

We encourage everyone to view the meeting live via YouTube.

***Leavenworth County
Board of County Commissioners***

Regular Meeting Agenda
300 Walnut Street, Suite 225
Leavenworth, KS 66048
May 1, 2024
9:00 a.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE/MOMENT OF SILENT PRAYER
- III. ROLL CALL
- IV. PUBLIC COMMENT: Public Comment shall be limited to 15 minutes at the beginning of each meeting and limited to three minutes per person. 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) Older Americans Month Proclamation
 - b) Non-Sanctuary County Proclamation
- 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 the meeting of April 24, 2024
 - b) Approval of the schedule for the week May 6, 2024
 - c) Approval of the check register

- d) Approve and sign the OCB's

VII. FORMAL BOARD ACTION:

- a) Consider a motion to determine the annexation proposed by the city of Tonganoxie, Kansas embodied by Resolution 2-24-1, will hinder the proper growth and development of the area.
- b) Consider a motion to adopt Resolution 2024-11 and approve the rezoning as outlined in Case DEV-24-013 based on the findings on the Golden Factors, as set forth in the staff report and as substantiated by the findings of fact as adopted by the Planning Commission.
- c) Consider a motion to adopt Resolution 2024-12 and approve the rezoning as outlined in Case DEV-24-024 based on the findings of the Golden Factors, as set forth in the staff report and as substantiated by the findings of fact as adopted by the Planning Commission.
- d) Consider a motion to adopt Resolution 2024-13, a resolution of the Leavenworth County Kansas Board of County Commission amending the Leavenworth County Comprehensive Plan.

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

- a) Discussion regarding the urban growth area approved by MARC
- b) Quarterly reports
 - EMS/Health Dept.
 - Appraiser
 - Economic Development

IX. ADJOURNMENT

LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, April 29, 2024

Tuesday, April 30, 2024

Wednesday, May 1, 2024

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

Thursday, May 2, 2024

Friday, May 3, 2024

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

PROCLAMATION

Older Americans Month

May 2024

To all Citizens of Leavenworth County, Greetings;

WHEREAS, May is Older Americans Month, a time for us to recognize and honor Leavenworth County older adults and their immense influence on every facet of American society; and

WHEREAS, through their wealth of life experience and wisdom, older adults guide our younger generations and carry forward abundant cultural and historical knowledge; and

WHEREAS, older Americans improve our communities through intergenerational relationships, community service, civic engagement and many other activities; and

WHEREAS, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

WHEREAS, Leavenworth County must ensure that older Americans have the resources and support needed to stay involved in their communities—reflecting our commitment to inclusivity and connectedness; and

NOW, THEREFORE, I, Jeff Culbertson, Chairperson, Board of County Commissioners of Leavenworth County, at the request of the Leavenworth County *Council on Aging*, do hereby proclaim May 2024 as

Older Americans Month

in Leavenworth County and call upon all residents to join me in recognizing the contributions of our older citizens and promoting programs and activities that foster connection, inclusion, and support for older adults.

Dated on this day, May 1, 2024.

Jeff Culbertson, Chairperson
Leavenworth County Board of Commissioners

A PROCLAMATION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, DECLARING THE DESIGNATION OF LEAVENWORTH COUNTY, KANSAS, AS A “NON-SANCTUARY” COUNTY

WHEREAS the board of county commissioners is aware that certain local governments in the United States have designated themselves as “sanctuary” jurisdictions for the purpose of declaring their support, through the extension of government services, to undocumented aliens who have entered the United States illegally; and,

WHEREAS the board of county commissioners is aware that harboring and supporting undocumented aliens who have entered the United States illegally significantly increases the risk of human trafficking, degrades national security and runs afoul of the intent, if not the letter, of the Victims of Trafficking and Violence Protection Act of 2000, the Immigration and Nationality Act of 1965, the Immigration Reform and Control Act of 1986, the Immigration Act of 1990, the Enhanced Border Security and Visa Reform Act of 2002, the Homeland Security Act of 2002 and the REAL ID Act of 2005; and,

WHEREAS the board of county commissioners is bound by their oaths of office to uphold and support the laws of the state of Kansas, the laws of the United States and the constitutions of the state of Kansas and the United States; and,

WHEREAS the support through the extension of government services, specifically services of the county government, to undocumented aliens who have entered the United States illegally would violate the oaths of office of the members of the board of county commissioners.

NOW BE IT THEREFORE PROCLAIMED:

1. That the county of Leavenworth, Kansas, is hereby designated as a “Non-Sanctuary” county and that the board of county commissioners shall not extend any local government services to the harboring or support of undocumented aliens who have entered the United States illegally.

2. That the board of county commissioners shall work to assist local, state and federal authorities in the enforcement of the laws of the state of Kansas and the United States, particularly as they are recited above.

3. That the county of Leavenworth welcomes and supports those alien persons who have entered the United States legally and remain in the United States in accord with local, state and federal laws.

ADOPTED THIS 1ST DAY OF MAY, 2024.

JEFF CULBERTSON, CHAIR

VICKY KAAZ, MEMBER

MIKE SMITH, MEMBER

DOUG SMITH, MEMBER

MIKE STIEBEN, MEMBER

ATTEST: _____
JANET KLASINKSI, CLERK

SEAL:

*****April 24, 2024 *****

The Board of County Commissioners met in a regular session on Wednesday, April 24, 2024. Commissioner Culbertson, Commissioner Kaaz, Commissioner Mike Smith, Commissioner Doug Smith and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Jamie VanHouten, Community Corrections Director; Caleb Gordon, Leavenworth County Treasurer; Edd Hingula, Leavenworth City Commission; Janet Klasinski, County Clerk; John Richmeier, Leavenworth Times

Residents: Dave Breuer, Louis Klemp, Stacy Driscoll, Scott Loyd

PUBLIC COMMENT:

Louis Klemp commented.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported the payment to the city of Basehor for the 155th Street project has been paid.

Commissioner Doug Smith and Mike Smith will update the Board next week on the Kansas County Commissioners Association conference they attended. Commissioner Doug Smith inquired about the reapplication of dust control on Hemphill Road that is being used as a detour for construction on County Road 25. He believes the dust control individuals have already paid for will not hold up to the traffic.

Commissioner Doug Smith reported the Mid-America Regional Council voted to include unincorporated areas of Basehor and Tonganoxie into the urban areas. He inquired if the County has projects within those areas if we have to go through MARC to get funding.

Mr. Loughry will have staff look into how this will impact the County's grant application process.

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, April 24, 2024.

Motion passed, 5-0.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to adjourn as the Board of County Commissioners and convene as the Board of County Canvassers.

Motion passed, 5-0.

Janet Klasinski reported on the Basehor #458 mail-in ballot.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to certify the city of Basehor's #458 mail-in ballot.

Motion passed, 5-0.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Kaaz to adjourn as the Board of County Canvassers and convene as the Board of County Commissioners.

Motion passed, 5-0.

Caleb Gordon requested funding for an audit for the Leavenworth County Treasurer's Office from Loyd Group, LLC.

Scott Loyd with Loyd Group, LLC spoke.

Commissioner Mike Smith suggested to audit last year and find funding within the Treasurer's budget. He indicated if anything is found in that audit to bring it back to the Commission.

Jamie VanHouten requested approval of the application for FY2025 Adult Comprehensive Plan.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve the application for FY2025 adult comprehensive plan.

Motion passed, 5-0.

Ms. VanHouten requested approval of a budget line-item adjustment for FY2024 Juvenile Crime Prevention budget.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve the budget line-item adjustment for FY2024 Juvenile Crime Prevention budget.

Motion passed, 5-0.

Ms. VanHouten presented the quarterly report for adult and juvenile Community Corrections.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben that the Board recess for a closed executive meeting for the discussion of subjects involving the legal interests of the County and confidential matters related to pending litigation as justified by K.S.A. 75-4319(B)(2) for consultation with legal counsel which would be deemed privileged in the attorney-client relationship and that Board resume open meeting at 11:45 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Jeff Culbertson, Vicky Kaaz, Mike Smith, Doug Smith and Mike Stieben, Senior County Counselor David Van Parys, County Counselor, Misty Brown and County Administrator, Mark Loughry.

Motion passed, 5-0.

The Board returned to regular meeting at 11:45 a.m. No action was taken; discussion was limited to pending litigation and confidential matters related to it.

Commissioner Kaaz attended a ribbon cutting for the new Basehor City Hall and the new financial institution. She participated in the Workforce Partnership, the adult advisory board meeting and attended the Supreme Court cases in Lansing.

The Commissioners participated in the Supreme Court Justice breakfast this morning.

Commissioner Culbertson attended the Leavenworth City Commission meeting.

Commissioner Doug Smith attended the MARC meeting.

Commissioner Stieben participated as a delegate for a second district meeting to elect delegates to the Republic National Convention.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to adjourn.

Motion passed, 4-0.

The Board adjourned at 11:50 a.m.

LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, May 6, 2024

Tuesday, May 7, 2024

Wednesday, May 8, 2024

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

Thursday, May 9, 2024

12:00 p.m. LCDC meeting

Friday, May 10, 2024

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

START DATE: 04/20/2024 END DATE: 04/26/2024

TYPES OF CHECKS SELECTED: * ALL TYPES

			P.O.NUMBER	CHECK#					
1964	ALL STATEEFIRE EQUIP	ALL STATE FIRE EQUIPMENT	341160	108303 AP	04/26/2024	4-001-5-07-208	LVSO SEMI ANNUAL INSP JAIL KIT	385.10	
249	AMBERWELL	ATCHISON HOSPITAL	341161	108304 AP	04/26/2024	4-001-5-28-212	HR EMPLOYEE TESTING	280.00	
198	BUTLER'S S	COLLINS AUTOMOTIVE LLC	341162	108305 AP	04/26/2024	4-001-5-07-213	2268 - LVSO VEH MAINT UNIT 140	4,889.33	
24545	CDW GOVERN	CDW GOVERNMENT INC	341127	108297 AP	04/23/2024	4-001-5-07-359	11106763 JAIL CAMERA PROJECT	1,097.24	
810	CITY ELECTRIC	CITY ELECTRIC SUPPLY COMPANY	341164	108307 AP	04/26/2024	4-001-5-07-357	JAIL MAINT	18.34	
164	COLGAN LAW FIRM	COLGAN LAW FIRM LLC	341165	108308 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY 19JC1	4,287.42	
1104	DIGITAL DOLPHIN	DIGITAL DOLPHIN SUPPLIES	341167	108310 AP	04/26/2024	4-001-5-07-301	2 TONERS (LVSO)	356.66	
21300	DIST CT EMPL REIMB	STEVEN CROSSLAND	341168	108311 AP	04/26/2024	4-001-5-19-213	REIM MILEAGE - ATCHISON/TOPEKA	251.92	
21300	DIST CT EMPL REIMB	LINDA HUGGINS	341169	108312 AP	04/26/2024	4-001-5-19-213	REIM MILEAGE - JCAB MEETING AT	34.84	
							*** VENDOR 21300 TOTAL		286.76
8686	EVERGY SIRENS	EVERGY KANSAS CENTRAL INC	341259	131	04/26/2024	4-001-5-53-219	ELEC SVC TRANSFER NOX WEED	275.22	
2410	FIRST CALL INC	FIRST CALL INC	341171	108314 AP	04/26/2024	4-001-5-13-211	INV 16992 MARCH TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	341171	108314 AP	04/26/2024	4-001-5-13-211	INV 16992 MARCH TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	341171	108314 AP	04/26/2024	4-001-5-13-211	INV 16992 MARCH TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	341171	108314 AP	04/26/2024	4-001-5-13-211	INV 16992 MARCH TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	341171	108314 AP	04/26/2024	4-001-5-13-211	INV 16992 MARCH TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	341171	108314 AP	04/26/2024	4-001-5-13-211	INV 16992 MARCH TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	341171	108314 AP	04/26/2024	4-001-5-13-211	INV 16992 MARCH TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	341171	108314 AP	04/26/2024	4-001-5-13-211	INV 16992 MARCH TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	341171	108314 AP	04/26/2024	4-001-5-13-211	INV 16992 MARCH TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	341171	108314 AP	04/26/2024	4-001-5-13-211	INV 16992 MARCH TRANSPORTS	400.00	
							*** VENDOR 2410 TOTAL		1,600.00
120	GRENIER AUTOWORKS	ALFRED GRENIER II	341130	108300 AP	04/23/2024	4-001-5-07-213	LVSO UPFITTING UNIT 139	2,357.50	
120	GRENIER AUTOWORKS	ALFRED GRENIER II	341130	108300 AP	04/23/2024	4-001-5-07-213	LVSO UPFITTING UNITS 112 & 137	2,362.50	
120	GRENIER AUTOWORKS	ALFRED GRENIER II	341130	108300 AP	04/23/2024	4-001-5-07-213	LVSO UPFITTING UNITS 112 & 137	2,362.50	
							*** VENDOR 120 TOTAL		7,082.50
236	INTERPRETERS	INTERPRETERS INC	341173	108316 AP	04/26/2024	4-001-5-19-221	DIST CT INTERPRETERS 4/10, 4	534.89	
99	JUROR								

warrants by vendor

TYPES OF CHECKS SELECTED: * ALL TYPES

P.O.NUMBER CHECK#

99 JUROR

warrants by vendor

START DATE: 04/20/2024 END DATE: 04/26/2024

TYPES OF CHECKS SELECTED: * ALL TYPES

		P.O.NUMBER	CHECK#							
99	JUROR									
								*** VENDOR	99 TOTAL	2,999.22
66366	KANSAS GAS ACH	KANSAS GAS SERVICE	341133	129	04/23/2024	4-001-5-14-220	510614745 1628631 73 GAS TRANS		963.75	
66366	KANSAS GAS ACH	KANSAS GAS SERVICE	341133	129	04/23/2024	4-001-5-32-392	510614745 1628631 73 GAS TRANS		1,491.44	
66366	KANSAS GAS ACH	KANSAS GAS SERVICE	341133	129	04/23/2024	4-001-5-33-392	510614745 1562996 18 GAS TRANS		721.30	
								*** VENDOR	66366 TOTAL	3,176.49
227	LABORATORY	LABORATORY CORPORATION OF AMER	341236	108379 AP	04/26/2024	4-001-5-07-219	15273495 INMATE MEDICAL BILL		508.41	
975	LEAV LANSI	LEAVENWORTH/LANSING CHAMBER	341237	108380 AP	04/26/2024	4-001-5-01-203	2024 ANNUAL MEMBERSHIP DUES		1,430.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	341238	108381 AP	04/26/2024	4-001-5-02-301	CO CLERK/BUDGET SUPPLIES		44.50	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	341238	108381 AP	04/26/2024	4-001-5-14-228	CO CLERK/BUDGET SUPPLIES		44.50	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	341238	108381 AP	04/26/2024	4-001-5-49-301	"MAIL" STAMPS FOR BALLOTS		48.40	
								*** VENDOR	4755 TOTAL	137.40
537	LEAV TIMES	CHERRYROAD MEDIA INC	341239	108382 AP	04/26/2024	4-001-5-19-217	24156 LEGAL NOTICE 23JC030 4/3		42.34	
537	LEAV TIMES	CHERRYROAD MEDIA INC	341239	108382 AP	04/26/2024	4-001-5-19-217	24156 LEGAL NOTICE 23JC063 4/1		40.34	
537	LEAV TIMES	CHERRYROAD MEDIA INC	341239	108382 AP	04/26/2024	4-001-5-49-345	21272 USD 458 MAIL BALLOT CANV		4.79	
								*** VENDOR	537 TOTAL	87.47
17197	MIAMI CO A	MIAMI COUNTY ATTORNEY	341241	108384 AP	04/26/2024	4-001-5-19-222	REVIEW FEE 4/11/24 ROBINSON		50.00	
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	341242	108385 AP	04/26/2024	4-001-5-04-201	OPL304_K ROD COPIES		14.22	
2962	MOTOROLA SOLUTIONS	MOTOROLA SOLUTIONS CREDIT CO	341132	108302 AP	04/23/2024	4-001-5-07-305	LVSO 1000301747 TOWER MAINT, C		75.00	
2962	MOTOROLA SOLUTIONS	MOTOROLA SOLUTIONS CREDIT CO	341132	108302 AP	04/23/2024	4-001-5-07-364	LVSO 1000301747 TOWER MAINT, C		8,707.00	
								*** VENDOR	2962 TOTAL	8,782.00
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY		465.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY		120.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY		120.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY		165.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY		120.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY		135.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY		150.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY		195.00	

warrants by vendor

START DATE: 04/20/2024 END DATE: 04/26/2024

TYPES OF CHECKS SELECTED: * ALL TYPES

		P.O.NUMBER	CHECK#						
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	390.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	90.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	165.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	180.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	360.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	690.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	75.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	60.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	300.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	180.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	180.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	405.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	165.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	195.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	285.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	60.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	465.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	150.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	225.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	270.00	
8801	OSBORN JOSEPH	OSBORN LAW OFFICE	341243	108386 AP	04/26/2024	4-001-5-09-231	COURT APPOINTED ATTORNEY	150.00	
*** VENDOR								8801 TOTAL	6,510.00
1280	POSTMASTER	U S POSTMASTER	341244	108387 AP	04/26/2024	4-001-5-49-345	USD 458 MAIL BALLOT BRM POSTAG	3,308.10	
224	PRIME HEALTHCARE	PRIME HEALTHCARE SERVICES	341245	108388 AP	04/26/2024	4-001-5-07-219	INMATE MEDICAL BILL	20.82	
7098	QUILL CORP	QUILL CORP	341246	108389 AP	04/26/2024	4-001-5-28-301	HR OFFICE SUPPLIES	174.12	
7098	QUILL CORP	QUILL CORP	341246	108389 AP	04/26/2024	4-001-5-28-301	HR OFFICE SUPPLIES	19.79	
*** VENDOR								7098 TOTAL	193.91
42020	SMITH MICHAEL COMM	COMMISSIONER MIKE SMITH	341247	108390 AP	04/26/2024	4-001-5-01-205	REIM MILEAGE - KAC CONF PITTSB	188.27	
829	THOMSON REUTERS	THOMSON REUTERS - WEST	341248	108391 AP	04/26/2024	4-001-5-09-209	1005824053 ONLINE SUB CHARGES	216.00	
2	WATER DEPT								
*** VENDOR								100 TOTAL	430.52
TOTAL FUND 001									49,166.12
661	CDJ AUTOMOTIVE LLC	CDJ AUTOMOTIVE LLC	341126	108296 AP	04/23/2024	4-115-5-00-408	LVSO - 2024 DODGE DURANGO (X5)	45,579.00	
661	CDJ AUTOMOTIVE LLC	CDJ AUTOMOTIVE LLC	341126	108296 AP	04/23/2024	4-115-5-00-408	LVSO - 2024 DODGE DURANGO (X5)	45,579.00	
661	CDJ AUTOMOTIVE LLC	CDJ AUTOMOTIVE LLC	341126	108296 AP	04/23/2024	4-115-5-00-408	LVSO - 2024 DODGE DURANGO (X5)	45,579.00	
661	CDJ AUTOMOTIVE LLC	CDJ AUTOMOTIVE LLC	341126	108296 AP	04/23/2024	4-115-5-00-408	LVSO - 2024 DODGE DURANGO (X5)	45,579.00	
661	CDJ AUTOMOTIVE LLC	CDJ AUTOMOTIVE LLC	341126	108296 AP	04/23/2024	4-115-5-00-408	LVSO - 2024 DODGE DURANGO (X5)	45,579.00	
*** VENDOR								661 TOTAL	227,895.00
385	CNH INDUSTRIAL	CNH INDUSTRIAL CAPITAL AMERICA	341128	108298 AP	04/23/2024	4-115-5-00-410	2269378 PMT 3 OF 5 YR 5000 HR	10,614.23	
2007	WIRENUTS	WIRENUTS	341252	108395 AP	04/26/2024	4-115-5-00-408	UPGRADE TO JAIL CAMERAS 50.1%	72,102.16	
2007	WIRENUTS	WIRENUTS	341252	108395 AP	04/26/2024	4-115-5-00-408	UPGRADE TO JAIL CAMERAS 50.1%	82.70	
*** VENDOR								2007 TOTAL	72,184.86
TOTAL FUND 115									310,694.09

warrants by vendor

TYPES OF CHECKS SELECTED: * ALL TYPES

				P.O.NUMBER	CHECK#				
843	FIDLAR	FIDLAR	341129	108299 AP	04/23/2024	4-119-5-00-402	2010343 4TH SCANNING PROJ 1ST	749.25	
								TOTAL FUND 119	749.25
1831	USD 469 AFTER SCHOOL	USD 469 AFTER SCHOOL VILLAGE	341250	108393 AP	04/26/2024	4-121-5-00-208	KDOC Q3 REIMB	3,750.00	
								TOTAL FUND 121	3,750.00
1220	CULLIGAN OF GREATER	CULLIGAN OF GREATER KANSAS CIT	341166	108309 AP	04/26/2024	4-126-5-00-225	1220762 WATER/COOLER RENTAL	42.00	
7098	QUILL CORP	QUILL CORP	341246	108389 AP	04/26/2024	4-126-5-00-321	5645204 COMM CORR OFFICE SUPPL	68.99	
								TOTAL FUND 126	110.99
2505	INTRINSIC INTERVENTI	INTRINSIC INTERVENTIONS	341174	108317 AP	04/26/2024	4-127-5-00-3	SMARTSCREEN UA CUPS	1,278.00	
7098	QUILL CORP	QUILL CORP	341246	108389 AP	04/26/2024	4-127-5-00-3	5645204 OFFICE SUPPLIES COMM C	79.94	
								TOTAL FUND 127	1,357.94
7158	A-1 RENTAL	A-1 RENTAL	341125	108295 AP	04/23/2024	4-133-5-00-214	4-45 MONTHLY TOILET RENTAL	220.00	
7158	A-1 RENTAL	A-1 RENTAL	341125	108295 AP	04/23/2024	4-133-5-00-214	4-45 MONTHLY TOILET RENTAL	110.00	
								*** VENDOR 7158 TOTAL	330.00
1123	POMPMIDWEST EFT	POMP'S TIRE SERVICE INC	341258	130	04/26/2024	4-133-5-00-309	4-27 1960724 TIRES	672.00	
1123	POMPMIDWEST EFT	POMP'S TIRE SERVICE INC	341258	130	04/26/2024	4-133-5-00-309	4-27 1960724 TIRES	1,106.68	
1123	POMPMIDWEST EFT	POMP'S TIRE SERVICE INC	341258	130	04/26/2024	4-133-5-00-309	4-27 1960724 TIRES	976.76	
1123	POMPMIDWEST EFT	POMP'S TIRE SERVICE INC	341258	130	04/26/2024	4-133-5-00-309	4-27 1960724 TIRES	2,106.24	
1123	POMPMIDWEST EFT	POMP'S TIRE SERVICE INC	341258	130	04/26/2024	4-133-5-00-309	4-27 1960724 TIRES	200.00-	
								*** VENDOR 1123 TOTAL	4,661.68
								TOTAL FUND 133	4,991.68
1220	CULLIGAN OF GREATER	CULLIGAN OF GREATER KANSAS CIT	341166	108309 AP	04/26/2024	4-136-5-00-203	1274542 WATER/COOLER SERVICE	21.00	
1220	CULLIGAN OF GREATER	CULLIGAN OF GREATER KANSAS CIT	341166	108309 AP	04/26/2024	4-136-5-00-223	1274542 WATER/COOLER SERVICE	21.00	
								*** VENDOR 1220 TOTAL	42.00
24445	JOHNSON CO	JOHNSON CO GOVERNMENT	341175	108318 AP	04/26/2024	4-136-5-00-341	248 NTA FORM (1500)	587.91	
7098	QUILL CORP	QUILL CORP	341246	108389 AP	04/26/2024	4-136-5-00-301	5645204 COMM CORR OFFICE SUPPL	34.50	
7098	QUILL CORP	QUILL CORP	341246	108389 AP	04/26/2024	4-136-5-00-321	5645204 COMM CORR OFFICE SUPPL	34.49	
7098	QUILL CORP	QUILL CORP	341246	108389 AP	04/26/2024	4-136-5-00-341	5645204 COMM CORR OFFICE SUPPL	178.98	
7098	QUILL CORP	QUILL CORP	341246	108389 AP	04/26/2024	4-136-5-00-341	5645204 OFFICE SUPPLIES COMM C	21.59	
								*** VENDOR 7098 TOTAL	269.56
								TOTAL FUND 136	899.47
7098	QUILL CORP	QUILL CORP	341246	108389 AP	04/26/2024	4-138-5-00-301	5645204 COMM CORR OFFICE SUPPL	178.98	
								TOTAL FUND 138	178.98
2621	CAFE	TERRY BOOKER	341163	108306 AP	04/26/2024	4-145-5-00-256	COA MEALS 4/1-4/12	14,371.50	
2621	CAFE	TERRY BOOKER	341163	108306 AP	04/26/2024	4-145-5-00-256	COA MEALS 4/1-4/12	14,059.50	
								*** VENDOR 2621 TOTAL	28,431.00
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	341238	108381 AP	04/26/2024	4-145-5-00-254	COA TONER CARTRIDGES FOR TAXES	464.44	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	341238	108381 AP	04/26/2024	4-145-5-00-345	COA C17C2 CONSUMABLE SUPPLIES	109.34	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	341238	108381 AP	04/26/2024	4-145-5-00-345	COA C17C2 CONSUMABLE SUPPLIES	286.90	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	341238	108381 AP	04/26/2024	4-145-5-05-301	COA C17C2 CONSUMABLE SUPPLIES	45.02	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	341238	108381 AP	04/26/2024	4-145-5-06-301	COA C17C2 CONSUMABLE SUPPLIES	34.78	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	341238	108381 AP	04/26/2024	4-145-5-06-321	COA C17C2 CONSUMABLE SUPPLIES	78.25	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	341238	108381 AP	04/26/2024	4-145-5-07-302	COA C17C2 CONSUMABLE SUPPLIES	6.43	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	341238	108381 AP	04/26/2024	4-145-5-07-321	COA C17C2 CONSUMABLE SUPPLIES	34.78	
								*** VENDOR 4755 TOTAL	1,059.94
								TOTAL FUND 145	29,490.94

