

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, January 11, 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

A. Case DEV-22-148/149 – CABO - 1880

Consideration of a Preliminary and Final Plat – CABO - 1880 on the following described property: A tract of land in the South Half of the Southeast Quarter of Section 7, Township 9 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas.
Also known as 00000 High Prairie Road (PID: 103-07-0-00-00-013.00)

B. Case DEV-22-159/160 – Dusty Rhodes Acres

Consideration of a Preliminary and Final Plat – Dusty Rhodes Acres on the following described property: A tract of land in the Northwest Quarter of the Southwest Quarter of Section 12, Township 12 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas.
Also known as 00000 Kreider Road (PID: 231-12-0-00-00-017.02)

C. Case DEV-22-171 – Prairie Hills 2nd Replat

Consideration of a Replat – Prairie Hills 2nd Replat on the following described property: A part of Lot 4, Prairie Hills Subdivision, Leavenworth County, Kansas.
Also known as 14855 Prairie Crossing (PID: 107-35-0-00-00-007.06)

9. Regular Agenda

A. Case DEV-22-145 – J & A Farms Replat

Consideration of a Replat – J & A Farms Replat on the following described property: Lots 1 and 2, J & A Farms, Leavenworth County, Kansas.
Also known as 21278 & 21242 Dempsey Road (PID: 142-04-0-00-01-007.01 & 142-04-0-00-01-007.02)

B. Case DEV-22-155 – Whiskey Ridge

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
Also known as 19051 Tonganoxie Drive (PID: 192-03-0-00-00-011.01)

*****Public Hearing Required*****

*****Public Comment limited to three minutes per person*****

C. Case DEV-22-156 - Lexeco

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.

Also known as 00000 Springdale Road (PID: 078-33-0-00-00-021.00)

*****Public Hearing Required*****

*****Public Comment limited to three minutes per person*****

Adjournment of Planning Commission

Upcoming meeting dates:

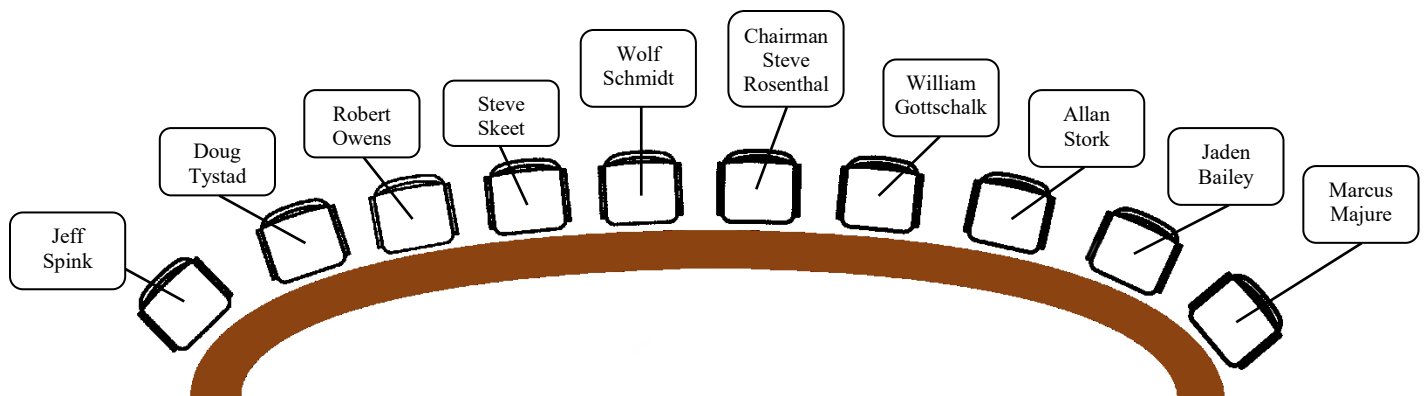
- **Wednesday, January 18, 2023, 11:00 AM**
Board of County Commissioners Study Session
- **Wednesday, February 8, 2023, 5:30 PM**
Regular Planning Commission Meeting

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

Case Map
January 11th, 2023
Revised: January 6th, 2023

Legend

- RR-2.5
- RR-5
- B-1; B-2; B-3
- I-1; I-2; I-3
- PUD; R-1; R-1(15); R-1(43); R-2

DEV-22-156
Special Use Permit
Lexeco

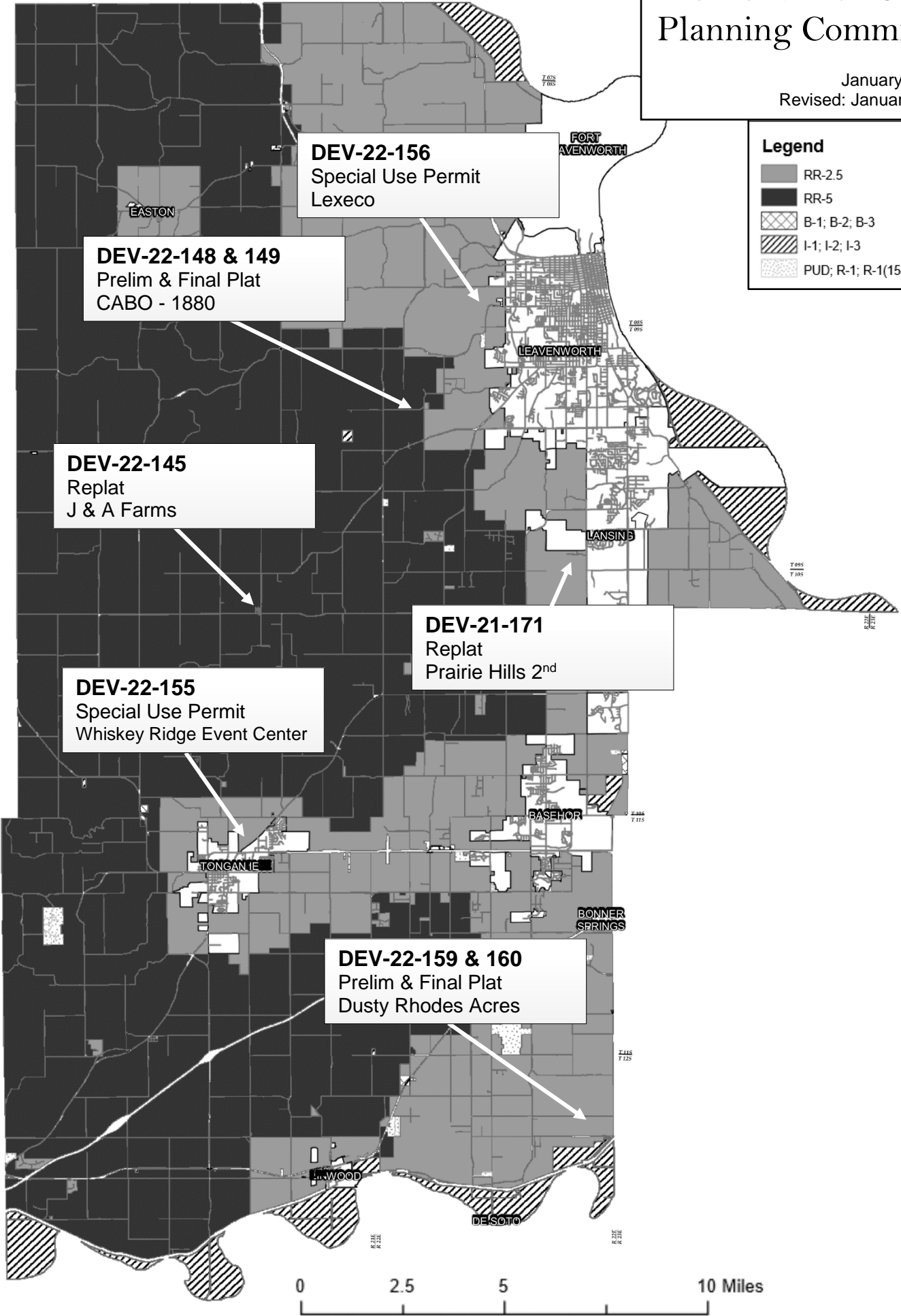
DEV-22-148 & 149
Prelim & Final Plat
CABO - 1880

DEV-22-145
Replat
J & A Farms

DEV-22-155
Special Use Permit
Whiskey Ridge Event Center

DEV-21-171
Replat
Prairie Hills 2nd

DEV-22-159 & 160
Prelim & Final Plat
Dusty Rhodes Acres



**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
December 14, 2022**

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, William Gottschalk, Wolf Schmidt, Jeff Spink, Marcus Majure, Doug Tystad, Alan Stork, and Steve Skeet

Members absent: Robert Owens and Jaden Bailey

Staff present: Krystal Voth-Director, Amy Allison-Deputy Director, Joshua Gentzler-Planner, 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:

Krystal Voth gave the secretary's report going over the agenda, making note that there was one item on the consent agenda.

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

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

Case DEV-22-131 Rezone Harris (Remanded from BOCC)

Consideration of a Rezone from RR-5 to RR-2.5 on the following described property: A tract of land in the Southwest Quarter of Section 23, Township 10 South, Range 21 East of the 6th P.M. Leavenworth County, Kansas, more fully described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence South 01 degrees 46'06" East for a distance of 795.99 feet along the West line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence North 87degrees 43'24" East for a distance of 505.00 feet; thence South 01degrees46'06" East for a distance of 216.75 feet; thence South 87 degrees 43'24" West for a distance of 505.00 feet to said West line; thence North 01 degrees 46'06" West for a distance of 216.75 feet along said West line to the point of beginning.

Krystal Voth gave the staff report for the above-listed case. She explained that the Planning Commission had heard this case at the November Planning Commission meeting and gave a recommendation of denial. The Board of County Commissioners, after hearing public comments from the applicant made the decision to remand this back to the Planning Commission for further consideration.

Chairman Rosenthal asked if there were any questions from the board. Discussion was had among the Board.

Chairman Rosenthal said that he would accept a motion.

Commissioner Stork motioned to approve Case DEV-22-131 a Rezone from RR-5 to RR-2.5. Commissioner Majure 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 **December 28, 2022, at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-134/135 Goldbeck Ridge

Consideration of a Preliminary and Final Plat – Goldbeck Ridge on the following described property: A tract of land in the West ½ of the Southeast ¼ of Section 15, Township 12, 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. There was further discussion about this request between staff and the commission.

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

Commissioner Stork motioned to approve Case DEV-22-134/135 Preliminary and Final Plat for Goldbeck Ridge. Commissioner Skeet seconded the motion.

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

The Board of County Commissioners will consider this item no earlier than **December 28, 2022, at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-138/139 Mance Corner

Consideration of a Preliminary and Final Plat – Mance Corner on the following described property: A tract of land in the Southeast ¼ of Section 21, Township 9 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.

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

Commissioner Tystad motioned to approve Case DEV-22-138/139, Preliminary and Final Plat for Mance Corner. Commissioner Stork 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 **December 28, 2022 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-150 Kansas Red Tail Ridge No. 2

Consideration of a Preliminary Plat – Kansas Red Tail Ridge No. 2 on the following described property: Lot 1, Kansas Red Tail Ridge, a subdivision 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.

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

Commissioner Stork motioned to approve Case DEV-22-150, Preliminary Plat for Kansas Red Tail Ridge No. 2. Commissioner Schmidt seconded the motion.

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

Case DEV-22-146 Rezone - Cooper

Consideration of a DEV-22-146 an application for a Rezone from RR-5 to RR-2/5 on the following described property: A tract of land in the South ½ of the Southwest ¼ of Section 25, Township 10 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.

Krystal Voht 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. Joe Herring 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. 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 Schmidt motioned to approve Case DEV-22-146 a Rezone from RR-5 to RR-2.5. Commissioner Stork 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 **January 4, 2023 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-157 Rezone - Fox

Consideration of a DEV-22-157 an application for a Rezone from RR-5 to RR-2/5 on the following described property: The Southeast ¼ of the Southeast ¼ of the Southeast Quarter of Section 26, Township 11 South, Range 21 East AND The East 1/3 of the Northwest Quarter, AND the Northeast Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Joshua Gentzler gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions or discussions from the board. Hearing none, Chairman Rosenthal opened the public hearing and asked the applicant/agent to come forward. Mr. Joe Herring 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. Residents came forward to give public comment and then 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 Schmidt motioned to approve Case DEV-22-157 a Rezone from RR-5 to RR-2.5. Commissioner Spink 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 **January 4, 2023 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-129

Consideration of the 2023 Comprehensive Plan Annual Review, including recommended amendments to the plan.

Krystal Voht gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions or discussions from the board. There was discussion among the Planning Commission, Staff, and County Counselor. Chairman Rosenthal opened the public hearing

and asked if there was anyone present wishing to speak in favor or opposition. Residents came forward to give public comment. Chairman Rosenthal closed the public hearing.

There was further discussion among the board and it was the decision to delay a recommendation, but to have a joint work session with the Board of County Commissioners before rendering a recommendation. Chairman Rosenthal said that he would accept a motion if there were no further discussion.

Commissioner Tystad motioned to table Case DEV-22-129 Comprehensive Plan Review to the February 8, 2023 Meeting to allow time to schedule a work session with the County Commission and Public Works. Commissioner Gottschalk seconded the motion.

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

Planning Commission adjourned at 7:20 p.m.

The Board of Zoning Appeals meeting called to order at 7:22 p.m.

Members present: Steve Rosenthal, William Gottschalk, Wolf Schmidt, Jeff Spink, Doug Tystad, Alan Stork, and Steve Skeet

Staff present: Krystal Voth-Director, Amy Allison-Deputy Director, Joshua Gentzler-Planner, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

**Case DEV-22-151 Variance – Gripp Second Driveway
Consideration of an application for a Variance from Article 41, Section 6, of the Zoning and Subdivision Regulations on the following described property. A part of Lot 54, BRIARWOOD ESTATES WEST, located in Leavenworth County, Kansas.**

Krystal Voth gave the staff report for the above-listed case, going over the parcel's history and explaining the requested variance.

Chairman Rosenthal asked if there were any questions or discussion from the board.

Chairman Rosenthal opened the public comment portion of the hearing and asked the applicant to come forward. The applicant agent, Joe Herring, came forward to explain the nature of this request.

Chairman Rosenthal then asked if anyone wished to speak in favor or opposition for this case. No public comments were provided. The public comment portion of the hearing was closed.

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

Commissioner Rosenthal motioned to deny Case DEV-22-151, a Variance request for a second driveway. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to deny passed 7/0

The meeting adjourned at 7:50 p.m.

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-22-148 & 149 CABO-1880

January 11, 2023

REQUEST: *Consent Agenda*
 Preliminary Plat Final Plat

STAFF REPRESENTATIVE:
 JOSHUA GENTZLER
 PLANNER II

SUBJECT PROPERTY: 00000 HIGH PRAIRIE ROAD

APPLICANT/APPLICANT AGENT:
 LARRY HAHN
 HAHN SURVEYING

PROPERTY OWNER:
 CABO-1880 LLC
 7603 NW RIVER PARK DR
 PARKVILLE, MO 64152

CONCURRENT APPLICATIONS:
 NONE

LAND USE

ZONING: RR-5

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

LEGAL DESCRIPTION:
 A tract of land in the South Half of Section 7, Township 9 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

SUBDIVISION: CABO-1880 (NEW)

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

- ACTION OPTIONS:**
1. Recommend approval of Case No. DEV-22-148 & 149, Preliminary & Final Plat for CABO-1880, to the Board of County Commission, with or without conditions; or
 2. Recommend denial of Case No. DEV-22-148 & 149, Preliminary & Final Plat for CABO-1880, to the Board of County Commission for the following reasons; or
 3. Continue the hearing to another date, time, and place.

PARCEL SIZE:
 54.5 ACRES

PARCEL ID NO:
 103-07-0-00-00-013.00

BUILDINGS:
 NONE

PROJECT SUMMARY:
 Request for a final plat approval to subdivide property located at 00000 High Prairie Road (103-07-0-00-00-013.00) as Lots 1 through 5 of CABO-1880.

ACCESS/STREET:
 HIGH PRAIRIE ROAD - COUNTY LOCAL, GRAVEL ± 24’;

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FIRE DISTRICT 1

WATER: RWD 8

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW:
 N/A

NEWSPAPER NOTIFICATION:
 1/3/2023

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	X	
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	
50-40	Minimum Design Standards	X	
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 proposing to divide a 55-acre parcel into 5 lots. The Subdivision is classified as a Class C subdivision with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 1). Lots 1 through 4 will range from approximately 11 to 12 acres in size, while Lot 5 is approximately 9 acres. All lots meet the requirements for the RR-5 zoning district. RWD 8 has indicated that the district can provide service to the newly created parcels but the applicant and/or property owners will need to work with RWD 8 directly to determine what other upgrades may be necessary. Staff is generally in support of this subdivision as it abides by the regulations of the county.

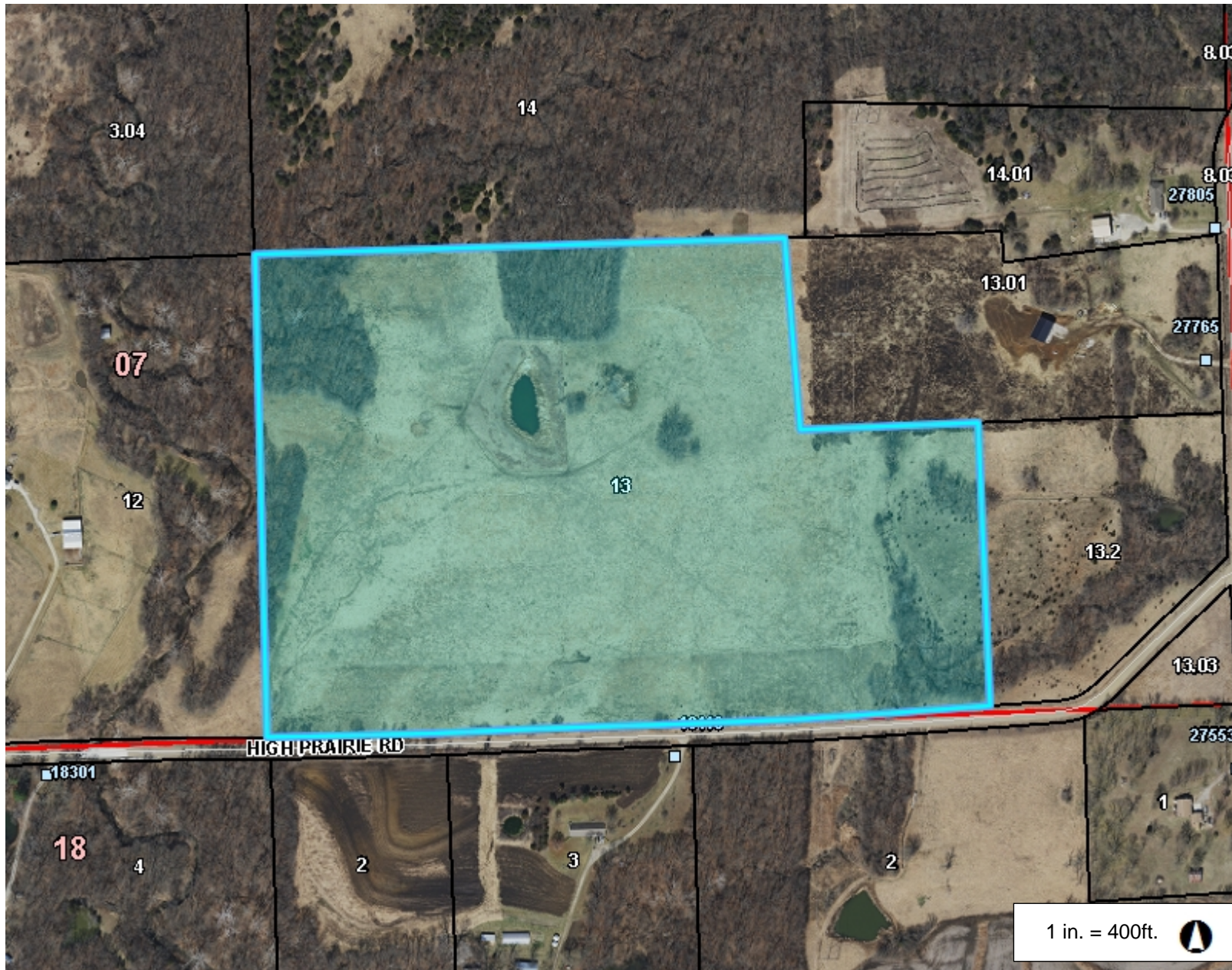
PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:
 - a. Email - RWD 8, dated November 7, 2022

ATTACHMENTS:

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

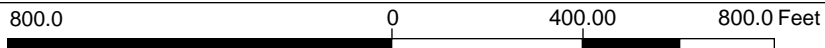
DEV-22-148 & 149 CABO - 1880



Legend

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

1 in. = 400ft.

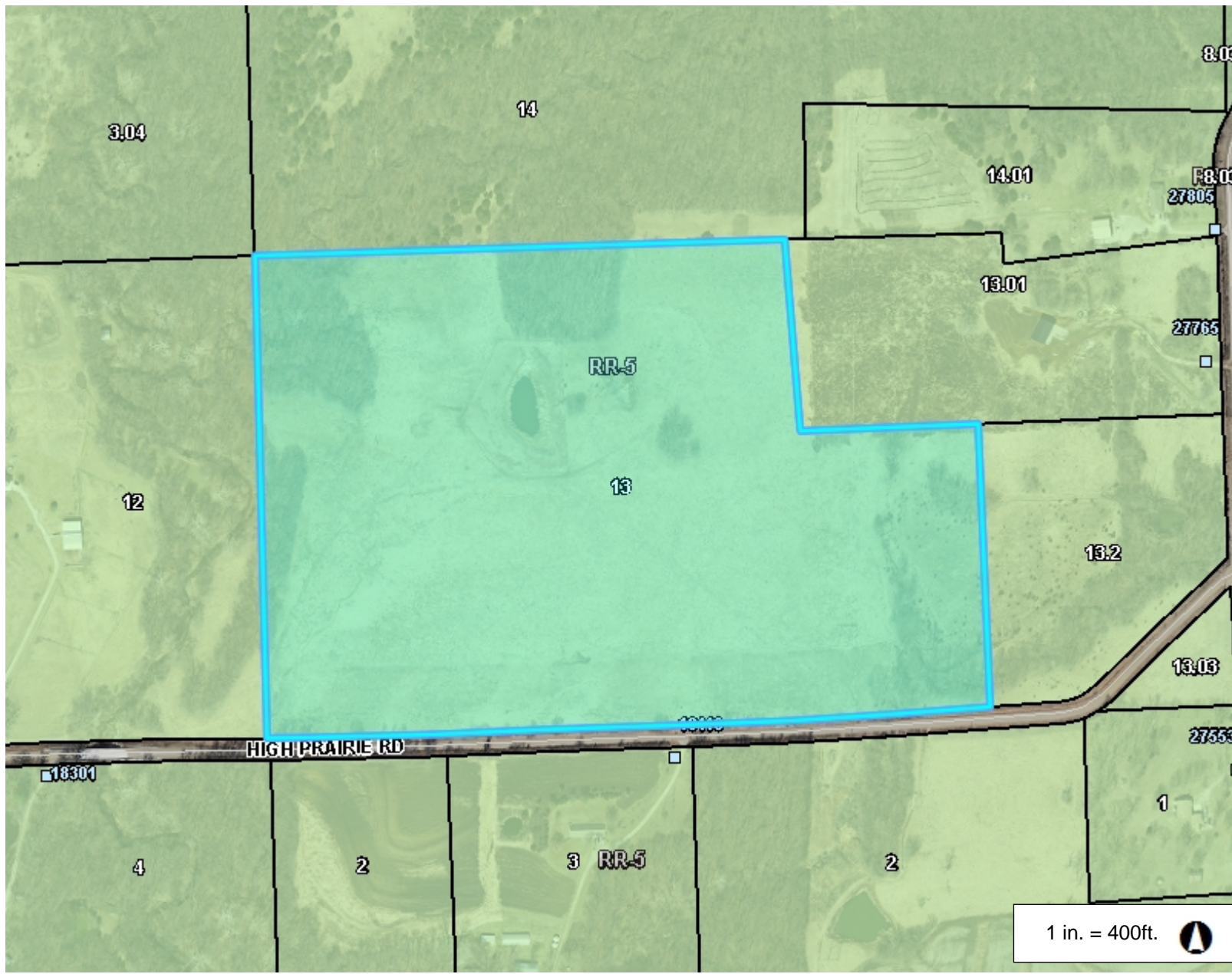


This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

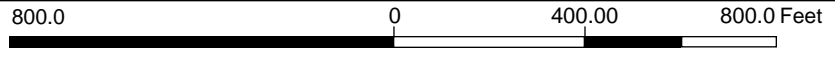
DEV-22-148 & 149 CABO - 1880



Legend

- Address Point
- Parcel Number
- Parcel
- City Limit Line
- Road
- Zoning
- B-1
- B-2
- B-3
- I-1
- I-2
- I-3
- MXD
- PC
- PI
- PR-1
- PR-2
- PR-3
- PUD
- R-1
- R-1(15)
- R-1(43)
- R-2
- RR-2.5
- RR-40
- RR-5

1 in. = 400ft.



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Zoning of parcel and surrounding area

PRELIMINARY PLAT APPLICATION
 Leavenworth County Planning and Zoning Department,
 300 Walnut St., Suite 30
 Leavenworth, Kansas
 913-684-0465
 913-684-0398 Fax

Office Use Only

CAMA No.: _____
 Township: _____
 Planning Commission Meeting Date: _____
 Project No.: _____

Date Received: _____ Date Paid: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: _____	NAME: <u>CABO - 1880, LLC / BOB BALL</u>
MAILING ADDRESS: _____	MAILING ADDRESS <u>7603 NW RIVER PARK DRIVE</u>
CITY/ST/ZIP: _____	CITY/ST/ZIP <u>PARKVILLE, MO. 64152</u>
PHONE: _____ EMAIL: _____	PHONE: <u>816-587-2013</u> EMAIL: _____
CONTACT PERSON: _____	CONTACT PERSON: <u>BOB BALL</u>

GENERAL INFORMATION

Proposed Subdivision Name: CABO - 1880

Nearest Intersection: HIGH PRAIRIE ROAD & 179TH STREET

Legal Description (S-T-R 1/4 Section): SE 1/4 7-T9S-R22E

Zoning: RR - 5.0

Comprehensive Plan Land Use Designation: _____

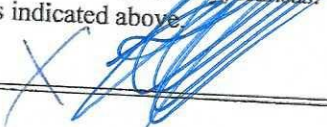
Urban Growth Management Area: _____

Surveyor and/or Engineer Firm: HAHN SURVEYING

Contact Person: LARRY HAHN

Address: PO BOX 186 BASEHOR, KANSAS 66007

Phone: 913-547-3405 Fax: _____ Email: hahnsurvey@gmail.com

SUBDIVISION INFORMATION		
Gross Acreage: <u>54.50 ACRES</u>	Number of Lots: <u>5</u>	Minimum Lot Size: <u>8.87 ACRES</u>
Maximum Lot Size: <u>11.67 ACRES</u>	Proposed Zoning: <u>RR-5.0</u>	Density: _____
Open Space Acreage: _____	Water District: <u>RWD #8</u>	Proposed Sewage: <u>ON SITE</u>
Fire District: _____	Electric Provider: <u>FREESTATE</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local</u> - Collector - Arterial - State - Federal	
Is any part of the site designated as Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what is the panel number: _____		
I, the undersigned am the 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 preliminary plat approval as indicated above.		
Signature: 	Date: <u>10-24-22</u>	

ATTACHMENT A-1

FINAL PLAT APPLICATION
 Leavenworth County Planning and Zoning Department,
 300 Walnut St., County Courthouse
 Leavenworth, Kansas
 913-684-0465
 913-684-0398 Fax

CAMA No.: _____	Office Use Only
Township: _____	Date Received: _____
Planning Commission Meeting Date: _____	
Project No.: _____	Date Paid: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME _____	NAME <u>CABO - 1880, LLC / BOB BALL</u>
ADDRESS _____	ADDRESS <u>7603 NW RIVER PARK DRIVE</u>
CITY/ST/ZIP _____	CITY/ST/ZIP <u>PARKVILLE, MO. 64152</u>
PHONE _____ EMAIL _____	PHONE <u>816-587-2013</u> EMAIL _____
CONTACT PERSON _____	CONTACT PERSON <u>BOB BALL</u>

GENERAL INFORMATION

Subdivision Name: CABO - 1880

Legal Description (S-T-R 1/4 Section): SE 1/4 SECTION 7-T9S-R22E

Zoning: RR- 5.0

Surveyor and/or Engineer Firm: HAHN SURVEYING

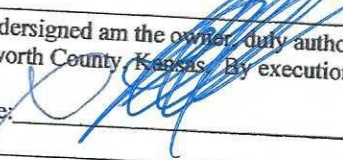
Contact Person: LARRY HAHN

Address: PO BOX 186 BASEHOR, KANSAS 66007

Phone : 913-547-3405 Fax : _____ Email : hahnsurvey@gmail.com

SUBDIVISION INFORMATION		
Gross Acreage: <u>54.50 ACRES</u>	Number of Lots: <u>5</u>	Minimum Lot Size: <u>8.87 ACRES</u>
Maximum Lot Size: <u>11.67 ACRES</u>	Zoning: <u>RR - 5.0</u>	Density: _____
Open Space Acreage: _____	Water District: <u>RWD #8</u>	Proposed Sewage: <u>ON SITE</u>
Fire District: _____	Electric Provider: <u>FREESTATE</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Phase Number: _____	
Is any part of the site designated as Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what is the panel number: _____		

I, the undersigned am the 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 Final Plat approval as indicated above.

