

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, May 10, 2023
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048
www.leavenworthcounty.gov

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes**
5. **Secretary's Report**
6. **Declarations: (if necessary)**
 - A. Declarations of receipt of communications by Planning Commissioners
 - B. Disclosure of ex-parte communications for each hearing item
 - C. Declarations of abstention from specific agenda items by a Commissioner
7. **Approval of Agenda**
8. **Consent Agenda** – No Items
9. **Regular Agenda**
 - A. **Case DEV-22-100 Highland Meadows – Table to June 14, 2023**

Consideration of a Preliminary Plat for Highland Meadows on the following described property: A tract of land in the fractional Southwest Quarter of Section 7 and the Fractional Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.
Also known as 00000 Sandusky Road & 00000 234th Street
PID: 193-07-0-00-00-006.00 & 194-18-0-00-00-007.00
 - B. **Case DEV-22-156 Special Use Permit Lexeco Landfill and Fill Site**

Consideration of a Special Use Permit for an Extraction of Raw Materials Site and Landfill for a Soil Fill/Borrow Site and Clean Rubble Landfill on the following described property: A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.
Also known as 00000 Springdale Road
PID: 078-33-0-00-00-021.00
 - C. **Case DEV-23-025 Horses for Heroes**

Consideration of an application for a Special Use Permit for a Riding Stables and Clinic for Horses and Heroes on the following described property: A tract of land in the South ½ of the Southwest ¼ of Section 33, Township 9 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.
Also known as 16740 McIntyre Road
PID: 108-33-0-00-00-016.07

Adjournment of Planning Commission

10. Work Session

1. Roll Call
2. Planned Unit Developments

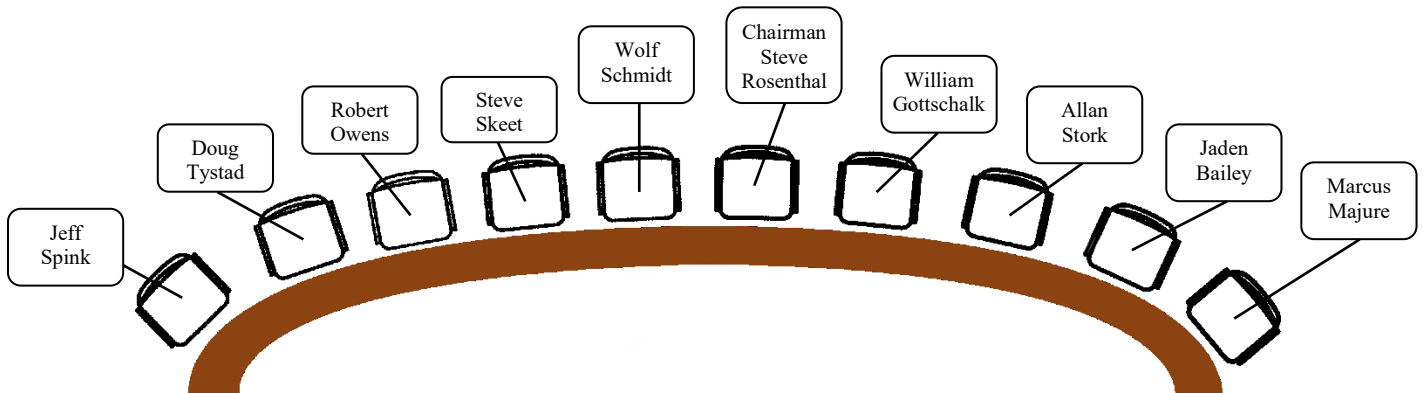
Tentative upcoming meeting dates:

- **Wednesday, June 14, 2023, 5:30 PM**
Regular Planning Commission Meeting

For More Information

If you have any questions or need to make special arrangements for a meeting, please call or stop by the Planning and Zoning Department.
Contact Stephanie Sloop – 913-684-0465

Planning Commission Seating Chart 2023



**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
April 12, 2023**

The complete recorded meeting can be found on the County's YouTube channel.

The Planning Commission meeting was called to order at 5:30 p.m.

Pledge of Allegiance

Members present: Jaden Bailey, Steve Skeet, William Gottschalk, Wolf Schmidt, Jeff Spink, Marcus Majure, Alan Stork, Doug Tystad

Members absent: Robert Owens and Steve Rosenthal

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

Minutes:

Commissioner Schmidt made a motion to approve the minutes. Commissioner Majure seconded the motion.

ROLL CALL VOTE - Motion to approve the minutes passed, 7/0 (2 Absent)

Secretary's Report:

Amy Allison gave the secretary's report going over the agenda, letting the commission know that there was one item on the consent agenda.

Commissioner Tystad made a motion to approve the agenda. Commissioner Skeet seconded the motion.

ROLL CALL VOTE - Motion to approve the agenda passed, 6/0 (1 Abstention, 2 Absent)
(Commissioner Stork Abstained from the vote)

**Case DEV-22-100 Preliminary Plat – Highland Meadows
Consideration of a Preliminary Plat – Highland Meadows on the following described property: A tract of land in the Southwest Quarter of Section 7 and the Fractional Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case stating that staff felt with the outstanding staff comments needing to be addressed that this case be tabled.

Chairman Spink asked if there were any questions or discussions from the board. The applicant/agent was invited to come forward. Mr. Herring, Herring Survey came forward to describe the request and answer any questions from the board.

Chairman Spink said that he would accept a motion.

Commissioner Majure motioned to table Case DEV-22-100 a Preliminary Plat – Highland Meadows. Commissioner Skeet seconded the motion.

ROLL CALL VOTE - Motion to approve passed 7/0, (2 absent)

**Case DEV-23-031 & 031 Preliminary and Final Plat – Summit Farms
Consideration of a Preliminary and Final Plat – Summit Farms on the following described property: A tract of land in the West Half of Section 22, Township 12, Range 20 East of the 6th P.M., in Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case.

Chairman Spink asked if there were any questions or discussions from the board.

Chairman Spink said that he would accept a motion.

Commissioner Stork motioned to approve Case DEV-23-031 & 032 a Preliminary and Final Plat – Summit Meadows. Commissioner Bailey seconded the motion.

ROLL CALL VOTE - Motion to approve passed 7/0, (2 absent)

The Board of County Commissioners will consider this item no earlier than **April 26, 2023, at 9:00 A.M** in the Leavenworth County Courthouse.

**Case DEV-23-027 – Special Use Permit – Rock Hard Yard Art
Consideration of an application for a Special Use Permit for Retail Sales and Service for Rock Hard Yard Art, and outdoor yard art retail business on the following described property: All that part of the East ½ of the Southeast ¼ of Section 15, Township 12 South. 6th P.M. in Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case.

Chairman Spink asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. The applicant came forward to describe the request and answer any questions from the board. Discussion was had between the Board of Zoning Appeals and staff.

Chairman Spink asked if there was anyone present wishing to speak in favor or opposition. The public comment portion of the hearing was closed.

Chairman Spink stated that he would accept a motion if there were no further discussion.

Commissioner Stork made a motion to approve Case DEV-23-027 – Special Use Permit – Rock Hard Yard Art. Commissioner Bailey seconded the motion.

ROLL CALL VOTE - Motion to approve passed 7/0, (2 absent)

**Case DEV-23-037 Text Amendment
Consideration of an Amendment to the 2006 Leavenworth County Zoning and Subdivisions Regulations – Article 19 – Table of Uses.**

Amy Allison gave the staff report for the above-listed case.

Chairman Spink asked if there were any questions or discussions from the board. Hearing none the public hearing was opened.

Chairman Spink asked if there was anyone present wishing to speak in favor or opposition. The public comment portion of the hearing was closed.

Chairman Spink stated that he would accept a motion if there were no further discussion.

Commissioner Stork motioned to approve Case DEV-23-037 a text amendment. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve the request passed 7/0 (2 absent)

Discussion was had between the board and staff about upcoming work sessions. A work session was scheduled for May 10th, following the regularly scheduled Planning Commission Meeting.

The meeting was adjourned at 6:25 p.m.

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-22-100 Highland Meadows

May 10, 2023

REQUEST: **Regular Agenda**
 Preliminary Plat Final Plat

STAFF REPRESENTATIVE:
 AMY ALLISON
 DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 Sandusky Road

APPLICANT/APPLICANT AGENT:
 JOE HERRING
 HERRING SURVEYING

PROPERTY OWNER:
 Orison, LLC
 1204 State Ave, Ste A
 Tonganoxie, KS 66086

CONCURRENT APPLICATIONS:
 NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
 RESIDENTIAL (2.5-ACRE MIN)

LEGAL DESCRIPTION:

Tracts of land in the fractional Southwest Quarter of Section 7 and the fractional Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: TABLE ITEM

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-22-100, Preliminary Plat for Highland Meadows, with or without conditions; or
2. Recommend denial of Case No. DEV-22-100, Preliminary Plat for Highland Meadows, for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:
 96.25 ACRES

PARCEL ID NO:
 193-07-0-00-00-006.00 & 194-18-0-00-00-007.00

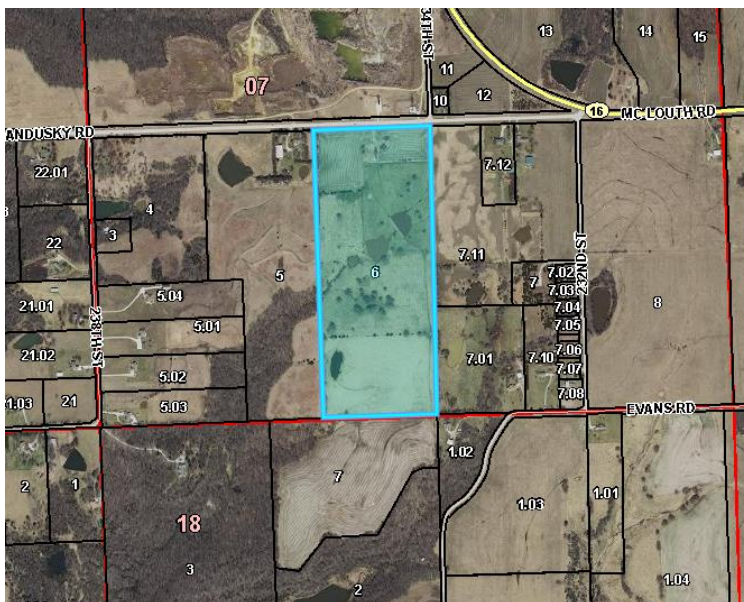
BUILDINGS:
 N/A

PROJECT SUMMARY:

Request for preliminary plat approval to subdivide property located at 00000 Sandusky Road (PID 193-07-0-00-00-006.00 & 194-18-0-00-00-007.00) as Lots 1 through 36 of Highland Meadows.

ACCESS/STREET:
 SANDUSKY ROAD - COUNTY COLLECTOR, PAVED ± 24’;

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: TONGANOXIE TWSP FD

WATER: RWD 6

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:
 4/5/2023

NEWSPAPER NOTIFICATION:
 4/4/2023

NOTICE TO SURROUNDING
 PROPERTY OWNERS:
 N/A

STANDARDS TO BE CONSIDERED:			
<i>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</i>		Met	Not Met
35-40	Preliminary Plat Content	X	
40-20	Final Plat Content	N/A	
41-6	Access Management	X	
41-6.B.a-c.	Entrance Spacing	X	
41-6.C.	Public Road Access Management Standards	X	
43	Cross Access Easements	N/A	
50-20	Utility Requirements	X	
50-30	Other Requirements		X
	Missing Grading Plans for Lots 6, 8, 12 and 32		
50-40	Minimum Design Standards		X
	Block standards require a maximum of 1200 ft. which staff does not support an exception for as the proposed length is well over double the maximum set. Anything over 750 ft., the Planning Commission can require pedestrian easements to be installed.		
50-50	Sensitive Land Development	N/A	
50-60.	Dedication of Reservation of Public Sites and Open Spaces	N/A	

STAFF COMMENTS:

The applicant is still working on amending the proposed layout and supporting documentation for the subdivision. They have requested this item be tabled to June 14, 2023.

ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Maps
- C: Memorandums

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-22-156 Lexeco Soil Borrow Site and Clean Rubble Landfill

May 10, 2023

REQUEST: *Public Hearing Required*

- Zoning Amendment Special Use Permit
 Temporary Special Use Permit

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 SPRINGDALE RD (K-92)

APPLICANT/APPLICANT AGENT:

LEAVENWORTH EXCAVATION &
EQUIPMENT COMPANY
5037 S 4TH STREET
LEAVENWORTH, KS 66048

PROPERTY OWNER:

K&L LEASING INC.

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
MIXED RESIDENTIAL

LEGAL DESCRIPTION:

A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: DENIAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-22-156, Special Use Permit for the extraction of raw materials and landfill, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-22-156, Special Use Permit for the extraction of raw materials and landfill, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 22.8 ACRES

PARCEL ID NO:
078-33-0-00-00-021.00

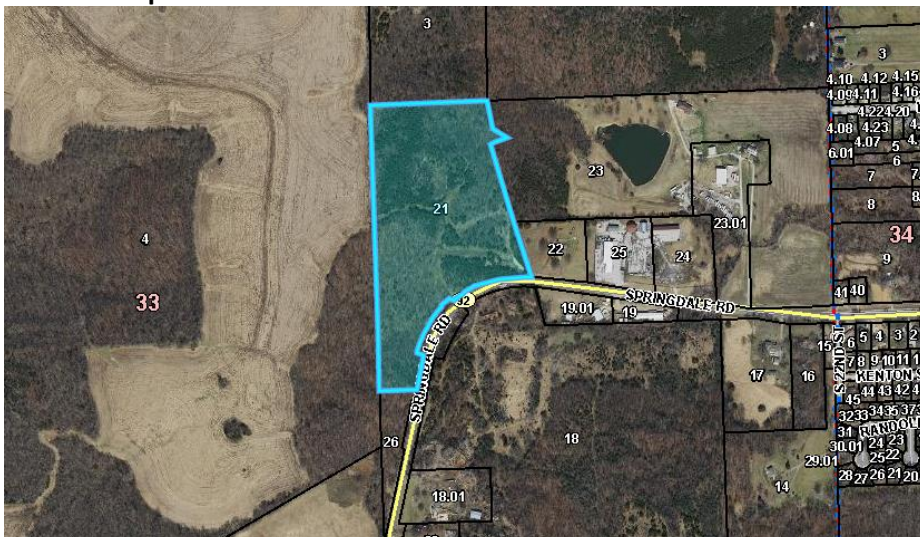
BUILDINGS:
N/A

PROJECT SUMMARY:

Requesting a permit to operate an extraction of raw materials and landfill at 00000 Springdale Rd, Leavenworth, KS (PID 078-33-0-00-00-021.00).

ACCESS/STREET:
SPRINGDALE RD – STATE HWY,
PAVED, ± 26’

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FD 1

WATER: RWD 5 (ADJACENT)

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 12/8/2022

NEWSPAPER NOTIFICATION:
12/20/2022

NOTICE TO SURROUNDING
PROPERTY OWNERS:
12/20/2022

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 Special Use Permit request:</i>	Met	Not Met
1. Character of the Neighborhood: <i>Density: Adjacent properties range in size from 1 to 244 acres, with larger tracts of land to the north and west.</i> <i>Nearby City Limits: The City of Leavenworth is approximately 1300 ft to the north and east of the property.</i>	✓	
2. Zoning and uses of nearby property: <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature. Industrial and Commercial businesses are located approx. 320 ft. to the east.</i> <i>Adjacent Zoning: Adjacent properties are zoned RR-2.5 and B-3.</i>	✓	
3. Suitability of the Property for the uses to which is has been restricted: <i>The property is currently vacant. The lot has significant terrain elevation changes and a dormant gas line passing through it. Staff recommends the applicant contact the Kansas Corporation Commission about the existing gas line and avoid digging within the vicinity. The requested use is allowed with a Special Use Permit</i>	✓ (see Condition 13)	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>The requested-use is unlikely to detrimentally impact neighboring properties. The request is for a private soil borrow site and clean rubble landfill.</i> <i>Traffic: The narrative indicates that this site will be used seasonally. The updated narrative, dated December 7, 2022, indicated that up to 10 trucks could be visiting the site per day (20 trips per day). The property would access off of K-92. KDOT did not have any comments for this application.</i> <i>Lighting: No lighting is proposed with this request.</i> <i>Noise: Due to the nature of the request, noise will be generated on site. The narrative update dated December 7, 2022 indicated that work would only be performed on-site between the hours of 7:00 AM to 6:00 PM. Staff recommends placing a noise limit of 60 db as measured from the property line.</i> <i>Outdoor Storage: The applicant indicated that no soil will be piled and stored on-site. They are proposing that equipment such as dozers and excavators will be used and parked on-site.</i> <i>Parking: The applicant is proposing that only one employee will be on-site during operation hours. The site has adequate drives to support the parking of one vehicle and additional trucks to be loaded and unloaded.</i> <i>Visitors/Employees: As previously stated, the applicant indicated that only one employee will be on-site during operation hours. Additional employees will come to the site to load soil and unload clean rubble.</i>	✓ ✓ ✓ ✓ ✓	

<p><i>Chemicals, Hazardous Materials, Oils, Lubricants and Fuels: The applicant indicated that no chemicals or hazardous materials will be stored on-site. They are proposing to install a 1500-gallon diesel tank for the use of equipment stored on-site. The tank will be mounted on a trailer. The applicant is also requesting the use of a ConEx box to store grease, engineer oil, transmission oil and hydraulic oil.</i></p> <p><i>Waste: Any waste generated from the proposed use must be disposed of in compliance with all local and state requirements. The proposed Landfill will be used for the disposal of clean rubble in compliance with KSA 65-3402(w).</i></p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	
<p>5. Length of time the property has been vacant as zoned: <input type="checkbox"/> Not Vacant <input checked="" type="checkbox"/> Vacant</p>	<p style="text-align: center;">✓</p>	
<p>6. Relative gain to economic development, public health, safety and welfare: <i>The proposed application would allow for the expansion of an existing business with Leavenworth County. The proposed conditions would reduce concerns to the public health, safety and welfare.</i></p>	<p style="text-align: center;">✓</p>	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: Mixed Residential</i></p>		<p style="text-align: center;">✓</p>

STAFF COMMENTS:

The applicant is proposing to establish a soil borrow site and clean rubble landfill on the property at 00000 Springdale Road. The property is located on K-92 which is a State maintained highway. They intend to use the 23-acre property to excavate soil for use on construction projects off-site as well as the disposal of clean rubble from said construction sites. They are proposing that this site only be used for the purposes of the business and not open to the public. They intend to install a fence and gate around the site for security purposes. One employee will be present on the site during operation hours. They anticipate the site will only be used seasonally, from April to November, Monday through Saturday. The operation hours will be from 7:00 AM to 6:00 PM, or as needed. They anticipate the site will be used 2 days a week for 35 weeks out of the year.

The applicant is not proposing any structures be built on-site, however, they are proposing the storage of equipment and a ConEx box on the property. The ConEx box would store Lubricants and Oils for the maintenance of equipment. They also propose to store a 1500-gallon fuel tank which will be mounted on a trailer. A portable toilet will be used on-site. Any water needed for the operation will be hauled in via truck. The applicant has indicated that the north, west and east property lines will be screened with a natural brush/tree buffer. They also propose to screen K-92 with a seeded berm. The applicant has requested the ability to burn trees and brush on-site in compliance with local fire district's approval.

Any clean rubble disposed on-site must be in compliance with KSA 65-3402(w) and 65-34115b.

During the January 11, 2023, the Planning Commission tabled this item to allow the applicant to request a change to their KDOT entrance permit. The item was tabled to the March 8, 2023 meeting where the applicant requested additional time to allow for the Kansas Department of Transportation further time to review the request. A letter was sent to affected property owners and notice published advising interested parties of the May 10, 2023 meeting date and time. Staff has updated the conditions to reflect the KDOT entrance permit, proposed changes by the applicant and staff and additional conditions that have been requested be included on all Special Use Permits. They are as follows:

STAFF RECOMMENDED CONDITIONS:

1. Hours of operation shall be limited to the hours of 7:00 AM until 6:00 PM, Monday through Saturday.
2. The SUP shall be limited to one (1) full-time employees and eight (8) off-site employees.

