

# **Jefferson County, Kansas**

## **COMPREHENSIVE PLAN**

Adopted on March 27, 2001, by:

**The Jefferson County Planning Commission**

In Association with:

**The Plan Update Steering Committee**

Consultant Team:

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**JEFFERSON COUNTY  
COMPREHENSIVE PLAN**

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## EXECUTIVE SUMMARY

Jefferson County, Kansas has established and maintained a planning and zoning program for land use regulation. The county now seeks to influence land use development—in the public interest—by preserving its strengths and implementing new community objectives:

- Balancing property rights with community rights;
- Defining and preserving a “Sense of Place” in Jefferson County;
- Accommodating development while implementing new planning policies; and
- Applying new development review standards to meet newly defined land use policies.

The county has the opportunity to build on its strengths as it manages land use change. Growth is encouraged near the small cities within the "Areas of Urban Influence." When urban development is approved outside the cities, it will be reviewed based on new planning standards.

The values of Jefferson County—for example, the preservation of a “sense of place” in rural areas, or the protection of a farmer’s right to farm—can be enhanced by the plan. The timing and phasing of growth can be paced through the planning process. The way growth “fits” into the county—the appearance, the preservation of open space and farmland—can be influenced, as well. The Comprehensive Plan calls for the county to regulate growth in the unincorporated areas based on standards organized in its Land Evaluation and Site Assessment (LESA) system. LESA provides a rational process for assisting local officials in making farmland conversion decisions through the local zoning process:

- Land Evaluation - an evaluation of soil properties and their relative desirability for agricultural use; and
- Site Assessment - an assessment of other factors relating to the site that should be considered before farmland is converted to other uses.

The evaluation system assesses each factor for the county to make choices about land development:

- Maintenance of land for agricultural use, or
- Conversion of land to other uses.

Also of importance to development in Jefferson County is the timing and phasing of growth so that limited financial resources can support the dual demands: maintaining what is here now, balanced with extending services in response to growth. A key recommendation of the plan is to establish a Capital Improvements Program (CIP) that ranks projects in phases by five-year periods.

The county seeks to coordinate with the area cities when regulating extraterritorial land uses near the cities. The county plan is recommended to the cities in order to joint venture on building code enforcement. The county needs the support of the cities in order to adopt and enforce building codes for non-farm construction in a cost-effective manner. Strengthening established communities is a major challenge for Jefferson County. The cities must become more stable if urban development is to be attracted to the “Areas of Urban Influence.”

*Executive Summary*

Finally, the plan calls for initiatives that must be taken by many groups and not just the county government. “Policy Steps” are detailed for the entire Jefferson County community. The development objectives, for example, are challenges for the entire community. Better coordination among public and private groups, including developers and the U.S. Army Corps of Engineers, will support local values articulated in the plan.

The plan calls for new rules and new ways of administering them. It can be implemented only through cooperation with other public entities and private sector support.

**How to Use This Document**

The Jefferson County Comprehensive Plan creates a process for applying new public policies to development review.

For Review of Zoning Map Amendment Applications:

- Compare the application to the Goals, Objective, and Policy Steps of Chapter 3.
- Evaluate proposals relative to the planning principles of Chapter 4.
- Apply the LESA program criteria of Chapter 5.

For Review of Development Proposals:

- Utilize the Site Plan Review procedures and standards.
- Apply the LESA program criteria of Chapter 5.

For Plan Implementation:

- Amend the county zoning regulations to incorporate site planning standards and procedures into the regulations.
- Amend the subdivision regulations to incorporate cluster zoning, plat requirements and related site planning standards into the regulations.
- Present the plan to the cities of Jefferson County to build support for joint ventures, such as a countywide code enforcement administration and related cooperative efforts.

## **CHAPTER 1 - EXISTING CONDITIONS**

### **COUNTY DESCRIPTION**

Jefferson County is located in Northeast Kansas. Its southern edge is five to ten minutes from the city limits of Topeka and Lawrence and 30 minutes from the Kansas City metropolitan area. (See Figure 1, the “Jefferson County Vicinity” on the next page.) Its close proximity to urban centers, and rural atmosphere with small towns creates a county that is attractive to new residents looking for a combination of recreation opportunities, civic activities and county services.