Signature:  _____ Date: 10-24-22

ATTACHMENT A-2

OWNER AUTHORIZATION

I/WE BOB BALL

hereby referred to as the "Undersigned", being of lawful age, do hereby on this ___ day of _____, 20___, make the following statements, to wit:

1. 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 Exhibit A attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize LARRY HAHN
HAHN SURVEYING (Hereinafter referred to as "Applicant"), to act on my/our behalf

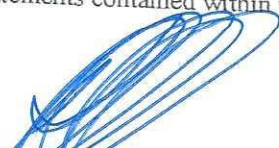
for the purpose of making application with the Planning Department of Leavenworth County, Kansas, PN. 103-07-0-00-00-013.00-0 (HIGH PRAIRIE ROAD) (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. 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 our 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.

4. 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 below.

STATE OF ~~KANSAS~~ Missouri
COUNTY OF ~~LEAVENWORTH~~ Platte

X 
BOB BALL

The foregoing instrument was acknowledged before me on this 24th day of October, 2022
by Bob Ball

My Commission Expires: 1/22/2025

Notary Public



ATTACHMENT B



From: [Amanda Tarwater](#)
Sent: Monday, November 14, 2022 8:25 AM
To: [Gentzler, Joshua](#)
Subject: RE: Review - Preliminary/Final Plat - CABO-1880 - DEV-22-148 & 149

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

FreeState Electric has no objection to this request.

Thank you,

Amanda Tarwater
Member Accounts Coordinator



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

From: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Sent: Monday, November 7, 2022 12:08 PM
To: RWD 8 (RWD8LV@gmail.com) <RWD8LV@gmail.com>; Amanda Tarwater <amanda.tarwater@freestate.coop>; 'firedistrict1@fd1lv.org' <firedistrict1@fd1lv.org>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>
Cc: Allison, Amy <AAllison@leavenworthcounty.gov>; Sloop, Stephanie <SSloop@leavenworthcounty.gov>; Voth, Krystal <KVoth@leavenworthcounty.gov>
Subject: Review - Preliminary/Final Plat - CABO-1880 - DEV-22-148 & 149

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="">

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for CABO 1880, located approximately 800 feet west of the intersection of High Prairie and 178th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by End of Business on November 15th, 2022.

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

Thank you,

From: [Rural Water](#)
Sent: Monday, November 7, 2022 1:40 PM
To: [Gentzler, Joshua](#)
Subject: Re: Review - Preliminary/Final Plat - CABO-1880 - DEV-22-148 & 149

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

Joshua,

RWD #8 does have water lines in that area and we can provide water to CABO 1880. Please let me know if you have any other questions,

Sandra Heim

for the Board of Directors

RWD #8

913-796-2164

On Mon, Nov 7, 2022 at 12:08 PM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for CABO 1880, located approximately 800 feet west of the intersection of High Prairie and 178th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by End of Business on November 15th, 2022.

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

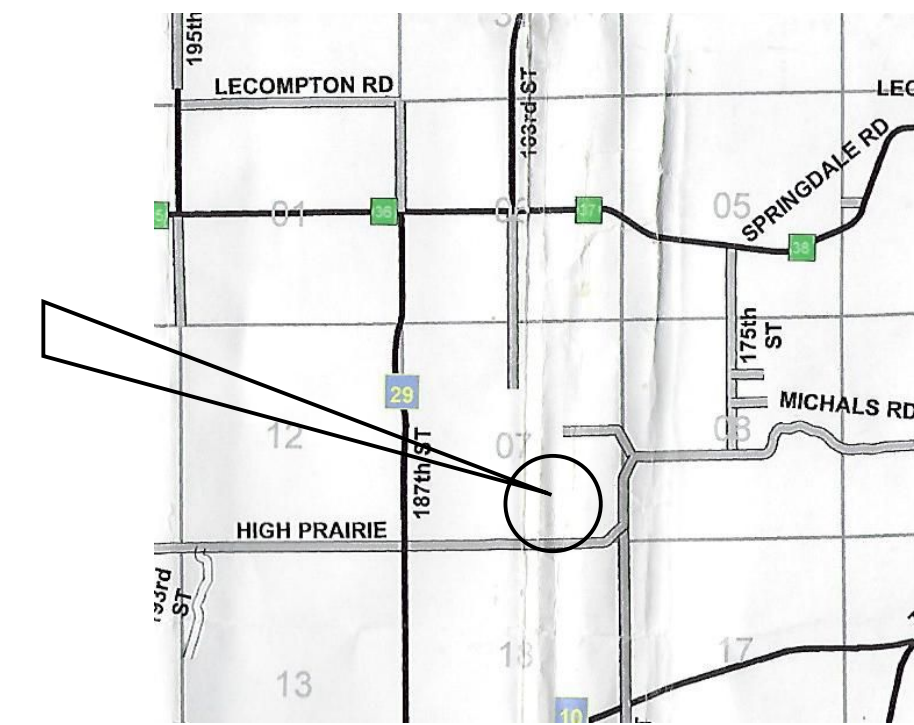
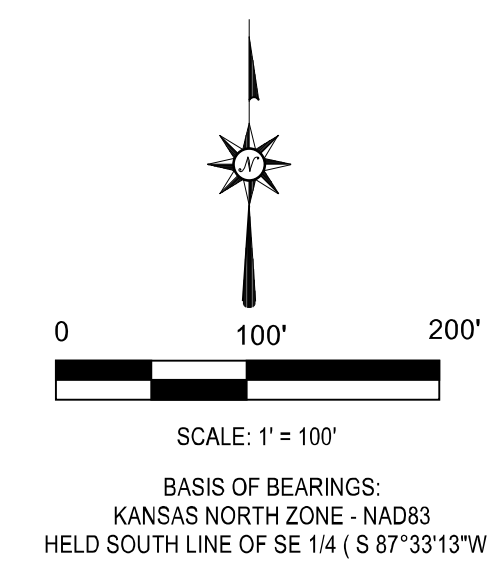
Thank you,

Joshua Gentzler

CABO - 1880

A SUBDIVISION IN THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7-T9S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

PRELIMINARY PLAT



LOCATION MAP
NO SCALE

OWNER / DEVELOPER
CABO - 1880, LLC
908 BALL
7603 NW RIVER PARK DRIVE
PARKVILLE, MO. 64152
(816) 587-2013

SURVEYORS DESCRIPTION

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7-T9S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 7; THENCE, S 87°33'13\"/>

- LEGEND**
- 1/2" x 24" REBAR SET WITH #1349 CAP
 - SURVEY MONUMENT FOUND AS NOTED
 - POINT OF BEGINNING
 - POINT OF COMMENCING
 - ⊗ SURVEY MONUMENT FOUND (AS NOTED) ADDED CONCRETE
 - 1/2" x 24" REBAR SET WITH #1349 CAP IN CONCRETE
 - B/S BUILDING SETBACK
 - UE UTILITY EASEMENT

NOTES

1. FENCE LINES DO NOT DENOTE PROPERTY LINES.
2. LEAVENWORTH COUNTY, KANSAS DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
4. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL PROPOSED USE - RESIDENTIAL / AGRICULTURAL

RESTRICTIONS

1. 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
4. LOTS ARE RESTRICTED TO ONE DRIVEWAY.
5. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
6. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
7. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.

DRAINAGE CALCULATIONS

ON SEPARATE DOCUMENT BY DAVID LUGTEN, PE

REFERENCES

1. DOC. #20108002
2. McDIFFETT SURVEY - THIS TRACT (1972)
3. DOC. #2018R10284
4. DOC. #2019S056
5. DOC. #2022S032

ROAD INFORMATION

HIGH PRAIRIE ROAD (CLASS - LOCAL)
18' +/- WIDE WITH GRAVEL SURFACE

PUBLIC IMPROVEMENTS

NONE

BENCHMARK

1/2" REBAR AT THE SOUTH QUARTER CORNER OF 7-T9S-R22E
E.L. 977.35 (NAVD 88)

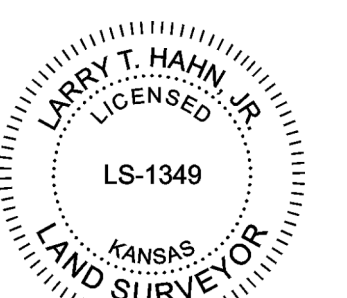
UTILITIES

ELECTRIC / FREESTATE
WATER / R.W.D. #8
GAS / PRIVATE PROPANE
SEWAGE / PRIVATE ON SITE SYSTEM

ZONING

RR - 5.0

SE CORNER 7-T9S-R22E (S1)
5/8" REBAR - 12" DEEP (REF. #1, #4, #5)
1. WNW 35.54 TO MAG NAIL IN TOP OF CORNER POST
2. SW 42.76 TO MAG NAIL IN TOP OF STUMP
3. SSW 38.80 TO MAG NAIL IN SPEED LIMIT SIGN POST



LARRY T. HAHN, PS #1349

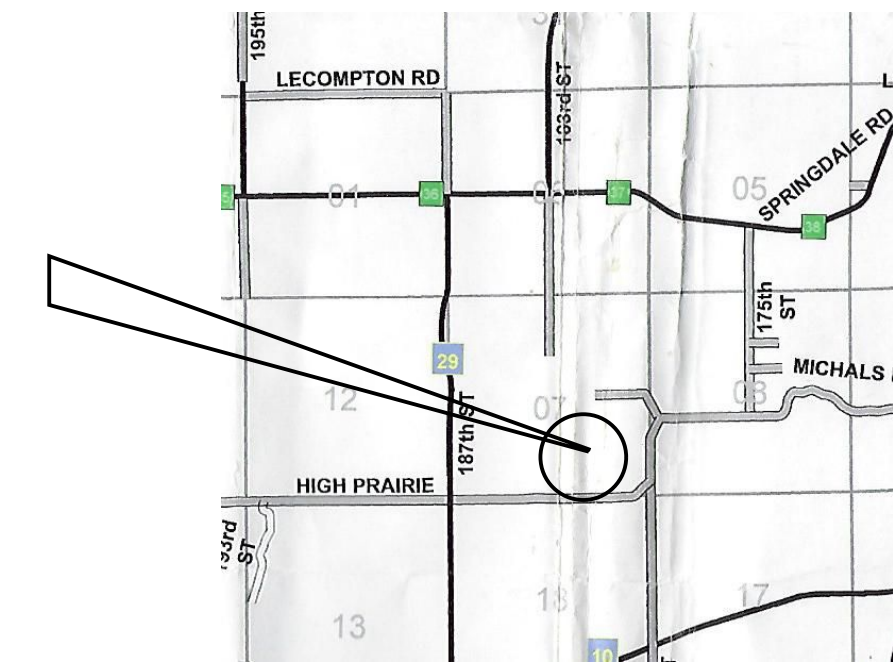
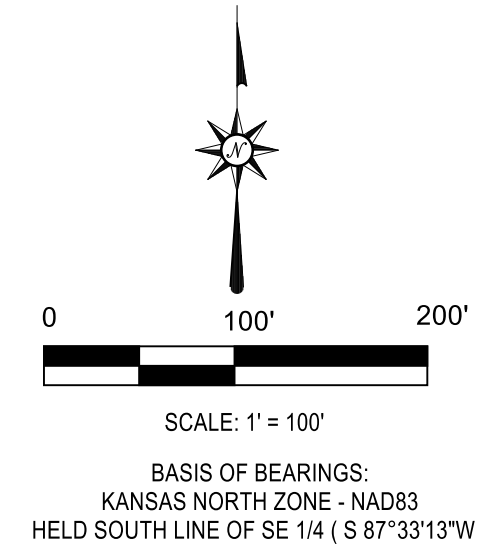
THIS IS TO CERTIFY THAT IN THE MONTH OF OCTOBER, 2022, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

HAHN SURVEYING
PO BOX 186
BASEHOR, KANSAS 66007
(913) 547-3405
hahnsurvey@gmail.com

CABO - 1880

A SUBDIVISION IN THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7-T9S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

FINAL PLAT



LOCATION MAP
NO SCALE

SURVEYORS DESCRIPTION

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7-T9S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE, S 87°33'13\"/>

CERTIFICATION AND DEDICATION

THE UNDERSIGNED PROPRIETOR STATES THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "CABO - 1880".

EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE. THE RIGHTS OF WAY WHICH ARE SHOWN WITH DASHED LINES ON THE ACCOMPANYING PLAT AND SAID EASEMENTS MAY BE EMPLOYED TO LOCATE AND MAINTAIN SEWERS, WATER LINES, GAS LINES, POLES AND WIRES AND ANY OTHER FORM OF PUBLIC UTILITY NOW AND HEREAFTER USED BY THE PUBLIC, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".

"DRAINAGE EASEMENTS" OR "D/E" SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR THE PURPOSE OF CONSTRUCTING, USING, REPLACING AND MAINTAINING A CULVERT, STORM SEWER, DRAINAGE DITCH OR OTHER DRAINAGE FACILITY OR TRIBUTARY CONNECTIONS, INCLUDING SIMILAR FACILITIES AND APPURTENANCES THERETO, INCLUDING THE RIGHT TO MAINTAIN, REPAIR AND REPLACE THE DRAINAGE FACILITY AND FOR ANY RECONSTRUCTION AND FUTURE EXPANSION OF SUCH FACILITY, TOGETHER WITH THE RIGHT OF ACCESS FOR THE SAME IS HEREBY DEDICATED FOR PUBLIC USE. DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF OBSTRUCTIONS THAT IMPAIR THE STRENGTH OR INTERFERE WITH THE USE AND/OR MAINTENANCE OF DRAINAGE FACILITIES. THE MAINTENANCE AND UPKEEP OF SAID EASEMENTS SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL OWNERS OF THE LOTS WHEREUPON SAID EASEMENTS ARE DEDICATED. LEAVENWORTH COUNTY SHALL BEAR NO RESPONSIBILITY FOR ANY UPKEEP OF SAID EASEMENTS.

STREETS SHOWN ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED FOR PUBLIC USE ARE HEREBY SO DEDICATED.

BUILDING LINES OR SETBACK LINES (B/S) ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR CONSTRUCTED BETWEEN THIS LINE AND THE STREET LINE.

IN TESTIMONY WHEREOF, I, THE UNDERSIGNED OWNER OF "CABO - 1880", HAVE SET MY HAND THIS _____ DAY OF _____, 2022.

BOB BALL

STATE OF KANSAS / COUNTY OF LEAVENWORTH

ON THIS _____ DAY OF _____, 2022, BEFORE ME APPEARED BOB BALL, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HIS FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC

MY COMMISSION EXPIRES

APPROVAL

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "CABO - 1880" THIS _____ DAY OF _____, 2022.

CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / KRISTAL A. VOTH, CFM

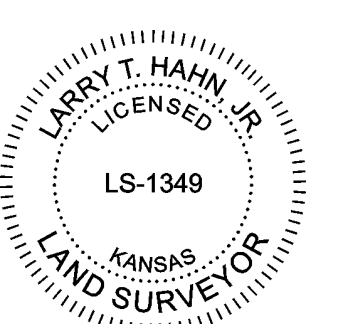
THE LEAVENWORTH COUNTY ENGINEERS PLAT REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH THE SUBDIVISION REGULATIONS AS ADOPTED BY LEAVENWORTH COUNTY. THE COUNTY IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS AND QUANTITIES.

COUNTY ENGINEER / MITCH PLEAK, PE

WE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "CABO - 1880" THIS _____ DAY OF _____, 2022.

CHAIRPERSON / MICHAEL SMITH

COUNTY CLERK / JANET KLASINSKI (ATTEST)



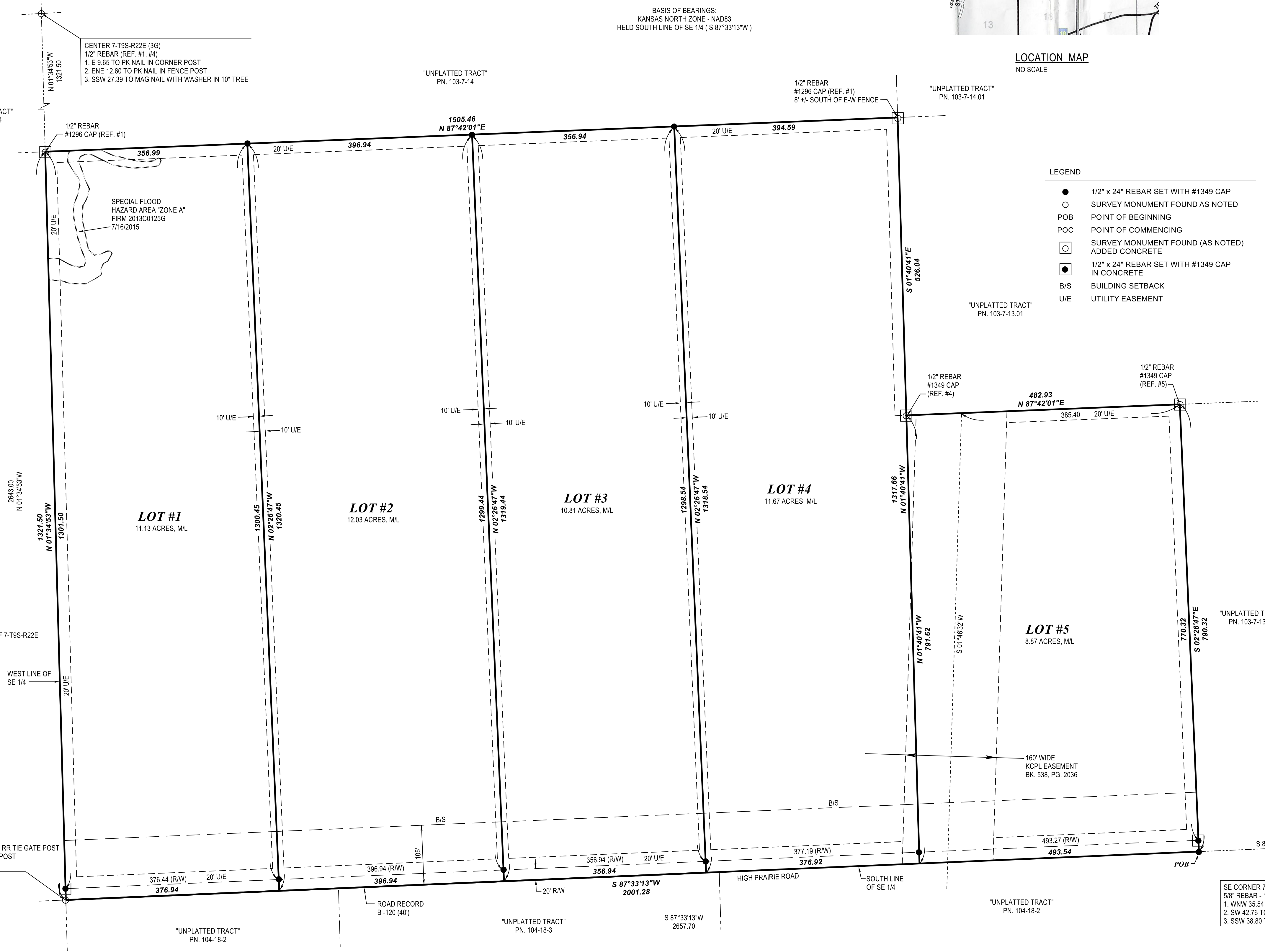
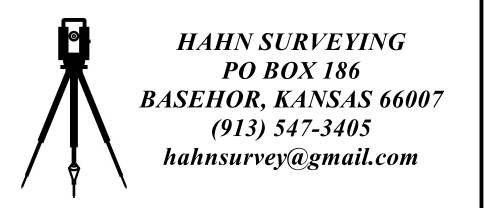
LARRY T. HAHN, KS PS - 1349

THIS IS TO CERTIFY THAT IN THE MONTH OF OCTOBER, 2022, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

COUNTY SURVEYOR CERTIFICATION

I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED FOR COMPLIANCE WITH KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / DANIEL BAUMCHEN, KS PS - 1363



OWNER / DEVELOPER
CABO - 1880, LLC
BOB BALL
7803 NW RIVER PARK DRIVE
PARKVILLE, MO. 64152
(816) 567-2013

BENCHMARK
1/2" REBAR AT THE SOUTH QUARTER CORNER OF 7-T9S-R22E
E.L. 977.35 (NAVD 88)

REFERENCES
1. DOC. #20105302
2. McDIFFETT SURVEY - THIS TRACT (1972)
3. DOC. #2018R10284
4. DOC. #2019S056
5. DOC. #2022S032

ZONING
RR - 5.0

RESTRICTIONS
1. 40' REAR SETBACK FOR RESIDENCES
15' REAR SETBACK FOR ACCESSORY BUILDINGS
15' SIDE SETBACK
2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
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NOTES
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2. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL
PROPOSED USE - RESIDENTIAL / AGRICULTURAL

STATE OF KANSAS / COUNTY OF LEAVENWORTH
I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED FOR COMPLIANCE WITH KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-22-159 & 160 Dusty Rhodes Acres

January 11, 2023

REQUEST: *Consent Agenda*

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

JOSHUA GENTZLER
PLANNER II

SUBJECT PROPERTY: 00000 KREIDER ROAD

APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:

JIM RHODES
14763 KRIEDER ROAD
BONNER SPRINGS, KS 66012

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-2.5

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

LEGAL DESCRIPTION:

A tract of land in the Southwest Quarter of Section 12, Township 12 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

SUBDIVISION: DUSTY RHODES ACRES
(NEW)

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-22-159 & 160, Preliminary & Final Plat for Dusty Rhodes Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-22-159 & 160, Preliminary & Final Plat for Dusty Rhodes Acres, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

20 ACRES

PARCEL ID NO:

231-12-0-00-00-017.02

BUILDINGS:

NONE

PROJECT SUMMARY:

Request for a preliminary and final plat approval to subdivide property located at 00000 Kreider Road (231-12-0-00-00-017.02) as Lots 1 through 2 of Dusty Rhodes Acres.

ACCESS/STREET:

KREIDER ROAD - COUNTY ARTERIAL,
GRAVEL ± 18';

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: SHERMAN

WATER: RWD 7

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:

N/A

NEWSPAPER NOTIFICATION:

1/3/2023

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	X	
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	
50-40	Minimum Design Standards	X	
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 proposing to divide a 20-acre parcel into 2 lots. The Subdivision is classified as a Class C Subdivision with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 1). Lots 1 and 2 will be approximately 10 acres in size. All lots meet the requirements for the RR-2.5 zoning district. RWD 7 will require a water feasibility study to be conducted to determine what facility upgrades will be needed to service this subdivision. Staff is generally in support of the subdivision as it abides by the regulations of the County.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:
 - a. Email – Jalayne Turner, RWD 7, dated November 28, 2022
 - b. Memo - Chuck Magaha, Emergency Management, dated January 6, 2023

ATTACHMENTS:

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

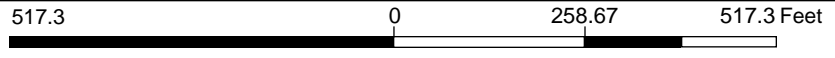
DEV-22-159 & 160 Dusty Rhodes Acres



Legend

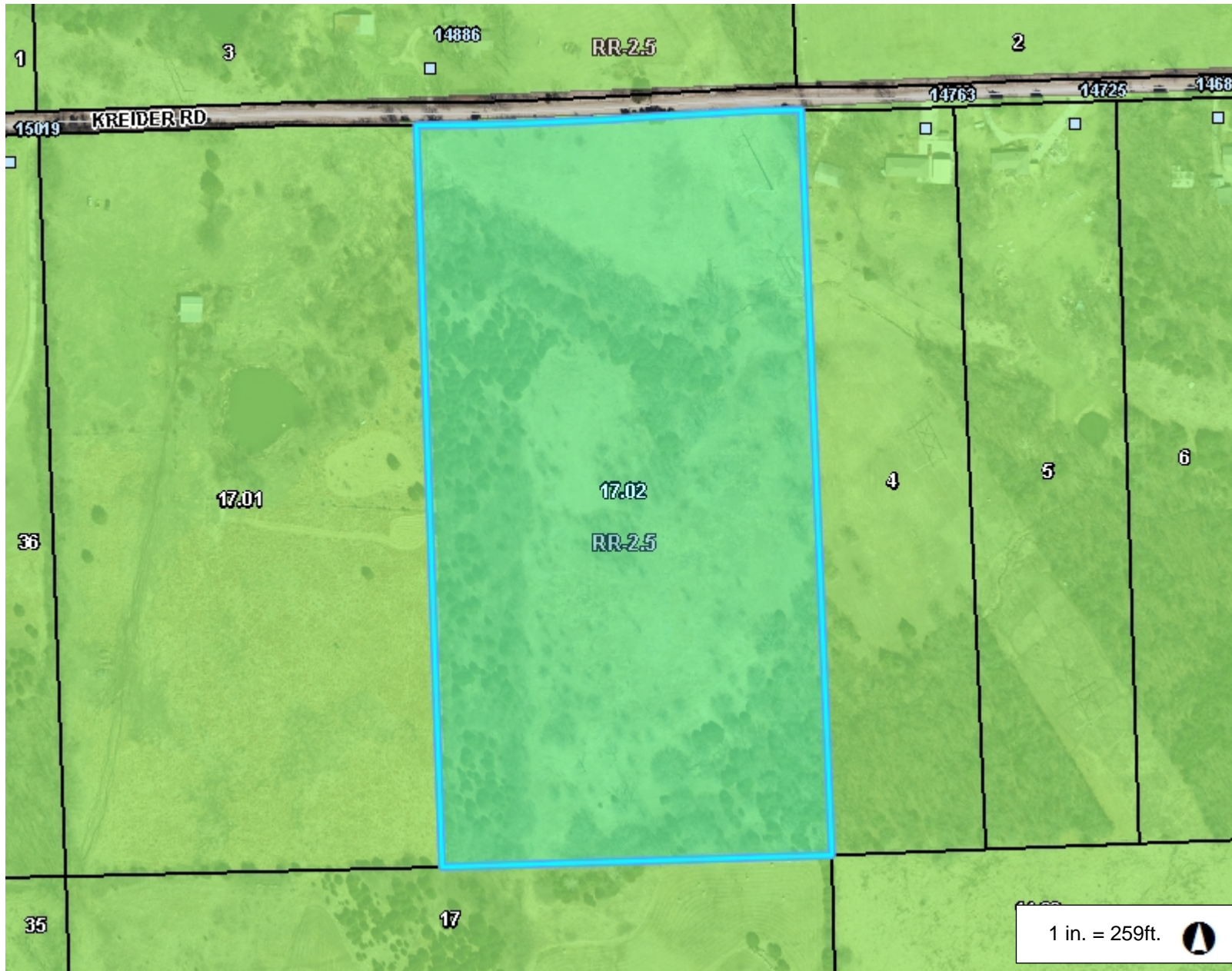
- Address Point
- Parcel Number
- Parcel
- - - City Limit Line
- Road

Notes



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

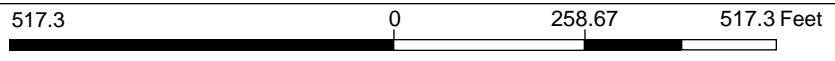
DEV-22-159 & 160 Dusty Rhodes Acres



Legend

- Address Point
- Parcel Number
- Parcel
- City Limit Line
- Road
- Zoning
 - B-1
 - B-2
 - B-3
 - I-1
 - I-2
 - I-3
 - MXD
 - PC
 - PI
 - PR-1
 - PR-2
 - PR-3
 - PUD
 - R-1
 - R-1(15)
 - R-1(43)
 - R-2
 - RR-2.5
 - RR-40
 - RR-5

1 in. = 259ft.



