



**2007
Comprehensive
Plan**

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CITY OF LINN VALLEY, KANSAS 2007 Comprehensive Plan

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City of Linn Valley, Kansas
2007 Comprehensive Plan
A Land Use Guide for Future Development

Preface

Section 1. Strategic Issues, Goals & Objectives

Section 2. Existing Conditions Survey

Section 3. Future Land Use Plan

Section 4. Plan Implementation

PREFACE

PURPOSE OF THE COMPREHENSIVE PLAN

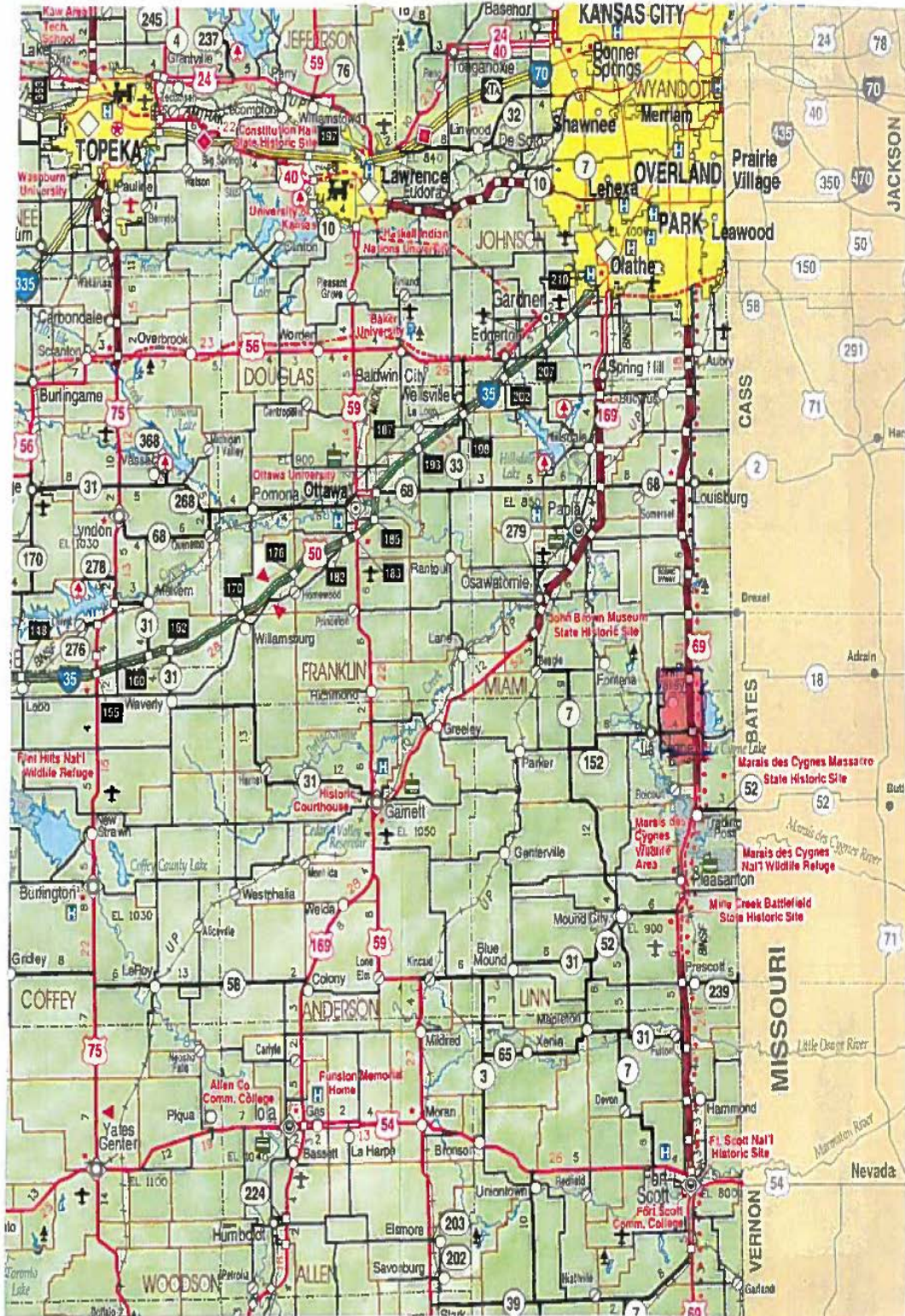
The Comprehensive Plan is the official policy guide for the future development of the City of Linn Valley and serves the following purposes:

- The Plan provides a database for the City’s long range planning functions, including information regarding population, land use, services and the environment.
- The Plan assesses planning factors and policy decisions that will affect the City’s physical and social design.
- The Plan provides an outline for the future development of the City of Linn Valley in map and policy format. The policies serve as a guide for future land use decisions and the “Future Land Use Map” is a graphic representation of the polices.
- The Plan identifies the basic framework for supporting the planning process in concert with the Linn County and Miami County Planning effort.

PLANNING AREA BOUNDARIES:

The area included within the Comprehensive Plan includes the incorporated City of Linn Valley as well as portions of the unincorporated areas in Linn County and Miami County and generally described as: Three hundred ninety ninth Street (in Miami County) on the North; La Cygne Lake (Power Plant Lake) on the East; Kansas Highway 152 on the South; and Saddler Road on the West. The planning area is shown on the map Figure #1 on the following page.

FIGURE 1
VICINITY AND PLANNING BOUNDARY MAP



REASONS FOR ADOPTING THE PLAN:

In general, the Comprehensive Plan serves as a guide for decision-making and provides a rational basis for zoning, land use patterns, the physical design and economic development. One of the basic purposes of the Comprehensive Plan is to fulfill a legal requirement of the State of Kansas if the City is to have subdivision regulations and to consider future changes to zoning. Adoption of the Comprehensive Plan is a precedent to enactment of a valid set of Zoning and Subdivision Regulations as provided in K.S.A. 12-749 and 12-757(a). The Comprehensive Plan should provide a strategy or identify specific policies to guide the use of land, the provision and standards for streets, housing, services such as water and sewer, as well as the protection of resources.

K.S.A. 12-749 et seq. specifically authorizes the City Planning Commission to make or cause to be made a Comprehensive Plan. In the preparation of such plan, the Planning Commission shall make or cause to be made comprehensive surveys and studies existing conditions and trends related to land use, population and building intensity, public services, transportation and street systems, economic conditions, natural resources and such other element/s deemed necessary to the development of the Comprehensive Plan. Further, the Planning Commission is responsible for conducting the required public hearings necessary for the adoption of the Plan and after adoption, shall review the Comprehensive Plan annually to ensure that it is kept current and relevant.

Recently, the City has recognized the limitations in the ability to provide water and sewer services not only to those properties within the Linn Valley Lakes Property Owners Association (POA) but also the need to develop such services for those properties annexed to the City which are not part of the POA. The ability to provide these services will significantly impact the future land use intensities and locations and is one of the primary reasons for establishing a Comprehensive Plan.

Another important factor warranting consideration of a Comprehensive Plan has been the encroachment of low-density residential growth into the surrounding community along the U.S. Highway 69 corridor. While most of this development has occurred within the unincorporated areas of Linn County, continued developments of this nature will impact the need and/or ability of the City to provide future services.

The Planning Commission and City Council have determined that it has become necessary for the City to focus on a planning program that will maximize the benefits of new growth while at the same time minimize negative effects. In this manner, the Comprehensive Plan will serve as a growth management tool having its primary goal supporting development of the City in accordance with the visions of its residents and decision makers and not be totally subjective to the external pressures and trends.

ORGANIZATION OF THE PLAN

The Comprehensive Plan consists of four (4) sections:

- Section 1) Strategic Issues, Goals & Objectives;**
- Section 2) Existing Conditions;**
- Section 3) Future Land Use Plan; and**
- Section 4) Plan Implementation**

STRATEGIC ISSUES, GOALS & OBJECTIVES

This section identifies major opportunities and constraints facing the planning area and established goals and objectives for Residential Development, Economic Development, Public Facilities and Services, Open Space and Recreation as well as a continuing Planning process.

EXISTING CONDITIONS SURVEY

The second section analyzes various existing conditions that affect the City's future development. It includes individual chapters on such issues as existing populations, land uses, development trends, housing and service capabilities.

FUTURE LAND USE PLAN

The third section contains the Future Land Use Map for the existing incorporated City and the Planning Area including policies and principles designed to provide a guide for future divisions affecting development within the Planning area.

PLAN IMPLEMENTATION

This last section is an outline of the tasks and other requirements necessary to carryout the intent and purpose of the Comprehensive Plan.

Section One

STRATEGIC ISSUES

During the Study Sessions for the Comprehensive Plan, the Planning Commission have identified several critical issues affecting the future planning and development of the City of Linn Valley.

1. **PLANNING AREA BOUNDARY**
 - a. Interlocal Agreements with Miami County
 - b. Interlocal Agreements with Linn County
 - c. Extraterritorial Zoning and Subdivision Authority

2. **NEED OF PUBLIC WATER SUPPLY**
 - a. Engineering Plans
 - b. Construction Cost
 - c. Timing of Construction
 - d. Water Quality

3. **NEED OF PUBLIC SEWER SYSTEM**
 - a. Engineering Plans
 - b. Construction Cost
 - c. Timing of Construction

4. **LONG TERM AGREEMENT AND COMMITMENT WITH LINN VALLEY LAKES PROPERTY OWNERS ASSOCIATION REGARDING:**
 - a. Streets
 - b. Sanitation
 - c. Water
 - d. Interlocal Agreement with Linn Valley Lakes Property Owners Association

5. **NEED OF INCREASED TAX BASE**
 - a. Commercial Development
 - b. Industrial Development
6. **GROWTH RATE**
7. **SCHOOLS**
8. **ACCESS / U.S. HIGHWAY 69**
9. **FLOODPLAIN AND RELATED ISSUES**
10. **DEVELOPMENT STANDARDS AND CRITERIA FOR ANNEXED AREAS OUTSIDE OF THE POA BOUNDARIES**

Section Two

EXISTING CONDITIONS SURVEY

CHAPTER 1 POPULATION

INTRODUCTION

This Chapter examines the current populations within the incorporated area of the City of Linn Valley. Specific historic data regarding population for the City was not available until the 2000 U.S. Census. This was due to the fact that the City of Linn Valley was not incorporated until 1998. Prior to the 2000 U.S. Census, the Community of Linn Valley Lakes was included as part of the unincorporated area of Linn County.

Population trends for Linn County, including the incorporated areas, are shown in Table 1: Population trends, Linn County & Communities 1980 to 2004. Table 1 shows that Linn County has experienced an approximate 18.7% increase in population since 1980 and an approximate 2.1% increase from 2000 through the year 2004.

TABLE 1: POPULATION TRENDS, LINN COUNTY & COMMUNITIES, 1980 TO 2004.

Community	1980	1990	% Change 1980 to 1990	2000	% Change 1990 to 2000	2004	% Change 2000 to 2004	% Change 1980 to 2004
Blue Mound	319	251	-21.3%	277	10.4%	284	2.5%	-11.0%
La Cygne	1,025	1,066	4.0%	1,115	4.6%	1,123	0.7%	9.6%
Linn Valley	-	-	-	562	-	579	3.0%	-
Mound City	755	789	4.5%	821	4.1%	815	-0.7%	7.9%
Parker	270	256	-5.2%	281	9.8%	285	1.4%	5.6%
Pleasanton	1,303	1,231	-5.5%	280	-7.0%	282	0.7%	-11.6%
Prescott	319	301	-5.6%	280	-7.0%	282	0.7%	-11.6%
Incorporated Areas	3,991	3,894	-2.4%	4,723	21.3%	4,738	0.3%	18.7%
Unincorporated Areas	4,243	4,360	2.8%	4,847	11.2%	5,037	3.9%	18.7%
Linn County	8,234	8,254	0.2%	9,570	15.9%	9,775	2.1%	18.7%

Note: Linn Valley was incorporated in 1998.

Source: U.S. Census Bureau, Census of Population and Housing, 1980 – 1990, 2000, 2004.