Perry Lake, located in the center of the county, offers a variety of water-related activities. Hiking, climbing, sightseeing, camping and picnic sites are all located around Lake Perry. There are numerous state and federal parks. The lake is also known for its crappie fishing as well as its vast array of water sports activities.

Agriculture businesses make up 1,082 of the 6,286 employees that work within Jefferson County’s boundaries. In 1998 Jefferson County agriculture market value was \$34,740,000. There were 269,019 acres in production, with a total of 419 farms. Crop sales made up 55% of the market value while livestock provided 45%.

Non-Farm employment – Retail Sales, Services, Manufacturing, Mining, Construction, Transportation, Government & F.I.R.E. - made up 5,204 of the 6,286 employees that work within Jefferson County’s boundaries. 1998 Taxable Retail Sales were \$69,500,000.

Jefferson County's school systems serve 4,488 students. Jefferson County School District students have received statewide recognition for their academic and athletic achievements. Kansas State University, the University of Kansas and Washburn University are all located in nearby cities.

### **LAND USE PATTERNS**

People across America are moving to outer suburbs, and the countryside. While different regions of the country differ in development pressures, there are several common factors at work.

#### **Development Pressures in the Jefferson County Countryside**

Many people perceive the countryside as a safer, cleaner, cheaper, and more rewarding place to live, compared to the congestion, crime, and high property taxes of cities and the monotony and rising taxes of the suburbs. Meanwhile, a house has become the major investment for many families. The strategy is to:

- (a) buy as much house as possible;
- (b) maximize the federal mortgage interest deduction;
- (c) build up equity in the house while paying off the mortgage; and
- (d) buy or build a house in the countryside where the appreciation potential is high.

## JEFFERSON COUNTY, KANSAS

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### *Existing Conditions*

The Jefferson County plan seeks to define the contradictions inherent in unplanned, unmanaged, uncoordinated land use patterns of urban growth into rural areas. In particular, we need to understand how far the present system of land use planning in most cities falls short of what is needed if urban development is to be managed better. Newly released 1990-96 Census data show that the area counties with major service centers grew at slower rates than largely rural Jefferson County.

**TABLE 1-1**  
**Growth Trends and Projections**

<b>Population</b>	<b>Atchison</b>	<b>Douglas</b>	<b>Jackson</b>	<b>Jefferson</b>	<b>Shawnee</b>
Population (1996)	16,234	89,899	11,978	<b>17,514</b>	164,938
Population growth 1990-96	-4.1%	9.9%	3.9%	<b>10.1%</b>	2.5%
Projected population growth 1996-2002	1.6%	9.6%	-2%	<b>4.7%</b>	3.8%

Source: ACN County Comparison

Other than Douglas County, the county projected to grow the fastest through the turn of the Century is Jefferson County. There are forces pushing and pulling urban growth from cities into the country.

Well-designed rural subdivisions of 3-acre lots or smaller, served by paved roads and community sanitary sewers, with drive access restricted from the county roads or state highways, can be accommodated in rural areas. "Well-designed" means subdivisions approved based on policies and site design/platting standards that preserve open space through buffering requirements to shield neighboring agricultural activity and to maintain rural character. Additional Land Evaluation and Site Assessment (LESA) factors must be used to evaluate urban development proposals, such as soil types and "corn yields." The LESA system is discussed in Chapter 5, *Comprehensive Plan Implementation* of the Jefferson County plan, and in the plan's Action Steps.

Urban development at even lower-densities can be accommodated, if the 5-acre and 10-acre lot subdivisions are designed to cluster at overall net densities of one unit per three acres, or less; or better, clustered at urban densities on shared sanitary sewer systems. The policy rationale is the same: create open space to buffer neighboring agricultural activity and to maintain rural character. Development trends may pass through phases and turning points. Growth pressures in the future may be significantly different from the recent past. For that reason, the biggest policy challenge is to reduce dissention about land use change by adopting policies that cope intelligently with existing settlement patterns and prepare the county for future changes in urban, suburban, and rural land use.