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

Notes

Zoning of parcel and surrounding area

PRELIMINARY &
FINAL PLAT APPLICATION
 Leavenworth County Planning and Zoning Department,
 300 Walnut St., Suite 212
 County Courthouse
 Leavenworth, Kansas 66048
 913-684-0465

Office Use Only

PID: _____
 Township: _____
 Planning Commission Meeting Date: _____
 Case No. _____ Date Received/Paid: _____
 Zoning District _____
 Comprehensive Plan land use designation _____

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME: Herring Surveying Company NAME: Jim Rhodes
 MAILING ADDRESS: 315 N. 5th Street MAILING ADDRESS 14763 Kreider Road
 CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Bonner Springs, KS
 PHONE: 913-651-3858 PHONE: N/A
 EMAIL : herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: DUSTY RHODES ACRES
 Address of Property: 00000 Kreider Road
 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: 20 AC	Number of Lots: 2	Minimum Lot Size: 10 AC
Maximum Lot Size: 10 AC	Proposed Zoning: RR 2.5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 7	Proposed Sewage: Septic
Fire District: Sherman	Electric Provider: Evergy	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <i>Local – Collector - Arterial – State - Federal</i>	

Is any part of the site designated as Floodplain? Yes No if yes, what is the panel number:

I, the undersigned, am the 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 final plat approval as indicated above.

Signature: Joe Herring - digitally signed 11/19/2022 Date: 11-19-22

ATTACHMENT A

MEMO

To: Krystal Voth
From: Chuck Magaha
Subject: Dusty Rhodes Acres
Date: January 6, 2023

Krystal, I have reviewed the preliminary plat of the Dusty Rhodes Acres Subdivision presented by Jim Rhodes. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed along Kreider Road a fire hydrant placed between Lot 1 and Lot 2. I have no further recommendation for this subdivision.

If you have any questions please call me 684-0455.



Leavenworth County Planning and Zoning Preliminary and Final Plat

DATE: 2022.11.28
RE: DEV-22-159 & 160 Preliminary and Final Plat – Dusty Rhodes Acres
PID: 153-05-0-00-00-006.00
To: Herring Surveying
 Rural Water District # 7 : Suburban Water District

Please address the following comments:

- a. Does the water district have existing service lines in the vicinity of the proposed plat boundary to provide potable water to the lots of the subdivision?
 - 3” water main on same side of property
- b. What is the size and location of the water line(s) and fire hydrants that are adjacent to this property?
 - Will be an 8” water main approx. 40’ from center line of Kreider rd. on south side. F/H approx. Within 500’
- c. Would the water district allow fire hydrants to be installed on the existing service line(s) in the area of the proposed plat boundary?
 - Yes
- d. Does the water district have plans to upgrade the service in this vicinity to such a level that fire hydrants can be installed in the foreseeable future, or within a set number of years? If so, what would the improvements consist of?
 - Yes, 1 year 8” main with F/H every 500’

DUSTY RHODES ACRES

A Minor Subdivision in the Southwest Quarter of Section 12, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
RHODES, JAMES R
14763 KREIDER RD
BONNER SPRINGS, KS
PID # 231-12-0-00-017.02

SURVEYOR'S DESCRIPTION:
A tract of land in the Northwest Quarter of the Southwest Quarter of Section 12, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on November 18, 2022, more fully described as follows: Beginning at the Northeast corner of the Northwest Quarter of said Southwest Quarter; thence South 01 degrees 51'43" East for a distance of 1319.70 feet along the East line of said Northwest Quarter of said Southwest Quarter to the Southeast corner of said Northwest Quarter of said Southwest Quarter; thence South 88 degrees 11'34" West for a distance of 664.32 feet along the South line of the Northwest Quarter of said Southwest Quarter; thence North 01 degrees 45'23" West for a distance of 1320.48 feet to the North line of said Northwest Quarter of said Southwest Quarter; thence North 88 degrees 15'36" East for a distance of 661.88 feet along said North line to the point of beginning, together with and subject to covenants, easement and restriction of record.
Said property contain 20.1 acres, more or less, including road right of way.
Error of Closure - 1 : 431291

RESTRICTIONS:

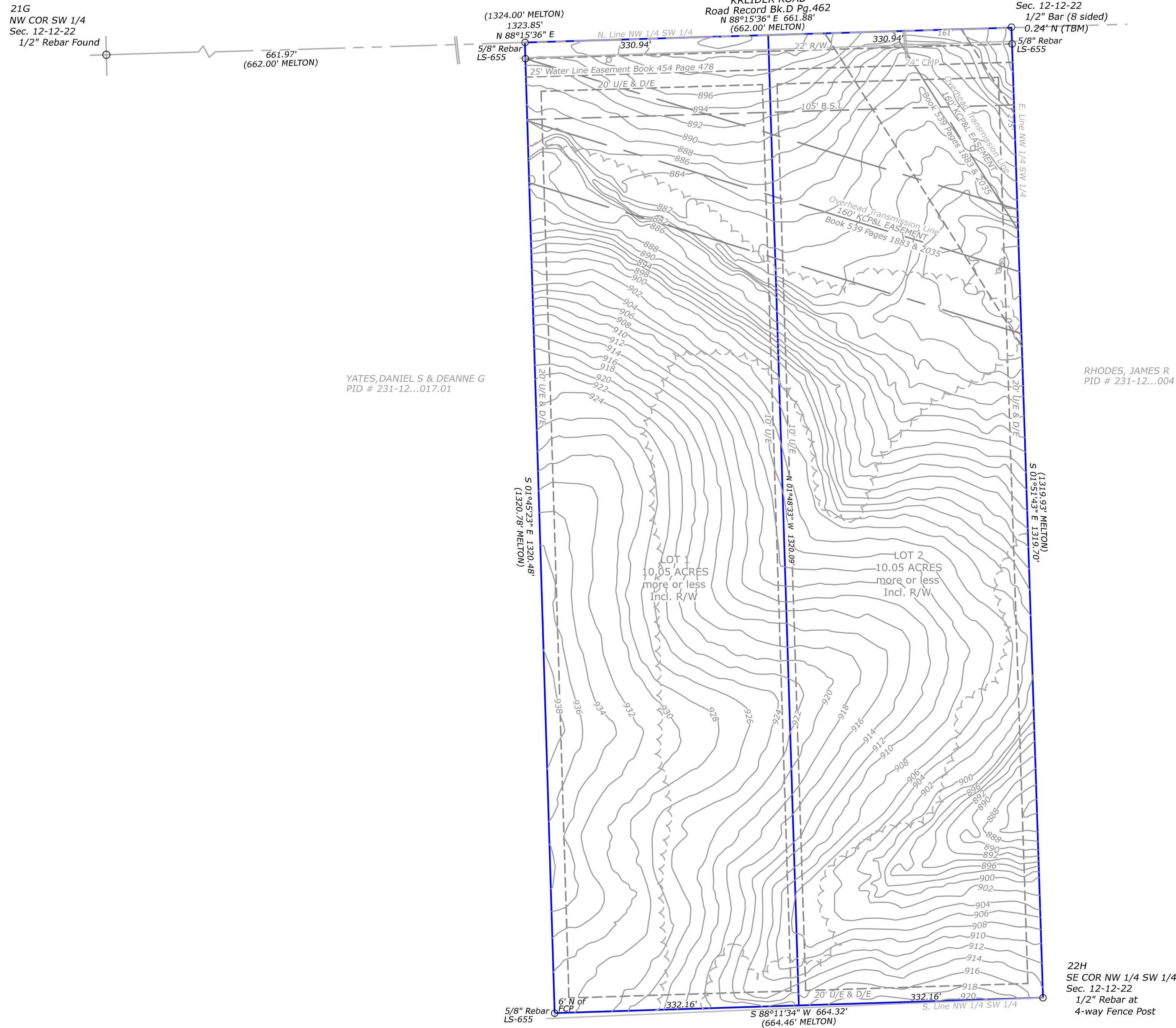
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy
- 5) No off-plat restrictions.

ZONING:

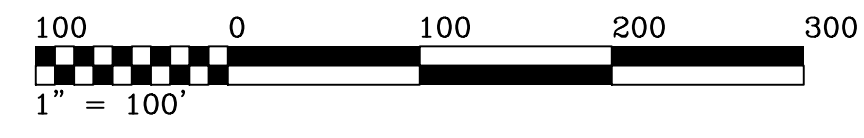
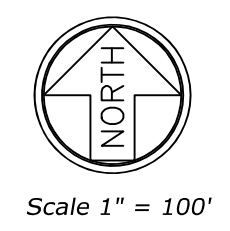
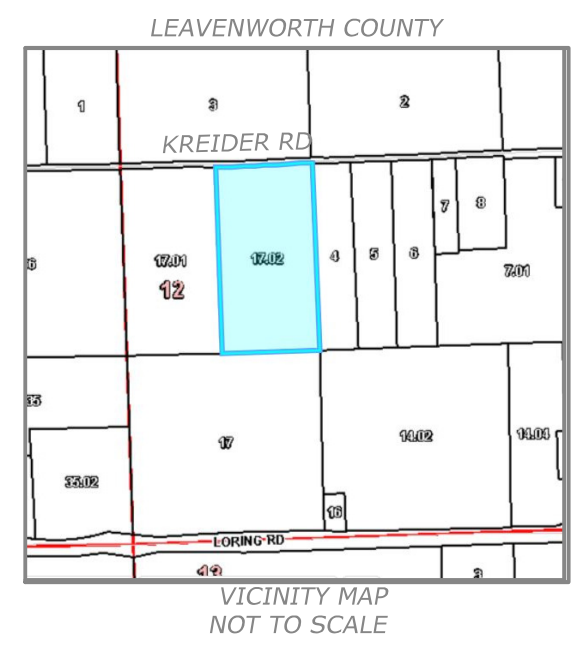
RR 2.5 - Rural Residential 2.5

NOTES:

- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Error of Closure Calculations
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) North line NW 1/4 SW 1/4
- 7) Monument Origin Unknown, unless otherwise noted.
- 8) Proposed Lots for Residential Use.
- 9) Road Record - See Survey
- 10) Benchmark - NAVD88
- 11) Project Benchmark (BM) - NE Cor NW 1/4 SW 1/4 - Elev. - 900.6'
- 12) Easements, if any, are created hereon or listed in referenced title commitment.
- 13) Reference Recorded Deed Book 802 Page 1776
- 14) Utility Companies -
 - Water - Water District 7
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
- 15) Reference Lawyer's Title of Kansas, Inc., Case No: 45627 updated November 10, 2022
- 16) Property is not in a Special Flood Hazard Area per FEMA FIRN Map 20103C0345G dated July 16, 2015
- 17) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
- 18) Distances to and of structures, if any, are +- 1'.
- 19) Easements as per referenced Title Commitment are shown hereon, if any.
- 20) Fence Lines do not necessarily denote the boundary line for the property.
- 21) Reference Surveys:
 - (TBM) - Terry B. Melton LS-655 Recorded Survey 1991



- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement
 - BM - Benchmark
 - NS - Not Set this survey per agreement with client
 - A - Arc Distance
 - R - Arc Radius
 - B - Chord Bearing
 - C - Chord Distance
 - //// - No Vehicle Entrance Access
 - NS - Not Set this survey per agreement with client
 - ⊙ - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - ◇ - Gas Valve
 - ⊕ - Water Meter/Valve
 - ⊞ - Telephone Pedestal
 - W - 6" Water Line - location as per district
 - ~ - Tree/Brush Line



Job # K-22-1586
November 18, 2022 Rev. 12/15/22
J. Herring, Inc. (dba)
HERRING
SURVEYING
COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5361
Email - survey@herringinc.com



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

Joseph A. Herring
PS # 1296

DUSTY RHODES ACRES

A Minor Subdivision in the Southwest Quarter of Section 12, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
RHODES, JAMES R
14763 KREIDER RD
BONNER SPRINGS, KS
PID # 231-12-0-00-017.02

SURVEYOR'S DESCRIPTION:
A tract of land in the Northwest Quarter of the Southwest Quarter of Section 12, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on November 18, 2022, more fully described as follows: Beginning at the Northeast corner of the Northwest Quarter of said Southwest Quarter; thence South 01 degrees 51'43" East for a distance of 1319.70 feet along the East line of said Northwest Quarter of said Southwest Quarter to the Southeast corner of said Northwest Quarter of said Southwest Quarter; thence South 88 degrees 11'34" West for a distance of 664.32 feet along the South line of the Northwest Quarter of said Southwest Quarter; thence North 01 degrees 45'23" West for a distance of 1320.48 feet to the North line of said Northwest Quarter of said Southwest Quarter; thence North 88 degrees 15'36" East for a distance of 661.88 feet along said North line to the point of beginning, together with and subject to covenants, easement and restriction of record.
Said property contain 20.1 acres, more or less, including road right of way.
Error of Closure - 1 : 431291

CERTIFICATION AND DEDICATION
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: DUSTY RHODES ACRES.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,
We, the undersigned owners of DUSTY RHODES ACRES, have set our hands this _____ day of _____, 2023.

James R. Rhodes

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came James R. Rhodes, a single person, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of DUSTY RHODES ACRES this _____ day of _____, 2023.

Secretary Krystal A. Voth
Chairman Steven Rosenthal

COUNTY ENGINEER'S APPROVAL:
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of DUSTY RHODES ACRES this _____ day of _____, 2023.

Chairman Michael Smith
County Clerk Attest: Janet Klasinski

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2023 at _____ o'clock ___ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn

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

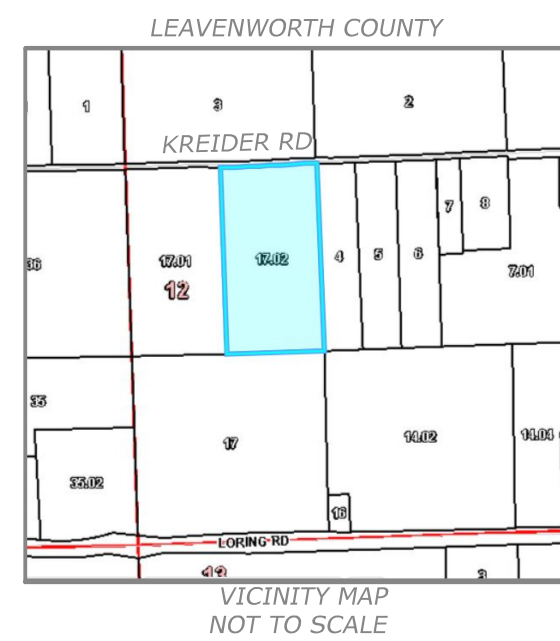
Daniel Baumchen, PS#1363
County Surveyor



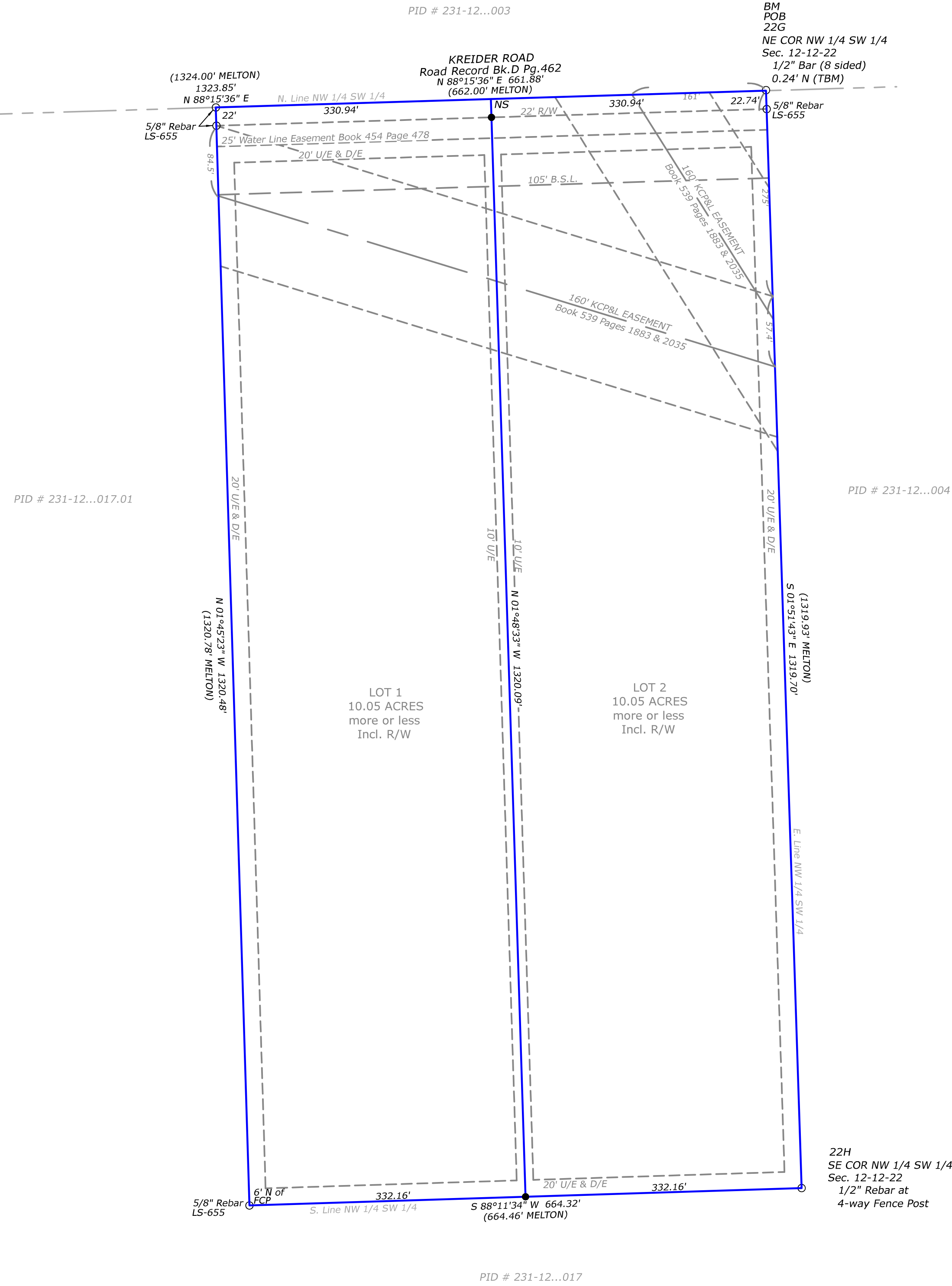
Scale 1" = 100'

Job # K-22-1586
November 18, 2022 Rev. 12/15/22
J. Herring, Inc. (dba)
SURVEYING
& COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@jeamcsh.com

100 0 100 200 300
1" = 100'



VICINITY MAP
NOT TO SCALE



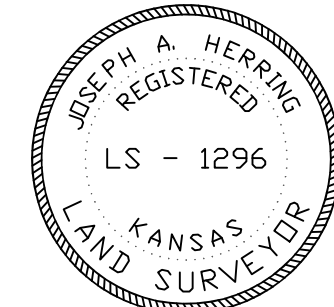
- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement
 - BM - Benchmark
 - NS - Not Set this survey per agreement with client
 - A - Arc Distance
 - R - Arc Radius
 - B - Chord Bearing
 - C - Chord Distance
 - //// - No Vehicle Entrance Access
 - NS - Not Set this survey per agreement with client

- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) Lots are subject to the current Access Management Policy
 - 5) No off-plat restrictions.

ZONING:
RR 2.5 - Rural Residential 2.5

- NOTES:**
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - See Error of Closure Calculations
 - 5) Basis of Bearing - KS SPC North Zone 1501 North line NW 1/4 SW 1/4
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 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88 Project Benchmark (BM) - NE Cor NW 1/4 SW 1/4 - Elev. - 900.6'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Book 802 Page 1776
 - 12) Utility Companies -
 - Water - Water District 7
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 13) Reference Lawyer's Title of Kansas, Inc., Case No: 45627 updated November 10, 2022
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0345G dated July 16, 2015
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 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
(TBM) - Terry B. Melton LS-655 Recorded Survey 1991

22H
SE COR NW 1/4 SW 1/4
Sec. 12-12-22
1/2" Rebar at
4-way Fence Post



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

Joseph A. Herring
PS # 1296

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-22-171 Prairie Hills 2nd Replat

January 11, 2023

REQUEST: *Consent Agenda*

- Preliminary Plat Final Plat
 Replat

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 14855 PRAIRIE CROSSING



APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:

DENNIS & CHRISTINA ZIMMERMAN
14855 PRAIRIE CROSSING
LEAVENWORTH KS 66048

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
MIXED RESIDENTIAL

LEGAL DESCRIPTION:

A portion of Lot 4, Prairie Hills Subdivision, Leavenworth County Kansas.

SUBDIVISION: PRAIRIE HILLS

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-22-171, Replat for Prairie Hills 2nd Replat, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. Case No. DEV-22-171, Replat for Prairie Hills 2nd Replat, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

2.8 ACRES

PARCEL ID NO:

107-35-0-00-00-007.06

BUILDINGS:

SINGLE-FAMILY DWELLING,
DETACHED GARAGE AND POOL

PROJECT SUMMARY:

Request to replat Lot 4 of the Prairie Hills Subdivision into Lot 1 of the Prairie Hills 2nd Replat.

ACCESS/STREET:

PRAIRIE CROSSING - LOCAL, PAVED ± 26';

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FD #1

WATER: RWD 8

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:

1/4/2023

NEWSPAPER NOTIFICATION:

N/A

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	N/A	
40-20	Final Plat Content	X	
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	
50-40	Minimum Design Standards	X	
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 proposing to replat a 2.8-acre lot as Lot 1. The replat is necessitated due to an approximately 25 ft. strip of land that had been deeded from Lot 4 of the Prairie Hills subdivision to be combined with the lot next door. This action left the property as a non-compliant lot. In order for this property to be brought back into conformance, it needs to be replatted to create a new legal description. The Subdivision is a lot within an existing subdivision which a waiver for the use of private septic systems has already been approved. This property has been developed with an existing house, detached garage and pool that will remain on the lot. The lot meets the requirements for the RR-2.5 zoning district. Staff is generally in support.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.

ATTACHMENTS:

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

FINAL PLAT APPLICATION
 Leavenworth County Planning and Zoning Department,
 300 Walnut St., Suite 212
 County Courthouse
 Leavenworth, Kansas 66048
 913-684-0465

Office Use Only

PID: _____
 Township: _____
 Planning Commission Meeting Date: _____
 Case No. _____ Date Received/Paid: _____
 Zoning District _____
 Comprehensive Plan land use designation _____

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME: Herring Surveying Company NAME: Dennis L. & Christina M. Zimmerman
 MAILING ADDRESS: 315 N. 5th Street MAILING ADDRESS 14855 Prairie Crossing
 CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Leavenworth, KS 66048
 PHONE: 913-651-3858 PHONE: N/A
 EMAIL : herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: PRAIRIE HILLS 2nd REPLAT
 Address of Property: 14588 Prairie Crossing
 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: 2.8 Ac	Number of Lots: 1	Minimum Lot Size: 2.8 Ac
Maximum Lot Size: 2.8 Ac	Proposed Zoning: RR 2.5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 8	Proposed Sewage: Septic
Fire District: District 1	Electric Provider: Evergy	Natural Gas Provider: propane/atmos
Covenants: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Road Classification: <u>Local</u> - Collector - Arterial - State - Federal	

Is any part of the site designated as Floodplain? Yes No if yes, what is the panel number:

I, the undersigned, am the 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 final plat approval as indicated above.

Signature: Joe Herring - digitally signed 12/15/2022 Date: 12/15/22

ATTACHMENT A

AFFIDAVIT

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

We/I DENNIS L ZIMMERMAN and CHRISTINA M ZIMMERMAN

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
14855 PRAIRIE CROSSING LEAVENWORTH KS 66048, and that we authorize the
following people or firms to act in our interest with the Leavenworth County Planning
and Zoning Department for a period of one calendar year. Additionally, all statements
herein contained in the information herewith submitted are in all respects true and correct
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth,
KS 66048, 913-651-3858

2)

Signed and entered this 9th day of DECEMBER, 2022

DENNIS L ZIMMERMAN, CHRISTINA M ZIMMERMAN, 14855 PRAIRIE CROSSING
Print Name, Address, Telephone LEAVENWORTH KS 66048 Phone: 785 452-1414

Dennis L Zimmerman Christina M. Zimmerman
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 9 day of December 2022 before me, a notary public in and
for said County and State came Dennis L Zimmerman, Christina M Zimmerman to me
personally known to be the same persons who executed the forgoing instrument of writing, and
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand
and affixed my notary seal the day and year above written.

NOTARY PUBLIC Judy Ann Simmons
My Commission Expires: 12-07-2024



PRAIRIE HILLS 2ND REPLAT

A Replat of a part of Lot 4, PRAIRIE HILLS SUBDIVISION, a subdivision in Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
Dennis L. Zimmerman Jr. and Christina M. Zimmerman
14855 Prairie Crossing
LEAVENWORTH, KS 66048
PID # 107-35-0-00-00-007.06

SURVEYOR'S DESCRIPTION:
A part of Lot 4, PRAIRIE HILLS SUBDIVISION, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296, more fully described as follows: Beginning at the Northwest corner of said Lot 4; thence North 68 degrees 51'27" East for a distance of 155.57 feet along the North line of said Lot 4; thence on a curve to the right having a radius of 470.00 feet and an arc length of 115.91 feet along said North line, being subtended by a chord bearing of North 75 degrees 08'36" East and a chord distance of 115.62 feet, to the Northwest corner of Lot 3A of PRAIRIE RESERVE; thence South 02 degrees 00'25" East for a distance of 505.75 feet along the West line of PRAIRIE RESERVE to the Southwest corner of Lot 2A of said PRAIRIE RESERVE; thence South 87 degrees 59'35" West for a distance of 259.70 feet along the South line of PRAIRIE HILLS SUBDIVISION to the Southwest corner of said Lot 4; thence North 02 degrees 00'25" West for a distance of 429.04 feet along the West line of said Lot 4 to the point of beginning, together with and subject to covenants, easement and restriction of record.
Said property contain 2.8 acres, more or less.

CERTIFICATION AND DEDICATION
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: PRAIRIE HILLS 2ND REPLAT.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,
We, the undersigned owners of PRAIRIE HILLS 2ND REPLAT, have set our hands this _____ day of _____, 2023.

Dennis L. Zimmerman Jr. Christina M. Zimmerman

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Dennis L. Zimmerman Jr. and Christina M. Zimmerman, a married couple, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat PRAIRIE HILLS 2ND REPLAT this _____ day of _____, 2023.

Secretary: Amy Allison
Chairman: Steven Rosenthal

COUNTY ENGINEER'S APPROVAL:
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of PRAIRIE HILLS 2ND REPLAT this _____ day of _____, 2023.