3. The traffic to the site shall be in compliance with the approved Highway Access Permit from the Kansas Department of Transportation. If the access permit is amended, the new permit will need to be submitted to Leavenworth County Planning & Zoning within 30 days of approval.
4. The applicant shall submit an approved NOI and SWPPP prior to any work occurring on the property.
5. The applicant shall post a sign on the property indicating that this a private, clean rubble landfill for LEXECO only.
6. The landfill shall be limited to materials from LEXECO projects only.
- 7.
8. Clean rubble shall be dumped, or pushed, over the edge of the top of the dump area at the end of each demolition job.
9. The site shall be open to inspection by Leavenworth County Staff. If waste materials other than clean rubble are found at the landfill, the landfill shall be closed to additional dumping until such time that said waste materials have been removed and disposed of properly. A copy of the dump receipts(s) from a site that is permitted by the State to accept said waste material shall be submitted to the Planning & Zoning Department . Dumping at the site shall only be allowed to resume after the Planning and Zoning Department issues a letter to the applicant indicating so.
10. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements. A copy of the agreement with a licensed hauler for the portable toilet must be submitted to the County prior to operations occurring on-site.
11. No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
12. No on-street parking shall be allowed.
13. No storage of inoperable vehicles shall be allowed.
14. Any noise generated from the proposed business shall be limited to 60 dB, as measured from the property line.
15. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured from the property line.
16. A 20-foot screening buffer shall be installed and maintained, either through brush/trees or a seeded berm, along all property lines.
17. No vegetation from off-site can be stored or burned on the premises.
18. Prior to any excavation taking place, the applicant will locate the existing discontinued gas line on the property and contact the Kansas Corporation Commission about best practices for abandoned gas lines.
19. All items disposed of on-site must comply with the provisions of KSA 65-3402(w) & 65-34115b. Any rubble that is mixed with other construction and demolition waste must be disposed of in an approved C&D Landfill.
20. This SUP shall be limited to the Narrative and accompanying documents dated October 31, 2022, December 1, 2022 and December 7, 2022 submitted with this application.
21. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
22. The developer must comply with the following memorandums:
 - a. Email – David Van Parys, County Counselor, dated November 14, 2022
 - b. Email – Chuck Magaha, Emergency Management, dated December 6, 2022
23. LEXECO shall contact the Planning and Zoning Department to inform them when they are finished with the restoration of the landfill.
24. Applicant shall not cause or allow any public nuisance to exist on the subject property

25. That the Special Use Permit granted herein is subject to revocation upon the breaching of the conditions set forth herein, or any substantial change in the use of the subject property. LEAVENWORTH EXCAVATION & EQUIPMENT COMPANY, and its assigns or successors in interest, hereby consent to, and authorize, entry onto the subject property by employees or agents of the county for the purpose of inspecting the subject property for compliance with the conditions set forth herein.
26. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
27. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and required documents shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums
- D: January 11, 2023 Planning Commission Minutes
- E: Notices

SPECIAL USE PERMIT APPLICATION

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Leavenworth Excavating & Equipment Co., Inc.</u>	NAME <u>K & L Leasing Inc.</u>
ADDRESS <u>5037 S. 4th Street</u>	ADDRESS _____
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP _____
PHONE _____ <u>913-727-1234</u>	PHONE _____
EMAIL _____ <u>greg@lexeco.com</u>	EMAIL _____
CONTACT PERSON <u>Greg Kaaz</u>	CONTACT PERSON _____

PROPERTY INFORMATION

PID: 078-33-0-00-00-021.00-0 Zoning District: _____

Address of property N/A Parcel size 22.80 Ac

Current use of the property Vacant Ground

Does the owner live on the property? Yes No

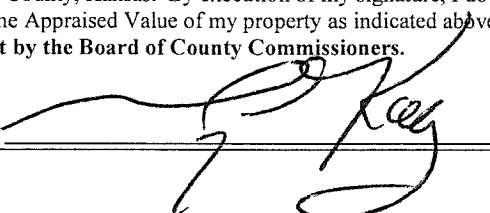
Proposed Special Use Fill Side/Borrow Area

TAX ASSESSEMENT STATEMENT

Upon the granting of a Special Use Permit by the Leavenworth County Board of County Commissioners, the assessable nature of the above referenced property and structures on the property may result in a change of the Appraised Class and Value and in the next year's Tax Assessment.

I, the applicant, have read and understand that there may be a change in the appraised value of my property due to the presence of a Special Use Permit for my property. (Check one) Yes No

I, the undersigned am the (circle one) *owner, duly authorized agent*, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit and acknowledge the potential of a change in the Appraised Value of my property as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature  Date 10/31/22

ATTACHMENT A

PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business Leavenworth Excavating & Equipment Co., Inc.

Existing and Proposed Structures None there and none proposed

Number of structures used for Special Use Permit 0

Will the use require parking? Yes No How many parking spaces are proposed/available? _____

Is the proposed use seasonal? Yes No
If yes, what months will the use be active? April through November
Month Month

Reason for requesting a Special Use Permit: Required by County

Estimated Traffic

In this section, you are determining the impact your proposed use will have on the county roadways. A vehicle visiting your site is to be considered two trips because the visitor/employee/user will use the roadways twice. If you are planning to expand the use that may generate additional traffic during the duration of the permit, provide the traffic generation for the full expansion.

How many total Passenger vehicle trips (both entering and exiting) will be generated by the Special Use Permit?

Daily _____ Weekly _____ Monthly _____

If applicable, how many total Commercial (delivery, heavy trucks, equipment, etc.) vehicle trips (both entering and exiting) will be generated by the Special Use Permit?

Daily _____ Weekly _____ Monthly _____

If applicable, describe Seasonal trips not accounted for above: What type (Passenger and Commercial) vehicle trips, how many trips per vehicle type in the seasonal timeframe, and describe the seasonal time frame (months, weeks, or days) in a calendar year.

Passenger: Months _____ Weeks _____ Days _____

Commercial: Months 30 Weeks _____ Days _____

When are trips to the site expected to occur (i.e. throughout the day, limited certain hours, etc.)? If applicable, separate occurrences by vehicle type (Passenger, Commercial, Seasonal Passenger, and Seasonal Commercial):

Mostly dump trucks running between 7am and 6pm

What is the anticipated route(s) from the nearest State Highway to the Site? On State Highway

Special Use Permit Renewal

Describe any change to operations since the SUP was last issued including traffic trips compared to this SUP:

N/A

Have you added any buildings since the SUP was last issued? Yes No Any parking? Yes No

OWNER AUTHORIZATION

I/WE K & L Leasing Inc, by Greg D. Kaaz, President, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 31st day of October, 20 22, make the following statements, to wit:

- I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

See Attachment "A" attached hereto and incorporated herein by reference.
- I/We the undersigned, have previously authorized and hereby authorize Leavenworth Excavating & Equipment Co., Inc. (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Parcel ID 078-33-0-00-00-021.00-0 (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

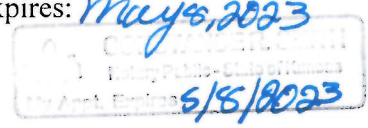

Owner Greg D. Kaaz
President

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 31 day of October, 2022,
by Greg D. Kaaz.

My Commission Expires: May 5, 2023




Notary Public

ATTACHMENT C



Leavenworth Excavating & Equipment Co., Inc.

October 31, 2022

Ms. Krystal Voth, Director
Leavenworth County Planning and Zoning
300 Walnut Street, Suite 212
Leavenworth, KS 66048

Re: Special Use Permit
Parcel ID 078-33-0-00-00-021.00-0
Route 92, Leavenworth County

Ms. Voth,

We are requesting a Special Use Permit (SUP) to use the above referenced property as a soil borrow site and a clean fill disposal site. Below is the narrative information for this request.

General Site Information

The proposed site is located 1750 feet west of the city limits of Leavenworth on Kansas State Highway 92. The site comprises of 23 acres of area in size. The site is currently vacant ground due to the rough terrain, varies in elevation from 970 ft MSL to 1100 ft MSL, and has trees and overgrown brush. The site is in area of mixed property use. Currently there is single family housing (2 locations), a KDOT maintenance yard, a metal fabrication business, and an abandoned salvage yard within 1000 feet of the property. An entrance to the property is located by the east property line and access Rt. 92 highway. A copy of the KDOT entrance permit is attached.

Proposed Use of Property

Lexeco is a heavy highway contractor operating in the states of Kansas and Missouri. We are proposing this site is used at a soil borrow area and site for disposal of clean rubble as defined by Kanas Department of Health and Environment (KDHE). KDHE defines clean rubble as: *“concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary”*. The site will be used for various construction projects Lexeco has in the area.

The site will not be open to the public or others for use. A full-time employee will not be assigned to the site since it's exclusive to Lexeco. As the site is used, an employee will be assigned to assist in loading the borrow dirt or pushing off the disposal area. No permanent facilities will be located at the site. A fence and locked gate will be used to secure the site from unauthorized personal accessing it from Rt 92 highway.



Page 2
K. Voth
October 31, 2022

Final Development of Property

The ultimate goal is to develop the property for future residential, commercial or industrial development. An existing contour map, and proposed contour map of the property showing the areas of use is attached. Currently activity will be limited to the southern portion of the property.

Traffic Impact

Since the site is located on a state highway, the traffic impact policy would not be applicable.

Notice of Intent (NOI) and Storm Water Pollution Protection Plan (SWPPP)

Since the property is over 1 acre in size, a NOI and SWPPP will need to be filed with the Kansas Department of Environmental. Due to the cost to develop the plan, considering we have already done a site plan, we are requesting the SUP be approved contingent upon receipt of the NOI from the State. I have never seen the state deny a NOI for a site so I don't think that would be an issue. Storage of Lubricants/Oils/Fuel will be addressed in the SWPPP.

Other Comments

This is an appropriate site for this type of use since it's located on a state highway and in area of industrial use. The site is in a location that can serve City of Leavenworth and Fort Leavenworth infrastructure projects.

If trees and brush are burnt on the property, it will be done in accordance with the local fire district's approval. Dozers and/or excavators will be onsite to control any burning.

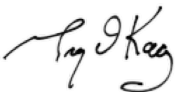
A portable toilet will be provided onsite for use by employees when they are working.

A sign will be erected indicating the operator of the site and the 24-hour phone numbers to contact in case of emergency.

If needed, dust will be controlled by using water or asphalt millings on access roadways.

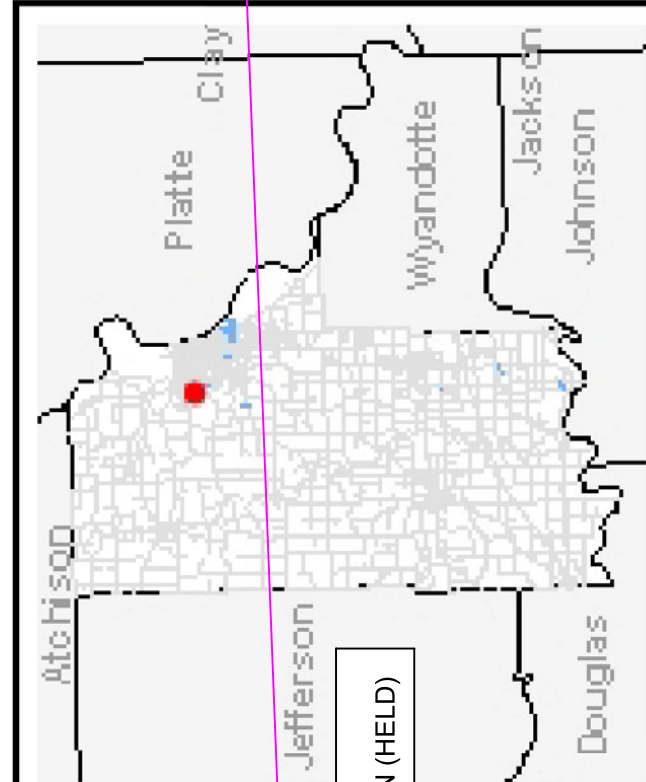
The \$400 application fee will be mailed to Leavenworth Planning and Zoning. If you have any questions, please contact me.

Thanks,



Greg D. Kaaz, President

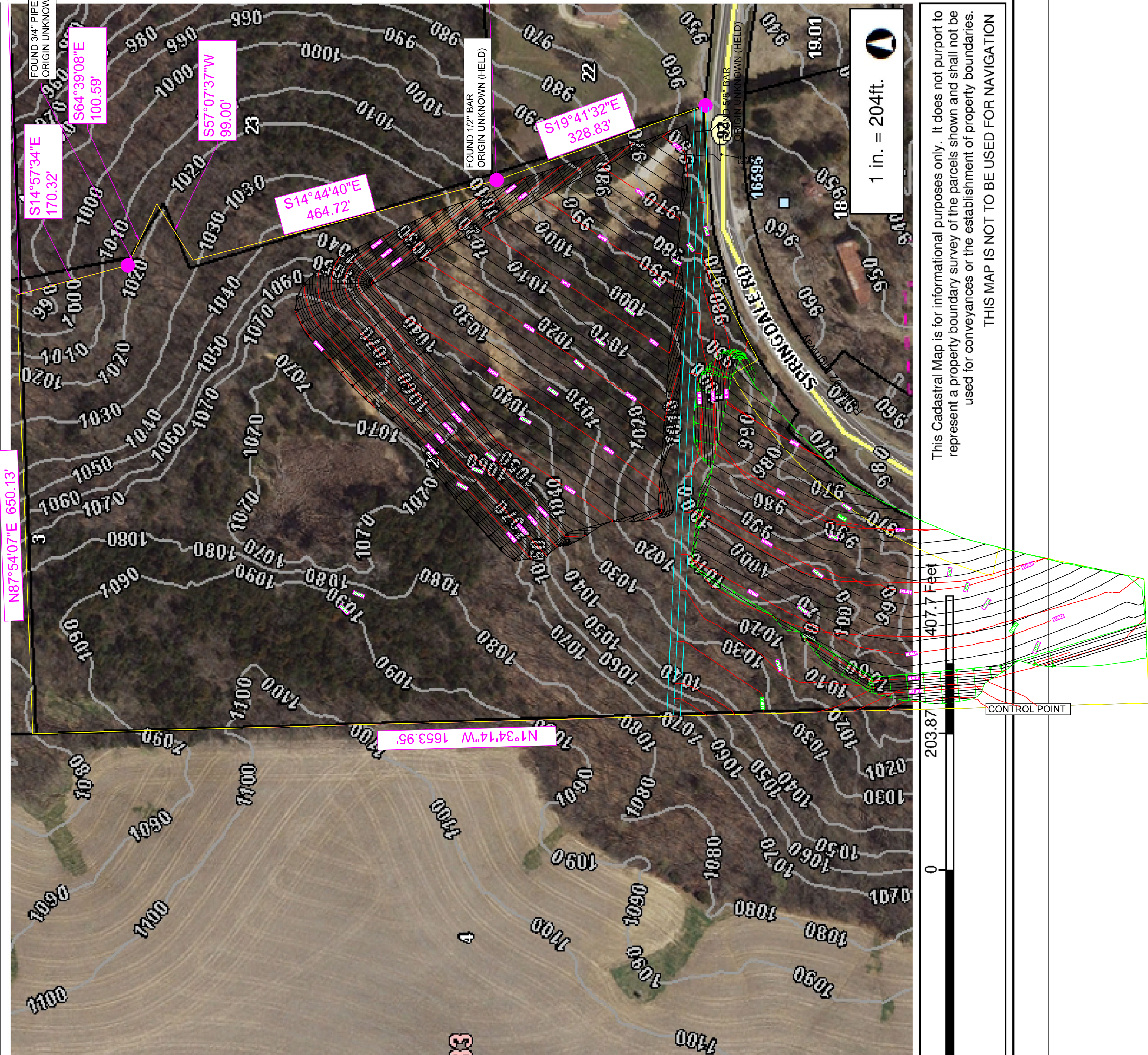
Leavenworth County, KS



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Contour
- Section
- Section Boundaries
- County Boundary

Notes



1 in. = 204ft.

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

← North

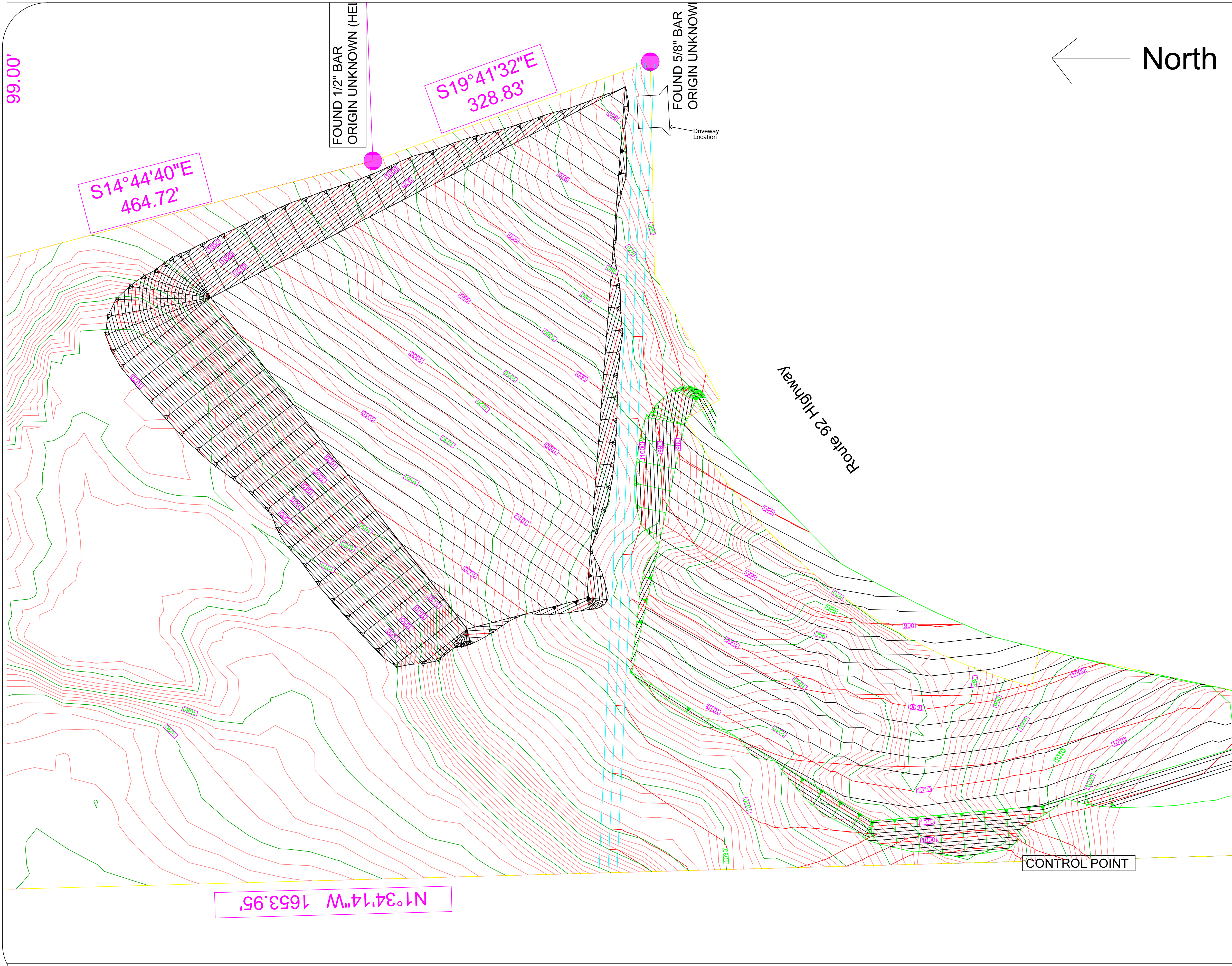
General Notes

No.	Revision/Issue	Date

Firm Name and Address
LEXECO INC
 5037 S. 4th Street
 Leavenworth, KS 66048

Project Name and Address
 Rt 92 Special Use Permit
 Lexeco Inc.
 ID: 078-33-0-00-00-021.00-0
 Leavenworth County, Kansas

Project	Sheet
Date 10/28/22	01
Scale 1"=100'	



General Notes

No.	Revision/Issue	Date

Firm Name and Address
LEXECO INC
 5037 S. 4th Street
 Leavenworth, KS 66048

Project Name and Address
 Rt 92 Special Use Permit
 Lexeco Inc.
 ID: 078-33-0-00-00-021.00-0
 Leavenworth County, Kansas

Project	Sheet
Date 10/28/22	02
Scale 1"=50'	

**KANSAS DEPARTMENT OF TRANSPORTATION
HIGHWAY ACCESS PERMIT**

Permittee: Greg Kaas	Permit No: 01-22-000024A	Access Route Class: D	District Plan: <input type="checkbox"/>
City: No City Required	Route: K0009200	County: 052	City Connecting Link: <input type="checkbox"/>

THIS PERMIT, made and entered into, by and between the Secretary of Transportation of the State of Kansas, hereinafter referred to as the "Secretary" and Greg Kaas 913-727-1234

Name of Owner or Agent for the Owner _____ Phone # _____

5037 S. 4th _____ Leavenworth _____ KS _____ 66048 _____

Street Address _____ City _____ State _____ Zip _____

hereinafter referred to as "Permittee" and the City of N/A hereinafter referred to as the "City", collectively referred to as the "Parties".