**Capacity of the County to Serve Growth**

What are the implications for small communities of Jefferson County if urban development is allowed to spread across the countryside. Rural advocates seek to sustain the vitality of economic activities in communities "beyond the fringe," like Ozawkie and Valley Falls. The issues are often described in terms of "bedroom communities." Small cities in Jefferson County - more so than neighboring counties - look to incomes brought home by a highly skilled commuting workforce.

The recent economic prosperity in America has enabled more people to afford to commute longer distances to work. As a result, the countryside has become less remote. Most residents of Jefferson County commute to Topeka, Lawrence or the Kansas City metropolitan area. The following table summarizes the commuting patterns of residents from area counties.

**TABLE 1-2  
Commuting Patterns**

<b>Population</b>	<b>Atchison</b>	<b>Douglas</b>	<b>Jackson</b>	<b>Jefferson</b>	<b>Shawnee</b>
Population percentage who work outside the county of residence	18.40%	18.40%	50.70%	<b>63.40%</b>	3.80%
Average commute time to work (1990)	16.9 min.	17.5 min.	26.2 min.	<b>27.5 min.</b>	17.0 min.

Source: ACN County Comparison

The impact of rural residential development must be examined in terms of the cumulative effects over time. Initially, a house here and a house there does not seem to place a large burden on the environment or local services; nor does it appear to cause major conflicts with farm neighbors. But over time, the scatter of houses can add up to sewage disposal and water quality problems, as well as with conflicts between farm operators and rural newcomers.

Rural roads and bridges need millions of dollars in investment. Telecommunication links to remote towns need to be upgraded to compete with urban centers. Electricity must be available at rates that won't price rural businesses out of competition. Our Nation is in the midst of deregulating electrical power, with a good chance that remote rural areas will be the losers when market forces dictate rates. Many newcomers to the countryside want their own septic and well systems and do not want to pay monthly utility bills.



**MAP OF EXISTING ZONING**



The major dilemma stems from the fact that, per capita, the cost of physical and human infrastructures is highest in sparsely populated areas and considerably higher than the costs in "outlying growth towns." For rural economic vitality, the mostly rural counties need more state-backed investment. But the State of Kansas Department of Commerce and Housing recently funded only one regional resort lake investment - Clinton Lake in Douglas County - over lakes in more rural areas, such as Perry Lake.

As development has pushed outward beyond the traditional bounds of regional centers, suburban communities and small rural towns, a new tier of fast growing "rural fringe" development - outside of established communities, located farther from regional centers - has grown at high rates. With this trend can come an increasing level of economic distress. Also, local zoning typically does not limit the number of curb cuts along country roads. It is not uncommon in many communities to have many curb cuts along a country road. Traffic danger of limited sight-distance must be considered. In Jefferson County, the County Engineer's office reviews proposed access to county roads in a case by case basis.



*A small dairy farmer raises corn to feed the cows, who graze on pasture and create fertilizer, which in turn is spread on the tilled corn fields.*

**JEFFERSON COUNTY, KANSAS**

*Existing Conditions*

**Capacity of Urban Centers to Serve Growth**

Are the small cities capable of serving urban growth? Are they incapable of attracting urban growth with sustainable services? If urban growth spreads across the county, then the established urban centers - both the larger cities such as Lawrence and Topeka, as well as the small cities within Jefferson County - are not providing attractive services; and they are not planning effectively with the counties to annex land and serve growth. In addition to failed public policy, public financing may be insufficient in one city; infrastructure may be under-developed in another.

The outer-fringe, unincorporated areas to which people are moving today are without municipal services. In part the trend is away from small cities that have few or inadequate municipal services, poor roads, and little tax base with which to accommodate new growth. The eight cities of Jefferson County were sent a “Comprehensive Planning Questionnaire” to assess their capacity and attitude toward serving urban growth.

