

LEAVENWORTH COUNTY COMMISSIONERS MEETING AGENDA

AMENDED

Monday, June 26, 2017 BILL DAY

- 9:00 a.m. Public Comment/Administrative Business:
- Approval of Minutes of June 22, 2017
 - Approve and sign the OCB's
 - Tax sale update
 - Email retention discussion
- Executive Session
- Non-elected personnel

Tuesday, June 27, 2017

- 8:00 a.m. Workforce Partnership Board meeting
- Conference Call
- 11:15 a.m. MARC Budget and Personnel Committee Meeting
- 600 Broadway, Suite 200, Kansas City, MO
- 12:15 p.m. MARC Board of Directors Meeting
- 600 Broadway, Suite 200, Kansas City, MO

Wednesday, June 28, 2017

- 11:30 a.m. LCPA meeting
- 1294 Eisenhower Rd. Leavenworth KS

Thursday, June 29, 2017

- 9:00 a.m. Public Comment/Administrative Business:
- Approval of Minutes of June 26, 2017
 - Approval of the Agenda for the week of July 3, 2017
 - Approve and sign the OCB's
 - Acknowledge the Employee of the Month (July) – Molly Ruebhausen
 - Approve the KDHE Aid to local grants
 - Adopt in house healthcare for inmates
 - Approve annual food service contract with CBM Managed Services
- 9:20 a.m. Planning and Zoning
- Case Number DEV-17-061 & 062 Consideration of a Preliminary and Final Plat for the Estates at Colt Creek
 - Case Number DEV-17-063 & 064 Consideration of a Preliminary and Final Plat for Reischman Corner
 - Case Number DEV-17-065 Consideration of a Final Plat for Deer Mound Replat
 - Case Number DEV-17-078 Building Permit Exceptions Policy Resolution
- Executive Session
- Non-elected personnel

Friday, June 30, 2017

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

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



County Counselors

Tax Sale Progress

Tax Sale Results



MARCH

- 150 Delinquent Parcels
- 34 Delinquent in Bankruptcy
- 11 Return addresses
- Attempt to Collect 2012 taxes in the amount of **\$284,338.18 via Demand Letters**
- Working with Basehor on Parcel with delinquent amount for 2012 of \$199,315.11

MAY

- **Collected to date 2012 taxes in the amount of \$231,221.83**
- 90 Delinquent Parcels including Bankruptcy and Probate
- Address and probate research
- Working with Cities to advertise and update on process and parcels in their jurisdictions

JUNE

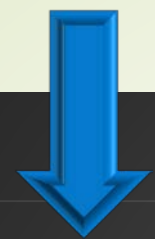
- 48 Delinquent Demand Letters Sent
- Attempt to Collect 2012 taxes in the amount of **\$47,833.91 via Demand Letter**

