for the subdivision.~~

ARTICLE 41 – ACCESS MANAGEMENT

Section 1. OVERVIEW

(BOCC Resolution 2018-13; May 29, 2018; BOCC Resolution 2021-18; June 16 2021)

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 public and private roadways, with the exception of State-Highways, County Arterial and County Collector.

Section 2. DEFINITIONS

(BOCC Resolution 2021-18; June 16 2021)

1. Development – Any division of the land.
- ~~2. Road Classification System – See Exhibit A~~
- ~~3.2. Public Road Entrance Management Standards – See Exhibit AB~~
3. Public Road Access Management Standards – See Exhibit BC
4. Planned Development District 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 submitted to the local city jurisdiction for review but shall be subject to the regulations outlined here within~~; 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

(BOCC Resolution 2021-18; June 16 2021)

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 AB - 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~~ High Volume Arterial Roadway: Minimum Required Entrance Spacing = 660 feet
- II. Corner Clearance from Intersection = 330 feet

- III. ~~Minor~~ Low Volume Arterial Roadway: Minimum Required Entrance Spacing = 300 feet
- IV. Corner Clearance from Intersection = 200 feet

- V. ~~Major~~ High Volume Collector Roadway: Minimum Required Entrance Spacing = 300 feet
- VI. Corner Clearance from Intersection = 200 feet

- VII. ~~Minor~~ Low Volume 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 BC - 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

Exhibit C – Planned Development District Standards

1. Driveways and Intersections

A. New subdivisions within Planned Development Districts are discouraged from providing a layout that is designed in a manner that requires individual building lot driveways to access non-Local roadways. During development, subdivisions will be prohibited from increasing the number of driveways along collector or arterial roadways and highways from the pre-development condition. Upon written recommendation by both the Director of Public Works and the Director of Planning & Zoning, the Planning Commission may recommend that the Board of County Commissioners grant an exception to the minimum driveway spacing and corner clearance required in accordance with Article 4 by this Exhibit.

<u>Road Classification</u>	<u>Minimum Driveway Spacing</u>	<u>Corner clearance from intersection for driveway entrance.</u>
<u>a. Highway</u>	<u>Lots shall not have access directly onto a Highway without written approval from the State.</u>	
<u>b. High & Low Volume Arterial</u>	<u>660 feet</u>	<u>330 feet</u>
<u>c. High Volume Collector</u>	<u>300 feet</u>	<u>200 feet</u>
<u>d. Low Volume Collector</u>	<u>200 feet</u>	<u>100 feet</u>
<u>e. Local</u>	<u>125 feet</u>	<u>100 feet</u>

B. The minimum Public Road spacing standards for spacing between new public roads intersecting with other public roads (regardless of which government entity maintains the public road) for the purposes of approval of subdivision plats pursuant to the Leavenworth County Subdivision Regulations shall depend upon the road classification of either public road and hereby adopted as follows:

<u>Road Classification</u>	<u>Minimum Public Road Spacing</u>
<u>a. High Volume Arterial</u>	<u>5,280 feet</u>
<u>b. Low Volume Arterial</u>	<u>2,640 feet</u>
<u>c. High Volume Collector</u>	<u>2,640 feet</u>
<u>d. Low Volume Collector</u>	<u>2,640 feet</u>
<u>e. Local</u>	<u>1,320 feet</u>

C. Minimum sight distances shall be provided at all intersections and driveways. Minimum sight distances shall be subject to Public Works standards for road type and traffic counts.

D. Streets shall intersect as nearly as possible at 90-degree angles; no street shall intersect at less than a 75-degree angle.

<u>Road Classification</u>	<u>Minimum Public Road Spacing</u>
<u>a. High Volume Arterial</u>	<u>5,280 feet</u>
<u>a. Low Volume Arterial</u>	<u>2,640 feet</u>

a. High Volume Collector	2,640 feet
a. Low Volume Collector	2,640 feet
a. Local	1,320 feet

~~b. Minimum sight distances shall be provided at all intersections and driveways. Minimum sight distances shall be subject to Public Works standards for road type and traffic counts.~~

~~— Streets shall intersect as nearly as possible at 90-degree angles; no street shall intersect at less than a 75-degree angle.~~

E. ~~SS~~ Street centerlines shall be laid out to meet the following:

- ~~1. Arterial Streets continuing through an intersection shall have a continuous, straight centerline.~~
- ~~2. Offset intersections shall not be allowed where Collector Streets intersect Arterial Streets.~~
- ~~3. Collector Streets continuing through an intersection shall have a continuous, straight centerline.~~
- ~~4. Local Streets that intersect a Collector Street shall have either a continuous, straight centerline through the Collector Street right-of-way or shall be offset so that there is at least one hundred fifty (150) feet between the centerlines of the Local Streets.~~
- ~~5. Collector Streets that intersect another Collector Street also shall have either a continuous, straight centerline through the intersection or by being offset so there is at least one hundred fifty (150) feet between their centerlines.~~

RESOLUTION 2021-59

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

Article 3 – Definitions

Article 27 (C) – Subdivision Standards (Design Review Required)

Article 41 – Access Management

(See Attachment A)

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 8th day of December, 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 29th day of December, 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 29th day of December, 2021 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 29th day of December, 2021
Board of County Commission
Leavenworth, County, Kansas

Mike Smith, Chairman

ATTEST

Jeff Culbertson, Member

Janet Klasinski

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

ARTICLE 3 – DEFINITIONS

Section 2. DEFINITIONS

Accessory Building: A subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this resolution) located on the same lot as the main building or principal use of land.

Accessory Use: A use which is clearly incidental to or customarily found in connection with; and (except as otherwise provided in this resolution) on the same lot as the principal use of the premises. When “accessory” is used in the text it shall have the same meaning as accessory use.

Administrative Officer or Official: The Director of Planning and Zoning for Leavenworth County shall be the Administrative Officer and shall enforce the provisions of this resolution.

Adult Care Facility or Group Home: A residence, group home or facility that provides permanent or temporary rehabilitative or long-term care for one (1) or more physically, mentally or socially disabled or handicapped individual(s) over the age of 18 years that are unrelated to the care provider. An adult care facility may be, but is not limited to, a nursing home, a group home for the mentally or physically handicapped, a halfway house, a mental rehabilitative facility, a detention facility, etc.

Agricultural Purposes: The use of a tract of land, forty (40) acres or greater, where the principal activity is to produce income from the growing of crops, horticulture, nurseries, truck farms, or the raising of fish, poultry and cattle or other livestock, including commercial feed lots. Such definition includes the structures necessary for carrying on farming operations. The retail sale of items produced as part of the farming operation is permitted including the operation of commercial greenhouses and hydroponic farming. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use. (BOCC Resolution 2011-7; February 24, 2011)

Alley: A minor way, normally twenty (20) feet or less in width, dedicated to public use, which affords a secondary means of access to abutting property.

Apartment: A room or suite of rooms in a multiple-dwelling structure intended or designed for use as a residence by a single family.

Apartment Hotel: A building arranged for or containing apartments and individual guest rooms with or without housekeeping facilities, and which furnishes services ordinarily provided by hotels, such as maid, bellboy, desk and laundry service, and may include a dining room with internal entrance and primarily for use of tenants of the building. The building shall not include public banquet halls, ballrooms or meeting rooms.

Apartment House: See Dwelling, Multiple.

Approved Public Sanitary Sewer System: A sewage disposal plant, main sanitary sewer lines and other collection lines approved by Leavenworth County and by the Kansas Department of Health and Environment.

Approved Public Water System: Water treatment plant distribution lines approved by the Board of County Commissioners and by the Kansas Department of Health and Environment.

Arterial Street: A roadway that carries longer-distance traffic flow between communities and important centers of activity.

Basement: A story having part, but not more than one-half (1/2), of its height below grade. A basement is counted as a story for height regulation if subdivided and used for business or dwelling purposes other than by a janitor employed on the premises.

Benchmark: See Minimum Elevation for Buildings

Block: A piece or parcel of land entirely surrounded by public highways, streets, railroad rights-of-way, or parks, etc., or a combination thereof.

Board: Board of Zoning Appeals of Leavenworth County.

Boarding House or Lodging House: A building other than a hotel where, for compensation, meals or lodging and meals are provided for three (3) but not more than twenty (20) persons.