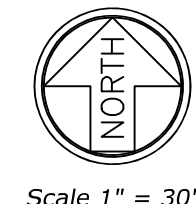
Chairman: Michael Smith
County Clerk: Janet Klasinski

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2023 at _____ o'clock ___M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn

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

Daniel Baumchen, PS#1363
County Surveyor

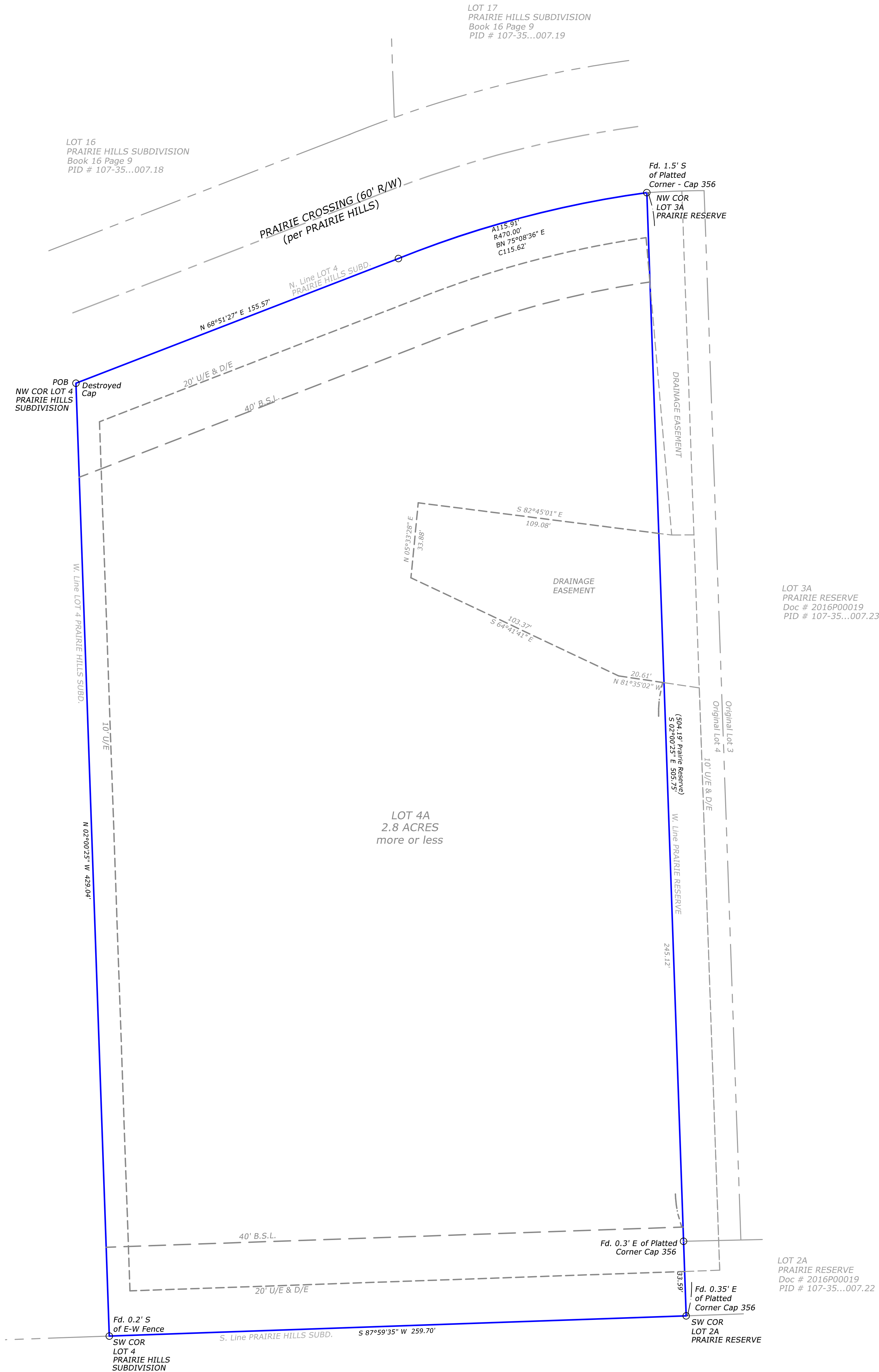
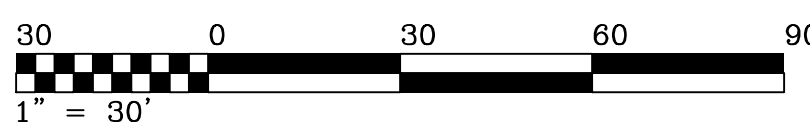


Scale 1" = 30'

Job # K-22-1664
December 15, 2022 Rev. 1-2-23

J. HERRING, Inc. (dba)
SURVEYING
COMPANY

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

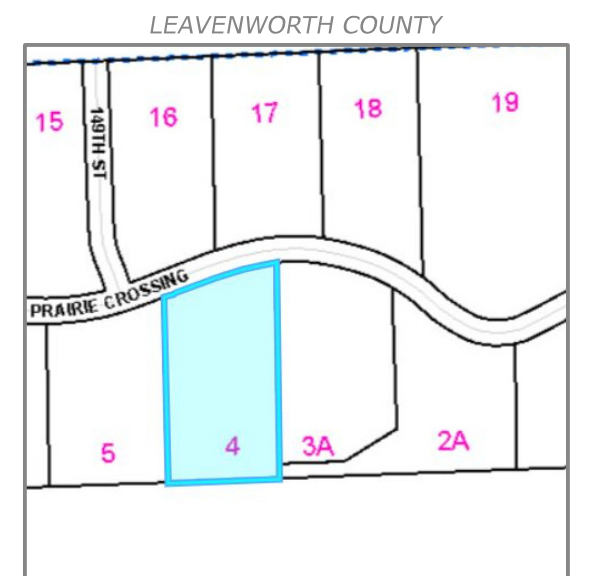


- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) Lots are subject to the current Access Management Policy
 - 5) The owners of Lots 1-19 of the Prairie Hills Subdivision, and Lot 4A Prairie Hills 2nd Replat, shall not oppose the City of Lansing from forming a Benefit District for the future construction of internal gravity sewers or upgrade of Prairie Hills Drive from a "Residential" status to a "Collector" status. Benefit Districts will only be formed in the event there is a need for extension of a Collector Street to the west or there is gravity sewer adjacent to the Prairie Hills Subdivision.
 - 6) Restriction recorded in Book 976 at Page 810

ZONING:
RR 2.5 - Rural Residential 2.5

- NOTES:**
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - 1 : 296362
 - 5) Basis of Bearing - KS SPC North Zone 1501
 - 6) Monument Origin per recorded/referenced plats.
 - 7) Existing and Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
Project Benchmark (BM) - NW Corner Lot 4 - 1/2" Rebar - 897'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Book 707 Page 1648
 - 12) Utility Companies -
- Water - RWD #8
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
 - 13) Reference First American Title Insurance Company File Number 22444702 dated December 7, 2022.
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0231G dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
 - 16) Distances to and of structures, if any, are +- 1'.
 - 17) Easements as per referenced Title Commitment are shown hereon, if any.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
- PRAIRIE HILLS SUBDIVISION Book 16 Page 9
- PRAIRIE RESERVE Doc # 2016P00019

- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
 - - 1/2" Rebar Found Cap #1373 unless otherwise noted.
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement
 - BM - Benchmark

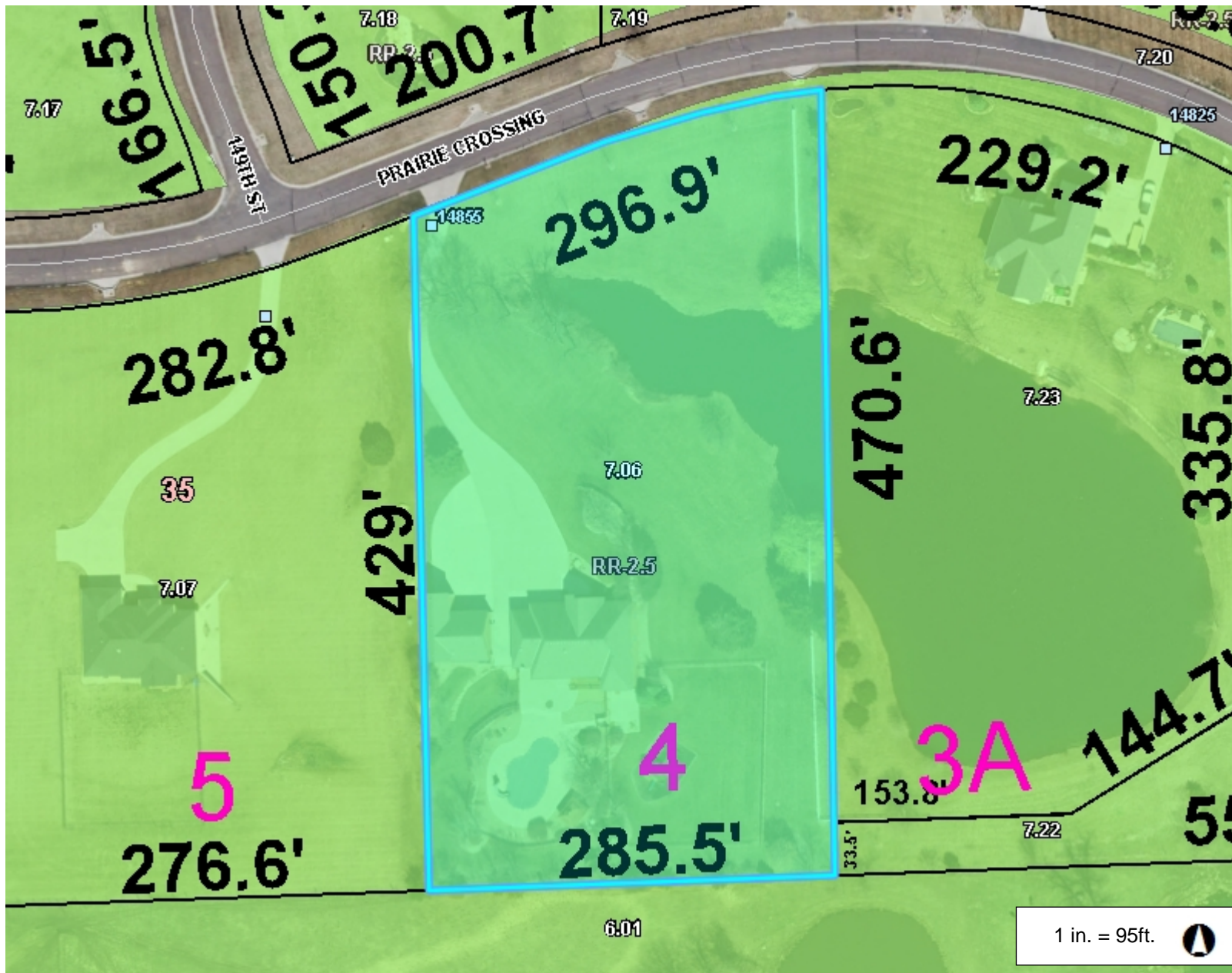


I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of December 2022 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

PID # 107-35-0-00-00-006.01

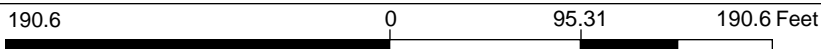
DEV-22-171 Prairie Hills 2nd Replat



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

1 in. = 95ft.



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

Notes

Allison, Amy

From: Jon Hain <Jon.Hain@evergy.com>
Sent: Friday, December 23, 2022 8:20 AM
To: Allison, Amy; Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; Van Parys, David; 'firedistrict1@fd1lvco.org'; Design Group Leavenworth; 'Rural Water'
Subject: RE: DEV-22-171 - Replat – Prairie Hills 2nd

Internal Use Only

Amy,

Evergy has reviewed the re-plat, and has no objections. Evergy has no facilities on or near the relocated boundary.

Thank you

Jon Hain

Evergy
Design Technician
jon.hain@evergy.com
(913) 758-2724

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, December 22, 2022 4:50 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'firedistrict1@fd1lvco.org' <firedistrict1@fd1lvco.org>; Design Group Leavenworth <DesignGroupLeavenworth@evergy.com>; 'Rural Water' <rwd8lv@gmail.com>
Subject: RE: DEV-22-171 - Replat – Prairie Hills 2nd

****WARNING:** This email originated from an external source outside of Evergy. Think before you click on links or attachments!**

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Replat of Lot 4 of the Prairie Hills Subdivision.

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, December 29, 2022.

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

Thank you,
Amy Allison, AICP
Deputy Director
Planning & Zoning

Allison, Amy

From: Michael Stackhouse <mstackhouse@fd1lvco.org>
Sent: Wednesday, December 28, 2022 8:05 AM
To: Allison, Amy
Subject: RE: DEV-22-171 - Replat – Prairie Hills 2nd

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,

Thanks for the additional information. As described FD1 has no issues with the replat.

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, December 28, 2022 8:03 AM
To: Michael Stackhouse <mstackhouse@fd1lvco.org>
Subject: RE: DEV-22-171 - Replat – Prairie Hills 2nd

Good Morning,

The replat is only for Lot 3 which has already been developed. They are not proposing to create anymore lots or build anymore houses. The property owner is replatting just to fix a property line adjustment that happened a few years ago without going through the proper channels.

Amy

From: Michael Stackhouse <mstackhouse@fd1lvco.org>
Sent: Wednesday, December 28, 2022 7:23 AM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: RE: DEV-22-171 - Replat – Prairie Hills 2nd

PRAIRIE HILLS 2ND REPLAT

A Replat of a part of Lot 4, PRAIRIE HILLS SUBDIVISION, a subdivision in Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
 Dennis L. Zimmerman Jr. and Christina M. Zimmerman
 6825 E. Shawnee
 LEAVENWORTH, KS 66048
 PFD # 107-35-00-00467-05

SURVEYOR'S DESCRIPTION:
 A part of Lot 4, PRAIRIE HILLS SUBDIVISION, Leavenworth County, Kansas, as written by Joseph A. Herring P.E., 2020, more fully described as follows: Beginning at the Northwest corner of said Lot 4, thence South 89° 52' 00" East for a distance of 115.31 feet to the North 10° 00' 00" East line of the right-of-way of a 40.00 foot wide and an arc length of 115.31 feet along said North line, being subtended by a chord bearing of South 75 degrees 00' 00" East and a chord distance of 115.00 feet to the Northwest corner of Lot 34 of PRAIRIE RESERVE; thence South 02 degrees 00' 00" East for a distance of 500.79 feet along the West line of PRAIRIE RESERVE to the Southeast corner of Lot 26 of said PRAIRIE RESERVE; thence South 87 degrees 30' 00" West for a distance of 230.70 feet along the South line of PRAIRIE HILLS SUBDIVISION to the Southeast corner of said Lot 4, thence North 02 degrees 00' 00" West for a distance of 500.00 feet along the West line of said Lot 4 to the point of beginning, together with and subject to covenants, easements and restrictions of record.
 Said property contains 2.8 acres, more or less.

CERTIFICATION AND DEDICATION
 The undersigned practitioner states that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: PRAIRIE HILLS 2ND REPLAT.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed for water and sewer lines, gas lines, pipes and wires and any other form of public utility use and hereafter used by the public over and along the same under ANY Easement (S).

"Drainage Easement" or "DSE" shown on this plat are hereby dedicated for the purpose of constructing, using, repairing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or ordinary connections, including similar facilities, and appurtenant thereto, including the right to channel, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be clear, unobstructed, and shall be maintained in conjunction with the use and maintenance of storm drainage facilities. The maintenance and repair of said easements shall be the responsibility of the individual owners of the lots abutting said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Shows shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

BY TESTAMENTARY INSTRUMENT:
 We, the undersigned parties of PRAIRIE HILLS 2ND REPLAT, have set our hands this _____ day of _____, 2022.

Dennis L. Zimmerman Jr. Christina M. Zimmerman

NOTARY CERTIFICATE:
 Be it remembered that on this _____ day of _____, 2022, before me, a notary public in and for said County and State of Kansas, Dennis L. Zimmerman Jr., and Christina M. Zimmerman, a married couple, do hereby appear to me in person and acknowledge the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC:
 My Commission Expires: _____ (none)

APPROVALS:
 We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat PRAIRIE HILLS 2ND REPLAT this _____ day of _____, 2022.

Secretary: Steven Rosenthal
 Chairman: Steven Rosenthal

COUNTY ENGINEER'S APPROVAL:
 The County Engineer's plan review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer: Missi Fiske

COUNTY COMMISSION APPROVAL:
 We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of PRAIRIE HILLS 2ND REPLAT this _____ day of _____, 2022.

Chairman: Michael Smith
 County Clerk: Janet Mastasi

REGISTER OF DEED CERTIFICATE:
 Filed for Record as Document No. _____ on this _____ day of _____, 2022, at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas.

Register of Deeds: Tommaso G. Mastasi

I hereby certify that this plat meets the requirements of K.S.A. 85-501. The use of this plat was reviewed for compliance with Kansas Minimum Standards for Building Divisions. No field verification is required. This review is for survey information only.

Reviewed 2022 01 13 13 No Comments

Done December 19, 2022
 County Surveyor

Scale 1" = 30'

30' = 1:30' 1654
 December 19, 2022 Rev. 1-2-23

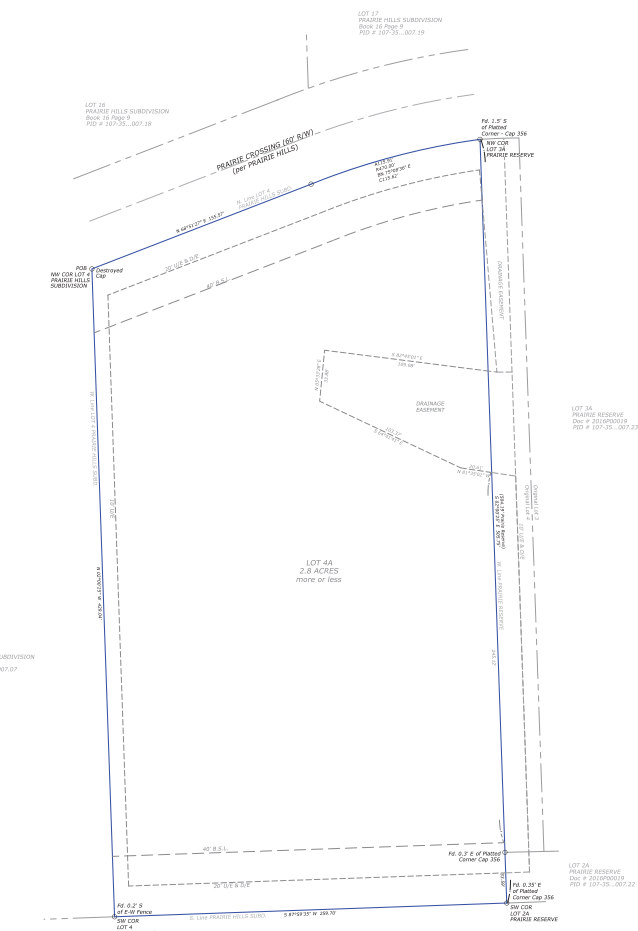
TERRING SURVEYING COMPANY
 1010 North 10th Street, Suite 103 Omaha, NE 68102
 Phone: 402-441-8888
 Email: survey@terring.com

1" = 30'

1" = 30'

1" = 30'

1" = 30'



- RESTRICTIONS:**
- 1) All structural structures within the plat that comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Equipment Repair Storage System may be required due to zone not conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveway and other structures. Re-vegetation of all disturbed areas shall be completed within 30 days after this grading.
 - 4) Lots are subject to the current Active Management Risk.
 - 5) Restrictions recorded in Book 578 of Page 610.

ZONING:
 R2.5 - Rural Residential 2.5

- NOTES:**
- 1) This survey does not show easements.
 - 2) Measurements are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure = 1:236362
 - 5) Based on Bearing = 45 DEG North Zone 1501
 - 6) Monument Chain per recorded/referenced plat.
 - 7) Existing and Proposed Lot and Recreational Use.
 - 8) Road Record - See Survey
 - 9) Reference: 2011/01/19/19
 - 10) Easements, if any, are created hereon or listed in referenced file commitments.
 - 11) Reference recorded sheet Book 707 Page 1448
 - 12) Utility Companies -
 - Electric - Energy
 - Sewer - Satic / Lagoon
 - Gas - Phillips Petroleum Co.
 - 13) Reference First American Title Insurance Company File Number 224447342 dated December 7, 2022.
 - 14) Property is not in a County Flood Hazard Area per FEMA Flood Map 201502021D (effective July 16, 2015)
 - 15) Existing Setback Lines as shown hereon to be as follows:
 - All rear yard setbacks = 15' (Accessory - 15')
 - All side yard setbacks = 10' (Accessory - 10')
 - 16) Distances to end of structures, if any, are 1 - 1'
 - 17) Easements as per referenced file commitments are shown hereon, if any.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) PRAIRIE HILLS SUBDIVISION Book 578 Page 610
 - PRAIRIE RESERVE Doc # 2011/01/19

- LEGEND:**
- 1" = 30" Subur Set with Cap No. 1236
 - 1" = 12" Subur Round Cap #1372 unless otherwise noted.
 - () - Record / Unrecorded Easement
 - - Utility Easement
 - - Drainage Easement
 - B.S.L. - Building Setback Line
 - K.M. - Permanent Encumbered Easement
 - BM - Benchmark



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

Joseph A. Herring
 P.E. # 2281

PFD # 107-35-00-00467-05

Summary of Comments on K-22-1664 ZimmermanLOT4 24x36LS

Page: 1

Number: 1 Author: dbaumchen Subject: Text Box Date: 1/3/2023 9:14:19 AM

Reviewed 2023.01.03 No Comments

PRAIRIE HILLS 2ND REPLAT

A Replat of a part of Lot 4, PRAIRIE HILLS SUBDIVISION, a subdivision in Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
Dennis L. Zimmerman Jr. and Christina M. Zimmerman
14855 Prairie Crossing
LEAVENWORTH, KS 66048
PID # 107-35-0-00-007.06

SURVEYOR'S DESCRIPTION:
A part of Lot 4, PRAIRIE HILLS SUBDIVISION, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296, more fully described as follows: Beginning at the Northwest corner of said Lot 4; thence North 68 degrees 51'27" East for a distance of 155.57 feet along the North line of said Lot 4; thence on a curve to the right having a radius of 470.00 feet and an arc length of 115.91 feet along said North line, being subtended by a chord bearing of North 75 degrees 08'36" East and a chord distance of 115.62 feet, to the Northwest corner of Lot 3A of PRAIRIE RESERVE; thence South 02 degrees 00'25" East for a distance of 505.75 feet along the West line of PRAIRIE RESERVE to the Southwest corner of Lot 2A of said PRAIRIE RESERVE; thence South 87 degrees 59'35" West for a distance of 259.70 feet along the South line of PRAIRIE HILLS SUBDIVISION to the Southwest corner of said Lot 4; thence North 02 degrees 00'25" West for a distance of 429.04 feet along the West line of said Lot 4 to the point of beginning, together with and subject to covenants, easement and restriction of record.
Said property contain 2.8 acres, more or less.

CERTIFICATION AND DEDICATION
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: PRAIRIE HILLS 2ND REPLAT.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,
We, the undersigned owners of PRAIRIE HILLS 2ND REPLAT, have set our hands this _____ day of _____, 2023.

Dennis L. Zimmerman Jr. Christina M. Zimmerman

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Dennis L. Zimmerman Jr. and Christina M. Zimmerman, a married couple, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat PRAIRIE HILLS 2ND REPLAT this _____ day of _____, 2023.

Secretary: Amy Allison
Chairman: Steven Rosenthal

COUNTY ENGINEER'S APPROVAL:
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of PRAIRIE HILLS 2ND REPLAT this _____ day of _____, 2023.

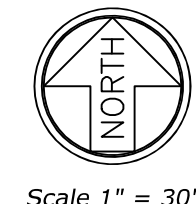
Chairman: Michael Smith
County Clerk: Janet Klasinski

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2023 at _____ o'clock ___M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn

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

Daniel Baumchen, PS#1363
County Surveyor

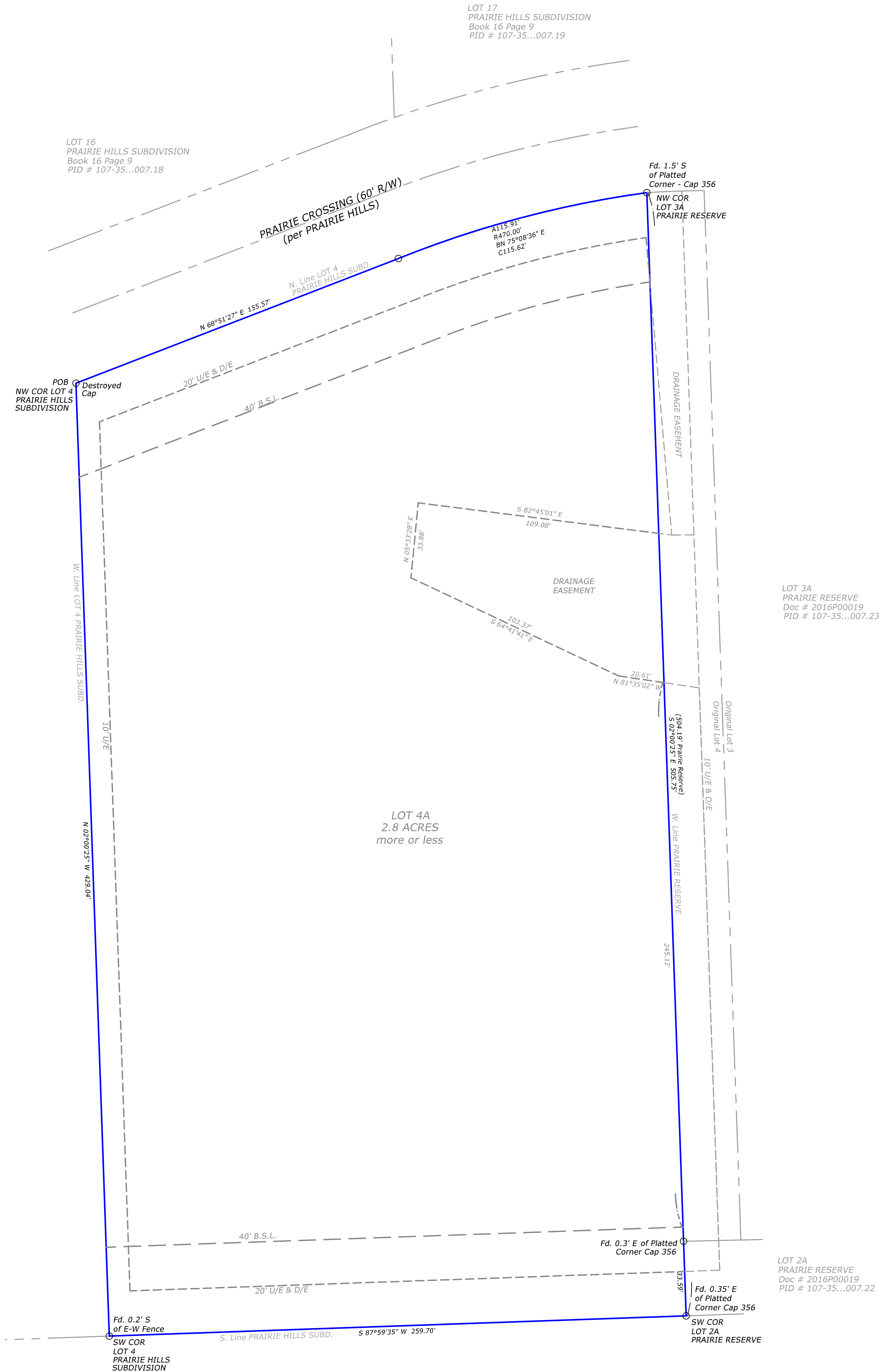
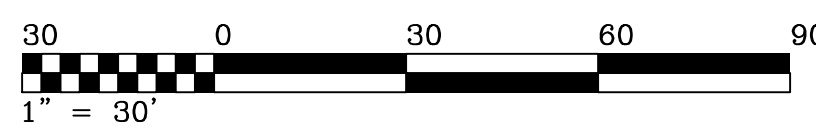


Scale 1" = 30'

Job # K-22-1664
December 15, 2022 Rev. 1-2-23

J. HERRING, INC. (dba) SURVEYING COMPANY

315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5361
Email - survey@jeancash.com



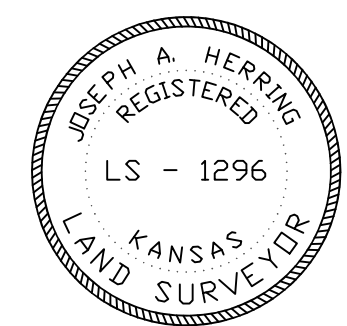
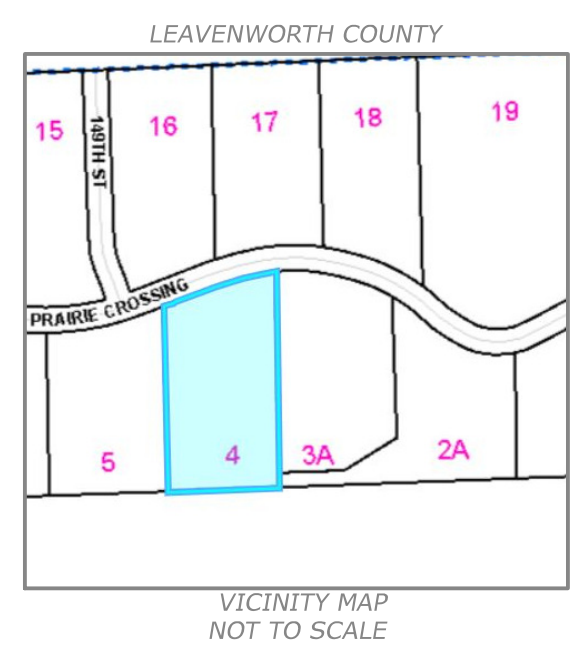
**01-03-2023
OLSSON REVIEW
No Further Comment**

- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) Lots are subject to the current Access Management Policy
 - 5) The owners of Lots 1-19 of the Prairie Hills Subdivision, and Lot 4A Prairie Hills 2nd Replat, shall not oppose the City of Lansing from forming a Benefit District for the future construction of internal gravity sewers or upgrade of Prairie Hills Drive from a "Residential" status to a "Collector" status. Benefit Districts will only be formed in the event there is a need for extension of a Collector Street to the west or there is gravity sewer adjacent to the Prairie Hills Subdivision.
 - 6) Restriction recorded in Book 976 at Page 810

ZONING:
RR 2.5 - Rural Residential 2.5

- NOTES:**
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - 1 : 296362
 - 5) Basis of Bearing - KS SPC North Zone 1501
 - 6) West line Lot 4
 - 7) Monument Origin per recorded/referenced plats.
 - 8) Existing and Proposed Lots for Residential Use.
 - 9) Road Record - See Survey
 - 10) Benchmark - NAVD88
 - 11) Project Benchmark (BM) - NW Corner Lot 4 - 1/2" Rebar - 897'
 - 12) Easements, if any, are created hereon or listed in referenced title commitment.
 - 13) Reference Recorded Deed Book 707 Page 1648
 - 14) Utility Companies -
- Water - RWD #8
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
 - 15) Reference First American Title Insurance Company File Number 22444702 dated December 7, 2022.
 - 16) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0231G dated July 16, 2015
 - 17) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
 - 18) Distances to and of structures, if any, are +- 1'.
 - 19) Easements as per referenced Title Commitment are shown hereon, if any.
 - 20) Fence Lines do not necessarily denote the boundary line for the property.
 - 21) Reference Surveys:
- PRAIRIE HILLS SUBDIVISION Book 16 Page 9
- PRAIRIE RESERVE Doc # 2016P00019

- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
 - - 1/2" Rebar Found Cap #1373 unless otherwise noted.
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement
 - BM - Benchmark



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

Joseph A. Herring
PS # 1296

PID # 107-35-0-00-006.01

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-22-145 J&A Farms Replat

January 11, 2023

REQUEST: *Consent Agenda*

- Preliminary Plat Final Plat
 Replat

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 21242 & 21278 DEMPSEY RD



APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:

CHARLES & CANDACE HARNETT
21242 DEMPSEY RD
LEAVENWORTH KS 66048

STERLINE & VICKI BROWNING

21278 DEMPSEY RD
LEAVENWORTH KS 66048

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL (2.5-ACRE)

SUBDIVISION: J&A FARMS

FLOODPLAIN: N/A

LEGAL DESCRIPTION:

Lots 1 & 2, J&A Farms Subdivision, Leavenworth County Kansas.