Collections Before Petition

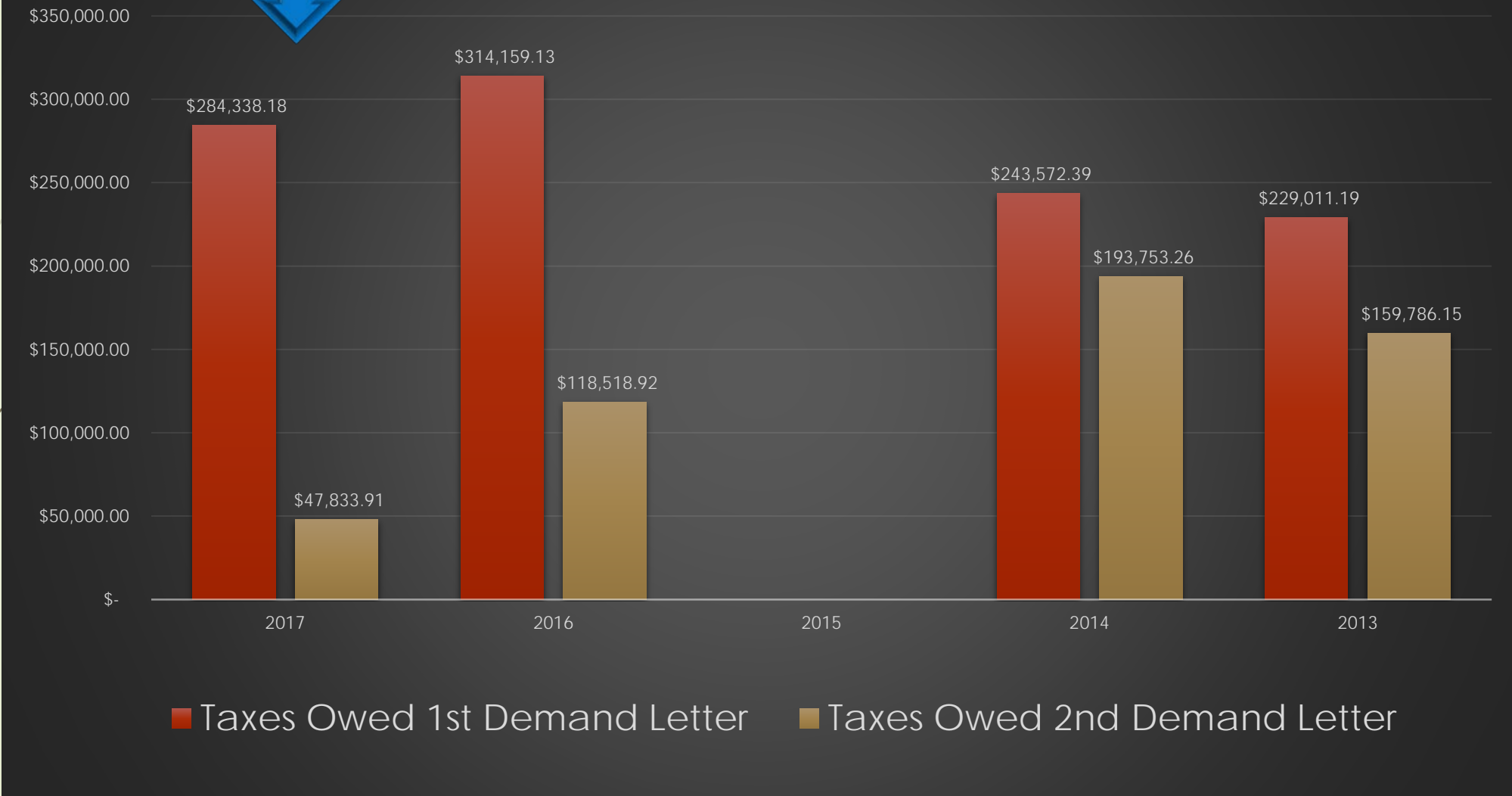


■ Taxes Collected before Petition

■ Percent Taxes Collected



Tax Collection Efforts Before Petition



■ Taxes Owed 1st Demand Letter ■ Taxes Owed 2nd Demand Letter

Leavenworth County
Request for Board Action

Date: June 29, 2017

To: Board of County Commissioners

From: Sheriff Andy Dedeke

Additional reviews as needed:

Budget Review _____ **Administrator Review** X **Legal Review** X

Action Requested: Exercise 30-day out clause and terminate current inmate health contract with Advanced Correctional Healthcare, Inc. Adopt recommendation to provide in-house healthcare.

Recommendation: Approve

Analysis: Since 2008, the Leavenworth County Sheriff's Office (LVSO) has contracted with Advanced Correctional Healthcare, Inc. (ACH) for the medical care of inmates housed in the Leavenworth County Jail and Juvenile Detention Center (JDC).

Under the current contract structure, LVSO remits to ACH a monthly payment for \$26,580.40, which is 1/12 of the annualized amount of \$318,964.80. Additionally, LVSO pays \$50,000 into a pool, which is designated to cover the expenses associated with hospitalization, pharmaceuticals and off-site medical care. Lastly, the LVSO pays for necessary equipment required to provide services.

The current contract was last agreed upon in December 2015 and took effect January 1, 2016 with an automatic annual renewal unless either party gives a 30-day written notice. Since this last renewal date, the practices of ACH as a corporation have adversely affected our ability to provide the level of care we deem necessary and have struggled to produce nursing staff with an acceptable level of skill, experience and free from a criminal background. ACH, like other corporate correctional healthcare providers, struggle to find quality-nursing staff willing to accept the compensation offered. These corporations are in business foremost to earn a profit, and this is accomplished largely through low wages and dismal benefits.