**TABLE 1-3.**

**MUNICIPAL SERVICE CAPACITY SUMMARY**

Jefferson County  
ISSUE / SERVICES

CITY

Questions asked in the Cities Planning Survey	Perry	Ozawkie	McLouth	Valley Falls	Winchester	Nortonville	Oskaloosa	Meriden
<b>Planning and Zoning</b>								
Does your city have a Comprehensive Plan?	yes	yes	yes	yes	almost done	no	no	yes
If so, what year was it adopted?	1992	1997	1995	1971	2000			1998
Does your city have zoning?	yes	yes	yes	yes	yes	yes	yes	yes
If so, what year was it adopted?	1992	1989	1982	1996	1996	1979	1969	1992
Does your city have an industrial zoning district?	yes	no	no	yes	yes	yes	yes	yes
Does your city have a mixed-use or business park district?	yes	yes	no	yes	no	no	yes	yes

**JEFFERSON COUNTY, KANSAS**

*Existing Conditions*

<b>Questions asked in the Cities Planning Survey</b>	<b>Perry</b>	<b>Ozawkie</b>	<b>McLouth</b>	<b>Valley Falls</b>	<b>Winchester</b>	<b>Nortonville</b>	<b>Oskaloosa</b>	<b>Meriden</b>
<b>Subdivisions</b>								
How many subdivisions were platted in your city in the last year?	0	0	0	0	0	0	1	1
How many subdivisions were platted in your city in the last 5 years?	0	0	0	0	0	1	1	1
How many were served by sanitary sewer?	n/a	n/a	n/a	n/a	n/a	1	1	1
How many were served by public water?	n/a	n/a	n/a	n/a	n/a	1	1	1
<b>Economic Development</b>								
Do you have any industrial parks?	yes	no	no	no	no	no	3	1
If so, what is the percentage of space available at each?	unknown						25%	
Do you have any business\office parks?	yes	yes	no	no	no	no	3	
If so, what is the percentage of space available at each?	unknown	not yet platted					0%	

<b>Questions asked in the Cities Planning Survey</b>	<b>Perry</b>	<b>Ozawkie</b>	<b>McLouth</b>	<b>Valley Falls</b>	<b>Winchester</b>	<b>Nortonville</b>	<b>Oskaloosa</b>	<b>Meriden</b>
Has your jurisdiction offered incentives for attraction or expansion of industry?	no	no	no	no	no	no	no	
If so, have they been successful?	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
How many organizations are actively involved in economic development in your community?	none	none	3	2	1	1	unknown	

**JEFFERSON COUNTY, KANSAS**

*Existing Conditions*

Questions asked in the Cities Planning Survey	Perry	Ozawkie	McLouth	Valley Falls	Winchester	Nortonville	Oskaloosa	Meriden
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Capital Improvements Planning								
Does your city have a list of planned Capital Improvements?	no	no	yes	yes	yes	no	yes	no
Does the list cover improvements beyond the next year?	n/a	n/a	yes	yes	yes	n/a	no	n/a
Water Provision								
What is the general service capacity of your water system?	Pump 8 of 24 hrs.	no estimate	2030 PE	325 gal/min	100 gpm	290-580 mgd	unknown	System is under Public Water District No. 1
What is the storage capacity of your water system?	500,000 gal	75,000 gal	384,000	675,000 gal	50,000 tower/10,000 clear well	57,000 min 9000 hour	225,000 gal	
What percentage of the water main distribution system is less than 6" in diameter?	1\3	Estimate 40%	75%	75%	90%	Approx. 95%	75%	
Are there plans to expand capacity in the next 5 years?	probably no	no	no	yes	no	no	yes	

Sewer Provision								
What percentage of your city is served by private septic systems?	none	none	none	none	none	less than 1%	1%	none
Does your city have primary wastewater treatment?	lagoons	2 lagoons	yes	yes 1	yes	yes	lagoon	no
Does your city have secondary or tertiary wastewater	yes	no	no		Yes 2	2 lagoons	no	yes