Boundary Line Adjustment: The adjustment of one (1) or more common boundaries between existing un-platted tracts or parcels, which will not create additional tracts or parcels. A Boundary Line Adjustment shall only be granted for tracts or parcels which will meet the requirements of the Zoning and Subdivision Regulations, Sanitary Code, and other applicable regulations, and will not create a non-compliant (substandard) tract or parcel. The following exceptions shall be allowed: (BOCC Resolution 2017-13; March 23, 2017)

1. Parcels containing structures closer than 105' from the centerline of the road that were built prior to September 27, 1971 shall be eligible for a Boundary Line Adjustment provided the following criteria are met:
 - a. The structure shall be a minimum of 10' from the proposed, future, right-of-way dedication as determined by the County Engineer.
 - b. In the event the structure is destroyed more than 50%, reconstruction shall be subject to current Zoning & Subdivision Regulations, Sanitary Code and any other applicable regulations.
2. Parcels containing accessory structures closer than 15' from the side and/or rear property line that were build prior to September 27, 1971 shall be eligible for a Boundary Line Adjustment provided the structure will meet the most current applicable Zoning and Subdivision Regulations, Sanitary Code and other applicable regulations upon adjustment of the boundary line.
3. Parcels containing dwelling units closer than 15' from the side property line and/or closer than 40' from the rear property line that were built prior to September 27, 1971 shall be eligible for a Boundary Line Adjustment provided the structure will meet the most current applicable Zoning and Subdivision Regulations, Sanitary Code and other applicable regulations upon adjustment of the boundary line.
4. Parcels containing structures closer than 105' from the centerline of the road which were built prior to September 27, 1971 shall be eligible for a Boundary Line Adjustment provided the following criteria are met:

- a. The structure shall be a minimum of 10' from the proposed, future, right-of-way dedication as determined by the County Engineer.
- b. In the event the structure is destroyed more than 50%, reconstruction shall be subject to current Zoning & Subdivision Regulations, Sanitary Code and any other applicable regulations.

Buildable Width: The width of that part of a lot not included within the open spaces herein required.

Buildings: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

Building Setback Line: A line on a plat, generally parallel to the street right-of-way, indicating the limit beyond which no buildings or structures may be erected.

Campground: A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.
(BOCC Resolution 2009-1; January 29, 2009)

Camping Unit: Any tent, trailer, cabin, lean-to, recreational vehicles, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.
(BOCC Resolution 2009-1; January 29, 2009)

Car Restoration: The act of restoring a car/vehicle back to a prior condition, by the means of molding, welding, hammering, replacing parts, sanding, sandblasting, fabricating and painting.
(BOCC Resolution 2009-9; March 26, 2009)

Centerline of the Road: The centerline of the original street right-of-way midway between the sides. If the street has been narrowed or widened on one side or unequally, said determination shall be made by the County Engineer.

Child Care Facilities:

- a. Registered Family Day Care: Day care services offered in a person's own home for six (6) or fewer children as defined by the Kansas Department of Health and Environment.
- b. Licensed Day Care Home: A home where care is provided for seven (7) to ten (10) children as defined by the Kansas Department of Health and Environment.
- c. Child Care Center and/or Preschool: A facility providing care and/or educational activities for seven (7) or more children for less than 24 hours per day as defined by the Kansas Department of Health and Environment.
- d. Group Boarding Home: A facility caring for not less than five (5) nor more than ten (10) children unrelated to the staff as per the Kansas Department of Health and Environment.
- e. Residential Centers for Children and Youth: Provides 24-hour care for more than ten (10) residents as per the Kansas Department of Health and Environment.

Clinic: An office building or group of offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured but not where patients are lodged overnight.

Club or Lodge - Private: Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not

primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.

Collector Street: A roadway that carries traffic from local streets to arterial streets

Commercial Vehicle: Any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer or pole trailer drawn by such motor vehicle, which vehicle is designed, used and maintained for hire, compensation, profit, or in the furtherance of commercial enterprise. Commercial vehicle shall not include any motor vehicle or motorized equipment used for agricultural purposes. Commercial vehicle shall not include any motor vehicle used exclusively for the purpose of transporting students to school or any school sanctioned event. (BOCC Resolution 2015-2; January 29, 2015)

Comprehensive Plan: The duly adopted comprehensive plan or guide plan for the development of the County which includes maps, charts, illustrations and texts for, but not necessarily limited to the following:

1. Land use studies;
2. Goals and objectives;
3. Population study and forecasts;
4. Economic data base;
5. Major thoroughfare and streets plan;
6. Community facilities and public utilities plan; and
7. General development plan.

Contractor's Yard: Any unenclosed part of a parcel of land where any of the following is stored, parked, or placed: construction equipment, machinery, vehicles, trailers, maintenance equipment, building products and materials, and other materials including but not limited to materials and equipment typically associated with construction, fabrication and maintenance. A contractor's yard may be fenced, screened or open to view from adjacent properties. Equipment used for agricultural purposes **only** shall not be considered a contractor's yard. (BOCC Resolution 2011-45; December 1, 2011)

Convalescent Home: A building where regular nursing care is provided for more than one person not a member of the family that resides on the premises.

County Board: This is the Board of County Commissioners of Leavenworth County, Kansas. (See also Governing Body)

Court: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

Cul-de-sac: A low volume street with only one outlet and culminated by a vehicle turnaround.

Design Standards or Requirements: The requirements and regulations that relate to the design and layout of subdivisions.

Detention Facility: A facility for the temporary or permanent housing and detention of any individual subject to the custody of any local, state or federal authority due to any pending or past criminal charges or convictions.

Drive-In: A term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space.

Dwelling: A building or portion thereof, with dwelling unit(s) designed exclusively for human habitation, including one-family, two-family and multiple-family dwelling structures or complexes, manufactured home, boarding and lodging houses, apartment houses and townhouses but not hotels.

Dwelling, One-Family or Single-Family: A building designed for or occupied by one (1) family.

Dwelling, Multiple-Family: A building or portion thereof designed for or occupied by more than two (2) families.

Dwelling, Two-Family or Duplex: A building designed for or occupied by two (2) families.

Dwelling Unit: A room or group of rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the unit for the exclusive use of one family maintaining a household.

Easement: A grant by the property owner to the public, a corporation or a certain person or persons, for the use of a strip of land for specific purposes.

Engineer: A professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.

Family: A group of one or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

Farm: An area encompassing a minimum of forty (40) contiguous acres which is used for the growing of the usual farm products such as vegetables, fruits, trees, and grain, and their storage on the area, as well for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operation of such an area for one or more of the above uses, including dairy farms, with the necessary operation of any such accessory uses shall be secondary to that of the normal farming activities.
(BOCC Resolution 2011-7; February 24, 2011)

Filling Station: Any building, structure, or land used for the dispensing, sale, or offering for sale at retail of any automobile fuel, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.

Final Plat: A map of a subdivision of land prepared in accordance with all state plat statutes and local subdivision regulations. A final plat will show all data required for a complete description for the lands it delineates and, once approved and filed, constitutes the legal description for the land.

Flood Plain or Flood Plain District: That area designated by the governing body as susceptible to flooding including but not limited to the regulatory flood plain designated by the Federal Emergency Management Agency (FEMA).

Floor Area:

- a. Commercial, business and industrial buildings or buildings containing mixed uses. The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls or from the centerline of walls separating two buildings, but not including:
 - 1) attic space providing headroom of less than seven feet;
 - 2) basement space not used for retailing;
 - 3) uncovered steps or fire escapes;
 - 4) accessory water towers or cooling towers;
 - 5) accessory off-street parking spaces; and
 - 6) accessory off-street loading berths.
- b. Residential buildings: the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements and open porches, measured from the exterior faces of the exterior walls.

Front Property Line: The line of a lot, parcel, or tract common to the roadway easement or right-of-way. In the case of a lot, parcel, or tract (used for residential or agricultural purposes) that has more than one common line with the roadway easement or right-of-way, the front line shall be the line that is common with the roadway easement or right-of-way that provides the vehicular access onto the property. The Director of the Planning and Zoning Department shall make the determination of the front line in the event that the parcel has more than one line common with the roadway easement or right-of-way. A lot, parcel, or tract that has access from a private street shall comply with the requirements of approval of the development establishing the private street.
(BOCC Resolution 2011-36; August 25, 2011)

Front Yard: An open space unoccupied by buildings or structures (except hereinafter provided) across the full width of the lot extending from the front line of the building to the front street line of the lot.

Front Yard Depth: The minimum horizontal distance from the front line of a building to the front street line of the lot.

Frontage Road: A low volume street that is parallel and adjacent to a high volume street, highway, or railroad right-of-way and provides access to abutting properties.

Garage, Private: An accessory building not exceeding 900 square feet in area designed or used for the storage of not more than four motor driven vehicles owned and used by the occupants of the building to which it is an accessory. Not more than one of the vehicles may be a commercial vehicle and that one of not more than two-ton capacity.

Garage, Public: Any building or premises used for equipping, repairing, hiring, selling or storing motor driven vehicles.

Garage, Auto Repair: Any building or premises used for the storage, care or repair of motor vehicles, which is operated for commercial purposes.

Governing Body: The Board of County Commissioners of Leavenworth County, Kansas.
(See also County Board)

Government Lot: (From United States Public Land Survey) A subdivision of a section that does not conform to an aliquot part, normally described by a lot number, as represented and identified by the approved township plat. Not a legal lot under the Leavenworth County subdivision regulations. (Aliquot: the part of a distance that divides the distance without a remainder.)

Group Home (Type One): Any dwelling occupied by not more than ten individuals including a) eight (8) or fewer individuals with a disability who need not be related by blood or marriage and b) not to exceed two staff residents who need not be related by blood or marriage to each other or to the eight or fewer other said individuals, who are occupying and living together in a single-family dwelling licensed by a regulatory agency of the State of Kansas as a group home. For purposes of this definition, the term "disability" means, with respect to an individual:

- a. A physical or mental impairment which substantially limits one or more of such individual's major life activities;
- b. A record of having such an impairment; or
- c. Being regarded as having such an impairment.