During this same time frame, the City population increased by approximately 3.0% making it the fastest growing City in Linn County.

Table 2 “Population of Cities 2000-2004” shows the annual change in population for the Cities.

TABLE 2: POPULATION OF CITIES 2000 – 2004

CITY	2000	2001 *	2002 *	2003 *	2004 *
Blue Mound	278	279	278	278	284
La Cygne	1,117	1,128	1,125	1,123	1,123
Linn Valley	562	575	576	579	579
Mound City	823	830	825	820	815
Parker	282	283	283	283	285
Pleasanton	1,390	1,400	1,389	1,382	1,370
Prescott	281	282	282	282	282
Incorporated Population	4,733	4,777	4,758	4,747	4,738
Unincorporated Population	4,847	4,898	4,931	4,979	5,037

Source: U.S. Census Bureau

* -- Estimates from U.S. Census Bureau

The population estimates for Linn County and incorporated areas for 2000 – 2004 prepared by the U.S. Census Bureau show an overall increase in the County population of only 2.1%. This appears to be very low based on a number of factors, including improvements to U.S. Highway 69, availability of water, land costs, affordable housing, stable schools and the rural character of the Community.

Although Linn County has experienced a modest population growth during the past decade (1990 – 2000), this growth rate has been over-shadowed by the growth in nearby Counties. Table 3 “Neighboring County Estimated Population Growth 2000 – 2004” suggests that Linn County has one of the lowest growth rates of those Counties located near the greater Kansas City Metropolitan Area.

TABLE 3: NEIGHBORING COUNTY ESTIMATED POPULATION GROWTH 2000 – 2004

COUNTY	2000-2004 % CHANGE	2000	2001	2002	2003	2004	NUMERIC CHANGE
Franklin	5.1	24,784	25,171	25,511	25,824	26,049	1,265
Douglas	3.02	99,962	101,076	102,200	102,983	-----	3,021
Jefferson	2.6	18,426	18,593	18,705	18,795	18,906	369
Miami	4.8	28,351	28,501	28,711	29,200	29,712	1,361
Linn	2.1	9,570	9,710	9,720	9,750	9,775	225
Leavenworth	4.16	68,769	70,110	71,366	72,107	72,439	3,748
Osage	2.6	16,712	16,858	17,004	17,150	-----	438

Source: U.S. Census Bureau, Population Estimates Program, July 1, 2004

Linn County is in the process of updating the County Comprehensive Plan. One of the issues of focus is the current population and projected growth rate. The population trends projected by the County anticipate a growth range from a low rate of growth of 2.5% per decade to a high of 7.5% per decade through 2030. The projected population numbers would range from a low of 11,641 persons to a high of 19,353 persons by the year 2030 based on the projections developed by *JEO Consulting Group*, consultants for the Linn County Comprehensive Plan.

A survey of Linn Valley Lakes Property Owners Association records conducted in December 2005 indicates that the total number of “Year Round” residents for the City of Linn Valley to be 825. This would represent a significant increase from the U.S. Census Bureau estimates of 579 for the year 2004.

Some of the differences between the population estimates of the Census Bureau and the Property Owners Association can be attributed to methodology. The Census Bureau often does not include manufactured housing in their calculations. The number of new homes constructed in the City from 2000 through 2005 was 125. Of this total, 80 were manufactured homes, or 72% of the total number of new residences.

When the City incorporated in 1998, there were 246 single family homes (includes both manufactured and stick built) containing a year round population of approximately 550 persons. Since that time, 194 new homes have been added. Thus, the current population numbers provided by the Property Owners Association would seem to be more realistic based on the actual number of new homes and the average number of persons per household.

Using the population numbers provided by the Property Owners Association, the growth rate since the City was incorporated has been approximately 4.8% per year.

CONCLUSION

Although Linn County, as a whole, will not maintain the growth rate of Johnson and Miami County, the City of Linn Valley is anticipated to grow at a higher rate than the remainder of Linn County due to its access to the metropolitan area, recreational opportunities and life style. It is anticipated that the City will sustain an annual growth rate of 5% to 8% over the next two decades.

SECTION TWO

EXISTING CONDITIONS SURVEY

CHAPTER 2 SCHOOLS

INTRODUCTION

This Chapter reviews educational facilities, as well as enrollment, for the City of Linn Valley and planning area. Currently the City of Linn Valley is within the Unified School District #362. The district boundaries within Linn County are shown on the map on the following page.

U.S.D. #362 provides three (3) elementary schools located at Parker, La Cygne and Fontana and a Middle School and High School located at Prairie View.

Similar to the population statistics, specific historic data regarding enrollment numbers generated from the City of Linn Valley are not available due to the fact that the City was not incorporated until 1998.

Enrollment numbers for school years 2000 through 2007 are shown on Table 4.

TABLE 4
USD # 362 SCHOOL ENROLLMENT
SCHOOL YEAR 2000-2007

GRADE	YEAR 2000-2001	YEAR 2001-2002	YEAR 2002-2003	YEAR 2003-2004	YEAR 2004-2005	YEAR 2005-2006	YEAR 2006-2007
K	59	59	67	59	63	59	67
1 st	65	80	71	78	75	68	84
2 nd	66	74	77	65	82	81	76
3 rd	70	70	66	76	69	79	69
4 th	74	67	79	69	78	79	81
5 th	82	85	74	80	74	72	71
6 th	79	91	85	74	81	78	73
7 th	80	77	93	86	78	78	71
8 th	88	75	82	86	85	81	79
9 th	73	83	86	89	99	88	80
10 th	89	67	74	82	86	92	85
11 th	71	84	66	75	83	81	81
12 th	70	60	84	59	73	79	78
Nongraded/ Special Ed	17	22	14	21	20	26	18
TOTAL	983	994	1018	999	1046	1039	1009

* Data provided by Dodson Bradbury, Superintendent of School U.S.D. # 362.

Enrollment for the individual schools is shown on Table 5. Currently enrollment in the La Cygne Elementary School exceeds the combined enrollment of the Parker/Fontana Elementary Schools. Discussions with the Superintendent of Transportation for the School District shows a total of 136 students being bused from the Linn Valley Area or approximately 13.5% of the total enrollment for the District. Most of the elementary school enrollment from the Linn Valley Area is being bused to the Fontana Elementary School in order to maintain a more equitable enrollment balance. A general break down of the students currently being bused from Linn Valley is as follows:

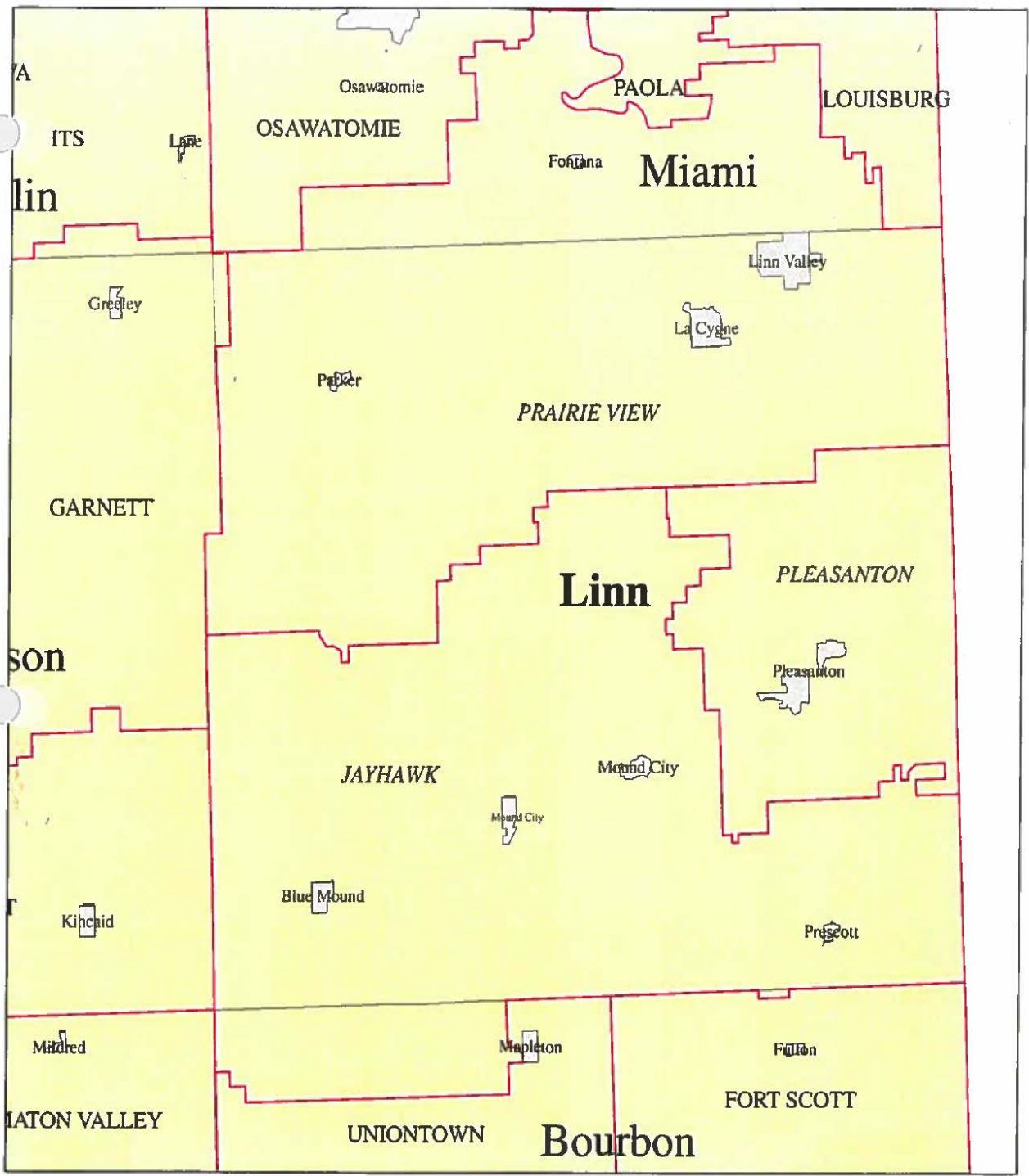
High School Students	30
Middle School Students	33
Elementary School Students	<u>73</u>
<u>Total</u>	<u>136</u>

CONCLUSION

Although U.S.D. #362 currently has capacity within the Districts existing facilities based on the projected and potential growth, the District should consider planning for a future school site. After reviewing current enrollment numbers generated from the Linn Valley Community and projected future growth for the City, the City should include a school site on the Future Land Use Plan. In accordance with discussions with the District, school facility design requirements are typically 10 acres per 100 students. However, school sites in urban areas with public water and sewer can be accommodated on much smaller sites. A minimum of a 10 acres site is suggested.

TABLE 5
SCHOOL ENROLLMENT FOR INDIVIDUAL SCHOOLS
2005 – 2006 & 2006 – 2007

Grade	PARKER ELEMENTARY		FONTANA ELEMENTARY		La CYGNE ELEMENTARY		PRAIRIE VIEW MIDDLE SCHOOL		PRAIRIE VIEW HIGH SCHOOL	
	2005-2006	2006-2007	2005-2006	2006-2007	2005-2006	2006-2007	2005-2006	2006-2007	2005-2006	2006-2007
K	11	19	17	10	31	38				
1 st	20	23	14	20	34	41				
2 nd	23	20	12	14	46	42				
3 rd	14	20	20	10	45	39				
4 th	18	13	13	21	46	47				
5 th	14	15	17	14	41	42				
6 th							78	73		
7 th							78	71		
8 th							81	79		
9 th									88	80
10 th									92	85
11 th									81	81
12 th									79	78
Nongraded/ Special Ed	15	11	3	2	8	7				
TOTAL	115	121	96	91	251	256	237	223	340	324



School Districts

LEGEND

-  Cities
-  School Districts
-  Counties



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SECTION TWO

EXISTING CONDITIONS SURVEY

CHAPTER 3 LAW ENFORCEMENT / FIRE PROTECTION / EMERGENCY

INTRODUCTION

This Chapter reviews the current provisions for law enforcement, fire protection and emergency services for the City of Linn Valley and the surrounding unincorporated properties within the Planning Area.