STAFF RECOMMENDATION: DENIAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-22-145, Replat for J&A Farms Replat, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. Case No. DEV-22-145, Replat for J&A Farms Replat, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

10.2 ACRES

PARCEL ID NO:

142-04-0-00-01-007.02 & 142-04-0-00-01-007.01

BUILDINGS: LOT 1 - SINGLE-FAMILY DWELLING AND ACCESSORY STRUCTURE

PROJECT SUMMARY:

Request to replat Lots 1-2 of the J&A Farms Subdivision into Lot 1A & 2A of the J&A Farms Replat.

ACCESS/STREET:

DEMPSEY RD – COUNTY ARTERIAL, PAVED ± 24’;

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: ALEXANDRIA

WATER: RWD 8

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:

12/27/2022

NEWSPAPER NOTIFICATION:

N/A

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	N/A	
40-20	Final Plat Content	X	
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	
50-40	Minimum Design Standards		X
	An exception from Article 50, Section 40.3.d. is required.		
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 proposing to replat a 10.2-acres into Lots 1A and 2A of the J&A Farms Replat. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 1). Lots 1A & 2A are proposed to remain as 5.12 acres in size. The proposed lot layout is requested due to a detached accessory structure and septic lateral lines being built over the property line. In order for this property to be brought back into conformance, an exception needs to be granted to permit an angled line to be created. The proposed layout will fix the non-conforming accessory structure and lateral field. Due to previous decisions of a similar nature, staff is not supportive of the request.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. An exception to Article 50, Section 40.3.d., Lot Line bearing 90 degrees from Right-of-Way, has been granted.
6. The developer must comply with the following memorandums:
 - a. Memo – Chuck Magaha, Emergency Management, dated December 27, 2022

ATTACHMENTS:

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

FINAL PLAT APPLICATION
 Leavenworth County Planning and Zoning Department,
 300 Walnut St., Suite 212
 County Courthouse
 Leavenworth, Kansas 66048
 913-684-0465

Office Use Only

PID: _____
 Township: _____
 Planning Commission Meeting Date: _____
 Case No. _____ Date Received/Paid: _____
 Zoning District _____
 Comprehensive Plan land use designation _____

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME: Joe Herring NAME: Sterling & Harnett
 MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 21242 & 21278 Dempsey Road
 CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Leavenworth, KS 66048
 PHONE: 913-651-3858 PHONE: N/A
 EMAIL : survey@teamcash.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: J & A FARMS REPLAT
 Address of Property: 21242 & 21278 Dempsey Road
 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: 10.2 Acres	Number of Lots: 2	Minimum Lot Size: 5.12 Acres
Maximum Lot Size: 5.12 Acres	Proposed Zoning: RR - 2.5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 8	Proposed Sewage: Septic
Fire District: Alexandria	Electric Provider: Evergy	Natural Gas Provider: Propane/Kansas Gas
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: Local Collector Arterial – State - Federal	

Is any part of the site designated as Floodplain? Yes No if yes, what is the panel number:

I, the undersigned, am the 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 final plat approval as indicated above.

Signature: Joe Herring - digitally signed 10/15/2022 Date: 10-15-22

ATTACHMENT A

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

We Stirling Browning III and Vicki L. Browning

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
21278 Dempsey Rd, Leavenworth, KS and that we authorize the
following people of firms to act in our interest with the Leavenworth County Planning
and Zoning Department for a period of one calendar year. Additionally, all statements
herein contained in the information herewith submitted are in all respects true and correct
to the best of our knowledge and belief. *(in reference to attachment "A")*

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring - Herring Surveying Company 315 N. 5th Street, Leavenworth,
KS 66048, 913-651-3858

2)

Signed and entered this _____ day of _____, 20__.

Stirling Browning III - Vicki L. Browning
Print Name, Address, Telephone

21278 Dempsey Rd.
Leavenworth KS 66048
(914) 779-6781
(765) 230-9261

Stirling Browning III Vicki L. Browning
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 25th day of July, 2022, before me, a notary public in and
for said County and State came Stirling III & Vicki Browning to me
personally known to be the same persons who executed the forgoing instrument of writing, and
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand
and affixed my notary seal the day and year above written.

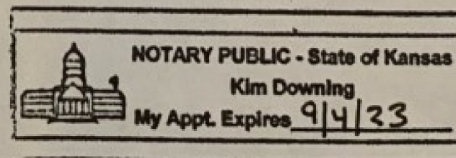
NOTARY PUBLIC

Kim Downing

Kim Downing

My Commission Expires: 9/4/23

(seal)



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

We/I Charles S. Herring and Candace D. Herring

Being duly sworn, dispose and say that we/I are the owner(s) of said property located at - 21292 Highway 25 Leavenworth, KS, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief. *(in reference to attachment "A")*

Authorized Agents (full name, address & telephone number)

- 1) Joseph A. Herring - Herring Surveying Company 315 N. 5th Street, Leavenworth, KS 66048, 913-651-3858

2) Signed and entered this 25th day of July, 2022

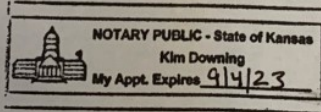
Charles S. & Candace D. Herring Sr.
Print Name, Address, Telephone

[Signature] Candace D. Herring
Signature

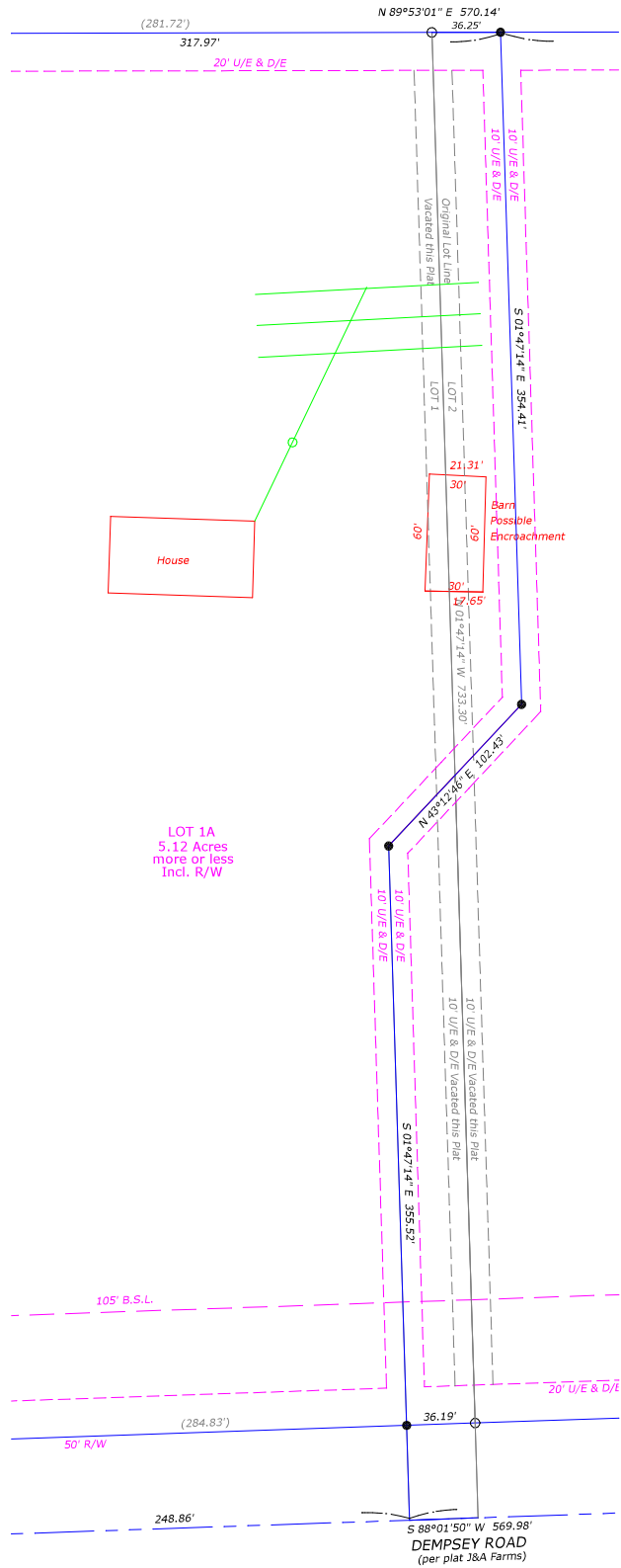
STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remembered that on this 25th day of July, 2022 before me, a notary public in and for said County and State came Charles S. & Candace D. Herring to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC [Signature] Kim Downing
My Commission Expires: 9/4/23 (seal)



AS-BUILT LOT 1A - Proposed J & A FARMS REPLAT



LOT 1A
5.12 Acres
more or less
Incl. R/W



Scale 1" = 100'

Job # K-22-1596
December 27, 2022

J. Herring, Inc. (dba)
HERRING
SURVEYING
COMPANY

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

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

J & A FARMS REPLAT

A Replat of Lots 1 and 2, J & A FARMS, a subdivision in Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
 BROWNING, STERLING E III & VICKI L
 21278 DEMPSEY ROAD
 LEAVENWORTH, KS 66048
 PID # 142-04-0-00-01-007.01
 Lot 1 - J&A Farms

HARNETT, CHARLES SR & CANDACE
 21242 DEMPSEY ROAD
 LEAVENWORTH, KS 66048
 PID # 142-04-0-00-01-007.02
 Lot 2 - J&A Farms

RECORD DESCRIPTION:
 Lot 1, J & A FARMS, a subdivision of land in Leavenworth County, Kansas.
 Lot 2, J & A FARMS, a subdivision of land in Leavenworth County, Kansas.

CERTIFICATION AND DEDICATION
 The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: J & A FARMS REPLAT.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,
 We, the undersigned owners of J & A FARMS REPLAT, have set our hands this _____ day of _____, 2023.

 Sterling E. Browning, III

 Vicki L. Browning

 Charles Harnett, Sr.

 Candance Harnett

NOTARY CERTIFICATE:
 Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Sterling E. Browning III and Vicki L. Browning, a married couple, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC
 My Commission Expires: _____ (seal)

NOTARY CERTIFICATE:
 Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Charles Harnett Sr. and Candace Harnett, a married couple, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC
 My Commission Expires: _____ (seal)

APPROVALS
 We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of J & A FARMS REPLAT this _____ day of _____, 2023.

Secretary
 Krystal A. Voth
 Chairman
 Steven Rosenthal

COUNTY ENGINEER'S APPROVAL:
 The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
 We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of J & A FARMS REPLAT this _____ day of _____, 2023.

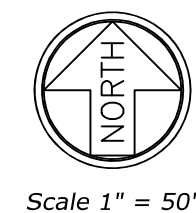
Chairman
 Michael Smith
 County Clerk
 Attest: Janet Klasinski

REGISTER OF DEED CERTIFICATE:
 Filed for Record as Document No. _____ on this _____ day of _____, 2023 at _____ o'clock ___M in the Office of the Register of Deeds of Leavenworth County, Kansas,

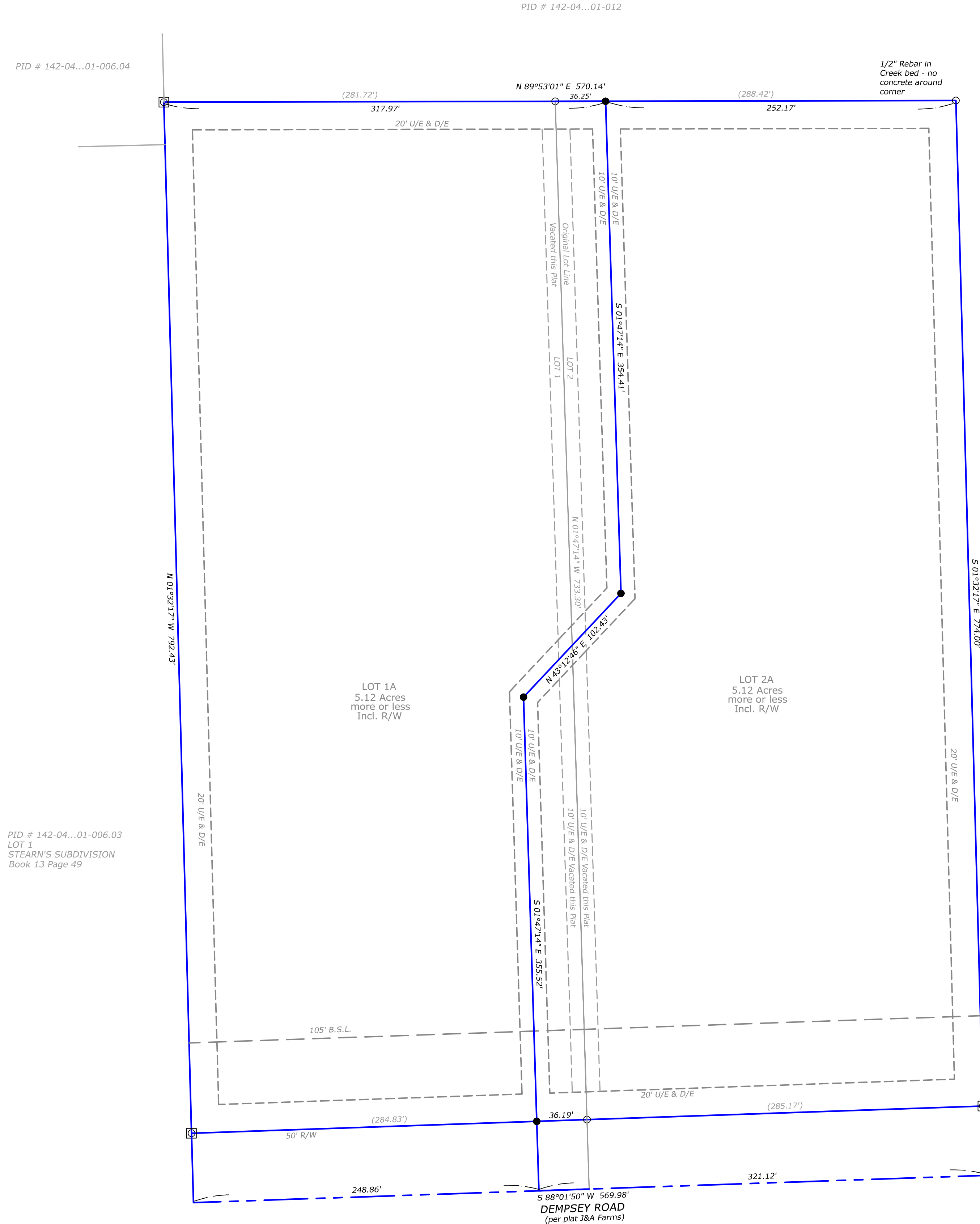
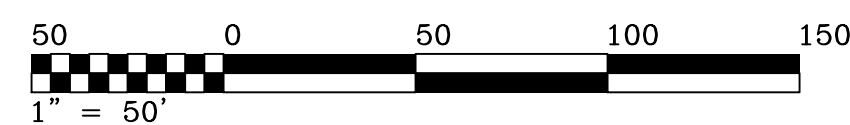
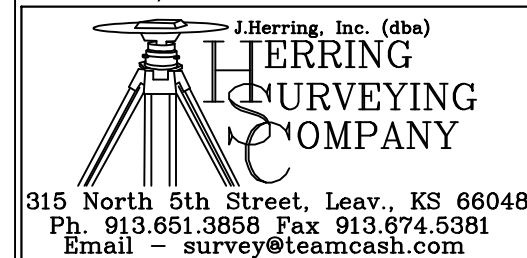
Register of Deeds - TerriLois G. Mashburn

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

Daniel Baumchen, PS#1363
 County Surveyor



Job # K-22-1596
 October 15, 2022 Rev. 12/6/22



PID # 142-04...01-006.03
 LOT 1
 STEARN'S SUBDIVISION
 Book 13 Page 49

TOWN OF JARBALO
 Book 1A Page 36

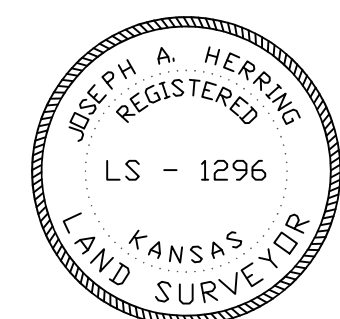
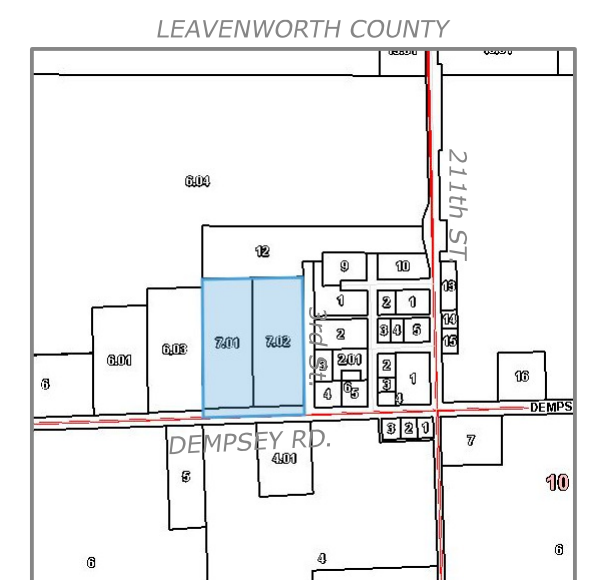
3RD STREET
 (per Town of Jarbalo - 60' R/W)

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) Lots are subject to the current Access Management Policy
 - 5) An exception to Article 50, Section 40.3.d. Lot Lines has been granted for Lots 1A & 2A.
 - 6) No off-plat restrictions.

ZONING:
 RR 2.5 - Rural Residential 2.5

- NOTES:
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - 1 : 400518
 - 5) Basis of Bearing - KS 5PC North Zone 1501
 - 6) Monument Origin per recorded plat J & A Farms Subdivision.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
 Project Benchmark (BM) - SW Corner Lot 1 - 908.4'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Book 707 Page 1648
 - 12) Utility Companies
 - Water - Water District 8
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 13) Reference Continental Title File Number 22443756 dated November 8, 2022, and Number 22443983 dated November 11, 2022.
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0225G dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
 - 16) Distances to and of structures, if any, are +- 1'.
 - 17) Easements as per referenced Title Commitment are shown hereon, if any.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
 - J & A FARMS SUBDIVISION Doc # 2015P00011

- LEGEND:
- - 1/2" Rebar Set with Cap No. 1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement
 - BM - Benchmark
 - NS - Not Set this survey per agreement with client
 - A - Arc Distance
 - R - Arc Radius
 - B - Chord Bearing
 - C - Chord Distance
 - //// - No Vehicle Entrance Access
 - NS - Not Set this survey per agreement with client



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

Joseph A. Herring
 PS # 1296

Allison, Amy

From: Tyler Rebel <Tyler.Rebel@evergy.com>
Sent: Monday, November 21, 2022 3:14 PM
To: Allison, Amy
Subject: RE: DEV-22-145 Replat– J&A Farms Replat

Internal Use Only

No comment from Evergy – thanks,

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, November 21, 2022 2:37 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>; 'tonyburr@ymail.com' <tonyburr@ymail.com>; Design Group Leavenworth <DesignGroupLeavenworth@evergy.com>; 'RWD8LV@gmail.com' <RWD8LV@gmail.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-145 Replat– J&A Farms Replat

****WARNING:** This email originated from an external source outside of Evergy. Think before you click on links or attachments!**

Good Afternoon,

The Department of Planning and Zoning has received an application for a Replat regarding Lots 1 & 2 of the J&A Farms subdivision. The applicant is adjusting the shared property line to fix a setback issue.

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 Tuesday, November 29, 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
Planning & Zoning
Leavenworth County
913.364.5757

Allison, Amy

From: Rural Water <rwd8lv@gmail.com>
Sent: Wednesday, November 30, 2022 9:45 AM
To: Allison, Amy
Subject: Re: DEV-22-145 Replat- J&A Farms Replat

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.

There is no water main on either property. Therefore there are no issues with Rural Water Dist #8.

On Mon, Nov 21, 2022 at 2:36 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Afternoon,

The Department of Planning and Zoning has received an application for a Replat regarding Lots 1 & 2 of the J&A Farms subdivision. The applicant is adjusting the shared property line to fix a setback issue.

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 Tuesday, November 29, 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

Planning & Zoning

Leavenworth County

913.364.5757

Summary of Comments on K-22-Charles Dempsey 24x36LS

Page: 1

Number: 1 Author: dbaumchen Subject: Callout Date: 12/6/2022 2:23:31 PM

Reviewed 2022.12.06 No Comments

J & A FARMS REPLAT

A Replat of Lots 1 and 2, J & A FARMS, a subdivision in Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:

BROWNING, STERLING E III & VICKI L
21278 DEMPSEY ROAD
LEAVENWORTH, KS 66048
PID # 142-04-0-00-01-007.01
Lot 1 - J&A Farms

HARNETT, CHARLES SR & CANDACE
21242 DEMPSEY ROAD
LEAVENWORTH, KS 66048
PID # 142-04-0-00-01-007.02
Lot 2 - J&A Farms

RECORD DESCRIPTION:

Lot 1, J & A FARMS, a subdivision of land in Leavenworth County, Kansas.
Lot 2, J & A FARMS, a subdivision of land in Leavenworth County, Kansas.

CERTIFICATION AND DEDICATION

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

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,

We, the undersigned owners of J & A FARMS REPLAT, have set our hands this _____ day of _____, 2023.

Sterling E. Browning, III

Vicki L. Browning

Charles Harnett, Sr.

Candance Harnett

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Sterling E. Browning III and Vicki L. Browning, a married couple, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC

My Commission Expires: _____ (seal)

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Charles Harnett Sr. and Candace Harnett, a married couple, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC

My Commission Expires: _____ (seal)

APPROVALS

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of J & A FARMS REPLAT this _____ day of _____, 2023.

Secretary
Krystal A. Voth

Chairman
Steven Rosenthal

COUNTY ENGINEER'S APPROVAL:

The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:

We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of J & A FARMS REPLAT this _____ day of _____, 2023.

Chairman
Michael Smith

County Clerk
Attest: Janet Klasinski

REGISTER OF DEED CERTIFICATE:

Filed for Record as Document No. _____ on this _____ day of _____, 2023 at _____ o'clock ___M in the Office of the Register of Deeds of Leavenworth County, Kansas,

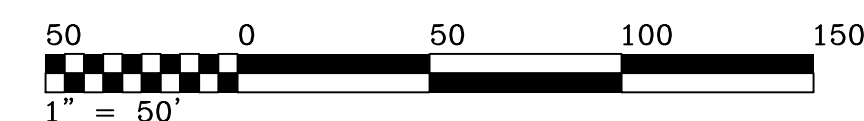
Register of Deeds - TerriLois G. Mashburn



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

Daniel Baumchen, PS#1363
County Surveyor

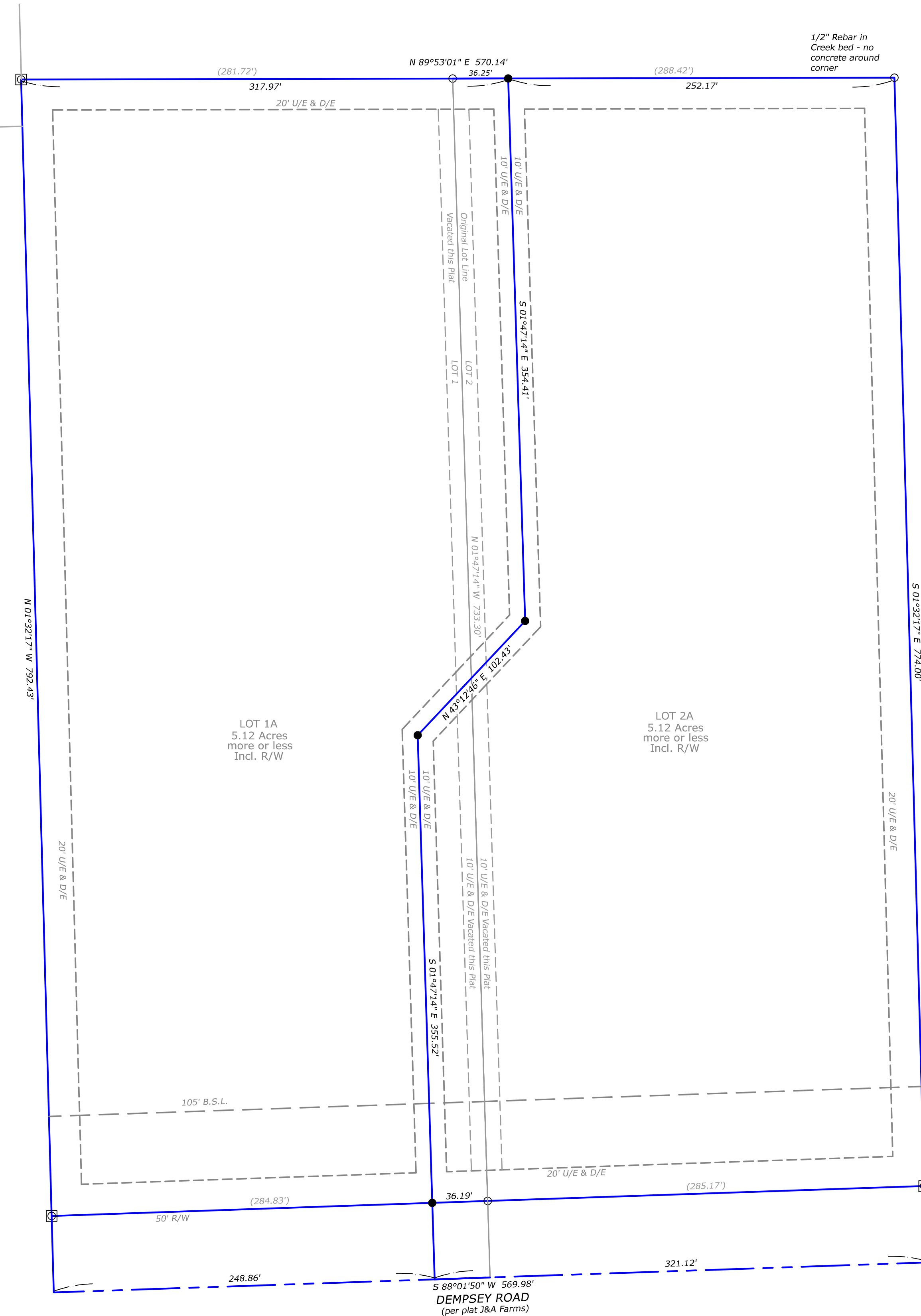
Job # K-22-1596
October 15, 2022 Rev. 12/6/22
J. HERRING, INC. (dba)
SURVEYING & COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@jeincash.com



PID # 142-04...01-006.03
LOT 1
STEARNS' SUBDIVISION
Book 13 Page 49

PID # 142-04...01-006.04

PID # 142-04...01-012



TOWN OF JARBALO
Book 1A Page 36

3RD STREET
(per Town of Jarbalo - 60' R/W)

RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy
- 5) Exception for non-parallel property line.
- 6) No off-plat restrictions.