Such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

Group Home (Type Two): Any dwelling occupied by not more than ten individuals including a) eight (8) or fewer individuals who need not be related by blood or marriage and who are:

- a. assigned to a community corrections program or a diversion program, or
- b. on parole from a correctional institution or on probation for a felony offense, or
- c. in a state mental institution following a finding of not guilty by reason of insanity pursuant to K. S. A. 22-3428, and amendments thereto, or
- d. mentally ill individuals who have either not been evaluated by a licensed provider or who have been evaluated by a licensed provider and such provider has determined that the mentally ill individual is dangerous to others or such provider has determined that the mentally ill individual is unsuitable for placement in a Group Home Type One;

and b) not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home.
(BOCC Resolution 2020-04; January 8, 2020)

Growth Management Zones: Zones or areas designated in the Comprehensive Plan for Leavenworth County. Such zones are not to be confused with zoning districts, which control land use, but rather designate areas of the County undergoing urbanizing pressures. These zones provide for variations on development patterns and type of required improvements.

Guest House: Living quarters within a detached, accessory building located on the same lot with the main building for use by temporary guests of the occupants of the premises, such quarters having only two (2) bedrooms and no kitchen facilities, no garage and not rented or otherwise used as a separate dwelling.

Half-Street: A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the required street right-of-way width.

Height of Building: The vertical distance from the average ground level abutting a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building.

High Volume Street: A roadway section with historical vehicle traffic volumes of greater than 1000 vehicles per day (vpd).

Home Occupation: A permitted accessory use in Rural Residential Zoning that shall be subject to the following:

A. Restrictions and Limitations:

1. The home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as such person's private residence.
2. No display or storage of equipment or material outside of a building or structure shall be permitted.
3. No alteration of the exterior of the principal residential building shall be made that removes the character of that building as a residence. There shall not be visible evidence of the business from the street or surrounding properties. The appearance of the building as a dwelling or residence shall not be altered to the extent it would appear to be a commercial or business operation. Alterations of building material, size, or color; light fixtures or intensity; parking area; or any other exterior change shall not cause the structure to lose its residential character nor shall it detract from the rural or residential character of the area.
4. Only one (1) non-illuminated ground or wall sign, not more than 16 square feet in sign area, may be used to identify the home occupation.
5. Employees or other assistants shall be limited to immediate members of the family residing on the premises and two (2) other people.
6. No equipment or machine may be used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
7. Parking generated by the conduct of a home occupation shall be provided off-street in an area other than the required front yard except that existing driveways may be used.
8. Vehicular or parking demand shall not exceed twelve (12) two-way vehicular or parking of greater than four (4) customer vehicles at any one time during any 24-hour period.
9. The commercial exchange of tangible goods or items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation except on an incidental, occasional and infrequent basis. Members of the general public shall not include persons in the home by prior individualized invitation.
10. A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6 A.M. and 7 P.M. A home occupation shall not generate more than twelve (12) business related visitations per day which shall constitute twelve (12) arrivals and twelve (12) departures by vehicle. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such

gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified above in this paragraph.

11. The keeping of stock and trade on premises shall be permitted so long as the majority of commerce is done via mail service.
12. Home occupation shall comply with all local, state, and federal rules and regulations that may be applicable.

B. Particular Home Occupations Permitted: Permitted home occupations may include, but are not limited to, the following list of occupations, provided, however, that each home occupation is subject to the home occupation restrictions and limitations within these regulations:

1. Teaching or instruction provided not more than three (3) students are taught at any one time and not more than twelve (12) students per day.
2. Preschools or day-care centers for not more than twelve (12) children or adults per day, when properly approved by the Kansas Department of Health and the Environment or other such agencies as may be required by law.
3. Professional office for accountants, architects, bookkeepers, engineers, lawyers, and similar professions.
4. Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
5. Home crafts and hobbies such as model making, rug weaving, and the like articles produced or constructed as a hobby activity shall not be sold on the premises except on an occasional and infrequent basis.
6. Tailoring, alterations, and seamstresses.
7. Beauty shops.
8. Medical offices such as physicians, dentists, chiropractors' offices.
9. Repair of items such as small appliances; personal electronic devices such as radios, televisions, stereos, personal computers or calculators provided that the use fully conforms with the performance requirements for home occupations.

C. Particular Home Occupations Prohibited:

1. Retail sales and services such as antiques, second-hand merchandise, groceries, and the like. However, this prohibition shall not apply to garage sales, tag sales, or similar occasional, temporary sales which may otherwise be permitted by County regulations and Temporary Special Use Permit regulations
2. Equipment rental.
3. Automobile and other motor vehicle repair services.
4. Tourist homes including bed and breakfast facilities.

D. Home Occupations shall require a permit from the Leavenworth County Planning and Zoning Department.

1. Permit fee shall be subject to the fee schedule as determined by the Board of County Commissioners
2. Permits shall remain valid unless the conditions of the home occupation permit as set forth in these regulations have not been met.
(BOCC Resolution 2020-09; March 4, 2020)

Hospital: A building or group of buildings, having room facilities for one or more abiding patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices; provided, however, that such facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

Hotel: A building in which lodging or boarding and lodging are provided for more than 20 persons primarily transient and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment that are herein separately defined. A hotel may include restaurants, taverns or clubrooms, public banquet halls, ballrooms, and meeting rooms.

Improvements: Street improvements with curbs, pedestrian ways, water mains, sanitary and storm sewers, permanent street monuments, trees and other appropriate items.

Initial Urban Growth Area: An area comprised of the surrounding 660 feet of incorporated city limits.
(BOCC Resolution 2020-012; April 1, 2020)

Interior Subdivision Street: A roadway, either public or private, designed as part of a subdivision, built by a developer, to provide access to the residential properties within the subdivision.

Junk Yard/Salvage Yard: An area of land with or without buildings, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as, but not limited to, wastepaper, rags or scrap material, used building materials, house furnishings, machinery, motor vehicles or parts thereof, with or without the dismantling, processing, salvage, sale, other use or disposition of the same. A deposit or storage on a plot of two (2) or more wrecked vehicles or parts thereof, for one (1) week in an agricultural/residential district, or for three (3) weeks or more in any other district, shall be deemed a junk yard/salvage yard.

Kenel: Any place, area, building, or structure on any tract smaller than 20 acres where more than an aggregate total of four (4) adult dogs, more than one (1) year old are kept, boarded, bred or trained whether or not for commercial gain or as pets; or, any place, area building or structure on any tract 20 acres or more where more than an aggregate total of seven (7) adult dogs, more than one (1) year old, are kept, boarded, bred, or trained, whether or not for commercial gain or as pets.(BOCC Resolution 2018-19; April 3, 2018)

Loading Space: A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

Local Street: A low volume roadway that carries traffic from interior subdivision roadways to adjacent local, collector, arterial, or state roads

Lot: A portion of a platted subdivision of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development. It shall be occupied, or intended to be occupied by one main building together with its accessory structures, including open spaces and parking spaces required by these regulations, and having its principal frontage upon a street or upon an officially approved place. In any case, such street or place must be approved and accepted by the County Planning Commission and County Engineer as regard compliance with all requirements governing such streets and places.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection and shall be deemed to front on that street on which the lot has its least dimension unless otherwise designated by the Board of Zoning Appeals.

Lot, Depth: The mean horizontal distance between the front lot line and the rear lot line. (See Drawing No. 1 in Appendix for block diagram showing lot types and setbacks.)

Lot, Double Frontage: Any lot having a frontage on two (2) nonintersecting streets.

Lot, Interior: A lot other than a corner lot with only one street frontage.

Lot Line: The boundary line of a lot.

Lot of Record: A lot which is part of a subdivision, the map or plat of which has been recorded in the office of the Register of Deeds of Leavenworth County.

Lot Split: A subdivision of land of a platted parcel. (BOCC Resolution 2011-36; August 25, 2011)

Lot, Through: An interior lot having frontages on two streets.

Lot Width: The distance between the side lot lines measured at the front property line, except on cul-de-sac lots, where it is the distance between side lot lines measured at a designated distance from the right-of-way line, not exceeding 150 feet from the front property line.

Low Volume Street: A roadway section with historical vehicle traffic volumes of less than or equal to 1000 vehicles per day (vpd).

Major Street: See High Volume Street.

Manufactured Homes: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site. See Article 26 for classification and standards. (BOCC Resolution 2009-1; January 29, 2009)

Micro Distillery: Allows the distilling, mixing, bottling, wholesale, and storage of not more than 50,000 gallons of spirits per year. Retail sales and sampling allowed only in B-1, B-2, B-3, I-1, I-2, & I-3 Zoning Districts. All applicable State and Federal permits/licenses are required. (BOCC Resolution 2015-15; June 25, 2015)

Minor Street: See Low Volume Street.

Minimum Elevation for Building: The finished floor elevation of the lowest floor, tied to a published datum, e.g. USGS, NGS, FEMA, LevCo, etc.