(If not applicable, enter N/A)

WHEREAS, the Secretary has jurisdiction over highway right-of-way within the State Highway System of Kansas, and

WHEREAS, the Secretary (and City) believe that it is in the interest of the Citizens of the State of Kansas to permit certain work or projects to be performed upon Highway right-of-ways for access for a specific property usage and access type, and

WHEREAS, the Permittee understands that their specific point of access may be modified or withdrawn as long as reasonable access is afforded, and

WHEREAS, the Permittee agrees to perform certain work as indicated on Form 334 *Highway Access Permit Work Details Sheet* and described as follows:

Construct type 4 access 150 feet west of previously approved 01-21-000024A. Original location could not be used because of a gas pipeline. This will increase sight distance and spacing distance. Existing access will be removed. Access will be used for borrow and waste area for construction projects.

Said work is located on public right-of-way in, upon or along State Highway Route, Reference Point

39.6 (or City Connecting Link Routes _____ on _____ Street)

in Section 33, Township 08S, Range 22E

LEAVENWORTH-052 County, 0.620 Miles west (direction) from 20th street

(Cross Street), and

Access Types: 1 2 3 4 5 6 As defined herein:

Type 1: Low Volume—0-49 vehicles per day maximum (two-way access traffic count); Non-commercial—farm, agriculture, field, timber, cultivated, pasture, duplex, single family residential/home, apartment building containing five or fewer dwelling units

Type 2: Low volume—0-49 vehicles per day maximum (two-way access traffic count); Special-use—city water treatment plant, microwave station, pipeline checkpoint, telephone repeater stations, utilities (electric, gas, telephone, water) check/maintenance stations, Corps of Engineers dike roads

Type 3: Low volume—0-49 vehicles per day maximum (two-way access traffic count); Emergency facility—fire station and/or paramedic facility

Type 4: Low volume—0-49 vehicles per day maximum (two-way access traffic count); Commercial - small business, cemetery, nursing home, other.

Type 5: Medium volume—50-499 vehicles per day and/or less than 50 vehicles per peak hour of the highway (two-way vehicular access count); Commercial industrial, institutional, recreational, local road connections (included joint-use/shared access)

Type 6: High volume—500 vehicles per day and over and/or 50 vehicles per peak hour of the highway or more; Commercial—industrial, institutional, recreational, local road connections (includes join-use/shared access)

WHEREAS, the Secretary has delegated full and complete authority to the District Engineers of the Kansas Department of Transportation (KDOT) to execute Highway Permits, hereinafter referred to as "Permits," for and on the Secretary's behalf.

NOW THEREFORE, in consideration of the permission granted hereunder by the Secretary (and City) to utilize Highway right-of-ways in the manner described above and on Form 334, the following terms and conditions are mutually agreed to by the Permittee, the Secretary (and the City). The access facility described in Form 334 and permitted under this document is referred to herein as the "Facility."

Terms and Conditions of Permit:

The Owner or their designated Agent agrees that the "Access Type" will remain as indicated on this form and apply for a new permit when the "Access Type" or "Property Usage" changes. The owner or their designated Agent agrees to incur all costs associated with revising the access when "Access Type" or "Usage" changes occur and improvements are determined to be necessary. In Cities, the Permittee will obtain additional Permits as required by the City.

- 1.0 PLANS: Approved plans ("Plans") for the Facility are attached and hereby incorporated and made a part of this permit. If, before, during or after construction, it is determined that alterations to the Facility are needed and made, an accurate set of "As-Built" Plans shall be provided to reflect deviation(s) from the Plans. The As-Built Plans are required before the Notice of Completion or Revocation (Form 309C) will be issued.
- 2.0 MATERIALS AND CONSTRUCTION METHODS:
- 2.1 The Permittee shall furnish all materials, do all work and pay all costs for the work described on this Permit.
- 2.2 All Facility installations shall comply with the conditions and requirements of the *KDOT Access Management Policy*, current edition, (and City standards when they exceeded those of KDOT).
- 2.3 Drainage structure requirements shall be determined by the Permittee, but said requirements are subject to review and approval by the District Engineer (and City).
- 2.4 All material and construction methods used on work within the limits of the right-of-way shall be equal to or better than that required in the *Standard Specifications for State Road and Bridge Construction*, current edition.
- 3.0 INITIATION AND COMPLETION OF WORK: Permittee agrees to notify the District Engineer (and City) or their duly authorized representative Steven Taylor (KDOT-(913) 942-3049) before work is initiated and again when the work is completed.
- 3.1 An approved signed copy of the Permit shall be on the premises before and during any work is performed.
- 3.2 All work, including right-of-way restoration, shall be completed within 365 calendar days of the PERMIT APPROVAL DATE; otherwise, this Permit is rescinded. If an extension is needed to complete the work included in this permit, the permittee will obtain written consent of the Area Engineer. If work has not been started within the completion time, the Permit becomes null and void.
- 4.0 INSPECTION: The Permittee will be responsible for supervising construction to insure compliance with KDOT (and City) policies and standards.
- 5.0 ACCEPTANCE: City If checked the city will be responsible for concurring in the acceptance of the restored right-of-way.
- 6.0 RIGHT-OF-WAY: Except for authorized changes, Permittee agrees to restore said right-of-way to a condition equal to or better than existed prior to approval of the work described in this Permit.
- 6.1 Any sod, shrubs or trees destroyed by this work shall be replaced as directed by the District Engineer (and City).
- 6.2 The right-of-way shall be kept free from parking, advertising signs or any other commercial activity.
- 7.0 OBSTRUCTION OF TRAFFIC: Permittee agrees that the highway (and connecting link) traffic will be free of interference unless specifically provided for as part of the Permit. Temporary traffic control shall be in accordance with the *Manual of Uniform Traffic Control Devices*, current edition.
- 8.0 BOND WAIVED: In lieu of the Secretary requiring the Permittee to provide a bond, the Permittee agrees that the Secretary may revoke the permit and remove any work performed. The Permittee agrees to reimburse the Secretary for any cost incurred by the Secretary to restore the right-of-way. The Secretary will not authorize any other highway permits until the Permittee has either reimbursed the Secretary or restored the right-of-way to its previous condition, as accepted by the Secretary.
- 9.0 LIABILITY: The Permittee, its heirs, successors, or assigns, shall assume all risk and liability for accidents and damages that may occur to persons or property during construction and/or installation of the Facility pursuant to this Permit, and shall indemnify and hold the Secretary (or City) harmless from any and all costs, liabilities, expenses, suits, judgments, or damages to persons or property for claims of any nature whatsoever arising out of or in connection with this Permit, or the operation and performance there-under by the Permittee, their agents, employees, or subcontractors. Upon completion of the Facility by the Secretary, the Permittee's duty and obligation to assume all risk and liability and to indemnify and hold the Secretary (or City) harmless shall lapse.
- 10.0 INSURANCE: The Permittee shall be subject to the Liability provisions above and shall provide a Certificate of Insurance indicating the following minimum coverage:
- A. Comprehensive Liability:
- Bodily injury and property damage for which the Permittee is responsible with limits of \$250,000 per person and \$500,000 per occurrence (required for Access Types 1 through 4).
- Bodily injury and property damage for which the Permittee is responsible with limits of \$1,000,000 per person and \$2,000,000 per occurrence (required for access Types 5 & 6).
- Local governments requesting access to the Highway are not required to provide liability insurance
- B. Workman's Compensation: Any entity working subject to this Permit, including Permittee's contractors, subcontractors and consultants, which is subject to worker's compensation laws and regulations must carry legally sufficient worker's compensation insurance.
- 10.1 The insurance coverage period must cover the time period for construction up to and including the notice of acceptance completion by KDOT. Insurance as herein required shall be maintained in force until completion of the Facility by the Secretary.
- In the event the Facility has not been completed and an extension of the construction period is required, Permittee agrees to notify the Secretary (or City) and an updated Certificate of Insurance must be provided if the extension will go beyond the coverage period indicated on the Certificate of insurance on file.
- 11.0 HIGHWAY IMPROVEMENTS AND/OR MAINTENANCE: The Secretary (or City) reserves the right to make any alteration or improvement along or upon the highway right-of-way which is the subject of this Permit or in the vicinity of the Facility located pursuant to this Permit, including, but not limited to, relocation or complete eradication of a Facility subject to this Permit.
- 11.1 In the event the Secretary determines it necessary to relocate the Facility subject to this Permit, Permittee agrees to hold the Secretary (or City) harmless for any damages, if any, that may arise as a result of said relocation of the Facility. If the Secretary (or City) deems it necessary to

relocate the Facility subject to this Permit, the Secretary (or City), at the discretion of the Secretary, will either, assume the actual construction costs related to said relocation or perform the relocation itself. Permittee agrees that in, the event of relocation, Secretary (or City) has complete and full discretion regarding the location of the new permitted access point.

11.2 Subject to the terms of this Permit, in the event the Secretary determines it necessary to completely eradicate Permittee's Facility and/or revoke this Permit, Permittee agrees to hold the Secretary (or City) harmless for any damages, if any, that may arise as a result of said eradication of the Facility or revocation. If the Secretary (or City) deems it necessary to eradicate the Facility subject to this Permit, the Secretary (or City), at the discretion of the Secretary, will either, assume the actual construction costs related to said eradication or perform the eradication itself.

11.3 The Permittee agrees that the work approved pursuant to this Permit will be conducted in such a manner as not to interfere with any construction or other work being performed by the Secretary (or City) or its contractors in the vicinity of the Permittee's work or projects.

11.4 It is further agreed that written notice will not be required for the Secretary's (or City's) normal maintenance including, but not limited to , cleaning ditches, repair/replace surfacing and drainage structures and sign installation or replacement. The Permittee agrees to hold the Secretary (or City) harmless for any temporary loss of use or inconvenience arising out of maintenance activities.

12.0 SNOW REMOVAL ON FACILITY: The Permittee is obligated to perform any and all snow and ice removal maintenance to the Facility. Permittee further understands and agrees the Secretary (or City) does not assume any responsibility for the removal or clearance of snow and/or ice, the opening of windrows by authorized representatives engaged in normal winter maintenance operations. Permittee agrees to save and indemnify the Secretary (or City) against any and all claims related to maintenance of the Facility.

13.0 ABANDONED OR RETIRED IN PLACE: The Permittee agrees to notify the Secretary (or City) when the Facility has been abandoned, in whole or in part, or retired in place and to be responsible for all costs associated with removal and/or closure of said Facility. In the event Permittee receives notice from the Secretary (or City) to remove the abandoned and/or retired Facility, Permittee agrees to perform said work within 180 days of notice. Should Permittee fail to properly perform said work, the Secretary (or City) reserves the right to remove and/or close the Facility at Permittee's expense.

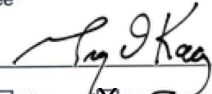
13.1 The Secretary (or City) reserves the right to require Permittee to place certain gates or other infrastructure, as set forth in the *KDOT Access Management Policy*, across the Facility the Secretary (or City) deems inactive. In no event shall the Permittee block or otherwise impede the Facility pursuant to this Permit without the express written authorization of the Secretary (or City).

It is understood and agreed by the Parties that this Permit only creates a license for Permittee to have the right and privilege to use the right-of-way for the specific purpose stated herein and subject to the terms of this Permit. It is further understood and agreed by the Parties that this Permit does not create, grant, convey, transfer, or vest, any property right or interest in the Secretary's real property to the Permittee; thus, the Secretary may terminate, modify, or revoke this Permit without notice and without duty, obligation, penalty, damages, or compensation owed to the Permittee by the Secretary unless otherwise stated herein.

This Permit is hereby accepted and its provisions agreed to by the parties hereto:

KDOT's Access Management Unit has reviewed the Permit and provided comments to the District Engineer regarding the conditions of the Permit.

N/A Reviewed (Access Types 5 and 6, and all variances)

<p>PERMITTEE The person signing as the Permittee must be the Owner or legal representative of the property (Agent of the Owner) served by the permitted access and have full authority to accept the Permit and its terms and conditions.</p> <p>Owner/Agent of the Owner Greg Kaas</p> <p>Street Address 5037 S. 4th</p> <p>City, State, Zip Leavenworth KS 66048</p> <p>Permittee By:  <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Agent of the Owner</p>	<p>APPROVED The permit must be signed by the duly authorized representative of the Secretary of Transportation, the city (when applicable) and the Permittee. The permit is not valid until signed by all parties and returned to KDOT for Permit Approval Date.</p> <p>The City of (when applicable) No City Required</p> <p>City Representative</p> <p><input type="checkbox"/> Mayor <input type="checkbox"/> City Manager <input type="checkbox"/> City Engineer</p> <p>Recommended by (KDOT) Signed by Ryan P Barrett at 6/14/2022 9:41:58 AM on PC DTA30010</p> <p>Area/Metro Engineer <input type="checkbox"/> AM Engineer</p> <p>Secretary of Transportation of the State of Kansas <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>By: Signed by Charlotte M Fitzgerald at 6/21/2022 6:07:56 PM on PC DTA00053 District Engineer or Designee</p> <p>For KDOT Use Only Permit Approval Date : _____ By: _____ KDOT Representative (Please Print)</p>
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**KANSAS DEPARTMENT OF TRANSPORTATION
ACCESS PERMIT WORK DETAILS SHEET**

Permittee: Greg Kaas	Permit No: 01-22-000024A	Access Route Class: D	
City: No City Required	Route: K0009200	County: 052	

Business Data:

Name _____ Phone No. _____

Address _____ KS _____

Street _____ City _____ State _____ Zip Code _____

Use _____

Fast Food, Restaurant, Service Station, Office, Shopping Center, Apartments, etc.

Highway Data

Surface Type: Area Type:

Surface Width: Ft. Curb and Gutter Open Ditch

Shoulder Width: Ft. Parking along Highway

Number of Lanes: Highway Slope > 3% Actual Highway Grade:

Speed Limit: MPH Average Daily Traffic: (2-way)

Access Route Class: Is a Highway Construction Project Programmed? Yes No

Access Data:

Access Surfacing:

Access Width: Ft. 1-Way 2-Way Traffic Volume: Daily Peak Hr

Access Radius: Ft. Drop Curb*

Access Thickness: In.

Taper Type: Taper Size:

Frequency of Usage

Largest Vehicle Using	# of Trips	Frequency
<input type="text" value="Single Trailer Semi"/>	<input type="text" value="500"/>	<input type="text" value="Year"/>

Proposed Access Drainage Method:

Sight Distance

	Stopping	Intersection
Upstation	<input type="text" value="1,850"/> Ft. Left	<input type="text" value="1,870"/> Ft.
Downstation	<input type="text" value="453"/> Ft. Right	<input type="text" value="460"/> Ft.

Adjacent Access Spacing

Direction	Distance	Access Type
Upstation	<input type="text" value="331"/> Ft. Centerline to Centerline	Type 1; Non-commercial: Residential, field, Duplex, or small apartment complex.
Downstation	<input type="text" value="1,505"/> Ft. Centerline to Centerline	Type 1; Non-commercial: Residential, field, Duplex, or small apartment complex.

Other Location Notes: Reference to Section Corner, Permanent Object, Project Plan Station, etc.

Comments:



Leavenworth Excavating & Equipment Co., Inc.

December 1, 2022

Route 92, Leavenworth **Emergency Plan**

Emergency Contacts

Matt Kaaz	913-775-1200
Hank Wiehe	816-223-4536
Greg Kaaz	816-223-5691

Fire

Before any brush is burned, the local fire department will be contacted for a burn permit or permission. All open fires (for brush) will be controlled by Dozers or Excavators. In the advent, a fire can't be controlled with dozers or excavators, the local fire department will be contacted.

Weather

Normally during times of inclement weather, no one will be located on site. However, if a tornado warning was issued, the operator(s) will be notified through a phone app or tornado siren located near the site.

In the event a tornado will hit the site, the best course of action is to drive to the closest shelter. If you are unable to make it to a safe shelter, either get down in your car and cover your head, or abandon your car and seek shelter in a low lying area such as a ditch or ravine.



Lawyers Title of Kansas, Inc.
913-682-3368

CN: 41412

Doc #: 2020R10342
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
10/14/2020 08:37:29 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office 10/14/2020

Janet Klasmoki by J. Kessler
County Clerk

WARRANTY DEED (Statutory)

THE GRANTOR,
The Dawson Family LLC, a Kansas Limited Liability Company

a limited liability company duly organized and existing under and by virtue of the laws of the State of Kansas and having its principal place of business in Leavenworth County, Kansas, hereby
CONVEYS AND WARRANTS to
K & L Leasing, Inc.

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

A tract of land situated in the County of Leavenworth, State of Kansas, to-wit: A tract of land in the Northeast Quarter (NE/4) of Section 33, Township 8 South, Range 22 East of the 6th P.M., described as follows: Beginning at the Southwest corner of the Northeast Quarter (NE/4) of Section 33, Township 8 South, Range 22 East; thence North 1318 feet to the Northwest corner of the South Half (S/2) of the Northeast Quarter (NE/4) of Section 33; thence East 660 feet; thence South 14° 17' East 165 feet; thence South 59° 17' East 99 feet; thence South 59° 17' West 99 feet; thence South 14° 17' East, a distance of 790 feet more or less to the North line of State Highway #92; thence Southeasterly and on a curve whose radius is 613.7 feet, a distance of 481.6 feet; thence on a right angle to the right a distance of 45 feet; thence on a parallel curve whose radius is 658.7 feet to a point on the South line of the Northeast Quarter (NE/4) of Section 33, Township 8 South, Range 22 East; thence West to the point of beginning, as per survey S-6 #247 recorded March 22, 1966.
ALSO, the North Half (N/2) of Lot Four (4), in TAYLOR'S SUBDIVISION, West of State Highway #92, as per survey S-6 #247 recorded March 22, 1966.