The LVSO has demonstrated extraordinary patience as ACH struggles to meet the terms agreed upon in our contract, most specifically as it relates to staffing. A series of meetings, phone conversations and practical suggestions with ACH management have largely been ignored and

the LVSO is of the belief our relationship has diminished to the point it is necessary to dissolve the agreement.

In order to ensure statutory requirements regarding inmate healthcare are met, the LVSO considered options such as contracting with other corporate providers. Ultimately, we believe this is not in the best interest of Leavenworth County. Further, we explored the possibility of contracting with a local physician. Despite the willingness of the provider, we differed on the scope of involvement, custodial medical care and we simply were unable to reach an agreement regarding compensation.

To address these concerns, the LVSO has identified the following steps that will serve our inmate medical needs:

- Contract with a physician assistant who has demonstrable experience in the correctional healthcare setting. PA will serve as medical director and act under the guidance / direction of medical doctor.
- Create two FTE and two PTE nursing positions to staff the jail a minimum of 16 hours per day, seven days a week. This reflects the current level of nursing staff we are contractually to receive.
- Contract with local pharmacy to provide prescriptions in the format and timeframe needed. Pharmacy will also be source of consumable medical supplies.
- Contract with mobile x-ray company to respond to jail as needed.
- Contract with off-site lab to provide required lab services.
- Current liability insurance provider contacted regarding inquiry of any additional expense as it relates to this plan.

The LVSO has been successful in identifying personnel for all the listed positions and have tentatively entered into agreements with the professional services listed above should the ACH contract be terminated. Upon giving proper notice, it is feasible inmate healthcare provided internally could be in effect by mid-July, 2017.

Alternatives: Option #1 – Do nothing and retain current contract despite deficiencies displayed by provider.

Option #2 – Explore other corporate healthcare providers, all of which will have the same struggles as those identified with ACH.

Option #3 – Adopt plan as outlined by LVSO, contract with PA as medical director, and hire two FTEs and two PTEs as employees of the LVSO.

Budgetary Impact:

_____ Not Applicable

Budgeted item with available funds through prioritization

Non-budgeted item with available funds through prioritization

Non-budgeted item with additional funds requested

Total Amount Requested: Increase to liability insurance: \$1,500

Nursing salaries: \$142,147.20

Benefits: \$26,510.45

PA Costs: \$71,500

Pool (hospitalization, dental, pharmaceuticals, consumables):

\$50,000

TOTAL: \$291,657.65 (\$58,324.35 annual savings)

Additional Attachments:

Leavenworth County
Request for Board Action

Date: June 29, 2017

To: Board of County Commissioners

From: Sheriff Andy Dedeke

Additional reviews as needed:

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

Action Requested: Chairman to sign annual amendment to food service contract with CBM Managed services.

Recommendation: Approve

Analysis: Annual amendment to contract reflects minimal adjustment of contract pricing based upon the CPI (Consumer Price Index) Food Away From Home Index for the previous year. This year, the CPI is calculated at 2.3% and applies to all meals prepared at the Leavenworth County Jail for inmates located within. Meals are also provided to the Leavenworth County Juvenile Detention Center as needed. An increase of four to six cents per meal will be realized based upon daily inmate population. Current FY2017 budget was prepared in anticipation of this increase. Proposed FY2018 budget also considers this increase.

Alternatives: This increase is scheduled and part of the agreed upon food service contract.

Budgetary Impact:

Not Applicable

Budgeted item with available funds through prioritization

Non-budgeted item with available funds through prioritization

Non-budgeted item with additional funds requested

Total Amount Requested: Estimated increase of \$6,570 – 9,855 annually based upon ADP (average daily population) of 150 inmates.

Additional Attachments:

**Leavenworth County
Request for Board Action
Case No. DEV-17-061/062 The Estates at Colt Creek**

Date: June 29, 2017
To: Board of County Commissioners
From: Planning & Zoning Staff

Department Head Review: Jeff Joseph, Reviewed

Additional Reviews as needed:

Budget Review Administrator Review x Legal Review x

Action Requested: Review a Preliminary & Final Plat for a four-lot subdivision, The Estates at Colt Creek, located near 219th Street and McIntyre Road.