ZONING:

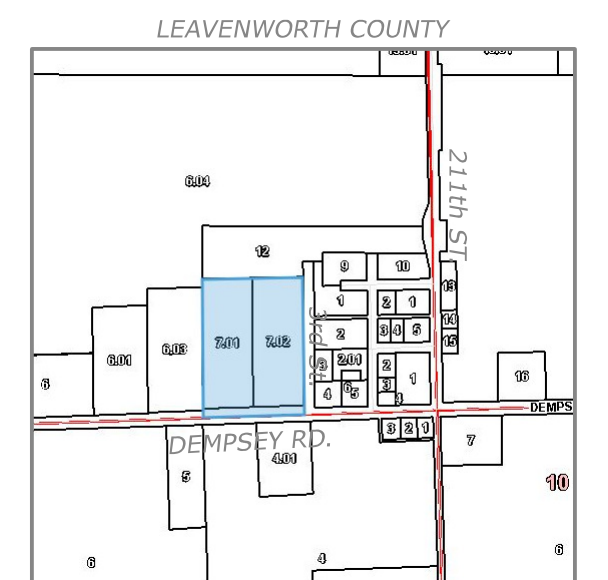
RR 2.5 - Rural Residential 2.5

NOTES:

- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - 1 : 400518
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) West line Recorded Plat
- 7) Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88
Project Benchmark (BM) - SW Corner Lot 1 - 908.4'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Book 707 Page 1648
- 12) Utility Companies
- Water - Water District 8
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
- 13) Reference Continental Title File Number 22443756 dated November 8, 2022, and Number 22443983 dated November 11, 2022.
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0225G dated July 16, 2015
- 15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
- 16) Distances to and of structures, if any, are +- 1'.
- 17) Easements as per referenced Title Commitment are shown hereon, if any.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:
- J & A FARMS SUBDIVISION Doc # 2015P00011

LEGEND:

- - 1/2" Rebar Set with Cap No. 1296
- - 1/2" Rebar Found, unless otherwise noted.
- - Concrete Base around Point
- △ - PK Nail Found in Place
- () - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
- R/W - Permanent Dedicated Roadway Easement
- BM - Benchmark
- NS - Not Set this survey per agreement with client
- A - Arc Distance
- R - Arc Radius
- B - Chord Bearing
- C - Chord Distance
- //// - No Vehicle Entrance Access
- NS - Not Set this survey per agreement with client



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

Joseph A. Herring
PS # 1296

MEMO

To: Krystal Voth
From: Chuck Magaha
Subject: J&A Farms
Date: December 27, 2022

Krystal, I have reviewed the preliminary plat of the J&A Farms Subdivision presented by Sterling and Harnett. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed along Dempsey Road a fire hydrant placed between Lot 1 and Lot 2. I have no further recommendation for this subdivision.

If you have any questions please call me 684-0455.

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-22-155 Whiskey Ridge Event Center

January 11, 2023

REQUEST: *Public Hearing Required*

- Zoning Amendment Special Use Permit
 Temporary Special Use Permit

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 19051 TONGANOXIE DR

APPLICANT/APPLICANT AGENT:

DAN & CINDY LYNCH
19751 219TH ST
TONGANOXIE KS 66086

PROPERTY OWNER:

ORISON LLC

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
MIXED RESIDENTIAL

SUBDIVISION: N/A

FLOODPLAIN: N/A

LEGAL DESCRIPTION:

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

STAFF RECOMMENDATION: DENIAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-22-155, Special Use Permit for an Event Center, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-22-155, Special Use Permit for an Event Center, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 58.70 ACRES

PARCEL ID NO:
192-03-0-00-00-011.01

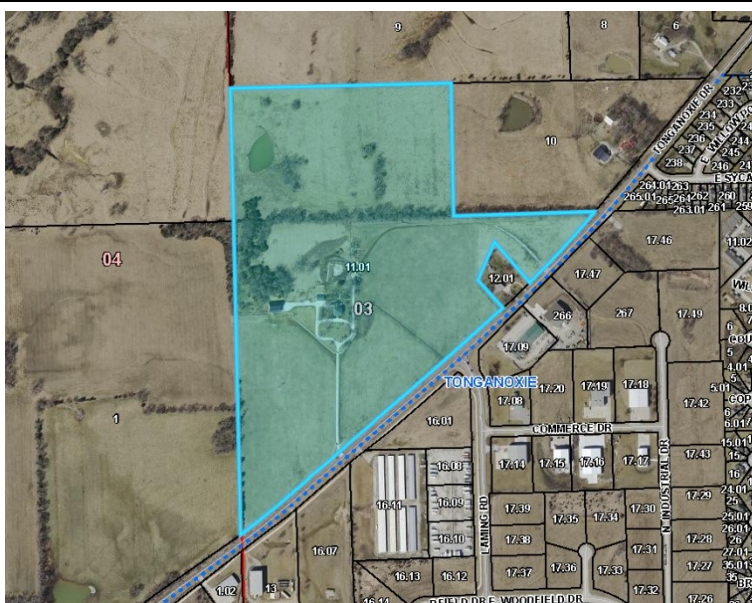
BUILDINGS:
SINGLE-FAMILY RESIDENCE,
ACCESSORY STRUCTURE & EVENT
BARN

PROJECT SUMMARY:

Requesting a permit to operate an event center at 19051 Tonganoxie Dr, Tonganoxie, KS.

ACCESS/STREET:
TONGANOXIE DR – COUNTY
ARTERIAL, PAVED, ± 24’

Location Map:



UTILITIES

SEWER: SEPTIC
FIRE: STRANGER
WATER: RWD 9
ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW: 12/15/2022
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
<p>1. Character of the Neighborhood: <i>Density:</i> Properties located within the unincorporated areas of the County are primarily rural in nature. Most of the surrounding lots are large in size. Properties within the City of Tonganoxie are primarily industrial in nature with some commercial businesses. There is a residential neighborhood to the north.</p> <p><i>Nearby City Limits:</i> The property is located adjacent to the City of Tonganoxie.</p>	✓	
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature. Industrial and Commercial businesses are located across the road.</p> <p><i>Adjacent Zoning:</i> The adjacent properties within the unincorporated area are zoned RR-2.5. The properties within the City of Tonganoxie are zoned Light to Moderate Industrial.</p>	✓	
<p>3. Suitability of the Property for the uses to which it has been restricted: <i>The property is suitable as a rural residence. The requested use is allowed with a Special Use Permit</i></p>	✓	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</p> <p><i>The requested-use is unlikely to detrimentally impact neighboring properties. The applicant had applied and was approved for this type of use in April of 2020. The proposed permit is similar in nature to the original proposal.</i></p> <p><i>Traffic:</i> Traffic will be limited to primarily weekends. The applicant is proposing that the proposed business will generate 320 trips for their largest events (accounts for guest, 150 vehicles, and supporting staff, 10 vehicles). The property accesses off of Tonganoxie Drive which is a County Arterial with an existing traffic count of more than 3,700 vpd.</p> <p><i>Lighting:</i> No exterior lighting besides security lighting is proposed with this request.</p> <p><i>Noise:</i> There may be additional noise during events, which will primarily be on the weekends. The event center is situated toward the center of the property which would reduce the noise heard at the property line.</p> <p><i>Outdoor Storage:</i> No outdoor storage is proposed with this request.</p> <p><i>Parking:</i> The applicant is proposing to install 180 parking spaces. This is adequate for the proposed maximum occupancy (300) and additional support vehicles.</p> <p><i>Visitors/Employees:</i> The narrative indicates that most visitors will be on-site during the weekend when events are most likely to take place. The applicant is proposing a center that would accommodate up to 300 guests. There would also be additional work staff to support these events. During the weekdays, limited visitors is expected.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	

<i>Waste: Any waste generated from the proposed use must be disposed of in compliance with all local and state requirements. The applicant has proposed an engineered on-site wastewater system.</i>	✓	
5. Length of time the property has been vacant as zoned: <input checked="" type="checkbox"/> <i>Not Vacant: The property has a house and is being used for agricultural purposes.</i>	✓	
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>	✓	
7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: Mixed Residential</i>		✓

STAFF COMMENTS:

The applicant is requesting a Special Use Permit for an event center. The applicant applied for a similar Special Use Permit in 2020, but cancelled the permit shortly after it was approved. The applicant is proposing to operate the event center out of a structure that was permitted in 2021 as an agricultural building. The applicant has provided an engineering report that inspected the foundation of the structure and found that it is structurally sound and compliant with the 2006 International Building Codes. No engineering reports have been submitted for the rest of the structure. The Stranger Fire District has reviewed the request and has recommended some conditions for fire safety, but has recommended that a sprinkler system is not necessary. This would be contrary to the 2006 Commercial Building Codes the County has adopted.

The event center is proposed to be open year-round with most events occurring during the weekend. The applicant has indicated that the center may be used for large gatherings on weekdays but this will most likely be infrequent and not last into the evening. The center will accommodate up to 300 guests. Wedding ceremonies may take place both inside or outside with music. Receptions, including music, will take place indoors. The narrative indicated that events will conclude at 11:00 PM.

The venue will have a full commercial kitchen, which will require inspection and approval by the Kansas Department of Health and Environment. The applicants will not be preparing food but the kitchen will be available to hired caterers. The center will also have a bar area which would be stocked by the clients.

The application includes a proposed parking lot that would accommodate up to 180 vehicles. Based on the maximum capacity and support vehicles, this is sufficient parking for the proposed use. The parking lot will be gravel and will be approximately an acre. The applicants will need to comply with the storm water pollution prevention policy administered by KDHE, if applicable.

STAFF RECOMMENDED CONDITIONS:

1. Events shall be limited to the hours of 8:00 AM until 11:00 PM. All business operations shall cease by 12:00 AM.
2. A commercial building permit must be filed and approved for the agricultural building.
3. An Engineering Report must be submitted verifying that the agricultural structure meets the 2006 Commercial Building Codes, including fire suppression.
4. The SUP shall be limited to four full-time employees and unlimited seasonal employees.
5. The applicant shall submit an approved NOI & SWPPP from the Kansas Department of Health and Environment Bureau of Water.
6. An engineered on-site waste water treatment system is required or authorization from a licensed engineer that the existing system is compatible with the proposed use and acceptance by the Kansas Department of Health and Environment.

7. 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.
8. No on-street parking shall be allowed.
9. This SUP shall be limited to the Narrative and accompanying documents dated November 8, 2022, December 6, 2022 (received), December 15, 2022 and January 5, 2023 (received) submitted with this application.
10. 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.
11. Any noise generated from the proposed business shall be limited to 60 dB, as measured from the property line.
12. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured from the property line.
13. No outdoor storage of materials shall be allowed.
14. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.
15. The developer must comply with the following memorandums:
 - a. Email – Karen Armstrong, RWD 9, dated November 17, 2022
 - b. Email – Mark Billquist, Stranger FD, dated November 27, 2022
 - c. Memo – Mitch Pleak, Olsson, dated January 5, 2023
16. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
17. 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

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>Dan/Cindy Lynch</u>	NAME _____
ADDRESS <u>19751 21st St.</u>	ADDRESS _____
CITY/ST/ZIP <u>Tonganoxie, KS 66066</u>	CITY/ST/ZIP _____
PHONE <u>(913) 481-6847</u>	PHONE _____
EMAIL <u>danlynch@lynchresidential.com</u>	EMAIL _____
CONTACT PERSON <u>Dan Lynch</u>	CONTACT PERSON _____

PROPERTY INFORMATION

PID: _____ Zoning District: _____

Address of property 19051 Tonganoxie Dr, Tonganoxie Parcel size 58.7 acres

Current use of the property Ag

Does the owner live on the property? Yes No

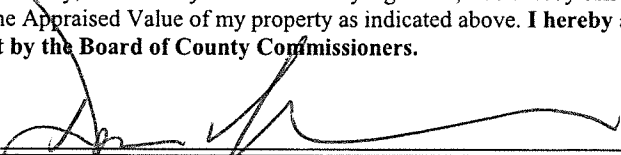
Proposed Special Use Wedding / Event Venue

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 11/1/2022

ATTACHMENT A

PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business Whiskey Ridge dba "The Ridge"
Existing and Proposed Structures 9000 sq ft venue building / existing home
Number of structures used for Special Use Permit 2
Will the use require parking? Yes No How many parking spaces are proposed/available? 150
Is the proposed use seasonal? Yes No
If yes, what months will the use be active? _____ through _____
Month Month
Reason for requesting a Special Use Permit: To complete venue building

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 150 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 _____ 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):

Primarily weekends

What is the anticipated route(s) from the nearest State Highway to the Site? From State Ave, North on Laming Rd west on Tonganoxie Dr 200 ft to property

Special Use Permit Renewal

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

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

OWNER AUTHORIZATION

I/WE Dan/Cindy Lynch, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 1st day of November, 2022, make the following statements, to wit:

- 1. 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.
- 2. I/We the undersigned, have previously authorized and hereby authorize _____ (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, 19051 Tonganoxie Dr, Tonganoxie (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.
- 3. 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.
- 4. 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.

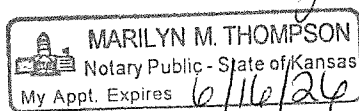
[Signature]
Owner

Cindy Lynch
Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 2nd day of Nov., 2022
by Marilyn M. Thompson.

My Commission Expires: June 16, 2026



Marilyn M. Thompson
Notary Public

ATTACHMENT C

Whiskey Ridge

Proposed Venue in Tonganoxie, KS

The property located at 19051 Tonganoxie Drive, Tonganoxie, KS is owned by Orison, LLC whose sole members are Dan and Cindy Lynch of 19751 219th Street, Tonganoxie, KS. The property currently consists of a home, built in 1869, a detached garage, and 2 barns. We are currently remodeling the home as it sustained water damage before we purchased it. The ground is being used as a hay field and home to cattle. This will continue until no longer reasonable.

We would like to replace the smaller barn with a 92' x 100' barn to be used as a venue space. The barn will consist of a large open space for approximately 300 people, a fully operational kitchen, bar, storage, and wheelchair accessible bathroom facilities for men and women. Dan and Cindy will not personally be preparing food in the kitchen, but it will be available for catered events. The bar area will not be stocked by the venue owners but is available for use by those renting the venue. They will provide their own beverages and servers. We will be responsible for maintenance of the facility, house, and surrounding property.

A gravel parking lot would also be added to the west of the new barn. It will allow for approximately 150 cars. We will pave at least 5 handicapped accessible spaces and a ramp or zero entry space for wheelchair access to the venue barn. For safety, the parking area will be lit by solar lighting placed in the landscaped areas of the parking lot.

Dan and Cindy will be the only full-time employees at the venue. Family members and/or friends will be there to help from time to time. During an event, we will need 2-4 people there to answer questions or help with parking. The venue and house will be open or available for tours by potential customers by appointment. We are expecting to host events on the weekends. Those that rent the property will have the option to rent for the day or weekend. All music by band or DJ will be turned off by 11pm.

There will be an approximate 5' x 5' sign at the end of the driveway. It will be made of stone or some sort of natural made product.

In case of an emergency, the venue barn will be equipped with interior and exterior back-up flood lights for safety. Fire extinguishers will be located in the kitchen and storage/furnace area. Fire exits will be available on 3 sides of the venue. Weather will be monitored using weather apps and anyone at the venue at times of dangerous weather will be directed to the house's basement, interior rooms or the storage room in the barn. We will set up a meeting with our local fire department or emergency management to acquaint them with the venue and receive input on our safety plan. During events, security will be hired to handle any problems that may arise. This will be required of renters. After speaking with local law enforcement, we will plan to use off duty officers for this purpose.

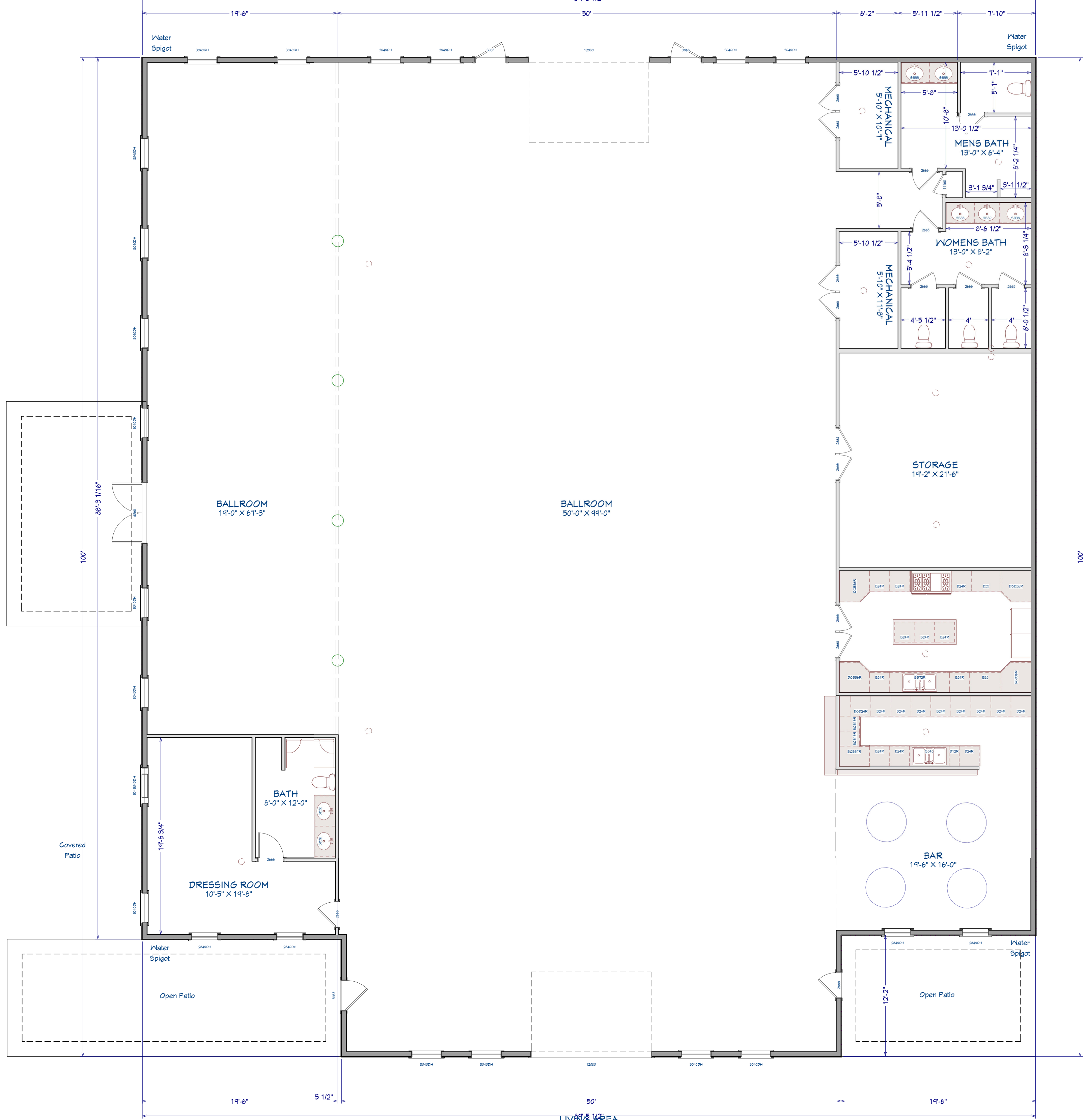
An additional septic system will be installed to accommodate the additional people using the venue barn during events. Additional water sources will not be needed.

As the new barn will be located in the middle of the parcel (57 acres m/l), we don't expect any change in peaceful surroundings to our neighbors. The additional noise during events will be kept to a minimum by distance and our time restraints for events. Additional traffic will not be noticeable. Tonganoxie Road is already somewhat busy, so our seasonal biweekly or weekly events will not noticeably affect the traffic.

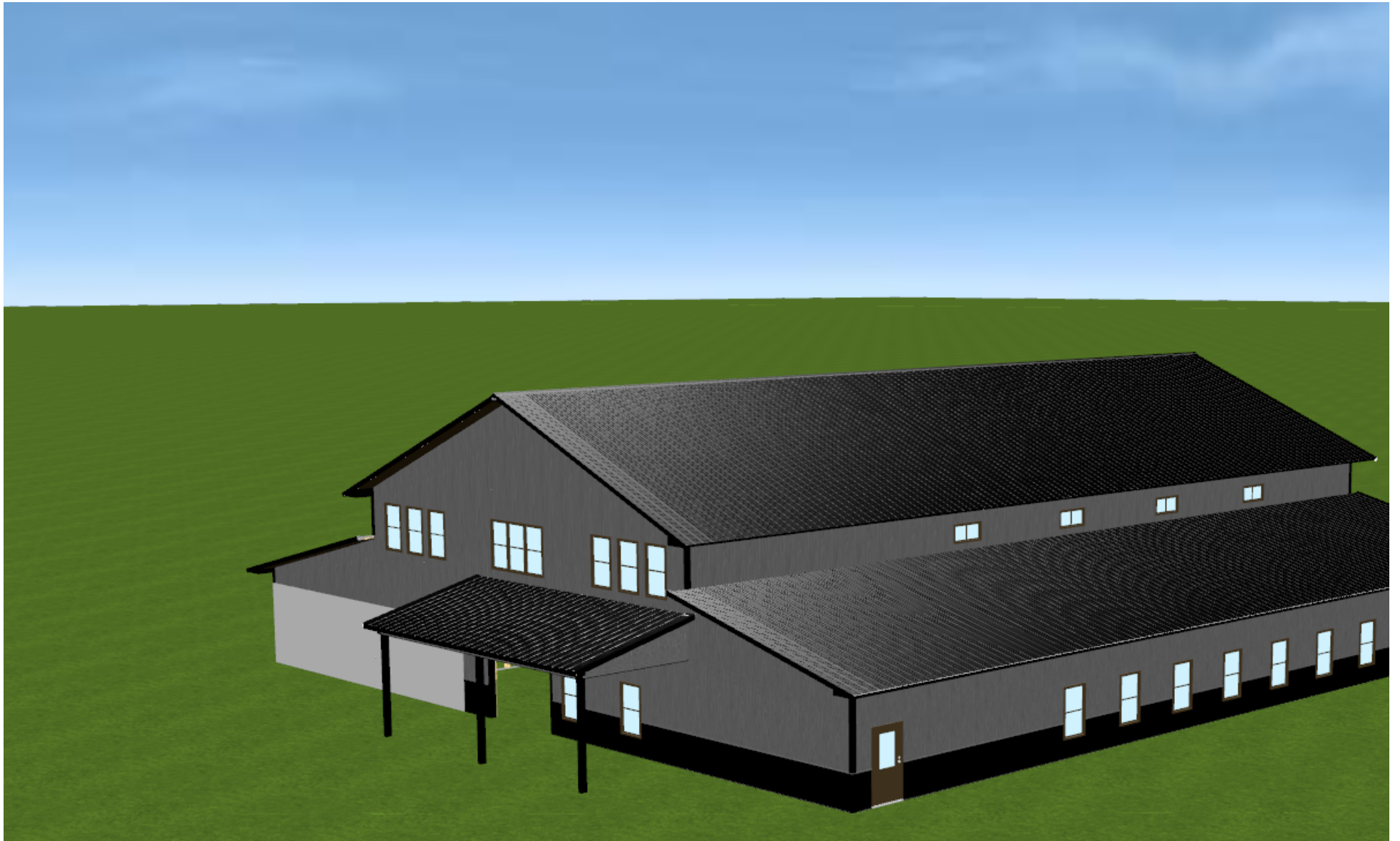
We are requesting the permit for 5 years. At that time, we would be able to revisit the uses for our space.

Thank you for your consideration.

Dan & Cindy Lynch
Orison, LLC



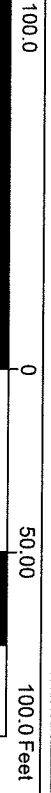
LIVING AREA
8474 SQ FT



Additional Information Requested:

1. We will have the venue available for rent during the week, but we don't expect this to be a normal occurrence. We may have a weekday event once per month. The majority of our events will be on weekends (Saturday/Sunday). Visitors will be entering the property for one main event.
2. The venue is expected to have an event per week. This estimate is, of course, based on seasonal demand. Fewer events during extreme cold and hot months is the industry norm.
3. After consideration, the parking lot will fit 180 cars to support guests and event staff. The bridal party will have access to the home on the property so they will park closer to the house. We will also have a fire lane next to the building to be used by emergency personnel.
4. The existing driveway to the north of the venue and home will be graveled to 20 ft wide to accommodate two-way traffic in and out of the main venue parking lot. We will not have a gate on that driveway.
5. The existing gate will remain open when the property is occupied.
6. Please see aerial maps of parking.

Leavenworth County, KS

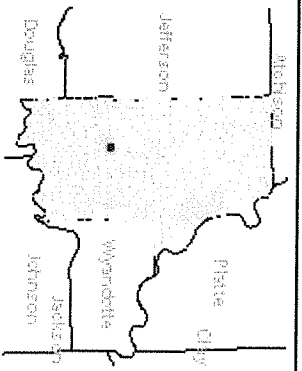


1 in. = 50ft.



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.