Mobile Home: A structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403

Mobile Home Park or Subdivision: Any park, mobile home park, mobile home court, camp site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any mobile home or mobile homes and upon which any mobile home or mobile homes are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the mobile home court and its facilities or not. "Mobile Home Park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

Motel, Motor Court, Motor Hotel or Inn: Same as "Hotel", except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or office.

Non-Conforming Use: Any building or land lawfully occupied by a use at the time of passage of this resolution or amendments thereto, which does not conform after the passage of this resolution or amendments thereto with the use regulations of the district in which it is situated.

Nursing Home: Same as "Convalescent Home".

Parcel: One or more adjoining lots and/or tracts held in a single ownership and designated by a number assigned by the Appraiser's office for taxation purposes.

Parking Lot: An area of a tract or lot devoted to unenclosed parking spaces for motor vehicles.

Parking Space: An all-weather surfaced area not in a street or alley and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

Pedestrian Way: A right-of-way, dedicated for public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Performance Bond or Guaranty: Any form of guaranty acceptable by the County but, most frequently a surety bond, cash deposit or letter of credit, made out to the County of Leavenworth in an amount equal to the full cost of the improvements, which are required by these regulations, said bond, letter of credit or cash deposit being estimated by the County Engineer, and said surety bond, letter of credit or cash deposit being legally sufficient to secure to the County of Leavenworth that said improvements will be constructed in accordance with these regulations.

Permanent Foundation: The foundation of formed and poured-in-place concrete, placed masonry units, or pressure treated material having concrete footings or piers extending below

the frost line, laid up with such reinforcing materials as may be required for residential or commercial construction, whichever is applicable.

Place: An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereof.

Plat: A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey. A plat will show all data required for a complete and accurate description of the land that it delineates, including the bearings and lengths of the boundaries of each subdivision. A plat may constitute a legal description of the land and be used in lieu of a written description. A plat must meet all state plat statutes, local subdivision regulations and those set forth by Kansas Minimum Standards for Boundary Surveys No. 1.

Plat of Survey or Certificate of Survey: A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a lot, tract, or parcel(s) of land, as determined by a boundary survey. The survey must be performed according to Kansas Minimum Standards for Boundary Surveys No. 1.
(BOCC Resolution 2011-36; August 25, 2011)

Planning Commission: The advisory board appointed by the Board of County Commissioners under K.S.A. 12-741 et. seq.

Planning Department: The Leavenworth County Planning Department.

Post Release Facility: Any building or parcel of land used by any public or private organization to transition convicted felons into the community. A building or parcel of land meets the definition of a Post Release Facility if it does not meet the definition of a Detention Facility, as defined elsewhere in these regulations, and one or more persons convicted of any felony are ordered confined to the building or parcel of land for any length of time by the U.S. Department of Corrections, Kansas Secretary of Corrections, any other state department of corrections, any local law enforcement agency, or the Kansas Secretary of Social and Rehabilitative Services (SRS) for any period of time for the expressed purpose of the eventual release of said person(s) into the community.

Preliminary Plat: A map made for the purpose of showing the proposed subdivision and the existing conditions in and around it. The exterior boundary must be established according to Kansas Minimum Standards for Boundary Surveys No. 1. This map need not be based on accurate or detailed final survey of the lots in the subdivision.
(See also Plat.)

Private Event: An event occurring at a private residence/property that is not open to the general public, tickets are not required, and no fee is associated with the event. Event has not been published or advertised in a public manner. Examples of a private event include but are not limited to: graduation party, wedding reception, birthday party, family reunion, picnics, and barbecues. (BOCC Resolution 2015-35; September 24, 2015)

Private Road: A non-dedicated way, other than driveway, that forms the principal vehicular access to two or more properties. Private roads shall be subject to the Cross Access Easement requirements. (BOCC Resolution 2021-11; March 31, 2021)

Professional Office: An office with one or more employees other than members of the immediate family. An office for the conduct of a profession by a person engaged in a recognized professional occupation, vocation or calling, especially one of the three vocations of theology, law and medicine and not solely commercial, mechanical or agricultural in nature, and in which knowledge or skill in some science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of a profession.

Public Event: Any event which is publicly advertised, open to the general public, and requires a fee or ticket for entrance. Examples of a public event include but are not limited to: Concerts, movie screenings, fundraisers, organized bicycle rides, foot races, car shows, and music festivities. (BOCC Resolution 2015-35; September 24, 2015)

Rear Line: Any lot line that is not a front lot line or a side lot line.

Rear Yard: A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entranceways.

Rear Yard Depth: The minimum horizontal distance from the rear line of a building to the rear line of the lot.

Recreation Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreation and camping purposes.
(BOCC Resolution 2009-1; January 29, 2009)

Regulatory Flood: The flood determined by the Federal Emergency Management Agency (FEMA) as having a one percent chance of being equaled or exceeded in any given year.
(See also 100-year Flood)

Regulatory Flood Elevation: The elevation at which the regulatory flood is determined to occur.

Regulatory Flood Plain: Land included within the regulatory floodway and floodway fringe areas as determined by the Federal Emergency Management Agency (FEMA).

Replat: A map made as a revision to a previously recorded final plat. Such map must meet all state plat statutes, local subdivision regulations and those set forth by Kansas Minimum Standards for Boundary Surveys No. 1.

Residential-Design Manufactured Home: A manufactured home on a permanent foundation which has (a) minimum dimension of 22 feet in body width, (b) a pitched roof, (c) siding and roofing materials which are customarily used on site-built homes.

Restaurant: A building wherein food is prepared and served in ready-to-eat form to the public for human consumption. "Restaurant" includes café, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house.

Re-subdivision (Re-plat): The further subdivision of a tract of land that has previously been lawfully subdivided and for which a plat of such prior subdivision has been duly recorded.

Road or Roadway: See Street.

Rural Growth Area: The unincorporated area of Leavenworth County lying outside the incorporated cities thereof, the Initial Urban Growth Area and the Secondary Growth Area.

Secretary: This is the Secretary of the Planning Commission.

Side Line: Any lot line that intersects the front lot line. A side lot line shall include any linked line segments or arcs that have a bearing that is within 45 degrees of a line drawn perpendicular to the front lot line.

Side Yard: A yard extending between the rear line of the front yard to the rear yard line, and being the minimum horizontal distance between the side lot line and the side of the main building or any projections thereof.

Sign: A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building, fence or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except illuminated signs within show windows. A sign includes any billboard, but does not include the flag or pennant, or insignia of any nation or association of nations, or of any state, city or other political entity, or of any charitable, educational, philanthropic, civic, political, or religious organization.

Sign Area: That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it is columns, a pylon or a building or part thereof, shall not be included in the sign area.

Sign, Identification: A sign of no more than 6 square feet made of durable material, denoting and limited to the name of the occupant and the name of the business conducted on the premises.

Sign, Illuminated: Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

Small Limited Business: A secondary use permitting the keeping of stock-in-trade, the sale of economic goods, and/or an office in connection with a commercial or industrial enterprise, provided the person engaged in the business is the resident/owner of the dwelling unit, that only one (1) person other than members of the immediate family residing in the dwelling unit may assist in the operation of the business, and that in no way shall the appearance of the structure be altered or the occupation within the dwelling unit be conducted in a manner that would cause the premises to differ from its residential character. (BOCC Resolution 2016-9; April 28, 2016)

Socially Disabled: A person that suffers from or is recovering from the effects of substance abuse, is in need of rehabilitative care, and/or any type of professional mental care or support.

Spirits: Any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. (BOCC Resolution 2015-15; June 25, 2015)

Stable, Private: A stable for horses, ponies or mules which are owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

Stable, Riding: A stable, in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded or kept for remuneration, hire or sale.

Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the next floor above it, then the space between such floor and the ceiling next above it.

Street: A thoroughfare, which affords the principal means of access to abutting properties thereon. For the purposes of these regulations, the term Street shall include "avenue", "highway", "road", and similar terms.

Street Line: A dividing line between a lot, tract, or parcel of land and a contiguous street.

Street, Width: The distance measured perpendicular to the centerline of the paved portion of the right-of-way; either to the back of the curb, where a curb exists, or to the edge of pavement where no curb exists.

Structural Alterations: Any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures and street signs.

Subdivider: The term subdivider means any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, dividing or proposing to divide land, so as to constitute a subdivision as defined herein, and includes any agent of the subdivider.

Subdivision:

1. The division of a tract of land into two or more parts, lots or parcels.
2. The pending transfer of ownership through "contract" sale or similar agreement is a subdivision of the original tract.
3. Any division of a tract of land, where a new street, additional right-of-way or an existing street is involved.

The term "subdivision" includes re-subdivision, and the term "resubdivision", as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use, or other purposes, which varies from the latest approved subdivision of the same.