Analysis: The applicant is requesting a four-lot subdivision that meets the regulations of the Leavenworth County Zoning and Subdivision Regulations. All of the proposed lots meet the required lot-width to lot-depth ratios and minimum road frontage requirement for the RR-5 zoning class. Public Works has requested that Lot 1 only have access to McIntyre Road. The water district has confirmed that service is available. Emergency Management recommends a fire hydrant to be placed 1,000 feet north of the existing hydrant along 219th Street (between Lot 3 & 4).

Recommendation: The Planning Commission voted 7-0 (2 absent) to recommend approval of Case No. DEV-17-061/062 subject to conditions.

Alternatives:

1. Approve Case No. DEV-17-061/062, Preliminary & Final Plat for The Estates at Colt Creek, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-17-061/062, Preliminary & Final Plat for The Estates at Colt Creek, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-17-061/062, Preliminary & Final Plat for The Estates at Colt Creek, with Findings of Fact; or
4. Continue the Public hearing to another date, time, and place; or
5. Remand the case back to the Planning Commission.

Budgetary Impact:

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

Total Amount Requested:
\$0.00

Additional Attachments: Staff Report, Memorandums, Plats, Planning Commission Minutes

Case No. DEV-17-061/062
The Estates at Colt Creek
Preliminary and Final Plat

Staff Report – Board of County Commission

June 29, 2017

GENERAL INFORMATION:

**Applicant/
Property Owner:** Robbins Acquisitions Inc. – Ben Robbins
P.O. Box 480
Tonganoxie, KS 66086

Agent: Joe Herring
315 N. 5th St.
Leavenworth, KS 66048

Legal Description: A tract of land in the SW of Section 33, Township 9 South, Range 21 East of the 6th P.M, in Leavenworth County, Kansas.

Location: 21876 McIntyre Rd, NE of 219th St. and McIntyre Rd.

Parcel Size: ± 58 acres

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

**Urban Growth
Management Area:** This property is not within a City Urban Growth Management Area.

Comprehensive Plan: This parcel is within the Agricultural Preserve land use category.

Parcel ID No.: 118-33-0-00-00-010.09/10

Planner: Michael Swan

REPORT:

Planning Commission Recommendation

The Planning Commission voted 7-0 to recommend approval of Case No.DEV-17-061/062 with the following conditions:

1. Standard RIF and TIF shall apply for any new residential units.
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. The applicant shall adhere to the following memorandums:
 - a. Michael Swan – Planning and Zoning, May 23, 2017
 - b. David Lutgen – Public Works, May 23, 2017
 - c. Wayne Malnicof – County Surveyor, May 26, 2017
 - d. Chuck Magaha – Emergency Management, June 6, 2017
 - e. Becky Fousek – Rural Water District #8, May 18, 2017
4. A waiver for the use of private septic systems within this subdivision is granted with this approval.
5. The applicant shall work with the water district, emergency management, and the fire district regarding the requirements for fire hydrants and water service.
6. An exception for the existing residence on Lot 1 to remain within the required front building setback line is granted with this approval.

7. After approval of this subdivision by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

Request

The applicant is requesting a Preliminary and Final Plat for a four-lot subdivision.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 10 acres to over 100 acres in size. The average parcel size in the vicinity is 42 acres.

Flood Plain

There is a 'Zone A' Special Flood Hazard Area on this parcel per FEMA Firm Map 20103C0225G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Alexandria Township F.D.
Water: RWD #8
Electric: LJEC

Access/Streets

The property is accessed by 219th Street and McIntyre Rd. 219th Street is a ± 24' wide county arterial road with a gravel surface and McIntyre is a ± 28' wide county local road with a gravel surface.

Agency Comments

See attached comments – Memo – Michael Swan – Planning and Zoning, May 23, 2017
See attached comments – Memo – David Lutgen – Public Works, May 23, 2017
See attached comments – Memo – Wayne Malnicof – County Surveyor, May 26, 2017
See attached comments – Memo – Chuck Magaha – Emergency Management, June 6, 2016
See attached comments – Memo – Tony Burr – Alexandria Township Fire Department, May 23, 2017
See attached comments – Email – Becky Fousek – Rural Water District #8, May 18, 2017

Findings

1. The proposed subdivision is consistent with the zoning district of RR 5; Rural Residential Zoning 5 acre minimum size parcels and meets the lot-depth to lot-width ratio of 3.5:1 or 4:1, have the minimum frontage of 300', Minimum lot size of 5 acres.
2. The property is not within a sewer district boundary or is within 660 feet of the incorporated limits of a municipality; therefore, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements. (See condition 4)
3. The water district currently has two lines in the vicinity, but would require a road bore for water service to be established for the subdivision and has a sub-standard flow fire hydrant at the intersection. (See condition 5.)
4. A house on Lot 1 does not meet the required building setback. It is subject to Article 21 of the Leavenworth County Zoning and Subdivision Regulations. An exception is required. (See condition 6)
5. The proposed subdivision is in accordance with the Comprehensive Plan.