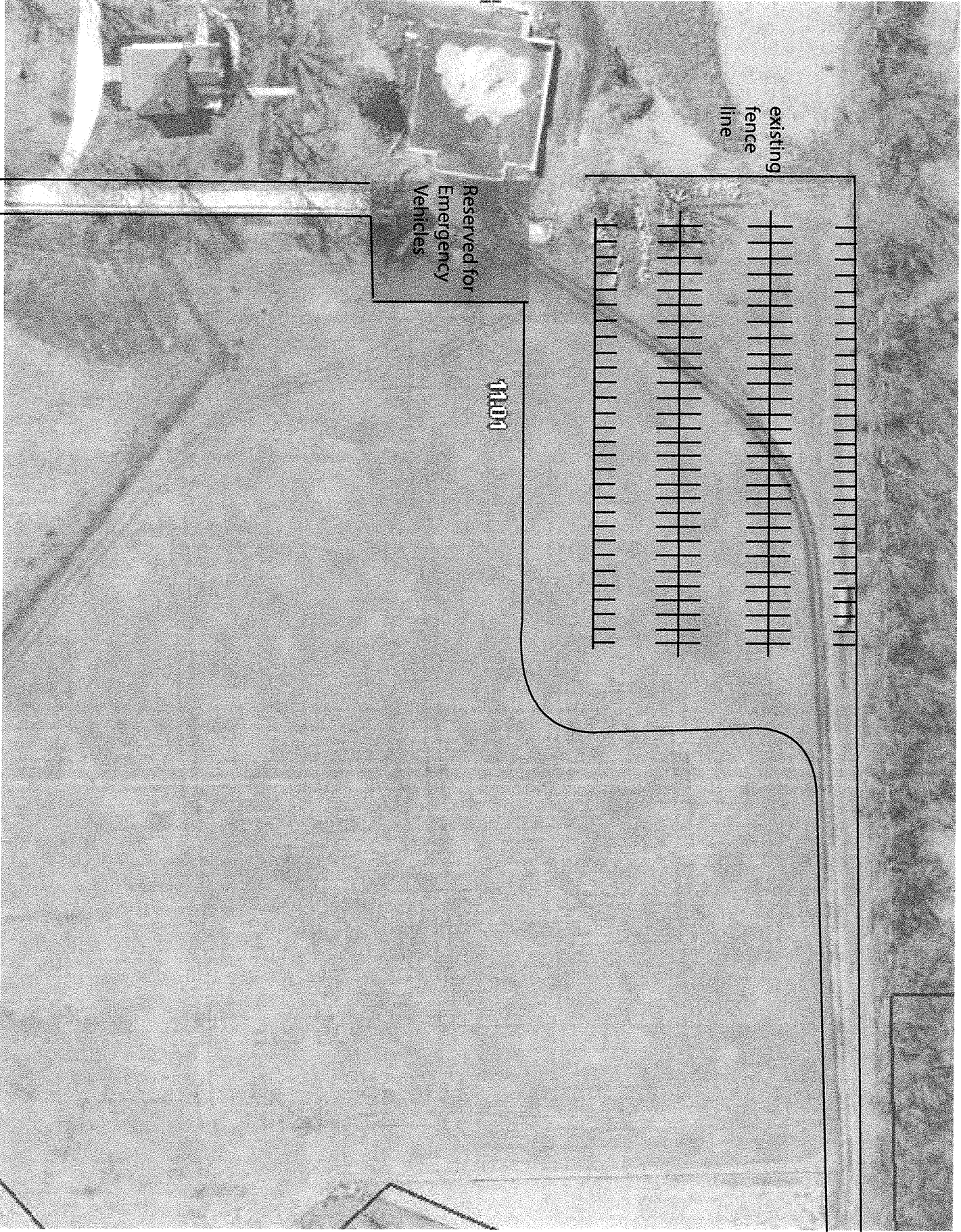
THIS MAP IS NOT TO BE USED FOR NAVIGATION



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

Notes

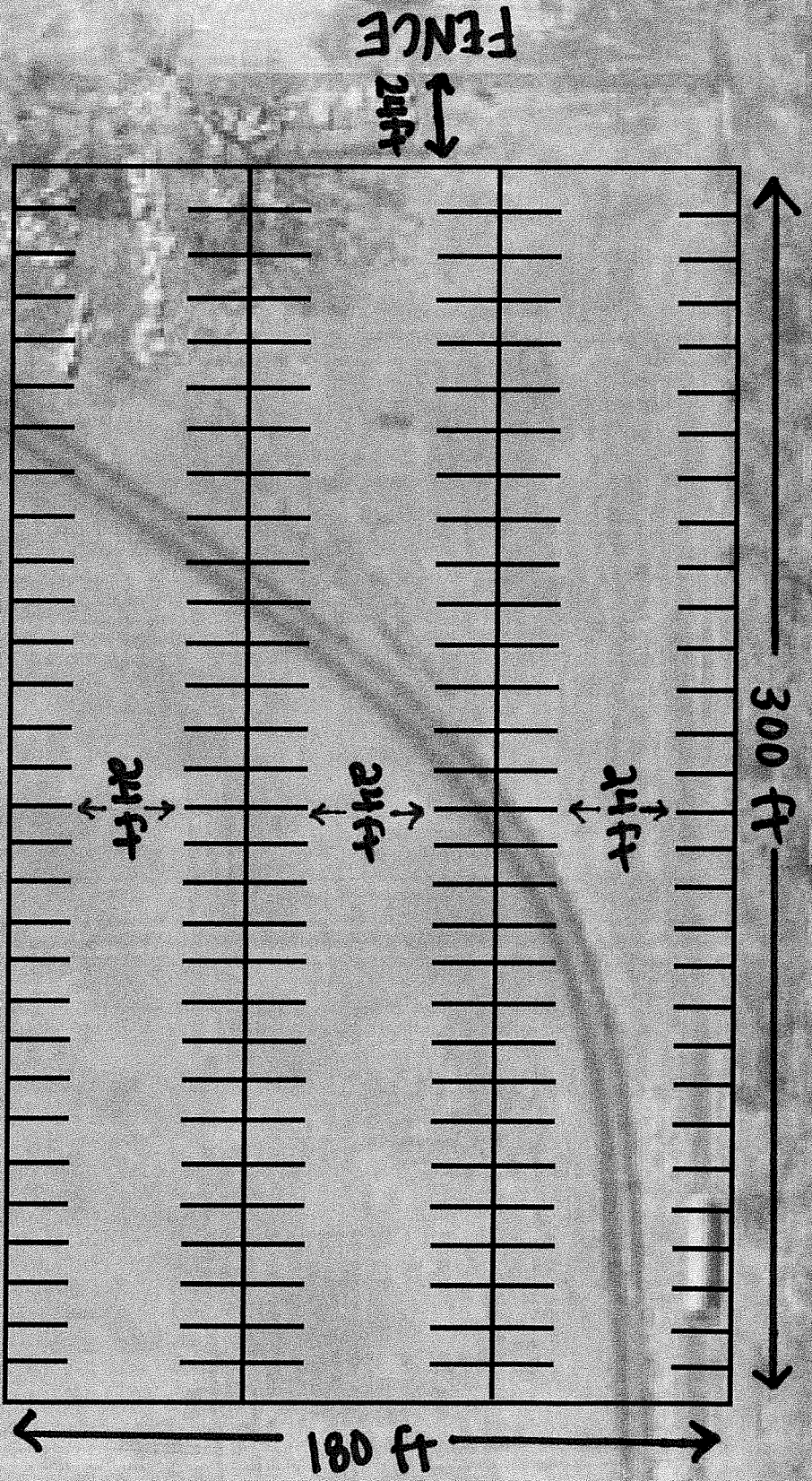
APPROX LOCATION / MEASUREMENTS



existing
fence
line

Reserved for
Emergency
Vehicles

01101



FENCE

PARKING SPACES
10ft wide
18ft long

1101

30 SPACES PER ROW
6 ROWS

180 PARKING SPACES TOTAL
ABOUT 1.24 ACRES
(54,000 sqft)



Ryan A. Samuelson P.E.
KS Lic #25493
312 SW Greenwich Dr Suite 529
Lee's Summit MO, 64082
(816) 728-2081

December 1, 2022

RE: Foundation Review
19051 Tonganoxie Dr
Tonganoxie, KS

Per written agreement, I reviewed the foundation 19051 Tonganoxie Dr, Tonganoxie, KS, to determine its structural condition and report deficiencies, and to recommend necessary improvements.

The building is a commercial building which faces generally south. The foundation of the building is constructed of concrete foundation walls and pole barn footers that forms a base foundation under the wood framed metal skin building. The roof is constructed of truss members in the ridge and engineered I-joist for the side eaves. There is a thickened slab approximately 5" thick for the interior slab which appears in good condition.

The foundation walls/footers of the building were found to be in serviceable condition, the building is new construction. The foundation walls all appeared to be plumb within acceptable limits and did not show any signs of excessive settlement, shifting, nor other movements.

The framing appears adequate for spans and the structure appears structurally stable, While the building is in finish construction phases it does appear to be meet 2006 building codes structurally. This cannot be considered design or guarantees of the structure, the visual observation and discussion of construction methods appear to meet and, in most cases, exceed minimum design tolerances.

I would recommend the owner maintain the following items in the future:

- Maintain grading around the foundation of the building per the attached specifications
 - Finish grade does not appear completed as construction is ongoing.
- Epoxy patch all cracks in the foundation walls per the attached specifications if they occur in the future.

The proposed maintenance is designed to retain strength of the foundation walls. The maintenance is not designed to, nor guaranteed to stop water seepage in the future. The owner of the property should be aware that the foundation will continue to age and the foundation walls are susceptible to pressures in the future which could create movements and require structural improvements at that time.

The owner should continue to monitor the foundation walls, and maintain the walls properly. Recent extreme dry weather has allowed several foundations in the area to settle. The owner should be certain to apply water near the foundation walls during dry weather to stop further settlement.

The grading around the building must be monitored in the future and the owner must provide for a positive slope away from the foundation. The owner must continue to keep the grade away from the foundation and thus reduce future pressures on the walls. The owner should

also begin a water maintenance program during the Spring and Summer to keep moisture content levels around the foundation consistent and avoid extreme dry or wet conditions.

It should be noted that this inspection did not attempt to examine for possible termite damage, water damage, or for structural components which are concealed from view by finish materials.

When making visual observations of a building, it is required that certain assumptions be made regarding the existing conditions. Because these assumptions may not be verifiable without expending added sums of money, or destroying adequate or serviceable portions of the building, the owner or recipient of this report agrees that, except for negligence on the part of the engineer, we will be held harmless, indemnified and defended from and against all claims arising out of the services provided by this report.

The structural soundness of the building is not a guarantee against water or future damage to the building. As with any foundation changing conditions in the soil, drainage patterns, extreme weather conditions, or other factors can create damage. The owner of the building must continue to monitor the foundation throughout its life and provide for preventative and general maintenance as it is needed. If any questions arise about the condition of the foundation the owner should have it re-inspected as soon as possible.

A copy of the agreement has been attached to the report. The agreement must be properly initialed and signed for the report to be valid. The agreement must be initialed to reject the exhaustive inspection, agree to limits of liability, and agree to an arbitration clause. The contract must also be signed and dated.

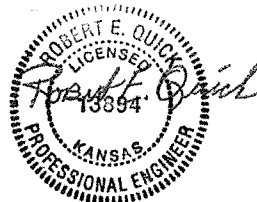
Without exception, this report will expire 180 days from the date of issuance. Any reliance by the named client after the expiration date of the report will be done at their own risk. The report may not be used by any third party.

If you have any specific questions concerning the foundation, please give me a call.

Very truly yours,

Ryan Adam Samuelson, P.E.
Robert E. Quick, P.E.

President



Royal Engineering Partners

312 SW Greenwich Dr Suite 529
Lee's Summit MO, 64082
(816) 728-2081

Crack Repair

Crack repair methods to add strength and water proofing using an epoxy.

Preparation:

Mechanically open cracks to a depth that allows removal of weakened concrete due to movement of the wall, leaving strong clean dry concrete surface that will allow penetration of the epoxy in an existing wall. Torch dry as needed air blow cracks to clean epoxy.

Application:

The epoxy application shall use only 100% solids. Heat cure of two part epoxy. Any patch material using water will not add strength to the wall. Brush all crack surfaces with epoxy liquid and allow five minutes for absorption. Trowel epoxy mortar using crushed and sieved flint with liquid epoxy to make the mortar full depth leaving a smooth surface. Use Sinmast epoxy mortar or equivalent to provide a cure strength equal to 5 times that of 3000 psi concrete.

Grading Improvements

Final grading around the foundation of the building should provide a minimum of 6" of slope in the first 6' directly away from the foundation. The grade should provide for a easy flow of surface water away from the foundation and off the property. When necessary the owner should use french drains or other mechanical means to remove excess water.

The final grade within 3' of the foundation walls should be covered with rubberoid or another impervious material to stop water penetration and direct water away from the foundation. All downspouts and splash blocks must extend away from the foundation and be kept operational by the owner.

INSPECTION AGREEMENT & DISCLAIMER

Property Inspected:

Client:	Inspected By: Ryan A. Samuelson P.E.
Phone:	Inspector Telephone Number: (816) 728-2081

Reports are based on the standards of performance and code of ethics established by the American Society of Civil Engineers. The inspection is essentially visual, is not technically exhaustive, and does not imply that every defect will be discovered. Latent defects or defects detectable only by invasive means are not addressed. The inspection covers only the items listed on the report for function and safety, not for code compliance. The inspection is not an environmental assessment of the site or building (radon, asbestos, pesticides, etc.) and those items not listed should not be considered inspected. Always check our opinions with specialists, prior to closing. Problems or areas of concern may be more extensive upon investigation by a specialist. **This report is intended for the sole use of the client (named above) and is not to be relied upon or shared in anyway with third parties.** NO EXPRESSED WARRANTY IS GIVEN CONCERNING THE BUILDING(S) AND EQUIPMENT FOR THEIR FUTURE USEFULNESS. Client or agent authorization of the inspection of the property constitutes acceptance of this agreement of the inspection and the inspection fees and authorizes Royal Engineers Consultants, Inc, and its representatives to disclose information, within the reports, to sellers, agents, lenders, and insurers intimate to this transaction for the purposes of clarification or facilitation of repairs. Areas/Items not in the report or stated not observed/not applicable were not inspected, inaccessible, or otherwise totally disclaimed.

NO DESTRUCTIVE TESTING OF ANY KIND WILL BE PERFORMED. This includes water hose flood testing, chimney smoke test, heat exchanger gas tests, etc. Exceptions to the above with prior arrangement and permission from the property owners, These are exception tests and an appropriate quote will be given.

You have the right to a technologically exhaustive inspection of the property you are purchasing. This type of inspection requires 3 appointments including today's session. Other experts will be called in for additional analysis. Delivery of the finished report will be within 14 working days. Cost for this inspection will be \$3,000. Initial here to reject this additional service. _____ (Initial)

**** ARBITRATION CLAUSE ****

Any dispute, controversy, interpretation or claim including claims for, but not limited to, breach of contract, any form of negligence, fraud or misrepresentation, arising out of, from or related to, this contract or arising out of, from or related to the inspection or inspection report shall be submitted to final and **BINDING** arbitration under the Rules and Procedures of the Expedited Arbitration of Building Inspection Disputes of Construction Arbitration Services, Inc. The decision of the Arbitrator appointed there under shall be final and binding and judgment on the award may be entered in any Court of Competent jurisdiction.

To the extent allowed by law, it is understood and agreed by and between the parties hereto that the Engineers's/Engineering Company's and its officers', agents' or employees **LIMITATION OF LIABILITY** for errors or omissions in the inspection report is limited and fixed to a refund of the fee paid for the inspection and inspection report.

The fee for this inspection is: \$225.00 (Initial)X_____

Any legal action or proceeding of any kind, including those sounding in tort or contract, against the engineer/engineering company's and its officers', agents' or employees must be brought within one (1) year from the date of the inspection or will be deemed waived and forever barred. Time is expressly of the essence herein.X_____ (Initial)

OUR FEES FOR THIS REPORT DO NOT INCLUDE CHECKING OR PERFORMING TESTS FOR THE FOLLOWING ITEMS OR CONDITION UNLESS OTHERWISE SPECIFICALLY INCLUDED IN WRITING:

1. Water/air quality. Toxic or allergic substances. **Asbestos, Radon, Pesticides, Urea Formaldehyde, etc.**
2. Items or condition which cannot be seen or which require disassembly or removal:
3. Inaccessible areas or areas likely to pose a hazard to the engineer.
4. Defects beneath or behind wall or floor coverings, etc.

THE FOLLOWING POTENTIALS/TESTS/INSPECTION/OPINIONS ARE NOT INCLUDED WITH THIS INSPECTION BUT ARE RECOMMENDED FOR A MORE ACCURATE ASSESSMENT OF A PRCHASE RISK. AN APPROPRIATE SPECIALIST SHOULD BE CONSULTED.

Geologic, site and soil analysis, slide, tremor, wind, flood, noise (cars, planes, etc.)
Underground piping or utilities or location, impediments, electrical fields, septic systems, water wells, etc.
Easements, covenants, restrictions, right of ways, etc. By City, Community, or Buildings Association.
Conformance to statutes, laws, codes, regulations, occupancy, suitability for a specific use, other property influences, etc.
Structural/durability analysis, wood destroying insects, pests, etc.
Water leakage and drainage test of any type. Roof, siding, outside faucets, underground & site drainage, etc.
Land, boundary surveys, site hazards, insurability, development potential, etc.
Expert Analysis: Electrical, heating/air conditioning, plumbing, waterproof, roofing, siding, glazing, painting, plastering/masonry, swimming pool, hot tub, security, fire protections, etc.

TIME IS MONEY

Return trips and re-inspections, follow-up reports and interpretations will be payable at the rate of \$150.00/hr (1 hour min.)

DEFINITION OF TERMS

GOOD – The term Good implies that the inspector has determined that the referenced item is either in better than expected condition or that the item is new or near new condition.
SATISFACTORY – The term Satisfactory implies that the inspector has determined that the referenced item is in functional condition or that the item is performing as intended. This term is relative to its age and current usage.
ATTENTION NEEDED – The Attention Needed implies that the referenced item needs some minor repairs or adjustment so that it will function as intended. This term takes into consideration the items age and current usage.
ACTION NECESSARY – The term Action Necessary implies that in order for the referenced item to perform as intended repair or replacement of some part of all of the item will be necessary. This term takes into consideration the items age and current usage.

By affixing my signature to this document, I acknowledge that I have read and understand the document and I agree to its terms and conditions.

 X

Client/Agent

Date

Allison, Amy

From: Cindy Lynch <dcryry@gmail.com>
Sent: Thursday, December 15, 2022 1:57 PM
To: Allison, Amy
Subject: Re: Whiskey Ridge Event Center

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.

Hi Amy,

To answer the questions requiring attention:

3. On a large wedding weekend we could expect 300 guests = 150 cars @ 2 persons per car. (150 in/ 150 out). We may have approximately 10 vender/staff vehicles. Assuming they will all arrive 1 per car (10 in/ 10 out) = 20 total. Approximately 320 trips in or out could be expected on large event days. This will not be a continuous flow of traffic throughout the day, but people arriving for a particular event and leaving when it's over.

4. We will get a report from a licensed engineer.

For the Public Work Comments:

1. The signs we will obtain will be small (2' x 3') and out of line of sight for drivers pulling into or out of either venue driveway.

Any other questions, please don't hesitate to ask.

Thank You,

On Thu, Dec 15, 2022 at 10:30 AM Voth, Krystal <KVoth@leavenworthcounty.gov> wrote:

Mrs. Lynch,

Good morning. Attached are a couple of outstanding comments from Mitch (engineering). I have cc'd Amy Allison on this email, as she will be taking over this case. If you have any questions, please direct them to Amy. Thank you and have a Merry Christmas!

Respectfully,

Sight Distance Check

The sight distance for the entrance to a proposed event center located at 19051 TONGANOXIE DR, Tonganoxie, KS 66086 was checked for conformance to AASHTO standards.

The entrance will be located on the west side of Tonganoxie Drive north of Laming Road. Tonganoxie Drive is classified as an arterial roadway with a posted speed limit of 55 mph.

A site visit was conducted on January 4, 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 Tonganoxie Drive have an unobstructed view that extends south past Laming Road. For vehicles turning to the right, the view is unobstructed to the E Sycamore Street intersection.

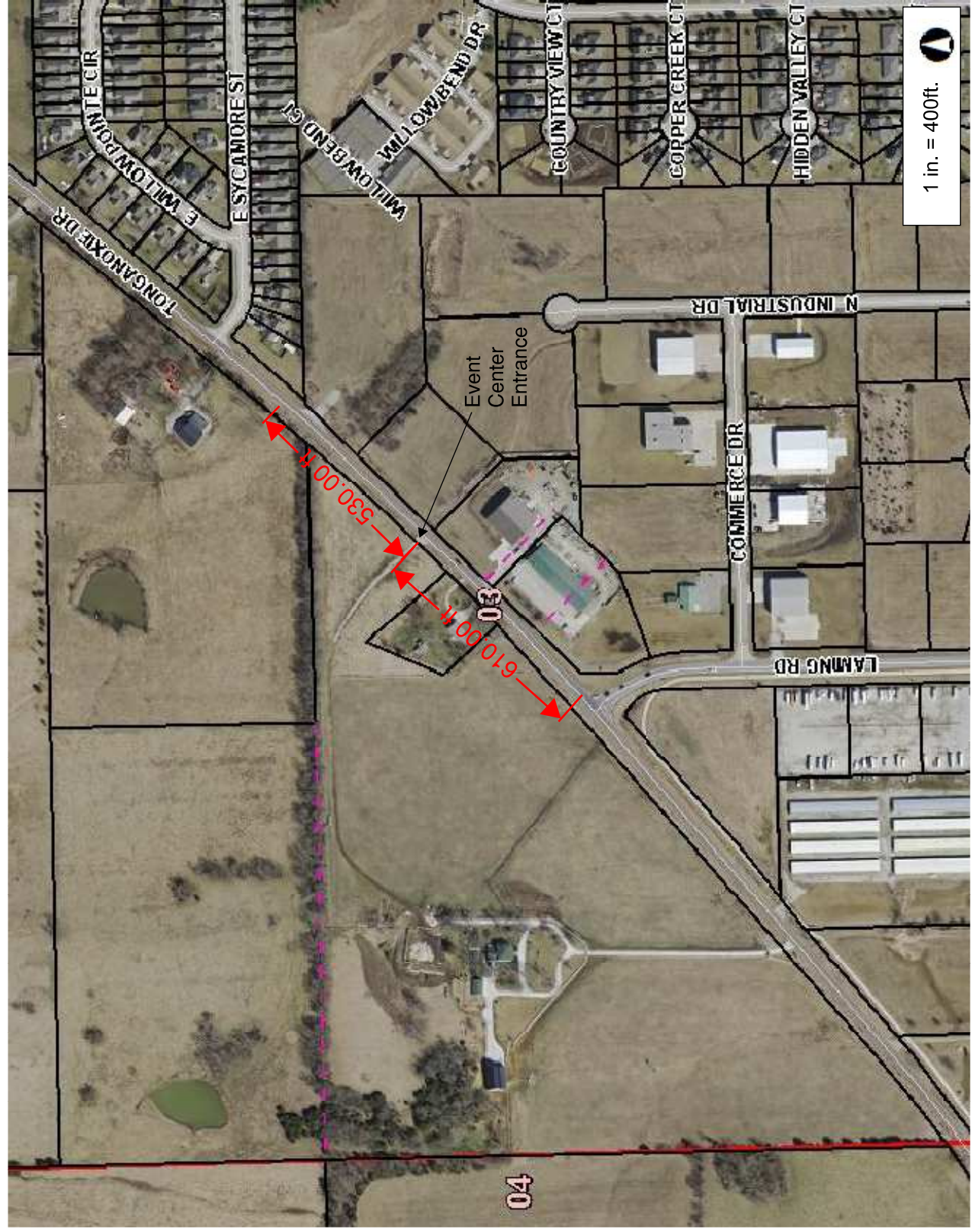


Leavenworth County, KS



- Legend**
- Lot Line
 - Parcel
 - Major Road
 - <all other values>
 - 70
 - Road
 - Railroad
 - Section
 - Section Boundaries
 - County Boundary

Notes



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.

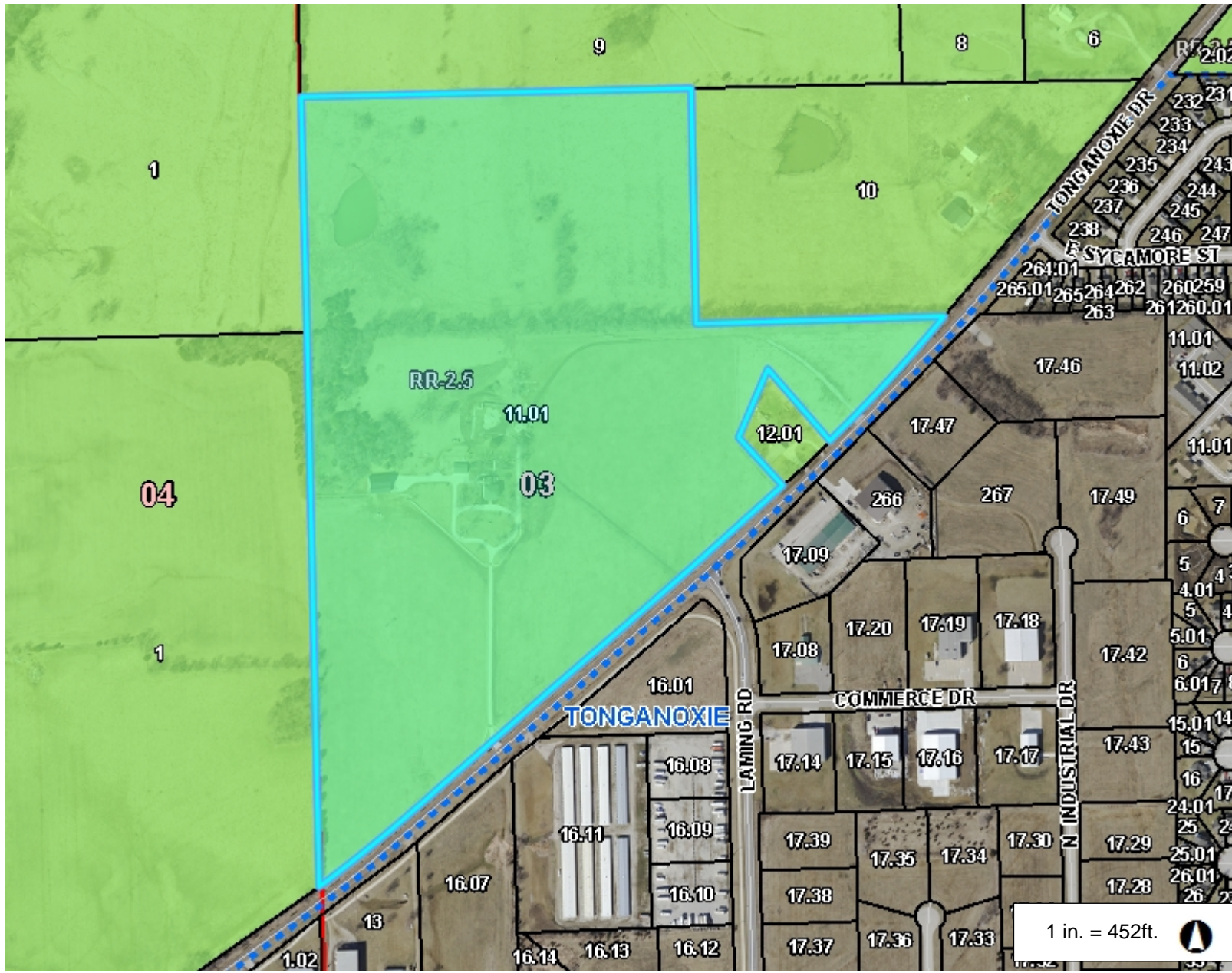
THIS MAP IS NOT TO BE USED FOR NAVIGATION





Laming Rd

DEV-22-155 Whiskey Ridge Event Center



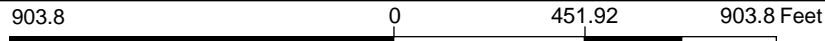
Legend

- Parcel Number
- 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
- PUD
- R-1

Notes

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.

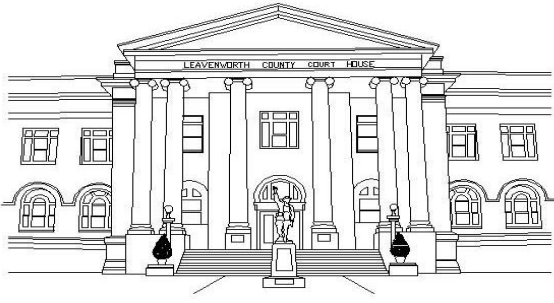
THIS MAP IS NOT TO BE USED FOR NAVIGATION



1 in. = 452ft.

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



COUNTY OF LEAVENWORTH

Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

January 5, 2023

Whiskey Ridge SUP DEV-22-155 – Public Works Review

The Public Works Department have reviewed the following documents:

- 2022.11.10 SUP Application.
- 2022.11.10 Narrative.
- 2022.12.06 Additional SUP information to the County
- 2022.12.06 Parking Diagram
- 2022.12.15 Application Response
- 2023.01.05 Sight Distance Memo

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

Tonganoxie Rd. is a two-lane hard surfaced roadway.

County has reported the barn has been constructed under a separate permit.

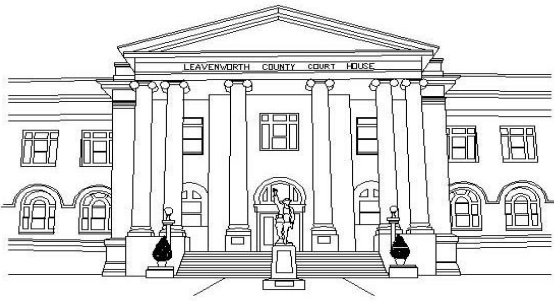
Comment Responses:

1. Olsson Comment (11.18.22): From the application, the venue can be rented for the day or weekend. Clarify if a weekend rental is expected to be like a conference/event where visitors are in and out often or is this (for example) a wedding party renting with one main event. Is traffic limited to an event or continual traffic to/from the site?

Applicant Response (12.06.22): We will have the venue available for rent during the week, but we don't expect this to be a normal occurrence. We may have a weekday event once per month. The majority of our events will be on weekends (Saturday/Sunday). Visitors will be entering the property for one main event.

Olsson Response (12.12.22): No further comment.

2. Olsson Comment (11.18.22): How many events are estimated per week? Are events expected during the weekday, specifically during the PM traffic peak hour (traffic entering/exiting between 4-6PM)?



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Applicant Response (12.06.22): We will have the venue available for rent during the week, but we don't expect this to be a normal occurrence. We may have a weekday event once per month. The majority of our events will be on weekends (Saturday/Sunday). Visitors will be entering the property for one main event. The venue is expected to have an event per week. This estimate is, of course, based on seasonal demand. Fewer events during extreme cold and hot months is the industry norm.

Olsson Response (12.12.22): No further comment.

3. Olsson Comment (11.18.22): Confirm expected trips. If the parking lot can support 150 vehicles, then expected trips would be 300 (150 in / 150 out). Confirm the assumed rider per vehicle, if the barn capacity is 300 people with 150 parking stalls, the narrative indicates 2 person per vehicle. Additionally consider support trips (event staff, catering, trash, and etc.). Support trips could involve commercial vehicles.