1 Lagoons are non-discharging

3 The city uses a 4 cell lagoon for wastewater treatment. The lagoon is 35.7 acres, Population Equivalent (PE)- 5,000

4 A 4<sup>th</sup> cell was added to the system in 1995.



treatment?								
What is the treatment capacity?	At max	No estimate	1000 PE		.123 mgd (permit)	1080 PE	unknown	1000 PE.
What is the average daily flow?	54,000	No estimate	75,000	180,000 gal	75,000 gpd	57,000 - 60,000 gal	115,000 gal	0.114 mgd
What is the peak flow?	60,000	No estimate	150,000	200,000 gal	120 gpm	60,000 gal	165 gpm	.337mgd
Are there plans to increase capacity in the next 5 years?	yes	no	yes	no	Beyond 5 years	no	no	
In your estimation, does your city have the capacity to serve or extend services to new development in the next 5 years?	yes, with the planned lagoon enlargements	yes	yes	yes	yes	yes	yes	

Source: Bucher, Willis & Ratliff Corp.; Fall/Winter 99/00

**Agriculture and Urban Development**

The costs to agriculture are high if urban development spreads across the country, unplanned. Already there are parts of Douglas County near Lawrence where little agriculture exists. Local advocates of open space and prime farmland preservation are struggling to "save the last farm land." Ironically, it is the open fields and scenic farms that attract the very growth that then begins to limit the farm's capacity to remain an economically viable part of the working landscape. Ironically, too, lower taxes paid on the open land can perpetuate the belief that it is more affordable to live in the country because taxes are lower and the price of land is lower.

Though at risk from the impacts of unplanned urban development, farming also has a role to play in positive urban policy. Active farming engages large parcels of land in productive natural resource use. In Jefferson County, small-scale truck farming is active in several locations, tied to the Lawrence-Topeka-Kansas City organic foods cooperative market. Both large-scale and small-scale agricultural commerce provides open space, scenic views, wildlife habitat, and a climate for passive recreation, and, if care is given, clean air and a healthy environment. Farming adds to the local economy through its productive capacity—the wealth from farm products harvested every year and the jobs created to produce them.

The Jefferson County plan defines prime farmland primarily based on soil types, as provided in Chapter Five. The economic, social and environmental conflicts surrounding prime farmland use have been studied and debated for decades in the U.S. and around the world, for example:

Prime agricultural soils represent the highest level of agricultural productivity; they are uniquely suitable for intensive cultivation with no conservation hazards. It is extremely difficult to defend agricultural lands when their cash value can be multiplied tenfold by employment for relatively cheap housing. Yet the farm is the basic factory – the farmer

## JEFFERSON COUNTY, KANSAS

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### *Existing Conditions*

is the country's best landscape gardener and maintenance work force, the custodian of much scenic beauty. Mere market values of farmlands do not reflect the long-term value or the irreplaceable nature of these living soils. An omnibus protection of all farmland is difficult to defend; but protection of the best soils in a metropolitan area would appear not only defensible, but also clearly desirable. (Ian McHarg, *Design With Nature*, 1969)

There are secondary benefits to maintaining a rural "sense of place": attracting tourists, offering hunting and fishing opportunities as well as trails for hiking - even large public events, such as at the Rimrock Farm cross country venue where regional, state and national athletic competitions are held regularly. But to remain a part of the landscape, agriculture must have the freedom to farm and maintain access to the land it needs to manage properly, as well as access to goods and services, markets and market choices. In Kansas, **88%** of land is farmed, which is one of the largest percentages in the United States; while **78%** of Jefferson County is farmland.

The average size of farms:	
The State of Kansas: 748 acres	Jefferson County: 264 acres
Jefferson County currently has <b>1,018</b> farms.	
Total farm production in Jefferson County is <b>\$34,700,000</b>	
Average farm production in Jefferson County is <b>\$34,126</b> per farm.	

Source: United States Census Bureau, 1997

But urban development in agricultural areas has done more than convert farmland to other uses. It has clear costs that impair the productivity and viability of the farms that remain. Today it is a rare farm that has not felt the impact of increasing population in some manner. The shift of population into more rural areas has produced multiple costs to farming that, combined, create what has been termed an "impermanence syndrome," a gradual eroding away of farming, gradual disinvestment in farming, and ultimately of farmers themselves. The costs result in limits to:

- growth of agriculture as a key player in the economy of the future;
- productivity and efficiency of the farms and farming; and
- sustainability and sustainable farming practices.