TYPES OF CHECKS SELECTED: * ALL TYPES

			P.O.NUMBER	CHECK#						
7158	A-1 RENTAL	A-1 RENTAL	341125	108295 AP	04/23/2024	4-160-5-00-263	MONTHLY TOILET RENTAL		110.00	
446	EQUIPMENT SHARE	EQUIPMENT SHARE INC	341170	108313 AP	04/26/2024	4-160-5-00-213	62824 REPL DEF BREATHER+, UNIT		232.13	
446	EQUIPMENT SHARE	EQUIPMENT SHARE INC	341170	108313 AP	04/26/2024	4-160-5-00-213	62824 REPL DEF BREATHER+, UNIT		5.53-	
							*** VENDOR	446 TOTAL		226.60
8686	EVERGY SIRENS	EVERGY KANSAS CENTRAL INC	341259	131	04/26/2024	4-160-5-00-210	ELEC SVC SOLID WASTE		368.14	
8686	EVERGY SIRENS	EVERGY KANSAS CENTRAL INC	341259	131	04/26/2024	4-160-5-00-210	ELEC SVC SOLID WASTE		38.19	
8686	EVERGY SIRENS	EVERGY KANSAS CENTRAL INC	341259	131	04/26/2024	4-160-5-00-210	ELEC SVC SOLID WASTE		378.24	
							*** VENDOR	8686 TOTAL		784.57
22605	HINCKLEY S	HINCKLEY SPRINGS	341172	108315 AP	04/26/2024	4-160-5-00-263	586990012811238 DRINKING WTER		102.92	
9271	LANSING CI	CITY OF LANSING	341131	108301 AP	04/23/2024	4-160-5-00-210	SOLID WASTE - SEWER SERVICE		34.80	
10703	TIRE TOWN	TIRE TOWN	341249	108392 AP	04/26/2024	4-160-5-00-207	SCRAP TIRE RECYCLE		500.00	
							TOTAL FUND 160			1,758.89
30179	BASEHOR	CITY OF BASEHOR	341136	10252 AP	04/23/2024	4-172-5-00-507	ARPA228 5.6 BALANCE OF MATCHIN		1,963,252.29	
							TOTAL FUND 172			1,963,252.29
1991	MARC	MID-AMERICA REGIONAL COUNCIL	341240	108383 AP	04/26/2024	4-174-5-00-210	LEAV-911 MARCH COST SHARE		31,601.29	
							TOTAL FUND 174			31,601.29
66366	KANSAS GAS ACH	KANSAS GAS SERVICE	341133	129	04/23/2024	4-195-5-00-290	510614745 1628631 73 GAS TRANS		130.31	
2	WATER DEPT	WATER DEPT	341251	108394 AP	04/26/2024	4-195-5-00-290	WATER SVC COMM CORR		58.47	
							TOTAL FUND 195			188.78
							TOTAL ALL CHECKS			2,398,190.71

TYPES OF CHECKS SELECTED: * ALL TYPES

FUND SUMMARY

001	GENERAL	49,166.12
115	EQUIPMENT RESERVE	310,694.09
119	ROD TECHNOLOGY	749.25
121	JUVENILE JUSTICE AUTHORITY	3,750.00
126	COMM CORR ADULT	110.99
127	COMM CORR ADULT NON GRANT	1,357.94
133	ROAD & BRIDGE	4,991.68
136	COMM CORR JUVENILE	899.47
138	JUV INTAKE & ASSESSMENT	178.98
145	COUNCIL ON AGING	29,490.94
160	SOLID WASTE MANAGEMENT	1,758.89
172	AMERICAN RECOVERY PLAN	1,963,252.29
174	911	31,601.29
195	JUVENILE DETENTION	188.78
	TOTAL ALL FUNDS	2,398,190.71

Consent Agenda for 5/1/24
Checks dated 4/20 - 4/26

Leavenworth County Request for Board Action

Date: March 28, 2024

To: Board of County Commissioners

Cc: Mark Loughry; Misty Brown; Bill Noll; John Jacobson

From: David C. Van Parys

Department Head Approval: N/A

Additional Reviews as needed:

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

Action Requested: Determination of whether the annexation proposed by the City of Tonganoxie, Kansas, embodied by Resolution 02-24-01, will hinder the proper growth and development of the area. This determination by the board is required under K.S.A. 12-520c(a)(3).

Recommendation: It is recommended that the board find that the proposed annexation will hinder the proper growth and development of the area due to unresolved issues with the legal description of the proposed annexation area. The BOCC previously found the jurisdictional boundaries created by the proposed annexation would create issues relating to land use control, law enforcement, taxation and hinder the ingress and egress to the area proposed for annexation and cause concerns for future road maintenance.

Analysis: Resolution 02-24-01 of the city is the third such resolution covering the area bounded by U. S. 24-40 (Chieftain Road), Co. Rd. 1(Honey Creek Road) and 222nd Street. The first resolution was found by this board to hinder the proper growth and development of the area due to the limited scope of the proposed annexation. The City submitted a second resolution that proposed to annex the area identified by this board as being the proper extension of city boundaries in the area. However, the second resolution was found to hinder the proper growth and development of the area due to the creation of city boundaries that in some instances did not reach the rights of way of the existing roads. This proposed annexation resolution does not address the concerns previously noted by the board and creates the discrepancies and uncertainties that are identified above.

Alternatives: (1) Make the finding that the proposed annexation will not hinder the proper growth and development of the area; or (2) Table the matter for further study by the board and staff.

Budgetary Impact: Cannot be determined at this time due to the issues discussed above

- 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: N/A

Additional Attachments: (1) Copy of City Resolution No. 02-24-01; (2) Excerpt from 3/22/24 e-mail discussing issues created by the legal description and mapping submitted by the city and accompanying documents discussed in that e-mail.

CERTIFICATE

I hereby certify that the foregoing resolution is a true and correct certified copy of Resolution 02-24-01 and that said resolution was approved on February 5, 2024 by the governing body of the City of Tonganoxie, Kansas.



Daniel Porter, Acting City Clerk

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RESOLUTION NO. 02-24-01

THIRD RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS TO MAKE A FINDING THAT ANNEXATION OF CERTAIN REAL PROPERTY NOT ADJOINING THE PRIMARY BOUNDARY OF THE CITY OF TONGANOXIE, KANSAS WILL NOT HINDER OR PREVENT THE PROPER GROWTH AND DEVELOPMENT OF THE AREA OR OF ANY OTHER INCORPORATED CITY LOCATED WITHIN LEAVENWORTH COUNTY, KANSAS, PURSUANT TO K.S.A. 12-520c.

WHEREAS, Robbins Acquisitions, Inc., a Kansas corporation ("RAI"), owns approximately 67.8 acres of land, part of which adjoins the southwestern city limits of the City of Tonganoxie, Kansas (the "City"), within the area generally bounded to the west by Chieftain Road (U.S. 24/40), to the north by Kansas Avenue, to the east by 222nd Street, and to the south by Honey Creek Road (County Road 1), as legally described on Exhibit A attached hereto and incorporated herein (the "RAI Land");

WHEREAS, Evergy Kansas Central, Inc., a Kansas corporation ("EKCI"), owns approximately 14.2 acres of land, as legally described on Exhibit A attached hereto and incorporated herein (the "EKCI Land", and collectively with the RAI Land, the "Land"), which EKCI Land adjoins the RAI Land;

WHEREAS, on March 30, 2023, RAI filed with the City Clerk a written Petition and Consent to Annexation (the "Initial Petition") for the EKCI Land, which Initial Petition indicated that RAI and EKCI had entered into an Option to Purchase Real Estate for the EKCI Land;

WHEREAS, on October 16, 2023, the City's Governing Body adopted Resolution No. 10-23-03 (the "First Resolution") requesting the Board of County Commissioners of Leavenworth County, Kansas (the "BOCC") to make certain findings required by K.S.A. 12-520c(a)(3) because the EKCI Land is located approximately 20 feet southwest of the City's corporate limits, and does not adjoin the City's boundary line;

WHEREAS, on October 17, 2023, the City Clerk filed a certified copy of the First Resolution with the BOCC;

WHEREAS, on November 8, 2023, the BOCC considered the First Resolution and a report prepared by County staff, and thereafter found and determined that the proposed annexation by the City of solely the EKCI Land would hinder or prevent the proper growth and development of the area because it would not fully annex into the City the road right of way of 222nd Street, would hinder the extension of public utilities to the area, and would not create a natural and logical boundary for the City, and the BOCC recommended that the proper growth and development of the area would best be served by the annexation of additional area to include the full road rights-of-way now maintained by the County for those roads adjoining the area;

WHEREAS, on November 14, 2023, RAI conveyed the EKCI Land to EKCI;

WHEREAS, on November 15, 2023, RAI filed with the City Clerk a written Petition and Consent to Annexation (the "RAI Petition") for the RAI Land, a copy of which RAI Petition is attached hereto as Exhibit B and incorporated herein;

WHEREAS, on November 17, 2023, EKCI filed with the City Clerk a written Petition and Consent to Annexation (the "EKCI Petition", and collectively with the RAI Petition, the "Amended Petitions") for the EKCI Land, a copy of which EKCI Petition is attached hereto as Exhibit B and incorporated herein;

WHEREAS, the Amended Petitions include the additional area that the BOCC recommended for annexation to best serve the proper growth and development of the area;

WHEREAS, on November 20, 2023, the City's Governing Body passed Ordinance No. 1516 to annex the Land pursuant to K.S.A. 12-520(a)(7), and the western half of the 222nd Street right-of-way along the area where the eastern half of 222nd Street is already within the City's corporate limits pursuant to K.S.A. 12-520(e);

WHEREAS, on November 29, 2023, a summary of Ordinance No. 1516 was published in the *Tonganoxie Mirror* pursuant to K.S.A. 12-3007;

WHEREAS, on December 1, 2023, the City Clerk sent certified copies of Ordinance No. 1516 to the County Clerk, Register of Deeds, BOCC, County Administrator and County Counselor pursuant to K.S.A. 12-522;

WHEREAS, thereafter, the BOCC and/or County staff: (i) questioned whether the City properly annexed the Land pursuant to K.S.A. 12-520(a)(7) because the Land adjoins other land that was annexed by the City pursuant to K.S.A. 12-520c, and K.S.A. 12-520c(b) states that "[n]o land adjoining any land annexed by any city under the provisions of this section shall be deemed to be adjoining the city for the purpose of annexation under any other act or section of this act until the adjoining land or the land annexed under this section shall adjoin the remainder of the city by reason of the annexation of the intervening territory"; and (ii) indicated that the BOCC would not recognize the annexation and directed County staff to take no action that will validate the annexation to avoid any potential future tax, election, zoning and law enforcement issues;

WHEREAS, the Land includes the additional area that the BOCC recommended for annexation, but for the avoidance of doubt, the City's Governing Body adopted Resolution No. 01-24-01 (the "Second Resolution") on January 2, 2024 to request the BOCC make the findings required by K.S.A. 12-520c(a)(3);

WHEREAS, on January 3, 2024, the City Clerk filed a certified copy of the Second Resolution with the BOCC, and the City Attorney also hand-delivered a certified copy of the Second Resolution to the BOCC;

WHEREAS, on January 31, 2024, the BOCC considered the Second Resolution and a report prepared by County staff, and thereafter found and determined that the annexation would hinder or prevent the proper growth and development of the area because of an apparent gap in the legal description that would exclude the western half of 222nd

Street right-of-way along the area where the eastern half of 222nd Street is already within the City's corporate limits; and

WHEREAS, the City's Governing Body has deemed it advisable to pass this third Resolution to clarify the annexation area and again request the BOCC to make the findings required by K.S.A. 12-520c(a)(3).

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS:

Section 1. The Governing Body has deemed it advisable to grant the Amended Petitions for annexation of the Land, along with certain road right-of-way, all as legally described on **Exhibit C** attached hereto and incorporated herein, and in accordance with the following findings:

(a) The Land is located within the same county as the City, and the owners of the Land filed petitions requesting the City to annex the Land (K.S.A. 12-520c(a)(1)-(2)).

(b) "As a guide in determining the advisability of such annexation," K.S.A. 12-520a(e) sets forth the following factors:

(i) Extent to which any of the area is land devoted to agricultural use – the Leavenworth County Appraiser classifies the RAI Land as agricultural, and the EKCI Land as utilities. The RAI Land is currently vacant and undeveloped, and the City is not aware of any pending development plans. The EKCI Land is currently vacant and undeveloped as well, but EKCI intends to construct an electrical substation to improve electric service in the southern portion of Leavenworth County. The County's Comprehensive Plan identifies the proposed future land use/zoning of the Land as Planned Mixed Use (MXD).¹

(ii) Area of platted land relative to unplatted land – only the northern parcel of the RAI Land (approximately 51 acres) is unplatted. The

¹ Leavenworth County Comprehensive Plan pp.10-12, 75-76, 89 (Figure 5.2), available at <https://files.leavenworthcounty.gov/Department/Planning%20&%20Zoning/Document%20Center/Comprehensive%20Plan%20Project/LVCO%20COMPREHENSIVE%20PLAN.pdf>. The County's Comprehensive Plan describes Mixed Use as follows:

The Mixed Use land use category includes existing and proposed areas for development retail, service, office, and industrial uses. Mixed Use is primarily designated along existing major corridors, including US 24/40 between Tonganoxie and Baschor, and as a way to introduce higher density development in areas of natural expansion for Baschor and Lansing. Mixed Use offers flexibility in density and land use. This category should provide for the daily needs of residents and visitors. Nodal development is an important consideration within this category; key interchanges and intersections within this category should be more densely developed. Given this land use category's proximity to major roadways, special consideration should be given to building design, access, parking, and landscaping, while minimizing any negative impacts on adjacent residential uses.

Id. at p.75.

remaining parcels of the RAI Land and the EKCI Land are currently platted. See legal descriptions on Exhibit A attached hereto.

(iii) Topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed – the Land is located west of the Tonganoxie Business Park ("TBP"), across 222nd Street. The City provides water and sanitary sewer utility services to the TBP, so these utilities are stubbed directly across the street from the Land. There are transportation links that connect the Land and the City, including: (A) U.S. 24/40, which bounds the Land to the west and runs through the City, east-west where U.S. 24/40 is also known as State Avenue, north-south where U.S. 24/40 is also known as West Street, and then northeast-southwest where U.S. 24/40 is also known as Chieftain Road; and (B) 222nd Street, which bounds the Land to the east and runs north-south from U.S. 24/40 (where U.S. 24/40 is also known as West Street) to I-70. As further evidence of the existence of a common interest of the City and the Land, the City and the County entered into Interlocal Agreements dated May 18, 2009 for (X) comprehensive and coordinated land use planning along certain portions of County Road 1; and (Y) City contribution of \$1,500,000 to County Road 1 improvements.

(iv) Extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries – there is no existing residential development on the Land, but there is an existing residence on one parcel that adjoins the Land (which is not part of this annexation). There are residences on parcels across Chieftain Road (U.S. 24/40) to the west of the Land, and across 222nd Street to the southeast of the Land. The TBP is across 222nd Street to the east of the Land.

(v) Present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed – the Land currently has no population, but the Land presents opportunities for growth and development of the City due to its location and economic development activities within the TBP across 222nd Street to the east of the Land.

(vi) Extent of business, commercial and industrial development in the area – the Land is located west of the TBP, across 222nd Street. Within the TBP, the Unilock landscape design and paver business opened in 2018, the new Hill's Pet Nutrition facility opened in the fall of 2023, and a new DSM Nutritional Products facility is currently under construction and anticipated to open by the end of 2025.

(vii) Present cost, methods and adequacy of governmental services and regulatory controls in the area – as indicated above, City water

and sanitary sewer services are stubbed directly across 222nd Street from the Land, and EKCI intends to construct an electrical substation on the EKCI Land. The City has adequate governmental services and regulatory controls in the area.

(viii) Proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services – as indicated above, City water and sanitary sewer services are stubbed directly across 222nd Street from the Land, and EKCI intends to construct an electrical substation on the EKCI Land. Any cost to the City to extend governmental services to the Land would be minimal.

(ix) Tax impact upon property in the city and the area – because the majority of the Land is classified for agricultural use, other than the EKCI Land which is classified for utilities, tax revenue available to the City will be minimal. Tax revenue is subject to change if the Land is rezoned and developed.

(x) Extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources – as indicated above, there are currently no residents on the Land.

(xi) Effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, sewer and water districts, improvement districts, townships or industrial districts and, subject to the provisions of K.S.A. 12-521a, and amendments thereto, fire districts – the Land is not included within any sewer or water district, improvement district, industrial district, or fire district. Other than the City, there are no townships or other cities near the Land. Annexation of the Land will improve electric service to the City and the southern portion of the County by way of the electrical substation proposed by EKCI.

(xii) Existing petitions for incorporation of the area as a new city or for the creation of a special district – there are no existing petitions for incorporation of the Land as a new city or special district.

(xiii) Likelihood of significant growth in the area and in adjacent areas during the next five years – development within the TBP could spur additional growth and development in surrounding areas, including the Land.

(xiv) Effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan – pursuant to K.S.A. 12-520b(c), the City is not required to develop a detailed plan for extension of utility service because the owners

of the Land submitted petitions to the City requesting annexation. As indicated above, however, City water and sanitary sewer services are stubbed directly across 222nd Street from the Land, and EKCI intends to construct an electrical substation on the EKCI Land. Annexation will improve utility service to the Land, and development of the intended electrical substation will improve electrical utility service to the southern portion of Leavenworth County.

(xv) Economic impact on the area – annexation will improve utility service to the Land, and EKCI's development of its intended electrical substation will improve electrical utility service to the southern portion of Leavenworth County. As noted above, development within the TBP could spur additional growth and development in surrounding areas, including the Land.

(xvi) Wasteful duplication of services – the City is not aware of any potential wasteful duplication of services as the Land is currently vacant and undeveloped.

Section 2. The Governing Body, having deemed it advisable to annex the Land, hereby respectfully requests the BOCC to find and determine that such annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the County, pursuant to K.S.A. 12-520c(a)(3). The Governing Body further respectfully requests the BOCC to make the requested findings within 30 days following receipt of a certified copy of this Resolution.

Section 3. The City Clerk is hereby directed to file a certified copy of this Resolution with the BOCC.

Section 4. The City Manager and other officials and representatives of the City, including the City Attorney, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.


Section 5. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signature page follows.]

ADOPTED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE,
KANSAS, AND APPROVED BY THE MAYOR ON FEBRUARY 5, 2024.

SEAL





David Frese, Mayor

ATTEST:



Daniel Porter, Acting City Clerk

EXHIBIT A

Legal Description – Land*

RAI Land

Lots 1 and 4, Harman Farms Replat, a replat of Lots 6, 7, and 8, Harman Farms Subdivision, Leavenworth County, Kansas.

and

All that part of the North Half of Section 20, Township 11 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas, lying South and East of the East right-of-way of U.S. Highway 24-40, less any part thereof taken or used for road purposes.

EKCI Land

Lot 3, Harman Farms Replat, a replat of Lots 6, 7, and 8, Harman Farms Subdivision, Leavenworth County, Kansas.

**These legal descriptions are from the deeds that vest title in each property owner.*

EXHIBIT B

RAI Petition and EKCI Petition

[Attached on following pages.]

**PETITION AND CONSENT TO ANNEXATION
INTO THE CITY OF
TONGANOXIE, KANSAS**

To: The Governing Body of the City of Tonganoxie, Kansas

The undersigned owners of record of the following described tract of real property hereby petition the Governing Body of the City of Tonganoxie, Kansas (the "City") to annex such land to the City pursuant to the laws of the State of Kansas. The land to be annexed is legally described in Attachment A, which is attached to this petition and incorporated by reference as if fully set forth herein.

The undersigned further warrants and guarantees that they are the only owners of record of the tract of property described in Attachment A.

Property Owner of Record: Robbins Acquisitions Inc.
495 Navajo Ln W. Lake Quivira, KS 66217
Address of Owner: _____

Property Owner signature: _____
(If property is owned by married couple, both must sign. If corporate or partnership entity holds title, please note authority to execute petition.)

STATE OF KANSAS)
LEAVENWORTH COUNTY)

BE IT REMEMBERED, that on this 15 day of November,
2023, before me, the undersigned, a Notary Public in and for the County and State
aforesaid, came Benjamin Robbins, who are/is personally known to me to be the
same person(s) who executed the above Petition, and such person(s) duly
acknowledged the execution of the same to be their free and voluntary act and deed.

Heather Holey
Notary Public



9-16-24
My Commission Expires

S20, T11, R21E, ACRES 51.01, PT OF THE NE1/4, LYING E OF CHEIFTAIN RD Deed Book/Page 09 1/2310 09
1/1207 0652/0010 0652/0008 0652/0006 0654/0004 0650/1663 0637/0082 0598/1212 0546/0547

HARMAN FARMS REPLAT, S20, T11, R21E, Lot 4, ACRES 10.6

HARMAN FARMS REPLAT, S20, T11, R21E, Lot 1, ACRES 6.23

**PETITION AND CONSENT TO ANNEXATION
INTO THE CITY OF
TONGANOXIE, KANSAS**

To: The Governing Body of the City of Tonganoxie, Kansas

The undersigned owners of record of the following described tract of real property hereby petition the Governing Body of the City of Tonganoxie, Kansas (the "City") to annex such land to the City pursuant to the laws of the State of Kansas. The land to be annexed is legally described in Attachment A, which is attached to this petition and incorporated by reference as if fully set forth herein.

The undersigned further warrants and guarantees that they are the only owners of record of the tract of property described in Attachment A.

Property Owner of Record: Evergy Kansas Central, Inc.

Address of Owner: 818 S Kansas Ave, Topeka, KS 66612

Property Owner signature: *James Kich*
(If property is owned by married couple, both must sign. If corporate or partnership entity holds title, please note authority to execute petition.)

STATE OF KANSAS)
LEAVENWORTH COUNTY)

BE IT REMEMBERED, that on this 17th day of NOVEMBER,
2023, before me, the undersigned, a Notary Public in and for the County and State
aforesaid, came Justice Vick, who are/is personally known to me to be the
same person(s) who executed the above Petition, and such person(s) duly
acknowledged the execution of the same to be their free and voluntary act and deed.



Sarah Gould

Petition And Consent To Annexation Into The City Of Tonganoxie, Kansas

Attachment A

Lot 3, Harman Farms Replat, a replat of Lots 6, 7, and 8, Harman Farms Subdivision, Leavenworth County, Kansas

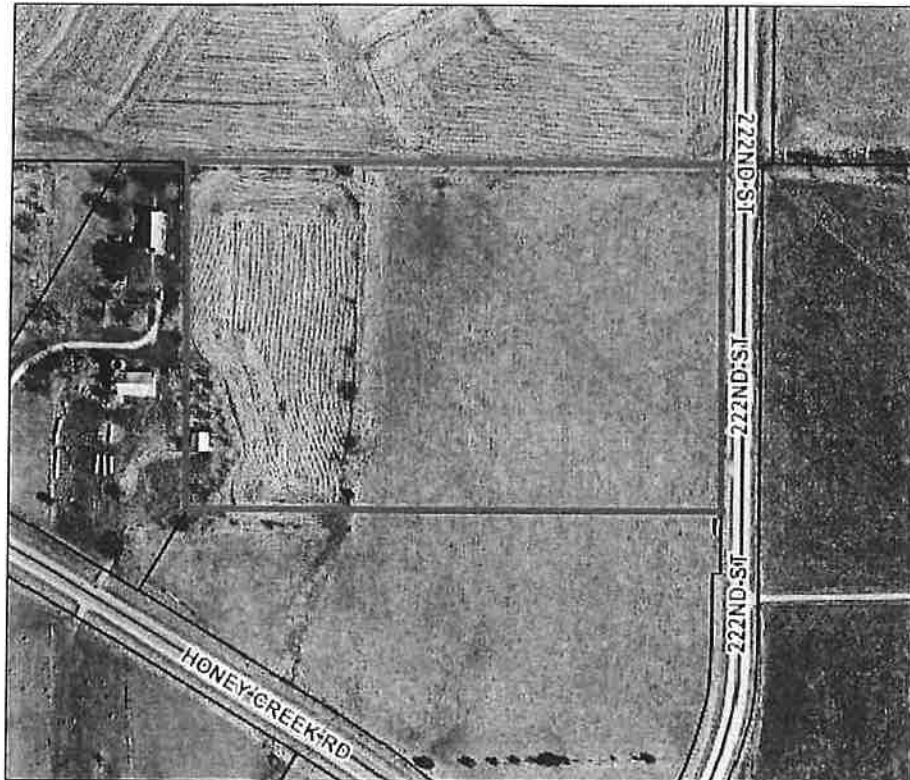


EXHIBIT C

Legal Description – Annexation Area

Lots 1, 3 and 4, Harman Farms Replat, a replat of Lots 6, 7, and 8, Harman Farms Subdivision, Leavenworth County, Kansas.

and

All that part of the North Half of Section 20, Township 11 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas, lying South and East of the East right-of-way of U.S. Highway 24-40, less any part thereof taken or used for road purposes except for the adjacent right-of-way to the centerline of 222nd Street along the eastern boundary of this tract for a north-south distance of approximately 2,644 feet.

[See map attached on following page.]