At this time, the City has two (2) full time police officers and four (4) part time officers. Vehicles include two (2) patrol cars and a jeep. Both patrol cars are equipped with radio equipment with 50-watt capabilities, which allows contact with the Linn County Sheriffs Office in Mound City. The Linn County Sheriff provides police protection for the unincorporated areas within that portion of the Planning Area located in Linn County and the Miami County Sheriff provides police protection for the unincorporated areas in Miami County.

The Sheriff Departments are responsible for maintaining County jail facilities, which are located in Mound City (Linn County) and Paola (Miami County). All 911 emergency calls for the City of Linn Valley are handled through the Linn County Sheriff's dispatch and routed back to the police or fire personnel.

Fire protection is currently provided by volunteer personnel. There are fourteen (14) volunteer fire fighters, including one (1) certified EMT. Fire fighting equipment includes three (3) pumper trucks and two (2) smaller grass fire trucks. Most of the equipment is older equipment acquired from other agencies. The City is currently in the process of seeking grant funds to purchase a new pumper truck. All of the trucks are equipped with 50-watt radios. Fire Fighters currently use hand held radios, which have a limited range and are a continuous maintenance problem. Radio equipment should be upgraded, including the addition of a repeater facility to improve the range of communication capabilities. The Linn Valley Lakes Property Owners Association provides two (2) fire station facilities, which are leased to and maintained by the City.

Ambulance service is provided by Emergystat, Inc. with facilities located in the Cities of Pleasanton and La Cygne.

There are no hospital services currently located in Linn County. The nearest facilities are in the City of Paola or the City of Butler, Missouri.

CONCLUSION

In order to maintain appropriate levels of fire protection and police protection for the Planning Area, the City should consider entering into Mutual Aid Agreements with other law enforcement agencies and fire districts within Linn County and Miami County. Additionally, the City must improve their communication capabilities to ensure and enhance the provision of all emergency services.

SECTION TWO

EXISTING CONDITIONS SURVEY

CHAPTER 4 WATER

INTRODUCTION

This Chapter reviews the current water service for the City and Planning Area. The City of Linn Valley has two (2) water service providers. The Linn Valley Lakes Property Owners Association (P.O.A.) currently serves 450 dwelling units¹. The remainder of the residential development is served by Linn County Rural Water District #1. Linn Valley Lakes P.O.A. uses Linn Valley Lake as its primary source for water supply. However, they do have a cross connection to Rural Water District #1 for emergency situations. The P.O.A. currently produces 8,700,000 gallons per year and has the capabilities of producing 24,000,000 gallons or 73.5 acre/feet per annum with their existing treatment plant². Unfortunately the P.O.A. does not have adequate water storage capacity to accommodate this production. In addition, a hydrologist should study Linn Valley Lake to determine the safe water yield. Due to lack of infrastructure, most of the water supplied by the P.O.A. is hauled by truck and stored in on-site holding tanks. The P.O.A. operates two (2) water trucks daily with a third truck available depending on the demand³.

In addition to the water supplied by the Linn Valley Lakes P.O.A., portions of the City and all of the remaining Planning Area is served by Linn County Rural Water District #1 (see Water Service Boundary Map Fig. #2). According to the "Water Systems Study" prepared by Ponzer-Youngquist Consulting Engineers for Rural Water District #1, the District is currently serving 523 customers within their district. Over the last 5 years (2001 to 2005) the District has grown an average of 24.4 new customers per year. The "Study" did not include specific data for the City of Linn Valley but was provided a current assessment of the entire district. Based on a projected growth rate of 24.4 new meters per year, the District would need substantial improvements to their distribution and storage capabilities.

The Rural Water District currently receives their water supply from the City of La Cygne. However, the District has contracted with Wholesale Water District #13 for additional supply, which should be available in 2007-2008. This additional supply would assure the District's capability to maintain an adequate water supply to meet their future growth needs.

CONCLUSION

At the present time, water service is being provided to the City of Linn Valley by two separate agencies. The City, together with the P.O.A. and Rural Water District, need to coordinate their efforts to determine how the City would best be served with an adequate, safe water supply for both present and future needs. It is recommended that the City and P.O.A. conduct a Water Study that would determine the safe yield capability of Linn Valley Lake and an adequate water storage and distribution which could eliminate the need for hauling water and storage in individual on-site holding tanks. This effort would

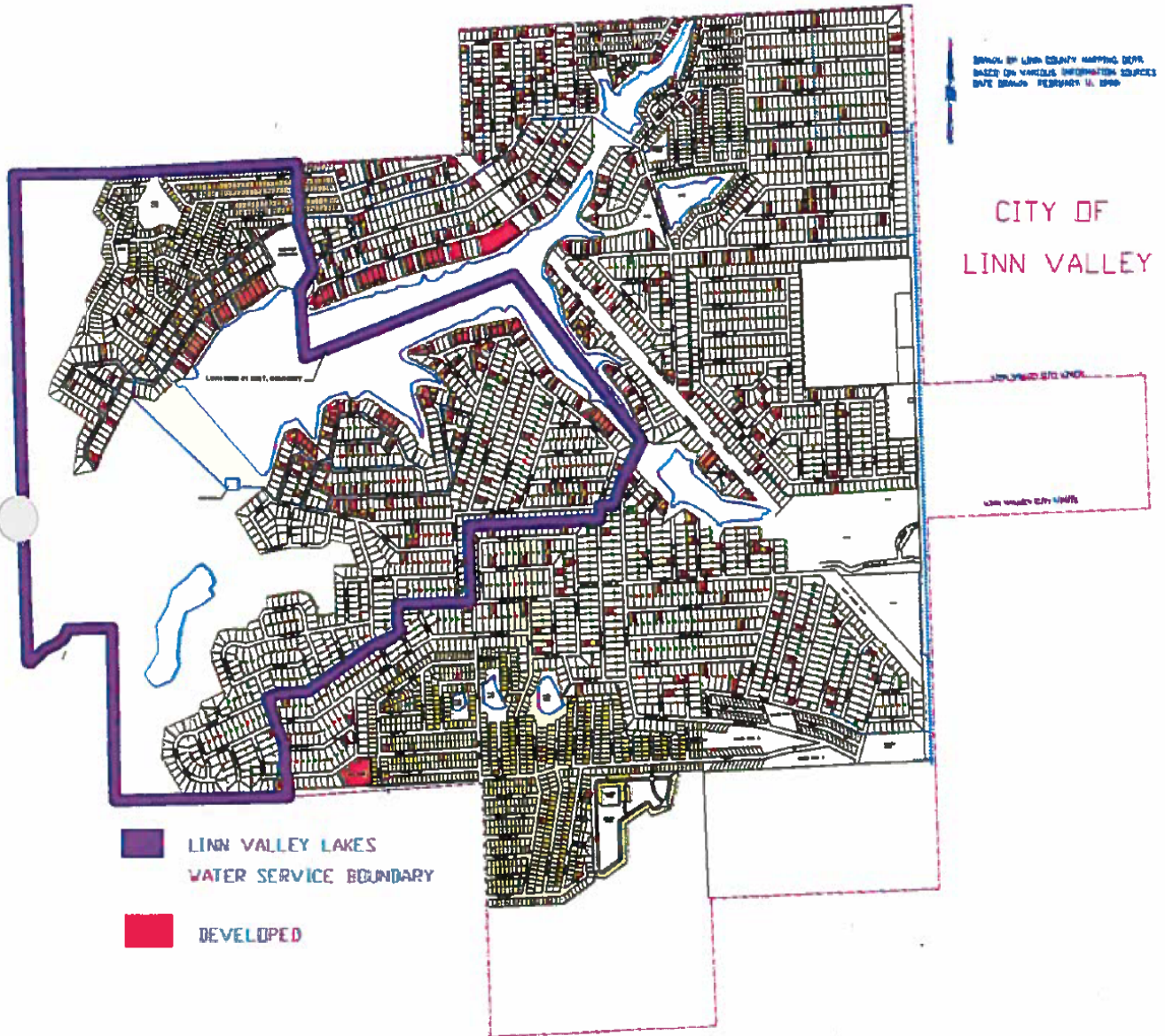
¹ Data provided by Linn Valley Lakes P.O.A.

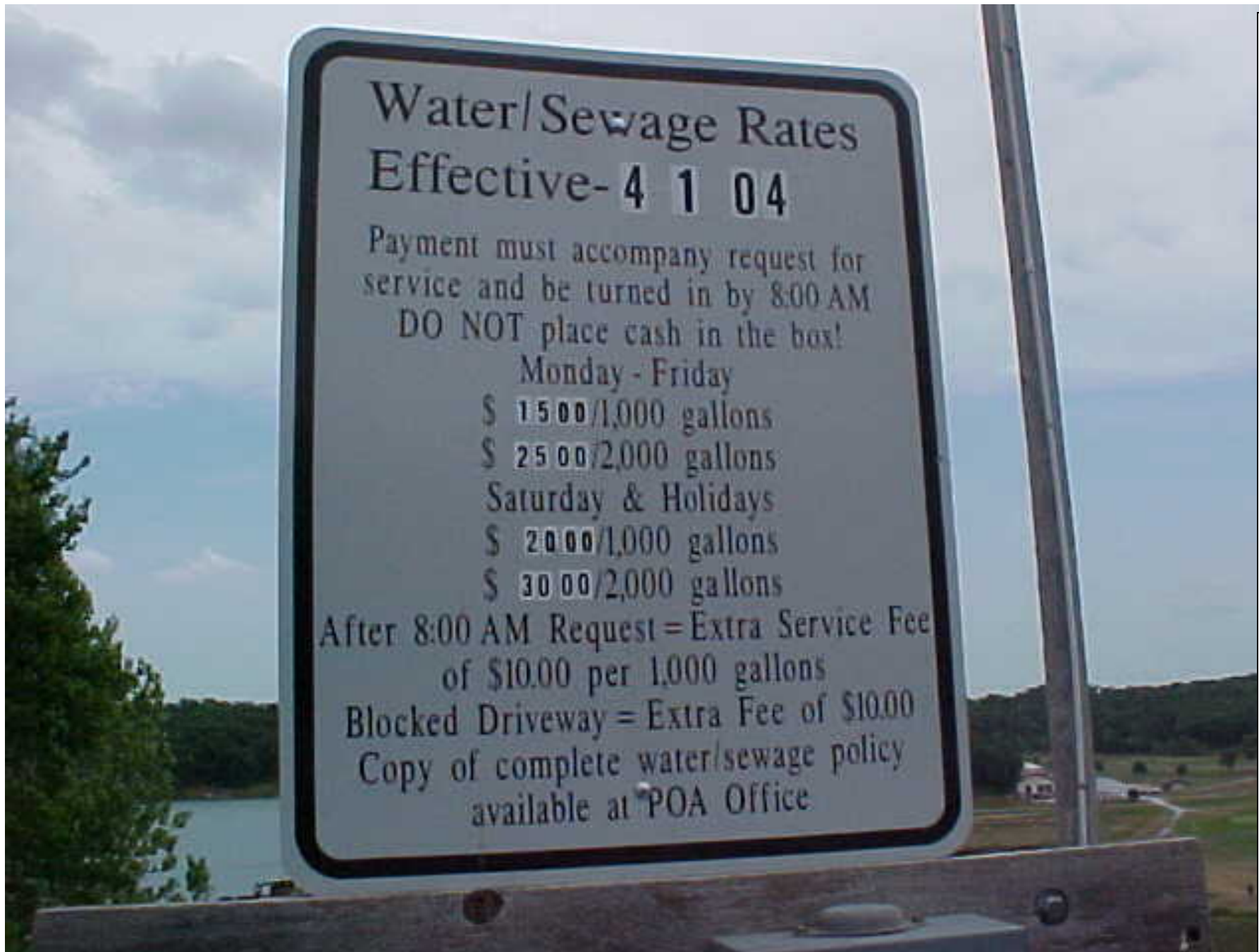
² Data provided by Linn Valley Lakes P.O.A.