Subdivision Classification

This is classified as a Class "C" Subdivision. According to the Leavenworth County Zoning & Subdivision Regulations, a Class "C" Subdivision is any subdivision in which all the lots lie 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 4.)

Staff Comments

This is a four-lot subdivision that meets the regulations of the Leavenworth County Zoning and Subdivision Regulations. Lots 1-3 are all five acre lots with frontage on McIntyre Road. Lot 4 is more than 40 acres and has frontage on 219th St. There is floodplain on Lots 2-4.

On Lot 1, there is a house, pre-dating 1976, located 98 feet from the centerline of the road. If the residence is to remain, an exception is required as it does not meet the 105' building setback line. Public Works has requested that Lot 1 only have access to McIntyre Rd.

Rural Water District #8 has confirmed that there is a 2" line on the south side of McIntyre Road and a 4" line of the west side of 219th St. A road bore would be required for water service to be brought to the subdivision. Additionally, RWD #8 stated that there is a fire hydrant at the southwest corner of 219th St and McIntyre Rd. which has a sub-standard flow (due to the line size). Emergency Management recommends a fire hydrant to be placed 1,000 feet north of the existing hydrant along 219th Street (between Lot 3 & 4).

ACTION OPTIONS:

1. Approve Case No. DEV-17-061/062, Preliminary and Final Plat for The Estates at Colt Creek, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-17-061/062, Preliminary and Final Plat for The Estates at Colt Creek, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-17-061/062, Preliminary and Final Plat for The Estates at Colt Creek, with Findings of Fact; or
4. Continue the case to another date, time and place; or,
5. Remand the case back to Planning Commission.

ATTACHMENTS:

Aerial Map
Memorandums
Preliminary and Final Plat
Planning Commission Meeting Minutes

**Leavenworth County
Request for Board Action
Case No. DEV-17-063/064 Reischman Corner**

Date: June 29, 2017
To: Board of County Commissioners
From: Planning & Zoning Staff

Department Head Review: Jeff Joseph, Reviewed

Additional Reviews as needed:

Budget Review Administrator Review Legal Review

Action Requested: Review a Preliminary & Final Plat for a three-lot subdivision, Reischman Corner located near 242nd Street and Honey Creek Road.

Analysis: The applicant is requesting a three-lot subdivision that meets the regulations of the Leavenworth County Zoning and Subdivision Regulations. All of the proposed lots meet the required lot-width to lot-depth ratios and minimum road frontage requirement for the RR-5 zoning class. Public Works has indicated that Lot 3 may have access to either road, but the lot is limited to a single entrance. The water district has confirmed water service is available and that they are in the process of upgrading a nearby 4" line to a 6" line. This would allow for a fire hydrant to be located at 246th St. and Honey Creek Road (1/4 mile west of the proposed subdivision). Emergency Management recommends a fire hydrant be placed at the corner of 242nd St. and Honey Creek Rd.

Recommendation: The Planning Commission voted 7-0 (2 absent) to recommend approval of Case No. DEV-17-063/064 subject to conditions.

Alternatives:

1. Approve Case No. DEV-17-063/064, Preliminary & Final Plat for Reischman Corner, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-17-063/064, Preliminary & Final Plat for Reischman Corner, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-17-063/064, Preliminary & Final Plat for Reischman Corner with Findings of Fact; or
4. Continue the Public hearing to another date, time, and place; or
5. Remand the case back to the Planning Commission.