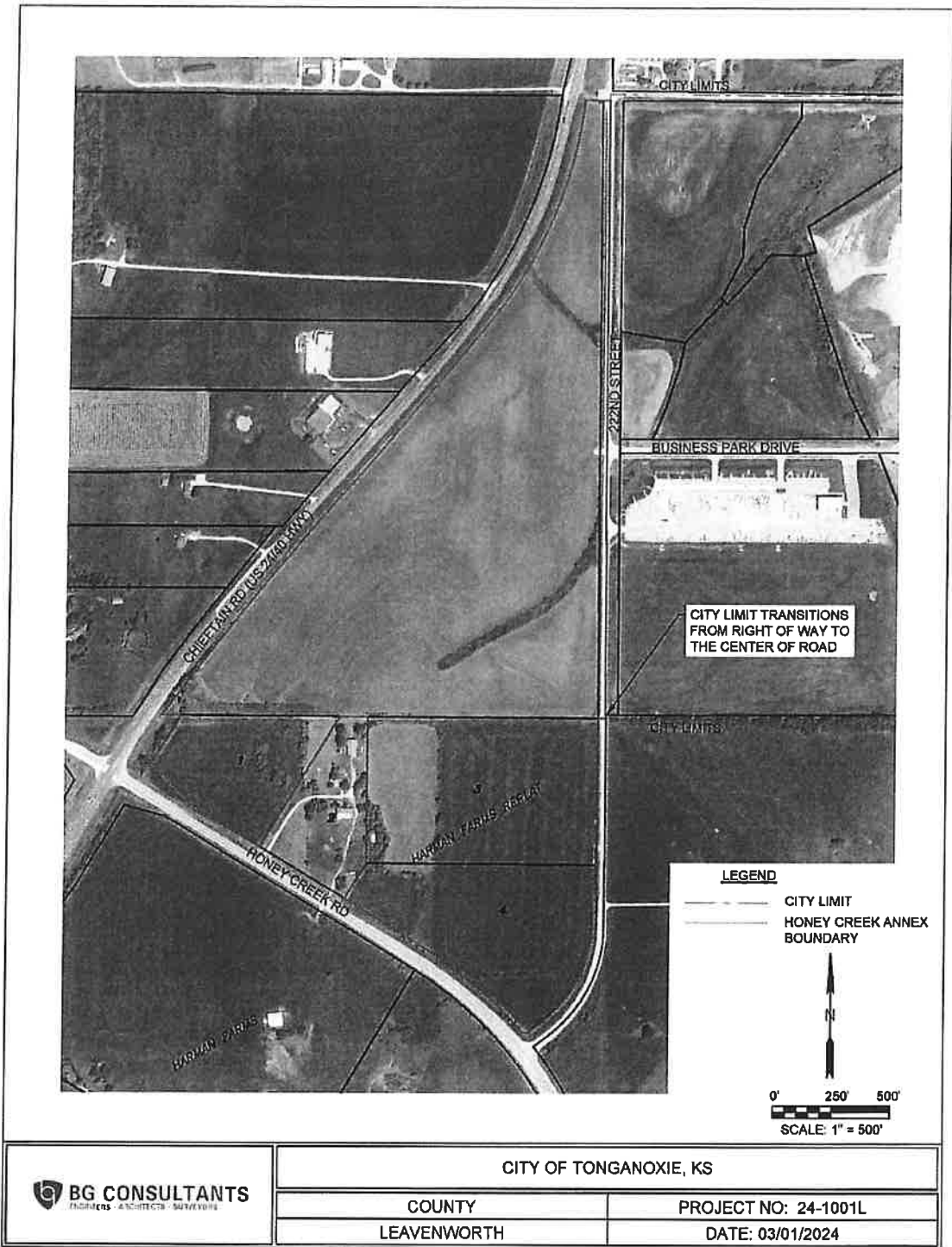


Exhibit C – Provides the legal description of the area to be annexed.

The first section of legal descriptions for Lots 1, 3, and 4 of Harman Roads replat does not match the depiction shown on the accompanying map on page 15. I have attached a copy of the Harman Farms Replat for reference. This replat clearly conveys property to the centerline of the roadway and the property within the road right-of-way easement was not excluded. Therefore, the legal description provided includes all of the road right-of-way along Lots 1, 3, and 4's frontage. The petition for annexation documents and the map on page 15 depict the taxable land as shown on the county appraisal GIS Interactive map that does not represent the extent of the legal description's ownership. In the county nearly all of properties extend to the centerline of the roadway and the county holds a roadway or right-of-way easement. Most counties own very little right-of-way in fee simple title. This fact was further researched by Dan Baumchen, the County Surveyor, to ensure the replat accurately represented the road easement records and condemnation cases that had occurred in this location and it was found to be accurate. In short, the legal description in this section goes to the centerline of the roadways and the map depicts it stopping at the right-of-way line.

The second legal description is not clear. It is also written in a manner that does not meet the standard of care for a licensed survey professional in the State of Kansas. It would not be an accepted legal description by the County Surveyor as part of our review process for recording surveys at the register of deeds in compliance with Kansas Surveying Minimum Standards or KSA 58-2009. There are two issues: First, once a legal description removes a portion of a property utilizing a "less any part" statement, a portion of the whole excluded area that was removed cannot be added back into the originally described tract using a second exception statement. The intent to add that portion of 222nd Street is clear looking at the map but is done in an ineffective way. In this legal description, the original description states that the tract is located south and east of US 24-40. This excluded all KDOT right of way. That leaves two road easement that may be left, Kansas Ave. on the North and 222nd Street on the East. The legal attempted to add 222nd Street back in. The map shows the annexation stopping at the south right-of-way of what was Kansas Ave on the north. This portion is never referenced in the legal and the map should have depicted it to the section line and does not. Second, the legal description is an aliquot part legal description that is written based on outdated information. Having a licensed surveyor write the legal based upon the attached survey of the area from 2013, that provides the information necessary for a meets and bounds description, would have been much clearer. Their second option would have been to deviate from the recorded legal description by removing the "less any part" statement that removed all right of way upfront and specifically stated that it excluded any right of way along the north property line that may exist for the removed roadway commonly known as Kansas Ave and included all right-of-way along the east line for the road commonly known as 222nd Street.

HARMAN FARMS REPLAT

A Replat of Lots 6, 7, and 8, HARMAN FARMS SUBDIVISION,
Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
Addams Acquisitions Inc.
PO Box 480
Tombstone, KS 66206
TEL NO. 194 20 00 00 01 06
FAX NO. 194 20 00 00 01 07
PID NO. 194 20 00 00 01 08

PROPERTY DESCRIPTION - As per Tax Commission
Lots 6, 7, and 8, HARMAN FARMS SUBDIVISION, Leavenworth County, Kansas.

CERTIFICATION AND DEDICATION

The undersigned preparer states that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: HARMAN FARMS REPLAT.

Comments shown on this plat are hereby dedicated for public use, the right of way which are shown with dashed lines are for an easement, and said easements shall be employed as to be made and shown on surveys, water lines, gas lines, power lines and any other form of public utility now and hereafter used by the public over and along the strips shown hereby easement (T.107).

"Through Easements" or "D" shown on this plat are hereby dedicated for the purpose of constructing, using, repairing and maintaining a utility, water, sewer, drainage ditch, or other drainage facility, or highway, walkway, including limited facilities, and appurtenances thereto, including the right to situate, support and replace the same, and for any construction and future expansion of such facility, together with the right of access for the public, is hereby dedicated for public use. Easement Easements shall be kept clear of obstructions that impede the through easement with the use and enjoyment of storm drainage facilities. The maintenance and utility of said easements shall be the responsibility of the individual owners of the lots, whereupon said easements are dedicated. Easement Easements shall bear no responsibility for any maintenance and upkeep of said easements.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby dedicated. Building Lines or Setback Lines (S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,
We, the undersigned owners of HARMAN FARMS REPLAT, have set our hands this 13th day of November, 2021.

Scott Adams
Scott Adams
Addams Acquisitions, LLC

NOTARY PUBLIC: *Walter H. ...*
My Commission Expires: ...

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of HARMAN FARMS REPLAT on the 13th day of November, 2021.

Angie Wilson
Angie Wilson
Kristal A. ...
Steven ...

COUNTY ENGINEER'S APPROVAL
The County Engineer's approval is only for general compliance with the subdivision regulations as required by Leavenworth County. The County is not responsible for the accuracy and adequacy of the plat, dimensions, measurements, and quantities.

COUNTY COMMISSIONER APPROVAL
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of HARMAN FARMS REPLAT on the 13th day of November, 2021.

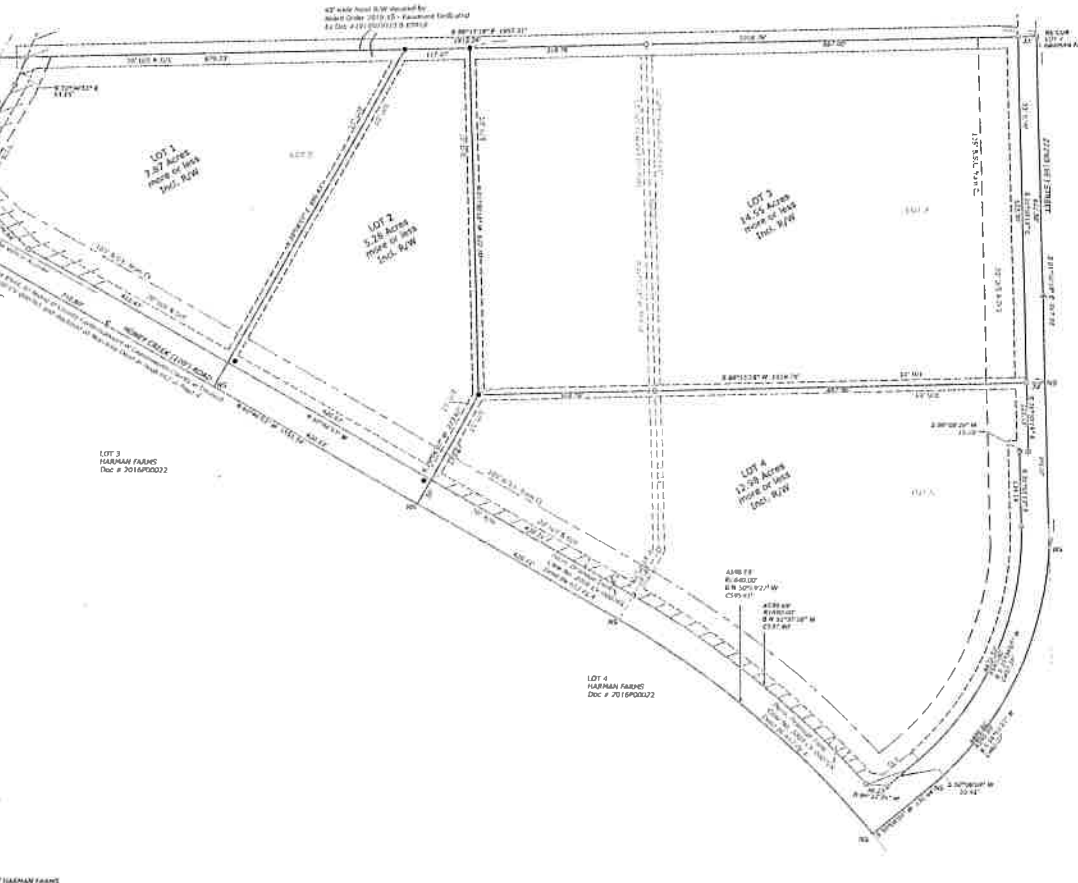
Walter H. ...
Walter H. ...
Notary Public

REGISTER OF DEEDS CERTIFICATE
I hereby certify that this survey meets the requirements of K.S.A. 20-2-101. The plat of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No land acquisition is required. This review is for surveying information only.

Scott Adams
Scott Adams
Addams Acquisitions, LLC

PID NO. 194-20-00-00-002

42' wide road S.W. derived by
Subst Order 2019 15 - Pauncefote 10th and
Ex. Dec. # 11000000 0 07018



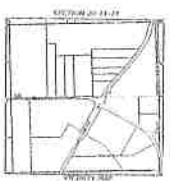
PID NO. 194-20-00-00-002

RESTRICTIONS:
1) All persons who have within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations as currently in effect.
2) An Easement which is shown on this plat shall be required for the use and maintenance of the same and shall be subject to the same terms and conditions as set forth in the original plat.
3) All easements shall be subject to the same terms and conditions as set forth in the original plat.
4) This plat is subject to the current Leavenworth County Zoning and Subdivision Regulations.
5) This plat is subject to the current Leavenworth County Zoning and Subdivision Regulations.

REMARKS:
1) This survey shows the following:
1) All easements are shown on this plat.
2) All easements are shown on this plat.
3) All easements are shown on this plat.
4) All easements are shown on this plat.
5) All easements are shown on this plat.
6) All easements are shown on this plat.
7) All easements are shown on this plat.
8) All easements are shown on this plat.
9) All easements are shown on this plat.
10) All easements are shown on this plat.

NOTES:
1) This survey shows the following:
1) All easements are shown on this plat.
2) All easements are shown on this plat.
3) All easements are shown on this plat.
4) All easements are shown on this plat.
5) All easements are shown on this plat.
6) All easements are shown on this plat.
7) All easements are shown on this plat.
8) All easements are shown on this plat.
9) All easements are shown on this plat.
10) All easements are shown on this plat.

LEGEND:
1/2" Rebar Set with Cap No. 1-195
1/2" Rebar Found, unless otherwise noted.
Checked Rebar to be set around Post.
UT = Utility Easement
OE = Easement
B.S.L. = Building Setback Line
R/W = Permanent Dedicated Roadway Easement dedicated this plat
B.M. = Benchmark
P.O.B. = Point of Beginning
A.S. = As Shown
NS = Not to be shown per agreement with client
P = Public Use
D = Drainage
C = Other Details



Joseph A. Horning
Joseph A. Horning
PS # 1270

Certificate of Survey

Survey Descriptions

North Tract:

A tract of land situated in a portion of the Northeast Quarter and the Southeast Quarter of Section 20, Township 11 South, Range 21 East of the 6th Principal Meridian, Leavenworth County, Kansas, lying South and East of the East right-of-way of U.S. Highway No. 24-40 and lying North and East of Honey Creek Road, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD'83).

Commencing at the Northeast corner of the Southeast Quarter of said Section 20;

Thence South 88°15'18" West 33.00 feet, along the North line of the Southeast Quarter of said Section 20, to a point on the West right-of-way line of 222nd Street, as now established, said point also being the "true point of beginning";

Thence South 01°50'18" East 744.45 feet, along said West right-of-way line, to a jog to the West in said West right-of-way line, said jog being on the North line of a permanent Roadway Easement to the Board of County Commissioners of Leavenworth County as recited in a Warranty Deed recorded in Book 852 of Page 4;

Thence South 88°08'38" West 15.78 feet, along said jog to the West, to a point being a jog to the South in said West right-of-way line;

Thence South 01°51'21" East 134.18 feet, along said West right-of-way line, to the beginning of a curve concave to the Northwest having a radius of 340.00 feet;

Thence Southwesterly 490.01 feet, along said West right-of-way line and said curve to the right having a chord bearing of South 24°08'24" West 473.37 feet;

Thence South 50°08'08" West 58.41 feet along said West right-of-way line;

Thence North 84°22'35" West 38.33 feet (North 84°03'30" West 38.30 feet - Dead), along said West right-of-way line, to a point on the Northwesterly right-of-way line of Honey Creek Road, as established by permanent Roadway Easement to the Board of County Commissioners of Leavenworth County as recited in a Warranty Deed recorded in Book 852 of Page 4, said point also being on a non-tangent curve concave to the Southwest having a radius of 1,890.00 feet;

Thence Northwesterly 539.70 feet, along said Northwesterly right-of-way line and said curve to the left having a chord bearing of North 51°37'58" West 537.40 feet;

Thence North 60°46'33" West 1,251.27 feet along said Northwesterly right-of-way line;

Thence North 45°23'07" West 178.84 feet, along said Northwesterly right-of-way line, to a point on the Southwesterly right-of-way line of U.S. Highway No. 24/40, as established by permanent Roadway Easement to the Board of County Commissioners of Leavenworth County as recited in a Warranty Deed recorded in Book 852 of Page 4;

Thence North 31°01'16" East 188.42 feet along said Southwesterly right-of-way line;

Thence North 22°34'51" East 83.15 feet, along said Southwesterly right-of-way line, to a point on said North line of the Southeast Quarter and the South line of the Northeast Quarter of said Section 20;

Thence continuing North 22°34'51" East 148.85 feet along said Southwesterly right-of-way line;

Thence North 33°40'20" East 305.28 feet along said Southwesterly right-of-way line;

Thence North 35°42'57" East 188.88 feet, along said Southwesterly right-of-way line, to the beginning of a non-tangent curve concave to the Northwest having a radius of 5,728.85 feet;

Thence Northwesterly 183.83 feet, along said Northwesterly right-of-way line and said curve to the left having a chord bearing of North 38°08'53" East 183.82 feet;

Thence North 40°07'02" East 202.45 feet, along said Southwesterly right-of-way line, to a point being a jog to the Northwest in said Southwesterly right-of-way line;

Thence North 48°50'21" West 42.58 feet, along said Southwesterly right-of-way line, to a point being a jog to the Northwest in said Southwesterly right-of-way line, said jog being 40.00 feet Northwesterly of and of right angles to the center line of a 100 foot wide right-of-way for the Union Pacific Railroad;

Thence North 40°02'38" East 156.77 feet, along said Southwesterly right-of-way line, and a line 35.00 feet Northwesterly of and parallel with said railroad center line, to a point being a jog to the Northwest in said Southwesterly right-of-way line;

Thence North 48°53'40" West 5.00 feet, along said Southwesterly right-of-way line, to a point being a jog to the center line of a 100 foot wide right-of-way for the Union Pacific Railroad;

Thence North 40°02'38" East 489.25 feet, along said Southwesterly right-of-way line, and a line 40.00 feet Northwesterly of and parallel with said railroad center line, to the beginning of a curve concave to the Northwest having a radius of 5,632.00 feet;

Thence Northwesterly 496.71 feet, along said Southwesterly right-of-way line and said curve to the left being 40.00 feet Northwesterly of and concentric with said railroad center line having a chord bearing of North 37°33'39" East 498.55 feet, to the beginning of a compound curve concave to the Northwest having a radius of 1,872.43 feet;

Thence Northwesterly 785.57 feet, along said Southwesterly right-of-way line and said curve to the left being 40.00 feet Northwesterly of and concentric with said railroad center line having a chord bearing of North 23°05'48" East 777.34 feet, to a point on the Eastern right-of-way line of U.S. Highway No. 24/40, as now established;

Thence North 11°04'37" East 258.46 feet, along said Southwesterly right-of-way line, to a point on the North line of the Northeast Quarter of said Section 20;

Thence North 88°20'23" East 86.41 feet, along said North line, to a point on the West right-of-way line of said 222nd Street;

Thence South 01°50'24" East 2,850.53 feet, along said West right-of-way line, to the "true point of beginning" of the tract herein described, containing 3,776,020 square feet or 86,885.00 acres, more or less.

Subject to all easements and restrictions of record.

Error of Closure = 1 : 372,588

South Tract:

A tract of land situated in a portion of the Southeast Quarter and the Southwest Quarter of Section 20, Township 11 South, Range 21 East of the 6th Principal Meridian, Leavenworth County, Kansas, lying South and East of the East right-of-way of U.S. Highway No. 24-40 and lying South and West of Honey Creek Road, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD'83).

Commencing at the Southeast corner of the Southeast Quarter of said Section 20;

Thence South 88°34'00" West 33.00 feet, along the South line of the Southeast Quarter of said Section 20, to a point on the West right-of-way line of 222nd Street, as established by permanent Roadway Easement to the Board of County Commissioners of Leavenworth County as recited in a Warranty Deed recorded in Book 852 of Page 4, said point also being the "true point of beginning";

Thence continuing South 88°34'00" West 2,609.85 feet, along said South line, to the Southeast corner of the Southeast Quarter and the Southwest Quarter of said Section 20;

Thence South 88°16'38" West 857.32 feet, along the South line of the Southwest Quarter of said Section 20, to a point on the Southwesterly right-of-way line of U.S. Highway No. 24/40, as now established, said point also being 42.00 feet Northwesterly of and at right angles to the center line of a 100 foot wide right-of-way for the Union Pacific Railroad;

Thence North 29°07'40" East 1,327.91 feet, along said Southwesterly right-of-way line, and a line 42.00 feet Northwesterly of and parallel with said railroad center line, to a jog to the Northwest in said Southwesterly right-of-way line, said jog being on the South line of a permanent Roadway Easement to the Board of County Commissioners of Leavenworth County as recited in a Warranty Deed recorded in Book 852 of Page 4;

Thence North 60°51'00" East 45.70 feet, along said jog to the Southwest and said South line, to a point being a jog to the Northwest in said Southwesterly right-of-way line;

Thence North 57°51'55" East 58.83 feet along said Southwesterly right-of-way line;

Thence North 28°09'00" East 174.70 feet, along said Southwesterly right-of-way line, to a point on the East line of the Southeast Quarter and the West line of the Southwest Quarter of said Section 20;

Thence continuing North 29°06'00" East 525.30 feet along said Southwesterly right-of-way line;

Thence North 33°28'21" East 200.58 feet along said Southwesterly right-of-way line;

Thence North 28°09'00" East 400.00 feet, along said Southwesterly right-of-way line, to a point on the Southwesterly right-of-way line of Honey Creek Road, as established by permanent Roadway Easement to the Board of County Commissioners of Leavenworth County as recited in a Warranty Deed recorded in Book 852 of Page 4;

Thence South 78°44'38" East 181.27 feet along said Southwesterly right-of-way line;

Thence South 80°48'53" East 1,321.27 feet, along said Southwesterly right-of-way line, to the beginning of a curve concave to the Southwest having a radius of 1,990.00 feet;

Thence Southwesterly 1,538.84 feet, along said Southwesterly right-of-way line and said curve to the right having a chord bearing of South 33°05'28" East 1,477.71 feet, to a point on the West right-of-way line of said 222nd Street;

Thence South 01°50'18" East 315.06 feet (315.16 feet - Dead), along said West right-of-way line, to the "true point of beginning" of the tract herein described, containing 4,975,640 square feet or 114,235.00 acres, more or less.

Subject to all easements and restrictions of record.

Error of Closure = 1 : 1,836,440

Legal Descriptions

(As recited in Stewart Title Company Title Commitment No. 01109-11832, dated June 21, 2013)

All that part of the South 1/2 of Section 20, Township 11, Range 21 East of the Sixth P.M., Leavenworth County, Kansas, lying South and East of the East right-of-way of U.S. Highway No. 24-40, less any part thereof taken or used for road purposes,

LESS THE FOLLOWING:

A portion of the Southeast 1/4 of Section 20, Township 11 South, Range 21 East of the Sixth Principal Meridian, Leavenworth County, Kansas, being a portion of that certain tract of land described in Deed recorded April 2, 1991, in Book 852 of Page 4 through 10 of the Official Records of Leavenworth County, described as follows:

Commencing at the Northeast corner of said Southeast Quarter;

Thence on an assumed azimuth of 178 degrees 09 minutes 42 seconds, a distance of 1,129.72 feet coincident with the East line of said Southeast 1/4 to the proposed right of way line and the point of beginning;

Thence on a non-tangent curve to the right having a radius of 840.00 feet, a central angle of 28 degrees 53 minutes 11 seconds, (whose chord bears an azimuth 215 degrees 41 minutes 34 seconds, 319.28 feet) and arc length of 322.88 feet;

Thence on azimuth 230 degrees 08 minutes 09 seconds, a distance of 55.44 feet coincident with said proposed right of way line;

Thence on azimuth 184 degrees 36 minutes 48 seconds, a distance of 38.20 feet coincident with said proposed right of way line;

Thence on a non-tangent curve to the right having a radius of 1,890.00 feet, a central angle of 18 degrees 50 minutes 54 seconds, (whose chord bears an azimuth 150 degrees 10 minutes 48 seconds, 555.45 feet) and arc length of 555.96 feet coincident with said proposed right of way line to the East line of said Southeast 1/4.

Thence on azimuth 326 degrees 08 minutes 42 seconds, a distance of 822.81 feet coincident with said East line to the point of beginning.

AND ALSO

All that part of the North 1/2 of Section 20, Township 11, Range 21, Leavenworth County, Kansas, lying South and East of the East right-of-way of U.S. Highway No. 24-40, less any part thereof taken or used for road purposes.

Schmitz, King & Associates - Professional Land Surveying Services
 1888 West 10th Street, Suite 600
 Olathe, Kansas 66061
 Phone: 613.267.0800
 Fax: 613.267.0801
 www.schmitzking.com

Kansas State License # 0000000000
 Missouri State License # 0000000000

Project : Hamman Farm Partnership
 Certificate of Survey
 For: c/o Ms. Leslie Hubbel
 17804 168th Street, Bonner Springs, Kansas 66012

DATE: 08/16/13
 DRAWN BY: JWH
 CHECKED BY: TBY
 DATE: 08/22/13

SCHEDULE OF REVISIONS

NO.	DATE	DESCRIPTION

The drawing and the data and any other information on this drawing were prepared by me or under my direct supervision, and I am a duly licensed Professional Land Surveyor in the State of Kansas. I hereby certify that the data and information on this drawing were prepared by me or under my direct supervision, and I am a duly licensed Professional Land Surveyor in the State of Kansas.



David L. King
 Land Surveyor
 K.S. L.S. No. 182

I hereby certify this Boundary Certificate of Survey meets the requirements of KS-56-2001 through 58-2005. The laws of this Boundary certificate of survey was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Leavenworth County Surveyor: Wayne Malinoff, P.L.E. No. 1239

DATE: 09/28/13
 SCALE: 1"=300'

Sheet
 No. 2 of 2
 SUR2

**Leavenworth County
Request for Board Action
Resolution 2024-11
Rezoning from RR-5 to RR-2.5**

Date: May 1, 2024
To: Board of County Commissioners
From: Planning & Zoning Staff

Department Head Review: John Jacobson, Reviewed

Additional Reviews as needed:

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

Action Requested:

1. Chairman, I move to adopt Resolution 2024-11 and approve the rezoning as outlined in Case DEV-24-013 based on the findings on the Golden Factors, as set forth in the Staff Report and as substantiated by the findings of fact as adopted by the Planning Commission.

Analysis: The applicant is requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as Residential (2.5 min acre). The applicant has provided a concept plan for a potential Cross Access Easement Subdivision if the rezone is approved. The concept plan is not compliant with all requirements for a Cross Access Easement so amendments to the plan will have to be made during the platting process. Staff does recommend approval of the rezone based on the conformance with the Future Land Use Map.

A protest petition was filed with Leavenworth County on April 23, 2024. The protest petition is not valid.

Planning Commission Recommendation: The Planning Commission voted 6-1 (2 absent) to recommend approval of Case No. DEV-24-013 (Resolution 2024-11) rezoning request from RR-5 to RR-2.5.

Alternatives:

1. Approve case DEV-24-013 (Resolution 2024-11), Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
2. Deny case DEV-24-013 (Resolution 2024-11), Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2024-11, Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
4. Remand the case back to the Planning Commission.