³ Data provided by Linn Valley Lakes P.O.A.

be coordinated with Rural Water District #1 to determine the most efficient and cost effective means of meeting the future water service needs of the City and Planning Area.

FIGURE 3
WATER SERVICE BOUNDARY MAP





I I N N V A I I E Y I A K E S P O A W A T E R

Water/Sewage Rates

Effective- 4 1 04

Payment must accompany request for service and be turned in by 8:00 AM

DO NOT place cash in the box!

Monday - Friday

\$ 15 00 /1,000 gallons

\$ 25 00 /2,000 gallons

Saturday & Holidays

\$ 20 00 /1,000 gallons

\$ 30 00 /2,000 gallons

After 8:00 AM Request = Extra Service Fee of \$10.00 per 1,000 gallons

Blocked Driveway = Extra Fee of \$10.00

Copy of complete water/sewage policy available at POA Office



IINNVAI I EY I AKES WATER TRICK

SECTION TWO

EXISTING CONDITIONS SURVEY

CHAPTER 5 SEWER / SOLID WASTE

INTRODUCTION

This Chapter reviews the existing collection and disposal of sewage and solid waste for the City. At the present time, the Linn Valley Lakes P.O.A. provides sewage hauling services for those dwelling units within the original platted portions of the City. Individual on-site sanitation systems (septic tanks) are utilized for those households developed on those parcels that were not platted but have since been annexed within the corporate boundaries.

Sewage is pumped from individual on-site holding tanks and hauled to a lift pump station, which then pipes the sewage to a three (3)-cell lagoon system owned and operated by the P.O.A.

The P.O.A. is currently serving over 500 individual holding tanks with two (2) full time trucks with a third truck available based on service demands. Each truck has a capacity of 2,000 gallons. The total amount of sewage removed by the P.O.A. is currently 8,600,000 gallons per year with an estimated daily flow rate to the sewer lagoon of approximately 24,000 gallons per day. The existing sewer lagoon is currently operating under a Kansas Water Pollution Control Permit (permit #C-MC18-0002). This permit became effective October 1, 2004 and will expire September 30, 2009.

The Linn Valley Lakes Wastewater Treatment Facility consists of the following:

1. Pump Station
2. Three (3) Cell Wastewater Stabilization Pond
3. Total Surface Area = 6.3 acres
 - a. Cell 1 = 1.4 acres
 - b. Cell 2 = 1.4 acres
 - c. Cell 3 = 3.5 acres
4. Design Flow = 30,000 gallons per day.

The lagoon system is authorized to discharge from the treatment facility into a tributary that drains into Linn Valley Lake, currently used as the water supply source for the Linn Valley Lakes P.O.A.

Solid Waste disposal is currently provided by Linn County. Similar to the other Cities throughout the County, the County maintains and operates a trash compactor on property owned by the P.O.A. Individual households bring their solid waste to the compactor site where it is compacted and then hauled to the County Landfill Facility near Prescott, Kansas.

CONCLUSION

The Kansas Department of Health & Environment has recommended that the P.O.A. and the City of Linn Valley retain a consulting engineer to provide recommendations on a long-term wastewater solution and further recommends that the P.O.A. transfer ownership of the water and wastewater system to the City of Linn Valley.



SEWER PUMP TANK AND PUMP STATION



TYPICAL SEWER HOLDING TANK

SECTION TWO

EXISTING CONDITIONS SURVEY

CHAPTER 6 ZONING / LAND USE

INTRODUCTION

This Chapter examines the existing land uses and zoning for the City of Linn Valley, as well as the current Zoning and Future Land Use of Linn & Miami Counties within the Planning Area as identified in the Linn County & Miami County Comprehensive Plans.

Incorporated in 1998, the City contains an area of approximately 3.21 square miles. Most of the City is within Linn Valley Lakes Property Owners Association (P.O.A.). There are approximately 5,162 building lots and an additional approximate 400 camper space . In addition, there are several residential tracts that were previously established and developed in accordance with the County standards prior to annexation and over 200 acres located in the Southeast corner of the City that have not been subdivided or developed and are currently being used for agriculture. Approximately 560 acres within the City, exclusive of streets and utility easements, are in various form of common area including City Hall, golf course, lagoon site, lakes, community centers, etc.².

The City of Linn Valley has adopted a Zoning Ordinance and has established the following Zoning Districts:

- A. R-1: Single Family Residential—Moderate Density Building Lots
- B. R-2: Single Family Residential – Multi-Purpose / Camping Lots
- C. P-1: Parks and Open Space
- D. C-1: Restricted Commercial
- E. PUD: Planned Unit Development

As shown on the City Zoning Map, most of the incorporated area is currently used for residential purposes. The lakes, golf course and other common areas are zoned parks/open space. Unlike most cities throughout the State, there is no identified central business district or town square and very little Commercial Zoning.

Both Linn County and Miami County currently maintain most of the proposed Planning Area in Agriculture or Low Density Residential Zoning Districts. Linn County has zoned the area East of U.S.-Highway 69

¹ Data provided by Linn Valley Lakes P.O.A.

² Data provided by Linn County Mapping Department

along K-152 Highway for Commercial Use and Miami County has zoned two small tracts located on the East side of Jingo Road at the intersection of 399th Street for Commercial Use.

The Linn County Comprehensive Plan Future Land Use Map includes all of the area along U.S. 69 Highway from 2000 Road Northerly to the Miami County line between Ullery Road and Valley Road and those properties along the North side of K-168 Highway from the City of La Cygne Easterly to the U.S. 169 Highway for Commercial use. The remaining area of Linn County within the Planning Area is shown for low-density residential purposes.

The Miami County Comprehensive Plan Future Land Use Map shows the properties within the Planning Area as Rural Agriculture 20 acre density.

CONCLUSION

One of the Strategic Issues identified during the Study Sessions with the Planning Commission was the need of an increased tax base, particularly Commercial and Industrial development. Although the Planning Area includes properties that are not currently annexed, the City has recognized these sites as potential areas of non-residential development such as Highway Commercial and/or Light Industrial uses.

In addition, until water and sewer services can be extended to all of the Planning Area, it may be necessary to consider Low Density (3-5 acres) Residential and Agriculture Land Use designations and Zoning Districts.

Collectively, the implementation of these new land uses may require modification to the current Zoning Ordinance.

SECTION THREE

FUTURE LAND USE PLAN

CHAPTER 1

INTRODUCTION

The future land use plan for the City of Linn Valley and proposed growth area is presented in this section. There are four (4) complimentary elements identified in this section to guide the future growth and development of the City. These elements consist of guiding principles and objectives, land use policies, a future land use map and traffic elements. Taken together, these elements are intended to guide decision making regarding the land use pattern, the intensity of land development and the relationship of these land uses to the transportation network of Linn & Miami Counties.

The land use map is designed to illustrate a generalized pictorial land use pattern. Each land use decision must be evaluated against the land use map as well as the goals, objectives and policies contained in the text. Situations may arise from time to time when a land use request (change of zoning) for a specific piece of property does not comply with the proposed future land use map, but when judged against the goals, objectives and policies set forth in the plan, may be found to be in substantial compliance with the intent and determined to be acceptable.

LAND USE GUIDING PRINCIPLES AND OBJECTIVES

The overall growth guidance strategies for the City of Linn Valley are presented in the following land use *guiding principles and objectives*. These planning principles and objectives express the broad thinking regarding how development should occur in the City as well as the areas of planning influence in the surrounding unincorporated areas.

GUIDING PRINCIPLE/OBJECTIVE #1

Provide a land use plan and growth strategy aimed at protecting natural resources & the environment while offering housing opportunities for a variety of life styles.

The land use plan encourages innovation, functional subdivision design that will include adequate streets, water, sanitary waste treatment and efficient delivery of City services.

GUIDING PRINCIPLE/OBJECTIVE #2

Support a healthy and sustainable City by ensuring that environmental integrity and diversity are considered in land use decisions.

The land use plan reflects the importance of maintaining and enhancing the City's natural features and resources such as woodlands, valleys, floodplains, riparian areas, together with surface and ground water.

GUIDING PRINCIPLE/OBJECTIVE #3

Ensure that the City's infrastructure and services are maintained and/or expanded at a level that is realistic and affordable.

The land use plan encourages land development that is supported by appropriate services and infrastructure that are affordable. This includes the cooperation with the Property Owners Association, Rural Water District and the City for water and/or sewer services.

GUIDING PRINCIPLE/OBJECTIVE #4

Create a City development pattern that supports the existing residential community and promotes new business opportunities.

A strong City economy is essential to support, sustain and enhance the quality of life enjoyed by residents of the City of Linn Valley and that portion of Miami and Linn Counties within the Planning Area. The land use plan contributes to a healthy local economy by providing opportunities for new commercial and industrial developments.

SECTION THREE

FUTURE LAND USE PLAN

CHAPTER 2 LAND USE PLAN FRAMEWORK

INTRODUCTION

The land use plan is the product of numerous study sessions and discussions with the Planning Commission, as well as the elected officials, Property Owners Association, Rural Water District, Linn County Officials and citizens, about the desired character and design of future development of the City of Linn Valley. These discussions have influenced the goals and established a basic framework for the land use plan. The following is an overview of the framework for the future land plan.

URBAN GROWTH AREA

A significant portion of the population growth and economic development is envisioned to occur within or near the incorporated City, including future annexations. A goal of this plan is to encourage cooperative planning between the City of Linn Valley and Linn and Miami Counties, to promote growth and economic development into the urban growth area. While the preferred location would be within the municipal boundary, the plan recognized that development may be desirable in locations where all urban services may not be available or the annexation of such areas may not be timely. The boundary of the urban growth area should be based on the projected population growth and capability of extending the service infrastructure to accommodate the anticipated growth. The major benefit of the urban growth area is that planners and decision makers can prepare a defined urban services area before the City actually extends the infrastructure and commences annexation. The Urban Growth Area should be large enough to accommodate the anticipated growth for at least 20 years since large scale infrastructure planning and construction typically requires five (5) to six (6) years to implement. The Urban Growth Area implies that the City should be responsible for making land use decisions within these boundaries. However, until annexation occurs, the County (Miami and/or Linn) Planning Commission and Board of County Commissioners remain responsible for all land use decisions. The City may elect to pursue extra-territorial authority for zoning and subdivisions by entering into an Interlocal agreement with the affected County as provide by K.S.A. 12-2901 and 12-744 (c).