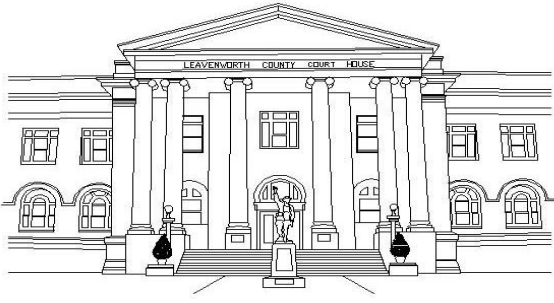
Applicant Response (12.06.22): After consideration, the parking lot will fit 180 cars to support guests and event staff. The bridal party will have access to the home on the property so they will park closer to the house. We will also have a fire lane next to the building to be used by emergency personnel.

Olsson Response (12.12.22): Applicant to provide an estimate of total number of trips (entering and exiting) expected for an event. Include the assumed riders per vehicle in the narrative. Define the estimated support vehicle trips including commercial vehicles. (ie - 100 person event center, 2 event attendees per vehicle = 50 entering/50 exiting = 100 total trips. 20 vendors/staff, 1 vendor/staff per vehicle = 20 entering/20 exiting = 40 trips. Total trips of 140)

Applicant Response (12.15.22): On a large wedding weekend we could expect 300 guests = 150 cars @ 2 persons per car. (150 in/ 150 out). We may have approximately 10 vender/staff vehicles. Assuming they will all arrive 1 per car (10 in/ 10 out) = 20 total. Approximately 320 trips in or out could be expected on large event days. This will not be a continuous flow of traffic throughout the day, but people arriving for a particular event and leaving when it's over.

Olsson Response (01.05.23): No further comment.

4. Olsson Comment (11.18.22): Confirm the drive width and approach apron to the public road. The drive appears to be 12 ft wide and would support one direction of travel. In a conference type event where traffic can be continual to/from the site, how will traffic from the barn to the public road be



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managed? The drive from the public road narrows quickly which doesn't allow for vehicles to queue on the driveway if a vehicle is approaching from the barn.

Applicant Response (12.06.22): The existing driveway to the north of the venue and home will be graveled to 20 ft wide to accommodate two-way traffic in and out of the main venue parking lot. We will not have a gate on that driveway.

Olsson Response (12.12.22): Event driveway was moved to a different entrance to the property. Applicant will have no gate at the entrance. 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.

Applicant Response (01.05.2023): Applicant submitted sight distance memo sealed by a Kansas Professional Engineer.

Olsson Response (01.05.2023): No further comment.

5. Olsson Comment (11.18.22): It appears the property is gated. Is there any guidance from fire/emergency services regarding how the gate should operate during an event.

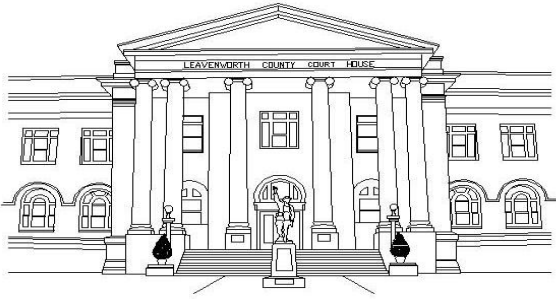
Applicant Response (12.06.22): The existing gate will remain open when the property is occupied.

Olsson Response (12.12.22): Event driveway was moved to a different entrance to the property. Applicant will have no gate at the entrance. Entrance with gate at original location will remain open when property is occupied. No further comment.

6. Olsson Comment (11.18.22): Provide a layout of planned onsite parking. Layout should include a scale of parking area for guests. Layout should include appropriate stall sizes for all types of vehicles and drive aisles to/from parking to the public roadway. Layout can be on a LVCO GIS aerial map. Typically parking stalls are 20 ft x 10 ft and parking lot aisles widths are 24 ft wide.

Applicant Response (12.06.22): Please see aerial maps of parking.

Olsson Response (12.18.22): No further comment.



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Public Work Comments:

1. Application states a proposed sign. Any signage should be placed such that it does not restrict sight distance for the drive. Sign permit shall be obtained prior to construction of the sign (if required).
2. Recommended condition to the SUP: Existing gate to be open when property is being utilized for an allowed special use.

Voth, Krystal

From: Rural Water District 9 lvrwd9 <lvrwd9@gmail.com>
Sent: Thursday, November 17, 2022 1:47 PM
To: Voth, Krystal
Subject: Re: DEV-22-155 SUP Request for Whiskey Ridge Event Center

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Krystal, in response to DEV-22-155 Whiskey Ridge Event Center

Rural Water District 9 is unable to support fire flow to this location with the existing water supply facilities. A 2-inch PVC pipeline currently serves this property. Fire flows of 500 gpm could be provided following the construction of approximately 4,000 feet of 8-inch pipe that would be at the expense of the owner. Alternatively, the property owner could fill a large storage tank at a slow rate over several days, to be utilized for the required fire flow volume. This storage tank would need to be isolated from the water district pipeline through a reduced pressure zone (RPZ) backflow preventer. The cost of the storage tank, backflow preventer, and pumping (if needed) would be at the cost of the landowner; and would be owned and operated by the landowner.

On Thu, Nov 10, 2022 at 9:42 AM Voth, Krystal <KVoth@leavenworthcounty.gov> wrote:

Good morning. We have received an application for an event center located at 19051 Tonganoxie Drive. The BOCC approved this request in 2020. However, the applicant did not provide all necessary items and did not begin building until this year. Therefore, the permit expired and a new SUP is required. Please review the provided documents and provide any comments/concerns by Wednesday, November 23, 2022. If you have any questions, please do not hesitate to reach out.

Staff specifically has the following questions:

1. Is this building required to meet State Fire Code?
 - a. If so, what documentation will be required to prove the code is being met
2. Can the water district provide enough water for fire hydrants/sprinkler system?

Respectfully,

Krystal A. Voth, CFM

Director

Planning & Zoning

Leavenworth County

MEMO

To: Krystal Voth
From: Chuck Magaha
Subject: Event Center Whiskey Ridge
Date: January 6, 2023

Krystal, thank you for the opportunity in review the recent special use permit submitted by Dan and Cindy Lynch for an event center on their property. The suggestion I have would be the requirement of a contingent plan for the applicant in all hazard planning pertaining to their facility. The center would be responsible to provide safe shelter in the event of dangerous weather or other emergencies as they have provided some details of the location in the existing site. The applicant needs to consider fire protection, IE. Escape routes posted, notification procedures and emergency contacts to be posted throughout the facilities. The applicant needs to be able to address the public during severe weather, sheltering in the event of tornados or high winds or flood. An all hazard weather radio needs to be placed in the facility and monitored for impending alerts that may affect the area. Smoke detectors placed throughout the gathering points of the center. A sign posted on the outside of the facility of emergency contacts for emergency responders to make contact if the applicant is not present during the emergency. I would like to see a Fire Hydrant placed at the base of the land owners driveway along Tonganoxie Drive for fire suppression on a 6" water line. I have no further comments to make at this time.

Allison, Amy

From: Voth, Krystal
Sent: Monday, December 5, 2022 3:23 PM
To: Allison, Amy
Subject: FW: Letter please

From: Mark Billquist <stfdchief1760@gmail.com>
Sent: Sunday, November 27, 2022 11:54 AM
To: Voth, Krystal <KVoth@leavenworthcounty.gov>; Voth, Krystal <KVoth@leavenworthcounty.org>
Cc: Cindy Lynch <dcrory@gmail.com>; Jordyn Lynch <jordynlynch05@gmail.com>; Dan Lynch <danlynch@lynchresidential.com>; Bert Dunham <dunham4bert@gmail.com>
Subject: Re: Letter please

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Krystal,

Stranger Township Assistant Chief Bert Dunham and I met with Dan Lynch and his wife on Friday, November 25 at the Whiskey Ridge facility that is under construction near Tonganoxie. It is an impressive facility that Dan and his wife have put a large amount of thought and planning into as far as access and safety. I am providing my opinion as the Stranger Township Fire Chief who will be responding to any incident at this facility.

After some research, I believe that this facility can be classified as a Group A-3, Assembly Occupancy which the International Building Code states that an automatic sprinkler system shall be provided for all fire areas of Group A-3 occupancies where one of the following conditions exists:

- 1) The fire area exceeds 12,000 square feet,
- 2) The fire area has an occupant load of 300 or more, or
- 3) The fire area is located on a floor other than a level of exit discharge serving such occupancies.

The Whiskey Ridge facility has a main ballroom area of about 10,000 square feet and has up to seven exit discharge openings. I don't believe that the added requirement of a sprinkler system is required. I would recommend, but not require, a sprinkler system be installed but understand the financial burden this would cause.

The Leavenworth County Commissioners did not provide for a building inspector when they adopted the building codes nor have I seen where inspection duties had been tasked to the Kansas State Fire Marshal, who typically inspect only school and health care facilities. Mr. Lynch wants the property to be safe for people to use but also does not want to be unfairly pushed to do things others have not been made to do. The water districts have been resistant to installing fire hydrants in the past. It seems that we need to create a solution that allows the accommodation of the safety of the patrons and yet allow the venue to operate as others have been able to do in Leavenworth County. Dan is willing to add a fire lane that will allow for emergency vehicles to approach the building without impeding access.

I have suggested Dan focus on notification, exit egress, and fire department access to provide the best compromise for the safety of the future patrons of the facility. He has said that he will have the building built with all the smoke detectors, fire exit lighting, and emergency lighting necessary to ensure the safety of his patrons. I expect that your

office will also require documentation from a licensed engineer or architect confirming the building meets or exceeds the 2006 International Building Code.

Let me know if you have any additional questions or concerns.

Mark Billquist

Stranger Township Fire Chief

Midwest Regional Treasurer 10-33 Foundation

[913-369-0510](tel:913-369-0510) mobile

stfdchief1760@gmail.com

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

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

January 11, 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

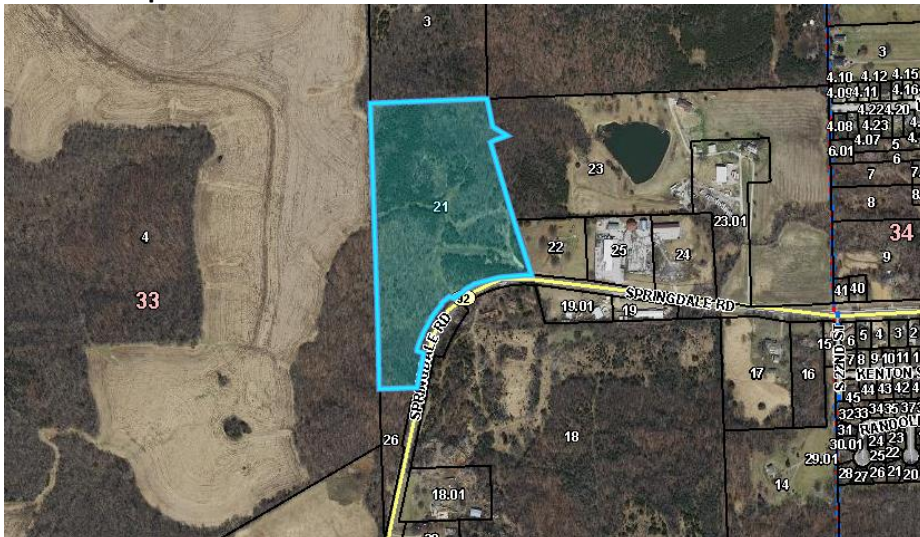
BUILDINGS:
N/A

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
<p>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></p> <p><i>Nearby City Limits: The City of Leavenworth is approximately 1300 ft to the north and east of the property.</i></p>	✓	
<p>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></p> <p><i>Adjacent Zoning: Adjacent properties are zoned RR-2.5 and B-3.</i></p>	✓	
<p>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></p>	✓ (see Condition 13)	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</p> <p><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></p> <p><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></p> <p><i>Lighting: No lighting is proposed with this request.</i></p> <p><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></p> <p><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></p> <p><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></p> <p><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>	✓ ✓ ✓ ✓ ✓	

<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>✓</p> <p>✓</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>✓</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>✓</p>	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: Mixed Residential</i></p>		<p>✓</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.

STAFF RECOMMENDED CONDITIONS:

1. Hours of operation shall be limited to the hours of 7:00 AM until 6:00 PM, Monday through Saturday. The site shall only be used from April to November.
2. The SUP shall be limited to one (1) full-time employees and eight (8) off-site employees.
3. The number of trucks to the site shall be limited to eight (8) per day.
4. The applicant shall submit an approved NOI and SWPPP prior to any work occurring on the property.
5. 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.

6. 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.
7. No on-street parking shall be allowed.
8. No storage of inoperable vehicles shall be allowed.
9. Any noise generated from the proposed business shall be limited to 60 dB, as measured from the property line.
10. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured from the property line.
11. A 20-foot screening buffer shall be installed and maintained, either through brush/trees or a seeded berm, along all property lines.
12. No vegetation from off-site can be stored or burned on the premises.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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
18. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
19. 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

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

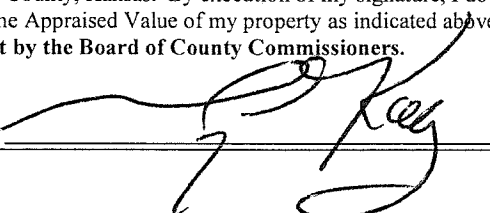
Proposed Special Use Fill Side/Borrow Area

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.

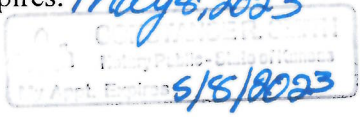

Greg D. Kaaz
 Owner **President**

 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.

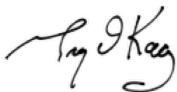
A portable toilet will be provided onsite for use by employees when they are working.

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.

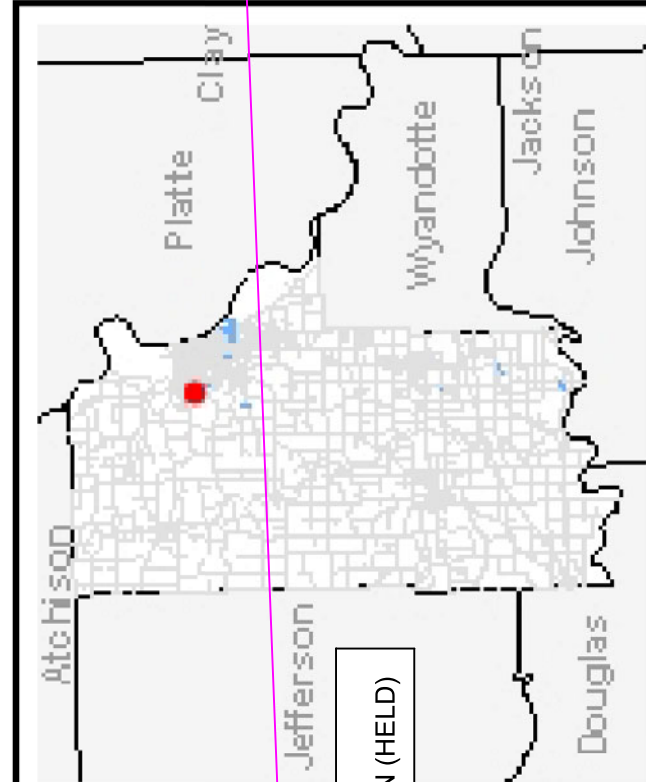
The \$400 application fee will be mailed to Leavenworth Planning and Zoning. If you have any questions, please contact me.

Thanks,



Greg D. Kaaz, President

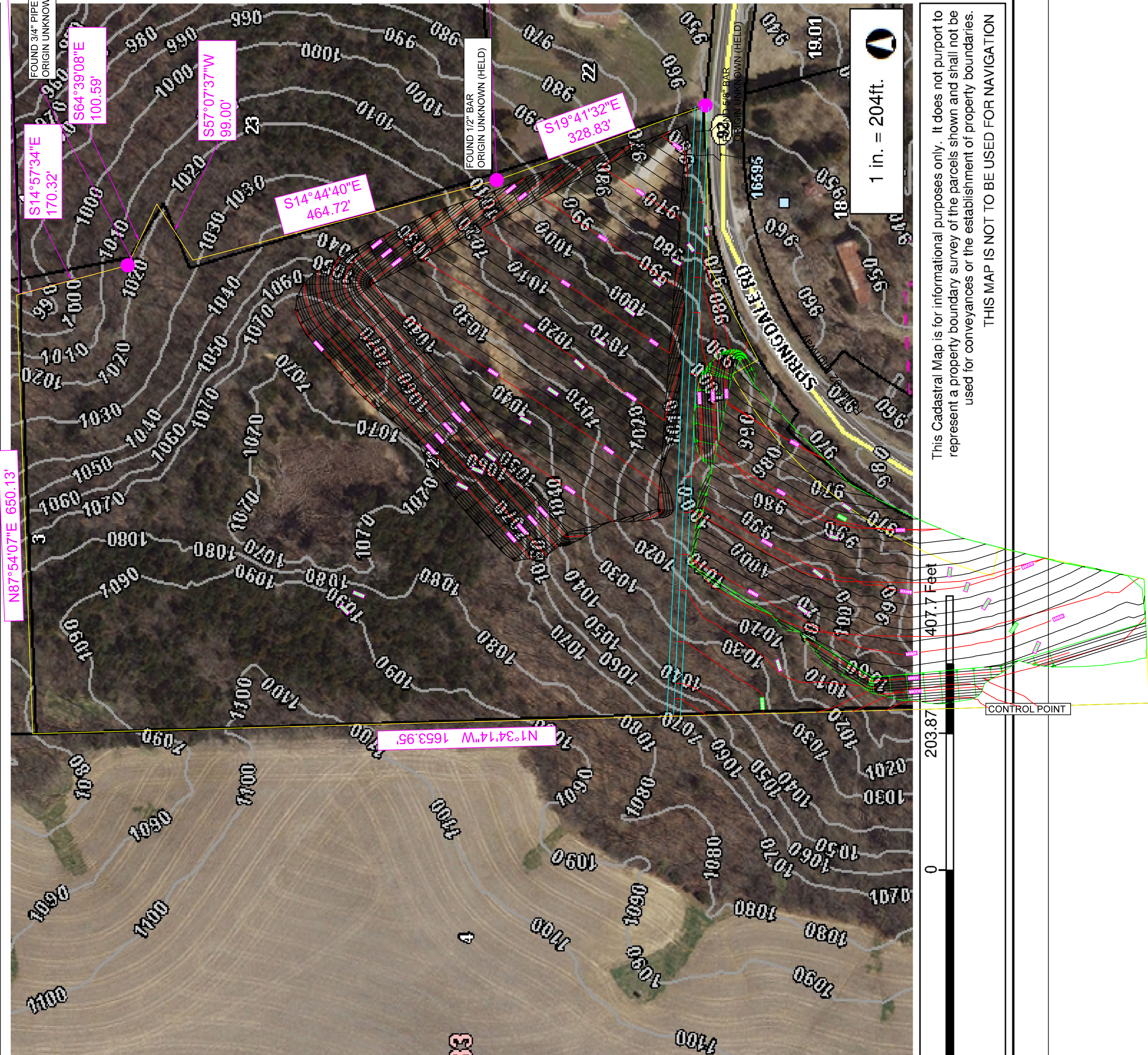
Leavenworth County, KS



Legend

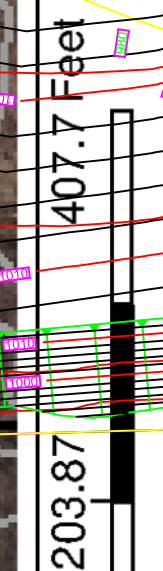
- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Contour
- Section
- Section Boundaries
- County Boundary

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



CONTROL POINT

← North

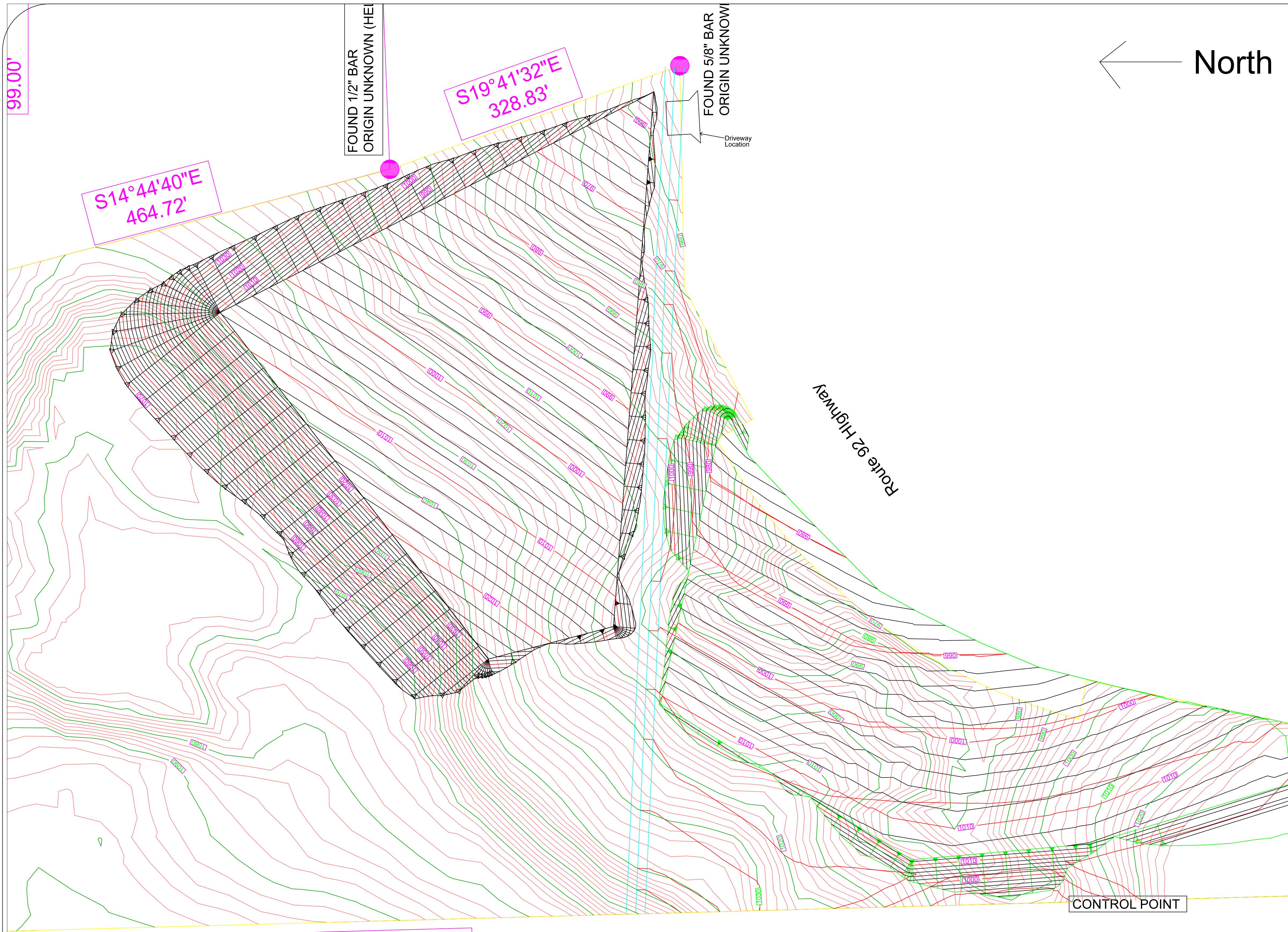
General Notes

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'	



← 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	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 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.

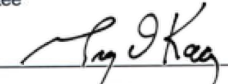
13.1 The Secretary (or City) reserves the right to require Permittee to place certain gates or other infrastructure, as set forth in the *KDOT Access Management Policy*, across the Facility the Secretary (or City) deems inactive. In no event shall the Permittee block or otherwise impede the Facility 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>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>Owner/Agent of the Owner Greg Kaas</p>	<p>The City of (when applicable) No City Required</p>
<p>Street Address 5037 S. 4th</p>	<p>City Representative</p>
<p>City, State, Zip Leavenworth KS 66048</p>	<p><input type="checkbox"/> Mayor <input type="checkbox"/> City Manager <input type="checkbox"/> City Engineer</p>
<p>Permittee By: </p> <p><input type="checkbox"/> Owner <input checked="" type="checkbox"/> Agent of the Owner</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 <input type="checkbox"/></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</p> <p>District Engineer or Designee</p>
	<p>For KDOT Use Only Permit Approval Date : _____</p> <p>By: _____ KDOT Representative (Please Print)</p>

**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:

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.)

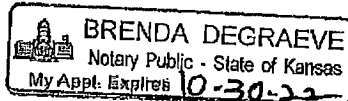
Dated this 9th day of October A.D. 2020

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

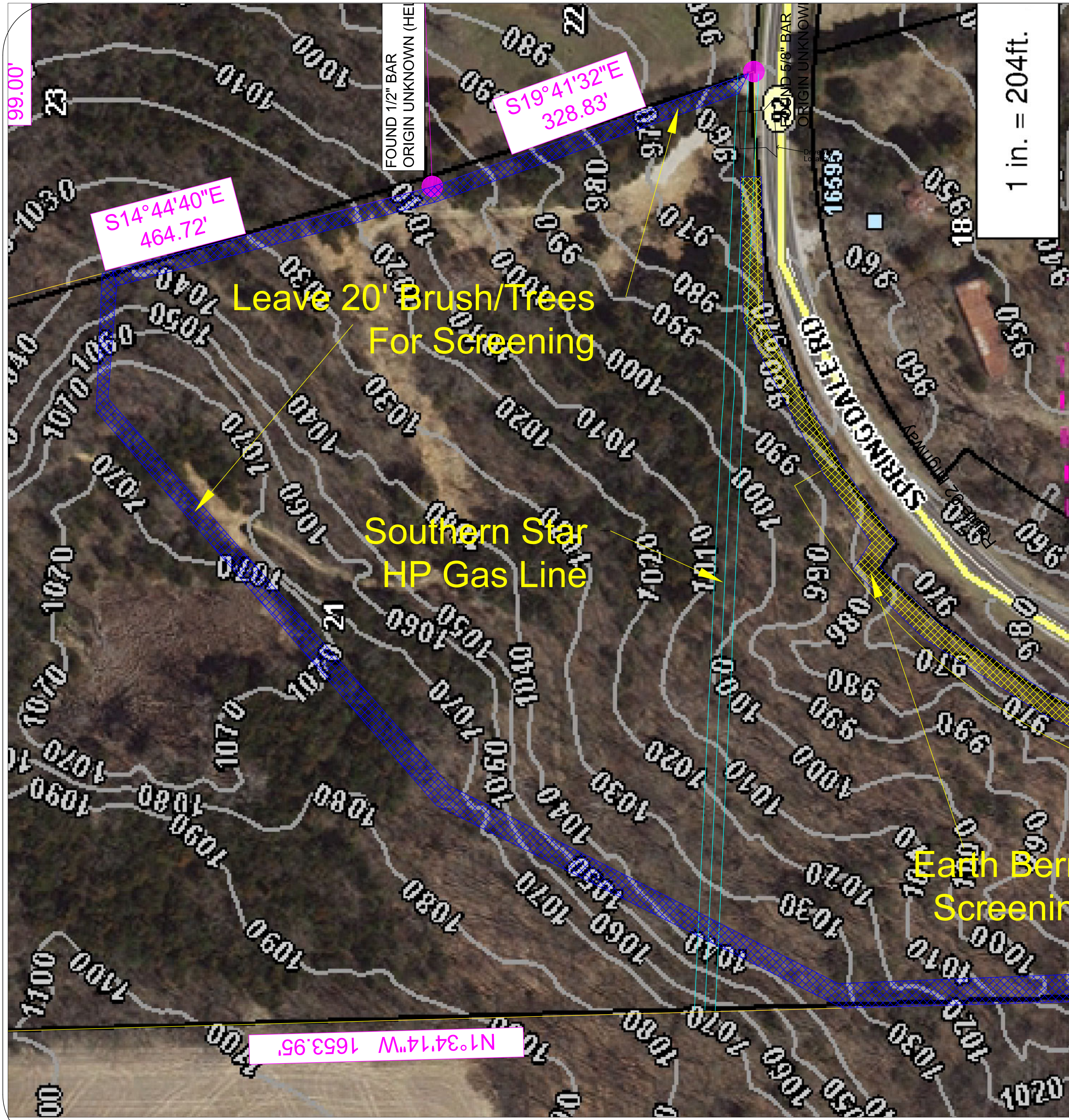
TEMJ-MG6D-D6XR

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*



1 in. = 204ft.

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

203.87
407.7 Feet

CONTROL POINT

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/>

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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

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
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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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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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

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

We 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

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.

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

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

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

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,

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.