Budgetary Impact:

- 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

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-24-013 Z&M Vineyard Destination Rezone

April 10, 2024

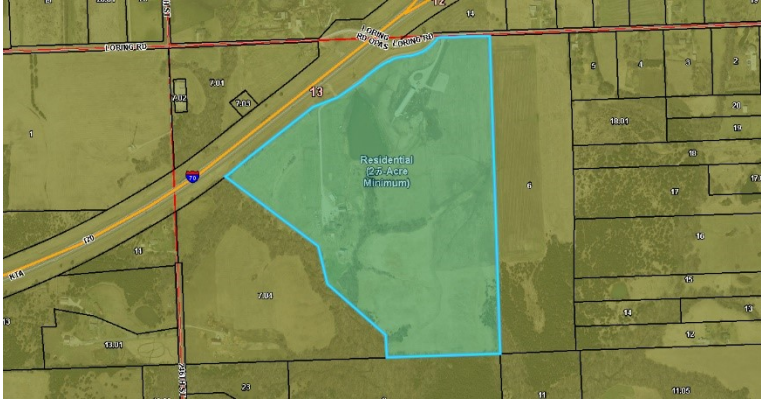
REQUEST: *Public Hearing Required*

- ZONING AMENDMENT SPECIAL USE PERMIT
 TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 24305 LORING ROAD
FUTURE LAND USE MAP: RESIDENTIAL (2.5 MIN ACRE)



APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING
COMPANY

PROPERTY OWNER:

Z&M VINEYARD DESTINATION
KANSAS LLC
24305 LORING RD
LAWRENCE KS 66044

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-5
SUBDIVISION: N/A
FLOODPLAIN: N/A

LEGAL DESCRIPTION:

A tract of land in the South Half of the Northwest Quarter of Section 13, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-013, Rezone for Z&M Vineyard Destination LLC, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-013, Rezone for Z&M Vineyard Destination LLC, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 86.9 ACRES

PARCEL ID NO:
216-13-0-00-00-007.00

BUILDINGS:
Single family residence, accessory structures and vineyard commercial structure

PROJECT SUMMARY:

Request to rezone one parcel at 24305 Loring Road from RR-5 to RR-2.5.

ACCESS/STREET:
LORING ROAD -
LOCAL, GRAVEL, ±18' WIDE

Location Map:



UTILITIES

SEWER: SEPTIC
FIRE: FIRE DISTRICT 2
WATER: RWD #10
ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: N/A
NEWSPAPER NOTIFICATION:
3/19/2024
NOTICE TO SURROUNDING
PROPERTY OWNERS:
3/19/2024

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</i>	Met	Not Met
1. Character of the Neighborhood: <i>Density:</i> Surrounding parcels range in size from 0.6 acres to more than 60 acres. The area is not densely populated. <i>Nearby City Limits:</i> Linwood is more than five miles to the southeast. <i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.	X	
2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature. <i>Adjacent Zoning:</i> All adjacent properties are zoned RR-5.	X	
3. Suitability of the Property for the uses to which it has been restricted: The property is suitable for rural residences and agricultural uses.	X	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i>	X	
5. Length of time the property has been vacant as zoned: <input type="checkbox"/> Vacant: <input checked="" type="checkbox"/> Not Vacant:	X	
6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.	X	
7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: Residential (2.5 min acre)</i> <i>Section 4 Land Use and Development Plan Strategies: The proposed use is compatible with the future land use designation.</i>	X	

STAFF COMMENTS:

The applicant is requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as *Residential (2.5 min acre)*. The applicant has provided a concept plan for a potential Cross Access Easement Subdivision if the rezone is approved. The concept plan is not compliant with all requirements for a Cross Access Easement so amendments to the plan will have to be made during the platting process. Staff does recommend approval of the rezone based on the conformance with the Future Land Use Map.

ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums
- D: Public Comments

Penno Residential 2.5
 Future Energy RWD 10
 216-13 RR 5
 007.00

payment 400
 drawing concept
 deed report
 13 10 20
 86.90 464
 Complete

REZONING APPLICATION

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

Office Use Only

Township: Penno Date Received: FEB 20 2024 | 02.21.2024
 Planning Commission Date _____
 Case No. DEV-24-D13 Date Paid 02.21.2024
 Zoning District RR 5 Comprehensive Plan Land Use Designation RR 2.5

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring - Herring Surveying Company</u>	NAME <u>Z&M VINEYARD DESTINATION KANSAS LLC</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>24305 LORING RD</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Lawrence, KS 66044</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 Agriculture and Rural Residential
 Current Zoning RR-5 Requested Zoning RR-2.5
 Reason for Requesting Rezoning Match the existing Comprehensive Plan - Estate Planning

PROPERTY INFORMATION

Address of Property 24305 LORING RD
 Parcel Size 87 Acres
 Current use of the property Agriculture and Rural Residential
 Present Improvements or structures Residential and Agriculture Buildings
 PID 216-13-0-00-007

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 Joe Herring - digitally signed Date 2/20/24

ATTACHMENT A

CERTIFICATE OF SURVEY

PREPARED FOR:
Robert J. Fluker Trust
24105 Loring Road
Lawrence, KS
PID # 216-13-0-00-007

Deed Description: Book 556 Page 588

The Northwest 1/4 of Section 13, Township 12 South, Range 20 East of the Sixth P.M. LESS all that part lying North of the Kansas Turnpike AND ALSO LESS that part taken or used for Kansas Turnpike AND ALSO LESS any part thereof taken or used for road purposes, in Leavenworth County, Kansas.

Doc # 1619204
STACY R. SPICCOLI
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED G/L
10/22/2017 11:02:22 AM
RECORDING FEE: 29.00
PAGE: 1

SURVEYORS DESCRIPTION:

TRACT 1

Tract of land in the Northwest Quarter of Section 13, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest corner of said Northwest Quarter, thence North 02 degrees 17'44" West for a distance of 1259.70 feet along the West line of said Northwest Quarter to the apparent South right of way line of the Kansas Turnpike (Interstate 70); thence on a non-tangent curve to the left having a radius of 7789.44 feet and an arc length of 503.84 feet, being subtended by a chord bearing North 55 degrees 41'32" East and a chord distance of 503.79 feet, along said South Right of way, thence South 53 degrees 20'26" East for a distance of 959.95 feet, thence South 13 degrees 54'05" East for a distance of 324.95 feet, thence South 49 degrees 01'24" East for a distance of 639.26 feet, thence South 02 degrees 28'04" East for a distance of 177.84 feet to the South line of said Northwest Quarter, thence South 88 degrees 04'34" West for a distance of 1704.96 feet along said South line to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 40.1 acres, more or less, including road right of way. Error of Closure: 1 - 491988

TRACT 2

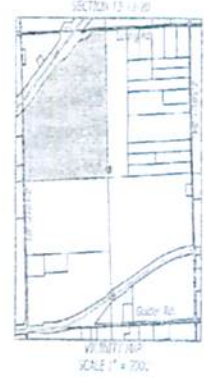
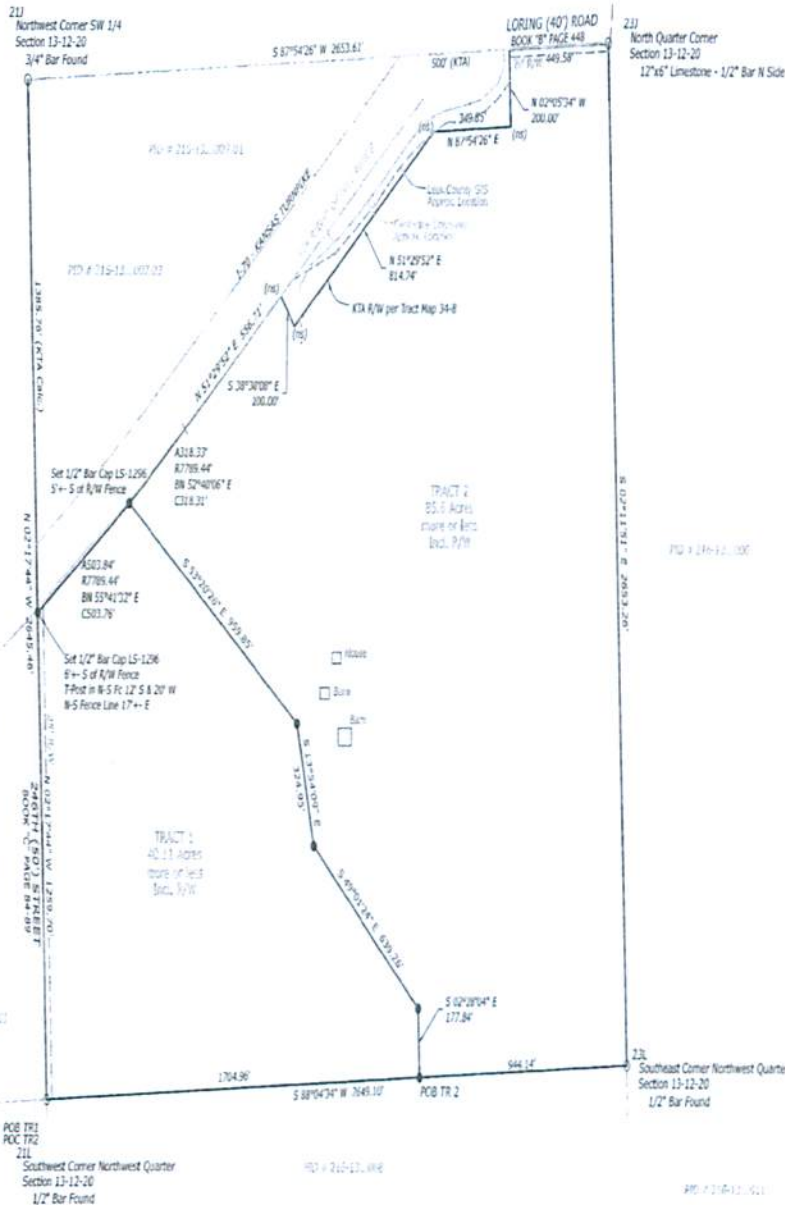
Tract of land in the South Half of the Northwest Quarter of Section 13, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest corner of said Northwest Quarter, thence North 88 degrees 04'34" East for a distance of 1704.96 feet along the South line of said Northwest Quarter to the TRUE POINT OF BEGINNING, thence North 02 degrees 28'04" West for a distance of 177.84 feet, thence North 49 degrees 01'24" West for a distance of 639.26 feet, thence North 13 degrees 54'05" West for a distance of 324.95 feet, thence North 53 degrees 20'26" West for a distance of 959.95 feet to the apparent South right of way line of the Kansas Turnpike (Interstate 70); thence on a non-tangent curve to the left having a radius of 7789.44 feet and an arc length of 503.84 feet, being subtended by a chord bearing North 55 degrees 41'32" East and a chord distance of 503.79 feet, along said South Right of way, thence North 51 degrees 30'08" East for a distance of 100.00 feet along said South right of way, thence North 51 degrees 29'52" East for a distance of 814.74 feet along said South right of way, thence North 87 degrees 54'26" East for a distance of 349.85 feet along said South right of way, thence North 02 degrees 05'34" West for a distance of 200.00 feet to the North line of said Northwest Quarter, thence North 87 degrees 54'26" East for a distance of 445.58 feet along said North line, thence South 02 degrees 11'51" East for a distance of 6653.26 feet along the East line of said Northwest Quarter, thence South 88 degrees 04'34" West for a distance of 944.14 feet along said South line to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 85.6 acres, more or less, including road right of way. Error of Closure: 1 - 1489776

SURVEYORS NOTE

Kansas Turnpike (KTA) Location as per field observation, KTA Tract Maps and Centerline Maps. KTA tract maps and Leavenworth County GIS information (dashed line) do not match in the location of KTA right of way. According to director of Leavenworth County GIS the parcel lines were created from a specific instrument but said instrument is not available in said office. No instrument was recovered thru research of Leavenworth County District Court Records, Register of Deeds Office and Public Works Department.

NOTES:

- 1) This survey does not show ownership or easements.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Surveyor's Description
- 5) Basis of Bearing - KS ST Plane North Zone 1501
- 6) Post Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys - KTA Tract Maps and Description Tract No. 34-8 (AKI) - J.A. Herring Surveys Doc #20050217 & #20175027
- 8) Read Records - as referenced and shown herein.
- 9) Referenced Deeds Book 556 Page 588
- 10) Survey prepared without the benefit of a title commitment.
- 11) Fence Lines do not necessarily denote property lines.
- 12) Structures shown in approximate location.
- 13) Property is not in a Special Flood Hazard Area per FEMA Flood Map 2010130300G dated July 16, 2015
- 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.



- LEGEND:
- - 1/2" Bar Found
 - - 1/2" Bar Set Cap No. 1296
 - ◇ - KDOT Concrete Right of way Monument
 - () - Previous Deeded / Measured
 - PCB - Point of Beginning
 - POC - Point of Commencing
 - (NS) - Not Set this survey - see Surveyor's Note

K-17-1125
September 26, 2017

J. HERRING SURVEYING COMPANY

315 North 5th Street, Leav., KS 66646
Ph: 913.651.5928 Fax: 913.674.5281
Email: survey@herringco.com

COUNTY SURVEYOR
I hereby certify that this document has been reviewed by me and is being filed for survey information only.

Wayne Hancock, RLS 9-27-17

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of February thru May 2017 and the map or plat is correct to the best of my knowledge.

Joseph A. Herring
LS # 1296

Z&M TWISTED CONCEPT

Lots in the Northwest Quarter of Section 13, Township
12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

PREPARED FOR:

Z&M VINEYARD DESTINATION KANSAS LLC
24305 LORING RD
LAWRENCE, KS 66044
PID # 216-13-0-00-00-007

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY



Not to Scale

Job # K-24-Z&M
January 11, 2024

J Herring Inc (dba)
HERRING
SURVEYING
COMPANY

315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@teamcash.com

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

Lawyers Title of Kansas, Inc.
785-727-7762

CN: 42976

Doc #: 2021R08551
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
07/14/2021 11:07:03 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office _____

County Clerk

Mail Tax Statement to:

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 07/14/2021

Janet Klasmirke
COUNTY CLERK

QUIT CLAIM DEED (Statutory)

THE GRANTOR,

Gina Maria Montalbano also known as Gina Montalbano also known as Gina Montalbano Zesiger, a single person

CONVEYS AND QUITCLAIMS to

Z&M Vineyard Destination Kansas LLC

for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

Tract of land in the South Half of the Northwest Quarter of Section 13, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence North 88 degrees 04'34" East for a distance of 1704.96 feet along the South line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence North 02 degrees 28'04" West for a distance of 177.84 feet; thence North 49 degrees 01'24" West for a distance of 639.26 feet; thence North 13 degrees 54'09" West for a distance of 324.95 feet; thence North 53 degrees 20'26" West for a distance of 959.85 feet to the apparent South right of way line of the Kansas Turnpike (Interstate 70); thence on a non-tangent curve to the left having a radius of 7789.44 feet and an arc length of 318.33 feet, being subtended by a chord bearing North 52 degrees 40'06" East and a chord distance of 318.31 feet, along said South Right of way; thence North 51 degrees 29'52" East for a distance of 556.71 feet along said South right of way; thence South 38 degrees 30'08" East for a distance of 100.00 feet along said South right of way; thence North 51 degrees 29'52" East for a distance of 814.74 feet along said South right of way; thence North 87 degrees 54'26" East for a distance of 349.85 feet along said South right of way; thence North 02 degrees 05'34" West for a distance of 200.00 feet to the North line of said Northwest Quarter; thence North 87 degrees 54'26" for a distance of 449.58 feet along said North line; thence South 02 degrees 11'51" East for a distance of 2653.26 feet along the East line of said Northwest Quarter; thence South 88 degrees 04'34" West for a distance of 944.14 feet along said South line to the point of beginning. ALSO known as Tract 2 of Plat of Survey by Joseph A. Herring, LS#1296, dated September 28, 2047, recorded October 3, 2017 as Doc. No. 2017S044.

(THIS DEED IS BEING RECORDED PURSUANT TO K.S.A. 79-1437e AS AMENDED, EXEMPTION #3)

(Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

Dated this 12th day of July A.D. 2021

Gina Montalbano

Gina Maria Montalbano

STATE OF KANSAS, COUNTY OF Douglas

This instrument was acknowledged before me on this 12th day of July 2021 by:
Gina Maria Montalbano also known as Gina Montalbano also known as Gina Montalbano Zesiger, a single person

My appointment expires:

 **JARED TODD**
Notary Public - State of Kansas
My Appt. Expires 1/18/2022

Jared Todd
Notary Public
Jared Todd

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Gina Montalbano and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 24305 Loring Rd Lawrence KS 66044, 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 19 day of Feb, 2024

Gina Montalbano 24305 Loring Rd (816)914-0693
Print Name, Address, Telephone Lawrence, KS 66044

Gina Montalbano
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

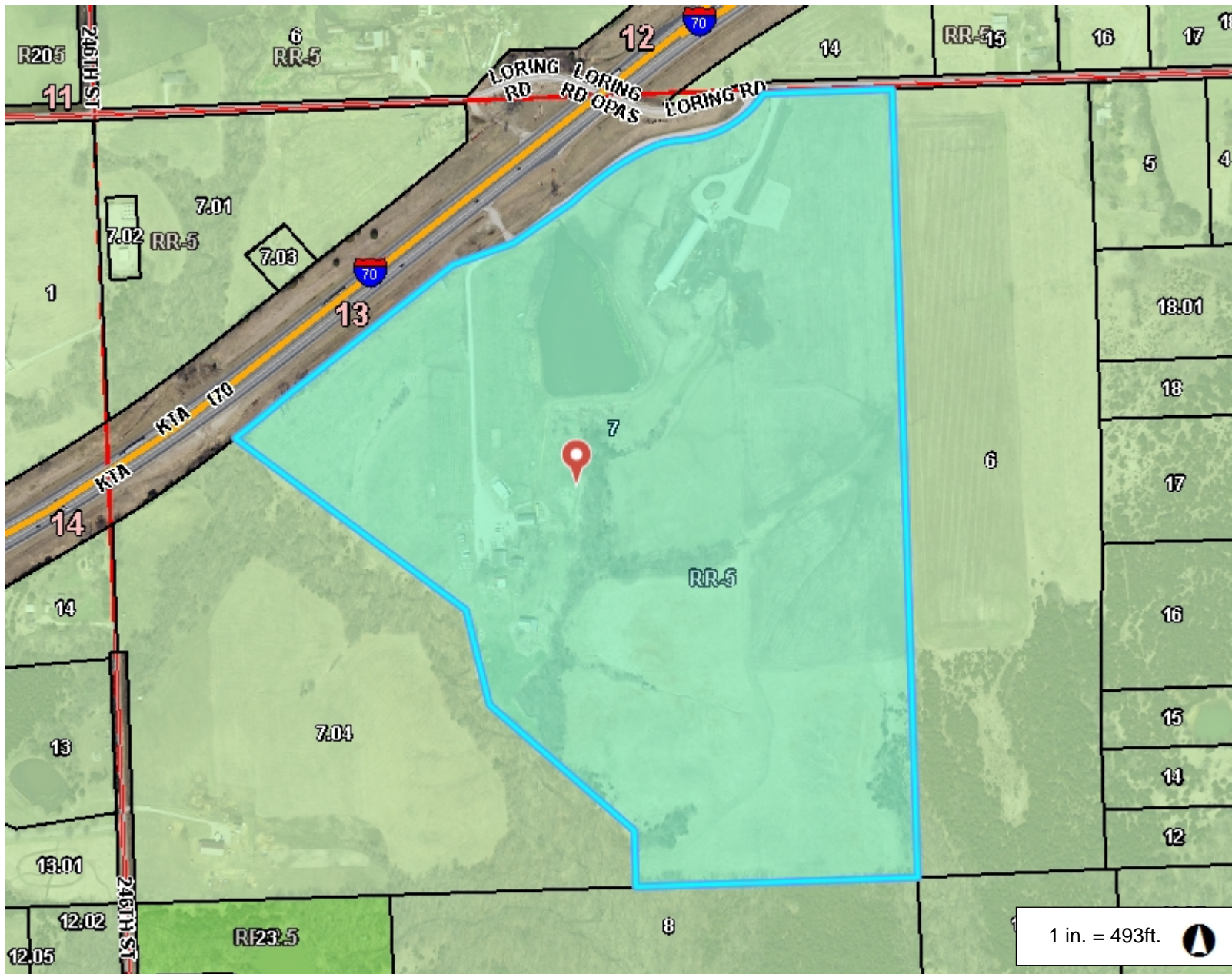
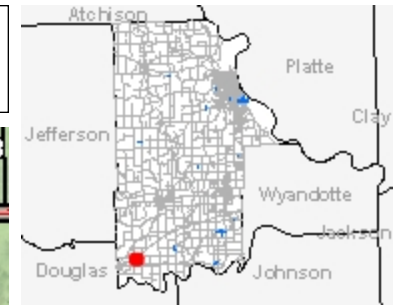
Be it remember that on this _____ day of _____ 20__, before me, a notary public in and for said County and State came _____ to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC _____

My Commission Expires: _____

(seal)

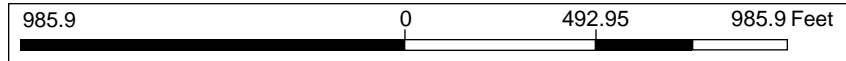
DEV-24-013 Z&M Vineyard Rezone



Legend

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

1 in. = 493ft.



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

Allison, Amy

From: Steven Heath <Steven.Heath@evergy.com>
Sent: Thursday, February 22, 2024 10:53 AM
To: Johnson, Melissa; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Van Parys, David; Noll, Bill; McAfee, Joe; 'djacobson@ksturnpike.com'; 'kritter@lvcofd2.com'; 'Dylan Ritter'
Cc: Design Group Lawrence Service Center; 'rwd10@conleysandu.com'; PZ
Subject: Re: [EXTERNAL]DEV-24-013 Rezone of 24305 Loring Rd. Z&M Vineyard

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.

Good morning, after reviewing, we have 3ph Primary along Loring Rd and 1Ph Primary along the service Road to the SW allowing us to service these lots, we would require a minimum of a 10ft utility easements along the Private roads listed in the map to service these future customers.

Thank you,

Steven Heath

Evergy

TD Designer I

Steven.Heath@evergy.com

O: 785-865-4857

C: 785-508-2550

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Thursday, February 22, 2024 10:07 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'djacobson@ksturnpike.com' <djacobson@ksturnpike.com>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'Dylan Ritter' <dritter@lvcofd2.com>
Cc: Design Group Lawrence Service Center <designgrouplawrenceservicecenter@evergy.com>; 'rwd10@conleysandu.com' <rwd10@conleysandu.com>; PZ <PZ@leavenworthcounty.gov>
Subject: [EXTERNAL]DEV-24-013 Rezone of 24305 Loring Rd. Z&M Vineyard

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

The Department of Planning & Zoning has received an application for a rezone regarding the above listed property from RR 5 to RR 2.5.

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 Wednesday, March 6, 2024.

If you have any questions or need additional information, please contact us at (913) 684-0465 or at pz@leavenworthcounty.gov



January 23, 2024

Bryan Zesiger
Dr. Gina Montalbano Zesiger
24305 Loring Rd
Lawrence, KS 66044

Re: Rural water service availability Z&M Twisted Vines Subdivision

Dear Mr. Zesiger and Mrs. Montalbano Zesiger,

This letter is in response to your request for service at the proposed Z&M Twisted Vines Subdivision just south of I-70 and east of 246th St in Leavenworth County. Our engineering firm has reviewed the conceptual design including 16 new single residential housing units on approximately 80 acres. Leavenworth County Rural Water District 10 currently operates a pipeline along Loring Rd, however, the pipeline stops about 1,000 ft east of the Z&M property. An extension of this main pipeline would be required to service this subdivision. In addition to the main extension, our engineer has estimated an additional 4,700ft of pipe within the subdivision would be required to service the 16 lots proposed. Both projects would be at the developer's expense.

Please keep us updated on your progress and once there are finalized plans, we can move forward with cost estimates and design. If you have any additional questions or concerns, please do not hesitate to contact us.

Sincerely,

Steve Conley, Designated Operator

Mary Conley, Business Manager



County of Leavenworth
Planning & Zoning Department
300 Walnut, Suite 212
Leavenworth, Kansas 66048
Phone: 913-684-0465

February 26, 2024

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

Re: DEV-24-013 Z&M Rezone Request

Dear Mr. Herring,

The Planning & Zoning Department reviewed the rezoning application submitted on February 21, 2024 and had the following comments:

- The concept drawing submitted with the application does not comply with the Cross Access Easement regulations in regard to rural residential use only and that all lots within the subdivision have to access off the private drive. This will be noted in the staff report and additionally, if the rezoning application is approved, said approval will not constitute approval of the proposed layout shown in the concept plan.
- The staff report will also note that KTA approval will be needed for proposed lots 15 and 16 to be added as the existing drive crosses their Right-of-Way.
- The operating agreement submitted is not a signed copy. Please provide a copy of the fully executed Operating Agreement for Z&M Vineyard.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Respectfully,

Amy Allison
Deputy Director
Planning and Zoning
Leavenworth County

Leavenworth County Planning and Zoning Department
Leavenworth County Courthouse
300 Walnut Suite 030 Leavenworth, Kansas 66048

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Rezoning RR-5 to 2.5
Date: March 21, 2024

Amy, I have reviewed the request for rezoning from Gina Maria Montalbano with Z&M Vineyard regarding the rezoning of the parcel from RR 5 to RR 2.5 I have no comments to lend at this time. If you feel I have missed an issue please give a call at 684-0457.

Allison, Amy

From: Anderson, Kyle
Sent: Friday, February 23, 2024 9:49 AM
To: Johnson, Melissa
Subject: RE: DEV-24-013 Rezone of 24305 Loring Rd. Z&M Vineyard

We have a septic permit from 2022 (SEW-22-096) for the 45'x225' building on property that has not been paid for.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Thursday, February 22, 2024 10:08 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'djacobson@ksturnpike.com' <djacobson@ksturnpike.com>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'Dylan Ritter' <dritter@lvcofd2.com>
Cc: 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>; 'rwd10@conleysandu.com' <rwd10@conleysandu.com>; PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-013 Rezone of 24305 Loring Rd. Z&M Vineyard

The Department of Planning & Zoning has received an application for a rezone regarding the above listed property from RR 5 to RR 2.5.

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 Wednesday, March 6, 2024.

If you have any questions or need additional information, please contact us at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Melissa Johnson

Planner I
Leavenworth County
Planning & Zoning Department
Leavenworth County Courthouse
300 Walnut St, Suite 212

Allison, Amy

From: Dana McVey <danamcvey@outlook.com>
Sent: Tuesday, April 2, 2024 9:20 PM
To: PZ
Subject: Rezoning hearing

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.

We became aware of a rezoning request for a section of land up the road from us. The request was submitted by: Herring Surveying Company on behalf of Z&M Winery
24305 Loring Road
Lawrence, Kansas 66044.