RURAL GROWTH AREA

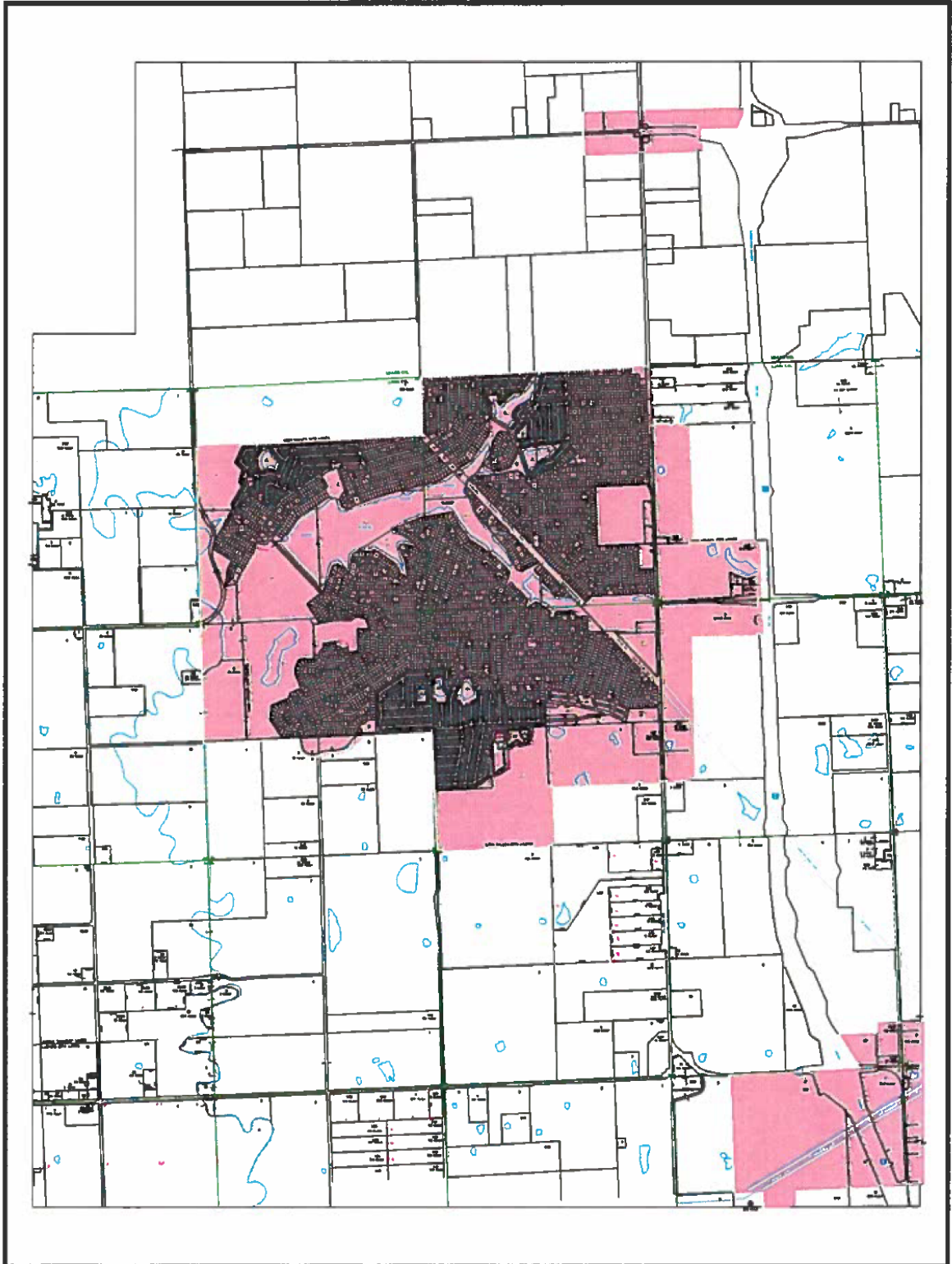
The land use plan also accommodates Rural Growth Areas for unincorporated land within the Planning Area. The intent of the Rural Growth Area is to acknowledge both developed and undeveloped lands in close proximity to the urban fringe. These lands include low-density residential developments, agriculture, floodplains and recreational uses. The Rural Growth Area also provides a “holding zone” wherein services are not available in the near future and properties are not considered to be ripe for more intensive urban development. Rural unincorporated areas have a long tradition of attracting persons seeking a rural lifestyle. Numerous factors act as driving forces behind rural-urban fringe development, such as desire to live in a rural setting with plenty of open space with few neighbors, limited traffic and a convenient

commute to work and shopping. There are indications that a segment of rural-urban fringe households are comprised of early retirees returning “home”. Further, the U.S. Census data strongly suggests that the late 1990’s were witness to a growing number of retiring “baby boomers” seeking rural-urban fringe communities that offer recreational opportunities such as golf, boating, fishing or equine related facilities, that are within a short commute to the Kansas City Airport and the greater Kansas City Metropolitan Center.

Other factors driving the demand for rural-urban fringe housing include:

1. lower taxes
2. less government
3. quality and size of school districts
4. aesthetic quality of the community
5. availability of a public water supply
6. access to a paved road system

In general, all of these qualities are found within the Rural Growth Areas of this plan. See Urban and Rural Growth Area Map shown on Figure 3.



 URBAN GROWTH BOUNDARY



FIGURE #3

**CITY OF LINN VALLEY COMPREHENSIVE PLAN
URBAN GROWTH BOUNDARY MAP**

PROJECTION:	KANSAS STATE PLANE COORDINATES
DRAWN BY:	ROY S (CADMAN) BAKER
DATE DRAWN:	NOVEMBER 15, 2007

BASED ON VARIOUS INFORMATION SOURCES

SECTION THREE

FUTURE LAND USE PLAN

CHAPTER 3 FUTURE LAND USE MAP

INTRODUCTION

The Future Land Use Map is the foundation of the Comprehensive Plan as it forms the basis for policies on future residential development, as well as potential industrial and commercial development. The arrangement and locations of different land uses illustrates how the planning area could accommodate future development. The plan should represent and promote the “best practices” available to decision makers and complement planning goals, strategies and statements contained within the Comprehensive Plan. The Future Land Use Map must adapt to changing needs over time and undergo yearly review. The Future Land Use Map establishes a broad course of action for land use patterns and should be applied in combination with the goals, land use principles and policies set out in the Comprehensive Plan. The Future Land Use Map is located in the appendix of the plan in a separate sleeve.

Land Use Categories

The Future Land Use Map includes the following land use categories:

1. Agriculture
2. Rural Residential
3. Residential
4. Commercial
5. Industrial
6. Parks/Open Space/Public

To assist in the interpretation of the Future Land Use Map, a series of more detailed policies describing the criteria for location, density and typical use/s of each land use category have been included in the plan.

Agriculture -- This land use category includes areas outside the incorporated City boundary that would remain predominantly rural in character. This land use may also be applied as a “holding zone” for future urban growth when the necessary services become available. The primary intended land use is agriculture, which includes land under cultivation, pasture, grasslands, woodlands, floodplains and farm homes. Minimum tract should be at least ten (10) acres.

Policies

- Policy 1. Discourage development that would remove large parcels of land out of farming until appropriate services necessary to serve the proposed development have been extended to the site or are incorporated within the development plan for the affected property.*
- Policy 2. Discourage development that removes riparian habitat and woodlands located on steeper slopes.*
- Policy 3. Discourage “leap frog” developments.*
- Policy 4. Encourage the use of the agriculture land use as a “holding zone” until the site/s are “ripe” for more intensive land use development.*
- Policy 5. Discourage confined animal lot and similar operations from the Planning Area.*

Rural Residential – This land use category includes properties located outside the incorporated boundary that are either developed or are not anticipated to have necessary services available to support more intensive urban development within the foreseeable future. Parcels in this category should not be less than three (3) acres and designed in a manner to be compatible with the rural character of the community.

Policies

- Policy 1. Discourage the use of rural residential development in those areas identified within the “Urban Growth” Areas.*
- Policy 2. Encourage rural residential developments not to locate on wooded hills, steep slopes and flood prone sites.*
- Policy 3. Discourage rural residential strip development fronting onto County or State maintained road systems that would frustrate or prohibit the ability to extend services necessary to support urban density developments.*
- Policy 4. Encourage rural residential development to provide engineering reports with any subdivision proposal or rezoning request evaluating site conditions, soil classifications, etc. to ensure the capabilities for adequate on-site sanitation systems in compliance with the standards of the Kansas Department of Health and Environment.*
- Policy 5. Encourage rural residential subdivisions to provide evidence of an adequate ground water supply or public water supply sufficient to meet the domestic needs of all lots being created.*

Residential – This land use category is intended to include urban density residential developments within the Urban Growth Areas and incorporated areas. Residential densities may vary depending on lot size and relationship to adjoining developments.

Policies

- Policy 1. Discourage residential developments from locating within the Rural Growth Area unless public water and sewer is available.*
- Policy 2. Require all new residential subdivisions to provide public water and sewer.*
- Policy 3. In cooperation with the Linn Valley Lakes Property Owners Association, develop a public water and sewer plan to provide services throughout the incorporated community and future growth area in the most cost effective manner.*
- Policy 4. Adopt Subdivision Regulations which provide for the proper location and width of streets, drainages, public utilities, lot size and lot width and depth and compatibility of design and other physical improvements, such as access.*
- Policy 5. Discourage residential development from locating on those sites designated for commercial or industrial land use.*

Commercial– This land use category is intended to provide for a range of commercial activities within the incorporated City and within the designated “Urban Growth” Areas. Commercial uses should include services such as medical and professional offices, as well as offering retail goods, meeting the needs of the people residing in the City and surrounding community.

Policies

- Policy 1. Encourage commercial uses and activities to locate within the corporate limits or at key intersections of U.S. Highway 69 and 399th Street and U.S. Highway 69 and K-152 Highway.*
- Policy 2. Encourage commercial uses to locate where adequate road capacity, public water service and wastewater treatment infrastructure is present.*
- Policy 3. Cooperate with Miami and Linn County to encourage highway oriented commercial uses at or near the major highway and thoroughfare intersections to provide food service, lodging and fuel facilities.*
- Policy 4. Ensure that commercial land uses are compatible with and sensitive to surrounding residential neighborhoods and adjoining properties by promoting the following development standards.*
- a. Assure that roads providing access to the commercial site are adequate to accommodate the additional traffic without causing congestion or undue safety problems. Sites should be located with direct access to hard surface roads/streets.*
 - b. Vehicular turning movements onto the site, particularly truck traffic, shall not cause any significant reduction in road capacity.*
 - c. Commercial developments shall provide adequate off-street parking on a hard surfaced lot designed to accommodate all vehicles using or servicing the facility.*
 - d. Commercial developments shall be designed to provide buffering to reduce potential impacts on nearby land uses.*

e. Commercial sites shall be designed to conserve unique and/or sensitive natural features.

Industrial – This land use category is intended to provide for a range of industrial activities within the incorporated City and within the designated “Urban Growth” Areas. Industrial uses should include services such as medical and professional offices, as well as offering retail goods, meeting the needs of the people residing in the City and surrounding community.

Policies

Policy 1. Encourage industrial uses and activities to locate within the corporate limits or at key intersections of U.S. Highway 69 and 399th Street and U.S. Highway 69 and K-152 Highway.

Policy 2. Encourage industrial uses to locate where adequate road capacity, public water service and wastewater treatment infrastructure is present.

Policy 3. Cooperate with Miami and Linn County to encourage highway oriented industrial uses at or near the major highway and thoroughfare intersections to provide food service, lodging and fuel facilities.

Policy 4. Ensure that industrial land uses are compatible with and sensitive to surrounding residential neighborhoods and adjoining properties by promoting the following development standards.

- a. Assure that roads providing access to the industrial site are adequate to accommodate the additional traffic without causing congestion or undue safety problems. Sites should be located with direct access to hard surface roads/streets.*
- b. Vehicular turning movements onto the site, particularly truck traffic, shall not cause any significant reduction in road capacity.*
- c. Industrial developments shall provide adequate off-street parking on a hard surfaced lot designed to accommodate all vehicles using or servicing the facility.*
- d. Industrial developments shall be designed to provide buffering to reduce potential impacts on nearby land uses.*
- e. Industrial sites shall be designed to conserve unique and/or sensitive natural features.*

Policy 5. Heavy industrial uses shall not be located adjacent to residential development.

Policy 6. Mitigation measures shall be employed in the design and operations of industrial developments to maximize compatibility with surrounding uses by reducing impacts from noise, dust, vibration, light, glare and odor.

Parks/Open Space/Public – This land use category is intended to accommodate recreational facilities such as camp grounds, golf courses, tennis courts, government or community owned buildings and facilities, fire stations, school sites, trails and public access, floodplains and buffer zones.

Policies

Policy 1. In cooperation with the Linn Valley Lakes Property Owners Association adopt development standards that protect the quality of surface water resources to optimize use for human consumption and recreation.