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

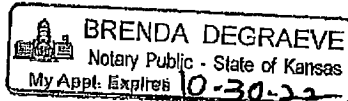
Dated this 9th day of October A.D. 2020

The Dawson Family LLC, a Kansas Limited Liability Company

Barbara B. Dawson
By: Barbara B. Dawson, Managing Member

STATE OF KANSAS, COUNTY OF LEAVENWORTH
This instrument was acknowledged before me on this 9th day of October 2020 by:
The Dawson Family LLC, a Kansas Limited Liability Company, By: Barbara B. Dawson, Managing Member

My appointment expires:

BRENDA DEGRAEVE
Notary Public - State of Kansas
My Appt. Expires 10-30-22

Brenda Degraeve
Notary Public



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

CERTIFICATE OF TAX CLEARANCE

Leavenworth Excavating & Equipment Co In

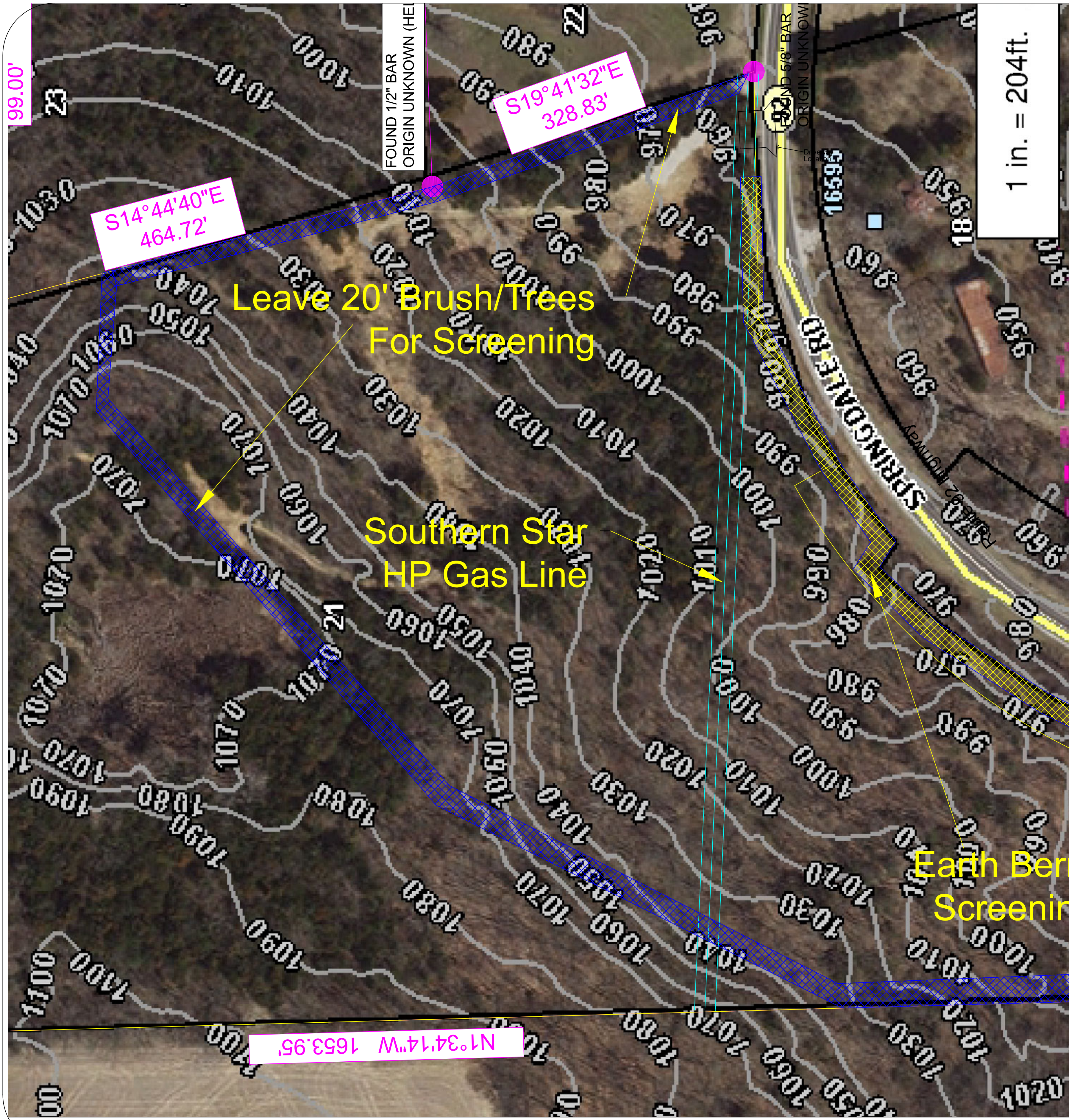
ISSUE DATE
09/08/2022

TRANSACTION ID
TEMJ-MG6D-D6XR

CONFIRMATION NUMBER
C83P-MKXC-NDPC

TAX CLEARANCE VALID THROUGH 12/07/2022

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



99.00'

FOUND 1/2" BAR
ORIGIN UNKNOWN (HEI)

S14°44'40"E
464.72'

S19°41'32"E
328.83'

FOUND 5/8" BAR
ORIGIN UNKNOWN

1 in. = 204ft.

Leave 20' Brush/Trees
For Screening

Southern Star
HP Gas Line

Earth Berm
Screening

407.7 Feet

203.87

CONTROL POINT

This Cadastral Map is for informational purposes only. It does not represent a property boundary survey of the parcels shown and should not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

North

General Notes

No.	Revision/Issue	Date

Firm Name and Address

LEXECO INC
5037 S. 4th Street
Leavenworth, KS 66048

Project Name and Address

Rt 92 Special Use Permit
Lexeco Inc.
ID: 078-33-0-00-00-021.00-0
Leavenworth County, Kansas

Project	Sheet
Date 10/28/22	03
Scale 1"=50'	



Leavenworth Excavating & Equipment Co., Inc.

December 7, 2022

Special Use Permit Application
PID 078-33-0-00-00-021.00-0
Fill/Borrow Site
Response for Additional Information

1. Resubmittal Required - A copy of the property deed needs to be submitted. **See Attached**
2. Resubmittal Required - Sales Tax Clearance for the business needs to be submitted. **See Attached**
3. Revised Plans Needed - Please include the location of any areas where soil will be stored on the site plan. Don't mound soil **There will be no soil stored onsite. Just what's in the cut and fill areas.**
4. Revised Plans Needed - Screening from all property lines will be required. Please include description of screening in narrative and location on site plan. **The north, west and east will be screen with the natural brush/trees (we won't clear trees and brush in that area). Rt 92 will be screened with a dirt berm that is seeded to restrict the view.**
5. Revised Plans Needed - Please provide hours and days of operation in the narrative. **Normal hours will be 7am to 6pm, Monday-Saturday. We mainly operate from April to November depending on the weather. The operation will be on a "as-needed" basis, so we won't operate every day. On a average we will probably operate 2 days a week for 35 weeks a year.**
6. Revised Plans Needed - While the narrative indicates that no permanent structures will be located on site, will there be any temporary structures besides the portable toilet? If so, please provide the information in the narrative. **No permanent structure will be onsite.**
7. Revised Plans Needed - Are any exterior lights proposed on the property? If so, please include in the narrative. **No exterior lights will be used. Operations will be during day light hours only.**
8. Revised Plans Needed - The narrative indicates only one employee will be on-site during use. Will there be any additional employees coming to the site for transport/loading purposes? If so, please include that number in the narrative. **Normally there will be one employee onsite when we are operating. That employee will load rental dump trucks to haul soil off the site. There will be rental trucks that will be dumping clean fill on the site. This will be limited to trucks that are working for Lexeco only. There could be 10 trucks entering and leaving the site throughout the day (i.e. each truck makes 8 round trips for a total of 80 loads)**



9. Revised Plans Needed - Please list all vehicles and equipment that will be used on site and include the location of where this equipment will be stored on the site plan. **Dozers and Excavators will be used on the site. These units will be parked in the cut or fill areas.**

10. Revised Plans Needed - Will any chemicals or hazardous materials be used on site? If yes, please include in narrative. **No chemical or hazardous materials will be used on site except diesel fuel and lubricants.**

11. Revised Plans Needed - A list of all proposed oils, lubricants and fuel to be used and stored on the site must be included in the narrative. **A 1500 gallon diesel tank will be used on the site to fuel equipment. The tank is mounted on a trailer and is double walled for leak protection. Lubricants to be used could include engine oil, transmission oil, hydraulic oil and grease. If onsite, this material will be stored in a locked ConEx box.**

12. Revised Plans Needed - Please include the size of the sign described in the narrative. Depending on the size, a sign permit may be required. **No signage will be on the site other than what is required by the County for emergency contacts.**

13. Revised Plans Needed - Please provide an emergency plan. **See attached**

14. Revised Plans Needed - The narrative indicates that water may be used for dust abatement. Where will this water be sourced from? If stored on site, please include location of tanks on the site plan. **If water is needed, it will be hauled using a water truck. No onsite water storage is expected**

15. Revised Plans Needed - On the Site Plan provided, please label the location of the existing gas line (located in blue?).

16. Condition of Approval - Prior to any excavation taking place, the applicant will locate the existing discontinued gas line on the property and contact the Kansas Corporation Commission about best practices for abandoned gas lines. **See attached email from KCC concerning removal of gas well.**

17. Condition of Approval - A NOI and SWPPP must be completed and submitted to the county prior to any work occurring on the property.

18. Condition of Approval - Any noise generated from the business operation shall not exceed 65 dB at the property line.

19. Condition of Approval - No inoperable vehicles shall be placed on the site.

20. Condition of Approval - The proposed business shall abide by the Leavenworth County Sanitary Code. A copy of the agreement with a licensed hauler for the portable toilet must be submitted to the County prior to operations occurring on-site.

21. Condition of Approval - The applicant shall provide a certificate of liability insurance with a minimum of \$1,000,000 per occurrence with certificate holder listed as County of Leavenworth.

22. Condition of Approval - No on-street parking shall be allowed

Emergency Management Comments Response

1. A sign will be posted outside the property for emergency contacts
2. A Notice of Intent and Storm Water Prevention Plan will be developed for the site if approved. That plan will be developed by a professional engineer and will address water runoff.
3. Asbestos will not be allowed in the fill area. Only clean rubble as defined by KDHE will be allowed. According to KSA 65-3402(w), "Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary."
4. A 75' Fire barrier will be established before any material is burned. Also, any permits from the fire department will be obtained.

Greg Kaaz

From: Levi Short <l.short@kcc.ks.gov>
Sent: Monday, October 31, 2022 3:15 PM
To: Greg Kaaz
Cc: Russell Hine
Subject: RE: Kellner Lease - Leavenworth County

Greg,

I spoke with you on October 22, 2020 regarding an abandoned well, Kellner #1, on your property west of Leavenworth. I left a message on your mobile number today and thought I would email you as well. As for the well, a contract has been awarded to a company to plug the well using KCC funds. A start date has not been set yet, but will probably occur within the next month. An inspection of the property has determined to access the well and perform plugging activities trees will need to be removed along the access road and at the well site. If you have any questions, please call or email me or the KCC District 3 Abandoned Well Coordinator Russell Hine. Mr. Hine arranges the plugging using state contracts after the abandoned well investigation is done.

Russell Hine
620-432-4001
r.hine@kcc.ks.gov

Levi Short
Environmental Compliance and Regulatory Specialist



Conservation Division District 3
Kansas Corporation Commission
137 E. 21st Street | Chanute, KS | 66720
Mobile (620) 432-6527 | Office (620) 902-6457 | <http://kcc.ks.gov/>

This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the KORA, K.S.A. 2010 Supp. 45-215 et seq.

From: John Almond <j.almond@kcc.ks.gov>
Sent: Monday, October 19, 2020 7:19 AM
To: Levi Short <l.short@kcc.ks.gov>
Subject: FW: Kellner Lease - Leavenworth County

Levi,
I will process a complaint and forward it to you this morning. I sent an e-mail response to Mr. Kaaz and told him that you would not be able to inspect the well until sometime later this week. Thank you.

From: Greg Kaaz <greg@lexeco.com>
Sent: Thursday, October 15, 2020 4:18 PM

To: John Almond <j.almond@kcc.ks.gov>
Subject: Kellner Lease - Leavenworth County

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Mr. Almond,

I recently purchased a tract of land in Leavenworth County that has a natural gas well on it. I've been trying to figure out who the well belongs to. The gentleman (Thomas Dawson) I purchased the ground from is not competent to provide any information on the gas well. From the limited documents we obtained from him, it appears the last operator was Monument Resources Inc. from Castle Rock, CO. I believe the lease expired in 2006 and was not renewed. At that time a Request for Change of Operator (Form T-1) was filed with the KCC. This form was rejected since Thomas Dawson was not a licensed operator. There were some notes written on the back of the rejection letter indicating the Mr. Dawson talked to Jonelle Rains at the KCC. The last note indicates Jonelle would contact Monument Resources to plug the well.

After talking with the receptionist at the KCC, it appears legal action was taken by the KCC in 2016 ending in a Default Order.

The original person I talked to at KCC said I might talk to the district office and request a Lease Inspection. I'm really just trying to figure out if the well has been plugged and if not, how to go about getting that done. It appears there is still piping above the ground on the site. If you open one of the valves, you hear gas escape so I'm questioning whether it's been plugged or if that's residual gas in the line.

Any information you could provide would be helpful. I have attached copies of the documents that I have that may be useful to you.

Thanks,

Greg D. Kaaz
Lexeco, Inc.
(Leavenworth Excavating and Equipment Company)
5037 S. 4th Street
Leavenworth, KS 66048
913-727-1234
913-727-1270 (fax)



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Allison, Amy

From: Tim Goetz <tmgoetz@stjoewireless.com>
Sent: Friday, November 11, 2022 11:53 PM
To: Allison, Amy
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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.

Leavenworth RWD. 5 has no issues with the above reference. We have no waterlines in this area.

From: "Allison, Amy" <AAllison@leavenworthcounty.gov>
Sent: 11/10/22 3:20 PM
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>, 'Mitch Pleak' <mpleak@olsson.com>, "Noll, Bill" <BNoll@leavenworthcounty.gov>, 'Michael Stackhouse' <mstackhouse@fd1lvco.org>, ""tyler.rebel@westarenergy.com"" <tyler.rebel@westarenergy.com>, ""tmgoetz@stjoewireless.com"" <tmgoetz@stjoewireless.com>, "Steven Taylor [KDOT]" <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding a fill site/borrow area at 00000 Springdale Rd (078-33-0-00-00-021.00)

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, November 18, 2022.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at Aallison@LeavenworthCounty.Gov

Thank you,

Amy Allison, AICP

Deputy Director

Allison, Amy

From: Anderson, Kyle
Sent: Monday, November 14, 2022 9:53 AM
To: Allison, Amy
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

We have not received any complaints on this property, and we are not aware of any septic systems installed on it.

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, November 10, 2022 3:21 PM
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>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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If you have any questions or need additional information, please contact me at (913) 684-0465 or at AAllison@LeavenworthCounty.Gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Allison, Amy

From: Van Parys, David
Sent: Monday, November 14, 2022 8:11 AM
To: Allison, Amy
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Amy, The request to issue the SUP subject the contingency of obtaining the necessary environmental permits is acceptable.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, November 10, 2022 3:21 PM
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>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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If you have any questions or need additional information, please contact me at (913) 684-0465 or at Aallison@LeavenworthCounty.Gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Allison, Amy

From: Noll, Bill
Sent: Monday, November 14, 2022 8:33 AM
To: Van Parys, David; 'Mitch Pleak'
Cc: PZ
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Since this is on a KDOT highway and does not have a defined haul route onto county roadways, Public Works has not roadway comments.

Bill Noll, PS MPA CPM CFM

Leavenworth County
Infrastructure and Construction Services Director
(913) 684-0470

From: Allison, Amy
Sent: Thursday, November 10, 2022 3:21 PM
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>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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If you have any questions or need additional information, please contact me at (913) 684-0465 or at Aallison@LeavenworthCounty.Gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Allison, Amy

From: Michael Stackhouse <mstackhouse@fd1lvco.org>
Sent: Tuesday, November 15, 2022 11:24 AM
To: Allison, Amy
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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We have no issues with this.

Michael L. Stackhouse
Fire Chief
Fire District No. 1, County of Leavenworth
111 E. Kansas Avenue
Lansing, KS. 66043
Office: 913-727-5844
Cell: 913-683-3223



From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, November 10, 2022 3:21 PM
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>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; Michael Stackhouse <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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If you have any questions or need additional information, please contact me at (913) 684-0465 or at Aallison@LeavenworthCounty.Gov

Allison, Amy

From: Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Sent: Monday, November 21, 2022 3:07 PM
To: Allison, Amy
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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No comments.

Steve Taylor
Kansas Department of Transportation
Utility Coordinator
District 1 Area 3
650 north K-7 Highway
Bonner Springs, Ks.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, November 21, 2022 2:57 PM
To: Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Subject: FW: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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Good Afternoon Steve,

Do you have any comments for the attached case? Since this is a State maintained road, the county did not have any comments as far as the roads.

Sincerely,
Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, November 10, 2022 3:21 PM
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>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill

MEMO

To: Krystal Voth
From: Chuck Magaha
Subject: Landfill Lexeco
Date: December 6, 2022

Krystal, I have reviewed the special use permit for the operation of a landfill by Lexeco on Springdale Road Just West of the KDOT site. A sign posted on the outside of the property for emergency contacts for responders to make contact in the event an emergency occurred after hours. I would like to see a containment area placed below the site for contaminates of runoff from water be placed at the base of the area to capture the silt from entering the surrounding properties. The area described is a high drainage area, which can wash, contaminates down stream from the area. I would ask how the operator plans to monitor Asbestos contaminates that may be in demolished contracts of debris. This will have a health issue if not addressed, and if ever abandoned the County may have to incur the cost of testing for asbestos. The operator should not be able to perform any outdoor burning within the immediate premise location. A fire barrier should be placed around the debris of at least 75 feet around the entire debris location freed of over growth vegetation I have no further comments at this time. If you have any questions please call me at 684-0455.

Allison, Amy

From: Magaha, Chuck
Sent: Thursday, December 8, 2022 4:47 PM
To: Allison, Amy
Subject: RE: DEV-21-156 Lexeco Review Comments

All looks fine I was in my memo inquiring of road signs of equipment entering the highway when in operations not for sure if KDOT will require or not with temporary or permanent signage.

Thanks

Chuck

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, December 8, 2022 1:12 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>
Subject: FW: DEV-21-156 Lexeco Review Comments

Chuck,

Please see the Kaaz response to your memo. Let me know if you have any additional comments.

Sincerely,
Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

From: Greg Kaaz <greg@lexeco.com>
Sent: Wednesday, December 7, 2022 12:32 PM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>; Matt Kaaz <matt@lexeco.com>
Subject: RE: DEV-21-156 Lexeco Review Comments

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Amy,

Please see attached response to questions that addresses Emergency Management's concerns. I just added them to the bottom of the response I provided a week ago. I have also attached the correspondence from KCC concerning removal of the natural gas well. Let me know if you have any questions.

Thanks,

Greg D. Kaaz
Lexeco, Inc.



Construction and Demolition Wastes and Clean Rubble Guidance Document

Construction and Demolition (C&D) waste is solid waste generated during construction or demolition activities. Clean rubble is also generated during construction or demolition activities, but it differs in composition from C&D waste. This document explains the definitions of C&D waste and clean rubble and acceptable methods for disposal of both.

Construction and Demolition Waste

Definition of C&D waste

C&D waste is defined in [KSA 65-3402\(u\)](#) as:

- solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities;
- untreated wood and untreated sawdust from any source;
- treated wood from construction or demolition projects;
- small amounts of municipal solid waste generated by the consumption of food and drinks at construction or demolition sites, including, but not limited to, cups, bags and bottles;
- furniture and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act;
- solid waste consisting of motor vehicle window glass; and
- solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm related cleanup.

Such wastes include, but are not limited to, bricks, concrete, and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, non-asbestos insulation and construction related packaging.

Other statutes and regulations further refine the definition:

Construction related packaging means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances. “Construction related packaging” does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging generated during maintenance of existing structures. *KSA 65-3402(dd)*

Furniture and appliances do not include computer monitors and other computer components, televisions, videocassette recorders, stereos, and similar waste electronics.

[KAR 28-29-300\(a\)\(4\)\(A\)](#)

Treated wood includes wood treated with any of the following:

- (i) Creosote;
- (ii) oil-borne preservatives, including pentachlorophenol and copper naphthenate;

- (iii) waterborne preservatives, including chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), and ammoniacal copper quaternary compound (ACQ); or
- (iv) any other chemical that poses risks to human health and the environment that are similar to the risks posed by the chemicals specified in paragraphs (i) through (iii).

KAR 28-29-300(a)(4)(B)

Untreated wood includes the following, if the wood has not been treated with any of the chemicals listed in the definition of treated wood:

- (i) Coated wood, including wood that has been painted, stained, or varnished; and
- (ii) engineered wood, including plywood, laminated wood, oriented-strand board, and particle board.

KAR 28-29-300(a)(4)(C)

Wastes which may be disposed of in a C&D landfill

In addition to the items *explicitly* identified as C&D waste in KSA 65-3402(u), the Kansas Department of Health and Environment (KDHE) considers the following materials as *acceptable* for disposal in a C&D landfill:

1. Uncontaminated wooden pallets;
2. Street sweepings (litter must be removed and concentrations of metals, volatile organic compounds, and other compounds must be below regulatory levels);
3. Floor tile, siding, and roofing material containing non-friable asbestos. This material should be:
 - a. handled so it remains non-friable (e.g., may have to be manually removed prior to demolition of structure);
 - b. transported wet (covered with a mist spray to suppress dust) or transported with tarp cover; and
 - c. covered immediately at the landfill;
4. Trees, brush, sod, and incidental quantities of leaves and grass;
5. Ash and other residues from the burning of trees and brush (trees and brush must have been burned in accordance with [KAR 28-19-647](#));
6. Metal scrap (e.g. tie strapping);
7. Mobile homes and trailers (except the tires and fuel tanks). KDHE encourages the recycling of metal components.