Budgetary Impact:

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

Total Amount Requested:
\$0.00

Additional Attachments: Staff Report, Memorandums, Plats, Planning Commission Minutes

Case No. DEV-17-063/064
Reischman Corner
Preliminary and Final Plat

Staff Report – Board of County Commission

June 29, 2017

GENERAL INFORMATION:

**Applicant/
Property Owner:** Kevin & Holly Reischman
24338 Honey Creek Road
Tonganoxie, KS 66086

Agent: Joe Herring
315 N. 5th Street
Leavenworth, KS 66048

Legal Description: A tract of land in the NW of Section 24, Township 11 South, Range 20 East of the 6th P.M, in Leavenworth County, Kansas.

Location: 24338 Honey Creek Road, NW corner of 242nd St. and Honey Creek Road

Parcel Size: ± 20 acres

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

**Urban Growth
Management Area:** This property is not within a City Urban Growth Management Area.

Comprehensive Plan: This parcel is within the Rural Density Residential land use category.

Parcel ID No.: 206-24-0-00-00-007.00

Planner: Michael Swan

REPORT:

Planning Commission Recommendation

The Planning Commission voted 7-0 to recommend approval of Case No.DEV-17-063/064 with the following conditions:

1. Standard RIF and TIF shall apply for any new residential units.
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. The applicant shall adhere to the following memorandums:
 - a. Michael Swan – Planning and Zoning, May 23, 2017
 - b. David Lutgen – Public Works, May 23, 2017
 - c. Wayne Malnicof – County Surveyor, May 26, 2017
 - d. Chuck Magaha – Emergency Management, June 6, 2017
4. A waiver for the use of private septic systems within this subdivision is granted with this approval.
5. The applicant shall work with the water district, emergency management, and the fire district regarding the requirements for fire hydrants.
6. After approval of this subdivision by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

Request

The applicant is requesting a Preliminary and Final Plat for a three-lot subdivision.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 1 acre to over 140 acres in size.

Flood Plain

There is a 'Zone A' Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0300G July 16, 2015.

Utilities/Services

Sewer: Private septic system

Fire: Tonganoxie Township F.D.

Water: RWD #13

Electric: LJEC

Access/Streets

The property is accessed by 242nd St. and Honey Creek Rd. Both roads are county local roads with a gravel surface ± 20' wide.

Agency Comments

See attached comments – Memo – Michael Swan – Planning and Zoning, May 23, 2017

See attached comments – Email – David Lutgen – Public Works, May 23, 2017

See attached comments – Memo – Wayne Malnicof – County Surveyor, May 26, 2017

See attached comments – Memo – Chuck Magaha – Emergency Management, June 6, 2017

See attached comments – Email – Tim Smith – Tonganoxie Township Fire Department, May 18, 2017

See attached comments – Email – Jerry Stewart– RWD #13, June 1, 2017

Findings

1. The proposed subdivision is consistent with the zoning district of RR 5; Rural Residential Zoning 5 acre minimum size parcels and meets the lot-depth to lot-width ratio of 3.5:1, have the minimum frontage of 300', Minimum lot size of 5 acres.

2. The property is not within a sewer district boundary or is within 660 feet of the incorporated limits of a municipality; therefore, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements. (See condition 4)

3. The water district currently has adequate infrastructure to supply water to the lots within this subdivision but does not/cannot provide fire protection. (See condition 5.)

4. The proposed subdivision is in accordance with the Comprehensive Plan.

Subdivision Classification

This is classified as a Class "C" Subdivision. According to the Leavenworth County Zoning & Subdivision Regulations, a Class "C" Subdivision is any subdivision in which all the lots lie 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 4.)

Staff Comments

This is a three-lot subdivision that meets the regulations of the Leavenworth County Zoning and Subdivision Regulations. Lot 1 is approximately 10 acres, has an existing home and two barns and has a driveway accessing Honey Creek Road. Lot 2 is five acres, has floodplain along the west half of the proposed lot and has access to 242nd St. Lot 3 is five acres, has frontage on both streets and has floodplain in the western part of the proposed lot. Public Works has indicated that Lot 3 may have access to either road, but the lot is limited to a single entrance.

Rural Water District #13 has indicated that water service is available as there is a 4" line and two 2" lines in the vicinity. Currently, these water lines cannot accommodate fire hydrants. RWD #13 is currently working to upgrade a nearby line to 6" line. They have indicated that it would be possible to place a fire hydrant near the intersection of 246th and Honey Creek Rd; however that is 1/4 of a mile west of the proposed subdivision. Emergency Management recommends a fire hydrant be placed at the corner of 242nd St. & Honey Creek Rd.