**Development Capacity**

The cities of Jefferson County were asked about their respective water capacities. As water capacity can be measured by supply, distribution or storage, responses in several different units were noted. The City of Valley Falls is an exception, in that they own and operate a municipal water system. The other cities in Jefferson County are provided by rural water districts. Excluding Meriden, the cities reported that a significant percentage of their water main distribution systems are less than 6" in diameter. Nortonville reports that approximately 95% of the main distribution system is less than 6". The cities were asked if there were plans to expand capacity in the next 5 years. Only Valley Falls and Oskaloosa indicated expansion was planned.

**Municipal Service Capacity Summary**

Results of the survey indicate that the area cities offer few services to compete for growth. Many are towns that welcomed new growth after decades of static conditions. They now are faced with demands they cannot always afford to accommodate. Rural communities also have relatively low valuation, as a greater portion of their taxes is derived from the land (rather than from buildings or other property). The median value of housing is among the lowest, and the disproportionate share of the growth in housing is many times manufactured homes.

Rising local taxes often follow the movement of development into rural areas. The gap between tax rates in urban centers and in growing towns is narrowing. It has been followed by growing investments of public/state dollars as classrooms and even whole schools are built to accommodate growing student populations. Growing towns and rural subdivisions have been adding miles of local roads each year, requiring maintenance, plowing, and sanding. The capacity of rural fringe towns to meet these rising demands is compounded by their rural character and spread out nature as well as by their limited economic capacity.

**TABLE 1-4  
COMMERCIAL BUILDING PERMITS - Jefferson County – Unincorporated Areas**

Year	# of Permits	Estimated Cost of Construction	Estimated Average Cost of Construction
1991	7	\$ 148,000	\$ 21,143
1992	9	\$ 331,100	\$ 36,789
1993	7	\$ 205,700	\$ 29,386
1994	11	\$ 387,270	\$ 35,206
1995	9	\$ 250,500	\$ 27,833
1996	8	\$1,058,555	\$132,319
1997	12	\$2,311,200	\$192,600
1998	9	\$ 531,800	\$ 74,828
1999	9	\$ 748,525	\$ 83,169
2000	0	0	0

Source: Jefferson County Planning and Zoning Department

## JEFFERSON COUNTY, KANSAS

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### *Existing Conditions*

#### **Examples of Commercial Building Permit Activity:**

- Bed & Breakfast Facility - Additions to existing
- Communication Tower - Additions to existing facility
- Church - Additions to existing
- County Weed Shop – Machine Shop; Additions to existing
- Gambinos Pizza
- Convenience Store & Storage
- PreCast Concrete
- Mini Storage (VF)
- Addition to Heinen Repair
- RWD #2 Tower
- Professional Building
- Ruralgas

**TABLE 1-5**  
**RESIDENTIAL DWELLING CONSTRUCTION PERMITS**  
**Jefferson County Unincorporated Areas**

Year	# of Permits	Estimated Cost of Construction	Estimated Average Cost of Construction
1991	58	\$3,791,300	\$65,367
1992	75	\$3,882,900	\$51,772
1993	84	\$5,545,300	\$66,015
1994	105	\$8,232,700	\$78,407
1995	103	\$7,039,720	\$68,347
1996	97	\$6,941,445	\$71,561
1997	109	\$8,280,700	\$75,970
1998	107	\$9,327,600	\$87,174
1999	96	\$8,324,272	\$86,711
2000	106	\$10,35,017	\$97,877

Source: Jefferson County Planning and Zoning Department

**WATER BASINS AND FLOODPLAINS IN JEFFERSON COUNTY**

Lake Perry is in the Kansas-Lower Republican basin, which covers nearly 10,500 square miles of northeastern Kansas. Major streams are the Kansas, Republican Big Blue, Little Blue, Delaware and Wakarusa rivers, and the Vermillion and Stranger creeks. The major reservoirs in the basin are Lovewell, Milford, Tuttle Creek, Perry, and Clinton.