The following shall be exempt from the requirements of platting, replatting, a lot split, or a tract split per these regulations:

- a. Any dividing or separating of a tract of land to be used strictly for agricultural use or single-family residential purposes only and not requiring streets, easements, utilities (other than for agricultural function) or similar improvements, and encompassing in excess of forty (40) acres of land, shall not be interpreted as a subdivision under these regulations.
- b. Any division of ownership of a single parcel as the result of the culmination of a legally recognized will shall not be defined as a subdivision for any use other than agriculture.
- c. Any parcel vacated by the Board of County Commissioners.
- d. Any parcel divided, either by a natural barrier, such as a river or stream or a man-made barrier, such as a railroad track or state, county, or township road, which creates a physical division of land, because of its characteristics.
- e. Land that is to be used for cemetery purposes.
- f. A Boundary Line Adjustment.
- g. Land used for a public purpose, including the dedication of land for a public use or instruments relating to the vacation of land for a public use.
- h. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state, or federal regulations, where no new street or easement of access is involved.

(BOCC Resolution 2014-11; April 24, 2014)

Surveyor: A surveyor licensed by the state of Kansas or licensed to practice in the State of Kansas.

Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

(BOCC Resolution 2009-1; January 29, 2009)

Tract: A single piece of land established by a legal description on a recorded deed, but not part of an approved and recorded Final Plat.

Tract of Record: Any tract of land, not located in a recorded Final Plat, the deed of which was recorded prior to August 20, 1987.

Tract Split: A subdivision of land of an un-platted parcel.

(BOCC Resolution 2011-36; August 25, 2011)

Trailer: A vehicle other than a mobile home or manufactured home, equipped with wheels and normally towed over the road behind a motor vehicle.

Truck Hauling Business: Commercial business pertaining to the parking, storage, and maintenance of commercial vehicles, trailers, and containers. Excludes the storage or redistribution of cargo or freight.

(BOCC Resolution 2015-2; January 29, 2015)

Truck Terminal: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. Includes service of fuel, fuel oil, and repair of vehicles. (BOCC Resolution 2015-2; January 29, 2015)

Unincorporated Area: That portion of Leavenworth County lying outside an incorporated municipality.

Variance: A variation from a specific requirement in the Zoning Regulations applicable to a specific piece of property.

100-Year (Frequency) Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other inland waters, that has a one percent (1%) chance of occurrence during any given year.

**Leavenworth County
Request for Board Action
Resolution 2021-60
Special Use Permit Happy - Trails Kennel**

Date: January 30, 2020
To: Board of County Commissioners
From: Planning & Zoning Staff

Department Head Review: Krystal Voth, Reviewed

Additional Reviews as needed:

Budget Review **Administrator Review** **Legal Review**

Action Requested: Approve Resolution 2021-60, a request for the renewal of a Special Use Permit for Happy Trails Kennel. This Special Use Permit was first approved in 2015. There are no changes to this business.

Analysis: The applicant is requesting a renewal of the Happy Trails Kennel SUP. The business utilizes a portion of the 40'x60' building on site as the location of the kennel. The kennel offers 14 5'x5' indoor dog runs, each with a connected 5'x5' outdoor dog run. The kennel also utilizes a fenced 40' by 60' area west of the kennel building as a dog play yard.

According to the applicant the kennel generally maintains less than 14 dogs on-site at one time as they keep one (1) dog in each run. The applicant stated they would like to be able to care for more than 15 as they, at times, can place multiple dogs from the same family within the same dog run.

The County has received no complaints on this property during the initial Special Use Permit period.

Planning Commission Recommendation: The Planning Commission voted 7-0 (2 absent) to recommend approval of Resolution 2021-60 (Case No. DEV-21-169) renewal of a Special Use Permit for Happy Trails Kennel.

Alternatives:

1. Approve Resolution 2021-60 (Case No. DEV-21-169), Special Use Permit for a Dog Kennel for Happy Trails Kennel, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-60 (Case No. DEV-21-169), Special Use Permit for a Dog Kennel for Happy Trails Kennel, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-60 (Case No. DEV-21-169), Special Use Permit for a Dog Kennel for Happy Trails Kennel, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

Budgetary Impact:

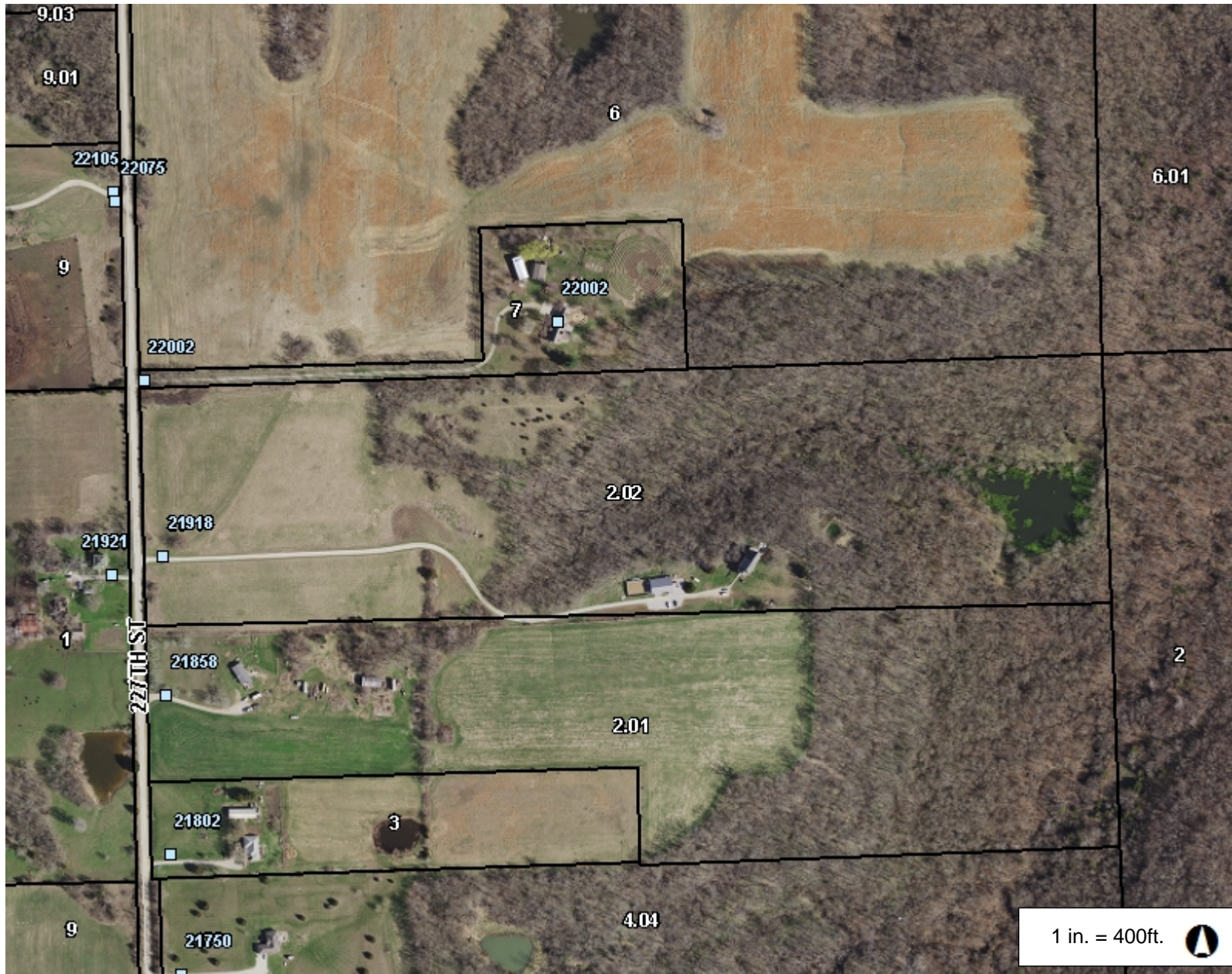
- X Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Total Amount Requested:

\$0.00

Additional Attachments: Staff Report, Planning Commission Minutes

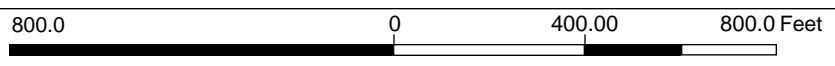
DEV-21-169 Happy Trails Kennel LLC



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad

1 in. = 400ft.



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

*****Renewal without changes*****
Resolution 2021-60
Case No. DEV-21-169
Happy Trails Kennel
Special Use Permit – Dog Kennel

Staff Report – Board of County Commissioners

December 29, 2021

GENERAL INFORMATION:

Applicant/Property Owner: Sarah Kouns
21918 227th Street
Tonganoxie, KS 66086

Legal Description: The North Half of the North Half of the Northwest Quarter of Section 20,
Township 10 South, Range 21 East of the 6th P.M. in Leavenworth Kansas,

Location: 21918 227th Street and approximately ± 2000' North from the intersection of 227th
Street and Garrett Road

Parcel Size: ± 40 acres

Zoning/Land Use: RR-5, Rural Residential 5-acre minimum size parcels

Comprehensive Plan: This parcel is within the Residential Estate land use category.