We are unfortunately unable to attend the April 10th hearing at 5:30 due to our work schedules.

We are NOT in favor of this proposal.

We already have way more traffic on our road due to the winery being less than 1/4 mile up the road from us, let alone 16 more or less residential homes being put in. We have small children here at our residence and people already drive way to fast on our road, especially people that are not accustomed to driving on a gravel road.

The whole reason why we moved to this residence was to feel like we actually live in the "country"- not to have a subdivision or a highly trafficked road.

Please don't let this proposal pass through on behalf of the other residents that reside on Loring road that didn't move here to have a commercialized business or "country" subdivision increase the volume of traffic on what should be a quiet rural setting.

We didn't originally oppose the winery being up the road from us but we are certainly NOT in favor of it bringing in a subdivision of more homes/residences.

Thank you for taking our opposition on this matter into consideration.

Sincerely,

Joe & Dana McVey
23966 Loring Rd.
Lawrence, KS 66044
816-560-5047 (Joe)
816-560-6248 (Dana)
Sent from my iPhone

NOTICE OF PUBLIC HEARING....RESPONSE...APRIL 4,2024

Notice from Z and M VINEYARD REQUEST:

JOHN AND RUTH HUGHES reside at 25165 Loring Road, Lawrence, KS 66044. We have lived here since October of 1959. At that time there were 7 homes as I recall from 24/40 Hiway, now Chieftain Road, to the bridge crossing over I-70. Currently there are 15. We have a heavy equipment operator and a hog farm on Loring currently. And Loring seems to be the access road to the two Winerys', one off Loring to the North. The traffic is significant and extremely dusty. Before consideration for additional, roughly 16 homes to be built, the road should be paved.

Are there not sub-division guidelines that would require the county or the builder to provide adequate roadways for that many homes?

Currently the speed limit is set at 35 mph. However, we have many 50 mph vehicles often on our road and very little assistance from law enforcement.

Another aspect should be considered as well. The Loring Bridge over the turnpike will undoubtedly need to be widened and lengthened to allow for additional lanes on the turnpike. The Hiway 32 bridge off 24-40 was recently closed for its' reconstruction.

Will the new addition of homes have direct access off Hiway 32?

A big consideration of course is the increase in the tax base in our whole area! Please be mindful of your current taxpayers.

We Vote No! Thank you for listening.

John & Ruth Hughes
Ruth M. Hughes
April 4, 2024

Allison, Amy

From: frankNsharon <kansasvanr85@msn.com>
Sent: Monday, April 8, 2024 8:47 PM
To: PZ
Cc: kansasvanr85@msn.com; Gregkendrajones0526@gmail.com; johnhug@gmail.com
Subject: 24305 Loring Road Rezoning from RR-5 to RR-2.5

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.

This letter is to express my concern and dissatisfaction regarding the proposed housing development at 24305 Loring Road, Lawrence, KS 66044.

As you know, rezoning from RR-5, to RR-2.5 will potentially double the amount of traffic on Loring Road from what we now have. Z & M Winery has already increased the traffic 10 fold or more since it opened. A lot has changed out here in the country during the past 10 years. I used to be able to walk safely up and down Loring Road, but not any more. The speed limit is not enforced. Between the pot holes, the dust, and the mud, Loring Road is not built for high traffic that we are currently encountering. We do not need more traffic inevitable from this rezoning proposal.

I vote NO, for the RR-2.5 rezoning request.

Sincerely,

Frank Molby
25208 Loring Road
Lawrence, KS 66044

Sent from my iPad

Allison, Amy

From: Dustin Tornadoen <Dustin_torn@att.net>
Sent: Tuesday, April 9, 2024 11:59 AM
To: PZ
Subject: Z&m zoning

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.

To whom it may concern.

To whom it may concern,

I do not support the rezoning proposal of z&m winery. We already have enough traffic on an overused gravel road. People already drive too fast and often We are an Agriculture area and would like to keep it that way. We have multiple farms on this road already and don't need any pretenders. Thank you

- Dustin and Maria Tornadoen (Residents of 24560 Loring Rd) Sent from my iPhone

Allison, Amy

From: markrichardson3407 <markrichardson3407@gmail.com>
Sent: Tuesday, April 9, 2024 9:58 PM
To: PZ
Subject: Ref:- Request by Herring Surveying Company on behalf of Z&M Vineyard Destination Kansas LLC. Parcel ID number: 216-13-0-00-00-007.00

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.

To whom it may concern,

My name is Mark Richardson. My address is 25227 Loring Road, Lawrence, Ks, 66044.

Leavenworth county.

I understand that Z&M is requesting rezoning from RR-5 zoning district to RR-2.5 zoning district and that it due to be discussed in your meeting on 4-10-2024.

Since Z&M has moved onto Loring Road and held functions at their Commercial/Retail/Winery/

Business on Friday nights and weekends, Loring Road has turned into a speedway on weekends. My wife and daughter can no longer safely enjoy bicycle rides on Loring Road and have to travel to the Levee on the Kaw River for their enjoyment. Loring Road is a gravel road from Chieftain road to 238th street and we cannot open our house up anymore as it fills with dust. As it is, our deck is now constantly covered in about an 1/8th to 1/4 inch of gravel dust and our gutters are ridiculous. Yes I understand I could pay for dust abatement control, since the county does not provide it anymore, but with the grader and the amount of traffic, I do not believe it would be money well spent.

To rezone this area and add to the neighborhood traffic would make the road degrade even worse than it does now.

With two vehicles per household, plus vehicles for driving age children, the traffic increase would be substantial.

I realize that change and so called progress are inevitable, but I believe something needs to be done to improve the situation on Loring Road before this is approved. The speed of non residents on this road is very dangerous and it is more like a speedway than a rural road. Due to the increase in traffic driving at speed and dust that seems like a constant fog, the safety, welfare and health of Loring Road residents in this area has definitely changed for the worse.

After talking to other like minded Loring Road residents, the only solution would be speed bumps about every 100/200yds to slow the traffic down. If and when this section of Loring Road is blacktopped, to do it without speedbumps would be a disaster for safety.

Please live up to your mission statement and not approve this rezoning.

Mission Statement:-

The Leavenworth County Planning and Zoning department exists to create and maintain a desirable quality of life for ALL residents, protect our common environments and to promote public health, safety and welfare.

At this time the Loring Road residents in this area are lacking some of the contents from your mission statement.

I thank you for taking the time to read my long and boring email, but due to work I will be unable to attend this meeting.

Thank you for your time and consideration,

Please feel free to contact me if needed.

Thank you, Mark Richardson.

Allison, Amy

From: Monte E Torneden <milkman03@sbcglobal.net>
Sent: Tuesday, April 9, 2024 11:01 AM
To: PZ
Subject: RE-ZONING

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.

To whom it may concern,

I have concerns of more traffic down our roads that are not obeying the speed limits,

I have concern over the Right to Farm Act, With the US losing 2,000 acres a Day to urban development, how's the food going to be produced???

I have concern of traffic not being not able to pass on the overpass and especially with farm equipment and more traffic???

I have concern if they RE-ZONE with 2.5 acre lots, how will the septic be able to handle the run off in a big rain event with a stream nearby?

I have concern of being a bordering land owner, will there be trespassing and or dogs harassing livestock?

I have concern of being the fourth generation on this farm with the fifth generation working on the farm. Will there be a chance for the sixth generation???

i have concern of the rise of Taxes..

Monte Torneden 24426 Loring Rd

Allison, Amy

From: John Zumalt <johnzumaltjr@gmail.com>
Sent: Tuesday, April 9, 2024 8:20 AM
To: PZ
Subject: DEV-24-013 Rezoning Request Z&M Vineyard Destination LLC

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.

To Whom it may concern,

My name is John Zumalt Jr., land and home owner at 25099 Loring Rd., and I am writing to express my strong opposition to the rezoning request by Z&M.

Since opening their agrotourism operation they have done nothing but turn our quiet rural road into a circus, bringing inebriated drivers speeding up and down the gravel road at all hours of the day and into the night dusting out our houses, concerts that can be heard late into the night and helicopter rides flying over our houses from sun up to sun down during the summer weekends. All while claiming to support agriculture, after trying to shut down a multigenerational farming family on their hog farming operation last year, they are now proposing to develop their land building 16 new houses that butt up to existing farm land. On top of that asking the county to foot the bill for infrastructure, for them to profit off of, and us the tax payers ultimately pay for. It is already incredibly dangerous to travel up and down the road with farm equipment with all the unwanted traffic the winery attracts, adding in 16 new houses will make it even worse and not to mention raise all of our taxes even more.

For a business that supposedly supports agriculture and opposes tax hikes this seems incredibly hypocritical. I know I stand with most of the residents on Loring Rd and adjacent roads in asking you to support agriculture not agrotourism and greedy development of our farm land by rejection this request for rezoning.

- John Zumalt Jr.

RESOLUTION 2024-11

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from RR-5 to RR-2.5 as defined by the Zoning and Subdivision Regulations of Leavenworth County, Kansas on the following described property:

A tract of land in the South Half of the Northwest Quarter of Section 13, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas more commonly known as 24305 Loring Road.

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 February, 2024, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing for Case DEV-24-013 upon the granting of such request for a Rezoning on the 10th day of April, 2024; 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 1st day of May, 2024, 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 the findings of fact adopted by the Board of County Commissioners in regular session on the 1st day of May, 2024, and incorporated herein by reference, it is hereby resolved that request for rezoning as described above, also known as 24305 Loring Road, Parcel Identification Number 216-13-0-00-00-007.00, is hereby granted.
2. The Planning and Zoning Department of Leavenworth County, Kansas is hereby ordered to and directed to cause such designations to be made on the official District Map of said County in its custody and to show property herein described to be now zoned RR-2.5. Said District Map previously incorporated by reference by Section 4 of the Zoning and Subdivision Regulations of the Leavenworth County, Kansas is hereby incorporated as part of the Zoning Resolution as amended.
3. This Resolution shall be in full force and effect from and after its adoption and publication in the Leavenworth Times.

Adopted this 1st day of May, 2024
Board of County Commission
Leavenworth, County, Kansas

Jeff Culbertson, Chairman

ATTEST:

Vicky Kaaz, Member

Janet Klasinski, Leavenworth County Clerk

Doug Smith, Member

Mike Smith, Member

Mike Stieben, Member

**Leavenworth County
Request for Board Action
Resolution 2024-12
Rezoning from RR-5 to RR-2.5**

Date: May 1, 2024
To: Board of County Commissioners
From: Planning & Zoning Staff

Department Head Review: John Jacobson, Reviewed

Additional Reviews as needed:

Budget Review Administrator Review Legal Review

Action Requested:

1. Chairman, I move to adopt Resolution 2024-12 and approve the rezoning as outlined in Case DEV-24-024 based on the findings on the Golden Factors, as set forth in the Staff Report and as substantiated by the findings of fact as adopted by the Planning Commission.

Analysis: The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as Residential 3-units per acre. While Staff would typically recommend denial of a request that does not conform to the future land use, Staff recommends approval for the following reasons:

1. The requested use is less dense than the future land designation.
2. The nearest city is located more than two miles to the northwest, therefore making extension of sanitary sewer (necessary for 3 units per acre) unlikely.

Planning Commission Recommendation: The Planning Commission voted 7-0 (2 absent) to recommend approval of Case No. DEV-24-024 (Resolution 2024-12) rezoning request from RR-5 to RR-2.5.

Alternatives:

1. Approve case DEV-24-024 (Resolution 2024-12), Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
2. Deny case DEV-24-024 (Resolution 2024-12), Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
3. Revise or modify the Planning Commission Recommendation to Resolution 2024-12, Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
4. Remand the case back to the Planning Commission.

Budgetary Impact:

- 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

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-24-024 Walker-Cooper Rezone

April 10, 2024

REQUEST: *Public Hearing Required*

- ZONING AMENDMENT SPECIAL USE PERMIT
 TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
DEVELOPMENT PLANNER

SUBJECT PROPERTY: 22482 & 22552 163rd St.
FUTURE LAND USE MAP: 3 UNITS PER ACRE

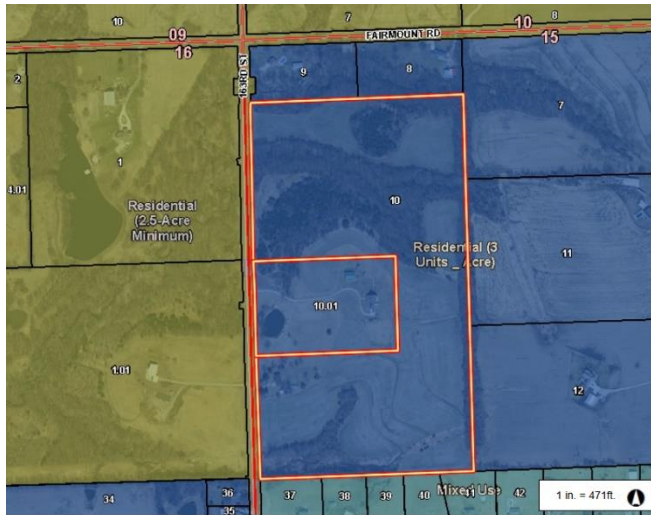
APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING
COMPANY

PROPERTY OWNER:

Walker Living Trust & Cooper,
Jack D & Flora M; Trust
22482 & 22552 163rd St
Basehor, KS 66007

CONCURRENT APPLICATIONS:
N/A



LAND USE

ZONING: RR-5

FUTURE LAND USE
DESIGNATION: RESIDENTIAL 3-
UNITS PER ACRE

LEGAL DESCRIPTION:

Tracts of land in the Southwest Quarter of Section 15, Township 10 South, Range 22 East of 6th PM, Leavenworth County, KS

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-024, Rezone for Walker-Cooper, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-024, Rezone for Walker-Cooper, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 68 ACRES

PARCEL ID NO:
155-15-0-00-00-010; 010.01

BUILDINGS:
Houses and Barn

PROJECT SUMMARY:

Request to rezone of two parcels at 22482 & 22552 163rd St. (PID: 155-15-0-00-00-010; 010.01) from RR-5 to RR-2.5.

ACCESS/STREET:
163rd St: LOCAL, PAVED, ±29
WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: FAIRMOUNT

WATER: SUBURBAN

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 04/02/2024

NEWSPAPER NOTIFICATION:
03/19/2024

NOTICE TO SURROUNDING
PROPERTY OWNERS:
03/20/2024

FACTORS TO BE CONSIDERED: <i>Type content in each if necessary (delete this afterwards)</i>		
The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:	Met	Not Met
1. Character of the Neighborhood: <i>Density:</i> Surrounding parcels range in size from 2.5 acres to more than 130 acres. The area is not densely populated. <i>Nearby City Limits:</i> Basehor is more than two miles to the northwest. <i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.	X	
2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature. <i>Adjacent Zoning:</i> All adjacent properties are zoned RR-5. With the exception of the Planned Unit Development directly to the south of the property	X	
3. Suitability of the Property for the uses to which is has been restricted: The property is suitable for rural residences and agricultural uses.	X	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.	X	
5. Length of time the property has been vacant as zoned: <input type="checkbox"/> <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant:</i>	X	
6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.	X	
7. Conformance to the Comprehensive Plan: <i>Future Land Use Map:</i> Residential 3 Units Per Acre <i>Section 4 Land Use and Development Plan Strategies:</i> The proposed use is not compatible with the future land use designation.		X

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as *Residential 3 units per acre*. While Staff would typically recommend denial of a request that does not conform to the future land use, Staff recommends approval for the following reasons:

1. The requested use is less dense than the future land use designation.
2. The nearest city is located more than two miles to the northwest, therefore making extension of sanitary sewer (necessary for 3 units/acre) unlikely.

ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Map
- C: 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 Joe Herring NAME WALKER LIVING TRUST & COOPER, JACK D & FLORA M; TRUST
ADDRESS 315 North 5th Street ADDRESS 22482 & 22552163RD ST
CITY/ST/ZIP Leavenworth, KS 66048 CITY/ST/ZIP Basehor, KS 66007
PHONE 913-651-3858 PHONE N/A
EMAIL herringsurveying@outlook.com EMAIL N/A
CONTACT PERSON Joe CONTACT PERSON N/A

PROPOSED USE INFORMATION

Proposed Land Use AG & RURAL RESIDENTIAL
Current Zoning RR 5 Requested Zoning RR-2.5
Reason for Requesting Rezoning Estate planning

PROPERTY INFORMATION

Address of Property 22482 & 22552 163rd Street
Parcel Size Combined 68 Acres
Current use of the property AG & RURAL RESIDENTIAL
Present Improvements or structures Houses and Barn
PID 155-15-0-00-00-010 & 155-15-0-00-00-010.01

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 Joe Herring - digitally signed 3/7/2024 Date 3-7-24

ATTACHMENT A

E C/CO
11
12

WARRANTY DEED FILE Accom.

This 12th day of November, 2003,

JACK D. COOPER AND/OR FLORA M. COOPER, AS TRUSTEES OF THE JACK D. COOPER AND FLORA M. COOPER REVOCABLE LIVING TRUST DATED 1/24/02, which Trust is in full force and effect and has not been amended or revoked,

Convey(s) and Warrant(s) to ROBERT D. WALKER AND JANICE D. WALKER, HUSBAND AND WIFE AS JOINT TENANTS (purchaser(s))

all the following described REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

A TRACT OF LAND IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SAID NORTHWEST 1/4, SAID POINT BEING 747.02 FEET NORTH OF THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4, THE WEST LINE OF SAID NORTHWEST 1/4 HAVING AN ASSUMED BEARING OF NORTH 00 DEGREES 21'28" EAST; THENCE NORTH 00 DEGREES 21'28" EAST ALONG THE WEST LINE OF SAID NORTHWEST 1/4, 573.19 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID NORTHWEST 1/4; THENCE NORTH 89 DEGREES 44'53" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID NORTHWEST 1/4, 850.00 FEET; THENCE SOUTH 00 DEGREES 21'28" WEST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4, 573.19 FEET; THENCE SOUTH 89 DEGREES 44'53" WEST, PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID NORTHWEST 1/4, 850.00 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED, LESS ANY PART THEREOF TAKEN OR USED FOR ROAD PURPOSES,

IN LEAVENWORTH COUNTY, KANSAS

Ex #4

for the sum of One Dollar (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, by virtue of and in execution of the power and authority given to it under said Trust Agreement.

And (seller (s), do hereby covenant, promise, and agree that THEY ARE the duly appointed, qualified Trustee(s) of the Trust, AND JACK D. COOPER AND FLORA M. COOPER HAVE the power and authority as such Trustee(s) to convey as aforesaid, and has in all respects acted, in making this conveyance, in compliance with the authority granted by such Trust Agreement.

STATE OF KANSAS
COUNTY OF LEAVENWORTH

2003 NOV 17 P 3:54

REGISTER OF DEEDS

THE JACK D. COOPER AND FLORA M. COOPER REVOCABLE LIVING TRUST BY:

Jack D Cooper

JACK D. COOPER, TRUSTEE

Flora M Cooper

FLORA M. COOPER, TRUSTEE

Entered in the transfer record in my office this 12th day of November 2003
Sheila K Wright County Clerk

STATE OF KANSAS, County of Leavenworth, ss:

BE IT REMEMBERED, That on this 12th day of November, 2003, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came JACK D. COOPER AND FLORA M. COOPER, Trustee(s) of the THE JACK D. COOPER AND FLORA M. COOPER REVOCABLE LIVING TRUST UTD 1-24-02 who ARE personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same.

Sheila K Wright

Notary Public

MY Term Expires: 10/18/06

SHEILA K. WRIGHT
My Appt. Exp. 10/18/06

BK0900 PG1562

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year above written.

Jack D Cooper (SEAL)
JACK D. COOPER

Flora M Cooper (SEAL)
FLORA M. COOPER

Signed, sealed and delivered in the presence of us, the following witnesses:

[Signature]
Signature

Daniel Leathman
Type or Print Name

[Signature]
Signature

Brent McLean
Type or Print Name

ACKNOWLEDGMENT

State of Kansas)
County of Johnson) ss.

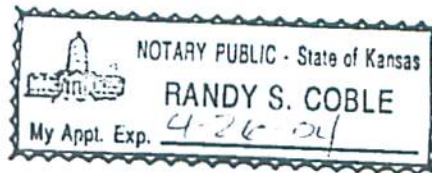
BE IT REMEMBERED, That on this 24th day of January A.D. 2002 before me, the undersigned, a Notary Public in and for said County and State, came JACK D. COOPER and FLORA M. COOPER who are personally known to me to be the same persons who executed the within instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

[Signature]
NOTARY PUBLIC

My commission expires:

4-26-04



STATE OF KANSAS
COUNTY OF LEAVENWORTH } ss
FILED FOR RECORD
2002 JAN 28 A 9:05
STACY R. DRISCOLL
REGISTER OF DEEDS

Entered in the transfer record in my office this
24th day of January, 2002
Judith A. Salter County Clerk

AFFIDAVIT

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

We/I Robert D. Walker and Janice P. Walker

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 22552 163rd St., Basehor, KS 66007, 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 23rd day of January, 2024

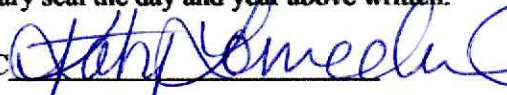
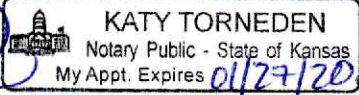
Janice P. Walker 22552 163rd St., Basehor, KS 66017 913-486-3600
Robert D. Walker 22552 163rd St., Basehor, KS 913-269-2771
Print Name, Address, Telephone

 doop verified 06/09/23 11:48 AM CDT YMP1-66KD-RSOS-ALUCB	 doop verified 06/09/23 11:34 AM CDT 13GY-N123-170Q-V55W
---	---

Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 23rd day of January 2024, before me, a notary public in and for said County and State came Robert Walker and Janice Walker 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  
KATY TORNEDEN
Notary Public - State of Kansas
My Appt. Expires 01/27/2025

My Commission Expires: 01-27-2025 (seal)

CERTIFICATE OF SURVEY

Tracts of land in the Northwest Quarter of Section 15, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

TRACT SPLIT

PREPARED FOR:

COOPER, JACK D & FLORA M; TRUST
22482 163RD ST
Basehor, KS 66007
PID NO. 155-15-0-00-00-010

SURVEYOR'S DESCRIPTION:

TRACT 1:

Tract of land in the Southwest Quarter of Section 23, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 7, 2024, more fully described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence North 01 degrees 33'32" West for a distance 481.75 feet along the West line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence continuing North 01 degrees 33'32" West for a distance of 265.02 feet along said West line; thence North 87 degrees 49'33" East for a distance of 415.00 feet; thence South 01 degrees 33'32" East for a distance of 265.02 feet; thence South 87 degrees 49'33" West 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.

Error of Closure: 1 - 999999

TRACT 2:

Tract of land in the Southwest Quarter of Section 23, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on April 13, 2023, more fully described as follows: Beginning at the Southwest corner of said Northwest Quarter; thence North 01 degrees 33'32" West for a distance 446.74 feet along the West line of said Northwest Quarter; thence North 87 degrees 49'33" East for a distance of 730.00 feet; thence North 01 degrees 33'32" West for a distance of 300.02 feet; thence North 87 degrees 49'33" East for a distance of 120.05 feet; thence North 01 degrees 33'32" West for a distance of 573.22 feet; thence South 87 degrees 49'33" West for a distance of 850.05 feet to said West line; thence North 01 degrees 33'32" West for a distance of 948.15 feet along said West line; thence North 87 degrees 49'44" East for a distance of 1319.57 feet; thence South 01 degrees 27'18" East for a distance of 2268.23 feet to the South line of said Northwest Quarter; thence South 87 degrees 49'51" West for a distance of 1315.45 feet along said South line to the point of beginning.

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

Said property contains 55.89 acres, more or less, including road right of way.

Error of Closure: 1 - 1275914

RATIFICATION BY COUNTY STAFF

This tract split, as described and shown above, has been submitted to and approved by the following County Staff persons this ____ day of ____ 2024.