Dry mud trap solids from commercial car washes may be applied as cover at a C&D landfill. To be considered a solid the material must pass the paint filter test, EPA method SW 846/9095.

Wastes which may *not* be disposed of in a C&D landfill

Construction and demolition waste does not include waste material containing friable asbestos, garbage, appliances from which ozone depleting chlorofluorocarbons have not been removed in accordance with the provisions of the federal clean air act, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities.

KSA 65-3402(u)

In addition to the items *explicitly* identified as not being C&D waste, KDHE considers the following wastes *unacceptable* for disposal in a C&D landfill:

1. Processed tires - i.e. cut or baled;
2. Mud trap wastes from businesses other than commercial car washes;
3. Bagged or bulk quantities of leaves and/or grass clippings;
4. Trash bags, unless demonstrated to contain only acceptable wastes.

Disposal options for C&D wastes

Acceptable C&D wastes may be disposed of in either a municipal solid waste landfill (MSWLF) or in a C&D landfill. Both MSWLFs and C&D landfills must be approved by KDHE through a permit process. But because of the relatively inert nature of the wastes disposed in C&D landfills, these landfills do not have to meet design standards as strict as those for MSWLFs.

Most C&D landfills will, on occasion, receive waste that is not appropriate for disposal. Therefore, all C&D landfills should conduct waste screening (i.e., inspect incoming waste and remove unacceptable materials) and maintain a dumpster or roll-off container onsite for unacceptable wastes which are received at the landfill. Waste screening is covered in Guidance Document [Waste Screening and General Operations at Construction & Demolition Landfills](#), and storage of unapproved wastes screened from construction and demolition landfills is addressed in Bureau of Waste Management [Policy 02-01](#).

Clean Rubble

Definition of clean rubble

According to KSA 65-3402(w), “Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary.”

[KSA 65-3415b](#) lists “clean rubble” as a waste which is exempt from the state solid waste tonnage fee. The definition of “construction and demolition waste” in KSA 65-3402(u) states: “Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste.”

Clean rubble that is brought separately to a construction and demolition landfill or a municipal solid waste landfill is not subject to the tonnage fee, even if the clean rubble is mixed with construction and demolition waste or municipal solid waste upon disposal.

Disposal of clean rubble

The stable nature of the materials in clean rubble means it may be disposed of with C&D waste, or it may be disposed of separately at a clean rubble site. However, clean rubble that is mixed with other C&D waste during demolition or transportation is considered to be C&D waste and must be disposed of at either a MSWLF or at a C&D landfill.

Unlike a C&D landfill, state statutes do not require a solid waste permit for operation of a site that accepts only clean rubble. However, a clean rubble site may be subject to local city or county requirements such as local approval (zoning or land use) and local ordinances.

Approval from the Division of Water Resources (DWR) may be required if the site is located in the 100-year flood plain. The operation and appearance of the site must not create a public nuisance or adversely affect the public health or the environment.

Issued: 04/1994; Content revised 01/20/1998, 09/1998, 05/29/2002, 07/02/2002, 10/03/2007, and 09/29/2014; Revised 06/23/2022: updated formatting and contact information and added hyperlinks

For additional information regarding proper management of solid or hazardous waste in Kansas, you may contact the Bureau of Waste Management at (785) 296-1600 or the address at the top of this document, or visit the Bureau’s website at www.kdhe.ks.gov/Waste.

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
January 11, 2023**

The complete recorded meeting can be found on the County's YouTube channel.

The Planning Commission meeting was called to order at 5:30 p.m.

Pledge of Allegiance

Members present: Steve Rosenthal, Robert Owens, Jaden Bailey, William Gottschalk, Wolf Schmidt, Jeff Spink, Marcus Majure, Doug Tystad, and Alan Stork

Members absent: Steve Skeet

Staff present: Amy Allison-Deputy Director, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

Minutes:

Commissioner Tystad made a motion to approve the minutes. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve the minutes passed, 6/0 (Commissioner Owens and Bailey Abstained, Commissioner Skeet Absent)

Secretary's Report:

Amy Allison gave the secretary's report going over the agenda, making note that there were three items on the consent agenda.

Commissioner Schmidt made a motion to approve the agenda. Commissioner Owens seconded the motion.

ROLL CALL VOTE - Motion to approve the agenda passed, 8/0 (1 Absent)

Case DEV-22-145 J & A Farms Replat

Amy Allison gave the staff report for the above-listed case, stating that the recommendation for this request was denial.

Chairman Rosenthal asked if there were any questions from the board. Chairman Rosenthal asked if the applicant wished to address the board.

Mr. Joseph Herring came forward to explain the nature of the request and answer any questions. Discussion was had among the commission, applicant, and Ms. Allison about the history of this parcel and a recent rezoning request for this parcel. Commissioner Owens stated that this case was an example of how we should not recommend something like a rezoning to then turn around and deny the subdivision. If we aren't going to approve one he stated that we shouldn't approve either. County Counselor David Van Parys advised that our regulations take into account that there will be situations where there will be a need for a deviation to the parallel lines rules, he stated that while staff had reasons to give their recommendation of denial but that the Planning Commission is not bound to staff's recommendation.

Chairman Rosenthal said that he would accept a motion.

Commissioner Stork motioned to approve Case DEV-22-145 J & A Farms Replat. Commissioner Owens seconded the motion.

ROLL CALL VOTE - Motion to approve passed 8/0, (1 absent)

The Board of County Commissioners will consider this item no earlier than **January 25, 2023, at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-155

Consideration of an application for a Special Use Permit for an Event Center on the following described property: A tract of land in the Southwest Quarter of Section 3, Township 11 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.

Amy Allison gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. Mr. and Mrs. Dan and Cindy Lynch came forward to describe the request and answer any questions from the board.

Commissioner Rosenthal asked if there was anyone present wishing to speak in favor or opposition. Public comment was given by several residents. The public comment portion of the hearing was closed. Discussion was had between the Planning Commission about the recommendation of fire suppression.

Chairman Rosenthal said he would accept a motion if there were no further discussions on this request.

Commissioner Stork motioned to approve Case DEV-22-155 Special Use Permit for Whiskey Ridge. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed 8/0 (1 absent)

The Board of County Commissioners will consider this item no earlier than **February 1, 2023, at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-156

Consideration of an application for a Special Use Permit for an Extraction of Raw Materials and Landfill use on the following described property: A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

Amy Allison gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. Matt Kaaz came forward to describe the request and answer any questions from the board. The applicant discussed the conditions that were listed and changes to some of them such as number of trips and employees. Discussion was had between the Planning Commission and the applicant. County Counselor David Van Parys asked that the following condition be added to this SUP and all future Special Use Permits that is considered by the County, have this condition, "Developers will not allow, maintain, or cause, any public nuisance to be present on site."

Commissioner Rosenthal asked if there was anyone present wishing to speak in favor or opposition. Public comment was given in both support and opposition. The public comment portion of the hearing was closed.

Chairman Rosenthal said that he would accept a motion if there were no further discussion.

Commissioner Gottschalk motioned to table Case DEV-22-156 a Special Use Permit for Lexeco to the April Planning Commission Meeting to give adequate time for the Kansas Department of Transportation to respond to the change in number of vehicles and to allow time for staff to visit the other landfill site to make sure that it is complying with their conditions. Further discussion was had between the commission and county staff. Commissioner Owens seconded the motion. The motion was amended to table the request until the March 8, 2023 meeting. Commissioner Owens accepted the change.

ROLL CALL VOTE - Motion to table the request passed 8/0

The meeting adjourned at 7:03 p.m.

Leavenworth Times Affidavit of Publication

County of Leavenworth
State of Kansas
**NOTICE OF ADDITIONAL
REVIEW**

Notice is hereby given for the Leavenworth County Planning Commission to hold a meeting for additional review of new information for application (DEV-22-156) for a Special Use Permit for an Extraction of Raw Materials Site and Landfill for a Soil Fill/Borrow Site and Clean Rubble Landfill; such use being listed in Article 19, Table of Uses, in the Leavenworth County Zoning and Subdivision Regulations. The Special Use Permit (DEV-22-156) request is for the following described property:

A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

Request submitted by Leavenworth Excavation & Equipment Company

Address: 00000 Springdale Rd, Leavenworth KS 66048

Parcel ID number: 078-33-0-00-00-021.00

The hearing will be held on Wednesday the 10th day of May, 2023 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, May 9, 2023.

John Jacobson, Secretary
Leavenworth County Planning Commission Publish by 4/19/2023

Published in the Leavenworth Times, April 18, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 18th day of April, 2023.

WITNESS my hand this 18th day of April, 2023.

Tammy Lawson

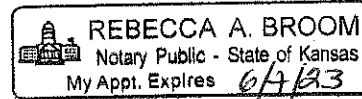
Legal Representative

Subscribe and sworn before me, this 18 day of Apr, 2023.

Rebecca A. Broom

Notary Public

My Commission Expires: 6/7/23



**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-025 Horses & Heroes, Inc.

May 10, 2023

REQUEST: *Public Hearing Required*

- Zoning Amendment Special Use Permit
 Temporary Special Use Permit

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 16740 MCINTYRE RD



APPLICANT/APPLICANT AGENT:

JULIE BAKER
HORSES & HEROES, INC
22052 W 66TH ST #207
SHAWNEE, KS 66226

PROPERTY OWNER:

THE BAKER FAMILY REVOCABLE
LIVING WILL
16740 MCINTYRE RD
LEAVENWORTH KS 66048

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL (3-UNITS PER ACRE)

LEGAL DESCRIPTION:

A tract of land in the South ½ of the Southwest ¼ of Section 33, Township 9 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: DENIAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-025, Special Use Permit for Horses & Heroes, Inc., a Riding Stable and Clinic, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-025, Special Use Permit for Horses & Heroes, Inc., a Riding Stable and Clinic, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 10.00 ACRES

PARCEL ID NO:
108-33-0-00-00-016.07

BUILDINGS:
EXISTING: SINGLE FAMILY HOUSE &
ACCESSORY STRUCTURES

PROJECT SUMMARY:

Request for Special Use Permit to operate a Riding Stables/Clinic for Horses & Heroes, Inc. on the property located at 16740 McIntyre Road.

ACCESS/STREET:

MCINTYRE RD
COUNTY LOCAL
±22' WIDE, PAVED

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: FIRE DISTRICT #1

WATER: RWD #8

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW: 3/28/2023

NEWSPAPER NOTIFICATION:
4/18/2023

NOTICE TO SURROUNDING
PROPERTY OWNERS:
4/18/2023

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 Special Use Permit request:</i>	Met	Not Met
<p>1. Character of the Neighborhood: <i>Density: Surrounding properties range in size from 5 to 200+ acres.</i></p> <p><i>Nearby City Limits: The City of Lansing is approximately 1.6 miles to the East.</i></p> <p><i>Initial Growth Management Area: This parcel is not located within the Urban Growth Area.</i></p>	✓	
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses: Most of the adjacent parcels are residential and agriculture in nature.</i></p> <p><i>Adjacent Zoning: Adjacent parcels are zoned RR-5. A property across the street has an active Special Use Permit for a Riding Stable.</i></p>	✓	
<p>3. Suitability of the Property for the uses to which it has been restricted: <i>The property is 10 acres in size fronting off of McIntyre Road which is a paved local road. The proposed use is for an equine therapy business to support veterans, military and first responders. The applicant has proposed using an existing barn and corral for the business located in the rear yard. They have plans to extend the barn to include a meeting room, offices and bathrooms for the proposed use. The addition must comply with the Building Codes, as adopted by the County. The site has adequate room for parking which has been included in the site plan.</i></p> <p><i>The property currently has an existing single-family residence built in 2001. The proposed use is permitted with a Special Use Permit in the RR-5 district.</i></p>	✓	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>The use is unlikely to detrimentally impact neighboring parcels.</i></p> <p><i>Noise: Additional noise may be anticipated due to the outdoor activities proposed. However, the applicant has not indicated that any heavy machinery or other devices that would emit loud noises will be used. Staff recommends placing a condition that all noise shall be limited to 60 dBs, as measured from the property line.</i></p> <p><i>Traffic: Additional traffic is anticipated for this application. Clients and Employees will visit the site. The applicant predicts 12 additional trips daily. They also anticipate that one commercial trip for waste pick-up once per week. The applicant does not anticipate horse trailer on a regular basis due to the horses remaining on the property unless veterinarian services are needed. The business has 2 full-time employees, 5 volunteers and 8 contracted workers. They do not anticipate all employees, volunteers and contractors to be in attendance at the same time. The proposed traffic did not require a traffic impact study to be performed.</i></p> <p><i>Lighting: The applicant indicated that security lighting will be used on the premises. Staff recommends placing a condition that all lighting shall be 0.00 foot-candles net gain, as measured from the property line.</i></p>	✓ (Condition 10)	✓ (Condition 9)

<p><i>Outdoor Storage: The applicant will be storing equipment within the barn or under the covered storage area shown on the site plan.</i></p> <p><i>Parking: The site plan shows parking for up to 5 spaces, two of which will be ADA complaint. They anticipate 6 non-resident clients and employees per day with staggered times for the client. The proposed parking meets the County standards and the site has additional room to add parking.</i></p> <p><i>Visitors/Employees: The applicant anticipates approximately 6 non-resident visitors a day during the hours of operation (Monday through Saturday, 9 am to 5 pm). They anticipate 3 clients and 3 employees per day.</i></p> <p><i>Waste: The applicant does store chemicals and lubricants for the on-going maintenance of the property and equipment on-site. Those items will need to be stored in accordance with all local, state and federal regulations. The narrative referred to a 2-yard dumpster on the property. The dumpster will need to be screened from the public right-of-way. Any waste generated from the property must be disposed of in compliance with all applicable local, state and federal laws.</i></p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓ (Condition 11 & 12)</p>	
<p>5. Length of time the property has been vacant as zoned: <input type="checkbox"/> Vacant: <input checked="" type="checkbox"/> Not Vacant: A single family house has been on the property since the 2000s.</p>	<p style="text-align: center;">✓</p>	
<p>6. Relative gain to economic development, public health, safety and welfare: <i>The proposed application would allow for another business to be located within Leavenworth County. There does not appear to be any detrimental effects to the public health, safety or welfare.</i></p>	<p style="text-align: center;">✓</p>	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: The property is designated as Residential (3 units per acre).</i></p> <p><i>Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.</i></p>		<p style="text-align: center;">✓</p>

STAFF COMMENTS:

The applicant is requesting a Special Use Permit for a Riding Stable/Clinic. The proposed use is an equine therapy business to support veterans, military and first responders. The applicant has an existing office where traditional therapy sessions are held at a different location. They are proposing to use this site for equine therapy only. Clients will be met on-site with an equine expert and therapist for therapy sessions. Business operations will take place primarily outdoors however, the applicant has indicated future plans to expand onto the barn which would include two offices for client intake, a meeting room and bathrooms. The property currently has a single-family residence with accessory structures. Until the proposed barn bathrooms are installed, the applicant has requested to use bathrooms in the house for the purpose of the business.

The general hours of operation are proposed to be Monday-Saturday from 9:00 AM until 5:00PM. The property owner anticipated an average of 6 visitors per day, 3 clients and 3 non-resident employees. They do have groups of 10-20 people that may come to the property on Saturdays. These groups are transported via van. Equipment including tractors, trailers and mowers will be used for the maintenance of the property and animals. The applicant does not anticipate using commercial vehicles, except for disposal of waste. Signage is not proposed with this application, however, if any signage is added, a permit may be required and the signage must comply with the Sign Regulations. The proposed use is allowed with a special use permit. Staff recommends denial as this proposal does not match the Comprehensive Plan.

STAFF RECOMMENDED CONDITIONS:

1. The Special Use Permit shall be subject to the written narrative and site plan provided on March 6, 2023 and additional information provided on March 27, 2023.
2. The business shall operate from 9:00AM until 5:00PM, Monday through Sunday.
3. A commercial building permit shall be obtained for the proposed addition. The building permit application must be submitted with stamped plans that outline all occupancies for the proposed addition.
4. An engineered septic system shall be installed with the proposed addition. The septic system must comply with all permitting and sanitary sewer standards.
5. The applicant must comply with the following memorandums:
 - a. Code Enforcement – Kyle Anderson, dated February 21, 2023
 - b. Fire District 1 – Michael Stackhouse, dated February 22, 2023
6. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
7. No signage shall be allowed in the right-of-way. Sign permits may be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations. No Attention-getting device shall be permitted with this approval.
8. No on-street parking shall be allowed.
9. Any light generated from the proposed business shall be limited to 0 foot-candles net gain, as measured from the property line.
10. Any noise generated from the proposed business shall be limited to 60 dBs, as measured from the property line.
11. Any dumpster shall be screened from the public right-of-way.
12. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.
13. Applicant shall not cause or allow any public nuisance to exist on the subject property
14. That the Special Use Permit granted herein is subject to revocation upon the breaching of the conditions set forth herein, or any substantial change in the use of the subject property. Horses & Heroes, Inc., and its assigns or successors in interest, hereby consent to, and authorize, entry onto the subject property by employees or agents of the county for the purpose of inspecting the subject property for compliance with the conditions set forth herein.
15. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
16. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

ATTACHMENTS:

A: Application & Narrative

B: Zoning Map

C: Memorandums

SPECIAL USE PERMIT APPLICATION

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>HORSES & HEROES INC.</u>	NAME <u>THE BAKER FAMILY REVOCABLE LIVING WILL</u>
ADDRESS <u>Mailing: 22052 W 66th St # 207, Shawnee, KS Office: 16740 McIntyre Rd, Ln KS 66226</u>	ADDRESS <u>16740 McIntyre Rd</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Leavenworth, KS 66048</u>
PHONE <u>913-210-5678</u>	PHONE <u>913-220-6714</u>
EMAIL <u>info@horsesandheroes.org</u>	EMAIL <u>jbaker1020@yahoo.com</u>
CONTACT PERSON <u>Julie Baker</u>	CONTACT PERSON <u>Julie Baker or Rob Baker</u>

PROPERTY INFORMATION

PID: ~~R17332~~ 108-33-0-00-00-016.07 Zoning District: _____

Address of property 16740 McIntyre Rd Leavenworth, KS Parcel size 10 acres

Current use of the property Single-family ranch

Does the owner live on the property? Yes No

Proposed Special Use Equine Therapy Program for Military & 1st Responders

TAX ASSESSEMENT STATEMENT

Upon the granting of a Special Use Permit by the Leavenworth County Board of County Commissioners, the assessable nature of the above referenced property and structures on the property may result in a change of the Appraised Class and Value and in the next year's Tax Assessment.

I, the applicant, have read and understand that there may be a change in the appraised value of my property due to the presence of a Special Use Permit for my property. (Check one) Yes No

I, the undersigned am the (circle one) owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit and acknowledge the potential of a change in the Appraised Value of my property as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature Julie Baker Date 2/10/2023

ATTACHMENT A

PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business HORSES + HEROES INC,

Existing and Proposed Structures SF house, barn, gathering space

Number of structures used for Special Use Permit 1

Will the use require parking? [X] Yes [] No How many parking spaces are proposed/available? 5

Is the proposed use seasonal? [] Yes [X] No
If yes, what months will the use be active? through

Reason for requesting a Special Use Permit: operations of non-profit program to benefit military + first responder families

Estimated Traffic

In this section, you are determining the impact your proposed use will have on the county roadways. A vehicle visiting your site is to be considered two trips because the visitor/employee/user will use the roadways twice. If you are planning to expand the use that may generate additional traffic during the duration of the permit, provide the traffic generation for the full expansion.

How many total Passenger vehicle trips (both entering and exiting) will be generated by the Special Use Permit?
Daily +/- 5 Weekly +/- 15 Monthly +/- 60

If applicable, how many total Commercial (delivery, heavy trucks, equipment, etc.) vehicle trips (both entering and exiting) will be generated by the Special Use Permit?
Daily 0 Weekly 0 Monthly 0

If applicable, describe Seasonal trips not accounted for above: What type (Passenger and Commercial) vehicle trips, how many trips per vehicle type in the seasonal timeframe, and describe the seasonal time frame (months, weeks, or days) in a calendar year.