The floodplains in Jefferson County are depicted on the map in this section. See Appendix C for more information about floodplain and related environmental issues.

**Rivers and Creeks of Jefferson County**

Jefferson County is intersected by the Delaware River that flows from north to south through the central part of the county into the Kansas River. The majority of land in the county drains into these rivers. (See Figure 2, "Delaware River Basin".) Following is a summary of the major drainage ways by area.

**Northwest area:** Straight Creek, Elk Creek, Catamount Creek, Cedar Creek, Peter Creek and Duck Creek flow east into the Delaware River. Coal Creek Walnut Creek, Brush Creek, Rock Creek and Bowies Creek flow west into the Delaware River.

**Southwest area:** French Creek and Rock Creek flow east into Lake Perry. Little Slough Creek, Fishpond Creek, Slough Creek and Evans Creek flow west into Lake Perry. Muddy Creek, Elm Creek and Prairie Creek flow south into the Kansas River.

**Northeast area:** Crooked Creek flows north into Stranger Creek in the Atchison county. Walnut Creek and Prairie Creek flow east into Stranger Creek in Leavenworth County.

**Southeast area:** Stone House Creek, Buck Creek and Mud Creek flow south into the Kansas River. Little Wild Horse Creek flows south into the Delaware River.

The Republican River Compact is an important water management force in the basin. The Republican River Compact, established between Colorado, Kansas and Nebraska in 1943, apportioned the waters of the Republican River among the three states. For over the past decade, Kansas has expressed concern to the compact administration about depletion of stream flow and Nebraska's failure to comply with the compact. After attempts to resolve the issue through the compact commission and direct meetings with the State of Nebraska, the 1998 Kansas Legislature passed House Concurrent Resolution #5030 requiring the Attorney General to bring suit against the State of Nebraska to enforce the provisions of the Republican River Compact. Kansas initiated litigation through the United States Supreme Court in May, 1998.

*Existing Conditions*

**OBJECTIVES OF THE STATE WATER PLAN AFFECTING PERRY LAKE**

Following are objectives of “The Kansas Water Plan” adopted in April, 2000 by the Kansas Water Office.

**Public Water Supply**

By 2010, ensure that sufficient surface water storage is available to meet projected year 2040 public water supply needs for areas of Kansas with current or potential access to surface water storage.

**Kansas Water Office: Large Reservoir Finance**

1. If the U.S. Army Corps of Engineers would elect to make releases from Perry or Milford reservoirs for navigation support on the Missouri River, the State of Kansas should take action to exercise the option to buy the designated conservation space in these reservoirs.

**Objective**

By 2010, less than 5 percent of public water suppliers will be drought vulnerable.

**Objective**

By 2010, ensure that all public water suppliers have the technical, financial, and managerial (TFM) capability to meet their needs and to meet Safe Drinking Water Act requirements.

**Objectives of the State Water Plan Affecting Perry Lake (cont.)**

**Water Conservation**

**Objective**

By 2010, reduce the number of public water suppliers with excessive “unaccounted for” water by first targeting those with 30 percent or more.

**Kansas Water Office: Municipal Water Use Program**

Target technical assistance to public water suppliers who report 30 percent or more unaccounted for water. As identified from the 1998 water use reports, these are: Jefferson County Rural Water District #6, Republic County Rural Water District #2, and Village of Byron. Technical assistance, provided under contract with the Kansas Rural Water Association, includes leak detection, meter testing, and bookkeeping reviews, which are all potential sources of unaccounted for water.

**Kansas Water Office: Water Conservation Program**

Provide technical assistance for developing a water conservation plan to: Jefferson County Rural Water District #6. Technical assistance includes visiting the public water supplier to explain the guidelines and craft a conservation plan and preparing the final copy of the water conservation plan.

**Water Quality**

**Objective**

By 2010, reduce the average concentration of bacteria, biochemical oxygen demand, dissolved solids, metals, nutrients, pesticides, and sediment that adversely affect the water quality of Kansas lakes and streams.