ACTION OPTIONS:

1. Approve Case No.DEV-17-063/064, Preliminary and Final Plat for Reischman Corner, with Findings of Fact, and with or without conditions; or
 2. Deny Case No.DEV-17-063/064, Preliminary and Final Plat for Reischman Corner, with Findings of Fact; or
 3. Revise or Modify the Planning Commission Recommendation to Case No.DEV-17-063/064, Preliminary and Final Plat for Reischman Corner, with Findings of Fact; or
 4. Continue the case to another date, time and place; or,
 5. Remand the case back to Planning Commission.
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ATTACHMENTS:

Aerial Map
Memorandums
Preliminary and Final Plat
Planning Commission Meeting Minutes

**Leavenworth County
Request for Board Action
Case No. DEV-17-065 Deer Mound Replat**

Date: June 29, 2017
To: Board of County Commissioners
From: Planning & Zoning Staff

Department Head Review: Jeff Joseph, Reviewed

Additional Reviews as needed:

Budget Review Administrator Review Legal Review

Action Requested: Review a Final Plat for a three-lot subdivision, Deer Mound Replat located near 254th St. Street and Stillwell Road.

Analysis: The applicant is requesting a three-lot subdivision replat of Lots 1 & 2 of Deer Mound Subdivision (2004) that meets the regulations of the Leavenworth County Zoning and Subdivision Regulations. All of the proposed lots meet the required lot-width to lot-depth ratios and minimum road frontage requirement for the RR-5 zoning class. Public Works recommends that Lot 10 have access to only 254th Street. Rural Water District #13 has confirmed that water service is available as there are several water lines and fire hydrants in the near vicinity. Emergency Management recommends an additional fire hydrant be placed at the northwest corner of Lot 10.

Recommendation: The Planning Commission voted 7-0 (2 absent) to recommend approval of Case No. DEV-17-065 subject to conditions.

Alternatives:

1. Approve Case No. DEV-17-065, Final Plat for Deer Mound Replat, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-17-065, Final Plat for Deer Mound Replat, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-17-065, Final Plat for Deer Mound Replat with Findings of Fact; or
4. Continue the Public hearing to another date, time, and place; or
5. Remand the case back to the Planning Commission.

Budgetary Impact:

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

Total Amount Requested:

\$0.00

Additional Attachments: Staff Report, Memorandums, Plats, Planning Commission Minutes

Case No. DEV-17-065
The Estates at Colt Creek
Final Plat

Staff Report – Board of County Commission

June 29, 2017

GENERAL INFORMATION:

**Applicant/
Property Owner:** Gerald St. Peter
14690 254th Street
Lawrence, KS 66046

Agent: Joe Herring
315 N. 5th Street
Leavenworth, KS 66048

Legal Description: Lot 1 & 2, Deer Mound, a subdivision in Leavenworth County, Kansas.

Location: 14690 254th St., SE corner of 254th St. and Stillwell Road

Parcel Size: ± 15 acres

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

**Urban Growth
Management Area:** This property is not within a City Urban Growth Management Area.

Comprehensive Plan: This parcel is within the Agricultural Preserve land use category.

Parcel ID No.: 211-02-0-00-00-001.02/03

Planner: Michael Swan

REPORT:

Planning Commission Recommendation

1. The Planning Commission voted 7-0 to recommend approval of Case No.DEV-17-065 with the following conditions: Standard RIF and TIF shall apply for any new residential units.
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. The applicant shall adhere to the following memorandums:
 - a. Michael Swan – Planning and Zoning, May 23, 2017
 - b. David Lutgen, P.E. – Public Works, May 23, 2017
 - c. Wayne Malnicof – County Surveyor May 26, 2017
 - d. Chuck Magaha – Emergency Management, June 6, 2017
4. A waiver for the use of private septic systems within this subdivision is granted with this approval.
5. The applicant shall work with the water district, emergency management, and the fire district regarding the requirements for fire hydrants.
6. After approval of this subdivision by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

Request

The applicant is requesting a Final Plat for a three-lot subdivision.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 5 acres to over 140 acres in size.

Flood Plain

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0300G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Reno Township F.D.
Water: RWD #13
Electric: LJEC

Access/Streets

The property is accessed by 254th St. and Stillwell Rd. Both roads are County local roads with gravel surfaces ± 24' wide.