- Policy 2. Promote the creation of open space corridors by encouraging the protection and preservation of floodplains, steep wooded hillsides, bodies of water and community owned and operated sanitation treatment facilities.*
- Policy 3. Design new residential subdivisions in a manner that encourages buffers and open space from non-residential developments.*
- Policy 4. In cooperation with U.S.D. #362 develop a long-term plan that assesses the school space needs and reserve a site/s as necessary to meet those needs.*

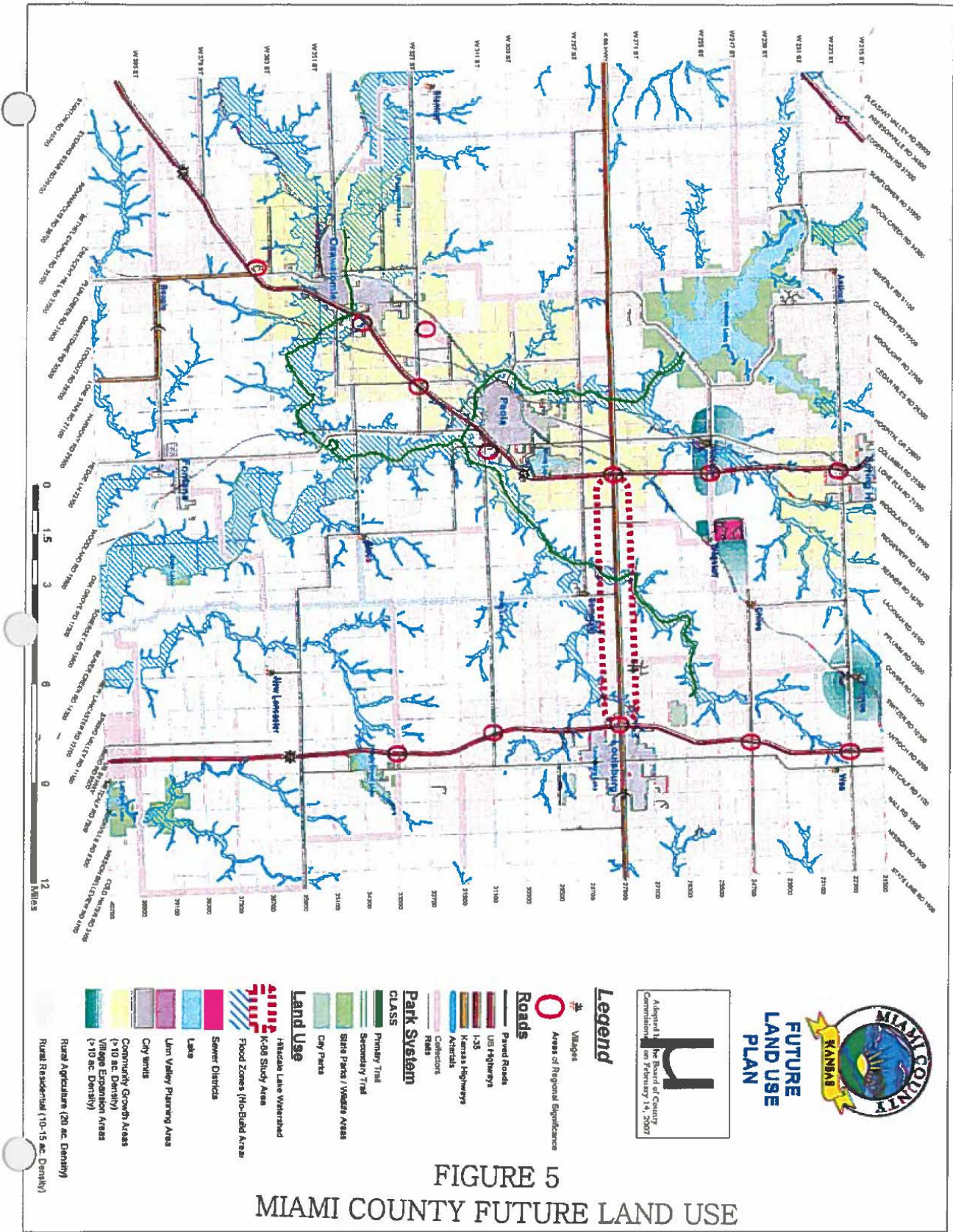


FIGURE 5
 MIAMI COUNTY FUTURE LAND USE

LINN COUNTY, KANSAS
FUTURE LAND USE MAP
FIGURE 6

Legend

-  Agriculture
-  Transitional Ag
-  Residential Estate
-  Village Residential
-  Commercial
-  Industrial
-  Public/Quasi-Public
-  Park/Recreation
-  Watershed Overlay
-  Flood Plain Overlay
-  Major Intersection
-  Corporate Limits



Created By: S.E.H., February 24, 2006
 Revised By: J. Mahr November 16, 2006
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SECTION THREE

FUTURE LAND USE PLAN

CHAPTER 4 TRAFFIC CIRCULATION ELEMENT

INTRODUCTION

Road, street and highway systems have a direct bearing and relationship on the location and distribution of land uses and the physical design of a community. Much like the proverbial question of “which came first – the chicken or the egg”, a similar relationship exists with the road/highway and transportation systems and land use development. This association with land use development has been well documented. For example, urban development in America is often associated with deep-water harbors along the ocean coastal areas. Later, river systems, particularly the confluence of two (2) major systems or river crossings, provided the influence for urban development. During the last two (2) centuries, rail the Federal highway systems have been instrumental in influencing the location of urban development.

Originally, the Linn Valley Lakes/City of Linn Valley had direct access onto U.S. Highway 69. Decisions by the Kansas Department of Transportation regarding the expansion of U.S. Highway 69 from two (2) to four (4) lanes, however, have eliminated this access and the City must rely on the County road systems in Miami and Linn Counties to provide linkage to U.S. Highway 69. The City’s street and road network within the Planning Area, therefore, must be coordinated with existing and future land uses, as well as the State and County road system.

The City should view its street and road improvement program from three (3) perspectives: (1) as a program designed to improve access and circulation in the City and throughout the Planning Area; (2) as a program which supports the land use system as shown on the Future Land Use Map; and (3) as a program that, when strategically implemented, serves as a growth management tool. This Chapter analyzes the existing street and road system, as well as the projected future classification and related improvement standards.

FUNCTIONAL CLASSIFICATION OF HIGHWAY/ROADS

One of the principal purposes for the functional road classification system was to provide the basis for determining State and Federal Highway funding for improvements and maintenance program, such as FAP (Federal Aid Primary) and FAS (Federal Aid Secondary) road systems. This classification by local City and County governments, in cooperation with the Kansas Department of Transportation, established the distribution of funding and maintenance of most of the current highway systems throughout the State of Kansas.

Another basic purpose for the road/highway classification system was to establish road and highway standards for road and highway improvements as required by 68-516 et seq. These provisions required Counties using the “County Unit Road System” to classify, construct and maintain all County roads according to the following:

- 1) Secondary roads or highways shall include all County roads and highways designed for inclusions in the secondary road system in accordance with K.S.A. 68-1701 et. seq.
- 2) County Major and Minor Collector roads or highways not designed for inclusion in the system, which are utilized and designed primarily for the movement of traffic between primary points of destination throughout the County.
- 3) Local collector roads include all public roads not designed for inclusion as part of the FAS road system nor County collector road system and typically were roads within subdivision, which provide access to the collector or FAS road system.

In recent years the Kansas Department of Transportation (KDOT) has developed a more functional road classification system. This system is based on the primary function for the hierarchy of the roads & highways as follows:

INTERSTATE HIGHWAYS -- This system includes the Federal Highway system under the jurisdiction of the Kansas Department of Transportation. These highways connected major urban centers and communities throughout the State.

ARTERIALS -- Highways within the Cities and Counties that are the primary roadway to the smaller Cities within the Planning Area and surrounding Counties. These road systems are typically maintained by the Kansas Department of Transportation.

MAJOR COLLECTORS – These are principal County/City roads that provide adequate inter-city and inter-county connections under the jurisdiction of the local governments.

MINOR COLLECTORS – These are County and City roads that provide interconnection to the major collector roads.

LOCAL ROADS – These are City streets and County roads within the community that are generally developed to serve access to individual lots within subdivisions and townsite additions.

As previously noted, access to the City of Linn Valley is provided by Ullery Road in Linn County and Jingo Road in Miami County. This road system was formerly part of the old alignment of U.S. Highway 69. A portion of Ullery Road has been annexed to the City. Commencing at the Miami County/Linn County line and extending South approximately 1-3/4 mile. Although the Ullery/Jingo Road provides the primary access into the City of Linn Valley, access to this road system from U.S. Highway 69 is from 399th Street (a collector road) in Miami County and K-152 Highway from the South (an arterial road) in Linn County. Other County roads within the Planning Area include Saddler, Showalter, Taylor, 2350 and 2400 Roads in Linn County and Spring Valley Road in Miami County. All of these road systems are considered as either minor collector roads or local roads in the Future Transportation Plan of both Counties.

South Linn Valley Drive, North Linn Valley Drive and Linn Valley Boulevard serve as the primary access throughout the City. These roads were established in the original subdivision plat and function as a collector road system for the local subdivision streets.

The existing road/street system within the platted area is currently maintained by the Linn Valley Property Owners Association.

Currently the City has not established a road/street classification system and has not adopted minimum road improvement standards.

Miami County
 1995 Comprehensive Transportation Plan
 Recommended Transportation Plan