Passenger: Months 6 Weeks Days * 7-passenger Van 1x month April-Oct
Commercial: Months 0 Weeks 0 Days 0

When are trips to the site expected to occur (i.e. throughout the day, limited certain hours, etc.)? If applicable, separate occurrences by vehicle type (Passenger, Commercial, Seasonal Passenger, and Seasonal Commercial):

All trips on + off property will be throughout the day M-Sat. All trips are POV's (South)

What is the anticipated route(s) from the nearest State Highway to the Site? K-7, Fairmont, 155th to McIntyre (North) Tongonoxie Rd to McIntyre; East I-70 to K-7; West State Ave to 155th or K-7

Special Use Permit Renewal

Describe any change to operations since the SUP was last issued including traffic trips compared to this SUP:
NA

Have you added any buildings since the SUP was last issued? [] Yes [] No Any parking? [] Yes [] No

Lawyers Title of Kansas, Inc.
913-682-3368

CN: 44831

Doc #: 2022R09557
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
10/19/2022 09:28:45 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office _____

ENTERED IN TRANSFER RECORD IN MY OFFICE THIS DAY 10/19/2022 County Clerk

Janet Klasmirke
COUNTY CLERK

DEED-KANSAS WARRANTY (Statutory)

THE GRANTORS,
Robert L. Wild and Melissa Ann Wild, husband and wife

CONVEY AND WARRANT to

Robert Baker and Julie Baker, Trustees of the Baker Family Revocable Living Trust dated Nov. 25, 2019, and any amendments thereto

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

Tract E:

A tract of land in the South 1/2 of the Southwest 1/4 of Section 33, Township 9 South, Range 22 East of the 6th P.M., more fully described as follows: Commencing at the Southwest corner of the Southwest 1/4; thence North 89 degrees 16' 10" East for a distance of 1656.67 feet along the South line of said Southwest 1/4 to the true point of beginning; thence North 00 degrees 02' 22" East for a distance of 1325.76 feet; thence North 89 degrees 10' 21" East for a distance of 331.52 feet; thence South 00 degrees 02' 50" West for a distance of 1326.33 feet to the South line of said Southwest 1/4; thence South 89 degrees 16' 10" West for a distance of 331.33 feet to the point of beginning, less any part thereof taken or used for road purposes, in Leavenworth County, Kansas.

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

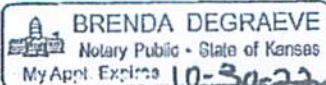
Dated this 17th day of October A.D. 2022

Robert L. Wild
Robert L. Wild

Melissa Ann Wild
Melissa Ann Wild

STATE OF KANSAS, COUNTY OF LEAVENWORTH
This instrument was acknowledged before me on this 17th day of October 2022 by:
Robert L. Wild and Melissa Ann Wild, husband and wife

My appointment expires:

 BRENDA DEGRAEVE
Notary Public - State of Kansas
My Appl. Expires 10-30-22

Brenda DeGraeve
Notary Public
Brenda DeGraeve

LEAVENWORTH COUNTY RESIDENTIAL PERMIT

CASE NUMBER RES-22-321

PERMIT SUB-TYPE ACCESSORY BUILDING

PID 108-33-0-00-00-016.07 PARCEL SIZE 10 AC ZONE RR-5 SDD NO
WATER DIST RWD 8 ELECTRIC FREESTATE FLOOD PLAIN IN PARCEL NO
SEWER DIST n/a TWSP HIGH PRAIRIE FLOOD PLAIN ON BUILDING SITE NO
SCHOOL DIST 469
SUBDIVISION LOT NO BLOCK NO

LAST NAME Baker FIRST NAME Julie PHONE 913-220-6794
EMAIL jbaker1020
ADDRESS 16740 McIntyre Rd
CITY Leavenworth STATE KS ZIP CODE 66048

SITE ADDRESS 16740 McIntyre Rd
SITE CITY Leavenworth SITE STATE KS SITE ZIP CODE 66048

CONTRACTOR Legacy Buildings CONTRACTOR PHONE
CONTRACTOR EMAIL

1ST FLOOR 0 2ND FLOOR 0 3RD FLOOR 0
BASEMENT 0 GARAGE 7200 TOTAL BLDG SQ FT 7200
BLDG HEIGHT <35' ACCESSORY BUILDING COVERAGE (if less than 2.51 ac. Parcel)
ACCESSORY BLDG USE STABLE

NOTES: 60'x120' building_
ISSUED 11/15/2022 EXPIRES 11/15/2023 RECEIVED BY KA

APPLICATION FEE \$80.00
CHECK NO 584 [] CASH [] CC

STAFF APPROVAL *Kyle Ad...* DATE 11/15/22

Upon the signing of this permit, the applicant accepts responsibility to build their permitted Single-family residence in accordance to the International Residential Code, 2006 edition, which was adopted by the Board of County Commissioners on December 16, 2020.*

*Property owners in the Kickapoo and Easton townships are exempt from this requirement.

APPLICANT *Julie Baker* DATE 11/15/2022

1. Issuance of this permit is confirmation of approval for the requested building, improvement, or development of the site.
2. This permit does not nullify any deed restrictions or covenants established as a part of any subdivision.
3. It is the responsibility of the applicant or owner to provide a source of potable water.
4. All construction shall comply with State and Federal regulations.
5. Zoning Regulations change over time; issuance of this permit is not a guarantee of compliancy with any future changes to the zoning and subdivision requirements.
6. Retain this document for your records as proof of receipt of a permit and proof of payment.



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

CERTIFICATE OF TAX CLEARANCE

Horses & Heroes Inc.
DBA as Horses & Heroes Inc.

ISSUE DATE
02/03/2023

TRANSACTION ID
TY2F-RBP8-NJGS

CONFIRMATION NUMBER
CAFH-JAYJ-22NS

TAX CLEARANCE VALID THROUGH 05/04/2023

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

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: FEB 03 2015

HORSES & HEROES INC
9901 MELROSE
OVERLAND PARK, KS 66214-0000

Employer Identification Number:
47-2064760
DLN:
26053433003825
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
October 13, 2014
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 5436

STATE OF KANSAS
OFFICE OF
SECRETARY OF STATE
SCOTT SCHWAB

I, SCOTT SCHWAB, Secretary of State of the state of Kansas, do hereby certify, that according to the records of this office.

Business Entity ID Number: 8425423

Entity Name: HORSES & HEROES INC.

Entity Type: DOM:NOT FOR PROFIT CORPORATION

State of Organization: KS

was filed in this office on October 03, 2014, and is in good standing, having fully complied with all requirements of this office.

No information is available from this office regarding the financial condition, business activity or practices of this entity.



In testimony whereof I execute this certificate and affix the seal of the Secretary of State of the state of Kansas on this day of February 09, 2023

A handwritten signature in cursive script that reads "Scott Schwab".

SCOTT SCHWAB
SECRETARY OF STATE

Certificate ID: 1252430 - To verify the validity of this certificate please visit <https://www.kansas.gov/bess/flow/validate> and enter the certificate ID number.

Special Use Permit Leavenworth County



Applicant: Site address: 16740 McIntyre Rd, Leavenworth, KS 66048



Horses & Heroes Inc. EIN# 47-2064760

Mailing address: 22052 W 66th St #207, Shawnee, KS 66226

Office Phone: 913-210-5678

Contact Person: Julie Baker, Founder, Executive Director 913-220-6794

Email: info@HorsesandHeroes.org

Website: www.HorsesandHeroes.org

Mission: Horses & Heroes (H&H) is Kansas City's premier Equine Assisted Psychotherapy (EAP) and alternative trauma recovery program that provides behavior health services to military, first responders and their families(MFRF). Founded in 2014, H&H is the only Kansas City-based trauma-informed programs that provide ground-based equine assisted counseling specifically for the military and first responder populations. H&H expanded services to include therapies to address unresolved traumatic memories, unresolved physical and emotional trauma, and teaches powerful tools to normalize the nervous system and reduce stress. H&H programming is impactful, engaging, and provides the clients the opportunity to process, heal, and learn tools that result in improved resiliency, reduced PTSD symptoms, less anxiety and depression and better quality of life scores. When someone feels better, they tend to be more engaged with family and self, and they are less likely to end up as one of the 22 daily who have lost hope.

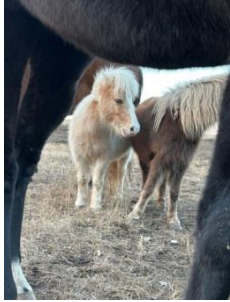
Locations: H&H leases a commercial site at 2722 N 155th St. Basehor KS. This location is the Therapeutic & Business office location and provides H&H the opportunity to offer therapeutic bodywork, business meetings, and counseling. The proposed site on McIntyre RD will only be the equine assisted therapy site.

Methods: Sessions are typically 1-hour, once per week. Client sessions are comprised of an individual person (or they might bring their significant other), the facilitation team and the horses. The facilitation team is one licensed counselor and one certified equine specialist. Team members are certified by The Equine Assisted Growth & learning Association (EAGALA). Sessions are ground-based, solution-focused, governed by a code of ethics.

Clients: Veterans, active duty, retirees of the military, police, or fire departments. Clients are pre-screened to ensure program is appropriate for their needs. We do not accept individuals with certain mental health diagnosis, active substance abuse, or history of violence towards people or animals. We generally work with individuals with unresolved traumatic memories.

They need not suffer for the vital work they do.

Horses: The majority of the horses in our herd are rescued from the slaughter pipeline. When we rescue a horse, there is a required 30-day off-site quarantine to ensure the animal is healthy and won't spread any equine diseases. When completed, the horse is brought to our location and we institute an additional 30-day assessment to determine the nature, behaviors, and safety of the horse to ensure it is not a threat to other horses or people. Once integrated, the rescued-horse becomes a life time team member. Their impactful stories of healing resonate with the clients. Our herd consists of 8 horses and 5 miniatures.



Reasons site is appropriate: H&H has leased a site in Western Shawnee since 2016. The property recently sold, therefore the search started for another site that would be appropriate for the organization. With the crazy real estate market, it took some time and patience to identify the right property as we wanted at least 10 acres, a fishing pond, a park-like setting, with easy access to highways. When the property at McIntyre Rd came on the market, we decided this location checks all of the boxes. The neighbors are horse-friendly and many are veterans who support the work we do.



Reasons could cause conflict with other parcels: When purchased, the property was not set up for horses, had several areas of silt wash-out to the pond, and erosion. In order to protect the safety of the horses and other parcels, immediate project were identified to avoid conflicts with neighboring parcels; survey, fencing, drainage

Steps to be taken to make compatible: New owners identified several steps to ensure property is compatible.

1. New owners paid for staked-survey to ensure proper placement of new fence line. Discovered lot to the west had fencing on and over the property line. Negotiated with the neighbors to address encroachment.
2. Erect horse-safe fencing. We chose a welded-steel fence with 5-rails to best contain the horses, ensure fencing integrity, and reduce required maintenance.

3. Drainage. The property was previously used as a dirt-bike track with high mounds that caused deep ruts and areas of run-off, in pasture spaces. New owner paid for professional excavator to flatten and slope the areas of concern. Grasses and rock materials will be used to correct areas of erosion.

Hours of operation: Mon thru Sat 9am – 5pm. There will be some times that hours might be different for special occasions.

Traffic routes: See Map

Traffic Volumes: Minimal impact on traffic volumes. 12 trips in Privately Owned Vehicles (POV's) per week. Commercial trips include one (1) trash truck once per week to empty 2-yard dumpster located to the east of the house. Tripe with horse trailer are limited to taking horses to vet clinic. Frequency is 1-2 times per year.

Parking: The long driveway allows for ample off-street parking for groups of 10-20 people. Additional 5 parking spots will be added to the south of the new structure and 2 ADA spots. See diagram.

Months/years permit is needed: Anticipated need is 3-5 years. H&H does plan on purchasing its own lot of land to operate from long-term.

Current use: Single family dwelling on acreage

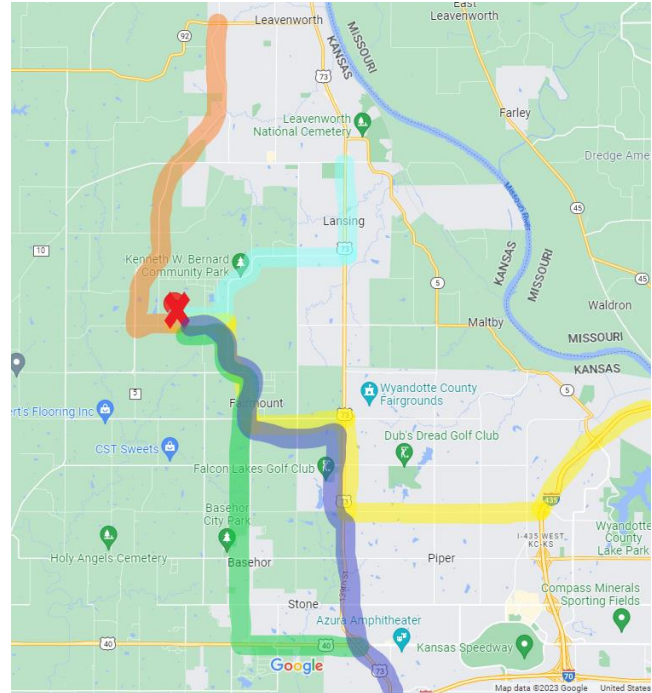
Proposed use: Maintain single family dwelling; owners (residents) will oversee and manage daily operations of the equine nonprofit.

Employees: H&H currently has 2 full-time employees, 5 volunteers and 8 contracted agents.

Signs: No plans for signs to be erected at the street. We might place a non-electric, wood or metal logo-sign on the new structure as identifier.

Chemicals: Typical chemicals used to fertilize grass, kill weeds, etc. Will keep all chemicals in their original container with original label and OSHA information.

Lubricants: Typical lubricants used for mowers and tractor



Sewage: Home has established septic system that was recently pumped and inspected (Oct 2022). For short-term, all will use the established bathrooms in the home. Septic capacity is established to be viable for a 5-bedroom occupied home. Currently, home is occupied by two (2) people; husband and wife. The husband travels for a living and is home approximately twelve (12) days per month. Therefore, the current volume on established septic system is significantly under capacity. Expected added volume from weekly regular clients is 8-10 individuals per week. Each session is only one-hour, therefore, not all clients will use facilities while on property.

Adding a portable toilet is not feasible as it will be in view of neighbors to the east, west and south sides of property.

Future plans do include adding a second appropriate septic system with proposed addition (see attached chart). When we get to this point, appropriate permits, perk tests and procedures will be addressed.

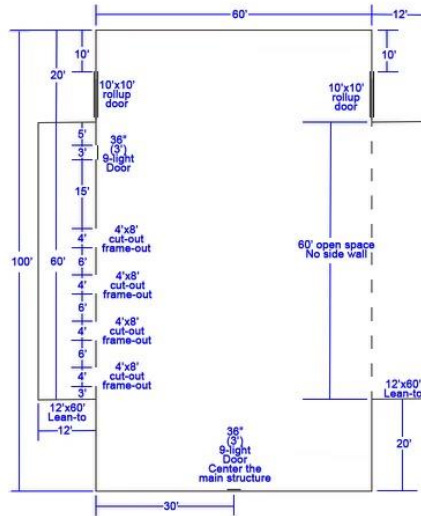
Water supply: Dedicated water lines to barn are being installed and tied into main water line at the road.

Noise: H&H programs do not create extra noise. Programs are focused on creating peaceful and calm environment.

Odors/fumes: Other than the natural odors caused by horses and their droppings, no odors or fumes will be generated.

Accessory building used: New barn space is 60x100. Permit acquired. Space to be used to provide shelter for the horses and an indoor space for seeing clients.

Rendering



Covered, outdoor
implement storage



Outdoor displays: None

Equipment: North end of the new barn will be location for indoor equipment storage; tractor, trailer, mowers and implements. Outdoor, covered storage is on the east side as pictured above.

Alcohol service: NA

Food service: NA

Retails Sales: NA

Dust control: NA

Therapists: Proposed future addition to have two (2) meeting rooms available for the storage of files and intake. No medications are kept on site.

Emergency safety: See attached

Security lighting: Electricity to the barn and lighting are still pending at the time of this application.

Lighting plan for barn:

Exterior:

- 2- Dusk to Dawn Solar lights on northwest and southwest corners
- 2- Motion-sensor solar security lights on northeast and southeast corners
- 2- Hardwired exterior lights on either side of entrance door on south wall with solar motion sensor light directly above doorway on south wall.

Interior:

16-20 High bay 20,000 lumen LED

Feedback Comments – Planning & Zoning

1. 7- Passenger van will arrive once per month from a local facility. Attendees are all from this facility and will arrive and leave together in the van for the purpose of experiencing an equine session. H&H staff would include one (1) clinician who will arrive in per privately owned vehicle (POV), and one (1) Equine Specialist who will arrive in her POV.

2. Daily trips. Verifying that we anticipate:

- One (1) volunteer to arrive and leave daily
- One (1) Clinician to arrive and leave (T, F, S)
- One (1) Equine Specialist to arrive and leave (T,F,S)
- Average of three (3) clients per day arriving and leaving on Tuesdays, Friday and Saturdays
- Total anticipated daily traffic is twelve (12) trips

3. During non-construction periods, we anticipate one (1) trash truck once per week to empty 2-yard dumpster located east of the home.

4. The horses do not leave the property. The only horse-trailer traffic would be for emergency veterinary visits. H&H owns a 2-horse trailer that will be parked under east-covered storage, once completed.

5. Estimated traffic is based upon historical business load. Previous location in Shawnee is non-operational, therefore, all equine-related business will be conducted at Leavenworth location.

6. Identified days of business, Tuesday, Friday and Sat represent our short-term expected business model. We would like to eventually expand business days to Tuesday-Sat. Additional days of Wednesday and Thursday would add potentially 6-8 clients or 12-16 trips.

7. Privately Owned Vehicle (POV)

8. Clarified traffic load in question 2. Number of client sessions can range from 2-4 clients per day (Tuesday, Friday, and Saturday). Expected usage when no clients are scheduled is one (1) staff person and one (1) volunteer daily.

9. We will, on occasion, have a group of corporate volunteers arrive (up to 20 individuals) to work on various projects. We request that they carpool as much as possible. When additional parking is required, we will have them park along the long driveway but not block or enter onto the road (McIntyre). Duration of group activity is 3-4 hours. Frequency will be twice per year up to quarterly.

10. One (1) staff person lives on-site and the second staff person lives off site. Volunteers arrive once per day to help care for horses. Clinical staff only arrives for scheduled appointments.

11. Two people live on site. One is a staff person and her husband. There are 2 POV's owned by onsite personnel. Staff person is onsite daily and will be the acting Equine Specialist for **some** client sessions. This would reduce traffic to one (1) Clinician and up to four (4) clients. When onsite staff is **not** acting as the Equine Specialist, there will be an added trip of one (1) Equine Specialist.



ATTENTION SPONSORS

FIRST RESPONDERS NEED YOUR HELP



PEER SUPPORT GROUPS

Rates of depression and PTSD among first responders are significantly higher compared to the civilian population. Peer Support Groups (PSG), a quickly growing resource within EMT, Fire & Police departments, were created with the sole purpose of providing immediate and confidential support for responders who have encountered traumatic events.

Why PSG must succeed:

- ✓ Confidential Resource
- ✓ Immediate Access to Support
- ✓ Operated by fellow responders
- ✓ Avoids Negatively Impacting Their Career

📞 913-210-5678

🌐 www.HorsesandHeroes.org

🏠 Serving Kansas City Metro

✉ info@horsesandheroes.org

EMERGENCY PROCEDURES

ALL EMERGENCIES: FIRE, POLICE, MEDICAL
16740 McIntyre Rd Leavenworth, KS 66048



FIRE

Locations of fire extinguishers: Lounge; inside of double-doors, Barn; South wall #1, Barn #2 North wall.

PROCEDURES FOR FIRE

- Immediately exit the building.
- Dial 9-1-1.
- All personnel proceed to designated assembly area.