Parcel ID No.: 144-20-0-00-00-002.02

Planner: Joshua Gentzler

REPORT:

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted 7-0 (2 absences) to recommend approval of Resolution 2021-60 (Case No. DEV-21-169), Special Use Permit for Happy Trails Kennel with the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business hours for customers shall be limited to the of 8 am to 7 pm, Monday through Sunday.
3. The SUP shall be limited to no employees other than family members.
4. 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.
5. No on-street parking shall be allowed.
6. The number of dogs shall be limited to twenty (20) dogs.
7. This SUP shall be limited to the Narrative dated October 1st, 2021 submitted with this application.
8. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.
9. Noise levels at the property line shall not exceed 60 decibels.

Request

The applicant is requesting the renewal of the Special Use Permit for Happy Trails Kennel, a dog kennel.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 6 acres to 113 acres in size.

Flood Plain

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0225G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Tonganoxie Township Fire Department (Tonganoxie Twp. FD)
Water: RWD 9
Electric: Freestate

Access/Streets

The property is accessed by 227th Street, a County local road with a gravel surface ± 24' wide.

Agency Comments

See attached comments – Memo – Kyle Anderson – Planning and Zoning, October 29, 2021
See attached comments – Memo – Mitch Pleak – Public Works, October 26, 2021
See attached comments – Memo – Timothy Smith – Tonganoxie Twp. Fire Department, October 25, 2021
See attached comments – Memo – Rural Water District 9, October 27, 2021
See attached comments – Email – Amanda Tarwater – FreeState, October 27, 2021

Factors to be considered

The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Special Use Permit request:

1. Character of the neighborhood: The character of the neighborhood is rural; primarily rural residences, and agricultural uses.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-5, Rural Residential 5-acre minimum size parcels. The uses are rural residences and agricultural.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for rural residences and agricultural use. The use is allowed with approval of a Special Use Permit
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area is not likely be detrimentally affected.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will allow a business to continue on the property, providing opportunity for economic development in a residential area.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential Estate
8. Staff recommendation is for the denial of Special Use Permit due to the categorization of the property due to the Future Land Use Map.

History

This is the 1st renewal of the Happy Trails Special Use Permit. This SUP was initially approved by with Resolution 2015-13 on May 28th, 2015 for a 5-year period.

Staff Analysis

LOCATION	
Adjacent Residences	Adjacent residences are rural residences. All properties surrounding the parcel are at least 5 acres in size, or larger. There are three (3) residences on the immediately adjacent parcels.
Adjacent Zoning/Uses	Zoning in the area is RR-5 and are used primarily as rural residences and agricultural uses.
Density	The area is not densely populated.
Nearby City Limits	The city of Tonganoxie is approximately 3 miles to the south of the property.

Initial Growth Management Area	The property is not located within an Urban Growth Management Area.
---------------------------------------	---

IMPACT	
Noise Pollution	This use will cause additional noise due to the presence of animals on-site.
Traffic	The use will create additional traffic on an irregular basis as customers and the applicant drop-off/pickup their animals. The employees of the business live on-site. The applicant estimates one commercial vehicle trip per day and two passenger vehicle trips per week are induced by the SUP.
Lighting	The applicant does not have lighting other than security lighting and is not requesting lighting.
Outdoor Storage	The applicant is not requesting outdoor storage.
Parking	The applicant has ample parking space for employees.
Visitors/Employees	Irregular visits from customers.
Waste	The business generates animal waste. This waste is properly disposed of according to KDHE standards.

SITE COMPATABILITY	
Size of Parcel	The parcel is 40 acres in size.
Zoning of Parcel	The parcel is zoned Rural Residential-5
Buildings (Existing & Proposed)	The applicant has a building on the property that is approximately 40'x60'. Tools and equipment for the business are stored in the building.
Setbacks	Existing building meet the required setbacks.
Screening	The dog play area that is connected to the Kennel building is screened with a privacy fence.

Staff Comments

The applicant is requesting a renewal of the Happy Trails Kennel SUP. The business utilizes a portion of the 40'x60' building on site as the location of the kennel. The kennel offers 14 5'x5' indoor dog runs, each with a connected 5'x5' outdoor dog run. The kennel also utilizes a fenced 40' by 60' area west of the kennel building as a dog play yard.

According to the applicant the kennel generally maintains less than 14 dogs on-site at one time as they keep one (1) dog in each run. The applicant stated they would like to be able to care for more than 15 as they, at times, can place multiple dogs from the same family within the same dog run.

The property is well screened via natural vegetation to the north, east, and west of the kennel. Due to the size of the property and the distance from neighboring homes, staff believes that additional screening is unnecessary.

The County has received no complaints on this property during the initial Special Use Permit period.

ACTION OPTIONS:

1. Approve Resolution 2021-60 (Case No. DEV-21-169), Special Use Permit for a Dog Kennel for Happy Trails Kennel, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-60 (Case No. DEV-21-169), Special Use Permit for a Dog Kennel for Happy Trails Kennel, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-60 (Case No. DEV-21-169), Special Use Permit for a Dog Kennel for Happy Trails Kennel, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

ATTACHMENTS:

Narrative
 Location/Aerial Maps
 Memorandums

From: [Mitch Pleak](#)
Sent: Tuesday, October 26, 2021 2:31 PM
To: [Gentzler, Joshua](#)
Cc: [Anderson, Lauren](#); [Noll, Bill](#); [019-2831](#)
Subject: RE: DEV-21-169 Special Use Permit Review Request - Happy Trails Kennel

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,
Lauren and I have reviewed the application with no comments. Traffic generated is less than the maximum traffic generation, per the TIF policy, requiring additional studies.

Sincerely,

Mitch Pleak

From: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Sent: Friday, October 22, 2021 11:43 AM
To: 'Timothy Smith' <chief1860@ttrfd.com>; RWD 9 (Lvrwd9@gmail.com) <Lvrwd9@gmail.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Thorne, Eric <ethorne@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>
Cc: Allison, Amy <AAllison@leavenworthcounty.gov>; Sloop, Stephanie <SSloop@leavenworthcounty.gov>
Subject: DEV-21-169 Special Use Permit Review Request - Happy Trails Kennel

Good morning,

The Department of Planning and Zoning has received an application for a Special Use Permit for a Happy Trails Kennel, a Dog Kennel located at 21918 227th Street.

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 end of business on Friday, October 29th, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at jgentzler@LeavenworthCounty.Gov

Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County
913.684.0464

From: [Amanda Tarwater](#)
Sent: Wednesday, October 27, 2021 9:26 AM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-169 Special Use Permit Review Request - Happy Trails Kennel

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.

FreeState has no objection to this request.

Amanda Tarwater
Member Accounts Coordinator



1-800-794-1989 | www.freestate.coop

From: "Gentzler, Joshua" <JGentzler@leavenworthcounty.gov>
Date: Friday, October 22, 2021 at 11:43 AM
To: 'Timothy Smith' <chief1860@ttrfd.com>, "RWD 9 (Lvrwd9@gmail.com)" <Lvrwd9@gmail.com>, Amanda Tarwater <amanda.holloway@freestate.coop>, "Anderson, Kyle" <KAnderson@leavenworthcounty.gov>, "Anderson, Lauren" <LAnderson@leavenworthcounty.gov>, "Magaha, Chuck" <cmagaha@lvsheriff.org>, "Miller, Jamie" <JMiller@leavenworthcounty.gov>, Mitch Pleak <MPleak@olsson.com>, "Thorne, Eric" <ethorne@lvsheriff.org>, "Van Parys, David" <DVanParys@leavenworthcounty.gov>
Cc: "Allison, Amy" <AAllison@leavenworthcounty.gov>, "Sloop, Stephanie" <SSloop@leavenworthcounty.gov>
Subject: DEV-21-169 Special Use Permit Review Request - Happy Trails Kennel

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="">

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If you have any questions or need additional information, please contact me at (913) 684-0464 or at Jgentzler@LeavenworthCounty.Gov

Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County
913.684.0464

From: [Timothy Smith](#)
Sent: Monday, October 25, 2021 9:36 AM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-169 Special Use Permit Review Request - Happy Trails Kennel

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,

The Tonganoxie Township Fire Department has no issues or concerns with this request.

Thank you,

On Fri, Oct 22, 2021 at 11:42 AM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

Good morning,

The Department of Planning and Zoning has received an application for a Special Use Permit for a Happy Trails Kennel, a Dog Kennel located at 21918 227th Street.

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 end of business on Friday, October 29th, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at Jgentzler@LeavenworthCounty.Gov

Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

--

Tim Smith, Chief

Tonganoxie Township Rural Fire Department

President Kansas State Association Fire Chiefs

18993 McLouth Rd

Tonganoxie KS 66086

Phone: [913-845-3801](tel:913-845-3801)

Fax: [913-845-3801](tel:913-845-3801)

Cell: [816-392-2468](tel:816-392-2468)

Failure to Prepare

Is

Preparing to Fail

From: [Anderson, Kyle](#)
Sent: Friday, October 29, 2021 12:06 PM
To: [Gentzler, Joshua](#)
Subject: RE: DEV-21-169 Special Use Permit Review Request - Happy Trails Kennel

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

From: Gentzler, Joshua
Sent: Friday, October 22, 2021 11:43 AM
To: 'Timothy Smith' <chief1860@ttrfd.com>; RWD 9 (Lvrwd9@gmail.com) <Lvrwd9@gmail.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>
Cc: Allison, Amy <AAllison@leavenworthcounty.gov>; Sloop, Stephanie <SSloop@leavenworthcounty.gov>
Subject: DEV-21-169 Special Use Permit Review Request - Happy Trails Kennel

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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 end of business on Friday, October 29th, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at Jgentzler@LeavenworthCounty.Gov

Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County
913.684.0464

From: [Rural Water District 9 lvrwd9](#)
Sent: Wednesday, October 27, 2021 9:55 AM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-169 Special Use Permit Review Request - Happy Trails Kennel

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.