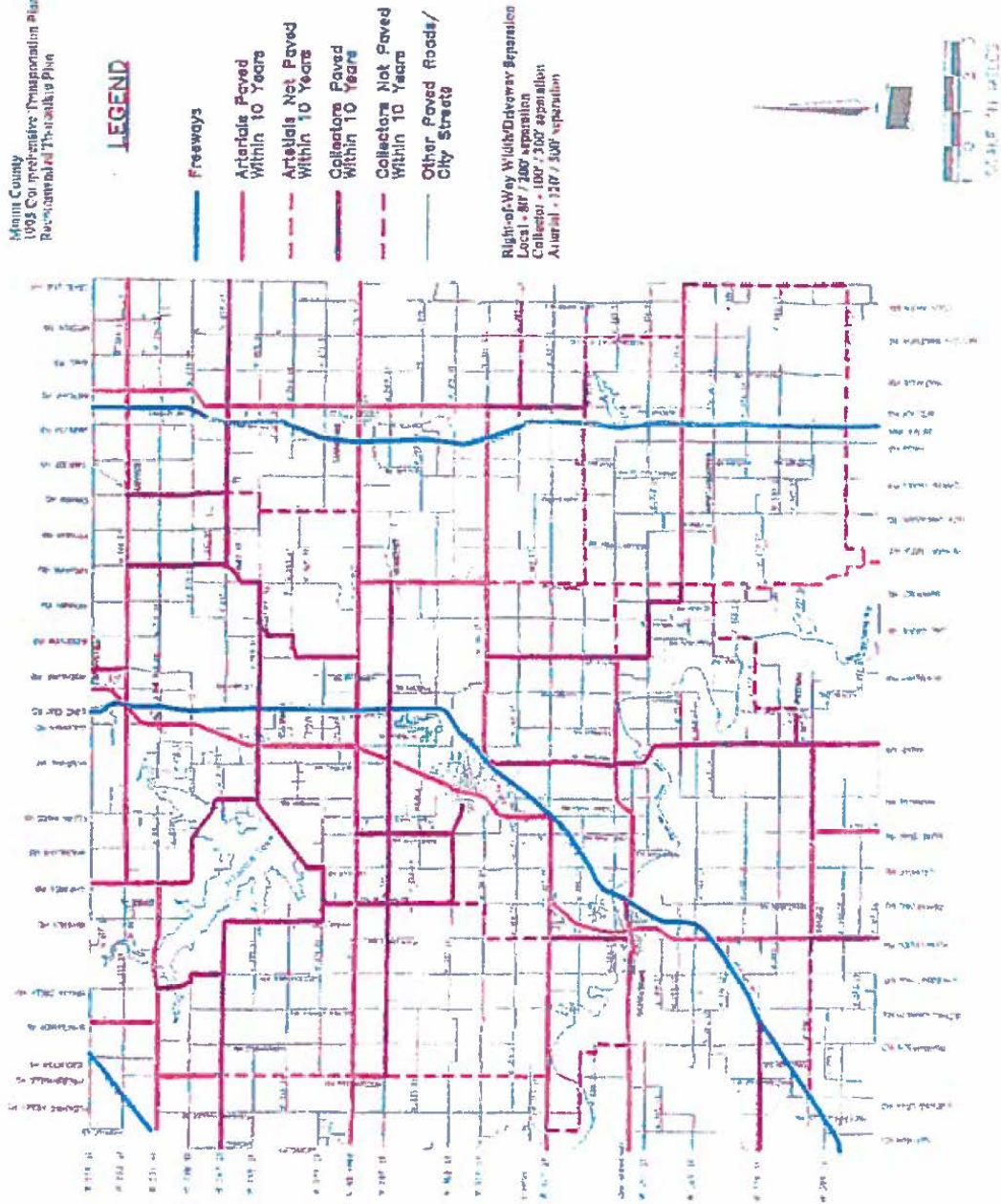
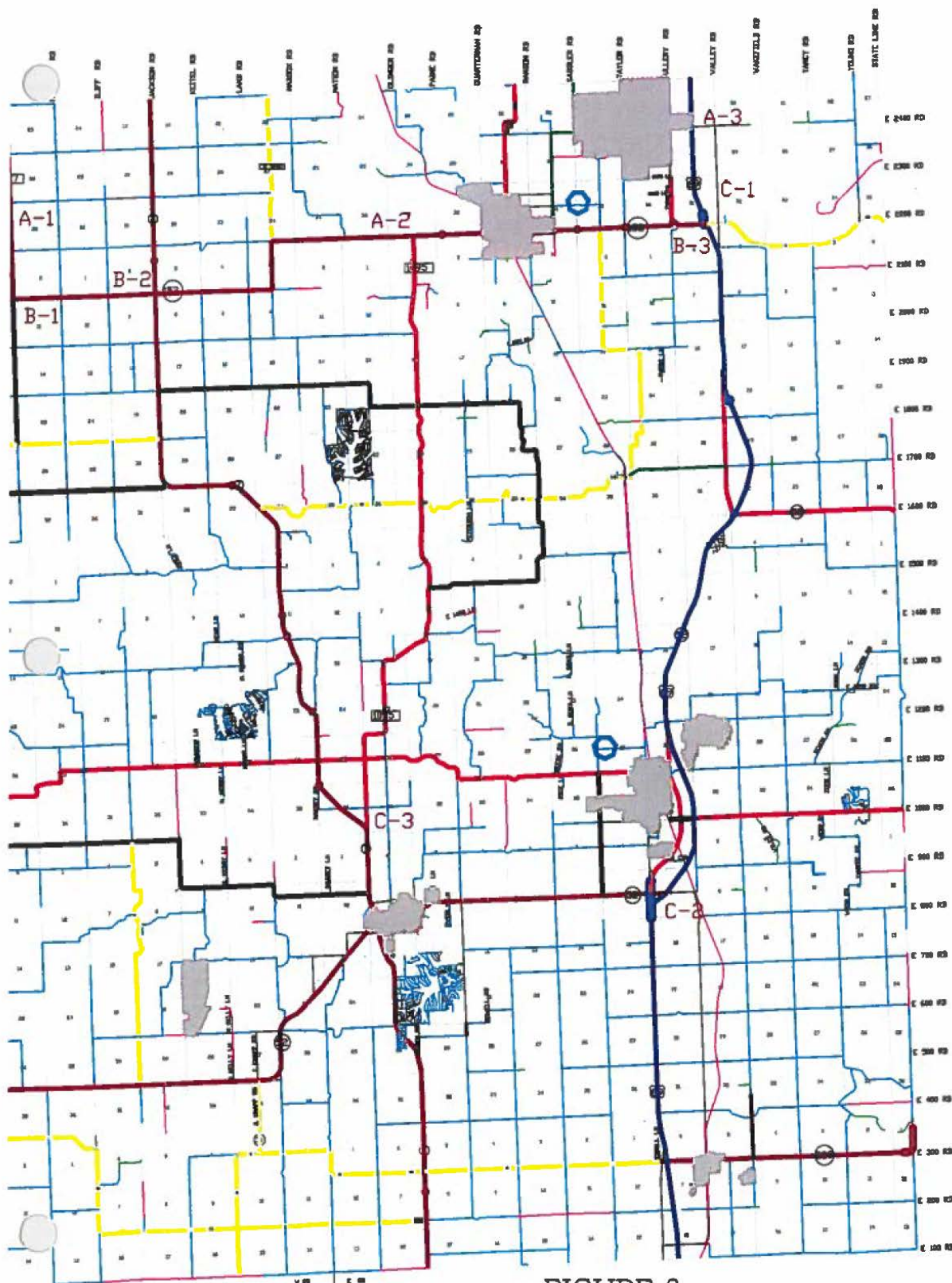


FIGURE 7
 MIAMI COUNTY TRANSPORTATION PLAN



PREPARED BY JEA CONSULTING GROUP, INC. & THE LINN COUNTY APPROVED PLANNING DEPT. 12-2017

Figure 2

- EXPRESSWAY
- MAJOR ARTERIAL
- MINOR ARTERIAL
- MINOR COLLECTOR
- FRONTAGE ROAD
- PRIVATE ROAD
- POTENTIAL INTERCHANGE
- GRAVEL
- BRIDGE REPLACEMENT

Future Transportation Plan



FIGURE 8
LINN COUNTY TRANSPORTATION PLAN

SECTION FOUR

PLAN IMPLEMENTATION

CHAPTER 1

INTRODUCTION

Successful Comprehensive Plans have the same key ingredients: ideas, hard work, consensus and the application and enforcement of each of these things to achieve the objectives as well as solving community problems. This section of the Plan addresses those supporting programs necessary or desirable to carry out the overall objectives of the Plan.

IMPLEMENTATION OF THE LAND USE POLICIES & RECOMMENDATIONS

Numerous goals and objectives addressing the future growth and land use development of the City and surrounding area have been identified throughout the development process of the Plan. As the primary policy guide for the City, it is important that future developments, as well as future public improvements, meet and support these goals and objectives. In general, the two most important and effective tools available to the City for the implementation of the Comprehensive Plan are the Zoning and Subdivision Ordinances. Other tools include Building Codes, Sanitation Codes and Capital Improvement Programs and Interlocal Agreements. Typically, the landuse recommendations of the Comprehensive Plan are addressed through the incremental process of rezoning specific parcels of land and/or the consideration of new subdivisions.

Adoption of the initial Zoning Map is the responsibility of the City. It is expected that over time most of the changes in zoning will be requested by individual land owners or developers and the Planning Commission's responsibility will be to evaluate the proposed development/rezoning for compliance with the Comprehensive Plan and forward their recommendation to the City Council for final action.

It shall be the burden of the applicant to demonstrate to the Planning Commission that the rezoning/subdivision proposal is consistent with the Comprehensive Plan. If the proposed development is inconsistent with the goals, land use map or recommended policies set forth in the Plan, then the developer must either request a change to the Comprehensive Plan or clearly demonstrate why the Comprehensive Plan should **not** be followed. The costs for amending the Comprehensive Plan to address these individual changes would be the responsibility of the property owner/developer.

IMPLEMENTATION OF THE FUTURE LAND USE MAP

As discussed on page 24, the Future Land Use Map provides an immediate physical location for the viewer of the various existing and future land uses within the City and throughout the Planning Area. The location of these land uses, as depicted on the map, does not represent a legal description or exacting boundaries.

Due to the scale and disparities in the mapping process, as well as the generalized nature of the Comprehensive Plan, boundaries of the various land uses, roads, highways, etc. may not accurately follow property boundaries, section lines or other recognized legal descriptions. In those situations where boundary uncertainties arise or are disputed, the Planning Commission shall determine the applicable land uses after reviewing the all-available and pertinent information along with the policies as set forth in the Comprehensive Plan. Such decisions shall be considered as an administrative review and not an amendment or Change of the Comprehensive Plan.

However, where boundary clarifications result in any substantial modifications or changes which would increase the land use intensity, such modifications or changes shall be made in accordance with the provisions of K.S.A. 12-747.

IMPLEMENTATION OF USES FOR URBAN GROWTH AREAS

As shown on the Urban Growth Area Map, the Comprehensive Plan includes boundaries for urban growth around those areas within the Planning Area which are anticipated to develop at higher land use intensity than the surrounding Rural Areas.

It is anticipated that within the time frame of the Comprehensive Plan, the City may wish to establish extraterritorial zoning and subdivision regulations for areas currently beyond the official city boundaries. In order for a city to exercise such zoning or subdivision control, the city must meet certain requirements pursuant to K.S.A. 12-2901 et seq. and K.S.A. 12-741 through K.S.A. 12-744 regarding Interlocal Agreements between the City and the affected Counties. In order for an “Interlocal Agreement” to extend zoning and planning authority to the City, it must be approved by the affected County(s) and the State Attorney General.

Once the “Interlocal Agreement” has been approved and the zoning and/or subdivision ordinance adopted for the urban growth areas, the City shall be responsible for the land use regulations and planning process.

However, until the City has initiated and complied with the statutory regulations, the affected County shall maintain authority for the planning, zoning and use of lands within the designated Urban Growth Areas.

As previously noted, urban residential densities, commercial and industrial growth and other services and activities, which support urban development, are encouraged within the Urban Growth Areas. The City shall inform and cooperate with the affected County regarding any project submitted within the Urban Growth Area boundary.

Specific land use categories, i.e. residential, commercial or industrial, should be included on the Future Land Use Map for the Urban Growth Areas. Future development proposals shall be reviewed for compliance with the goals, objectives and land use policies as set forth within the Comprehensive Plan.

IMPLEMENTATION OF ZONING ORDINANCES

Zoning is generally recognized as the principal means of implementing the recommendations and policies of the Comprehensive Plan. The Zoning Ordinance is comprised of two (2) distinct parts: text providing the definitions and specific criteria for each of the individual zoning districts; and a zoning map, physically

locating the boundaries of each of the individual zoning districts. As noted on page 24, several new zoning districts have been recommended to be included in the City Zoning Ordinance. Other additional zoning districts may be necessary in the future.

Upon official adoption of the Comprehensive Plan, the Planning Commission should immediately initiate actions to modify the City Zoning Ordinance and Zoning Map as necessary to comply with the Comprehensive Plan.

IMPLEMENTATION OF SUBDIVISION ORDINANCES

As previously noted, subdivision ordinances are the second most effective means of insuring the implementation of the provisions of the Comprehensive Plan. Subdivision Ordinances typically include the standards and responsibility for the physical design of new developments, including standards for roads and streets, drainage, water and sanitation requirements, location of public utilities, maximum slope ratios and open space, etc.

Similar to the recommendation for the Zoning Ordinance, the Comprehensive Plan has suggested adoption of the City Subdivision Ordinances. As shown in Figure 9 *Process for Implementing City Zoning*, the Planning Commission is authorized by State law to initiate Adoption of the City Subdivision Ordinances.

IMPLEMENTATION OF SANITATION CODES

As previously discussed in Section Two (Existing Conditions Survey), City sanitation is currently being served by the Property Owners Association with individual holding tanks. These individual tanks are pumped and sewage hauled to a lift station, which then pumps the waste into the existing three-cell lagoon. This service is only offered to those platted lots which were established as part of the Linn Valley Lakes Development and has not been extended to other properties annexed to the City.

Properties within the Planning Area, which have not been annexed, have traditionally provided on-site systems designed in accordance with the Sanitation Codes adopted by the affected County. Unless the City is capable of providing a public sewer system, or can negotiate an agreement with the Linn Valley Lakes Property Owners Association regarding the use of individual holding tanks and the existing lagoon system, the City will have to establish a Sanitation Code to address adequate and safe sanitation and water supplies for all new development. Sanitation Codes must be approved by the Kansas Department of Health and Environment before they can be put into force and effect.