PROCEDURES FOR BARN FIRE

- Immediately exit the building.
- Dial 9-1-1
- Horses will be released from exterior paddocks via lower pasture gate(s).
- The following assigned personnel will coordinate the evacuation of any horses close to barn: Julie Baker and Shannon Danley
- All personnel proceed to destination assembly area
- Check-in and remain with your Emergency Coordinator: Shannon Danley

DO NOT LEAVE THE PROPERTY UNTIL ALL PERSONNEL ARE ACCOUNTED FOR

SEVERE WEATHER / TORNADO

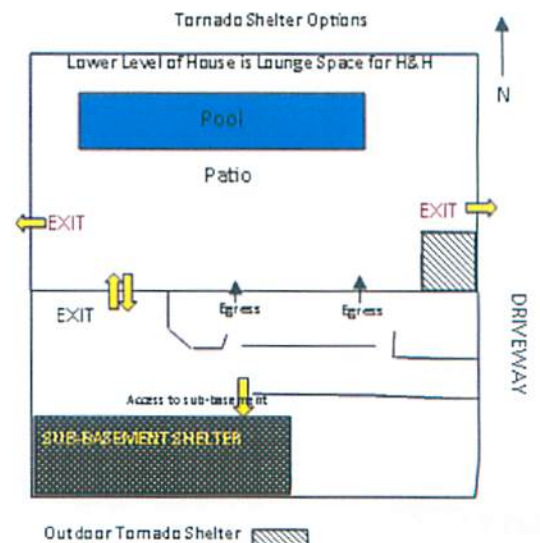
Special Instruction - In the event of a tornado warning:

PROCEDURES FOR ALL STAFF & PERSONNEL

- Seek shelter in the sub basement of house located in the south west corner of the lower level.
- Outdoor shelter as back up. South-East wall of patio is surrounded by concrete walls.
- Close interior door and remain in place until the "all clear" signal has been given by your Emergency Coordinator.

PROCEDURES FOR HORSES IN THE BARN(S)

- If needed, any horses within the barn will be released from exterior paddocks via lower pasture gate(s).
- The following assigned personnel will conduct the release of any horses in the barn: Julie Baker and Shannon Danley



MEDICAL EMERGENCY

Special Instruction – In the event of a medical or personal injury:

PROCEDURES FOR INJURY TO STAFF / PERSONNEL

- Dial 9-1-1.
- Provide the specific location from where you are calling. Our location: 16740 McIntyre Rd Leavenworth, KS 66048
- Notify your appointed Emergency Coordinator: Shannon Danley at (832) 579-5526
- Assist your Emergency Coordinator, as instructed, to help provide care for injured individual(s) until emergency personnel arrive.
- Safely and quickly guide emergency personnel from the road to the location of the injured person(s).
- Contact landowner: Julie at (913) 220-6794 or Rob at (913) 378-5417

PROCEDURES FOR INJURY TO HORSE(S)

- Notify your appointed Horse Care Specialist: Julie Baker at (913) 220-6794
- If directed, call the veterinarian: Dr. Strain at (913) 728-2499
- Follow instructions provided by your Horse Care Specialist to help provide care for the injured horse(s) until emergency veterinarian personnel arrive.
- Safely and quickly guide emergency personnel from the road to the location of the injured horse(s).

ACTS OF VIOLENCE / POLICE EMERGENCY

Special Instruction – In the event of acts of violence or immediate threat of physical harm or injury:

PROCEDURES FOR ACTS OF VIOLENCE OR ATTACKS

- Immediately seek shelter or move to a place of safety
- Dial 9-1-1.
- Provide the specific location from where you are calling. Our location: 16740 McIntyr Rd Leavenworth KS 66048
- If possible, remain hidden in place until police give the “all clear” or as instructed by emergency responders.

HORSE CARE



Loose Equine Protocol

16740 McIntyre Rd. Leavenworth, KS 66048

LOOSE HORSE

A loose, panicked horse can be a danger to himself, other animals or property

Even though we do our best to prevent horses escaping from stalls, paddocks, pens, and pastures, there are some horses (HENRY-HOUDINI) that manage to circumvent our efforts.

HORSES ARE HERD ANIMALS

If a horse has escaped from a pasture, paddock or barn and you can still see him, **Do Not Chase!** Horses dislike being alone and will (usually) seek other horses for protection. If they are not in imminent danger, approach with patience.

KEY POINTS

Body Language is key – STAY CALM – BE PATIENT – MOVE SLOWLY

- Keep all gates closed to minimize the chance of escape.
- Make sure you have a lead rope and halter in hand, and try luring him back with food; Place a handful of grain or treats in the bottom of a bucket.
- Stand quietly where he can see you and shake the bucket, calling softly to the horse to get his attention.
- If he's wearing a halter, you can grab the halter when he comes close to eat. If not, let him take a few mouthfuls of food while you slip the halter and lead rope on him to lead him back to safety.
- Most of our horses have had some level of natural horsemanship training, making it easier for the person(s) capturing the horse to gain control of the body parts of the horse with certain movements.
- Try to get the horse to look at you with both eyes, and approach at his shoulder.

For Safety reasons - visitors and non-qualified volunteers are not allowed to help

WHEN TO CALL FOR HELP

If the horse is out of control, or heading for a major highway or gallops out of site, **call 911 IMMEDIATELY**

CERTIFICATE OF INSURANCE

This Document is a

Certificate of Insurance. This is to certify that policies of insurance listed below here have been issued to the insured named herein and are in force at this time. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. **THIS CERTIFICATE OF INSURANCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE INSURANCE POLICIES LISTED BELOW.**

BINDING OF THIS COVERAGE IS CONTINGENT UPON THE INSURED'S CONSIDERATION OF PREMIUM PAYMENT BEING POST-MARKED TO ARK AGENCY ON OR BEFORE THE EFFECTIVE DATE STATED ON THIS BINDER.

NAME AND ADDRESS OF AGENCY
NORTH AMERICAN HORSEMEN'S ASSOCIATION
 Horsemen of North America Safety Control Risk Purchasing Group
 Administrative Office: Ark Agency
 310 Washburne Ave., Box 223
 Paynesville, MN 56362

Policy No.: **B0572YF22AA05 RPG000642**
 LOCATIONS (if other than mailing address)
 16740 McIntyre Rd., Leavenworth, KS 66048

NAME AND ADDRESS OF INSURED
Bold Horse Solutions and Horses & Heroes Inc.
22052 W 66th St #207
Shawnee, KS 66226

COMPANY: **Brace 9642 on behalf of Beat Syndicate 4242, Lloyds of London**
 Effective: 12:01 AM **9/22/2022** Expires: 12:01 AM **9/22/2023**

Type of Liability Insurance	Coverage Form	Bodily Injury & Property Damage Combined	Limits of Liability	
			Each Occurrence Or Claim	Aggregate Per Policy Year
X - Comprehensive Form Deductible: N/A per claim and legal defense - Premises/ Operations Products/Completed Operations Care, Custody & Control: \$ per horse max \$ Aggregate Deductible: N/A per claim and legal defense X - Medical Payments: \$5,000 X - Fire Legal Liability: \$50,000	Occurrence		\$1,000,000	\$2,000,000

EXPOSURES (ACTIVITIES) NOT LISTED WILL NOT BE COVERED BY THE COMMERCIAL EQUINE OPERATION'S LIABILITY POLICY.

Exposure Code

Exposure (Activity Description)

B02	Commercial High Usage Horses
D21	Equine Assisted Services to Licensed / Certified Therapist
D26	Equine & Animal Assisted Growth & Development Services
E03	Additional Insured Riding Instructor or Horse Trainer
P03	Professional Liability: Equine Assisted Services to Licensed / Certified Therapist
P09	Professional Liability: Equine & Animal Assisted Growth & Development Services

EXCLUSIONS

As per policy contract.

CANCELLATION:

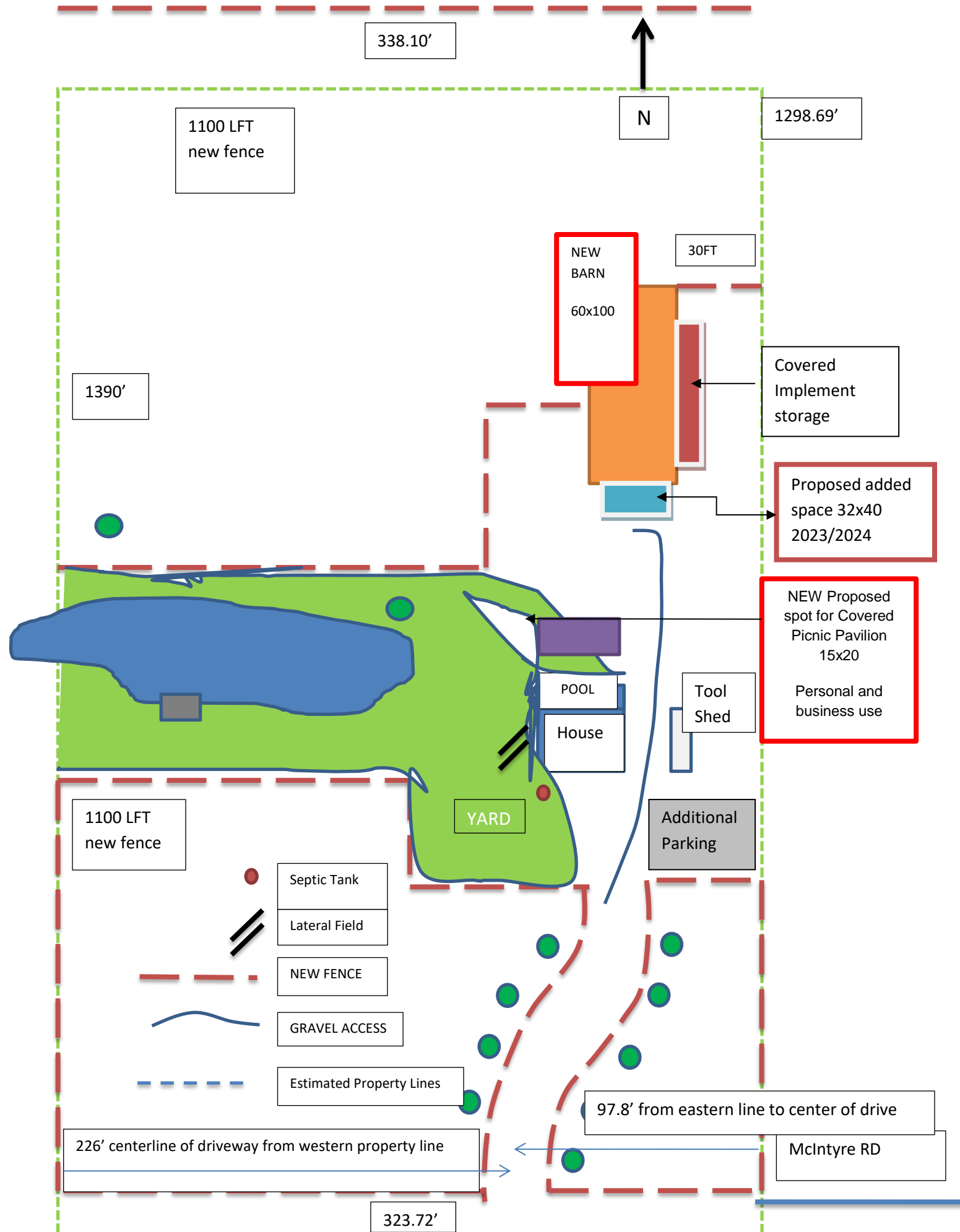
Should any of the described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

NAME AND ADDRESS OF: X - Certificate Holder

County of Leavenworth
 300 Walnut St. Suite 212
 Leavenworth, KS 66048

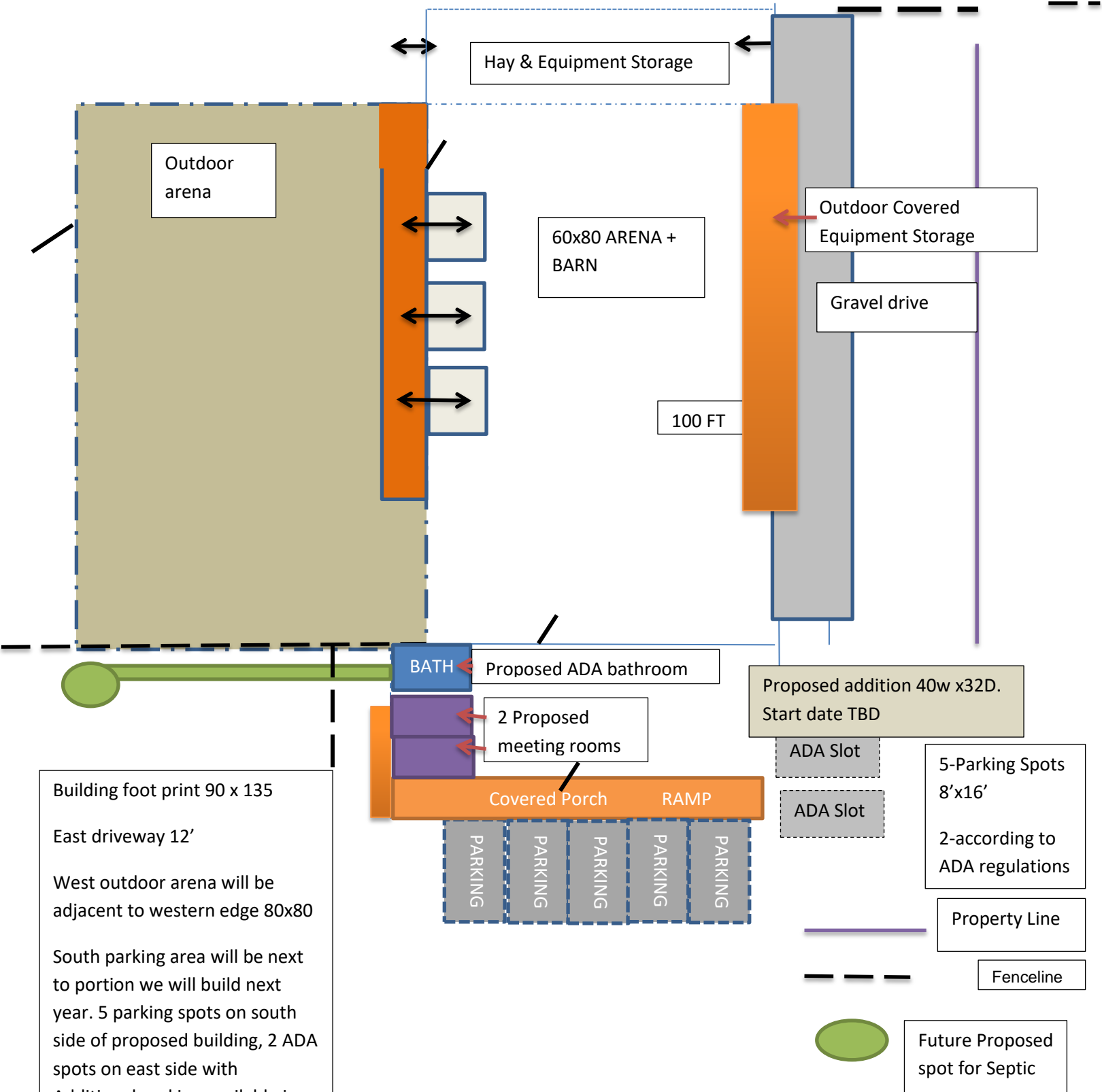
Date Issued: March 1, 2023
 Authorized Representative:





60x100 FT

60x100 structure completed Feb 2023



Building foot print 90 x 135
 East driveway 12'
 West outdoor arena will be adjacent to western edge 80x80
 South parking area will be next to portion we will build next year. 5 parking spots on south side of proposed building, 2 ADA spots on east side with Additional parking available in parking spaces on south/east corner of house driveway

5-Parking Spots 8'x16'
 2-according to ADA regulations
 Property Line
 Fenceline

Future Proposed spot for Septic

Horses & Heroes
SUP Application
16740 McIntyre Road
Leavenworth, KS 66048

March 25, 2023



The sight distance for an existing entrance located at 16740 McIntyre Road, Leavenworth, KS 66048 was checked for conformance to AASHTO standards.

McIntyre Road is classified as a local roadway with a posted speed limit of 35 mph. There is an advisory speed limit sign posted for west bound traffic east of 16740 McIntyre Rd, see photo below.



A site visit was conducted on March 19, 2023 to field verify the actual sight distances at the entrance. The AASHTO requirements for sight distance are shown in the following exhibits.

Metric				US Customary			
Design speed (km/h)	Stopping sight distance (m)	Intersection sight distance for passenger cars		Design speed (mph)	Stopping sight distance (ft)	Intersection sight distance for passenger cars	
		Calculated (m)	Design (m)			Calculated (ft)	Design (ft)
20	20	41.7	45	15	80	165.4	170
30	35	62.6	65	20	115	220.5	225
40	50	83.4	85	25	155	275.6	280
50	65	104.3	105	30	200	330.8	335
60	85	125.1	130	35	250	385.9	390
70	105	146.0	150	40	305	441.0	445
80	130	166.8	170	45	360	496.1	500
90	160	187.7	190	50	425	551.3	555
100	185	208.5	210	55	495	606.4	610
110	220	229.4	230	60	570	661.5	665
120	250	250.2	255	65	645	716.6	720
130	285	271.1	275	70	730	771.8	775
				75	820	826.9	830
				80	910	882.0	885

Note: Intersection sight distance shown is for a stopped passenger car to turn left onto a two-lane highway with no median and grades 3 percent or less. For other conditions, the time gap must be adjusted and required sight distance recalculated.

Exhibit 9-55. Design Intersection Sight Distance—Case B1—Left Turn From Stop

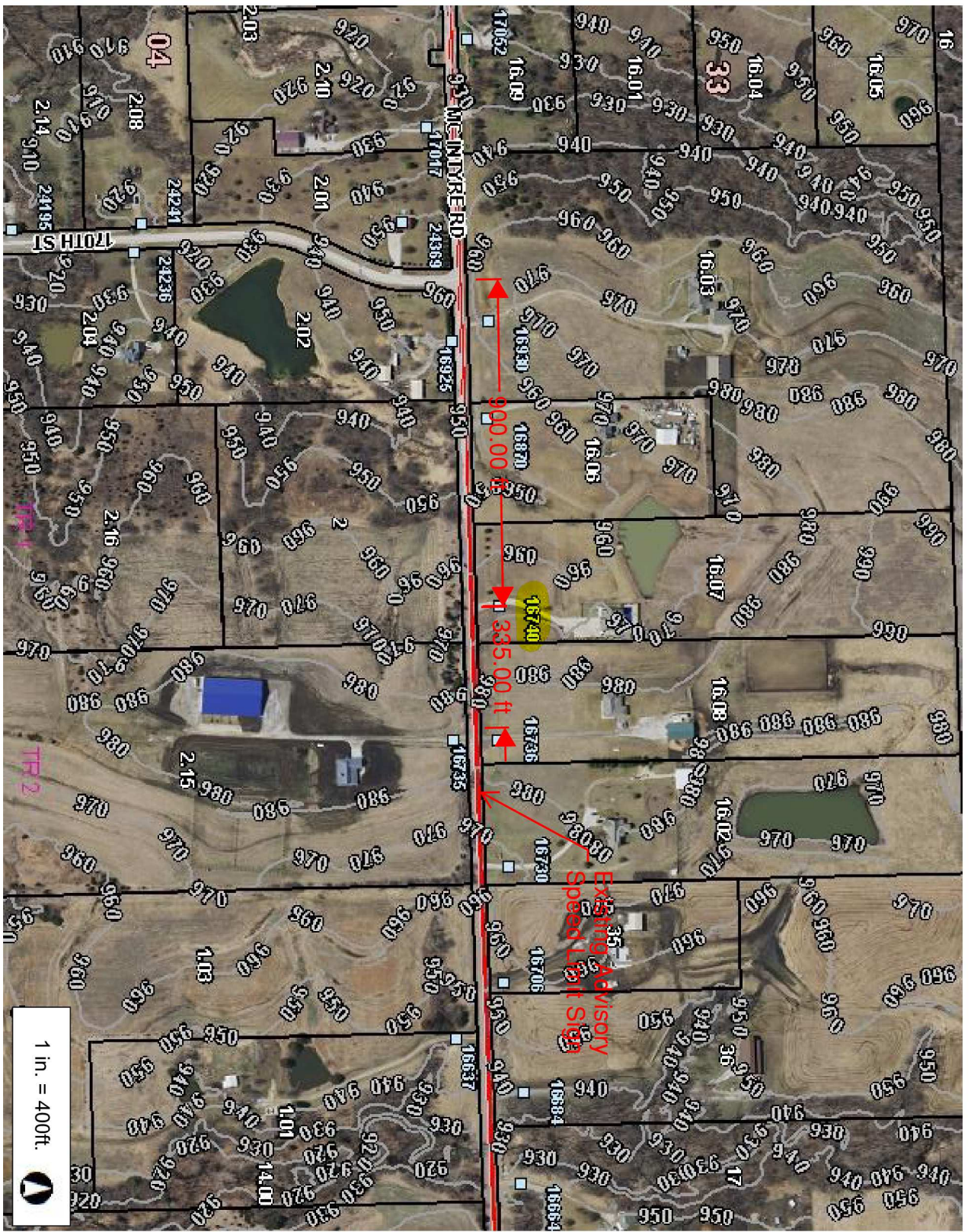
Metric				US Customary			
Design speed (km/h)	Stopping sight distance (m)	Intersection sight distance for passenger cars		Design speed (mph)	Stopping sight distance (ft)	Intersection sight distance for passenger cars	
		Calculated (m)	Design (m)			Calculated (ft)	Design (ft)
20	20	36.1	40	15	80	143.3	145
30	35	54.2	55	20	115	191.1	195
40	50	72.3	75	25	155	238.9	240
50	65	90.4	95	30	200	286.7	290
60	85	108.4	110	35	250	334.4	335
70	105	126.5	130	40	305	382.2	385
80	130	144.6	145	45	360	430.0	430
90	160	162.6	165	50	425	477.8	480
100	185	180.7	185	55	495	525.5	530
110	220	198.8	200	60	570	573.3	575
120	250	216.8	220	65	645	621.1	625
130	285	234.9	235	70	730	668.9	670
				75	820	716.6	720
				80	910	764.4	765

Note: Intersection sight distance shown is for a stopped passenger car to turn right onto or cross a two-lane highway with no median and grades 3 percent or less. For other conditions, the time gap must be adjusted and required sight distance recalculated.