Mr. Gentzler,

This email is to confirm that LVRWD9 provides water service to a residence on the property. The District can represent that a use that does not vary the amount of water used on the property would not be objectionable by the District. From our review of the statement, it is represented that the new use will not markedly increase water use, thus no issue is presented in this application.

However, please note that the District, as a quasi-municipal entity with its own governing rules and regulations, has certain rules about excessive use of water and uses that exceed normal residential requirements. These are not zoning-related and have no bearing on the property use generally. The District, as always, reserves its right to regulate benefit units in accordance with its rules and regulations, regardless of any grant of a special use permit, and the property owner remains responsible for compliance with those rules regardless of the zoning status.

Thank you and have a great day.

On Fri, Oct 22, 2021 at 11:42 AM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

Good morning,

The Department of Planning and Zoning has received an application for a Special Use Permit for a Happy Trails Kennel, a Dog Kennel located at 21918 227th Street.

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 end of business on Friday, October 29th, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at Jgentzler@LeavenworthCounty.Gov

Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

--

Thanks,



RURAL WATER DISTRICT 9

Karen Armstrong

District Manager

913-845-3571

SPECIAL USE PERMIT APPLICATION

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Sarah Kouns</u>	NAME _____
ADDRESS <u>21918 227th St.</u>	ADDRESS _____
CITY/ST/ZIP <u>Tonganoxie, KS 66086</u>	CITY/ST/ZIP _____
PHONE <u>913-633-9240</u>	PHONE _____
EMAIL <u>KounsSarah@gmail.com</u>	EMAIL _____
CONTACT PERSON <u>Sarah Kouns</u>	CONTACT PERSON _____

PROPERTY INFORMATION

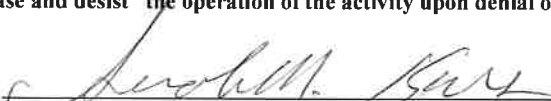
PID: _____ Zoning District: _____

Address of property 21918 227th St. Parcel size _____

Current use of the property Residential / business

Does the owner live on the property? Yes 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 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 10-1-21

ATTACHMENT A

PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business Happy Trails Kennel LLC

Existing and Proposed Structures Pole Barn 40x60

Number of structures used for Special Use Permit 1

Will the use require parking? Yes No How many parking spaces are proposed/available? 4

Is the proposed use seasonal? Yes No

If yes, what months will the use be active? 12 through 12
Month Month

Reason for requesting a Special Use Permit: Dog boarding

Estimated Traffic

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?

Daily _____ Weekly 2 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?

Daily 1 Weekly _____ Monthly _____

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):

What is the anticipated route(s) from the nearest State Highway to the Site? 227th, West on Garrett RD, South on CR 30, South on R Hwy 16, to 241/10

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

Special Use Permit application narrative for Happy Trails Kennel llc

Current use: Currently the property is used as residential property with some agriculture (hay).

Purposed use: We would use the property as residential, agricultural (hay) and also for our dog boarding business.

Hours of operation: 8:00am to 7:00pm

Employees: None

Signs: None

Chemicals: We use a disinfectant to clean the dog runs. We wipe the disinfectant or rinse it off surface. It is/will be stored off the floor on a shelf.

Lubricants/oils/fluids: The only fluid is water.

Sewage disposal: Solid waste is picked up and disposed in a waste bin. Liquid waste is rinsed down the drain or soaked up and disinfected with a paper towel.

Water supply: Rural water district 9. Not much more water will be used beyond typical housing use.

Traffic: No employees, no deliveries. Our dog pickup and delivery van (also family transportation) offers to make a drive once an evening Monday-Friday and once on Saturday morning. No Sunday delivery/pickups. Typical commuting to and from work usage. The delivery and pick up service is utilized by the majority of our clients; however there will be clients that will choose to come to the facility.

Noise caused by the use: Minimal noise. We abide by the noise requirements.

Odors or fumes: None, facility and play area are kept clean of waste.

Accessory buildings used or constructed: An approximate ⁴⁰30x60 pole barn ~~will be constructed~~ on site. ~~50x30 of this will be~~ used as the dog boarding facility.

Outdoor displays/signs: None

Equipment: Minivan, parking will be at residence.

Food service: None.

Alcohol service: None

Dust Control: Proposed facility will sit very far off the road. Actual business will not contribute to dust. Typical cleaning measures will be used.

Emergency/safety: We work closely with Dr Vicki Smith. In the event of a canine medical emergency, she would be contacted. After her hours, we would contact Mission Med Vet. In the event of a weather

emergency, then the dogs would be held securely in the facility. In the event of a fire, the dogs would be removed from the building and placed in crates, then transported to Camp Canine Kennels in Tonganoxie (approx. 4 miles from location). A weather radio, emergency medical kit and fire extinguishers will be placed in the office area and kennel area for ease of access. Our emergency contact numbers are Dr. Smith 913.845.3061, Jenny Worden 913.449.8063, Melissa Dial 913.620.7745 and Ron Swaim 816.835.5809. Evacuation plan with emergency contacts will be displayed in office and kennel areas.

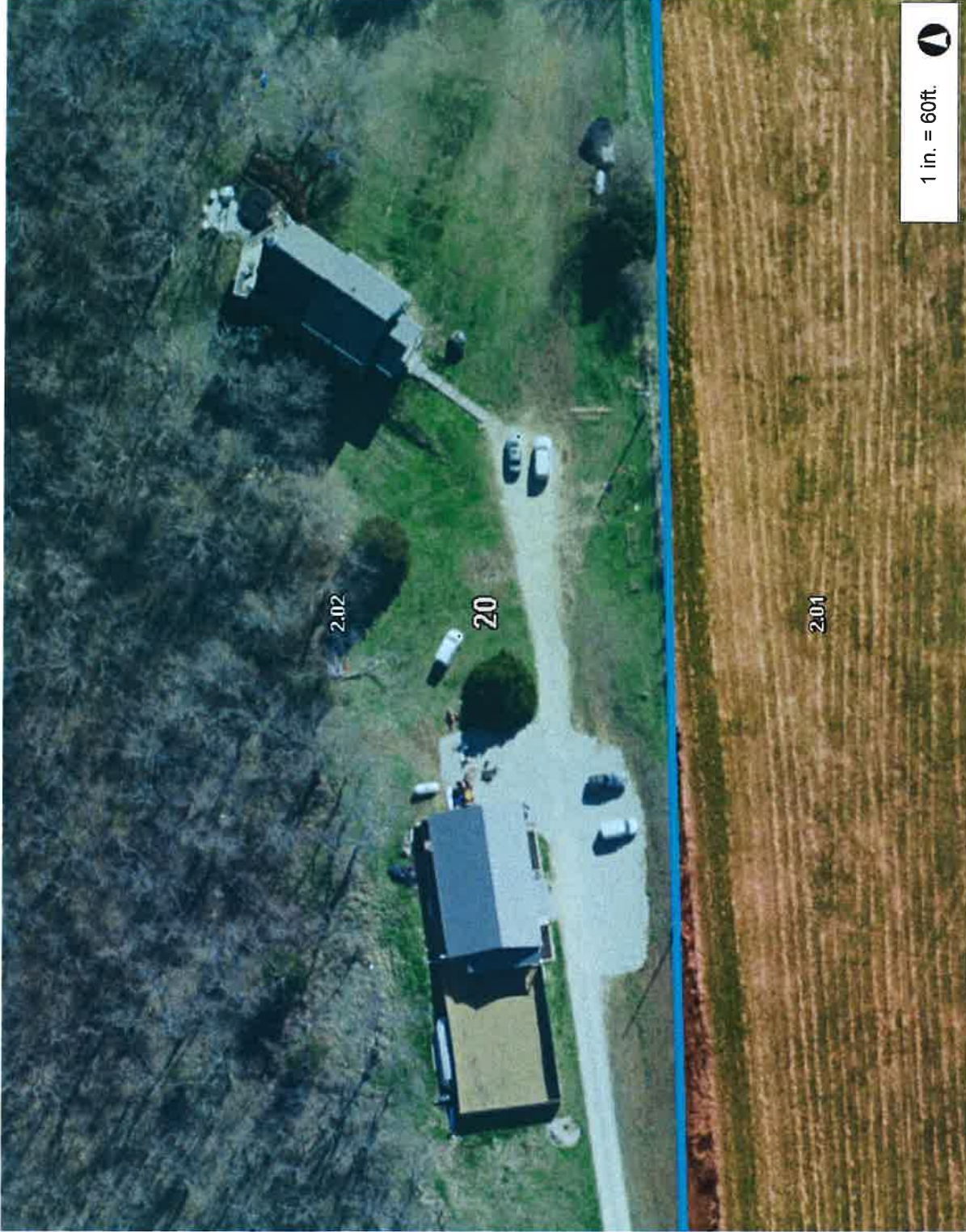
Outdoor storage: Each dog run will have a lockable dog door that will lead to a 5x5 secure concrete patio (welded wire panels). The patios will be surrounded by a play area that will be fenced with privacy fencing on all sides for added noise control and visual appeal.