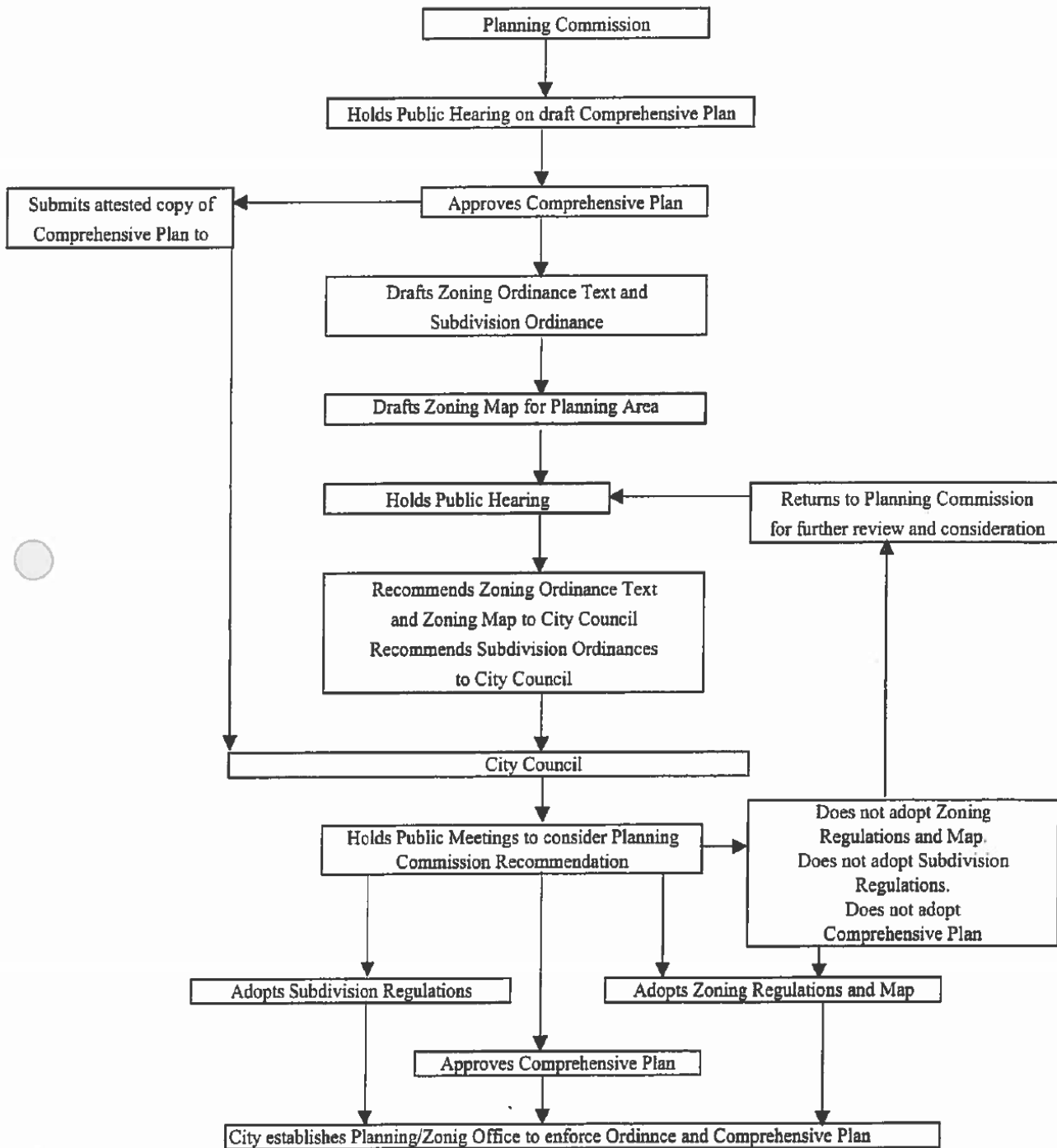
Policies identified in Section 3 concerning the “Urban Growth Areas” require developments to provide public water and sewer. However, properties shown within the “Rural Growth Areas” may utilize on-site sanitation and ground water (wells) to meet their domestic needs.

In order to ensure that these policies are being implemented, the City should:

- 1). Develop a Sanitation Code that provides minimum design standards regarding the installation of adequate and safe sanitation facilities and a water supply in compliance with the State of Kansas Administrative Regulations.

- 2). Maintain professional Staff to enforce and assist in the application of the Sanitation Code.

Figure 9
 Process for Implementing City Zoning/
 Subdivision Ordinances and Comprehensive Plan



- 3). Review all development projects for compliance with the Sanitation Code and State requirements prior to approval.
- 4). Establish educational programs regarding the design and installation of appropriate sanitation and ground water supply systems.

IMPLEMENTATION OF BUILDING CODES

Similar to the Zoning and Subdivision Ordinances and the Sanitation Code, Building Codes are a tool that the City may use to promote the goal of providing safe, quality development. Collectively, these regulations and codes establish standards for the effective development of both land and improvements. Zoning Ordinances establish standards for the use, bulk and density. Subdivision Ordinances establish minimum standards for the lot size and configuration, widths of and locations of streets, drainage improvements, utilities and other physical features used in the design of the development. Sanitation Codes establish the standards for the design and construction of safe disposal of sewage and the requirements for a safe domestic water supply. Building codes are designed to regulate building materials and minimum structural and engineering standards and fire protection, including standards for electrical and plumbing installations. At this time, the City has adopted the 2000 Edition of the International Building Codes. The Planning Commission should review the code from time to time to determine that such regulations are current to promote and protect the public health, safety and general welfare. When deemed necessary, the Planning Commission should recommend that the City Council adopt amendments and/or revised editions to the code.

CAPITAL IMPROVEMENT PROGRAM

As noted previously, a Capital Improvement Program (CIP) is a long-range schedule of projects, including estimated costs and projected priorities. Such projects could include the construction of a new or expanded sewer system, water storage facilities or even the development of a park.

A Capital Improvement Program typically covers a minimum time frame of five (5) years and often covers up to ten (10) years. Thus the CIP provides not only a means of budgeting for future projects, but also provides an opportunity to plan, evaluate and rank proposed public improvement projects in a systematic approach.

Regardless of the planning effort put into the development of the Capital Improvement Program, changes will occur such as emergencies due to flooding or other disasters or changes in State or Federal laws or even public demands which may affect the CIP.

Therefore, similar to the budget, the Capital Improvement Program must be reviewed annually to evaluate any changes in project priorities, to delete those projects which have been completed and to add new projects which have been identified as being necessary or required.

The importance of capital improvement planning is embraced in K.S.A. 12-748, wherein “the Planning Commission has reviewed a Capital Improvement Program and found that a public improvement, i.e. public facility, public utility or public building is in compliance with the Comprehensive Plan, no further review or

approval by the Planning Commission would be necessary”. However, where the City has adopted a Comprehensive Plan, but has not adopted a Capital Improvement Program, the Planning Commission is required to review public improvement projects for compliance with the Comprehensive Plan and report their findings to the City Council.

Although not mandated by State law, the development and adoption of the Capital Improvement Program is another important process of ensuring that the Comprehensive Plan is being implemented.

BOARDS AND COMMISSIONS

One of the often overlooked ingredients for the implementation of the Comprehensive Plan is the role of the Planning Commission, Board of Zoning Appeals, Economic Development Organization and the Board of City Council.

The ability to maintain these Boards and Commissions with interested and concerned individuals will greatly influence the effectiveness in achieving the goals and objectives of the Comprehensive Plan.

The degree to which the Comprehensive Plan is implemented will also be dependent upon the extent of understanding of the intent and function of the planning process by the governing body. Since support of any planning program is contingent upon the measure of acceptance by the general public, it is incumbent on the City that there be ample publicity and opportunity for the public to review the Plan and voice their opinions prior to the adoption and/or implementation of the Plan.

After adoption, however, it is the responsibility of the administrative agencies, the Planning Commission and the governing body to ensure that the policies and goals of the Comprehensive Plan are implemented.

Regardless of the effort put into the adoption and implementation of the Comprehensive Plan, changes will inevitably occur. For example, changes may happen regarding regional public water demands and/or improvements, State highway improvement programs, legal requirements mandated by changes in State law or even changes in local values affecting the land use. In an effort to address this issue, the Planning Commission is required by State law to conduct an annual review of the Comprehensive Plan to determine whether the Plan has become obsolete or ineffective. The Planning Commission is required to submit an annual written report in writing to the City Council regarding the effectiveness of the Comprehensive Plan and initiate any modifications deemed appropriate to make the Comprehensive Plan reflect the changes in conditions, etc.

PLANNING/ZONING DEPARTMENT

In order to effectively support the Comprehensive Plan and the implementation of planning tools such as Zoning and Subdivision Ordinances and Sanitation and Building Codes necessary to carry out the Comprehensive Plan the City should maintain a professional and competent Planning/Zoning Department and Staff. This department is responsible for: (a) the day to day enforcement of the regulations; (b) maintenance of records regarding development; (c) providing information and professional guidance to the public concerning all aspects of the planning process; and (d) preparation of reports and recommendations regarding planning issues to the Planning Commission and City Council.

SECTION FOUR

PLAN IMPLEMENTATION

CHAPTER 2

COMPREHENSIVE PLAN MAINTENANCE

Since planning is a process which anticipates development occurring over a period of years, proper implementation of the Comprehensive Plan includes both provisions for maintenance and provisions for review of the plan. K.S.A. 12-747(d) requires the Planning Commission to review and/or reconsider the Comprehensive Plan, or any part thereof, at least once each year. The Planning Commission may propose amendments or additions to the Comprehensive Plan. The procedure for the adoption of any such amendment or addition shall be the same as that required for the original plan or part thereof. If, however, the Planning Commission finds in their annual review that the Comprehensive Plan is adequate to address future land use development, the Planning Commission shall report its findings to the City Council.

ANNUAL REVIEW OF THE PLAN

A relevant up-to-date Comprehensive Plan is critical to the on-going success of any planning program. In order to maintain both public and private sector confidence; to evaluate the effectiveness of the planning process relative to development activities; and to make corrections regarding the use of community resources the plan must be current. This annual review, as required by the Kansas Statutes, can accomplish these goals. This review should be brief and should address any problems or concerns that may have arisen since the last review. The intent of the annual review is not to completely overhaul the Plan, but to make any amendments or additions that will make the Plan more effective. Typically, the annual review would take place at or near the beginning of each year. However, depending on the date of adoption, this review can be done at any time during the year. The Planning Commission should set a specific time for their annual review.

COMPREHENSIVE REVIEW OF THE PLAN

Assuming that the annual review process has addressed the minor changes or problems that may have arisen during the preceding years, a comprehensive evaluation and review should be undertaken at least every 15 to 20 years depending on the sustained usefulness of the Comprehensive Plan. This review should involve public review and comment, as well as addressing specific areas that should be added or amended. The result of this review would be a new Comprehensive Plan and would be required to be adopted in the same manner as required for the original plan.

METHODS FOR EVALUATING DEVELOPMENT PROPOSALS AND PLAN AMENDMENTS.

It is anticipated that development proposals may come forward that may not be consistent with one or more elements or policies of the Comprehensive Plan. If major new innovative development opportunities arise which impact one or more elements or policies of the plan and which are determined to be of importance to

the community, a plan amendment may be proposed and considered separate from the required Annual Review. The Zoning Administrator, or such other person designated by the City Council, should prepare a report providing all applicable information related to such development proposal and its bearing to the Comprehensive Plan.

The interpretation of this report should be composed of a complete analysis of the “Goals and Objectives”, the “Future Land Use Map”, and specific land use policies. If a development proposal is not in conformance or consistent with all sections of the Comprehensive Plan, consideration should be given to making modifications or amendments to the proposed development or the following criteria should be used to determine whether a Comprehensive Plan Amendment would be justified:

- The character of the adjacent neighborhood.
- The zoning and uses on nearby properties.
- The suitability of the property for the uses allowed under the current zoning designation.
- The type and extent of positive or detrimental impact that may affect adjacent properties, or the community at large if the request is approved.
- The impact of the proposal on public utilities and facilities.
- The length of time that the subject and adjacent properties have been utilized for their current uses.
- The benefits of the proposal to the public health, safety and welfare compared to the hardship imposed on the applicant if the request is not approved.
- Comparison between the existing land use plan and the proposed change regarding the relative conformance to the goals and policies.
- Consideration of professional staff recommendation.

Where it has been determined that the benefits of a non-conforming project outweighs the adopted policies and future land use decisions set forth in the Comprehensive Plan, then the Planning Commission must adhere to the adopted process set forth in K.S.A. 12-747 and provide for the participation and involvement of citizens and affected agencies within the Planning Area.

Continued adherence to the review and maintenance procedures outlined above will ensure that the Comprehensive Plan is a living document focused on the future growth strategies of the City.