Agency Comments

See attached comments – Memo – Michael Swan – Planning and Zoning, May 23, 2017
See attached comments – Email – David Lutgen, P.E. – Public Works, May 23, 2017
See attached comments – Memo – Wayne Malnicof – May 26, 2017
See attached comments – Memo – Chuck Magaha – Emergency Management, June 6, 2017

Findings

1. The proposed subdivision is consistent with the zoning district of RR 5; Rural Residential Zoning 5 acre minimum size parcels and meets the lot-depth to lot-width ratio of 3.5:1, have the minimum frontage of 300', Minimum lot size of 5 acres.
2. The property is not within a sewer district boundary or is within 660 feet of the incorporated limits of a municipality; therefore, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements. (See condition 4.)
3. The water district currently has adequate infrastructure to supply water to the lots within this subdivision and also can provide fire protection. (See condition 5.)
4. The proposed subdivision is in accordance with the Comprehensive Plan.

Subdivision Classification

This is classified as a Class "C" Subdivision. According to the Leavenworth County Zoning & Subdivision Regulations, a Class "C" Subdivision is any subdivision in which all the lots lie 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 4.)

Staff Comments

This is a re-plat of Lots 1 and 2 of Deer Mound Subdivision which was platted in 2004. The proposed three-lot subdivision meets the regulations of the Leavenworth County Zoning and Subdivision Regulations. Lot 10 is five acres and has frontage on both roads; however, Public Works is recommending that access be limited to 254th Street. Lot 11 is five acres and has a small jog in side lot lines to ensure that it meets the minimum acreage requirement for this zoning class. Lot 12 is approximately five acres and has an existing home in the southwest corner of the property that meets all current setback requirements.

Rural Water District #13 has confirmed that water service is available as there are several water lines and fire hydrants in the near vicinity. Emergency Management recommends an additional fire hydrant be placed at the northwest corner of Lot 10.

ACTION OPTIONS:

1. Approve Case No.DEV-17-065, Final Plat for Deer Mound Replat, with Findings of Fact, and with or without conditions; or
2. Deny Case No.DEV-17-065, Final Plat for Deer Mound Replat, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No.DEV-17-065, Final Plat for Deer Mound Replat, with Findings of Fact; or
4. Continue the case to another date, time and place; or,
5. Remand the case back to Planning Commission.

ATTACHMENTS:

Aerial Map
Memorandums
Preliminary and Final Plat
Planning Commission Meeting Minutes

RESOLUTION 2017-

A resolution of the Leavenworth County Kansas Board of County Commission, adopting a new "Building Permit Exceptions Policy" to govern all parcels of land under jurisdiction of the Board of County Commissioners, Leavenworth County, Kansas.

WHEREAS, it is hereby determined that non-compliant parcels are not entitled to a building permit in instances where a previous single-family home was destroyed by more than fifty percent.

WHEREAS, it is hereby found that county letters inaccurately describing a parcel as compliant and entitled to a building permit were sent to property owners when the parcel was non-compliant at the time of issuance.

NOW, THEREFORE, BE IT RESOLVED:

1. That a request for a building permit to rebuild a single-family residence destroyed by more than fifty-one percent on a parcel of which the status is deemed non-compliant shall be granted, provided that the property owner applies for a variance in conjunction with the building permit application.
2. That a request for a building permit for a single-family residence on a parcel accompanied with a county-issued letter inaccurately describing a parcel as compliant and/or entitled to building permits shall be granted provided that the use or layout of said parcel has not changed since the issuance of such letter and provided that the property owner applies for a variance in conjunction with the building permit application.
3. That if a variance is not granted in either aforementioned scenario said parcel of land shall have a county-issued Status of Parcel Letter deeming said parcel as non-compliant placed on file and recorded with the Leavenworth County Register of Deeds.
4. That all land divisions of any parcel of land shall adhere to the Leavenworth County Zoning and Subdivisions Regulations, Leavenworth County Sanitary Code and all other county regulations.

Adopted this 29th day of June, 2017
Board of County Commission
Leavenworth, County, Kansas

/s/ _____
Doug Smith, Chairman

ATTEST

/s/ _____
Clyde D. Graeber, Member

/s/ _____
Janet Klasinski

/s/ _____
Robert W. Holland, Member