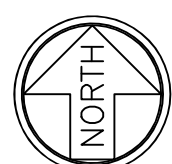
Planning Director _____
John Jacobson

NOTARY CERTIFICATE

Be it remembered that on this ____ day of ____ 2024, before me, a notary public in and for said County and State came John Jacobson, to me personally known to be the same persons who executed the foregoing 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

My Commission Expires: _____
(seal)



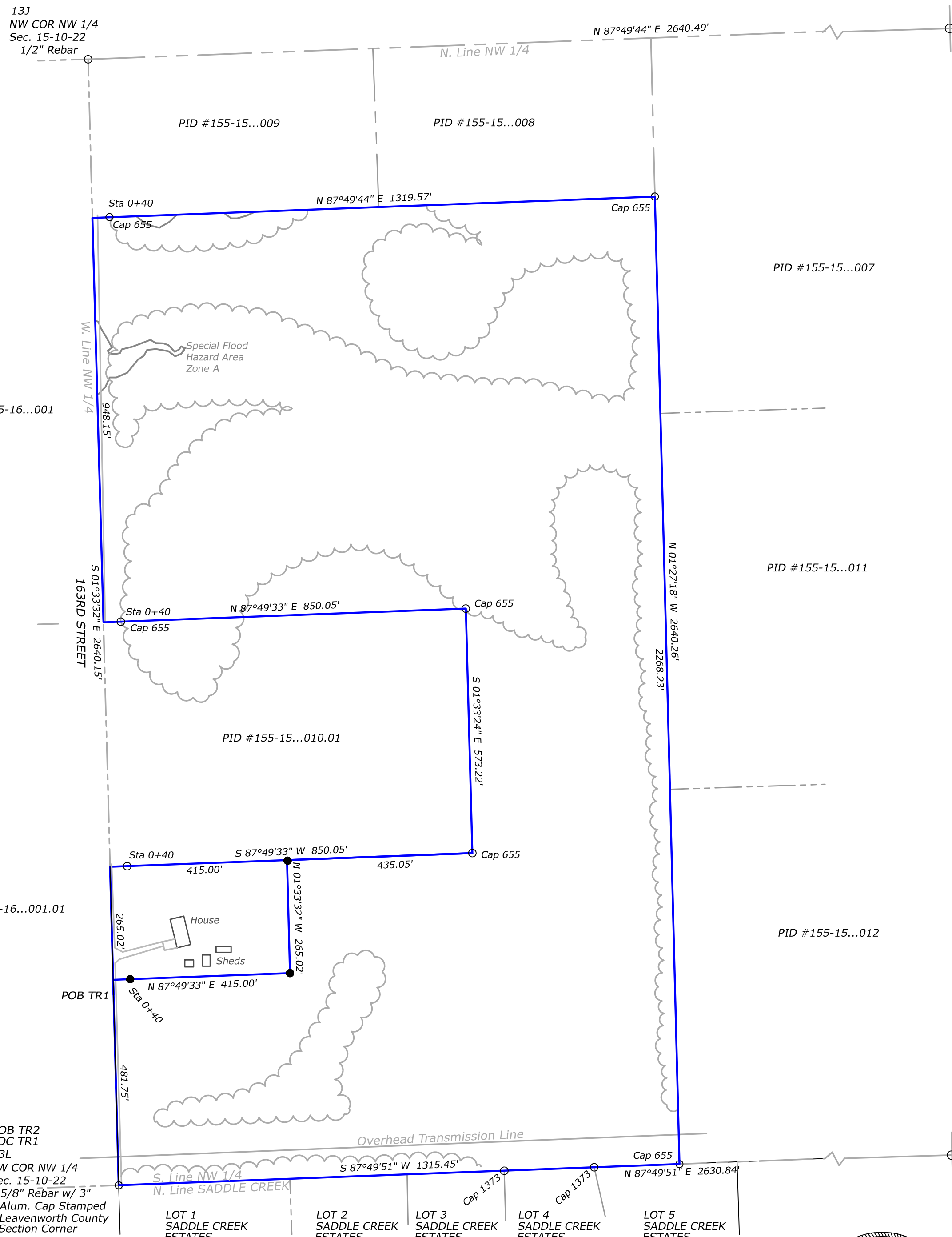
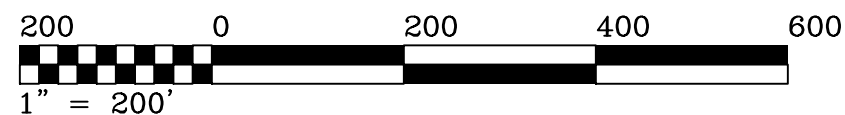
Scale 1" = 200'

I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363
County Surveyor

Job # K-22-1571
March 7, 2024

J. Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@teamcash.com



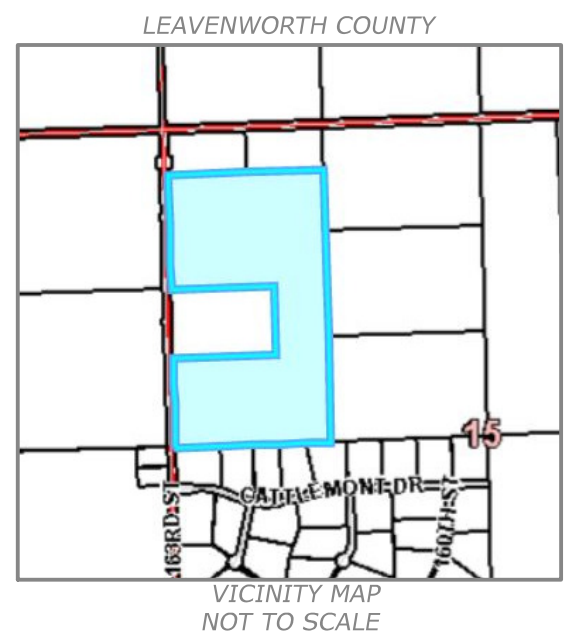
15J
NE COR NW 1/4
Sec. 15-10-22
1/2" Rebar

NOTES:

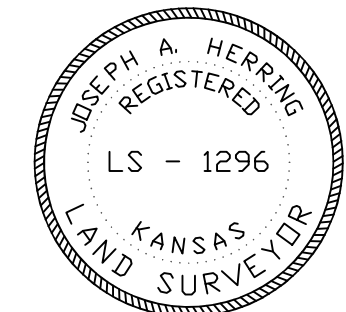
- 1) This survey does not show ownership or easements, per agreement with client
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Surveyor's Description
- 5) Basis of Bearing - KS SPC North Zone 1501 held North line Southwest 1/4
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys - SADDLE CREEK ESTATES - Book 14 Page 99
- 8) Road Records - See Survey
- 9) Referenced Deed Book 895 Page 1953
- 10) Survey prepared without the benefit of a title commitment.
- 11) Fence Lines do not necessarily denote property lines.
- 12) Structures are shown in approximate location.
- 13) Property is in a Special Flood Hazard Area Zone A per FEMA FIRN Map 20103C0250G dated July 16, 2015
- 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.

LEGEND:

- - 1/2" Rebar Set with Cap No.1296
- - 1/2" Rebar Found, unless otherwise noted.
- POB - Point of Beginning
- POC - Point of Commencing
- ~ - Tree/Brush Line
- NS - Not Set this Survey per agreement with client



15L
SE COR NW 1/4
Sec. 15-10-22
1/2" Rebar



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of October 2022 through March 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Rezoning RR-5 to 2.5
Date: March 21, 2024

Amy, I have reviewed the request for rezoning from Jack and Flora Cooper regarding the rezoning of the parcel from RR 5 to RR 2.5 I have no comments to lend at this time. If you feel I have missed an issue please give a call at 684-0457.

Rezoning to rr5 to rr2.5 Cooper

Schweitzer, Joshua

From: McAfee, Joe
Sent: Monday, March 11, 2024 2:43 PM
To: Schweitzer, Joshua; Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; Van Parys, David; Brown, Misty
Cc: PZ
Subject: RE: DEV-24-024 Rezone of Cooper Walker - Herring

Joshua,

PW Engineering has no comments on the proposed rezoning. Roadway is designated a Local Road and all existing drive distances meet current policy.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, March 8, 2024 4:03 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'trish@suburbanwaterinc.com' <trish@suburbanwaterinc.com>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-024 Rezone of Cooper Walker - Herring

The Department of Planning and Zoning has received an application for a Rezone of property at 22482 163rd St. from RR-5 to RR-2.5.

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 Friday, March 22, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

From: [Anderson, Kyle](#)
Sent: Tuesday, March 12, 2024 10:27 AM
To: [Schweitzer, Joshua](#)
Subject: RE: DEV-24-024 Rezone of Cooper Walker - Herring

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

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, March 8, 2024 4:03 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'trish@suburbanwaterinc.com' <trish@suburbanwaterinc.com>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-024 Rezone of Cooper Walker - Herring

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v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

From: [Tyler Rebel](#)
Sent: Friday, March 8, 2024 5:11 PM
To: [Schweitzer, Joshua](#)
Subject: RE: [EXTERNAL]DEV-24-024 Rezone of Cooper Walker - Herring

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.

Internal Use Only

No comment from Evergy

Tyler Rebel
Distribution Designer
Evergy
tyler.rebel@evergy.com
O: 913.758.2727
evergy.com

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, March 8, 2024 4:03 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'trish@suburbanwaterinc.com' <trish@suburbanwaterinc.com>; Design Group Leavenworth <designgroupleavenworth@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: [EXTERNAL]DEV-24-024 Rezone of Cooper Walker - Herring

This Message Is From an External Sender

[Report Suspicious](#)

This message came from outside your organization.

The Department of Planning and Zoning has received an application for a Rezone of property at 22482 163rd St. from RR-5 to RR-2.5.

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 Friday, March 22, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner

From: [Mike Lingenfelser](#)
Sent: Monday, March 11, 2024 8:56 AM
To: [Schweitzer, Joshua](#)
Subject: Re: DEV-24-024 Rezone of Cooper Walker - Herring

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

Fairmount Township Fire Department has no issues with the rezone.

Mike Lingenfelser, Fire Chief

Fairmount Township Fire Department

2624 N 155th St

Basehor, Kansas 66007

Work-[913-724-4911](tel:913-724-4911)

Cell [913-306-0258](tel:913-306-0258)

On Fri, Mar 8, 2024 at 4:03 PM Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov> wrote:

The Department of Planning and Zoning has received an application for a Rezone of property at 22482 163rd St. from RR-5 to RR-2.5.

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 Friday, March 22, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer

Development Planner

RESOLUTION 2024-12

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from RR-5 to RR-2.5 as defined by the Zoning and Subdivision Regulations of Leavenworth County, Kansas on the following described property:

Tracts of Land in the Southwest Quarter of Section 23, Township 12 South, Range 20 East of the 6TH P.M. in Leavenworth County, Kansas more commonly known as 22484 & 22552 163RD 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 8th day of March 2024, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing for Case DEV-24-024 upon the granting of such request for a Rezoning on the 10th day of April, 2024; 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 1st day of May, 2024, 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 the findings of fact adopted by the Board of County Commissioners in regular session on 1st day of May, 2024, and incorporated herein by reference, it is hereby resolved that request for rezoning as described above, also known as 22484 & 22552 163rd Street, Parcel Identification Number 155-15-0-00-00-010 & 155-15-0-00-00-010.01, is hereby granted.
2. The Planning and Zoning Department of Leavenworth County, Kansas is hereby ordered to and directed to cause such designations to be made on the official District Map of said County in its custody and to show property herein described to be now zoned RR-2.5. Said District Map previously incorporated by reference by Section 4 of the Zoning and Subdivision Regulations of the Leavenworth County, Kansas is hereby incorporated as part of the Zoning Resolution as amended.
3. This Resolution shall be in full force and effect from and after its adoption and publication in the Leavenworth Times.

Adopted this 1st day of May, 2024
Board of County Commission
Leavenworth, County, Kansas

Jeff Culbertson, Chairman

ATTEST

Vicky Kaaz, Member

Janet Klasinski, Leavenworth County Clerk

Doug Smith, Member

Mike Smith, Member

Mike Stieben, Member

Resolution 2024-13

2024 Comprehensive Plan Annual Review

Staff Report – Board of County Commissioners

May 1, 2024

GENERAL INFORMATION:

Applicant: Leavenworth County Planning and Zoning Department

Planner: John Jacobson

REQUEST:

Adopt the Leavenworth County Comprehensive Plan with the proposed amendments, as recommended by the Planning Commission.

The 2024 Comprehensive Plan Annual Review is a state requirement to ensure that the recommendations of a community's plan are being regularly reviewed and compared to the actions being taken. As part of the 2024 Annual Review process, Planning Staff have prepared action matrices for proposed actions to be taken in 2024 and 2025, provided an update on all actions outlined in the Comprehensive Plan and identified the proposed amendments to strategies outlined in the attached report.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted 7-0 to recommend approval of the 2024 Comprehensive Plan Annual Review and also approved staff recommendations to amend the Comprehensive Plan.

ACTION OPTIONS:

1. Approve the Planning Commission's recommendations and adopt Resolution 2024-13 amending the Leavenworth County Comprehensive Plan, in whole or in part, with findings of fact; or
2. Take no further action on Resolution 2024-13 amending the Leavenworth County Comprehensive Plan with findings of fact; or
3. Remand the recommendations or parts thereof back to the Planning Commission for further consideration along with a written statement of the reasons for disapproving the same or with suggested modifications.

ATTACHMENTS:

2024 Comprehensive Plan Update
Public Comments
Resolution
Exhibit A

Leavenworth County 2024 Comprehensive Plan Update

Staff Report – Planning Commission

April 10, 2024

GENERAL INFORMATION:

Applicant: Leavenworth County Planning and Zoning Department

Planner: Amy Allison

REQUEST:

The Leavenworth County Comprehensive Plan was adopted in 2020. According to KSA-12-747 the Planning Commission shall review the Comprehensive Plan on a yearly basis. This review, upon completion, will fulfill the requirement for the year 2024. During the review process, Staff reached out to affected County Departments requesting amendments, corrections or clarification. Their comments have been included in the recommendations for amendments as well as the Action Matrixes for 2024 & 2025.

RECOMMENDED AMENDMENTS

Holistic Implementation Measures							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4:	Review the Plan periodically and strategically; Prepare an Annual Progress Report						
	Conduct an internal update of the Plan every three to five years; dovetail this review with the preparation of the county budget and capital improvements program	Process	Planning & Zoning, Public Works, Commissioners	Low	Low	Proposed for 2025	
Strategy 6:	Widely Communicate and Market the Plan to celebrate the Plan's successes						
	Regularly maintain and update the Plan website (www.lvcountyplan.com) with progress and changes; utilize the email marketing tool integration to send update emails out to the contact list. Amend	Program	Planning & Zoning	Low	Low	Amend - 2024	
	Utilize the developed project branding style guide to ensure a consistent look and feel in Plan-related messaging.	Process	Planning & Zoning	Low	Low	Amend - 2024	

Land Use and Economic Development Implementation Measures							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4:	Develop and adopt an economic development strategic plan						
	Identify funding for an economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning, economic development goals and policies, and stakeholder input	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
	Develop a county economic development strategic plan with robust stakeholder input	Plan	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Consider regional and municipal economic development activities in the economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
Strategy 5:	Create an economic development roundtable						
	Identify critical participants, including public, private, and nonprofit partners, in the economic development roundtable to be part of the first line of communication between businesses and local government and subsequent recommendations to the Planning Commission and County Commission	Process	Economic Development Planning & Zoning , County Administrator, LCDC, Commissioners	Medium	Low	Proposed 2025	
	Standardize the economic development roundtable's meeting schedule, member responsibilities, and goals, as they relate to business recruitment and retention; workforce development and training; marketing; regional collaboration; and strategic economic development planning.	Program	Economic Development Planning & Zoning , County Administrator, LCDC	Medium	Low	Proposed 2025	
	Invest in online mapping software that can be integrated into the county's website in order to show the spatial location of available properties and incentives.	Process	Economic Development Planning & Zoning , County Administrator, LCDC	Medium	Medium	Proposed 2025	

ACTION MATRIXES

This year, Staff has prepared action matrixes to track the progress of all strategies of the Comprehensive Plan as well as identify those strategies that will be scheduled for the 2024 & 2025 calendar years. These matrixes are designed to be updated and modified as strategies are completed or adapted to meet the goals of the Plan. The action matrixes are attached.

TOP PRIOTIES

The top three priorities that staff proposes to work on in 2024 are:

1. Create a Special Use Permit Tiering System
2. Expand the Home Occupation License Regulations to allow more uses
3. Creation of the Utilities Commission

STAFF RECOMMENDATION:

Staff recommends approving the amendments suggested above and proceeding with the action matrixes as presented.

ACTION OPTIONS:

1. Recommend approval of the proposed amendments for the 2024 Annual Comprehensive Plan Review, to the Board of County Commission, with Findings of Fact; or
2. Recommend denial of the proposed amendments for the 2024 Annual Comprehensive Plan Review, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

ATTACHMENTS:

2024 Annual Review Presentation
2024 Action Matrix
2025 Action Matrix



LEAVENWORTH COUNTY COMPREHENSIVE PLAN ANNUAL REVIEW

2024





2024 ANNUAL REVIEW OBJECTIVES

Annual Reviews should consider the strategies of a Comprehensive Plan and plan for what the focus will be in the upcoming year

- Provide a status report of the strategy matrix
- Amend strategies to reflect current policies or trends and eliminate strategies that are no longer feasible or applicable
- Designate strategies to focus on in 2024
- Schedule strategies for 2025 and 2026

STATUS REPORT

Holistic Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 1:	Adopt the Updated Comprehensive Plan (Date of approval: 20201109)						
	Post final draft Plan to the county website prior to Planning Commission and County Commission adoption hearings	Process	Planning & Zoning, Commissioners	High	Low	Complete	9-Nov-20
	Determine when and how the Leavenworth County Planning and Zoning Department will utilize the Plan during the development review process and communicate to Planning Commission and County Commission	Process	Planning & Zoning, Commissioners	High	Low	Ongoing	
	Present the Plan to the Planning Commission for recommendation of adoption and to the County Commission for Adoption	Policy	Planning & Zoning, Commissioners	High	Low	Complete	9-Nov-20
Strategy 2:	Amend Relevant Regulations and Plans						
	Conduct a thorough review of the existing zoning and subdivision regulations and compile a comprehensive list of changes (with exact policy text) necessary to align county zoning and subdivision regulations with the intent of the Plan	Process	Planning & Zoning, Commissioners	High	Low	Annual Review	
	Conduct a thorough review of the existing plans, such as the U.S. 24/40 Corridor Study, and compile a comprehensive list of changes (with exact policy text) necessary to align the plans with the intent of the Plan	Process	Planning & Zoning, Public Works, Commissioners	High	Low	Proposed for 2025	
	Communicate changes with county residents through the Planning & Zoning Department's webpage on the county website	Process	Planning & Zoning, Commissioners	High	Low	Ongoing	
	Present proposed plan amendments to the Planning Commission for recommendation of approval and to the County Commission for approval	Policy	Planning & Zoning Dept., Commissioners	High	Low	Annual Review	

Holistic Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 3: Use the Plan on a Day-to-Day Basis							
	Evaluate all improvement and development proposals within the county by the Plan's targets and strategies to assess whether the proposal aligns completely, partially aligns, or does not align with the Plan	Process	Planning & Zoning, Commissioners	Low	Low	Ongoing	
	Assist the Planning Commission and County Commission in the day-to-day administration, interpretation, and application of the Plan	Process	Planning & Zoning, Commissioners	Low	Low	Ongoing	
Strategy 4: Review the Plan periodically and strategically; Prepare an Annual Progress Report							
	Maintain a list of current possible amendments, issues, or needs that may be a subject of change, addition or deletion from the Plan	Process	Planning & Zoning	Low	Low	Annual Review	
	Monitor demographic and market data as it becomes available to alter land use-specific demand projections	Process	Planning & Zoning, Economic Development	Low	Low	Proposed for 2025	
	Prepare an annual progress report and presentation to present to the Planning Commission and County Commission that describes the list of successes and possible amendments, issues or needs that may be subjects of change, addition or deletion from the Plan	Process	Planning & Zoning, Commissioners	Low	Low	Annual Review	
	Conduct an internal update of the Plan every three to five years; dovetail this review with the preparation of the county budget and capital improvements program	Process	Planning & Zoning, Public Works, Commissioners	Low	Low	Proposed for 2025	

Holistic Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 5:	Educate Elected Officials, County Departments, Local Municipalities and the Public						
	Conduct a work session with the Planning Commission and County Commission to educate them on the findings and recommendations of the Plan as leadership changes; prepare a key takeaways document for easy reference after the presentation.	Process	Planning & Zoning, County Administrator, Commissioners	Low	Low	Proposed for 2024	
	Meet with relevant department heads and local municipal leaders to explain the findings and recommendations of the Plan; prepare a succinct presentation and provide a copy of it to the department heads and local municipal leaders.	Process	Planning & Zoning, Public Works, County Administrator, Municipalities, Commissioners	High	Low	As needed	2023
	Make copies of the Plan available online for free and provide hard copies at the County Courthouse for purchase	Process	Planning & Zoning	High	Low	Complete	9-Nov-20
	Aid the public in explaining the Plan and its relationship to private and public development projects and other proposals, as appropriate	Process	Planning & Zoning, Commissioners	Low	Low	Ongoing	
	Draft a summary document at that includes key recommendations from the Plan that can be distributed to residents, developers, businesses and other interested parties.	Process	Planning & Zoning Dept.	High	Low	Proposed for 2024	
Strategy 6:	Widely Communicate and Market the Plan to celebrate the Plan's successes						
	Post the final Plan on the City's and county's website	Process	Planning & Zoning	High	Low	Complete	9-Nov-20
	Provide a copy of the Plan to each county department	Process	Planning & Zoning	High	Low	Complete	9-Nov-20
	Regularly maintain and update the Plan website (www.lvcountyplan.com) with progress and changes; utilize the email marketing tool integration to send update emails out to the contact list. Amend	Program	Planning & Zoning	Low	Low	Amend - 2024	
	Post updates related to the Plan on the county's social media accounts	Program	Planning & Zoning	Low	Low	Ongoing	
	Utilize the developed project branding style guide to ensure a consistent look and feel in Plan-related messaging.	Process	Planning & Zoning	Low	Low	Amend - 2024	

Holistic Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 7:	Develop strong relationships with implementation partner organizations						
	Ensure open communication lines between the county and vital implementation partner organizations, such as the Leavenworth County Development Corporation, Leavenworth County Port Authority and Leavenworth County Council on Aging	Process	Planning & Zoning, County Administrator, Economic Development, Leavenworth County Development Corporation, Leavenworth County Port Authority, Leavenworth County Council on Aging, Commissioners	Low	Low	Ongoing	
	Gather demographic and market insight and research from implementation partner organizations to avoid duplicative efforts as the Plan is updated to reflect changing conditions	Program	Planning & Zoning, County Administrator, Economic Development, Leavenworth County Development Corporation, Leavenworth County Port Authority, Leavenworth County Council on Aging, Commissioners	Low	Low	Proposed for 2025	

Land Use and Economic Development Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 1: Create Commercial and Mixed Use Development and Redevelopment Plans with Incentives along identified key corridors and at specific intersections							
	Prepare incentive plans and assistance packages to spur the development of the U.S. 24/40 corridor between Basehor and Tonganoxie; the intersection of U.S. 24/40 and CR-1; and 155th Street between Basehor and Lansing; the package should detail the proposed uses on the site, as well as the site's advantages	Process	Economic Development, Planning & Zoning, Public Works	Medium	Medium	Complete	2023
	Consider preparing a Request for Proposal for the above mentioned corridors and intersections to send to interested developers; the RFP should detail the available incentive and assistance package; high standards for site and building design should be required	Process	Economic Development, Planning & Zoning, Public Works	Medium	Low	Complete - Use As Needed	2023
	Use the County's existing online mapping software to show the spatial location of available properties and incentives	Process	Economic Development, Planning & Zoning, Public Works	Medium	Medium	Complete - Use As Needed	2023
Strategy 2: Update the Special Use Permit Categories and Review and Monitoring Process							
	Create a tiered review and approval system for special uses within the county with different categories of special uses, dependent on their scale, use and potential impact on the health, safety, welfare and property values of surrounding properties, using page 81 of this Plan as a guide	Policy	Planning & Zoning, County Administrator, County Attorney, Commissioners	High	Low	Proposed 2024	
	Consider longer approval terms for lower special uses within the County	Policy	Planning & Zoning, Commissioners	High	Low	Complete	2022
	Integrate the Land Evaluation component of the Land Evaluation and Site Assessment (LESA) system into the special use permit review process, as spelled out in the county's zoning and subdivision regulations, to identify areas of and protect the most productive farmland.	Policy	Planning & Zoning	High	Low	Proposed 2024	

Land Use and Economic Development Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 3:	Integrate a "Land First" approach into the development review process, and a clear analysis of such an approach into County Planning Staff Reports						
	Update the County's zoning and subdivision regulations to include graphic examples and descriptive text that illustrates conservation design principles, as described on page 82.	Process	Planning & Zoning, Commissioners	High	Low	Proposed 2024	
	Work with and educate development review applicants on ways to incorporate conservation design principles into their development proposals	Process	Planning & Zoning, Commissioners	Low	Low	Ongoing	
	Consider the use of incentives to encourage applicants to incorporate conservation design principles into their development proposals.	Policy	Planning & Zoning, Commissioners	Low	Low	Proposed 2024	
Strategy 4:	Develop and adopt an economic development strategic plan						
	Identify funding for an economic development strategic plan	Process	Economic Development, Planning & Zoning, County Administrator	Medium	Medium	Proposed 2024	
	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning , economic development goals and policies, and stakeholder input	Process	Economic Development, Planning & Zoning, County Administrator	Medium	Low	Proposed 2024	
	Develop a county economic development strategic plan with robust stakeholder input	Plan	Economic Development, Planning & Zoning, County Administrator	Medium	Medium	Proposed 2024	
	Consider regional and municipal economic development activities in the economic development strategic plan	Process	Economic Development, Planning & Zoning, County Administrator	Medium	Low	Proposed 2024	
	Develop a comprehensive economic development incentive policy demonstrating the availability, applicability and utilization of various incentives to enhance the local economy through business attraction, business retention and entrepreneurship	Policy	Economic Development, County Administrator, Commissioners	On-Going	Low	Complete	2023

Land Use and Economic Development Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 5:	Create an economic development roundtable						
	Identify critical participants, including public, private, and nonprofit partners, in the economic development roundtable to be part of the first line of communication between businesses and local government and subsequent recommendations to the Planning Commission and County Commission	Process	Planning & Zoning, County Administrator, LCDC, Commissioners	Medium	Low	Proposed 2025	
	Standardize the economic development roundtable's meeting schedule, member responsibilities, and goals, as they relate to business recruitment and retention; workforce development and training; marketing; regional collaboration; and strategic economic development planning.	Program	Planning & Zoning, County Administrator, LCDC	Medium	Low	Proposed 2025	
	Invest in online mapping software that can be integrated into the county's website in order to show the spatial location of available properties and incentives.	Process	Planning & Zoning, County Administrator, LCDC	Medium	Medium	Proposed 2025	

Transportation and Mobility Implementation

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 1:	Develop and adopt a Transportation Master Plan						
	Allocate funding for a transportation master plan in the county's upcoming budget cycle	Plan	Planning & Zoning, Public Works, Commissioners	High	Medium	Proposed 2025	
	Prepare a scope of services for a transportation master plan that covers all modes of transportation, including maintenance of roads (including paving guidelines), road construction or upgrades, trails, pedestrian and bicycle facilities, transit, freight, railroads, and aviation; attention should be placed on funding	Process	Planning & Zoning, County Administrator, Public Works, Commissioners	High	Low	Proposed 2026	
	The transportation master plan should take into consideration regional and municipal planning activities, including but not limited to the Kansas City Regional Bike Plan, MetroGreen Regional Greenway System, KDOT planned improvements, MARC's Regional Transportation Plan 2050, KCATA transit plans, and Leavenworth County's Council on Aging	Process	Planning & Zoning, Public Works, KDOT, KCATA, MARC, Council on Aging, Commissioners	Medium	Low	Proposed 2026	
	Use the recommendations illustrated on Figure 5.1 Transportation Plan as a starting point for the transportation master plan	Process	Planning & Zoning, Public Works, Commissioners	Medium	Low	Proposed 2026	
	Following existing conditions analysis, public engagement, and formulation of transportation recommendations, present the master plan to the Planning Commission for recommendation of adoption and to the County Commission for adoption.	Process	Planning & Zoning, Public Works, Commissioners	Medium	Low	Proposed 2026	
Strategy 2:	Improve connectivity in the County's transportation network						
	Align transportation improvements with development and redevelopment projects to link activity center with appropriate roadway infrastructure	Policy	Planning & Zoning, Commissioners, Public Works	Low	Medium	Proposed 2024	
	Regularly coordinate with the Leavenworth County Port Authority to address barge and rail operations and determine their role in the regional transportation network	Process	Planning & Zoning, Public Works, Leavenworth County Port Authority	Low	Low	Proposed 2025	