Parking: There will be enough space for small parking for drop offs or pickups.

Will this be an existing home: ~~Currently the property has a manufactured home located there, we will however plan on building a home in front of where the current home sits. We will use this property as our family's residence.~~

Notes: We have been at our current location (24254 Dempsey RD McLouth KS) for almost 5 years and have never received a complaint from any our neighbors. We hope our history will be considered in this application. We also abide by Department of Agriculture guidelines with yearly inspections, and have maintained a license with them. In addition to this inspection we also have a yearly veterinarian inspection of our facility.

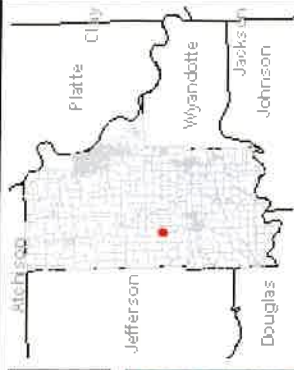
Leavenworth County, KS



1 in. = 60ft.



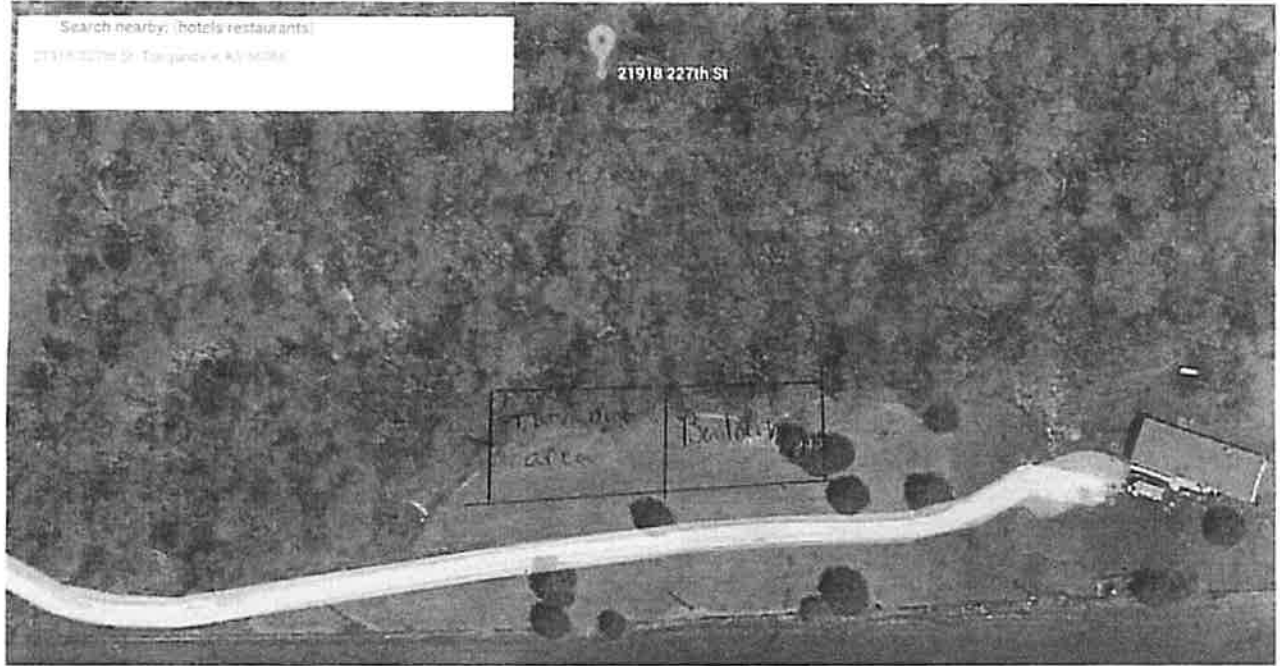
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- Road
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes



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* 2 0 1 3 R 0 6 2 5 5 2 *

Doc #: 2013R06255

STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY

RECORDED ON

07/01/2013 01:45PM

RECORDING FEE: 12.00

INDEBTEDNESS: 0.00

PAGES: 2

Entered in the transfer record in my office this

1 day of July 2013

Stacy R. Driscoll
County Clerk

STATUTORY WARRANTY DEED

ROGER D. FULLINGTON and LORRAINE F. FULLINGTON, husband and wife

of Leavenworth County, Kansas, conveys and warrants to:

COUNTRY CLUB TRUST COMPANY, N.A., as Trustee for the IRREVOCABLE SPECIAL NEEDS TRUST AGREEMENT FOR THE BENEFIT OF AUSTIN STONE a/k/a The AUSTIN STONE SPECIAL NEEDS TRUST DATED JANUARY 27, 2011

of Leavenworth County, Kansas, his heirs and assigns all of the following described real estate, situated in the County of Leavenworth, State of Kansas, to-wit:

The North Half of the North Half of the Northwest Quarter of Section 20, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, less and except any part thereof taken or used for road or street purposes.

For the sum of one dollar and other good and valuable considerations. Subject to restrictions, reservations, assessments, and easements, if any, now affecting said property.

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 Grantor, for itself, its successors and assigns, does hereby covenant, promise and agree, to and with Grantee, 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 above-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, estates, judgments taxes, assessments and encumbrances, of what nature and kind whatsoever, subject to Grantor's reservation set forth herein, and that it will WARRANT AND FOREVER DEFEND the same unto Grantee, his heirs, successors and assigns, against Grantor, its successors and assigns, and all and every person or persons whomsoever lawfully claiming or to claim the same.

Dated this 28th day of June, 2013.

6550 N 121 ✓
PTL



ROGER D. FULLINGTON



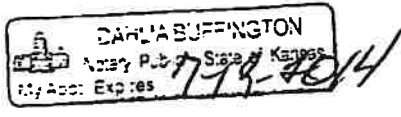
LORRAINE F. FULLINGTON


State of Kansas)
) S.S.:
County of Leavenworth)

BE IT REMEMBERED, That on this 28th day of June, 2013 before me, a Notary Public in and for said county and state, came, **ROGER D. FULLINGTON** and **LORRAINE F. FULLINGTON**, husband and wife, to me personally known to be the same persons who executed the foregoing instrument, and duly acknowledged the execution of the same.

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

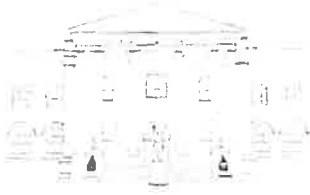
(Seal)





Notary Public

My Commission Expires: _____



COUNTY OF LEAVENWORTH

Planning & Zoning

300 Walnut, Suite 030
Leavenworth, Kansas 66048-2815

(913) 684-0465

Facsimile (913) 684-0473

March 11 2015

TO Sarah Kouns

RE: Status of Parcel
21918 227th Street
Parcel ID No 144-20-0-00-00-002 02

Ms Kouns

Following our research, the Leavenworth County Planning and Zoning Department has determined that this parcel is a compliant parcel and is **Entitled to a Building Permit** according to Article 29, Section 3. All building permit applications submitted and property divisions shall be subject to the standards and requirements of the Leavenworth County Zoning and Subdivision Regulations, Floodplain Management Ordinance, Sanitary Code, and any other county regulations

If you have any questions, please contact me at (913) 684-0465 or at jogden@leavenworthcounty.org.

Sincerely,

Jillian Ogden
Planner - Planning and Zoning Department - Leavenworth County

RESOLUTION 2021-60

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Dog Kennel – Happy Trails Kennel on the following described property:

The North Half of the North Half of the Northwest Quarter of Section 20, Township 10 South, Range 21 East of the 6th P.M. in Leavenworth Kansas

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 1st day of October, 2021, 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 8th day of December, 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 Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 29th day of December, 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 29th day of December, 2021, and incorporated herein by reference;

That Case No. DEV-21-169, Special Use Permit for a Dog Kennel – Happy Trails Kennel approved subject to the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business hours for customers shall be limited to the of 8 am to 7 pm, Monday through Sunday.
3. The SUP shall be limited to no employees other than family members.
4. 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.
5. No on-street parking shall be allowed.
6. The number of dogs shall be limited to twenty (20) dogs.
7. This SUP shall be limited to the Narrative dated October 1st, 2021 submitted with this application.

8. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.
9. Noise levels at the property line shall not exceed 60 decibels.

located in Section 20, Township 10 South, Range 21, also known as 21918 227th Street, parcel no. 144-20-0-00-00-002.02 in Leavenworth County, Kansas.

Adopted this 29th day of December, 2021
Board of County Commission
Leavenworth, County, Kansas

Mike Smith, Chairman

ATTEST

Jeff Culbertson, Member

Janet Klasinski

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member