Exhibit 9-58. Design Intersection Sight Distance—Case B2—Right Turn from Stop and Case B3—Crossing Maneuver

The sight distance at the entrance meets the AASHTO requirements. Vehicles turning left onto McIntyre Road have an unobstructed view that extends approximately 900-ft to 170th Street. For vehicles turning to the right, there is a hill that limits the view but the sight distance does meet the AASHTO recommended minimum sight distance. In addition, the County has installed an advisory speed limit sign of 20 mph on the east side of the hill.

Leavenworth County, KS



1 in. = 400ft.

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries. THIS MAP IS NOT TO BE USED FOR NAVIGATION



- Legend**
- Address Point
 - Parcel Number
 - Lot Line
 - Parcel
 - City Limit Line
 - Major Road
 - <all other values>
 - 70
 - Road
 - + Railroad
 - Contour
 - Section
 - Section Boundaries
 - County Boundary

Notes

Looking WB from 16740 McIntyre Rd



Looking EB from 16740 McIntyre Rd

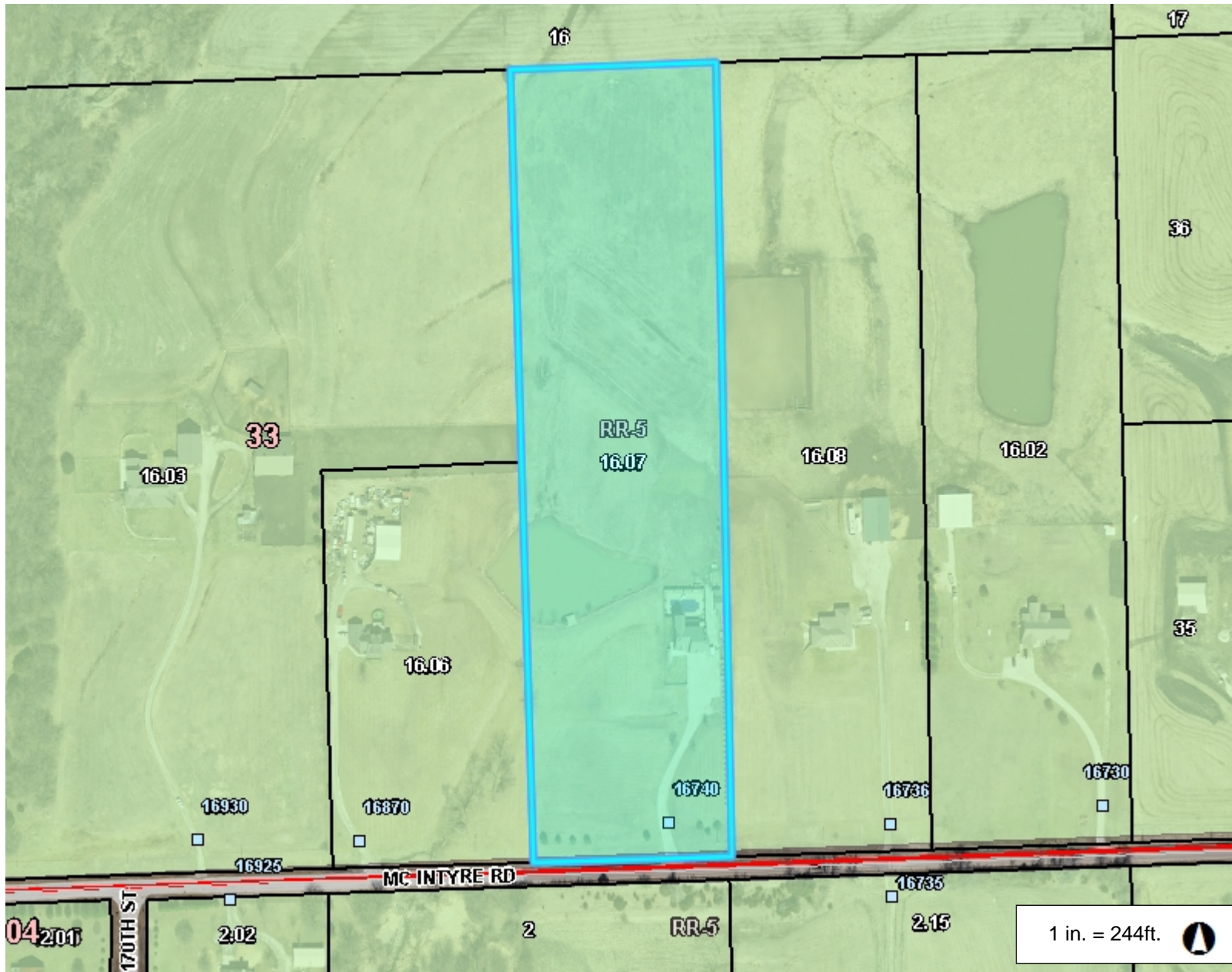


Top of Hill Looking West





DEV-23-025 Horses & Heroes SUP



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- ⋮ City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + 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

Notes

487.1 0 243.56 487.1 Feet

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

Allison, Amy

From: Rural Water <rwd8lv@gmail.com>
Sent: Friday, February 17, 2023 10:08 AM
To: Allison, Amy
Subject: Re: DEV-23-025 Special Use Permit – Horses and Heroes

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.

The water district will not have a problem with this residence operating a business at this time. Please let me know if there is anything else you need from me.

Thank you,

On Wed, Feb 15, 2023 at 4:41 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding a riding stable or track on the property located at 16740 McIntyre Road. The applicant is requesting to operate a non-profit horse therapy facility.

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 Thursday, February 23, 2023.

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

Thank you,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

--

*Sandra Heim
Office Manager
Rural Water District #8-LV CO*

Allison, Amy

From: Amanda Tarwater <amanda.tarwater@freestate.coop>
Sent: Monday, February 20, 2023 8:58 AM
To: Allison, Amy
Subject: RE: DEV-23-025 Special Use Permit – Horses and Heroes

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

FreeState Electric has no objection to this request.

Amanda Tarwater
Member Accounts Coordinator



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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, February 15, 2023 4:41 PM
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>; 'Andrew Holder' <aholder@fpsslaw.com>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; Amanda Tarwater <amanda.tarwater@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-025 Special Use Permit – Horses and Heroes

Warning: This message originated outside of the FEC organization. Do not click links or open attachments unless you have validated the sender and know the content is safe. <="" span="">

Good Afternoon,

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The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, February 23, 2023.

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

Thank you,

Allison, Amy

From: Anderson, Kyle
Sent: Tuesday, February 21, 2023 11:09 AM
To: Allison, Amy
Subject: RE: RE: DEV-23-025 Special Use Permit – Horses and Heroes

We have not received any complaints on this property.

The engineered septic system installed is sufficient for a 5 bedroom home. The home was sold as a 4 bedroom. With the added people working on the property I would recommend we require one of the following:

1. An engineering report stating the current septic system is capable of handling the additional use from the business.
2. A plan in place if the current system is overloaded and becomes in a state of failure from the additional use from the business.

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, February 15, 2023 4:41 PM
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>; 'Andrew Holder' <aaholder@fpsslaw.com>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-025 Special Use Permit – Horses and Heroes

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding a riding stable or track on the property located at 16740 McIntyre Road. The applicant is requesting to operate a non-profit horse therapy facility.

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 Thursday, February 23, 2023.

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

Thank you,

Allison, Amy

From: Michael Stackhouse <mstackhouse@fd1lvco.org>
Sent: Wednesday, February 22, 2023 1:39 PM
To: Allison, Amy; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Van Parys, David; 'Andrew Holder'; 'Mitch Pleak'; Noll, Bill; 'amanda.holloway@freestate.coop'; 'Rural Water'
Cc: PZ
Subject: RE: DEV-23-025 Special Use Permit – Horses and Heroes

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.

Amy,

I see no issues with the attached plans, provided the new barn is utilized as an agriculture building and not as an assembly. The barn as an agricultural building would have an occupancy load of 24 people. All information provided dictates that it would be considered an agriculture building. Thanks.

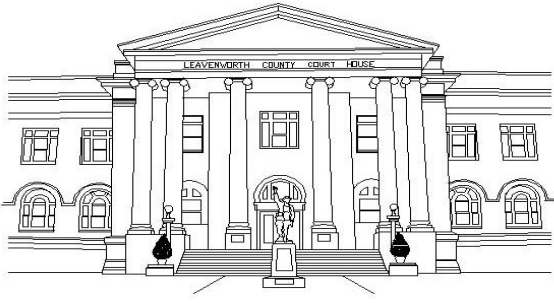
B/R,

Michael L. Stackhouse
Fire Chief
Fire District No. 1, County of Leavenworth
111 E. Kansas Avenue
Lansing, KS. 66043
Office: 913-727-5844
Cell: 913-683-3223



From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, February 15, 2023 4:41 PM
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>; 'Andrew Holder' <aaholder@fpslaw.com>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; Michael Stackhouse <mstackhouse@fd1lvco.org>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-025 Special Use Permit – Horses and Heroes

Good Afternoon,



COUNTY OF LEAVENWORTH

Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

March 9, 2023

Horses and Heroes SUP DEV-23-025 – Public Works Review

The Public Works Department have reviewed the following documents:

- 2023.02.15 SUP Application.
- 2023.02.15 Narrative.
- 2023.02.15 Pamphlet for Program.
- 2023.02.15 Site Plans
- 2023.03.06 16740 McIntyre Rd Lot Diagram
- 2023.03.06 New Barn Diagram
- 2023.03.06 Special Use Permit Application

Below are comments from the received documents listed above. Direct any questions to Amy Allison at aallison@leavenworthcounty.gov.

McIntyre is a two-lane hard surfaced roadway. Routes to the site are hard surfaced roadways.

Improvements including the barn, septic, and lighting to be reviewed under a separate application.

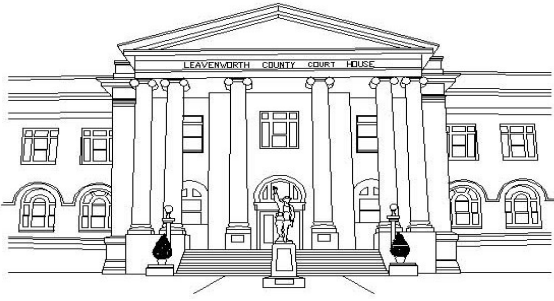
Comment Responses:

1. Olsson Comment (2.28.23): From the application, the SUP includes a seven (7) passenger van 1 time per month. Is the van to bring multiple appointments with the same proposed use or for a different use? Would staff arrive as individual trips to support all clients arriving via passenger van?

Applicant Response (3.06.23): 7- Passenger van will arrive once per month from a local facility. Attendees are all from this facility and will arrive and leave together in the van for the purpose of experiencing an equine session. H&H staff would include one (1) clinician who will arrive in per privately owned vehicle (POV), and one (1) Equine Specialist who will arrive in her POV.

Olsson Response (3.09.23): No further comment.

2. Olsson Comment (2.28.23): From the application, the typical daily trips are +/-5. Typically, vehicle trips are an even number. (1 trip entering and 1 trip exiting). Verify. If daily trips are different from the submitted application, revise the weekly and monthly trips on the application also.



COUNTY OF LEAVENWORTH

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Applicant Response (3.06.23): Daily trips. Verifying that we anticipate:

- One (1) volunteer to arrive and leave daily
- One (1) Clinician to arrive and leave (T, F, S)
- One (1) Equine Specialist to arrive and leave (T,F,S)
- Average of three (3) clients per day arriving and leaving on Tuesdays, Friday and Saturdays
- Total anticipated daily traffic is twelve (12) trips

Olsson Response (3.09.23): No further comment.

3. Olsson Comment (2.28.23): From the application, there is no estimated traffic for commercial trips. Verify no support services like trash collection is proposed.

Applicant Response (3.06.23): During non-construction periods, we anticipate one (1) trash truck once per week to empty 2-yard dumpster located east of the home.

Olsson Response (3.09.23): No further comment.

4. Olsson Comment (2.28.23): With the proposed use involving equine, how often are trailers utilized for transporting equine? What type of vehicles and trailers are utilized for transporting?

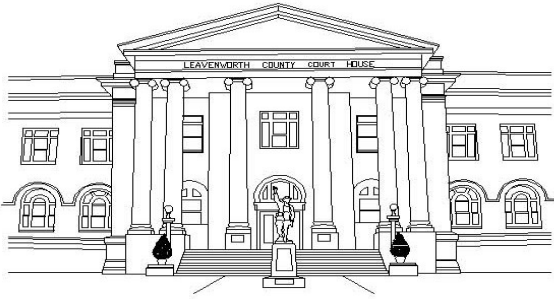
Applicant Response (3.06.23): The horses do not leave the property. The only horse-trailer traffic would be for emergency veterinary visits. H&H owns a 2-horse trailer that will be parked under east-covered storage, once completed.

Olsson Response (3.09.23): No further comment.

5. Olsson Comment (2.28.23): Page 3 of the narrative references an existing operational site. Do the traffic trips presented in the application reflect existing operations of the Shawnee site? Do the trips presented represent the operational use after closure of the western Shawnee location?

Applicant Response (3.06.23): Estimated traffic is based upon historical business load. Previous location in Shawnee is non-operational, therefore, all equine-related business will be conducted at Leavenworth location.

Olsson Response (3.09.23): No further comment.



COUNTY OF LEAVENWORTH

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-
-
6. Olsson Comment (2.28.23): Is there any anticipated growth (appointments) resulting in an increase in traffic during the duration of the SUP? If so, is future growth estimated traffic trips accounted for in the application?

Applicant Response (3.06.23): Identified days of business, Tuesday, Friday and Sat represent our short-term expected business model. We would like to eventually expand business days to Tuesday-Sat. Additional days of Wednesday and Thursday would add potentially 6-8 clients or 12-16 trips.

Olsson Response (3.09.23): No further comment.

7. Olsson Comment (2.28.23): Confirm POV is an abbreviation for privately owned vehicle.

Applicant Response (3.06.23): Privately Owned Vehicle (POV)

Olsson Response (3.09.23): No further comment.

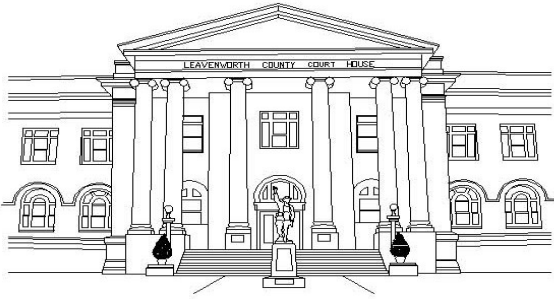
8. Olsson Comment (2.28.23): Page 4 of the narrative discusses traffic volumes of 10-15 POVs per week. Based on question #2 above, reviewer assumes 10-15 POVs are 20-30 trips. Page 3 of the narrative states a client session would include the client, counselor, and equine specialist (three separate vehicles per appointment) that translates to 3-5 appointments per week. Confirm appointments per week. Associated with question #4, confirm expected use when existing site is closed.

Applicant Response (3.06.23): Clarified traffic load in question 2. Number of client sessions can range from 2-4 clients per day (Tuesday, Friday, and Saturday). Expected usage when no clients are scheduled is one (1) staff person and one (1) volunteer daily.

Olsson Response (3.09.23): No further comment.

9. Olsson Comment (2.28.23): Page 5 of the narrative discusses 10-20 parking spaces plus 5 additional. Depending on loading/use 25 spaces could equate to 50+ trips during a peak hour, is there an anticipated typical event or heavy use period that use of these spaces would be maximized?

Applicant Response (3.06.23): We will, on occasion, have a group of corporate volunteers arrive (up to 20 individuals) to work on various projects. We request that they carpool as much as possible. When additional parking is required, we will have them park along the long driveway but



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not block or enter onto the road (McIntyre). Duration of group activity is 3-4 hours. Frequency will be twice per year up to quarterly.

Olsson Response (3.09.23): No further comment.

10. Olsson Comment (2.28.23): Page 5 of the narrative states current residents will oversee equine care. Do all other staff for appointment services arrive separately for appointment only?

Applicant Response (3.06.23): One (1) staff person lives on-site and the second staff person lives off site. Volunteers arrive once per day to help care for horses. Clinical staff only arrives for scheduled appointments.

Olsson Response (3.09.23): No further comment.

11. Olsson Comment (2.28.23): Narrative discusses current staff of organization of 2 full-time employees, 5 volunteers, and 8 contracted agents. Is described staff accounted for in the application for estimated traffic and is this staff on site daily?

Applicant Response (3.06.23): Two people live on site. One is a staff person and her husband. There are 2 POV's owned by onsite personnel. Staff person is onsite daily and will be the acting Equine Specialist for some client sessions. This would reduce traffic to one (1) Clinician and up to four (4) clients. When onsite staff is not acting as the Equine Specialist, there will be an added trip of one (1) Equine Specialist.

Olsson Response (3.09.23): No further comment.

12. Olsson Comment (2.28.23): Applicant to provide a sight distance memo for stopping sight distance and turning movements exiting the property by a professional engineer licensed in the State of Kansas.

Allison, Amy

From: Mitch Pleak <mpleak@olsson.com>
Sent: Tuesday, March 28, 2023 2:34 PM
To: Allison, Amy
Cc: Noll, Bill; McAfee, Joe; 019-2831
Subject: RE: DEV-23-025 Horses & Heroes SUP

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.

Amy,
Good afternoon. The sight distance check memo has been reviewed with no comment. Please let me know of any questions.

Sincerely,

Mitch Pleak, PE
Senior Engineer / Civil

D 913.748.2503

7301 W. 133rd Street, Suite 200
Overland Park, KS 66213
O 913.381.1170



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[View Legal Disclaimer](#)

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, March 27, 2023 8:20 AM
To: Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>
Subject: FW: DEV-23-025 Horses & Heroes SUP

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Leavenworth Times Affidavit of Publication

County of Leavenworth
State of Kansas
NOTICE OF PUBLIC
HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-23-025) for a Special Use Permit for a Riding Stables and Clinic for Horses and Heroes, an equine therapy business; such use being listed in Article 19, Table of Uses, in the Leavenworth County Zoning and Subdivision Regulations.

The Special Use Permit (DEV-23-025) request is for the following described property:

A tract of land in the South ½ of the Southwest ¼ of Section 33, Township 9 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas. Request submitted by Julie Baker, Horses & Heroes, Inc.

Address: 16740 McIntyre Road

Parcel ID number: 108-33-0-00-00-016.07

The hearing will be held on Wednesday the 10th day of May, 2023 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, May 9, 2023.

John Jacobson, Secretary
Leavenworth County Planning Commission Publish by 4/19/2023

Published in the Leavenworth Times, April 18, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 18th day of April, 2023.

WITNESS my hand this 18th day of April, 2023.

Tammy Lawson
Legal Representative

Subscribe and sworn before me, this 18 day of Apr, 2023.

Rebecca A. Broom
Notary Public

My Commission Expires: 6/7/23