Transportation and Mobility Implementation							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 3:	Update the County's road standards						
	Review and potentially update the county road standards, based on best management practices, peer county practices, and FHWA guidance	Process	Public Works, Commissioners	High	Low	In Process	Summer 2024
	Regularly (every one to three years) review the updated county road standards and revise them to follow national best practices	Process	Public Works, Commissioners	Low	Low	Proposed 2027	
Strategy 4:	Actively coordinate with other municipalities on the County roadway system						
	Host quarterly transportation meetings with representatives from each municipality's public works department, as well as KDOT, to ensure a coordinated strategy for the incorporated and unincorporated roadways	Process	Public Works, KDOT, Municipalities	Low	Low		
	Proactively communicate with municipalities about the updated county road standards	Process	Public Works, Municipalities	Low	Low	Proposed 2024	
Strategy 5:	Monitor transit needs countywide						
	Meet annually with KCATA to evaluate how well the current transit system is meeting demand	Process	Council on Aging, Planning & Zoning, KCATA	Low	Low	Ongoing	
	Continue allocating appropriate funds to operate the Leavenworth County's Council on Aging on-demand meals and transportation service to seniors	Program	Commissioners, Council on Aging, Planning & Zoning	Low	Low	Ongoing	

Community Services and Infrastructure Implementation

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 1:	Develop and adopt a Utility Master Plan						
	Allocate funding for a utility master plan in the county's upcoming budget cycle	Process	Public Works, Planning & Zoning, County Administrator, Commissioners	Medium	Medium	Proposed 2025 or as determined by the Utility Commission	
	Prepare a scope of services for a utility master plan that covers all utilities, including water, wastewater, stormwater , and energy.	Process	Public Works, Planning & Zoning, County Administrator, Commissioners	Medium	Low	Proposed 2025 or as determined by the Utility Commission	
	Consider hiring a consultant to draft the utility master plan or dedicate staff time to perform the study in-house	Process	Public Works, Planning & Zoning, County Administrator, Commissioners	Medium	Low / Medium	Proposed 2025 or as determined by the Utility Commission	
	Following existing conditions analysis, public engagement, and formulation of utility master plan recommendations, present the Plan to the Planning Commission for recommendation of adoption and to the County Commission for adoption	Process	Public Works, Planning & Zoning, Commissioners	Medium	Low	Proposed 2025 or as determined by the Utility Commission	
	Perform a Cost of Services study to understand the cost associated with the provision of utility infrastructure based on development type	Plan	Public Works, Planning & Zoning, Commissioners	Medium	Medium	Proposed 2026 or as determined by the Utility Commission	
	Host regular coordination meetings between the county, municipalities, and utility providers to ensure utility infrastructure is properly maintained and residents receive quality service	Process	Public Works, Planning & Zoning, County Administrator, Utility Providers, Municipalities, Commissioners	Low	Low	In Process	Spring/ Summer 2024

PROPOSED AMENDED STRATEGIES

Holistic Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4:	Review the Plan periodically and strategically; Prepare an Annual Progress Report						
	Conduct an internal update of the Plan every three to five years; dovetail this review with the preparation of the county budget and capital improvements program	Process	Planning & Zoning, Public Works, Commissioners	Low	Low	Proposed for 2025	
Strategy 6:	Widely Communicate and Market the Plan to celebrate the Plan's successes						
	Regularly maintain and update the Plan website (www.lvcountryplan.com) with progress and changes; utilize the email marketing tool integration to send update emails out to the contact list. Amend	Program	Planning & Zoning	Low	Low	Amend - 2024	
	Utilize the developed project branding style guide to ensure a consistent look and feel in Plan-related messaging.	Process	Planning & Zoning	Low	Low	Amend - 2024	

Land Use and Economic Development Implementation Measures

	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4:	Develop and adopt an economic development strategic plan						
	Identify funding for an economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning , economic development goals and policies, and stakeholder input	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
	Develop a county economic development strategic plan with robust stakeholder input	Plan	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Consider regional and municipal economic development activities in the economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
Strategy 5:	Create an economic development roundtable						
	Identify critical participants, including public, private, and nonprofit partners, in the economic development roundtable to be part of the first line of communication between businesses and local government and subsequent recommendations to the Planning Commission and County Commission	Process	Economic Development Planning & Zoning , County Administrator, LCDC, Commissioners	Medium	Low	Proposed 2025	
	Standardize the economic development roundtable's meeting schedule, member responsibilities, and goals, as they relate to business recruitment and retention; workforce development and training; marketing; regional collaboration; and strategic economic development planning.	Program	Economic Development Planning & Zoning , County Administrator, LCDC	Medium	Low	Proposed 2025	
	Invest in online mapping software that can be integrated into the county's website in order to show the spatial location of available properties and incentives.	Process	Economic Development Planning & Zoning , County Administrator, LCDC	Medium	Medium	Proposed 2025	

2024 ACTION MATRIX

2024 Action Matrix

Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Actions
1.2	Conduct a thorough review of the existing zoning and subdivision regulations and compile a comprehensive list of changes (with exact policy text) necessary to align county zoning and subdivision regulations with the intent of the Plan	Planning & Zoning, Commissioners	Low	Annual Review
1.2	Communicate changes with county residents through the Planning & Zoning Department's webpage on the county website	Planning & Zoning, Commissioners	Low	On-going
1.2	Present proposed plan amendments to the Planning Commission for recommendation of approval and to the County Commission for approval	Planning & Zoning Dept., Commissioners	Low	Annual Review
1.3	Evaluate all improvement and development proposals within the county by the Plan's targets and strategies to assess whether the proposal aligns completely, partially aligns, or does not align with the Plan	Planning & Zoning, Commissioners	Low	On-going
1.3	Assist the Planning Commission and County Commission in the day-to-day administration, interpretation, and application of the Plan	Planning & Zoning, Commissioners	Low	On-going
1.4	Maintain a list of current possible amendments, issues, or needs that may be a subject of change, addition or deletion from the Plan	Planning & Zoning	Low	On-going
1.4	Prepare an annual progress report and presentation to present to the Planning Commission and County Commission that describes the list of successes and possible amendments, issues or needs that may be subjects of change, addition or deletion from the Plan	Planning & Zoning, Commissioners	Low	Annual Review
1.5	Conduct a work session with the Planning Commission and County Commission to educate them on the findings and recommendations of the Plan as leadership changes; prepare a key takeaways document for easy reference after the presentation.	Planning & Zoning, County Administrator, Commissioners	Low	Newly elected or appointed official orientation packet.
1.5	Aid the public in explaining the Plan and its relationship to private and public development projects and other proposals, as appropriate	Planning & Zoning, Commissioners	Low	On-going
1.5	Draft a summary document at that includes key recommendations from the Plan that can be distributed to residents, developers, businesses and other interested parties.	Planning & Zoning Dept.	Low	10 Bullet Point List

2024 Action Matrix

Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Actions
1.7	Ensure open communication lines between the county and vital implementation partner organizations, such as the Leavenworth County Development Corporation, Leavenworth County Port Authority and Leavenworth County Council on Aging	Planning & Zoning, County Administrator, Economic Development, Leavenworth County Development Corporation, Leavenworth County Port Authority, Leavenworth County Council on Aging, Commissioners	Low	On-going
2.2	Create a tiered review and approval system for special uses within the county with different categories of special uses, dependent on their scale, use and potential impact on the health, safety, welfare and property values of surrounding properties, using page 81 of this Plan as a guide	Planning & Zoning, County Administrator, County Attorney, Commissioners	Low	Create Tier System and Expand HOLs
2.2	Integrate the Land Evaluation component of the Land Evaluation and Site Assessment (LESA) system into the special use permit review process, as spelled out in the county's zoning and subdivision regulations, to identify areas of and protect the most productive farmland	Planning & Zoning	Low	Develop field criteria
2.3	Update the County's zoning and subdivision regulations to include graphic examples and descriptive text that illustrates conservation design principles, as described on page 82	Planning & Zoning, Commissioners	Low	Design Guidelines
2.3	Work with and educate development review applicants on ways to incorporate conservation design principles into their development proposals	Planning & Zoning, Commissioners	Low	On-going
2.3	Consider the use of incentives to encourage applicants to incorporate conservation design principles into their development proposals	Planning & Zoning, Commissioners	Low	PUD principles/ development plan criteria.
2.4	Identify funding for an economic development strategic plan	Economic Development, County Administrator	Medium	

2024 Action Matrix

Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Actions
2.4	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning , economic development goals and policies, and stakeholder input	Economic Development, County Administrator	Low	
2.4	Develop a county economic development strategic plan with robust stakeholder input	Economic Development, County Administrator	Medium	
2.4	Consider regional and municipal economic development activities in the economic development strategic plan	Economic Development, County Administrator	Low	
3.2	Align transportation improvements with development and redevelopment projects to link activity centers with appropriate roadway infrastructure	Public Works, Planning & Zoning, Commissioners	Medium	
3.3	Review and potentially update the county road standards, based on best management practices, peer county practices, and FHWA guidance	Public Works, Commissioners	Low	In Process
3.4	Proactively communicate with municipalities about the updated county road standards	Public Works, Municipalities	Low	Notification will be made after the standards have been adopted
3.5	Meet annually with KCATA to evaluate how well the current transit system is meeting demand	Council on Aging, Planning & Zoning, KCATA	Low	On-going
3.5	Continue allocating appropriate funds to operate the Leavenworth County's Council on Aging on-demand meals and transportation service to seniors	Commissioners, Council on Aging, Planning & Zoning	Low	On-going
4.1	Host regular coordination meetings between the county, municipalities, and utility providers to ensure utility infrastructure is properly maintained and residents receive quality service	Public Works, Planning & Zoning, County Administrator, Utility Providers, Municipalities, Commissioners	Low	Creation of the Utility Commission tasked with looking at County-wide utility related issues

2025 ACTION MATRIX

2025 Action Matrix

Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Action
1.2	Conduct a thorough review of the existing plans, such as the U.S. 24/40 Corridor Study, and compile a comprehensive list of changes (with exact policy text) necessary to align the plans with the intent of the Plan	Planning & Zoning, Public Works, Commissioners	Low	
1.4	Monitor demographic and market data as it becomes available to alter land use-specific demand projections	Economic Development, Planning & Zoning	Low	
1.4	Conduct an internal update of the Plan every three to five years; dovetail this review with the preparation of the county budget	Planning & Zoning, Public Works, Commissioners	Low	
1.7	Gather demographic and market insight and research from implementation partner organizations to avoid duplicative efforts as the Plan is updated to reflect changing conditions	Planning & Zoning, County Administrator, Economic Development, Leavenworth County Development Corporation, Leavenworth County Port Authority, Leavenworth County Council on Aging, Commissioners	Low	On-going
2.5	Identify critical participants, including public, private, and nonprofit partners, in the economic development roundtable to be part of the first line of communication between businesses and local government and subsequent recommendations to the Planning Commission and County Commission	Economic Development County Administrator, LCDC, Commissioners	Low	

2025 Action Matrix

Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Action
2.5	Standardize the economic development roundtable's meeting schedule, member responsibilities, and goals, as they relate to business recruitment and retention; workforce development and training; marketing; regional collaboration; and strategic economic development planning.	Economic Development County Administrator, LCDC	Low	
2.5	Invest in online mapping software that can be integrated into the county's website in order to show the spatial location of available properties and incentives.	Economic Development, County Administrator, LCDC	Medium	
3.1	Allocate funding for a transportation master plan in the county's upcoming budget cycle	Planning & Zoning, Public Works, Commissioners	Medium	
3.1	Regularly coordinate with the Leavenworth County Port Authority to address barge and rail operations and determine their role in the regional transportation network	Planning & Zoning, Public Works, Leavenworth County Port Authority	Low	
4.1	Allocate funding for a utility master plan in the county's upcoming budget cycle	Public Works, Planning & Zoning, County Administrator, Commissioners	Medium	If recommended by the Utility Commission
4.1	Prepare a scope of services for a utility master plan that covers all utilities, including water, wastewater, stormwater , and energy.	Public Works, Planning & Zoning, County Administrator, Commissioners	Low	If recommended by the Utility Commission
4.1	Consider hiring a consultant to draft the utility master plan or dedicate staff time to perform the study in-house	Public Works, Planning & Zoning, County Administrator, Commissioners	Low / Medium	If recommended by the Utility Commission
4.1	Following existing conditions analysis, public engagement, and formulation of utility master plan recommendations, present the Plan to the Planning Commission for recommendation of adoption and to the County Commission for adoption	Public Works, Planning & Zoning, Commissioners	Low	If recommended by the Utility Commission

TOP PRIORITIES



Special Use Permit Tiers

- May/June



Home Occupation Expansion

- May/June



Utilities Commission

- TBD

NEXT STEPS

Planning Commission Hearing



April 10, 2024

County Commission Hearing



May 1, 2024

Implementation



May – December 2024

2024 Action Matrix

Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Actions
1.2	Conduct a thorough review of the existing zoning and subdivision regulations and compile a comprehensive list of changes (with exact policy text) necessary to align county zoning and subdivision regulations with the intent of the Plan	Planning & Zoning, Commissioners	Low	Annual Review
1.2	Communicate changes with county residents through the Planning & Zoning Department's webpage on the county website	Planning & Zoning, Commissioners	Low	On-going
1.2	Present proposed plan amendments to the Planning Commission for recommendation of approval and to the County Commission for approval	Planning & Zoning Dept., Commissioners	Low	Annual Review
1.3	Evaluate all improvement and development proposals within the county by the Plan's targets and strategies to assess whether the proposal aligns completely, partially aligns, or does not align with the Plan	Planning & Zoning, Commissioners	Low	On-going
1.3	Assist the Planning Commission and County Commission in the day-to-day administration, interpretation, and application of the Plan	Planning & Zoning, Commissioners	Low	On-going
1.4	Maintain a list of current possible amendments, issues, or needs that may be a subject of change, addition or deletion from the Plan	Planning & Zoning	Low	On-going
1.4	Prepare an annual progress report and presentation to present to the Planning Commission and County Commission that describes the list of successes and possible amendments, issues or needs that may be subjects of change, addition or deletion from the Plan	Planning & Zoning, Commissioners	Low	Annual Review
1.5	Conduct a work session with the Planning Commission and County Commission to educate them on the findings and recommendations of the Plan as leadership changes; prepare a key takeaways document for easy reference after the presentation.	Planning & Zoning, County Administrator, Commissioners	Low	Newly elected or appointed official orientation packet.
1.5	Aid the public in explaining the Plan and its relationship to private and public development projects and other proposals, as appropriate	Planning & Zoning, Commissioners	Low	On-going
1.5	Draft a summary document at that includes key recommendations from the Plan that can be distributed to residents, developers, businesses and other interested parties.	Planning & Zoning Dept.	Low	10 Bullet Point List

1.7	Ensure open communication lines between the county and vital implementation partner organizations, such as the Leavenworth County Development Corporation, Leavenworth County Port Authority and Leavenworth County Council on Aging	Planning & Zoning, County Administrator, Economic Development, Leavenworth County Development Corporation, Leavenworth County Port Authority, Leavenworth County Council on Aging, Commissioners	Low	On-going
2.2	Create a tiered review and approval system for special uses within the county with different categories of special uses, dependent on their scale, use and potential impact on the health, safety, welfare and property values of surrounding properties, using page 81 of this Plan as a guide	Planning & Zoning, County Administrator, County Attorney, Commissioners	Low	Create Tier System and Expand HOLs
2.2	Integrate the Land Evaluation component of the Land Evaluation and Site Assessment (LESA) system into the special use permit review process, as spelled out in the county's zoning and subdivision regulations, to identify areas of and protect the most productive farmland	Planning & Zoning	Low	Develop field criteria
2.3	Update the County's zoning and subdivision regulations to include graphic examples and descriptive text that illustrates conservation design principles, as described on page 82	Planning & Zoning, Commissioners	Low	Design Guidelines
2.3	Work with and educate development review applicants on ways to incorporate conservation design principles into their development proposals	Planning & Zoning, Commissioners	Low	On-going
2.3	Consider the use of incentives to encourage applicants to incorporate conservation design principles into their development proposals	Planning & Zoning, Commissioners	Low	PUD principles/ development plan criteria.
2.4	Identify funding for an economic development strategic plan	Economic Development, County Administrator	Medium	

2.4	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning , economic development goals and policies, and stakeholder input	Economic Development, County Administrator	Low	
2.4	Develop a county economic development strategic plan with robust stakeholder input	Economic Development, County Administrator	Medium	
2.4	Consider regional and municipal economic development activities in the economic development strategic plan	Economic Development, County Administrator	Low	
3.2	Align transportation improvements with development and redevelopment projects to link activity centers with appropriate roadway infrastructure	Public Works, Planning & Zoning, Commissioners	Medium	
3.3	Review and potentially update the county road standards, based on best management practices, peer county practices, and FHWA guidance	Public Works, Commissioners	Low	In Process
3.4	Proactively communicate with municipalities about the updated county road standards	Public Works, Municipalities	Low	Notification will be made after the standards have been adopted
3.5	Meet annually with KCATA to evaluate how well the current transit system is meeting demand	Council on Aging, Planning & Zoning, KCATA	Low	On-going
3.5	Continue allocating appropriate funds to operate the Leavenworth County's Council on Aging on-demand meals and transportation service to seniors	Commissioners, Council on Aging, Planning & Zoning	Low	On-going
4.1	Host regular coordination meetings between the county, municipalities, and utility providers to ensure utility infrastructure is properly maintained and residents receive quality service	Public Works, Planning & Zoning, County Administrator, Utility Providers, Municipalities, Commissioners	Low	Creation of the Utility Commission tasked with looking at County-wide utility related issues

2025 Action Matrix

Strategy	Tasks	Task Owner and Participants	Cost Impact	Proposed Action
1.2	Conduct a thorough review of the existing plans, such as the U.S. 24/40 Corridor Study, and compile a comprehensive list of changes (with exact policy text) necessary to align the plans with the intent of the Plan	Planning & Zoning, Public Works, Commissioners	Low	
1.4	Monitor demographic and market data as it becomes available to alter land use-specific demand projections	Economic Development, Planning & Zoning	Low	
1.4	Conduct an internal update of the Plan every three to five years; dovetail this review with the preparation of the county budget	Planning & Zoning, Public Works, Commissioners	Low	
1.7	Gather demographic and market insight and research from implementation partner organizations to avoid duplicative efforts as the Plan is updated to reflect changing conditions	Planning & Zoning, County Administrator, Economic Development, Leavenworth County Development Corporation, Leavenworth County Port Authority, Leavenworth County Council on Aging, Commissioners	Low	On-going

2.5	Identify critical participants, including public, private, and nonprofit partners, in the economic development roundtable to be part of the first line of communication between businesses and local government and subsequent recommendations to the Planning Commission and County Commission	Economic Development County Administrator, LCDC, Commissioners	Low	
2.5	Standardize the economic development roundtable's meeting schedule, member responsibilities, and goals, as they relate to business recruitment and retention; workforce development and training; marketing; regional collaboration; and strategic economic development planning.	Economic Development County Administrator, LCDC	Low	
2.5	Invest in online mapping software that can be integrated into the county's website in order to show the spatial location of available properties and incentives.	Economic Development, County Administrator, LCDC	Medium	
3.1	Allocate funding for a transportation master plan in the county's upcoming budget cycle	Planning & Zoning, Public Works, Commissioners	Medium	
3.1	Regularly coordinate with the Leavenworth County Port Authority to address barge and rail operations and determine their role in the regional transportation network	Planning & Zoning, Public Works, Leavenworth County Port Authority	Low	
4.1	Allocate funding for a utility master plan in the county's upcoming budget cycle	Public Works, Planning & Zoning, County Administrator, Commissioners	Medium	If recommended by the Utility Commission
4.1	Prepare a scope of services for a utility master plan that covers all utilities, including water, wastewater , stormwater , and energy.	Public Works, Planning & Zoning, County Administrator, Commissioners	Low	If recommended by the Utility Commission

4.1	Consider hiring a consultant to draft the utility master plan or dedicate staff time to perform the study in-house	Public Works, Planning & Zoning, County Administrator, Commissioners	Low / Medium	If recommended by the Utility Commission
4.1	Following existing conditions analysis, public engagement, and formulation of utility master plan recommendations, present the Plan to the Planning Commission for recommendation of adoption and to the County Commission for adoption	Public Works, Planning & Zoning, Commissioners	Low	If recommended by the Utility Commission

Allison, Amy

From: noreply@revize.com
Sent: Sunday, March 10, 2024 9:53 PM
To: PZ
Subject: Contact Us - PZ

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.

Name = steve vernon

PhoneEmail = srvernonbeeman@yahoo.com

Message-Content = The comp plan should include a paragraph that included Fort Leavenworth as an urban district in the county. Draft follows: Fort Leavenworth is the oldest military installation west of the Mississippi River. It is the largest employer in the county and the majority of the employees tenth largest employer in the county, Northrup Grumman are employed there. Its military college hosts mid level military officers from all branches of the US armed forces, and military officers from around the world. It grants credit hours towards advance degrees and has a Masters Degree program in Military Science. The average length of stay for those officers attending the college and their families is one year. The salaries of the service members that are assigned to two of FT Leavenworth's component units are well in excess of the median salaries of the average LV CO resident. Even though the fort is a self contained economic entity the citizens of fort Leavenworth play a significant role in the economic activity in the county.

Client IP = 137.22.49.78



March 11, 2024

Rural Leavenworth, Inc.
P.O. Box 60
Basehor, KS 66007

Subject: Annual Review of Comprehensive Plan

Planning Commission and Board of County Commissioners,

Rural Leavenworth, Inc. (RLI) respectfully submits the following for your consideration in preparation for the annual comprehensive plan work session.

Observation 1: There are references throughout the comprehensive plan about maintaining rural lifestyles; however, it is not clearly defined what a rural lifestyle is. Recommendation:

- Establish a Leavenworth Rural Conservation Advisory Committee (or workgroup).
 - Preservation of Leavenworth County's 'Rural Character' is a long-standing goal of the Leavenworth County Comprehensive Plan and, thus, an integral part of the future of County development and well-being of its residents.
 - Purpose: Provide guidance and a way forward on the conservation, enhanced partnerships, experience and enjoyment of the natural and heritage resources found in unincorporated Leavenworth County.

Observation 2: Sustainability is mentioned but there is not much on how we are going to maintain fertile ag lands, historical sites or forests. Recommendation:

- Replicate Douglas County's concept of incorporating conservation criteria to assist in making land use decisions. See Attachment 1 for the link to their draft plan.
- Document areas within the county that are deemed a priority to preserve and why.

Observation 3: Policies are weak on preserving natural land features. Recommendation:

- Enhance regulations to encourage preservation of wooded areas and provide for natural settings.

Observation 4: Nothing exists except in the planned unit development category that prohibits planting of invasive species for ornamental landscaping. Recommendation:

- Add regulation that prohibits the planting of invasive species.
- Recommended text for inclusion in Leavenworth County Zoning and Subdivision Regulations is provided in Attachment 2.

Observation 5: Minimal policy exists to encourage residential development close to the cities. Recommendation:

- Implement policy to incent residential developers to develop adjacent or close to the cities. This will help reduce urban sprawl and the need for new infrastructure. See Minnesota Sustainable Development ordinances for ideas.

Longer term, there are additional ideas in the Douglas County Sustainability Plan and the Minnesota Sustainable Development Ordinances that are worth considering but are too involved or time consuming to address with this year's annual review. It is recommended several items be identified and worked on in preparation for next year's review. See Attachment 2.

RLI is appreciative of the work you are doing and looks forward to the work session and draft changes. Please let me know if RLI can be of any help with committees, analysis or with grants.

Sincerely,

A handwritten signature in cursive script that reads "Sherri Grogan". The signature is written in black ink and has a long, sweeping tail that extends to the right.

Sherri Grogan
President
Rural Leavenworth, Inc.
for the Board of Directors

POTENTIAL RESOURCES TO LEVERAGE

Douglas County Kansas' Draft Sustainability Plan - Page 54 has the list of characteristics that are a priority for preservation.

<https://douglascountyks.org/sites/default/files/2024-01/Draft%20Douglas%20County%20Open%20Space%20Plan.pdf>

Minnesota's Model Sustainability Ordinances -

<https://www.leg.mn.gov/docs/pre2003/other/010422.pdf>

Proposed Language for Subdivision Regulations
Landscaping Species

XX. Landscaping and Screening*

- G. Materials.** All plant materials must meet the minimum standards set by the American Association of Nurserymen. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive on native species. Plant materials shall comply with the following standards:
1. Minimum plant size shall be as specified in the following table. For the purpose of determining tree trunk size, the diameter shall be measured 6 inches above ground level.

Minimum Plant Size for Landscape Materials

Plant Type	Minimum Size
Trees: Evergreen	6 feet in height
Deciduous	2 ½ inches in diameter
Deciduous ornamental	1 ½ inches in diameter
Shrubs: Evergreen or deciduous	18 - 24" in height 18 - 24" in height

2. Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.
3. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified in the table above.
4. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within 2 years.

*Source: *Policy to Reality: Model Ordinances for Sustainable Development*, Minnesota Planning, pg. 178 (pdf file). Available at: <http://www.mnplan.state.mn.us/SDI/ordinancestoc.html>.

Rural Leavenworth, Inc.
PO Box 60
Basehor, KS 66007



April 8, 2024

Leavenworth County Planning Department
300 Walnut St, Suite 212
Leavenworth, KS 660048

Re: Annual Comprehensive Plan Review

Dear Staff and Planning Commission,

Rural Leavenworth, Inc. respectfully submits the following comments for consideration. We generally support the proposed changes and appreciate the new strategy around the “land first” approach.

Most taxpayers are concerned with their taxes. They know residential growth isn't sufficient to cover the cost for infrastructure improvements. The action items around developing an economic development strategy and forming a utility commission should help determine current infrastructure capacity and encourage economic development that will be beneficial to the area.

It is unknown how much growth our current infrastructure can support. For example, USD458 taxpayers are voting on a bond to add space at the early learning center and high school. There have also been plats approved where the water district indicates a potential issue or it is likely the road will need to be improved.

RLI would like to ensure taxpayers have a voice when deciding whether to invest in infrastructure and public amenities. In other words, let the voters vote when significant spending is desired, i.e., new roads, bridges, parks, or other infrastructure improvements. RLI recommends:

- a more aggressive timeline for the formation of an economic development roundtable;
- working with Ft. Leavenworth to promote existing businesses in the county and region;
- defining the purpose for the utility commission and what the deliverables are;
- including the Land Evaluation and Site Assessment as a requirement for special use permits and subdivision plats and add it as a criteria for decision making;
- providing an item on the staff report for plats and special use permits that identifies whether the requestor intends to comply with open space and preservation of natural land features as outlined in the subdivision regulations;

- developing and incorporating a “per rooftop cost” representing the increased tax and utility cost burden the average country homeowner incurs for new rural subdivision rooftops;
- including a paragraph within the comprehensive plan to identify Fort Leavenworth as an urban district within the county; and
- adding specific target dates on the action matrices.

There is more that can be done to support sustainability, conservation and set a vision for the future of Leavenworth County. It needs to be a collaborative effort with the community and stakeholders. Addressing transportation and economic development as independent actions rather than an overall strategy without a vision may be counter productive.

A considerable amount of input was gathered when the comprehensive plan was originally developed. The current focus should align with the findings and priorities that are within the existing plan.

One thing that might help secure community buy-in is a better vision of what the future looks like. There is expertise in the community that can be utilized to define rural character, what public amenities are important, and priority areas for conservation. RLI envisions a public workgroup with multiple stakeholders to start the discussion. A variety of methods could be used to gather input to meet defined objectives and deliverables. Would the County staff and elected officials support such a workgroup and welcome the input?

Thank you for the opportunity to provide input. We appreciate your efforts and look forward to partnering with you in the future.

Very respectfully,



Sherri Grogan
President
Rural Leavenworth Inc. for the
Board of Directors

Looking at strategy 4 of “Land Use and Economic Development Measures” “Develop and adopt an economic development plan”. The elephant in the room as it relates to economic development and property tax generation is Fort Leavenworth. The ability of LV CO and its schools to generate revenue from property tax is severely limited by the amount of federal property in the County. As a causal observer it appears that the LV CO governments plan to make up for this property tax shortfall is to build more suburban homes and hope to located large box stores and more manufactures in the county to enhance revenue while exempting property tax for large scale investment in the county.

What appears to be missing is any attempt by the Planning Commission or the BOCC to take advantage of the Forts population to create economic activity within the county. The median salary level of the service members in two of the three Brigade sized element is approximately \$100,000. Those two are the Mission Command Training Program and the element supporting the Military College on post. US service members will serve on average 1 year attending classes or 3 years for those stationed on the Fort. The Military school semester begins in the fall, and many of the service members are assigned to the Fort during the summer to allow their children to enroll in school at the beginning of the fall semester. The spouse of foreign officers either attending the college, serving as instructors or as a liaison with the US Army are not allowed to obtain a green card. They cannot obtain employment within the US.

To welcome new arrivals on the Fort twice a year the post has a Post Activities Information and Registration Day (PAIR). Last summer it was held on August 19th the Spring Pair Day is being held on April 13. For a fee, last time I checked it was about \$250, businesses, non profits and/or government agencies can get a table for the event to inform incoming service members and their families of businesses and recreational activity within the county.

Coming back to the Leavenworth County Comprehensive Plan. Insert on page 9 the attached document defining Fort Leavenworth as an urban entity within the county. LV CO services do impact the Fort. Many times in my 28 years of working on the fort I have seen county Ambulances and law enforcement on post. In addition I recall that an officer who was recalled from a combat zone because his wife had filed for divorce. Based largely on the recommendation of LV CO courts the officer’s wife and her live in boy friend were granted residency in his government quarters.

Other considerations relating to the LV COMP Plan, on page 50 of the plan a majority of residence surveyed indicated that they lived in the county because of the “Rural Atmosphere”. On page 51 a significant portion of the surveyed population indicated that they were “With rapid residential growth in rural areas”. On pages 60 & 61 respondents indicated that maintaining agricultural land and that agricultural tourism is important in the county. A side note the state of Kansas has special incentives for drawing out of state or foreign tourists to the county. This is a boon to some small local businesses that engage in this activity.

This relates back to, strategy 4 of “Land Use and Economic Development Measures” “Develop and adopt an economic development plan”. The good news here is that it does not require much and costs even less. All that really need to be done is the LV CO Economic Development Coordinator and/or the LV CO Agricultural Agent or the designated 4H Rep in his office to represent small to micro agriculture/agritourism operations with in the county during the two PAIR days on Fort Leavenworth.

This can include "LV CO growers" equine activities, wine producers, city farmers markets, butterfly houses etc. These county official can also assist foreign students find livestock that some require for religious holidays. This will assist LV CO residents who live, work and worship in the county to generate a living and pay county sales taxes. To this southern county resident this economic activity is preferable to selling rezoned 2.5 acre lots with none native sod grass lawns for folks who will work and shop in Johnson or Douglas county.

Thank you for your time.

Draft insert:

The comp plan should include a paragraph that included Fort Leavenworth as an urban district in the county. Draft follows: "Fort Leavenworth is the oldest military installation west of the Mississippi River. It is the largest employer in the county and the majority of the employees tenth largest employer in the county, Northrup Grumman are employed there. Its military college hosts mid level military officers from all branches of the US armed forces, and military officers from around the world. It grants credit hours towards advance degrees and has a Masters Degree program in Military Science. The average length of stay for those officers attending the college and their families is one year. The Mission Command Training Program is another unit on the post, service members spend on average 2-3 years in this assignment. The salaries of the service members that are assigned to two of FT Leavenworth's component units are well in excess of the median salaries of the average LV CO residents."

RESOLUTION 2024-13

A RESOLUTION OF THE LEAVENWORTH COUNTY KANSAS BOARD OF COUNTY COMMISSION AMENDING THE LEAVENWORTH COUNTY COMPREHENSIVE PLAN

WHEREAS, K.S.A. 19-2958, *et seq.* and any amendments thereto, provides for the adoption and amendment of a Comprehensive Plan for the enactment of planning and zoning laws and regulations by Counties for the coordinated development of the county and protection of the public health, safety and welfare; and

WHEREAS, on October 28, 2020, a Comprehensive Plan was created and established for Leavenworth County; and

WHEREAS, the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing with a quorum present on proposed amendments to the Leavenworth County Comprehensive Plan on the 10th day of April, 2024; and

WHEREAS, the Leavenworth County Planning Commission, with the approval of the of the majority of the voting members, recommended for approval amendments as set forth in Exhibit A to the Leavenworth County Comprehensive Plan based upon specific findings of fact incorporated by reference herein; and

WHEREAS, the Board of County Commission considered, in session on 1st day of May, 2024, 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. The amendments as set forth in Exhibit A to the Leavenworth County Comprehensive Plan be approved based upon the recommendation and findings of fact of the Leavenworth County Planning Commission incorporated herein by reference and the findings of fact adopted by the Board of County Commission in regular session on the 1st day of May, 2024 and incorporated herein by reference; and
2. This Resolution shall be in full force and effect from and after its adoption.

Adopted this 1st day of May, 2024
Board of County Commission
Leavenworth, County, Kansas

Jeff Culberston, Chairman

ATTEST

Mike Smith, Member

Janet Klasinski, Leavenworth County Clerk

Vicky Kaaz, Member

Doug Smith, Member

Mike Stieben, Member

Holistic Implementation Measures							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4:	Review the Plan periodically and strategically; Prepare an Annual Progress Report						
	Conduct an internal update of the Plan every three to five years; dovetail this review with the preparation of the county budget and capital improvements program	Process	Planning & Zoning, Public Works, Commissioners	Low	Low	Proposed for 2025	
Strategy 6:	Widely Communicate and Market the Plan to celebrate the Plan's successes						
	Regularly maintain and update the Plan website (www.lvcountryplan.com) with progress and changes; utilize the email marketing tool integration to send update emails out to the contact list. Amend	Program	Planning & Zoning	Low	Low	Amend - 2024	
	Utilize the developed project branding style guide to ensure a consistent look and feel in Plan-related messaging.	Process	Planning & Zoning	Low	Low	Amend - 2024	

Land Use and Economic Development Implementation Measures							
	Tasks	Category	Task Owner and Participants	Priority (H,M,L)	Cost Impact	Status	Completion Date
Strategy 4: Develop and adopt an economic development strategic plan							
	Identify funding for an economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Prepare a scope of services for an economic development strategic plan that includes a regional market assessment, opportunity and barrier assessment, target industry sector analysis, regional and target industry positioning, economic development goals and policies, and stakeholder input	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
	Develop a county economic development strategic plan with robust stakeholder input	Plan	Economic Development, Planning & Zoning , County Administrator	Medium	Medium	Proposed 2024	
	Consider regional and municipal economic development activities in the economic development strategic plan	Process	Economic Development, Planning & Zoning , County Administrator	Medium	Low	Proposed 2024	
Strategy 5: Create an economic development roundtable							
	Identify critical participants, including public, private, and nonprofit partners, in the economic development roundtable to be part of the first line of communication between businesses and local government and subsequent recommendations to the Planning Commission and County Commission	Process	Economic Development Planning & Zoning , County Administrator, LCDC, Commissioners	Medium	Low	Proposed 2025	
	Standardize the economic development roundtable's meeting schedule, member responsibilities, and goals, as they relate to business recruitment and retention; workforce development and training; marketing; regional	Program	Economic Development Planning & Zoning , County Administrator, LCDC	Medium	Low	Proposed 2025	

	collaboration; and strategic economic development planning.						
	Invest in online mapping software that can be integrated into the county's website in order to show the spatial location of available properties and incentives.	Process	<p style="color: red;">Economic Development Planning & Zoning,</p> County Administrator, LCDC	Medium	Medium	Proposed 2025	



Report
2024
1st QTR

EMS 2024 1st Qtr. report

Reports:

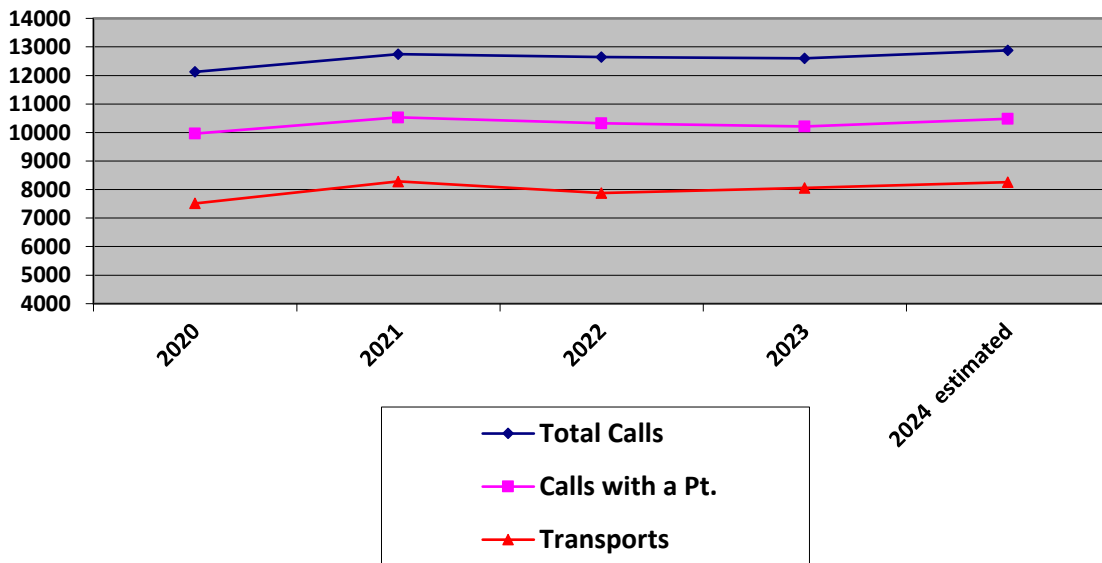
1. Budget –

	<u>2021</u>	<u>2022</u>	<u>2023</u>	Jan-Mar <u>2024</u>
Approved Budget	3,836,941	4,122,580	4,123,580	4,550,782
Expenditures	4,177,820	1,102,400	4,402,726	1,046,755
Required User Fee To be collected per published budget	3,195,000	3,195,000	3,195,000	3,195,000
User Fee Revenue	2,674,436	3,165,523	3,396,859	882,935 (28%)

2. Statistics

	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	Jan-Mar <u>2024</u>
Total Calls	12,126	12,748	12,644	12,604	3,220
Total Calls with a Patient	9,962	10,531	10,323	10,209	2,620
Total Patients Transported	7,814	8,287	7,881	8,060	2,064

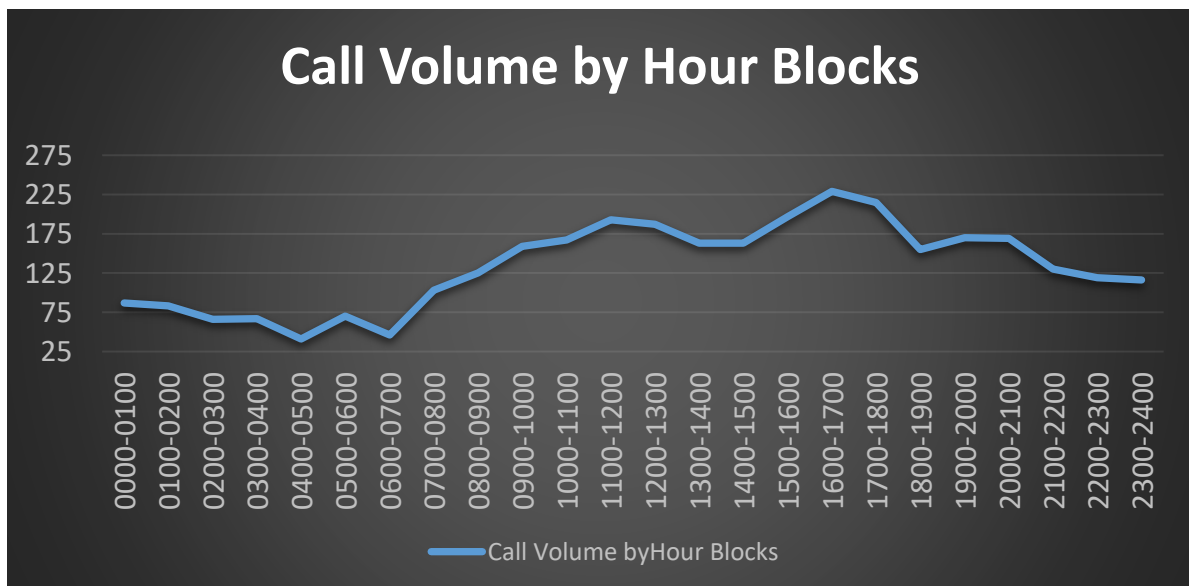
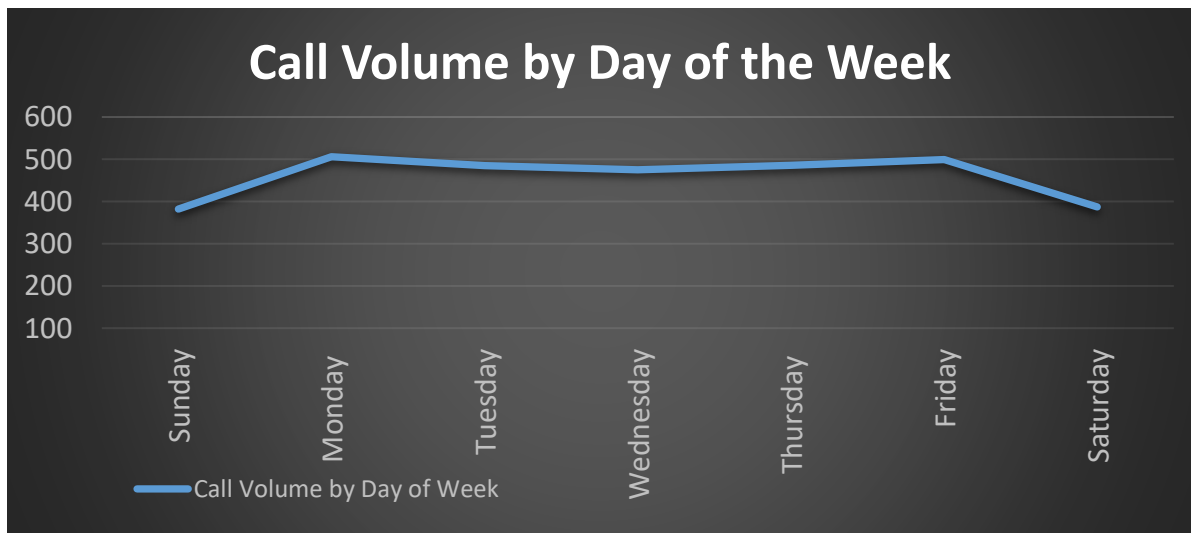
Runs Comparisons per Year



- **Total System Response time:**

Response Times 2021		
Minutes	# of Runs	% of Runs
0 – <5	1560	48.45%
5 - <10	945	29.35%
10 - <15	368	11.43%
> 15	267	8.29%
Not Arrive	80	2.48%

- **Call Volume Statistics 2024**



TOTAL CALLS PER GEOGRAPHICAL LOCATION 2022

City of Leavenworth	1861	57.81%
City of Lansing	349	10.84%
City of Tonganoxie	268	8.32%
City of Basehor	179	5.56%
High Prairie Twp.	174	5.40%
Fort Leavenworth	86	2.68%
Fairmount Twp.	57	1.77%
Tonganoxie Twp.	52	1.61%
Reno Twp.	35	1.09%
Stranger Twp.	31	0.96%
Kickapoo Twp.	23	0.71%
City of Easton	22	0.68%
Sherman Twp.	21	0.65%
Easton Twp.	16	0.50%
Alexandria Twp.	15	0.47%
City of Linwood	14	0.43%
Delaware Twp.	13	0.40%
Mutual Aid	4	0.12%

3. Vehicle maintenance 2022

Total vehicle Budget 107,500
 Expenditures 19,170 (17.8%)

- Received word that our 2023 replacement unit should be delivered to us in Nov. and our 2024 unit should be delivered in Jan 2025.

4. Updates

- Currently working on staffing open Paramedic positions.
- Completed Service relicensing with the KBEMS
- Had a surprise inspection from the KS Board of Pharmacy – no deficiencies were noted
- Participated on the Leavenworth County Mental Health Advisory Council
- Gave presentation to the LLL Class of 2024
- We are receiving some radios from the sheriff’s office that can be reprogrammed for our needs.
- Preparing to participate in tornado exercise on Fort Leavenworth in June

Leavenworth County Health Department Report 2024



1st Qtr.

Health Department Report 1st Qtr.

1. Budget	<u>2021</u>	<u>2022</u>	<u>2023</u>	Jan - Mar <u>2024</u>
Approved Budget	1,379,241	1,441,644	1,491,209	1,554,304
Expenditures	1,334,225	1,310,657	336,225	252,495
Required User Fee	110,000	110,000	110,000	110,000
User Fee Revenue Collected	65,930	74,223	93,828	21,185
Grants Received	630,437	870,129	716,922	189,789

2. Statistics	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	Jan - Mar <u>2024</u>
Health Department	5,231	4,133	5,933	9,946	5,952	928
WIC Clients	6,860	5,935	5,562	13,276	13,262	2,831
Total Clients	12,091	10,068	11,495	23,222	19,214	3,759

3. Items to report:

- 3 Staff nurses attended public health conference in Wichita
- The health department is now an early detection works program provider
- Cancelled several clinical site nursing student contracts that were not being utilized.
- Conducted annual school nursing meeting
- WIC participated in PAIR day on Ft Leavenworth as outreach activities.
- Conducted required infectious disease training table top

Quarterly Report

May 1, 2024

Prepared By:
Bob Weber, County Appraiser

Ongoing Activities

1. Informal Hearings

- a. The Appraiser's office sent change of value notices March 1st. The values on 279 parcels were appealed out of a total of 32,430 parcels. We have scheduled and held all informal meetings with tax payers.

1. Year Informal Hearings

2024	282
2023	787
2022	728
2021	438
2020	387
2019	713

- b. The last day to schedule an appeal was March 31st.

2. Personal Property

- a. Five Thousand personal property renditions were mailed to property owners on January 11th.
- b. We have received 4,021 renditions back. The County Appraiser has until May 1st to send personal property valuation notices on timely filed renditions.
- c. The County Appraiser is required to apply a late filing fee on all renditions filed after March 15th. The penalty is 5% a month up to 25%. The failure to file penalty is 50%.

3. Sales

- a. 362 total sales have been received though the first quarter of 2024. This compares to 351 in 2023, 439 in 2022, and 503 in 2021. The median number of sales for the first quarter over the previous ten years is 355.
- b. An assessment sales ratio report was run comparing 2024 values that were sent out on March 1st to March sales. The median ratio is 96.6% and the coefficient of diversion (COD) is 8.0%. Ratio study standards are a median ratio between 90% and 110% and a COD between 5% and 15% for a county this size.

4. Property Tax legislation SB 410

- a. Codifies adverse agricultural land influences.
- b. Personal property changes: Eliminates annual filing requirement. Initial filing when PP acquired requirement only. Late filing penalty reduced from 5% to 2% month. Maximum late filing penalty reduced from 25% to 10%. Failure to file penalty reduced from 50% to 12.5%. Gives county appraiser authority to abate penalties for excusable neglect.
- c. Agritourism: SB 410 clarifies what activities are to be classified as agricultural use for properties that are registered as agritourism. The legislation is retroactive for all taxable years after December 31, 2020. Legislation first passed in 2022 classifying agritourism activities as agricultural use.

County Summary - Preliminary Ratio Study 2023

KS Property Valuation Division

052 : LEAVENWORTH COUNTY														
PROPERTY CLASS	Median	Confidence			COD	Confidence			PRD	Confidence			Valid Sales	Trim Sales
	Ratio	Interval				Interval				Interval				
Residential	94.3	93.4	to	95.1	9.7	9.2	to	10.3	1.00	1.00	to	1.01	927	115
Commercial/Ind.	98.6	78.8	to	112.8	38.5	19.8	to	63.1	1.33	1.14	to	1.66	13	0
Vacant Lot	80.4	-	N/A	-	15.5	-	N/A	-	1.05	-	N/A	-	86	6
Farm & Home	71.1	-	N/A	-	8.2	-	N/A	-	0.99	-	N/A	-	6	0
Ag. Land Only	1.0	-	N/A	-	113.8	-	N/A	-	1.10	-	N/A	-	31	2
Ag.(Impr.+ Land)	46.8	-	N/A	-	79.5	-	N/A	-	0.83	-	N/A	-	82	0
Other/Ex/Ut/NP/Mix	111.9	-	N/A	-	6.6	-	N/A	-	0.99	-	N/A	-	3	0
TOTAL w/Ag.& F&H	92.4	-	N/A	-	12.2	-	N/A	-	1.01	-	N/A	-	1117	137
TOTAL MARKET	93.6	-	N/A	-	11.0	-	N/A	-	1.00	-	N/A	-	1029	113



COUNTY OF LEAVENWORTH

300 Walnut St., Suite 106
Leavenworth, Kansas 66048-2725
(913) 684-0412
www.leavenworthcounty.gov

*From the office of Thomas A. Cole, Economic Development Administrator
Email: tcole@leavenworthcounty.gov*

May 1, 2024

Quarterly Report

Items of Interest:

- Assisting numerous property owners evaluate future uses and reuses of large acreages. Planning, marketing and regulatory preparation.
- Relationship Enhancement and Frequent Contact with Leavenworth County Communities and Agencies
- Assisting Communities with Specific Initiatives
- Industrial Site Visioning Committee – Business Park Committee (Port Authority / LCDC)
 - Meeting with Developers, Utility Companies, Regional Development Groups, General Site Analysis and Needs
 - Providing GIS Support identifying electrical capacities, large tracts, infrastructure proximity and ability of sites to connect to municipal utilities.
 - Recommendation in Summer 2024
- Energy Efficiency and Conservation Block Grant – US Department of Energy (Awaiting Award) – Retrofit Efficient Lighting Systems at Justice Center
- Charging and Fueling Infrastructure Discretionary Grant Program – USDOT (Summer 2023 Submission)
- Working with an international firm investigating the location of a potential energy-related development.

- Working with a science and technology firm seeking a large acreage for the development of a commodity production facility.
- Working with a number of developers in pre-planning additional single-family homes and neighborhood commercial retail offerings
- Working with a local entrepreneur to identify a viable site for a proposed commercial development.
- Attended a KSU/Panasonic sponsored event detailing the manner in which prospective employees and suppliers can engage with the company
- ICSC Retail Event (International Council of Shopping Centers) – May 2024
 - 35,000 Retailers/Developers/Real Estate Professionals
 - Planning event strategy and setting meetings with retailers and retail developers
- MARC Goods Movement (Logistics) Committee
 - Regional Freight Study has commenced
 - Will identify primary and prevailing freight routes and needs
 - Planning Tool

Market Snapshot (12-Months To-Date – April 2023 to April 2024)

Industrial

Inventory 5.1 million sf (approximate)

Vacancy Negligible +/- 1% - *Our market is full relative to existing buildings. Conversely, there's 19.3 million sf of available industrial space throughout the entire KC Metro.*

Projects and building sizes are increasing as supply chain issues proved to significantly hinder costs and availability since the pandemic. As such, we're seeing a shift from Just-In-Time production methods to a Just-In-Case approach. Resiliency is key: How well an industry can take a punch.

Rents Increased 6.3% to \$7.17/sf Average (year over year)

Increased 22.5% since 2021

Retail

Inventory 2.8 million sf (approximate)

Vacancy 5.0%

Rents Increased 3.6% to \$13.34/sf Average (year over year)

Increased 18.2% since 2021

Retail continues to generally be in flux citing workforce concerns as the primary constraint.

Office

Inventory 1 million sf (approximate)

Vacancy 8.9% (down 0.01% from 1 year ago)

Rents Increased 2.3% to \$19.74/sf Average (year over year)

Increased 6.6% since 2021

Multi-Family Housing

Inventory 1360 Units

Vacancy 7.7% (down 3.1% from 1 year ago)

Rents Increased 6.7% to \$1,072/month Average (year over year)

 Increased 17.3% since 2021

****Data provided by Costar Data Analytics***