**Kansas Water Office: State Water Planning: Governor’s Water Quality Initiative**

Target the watersheds listed in (including the Lake Perry watershed) to coordinate implementation of program activities to eliminate the identified impairment.

**Water-Based Recreation**

**Objective**

By 2010, increase public recreational opportunities at Kansas lakes and streams.

**Kansas Department of Wildlife and Parks: Stream Access Program**

Implement the St. George to Perry/Lecompton reach as outlined in the five year plan to improve facilities at the priority reaches.

*Existing Conditions*

**U.S. Army Corps of Engineers Facilities and Policies**

Perry Lake was authorized for flood control, silt control, fish and wildlife, recreation, water quality and municipal and industrial water supply. It is formed by the Delaware River and the tributaries of Rock Creek and Big Slough Creek. The Delaware River flows downstream of the outlet channel where it meets the Kansas River south of the town of Perry. The Kansas River flows eastward where it then joins with the Missouri River.

As an expansion of the Missouri River Basin Flood Control Act, the Perry Reservoir was built on the Delaware River for more than flood control; it was built “to provide an economical and quality program which will afford the public with a diversity of recreational opportunities in harmony with the wise use of the natural resources”. (*Source: Perry Lake Master Plan, December, 1991.*)

The lake area was improved with a network of recreation facilities including:

**Parks:**

- Perry Park
- Slough Creek Park
- Perry State Park
- Spillway Park
- Thompsonville Park
- Rock Creek Park
- Longview Park
- Old Town Park

**Natural Areas:**

- Old Military Trail (closed in 1999)
- Spillway Recreation and Administration Area
- Wildlife Management Areas - mostly in the north floodplain of the Delaware River

**Leasehold Areas and Facilities:**

- Menninger Foundation
- Unified School District 501
- City of Ozawkie
- Perry Yacht Club
- Unified School District 345
- Topeka Audubon Society
- City of Valley Falls
- Abate
- Jefferson County Conservation District



The U.S. Army Corps of Engineers-controlled lake areas have gone through change over the years since the reservoir dam was built. The Sunset Ridge Recreation Area was closed in 1987 due to low rates of public visitation. The area has silted in and no longer is available for access to the lake. Restrooms and shelter structures have been removed by the U.S. Army Corps of Engineers. The area below the city of Valley Falls on the Delaware River will remain as a wildlife habitat, and is presently leased to the U.S. Military for training.

The Paradise Point Area was also closed in 1987 due to low rates of public visitation. It is opposite the lake from Sunset Ridge and is presently leased by the "Abate Group" for motorcycle club gatherings.

Old Military Trail was closed in 1999 due to low rates of public visitation and poor road conditions. The area lies south of K-92 Highway on the east side of the lake. Hiking trails traverse this area, where there were three camping sites that formerly contained a shelter house, vault toilets and three amphitheaters.

The Longview Area is slated for closure at this time, however, local interest has delayed closure. Longview is on the east side of the lake, south of Lakewood Hills Subdivision and near Apple Valley Farm. There is a camping site and boat dock.

Leaseholds have been secured by public and private institutions for recreational and educational pursuits. Several of the leases have been relinquished recently, including one held by Kansas State University and the state 4-H Association. The area is on the east side of the lake, Slough Creek Arm. The Jefferson County Conservation District office picked up the lease to be used for educational purposes. The Menninger Foundation lease on the west side of the lake, near DJ's Marina, has expired. There is a boat dock there along with a shelter house, electricity and water service.

The U.S. Army Corps of Engineers has expressed a goal of keeping all the areas in use that can be leased. They encourage public inquiries concerning the leasing of land on the lake. The U.S. Army Corps of Engineers is interested in seeking an active Lake Perry Association for the long-term advocacy of the lake development. The U.S. Army Corps of Engineers has applied for grant funds to upgrade camping areas.

#### **OTHER PUBLIC AND QUASI-PUBLIC FACILITIES AND SERVICES**

**Rim Rock Farm Cross-Country Course.** Rim Rock Farm cross-country course located on Republic Road, Sarcoxie Township, is well known throughout the country. It is improved on rolling land that goes from creek bottom to undisturbed, timbered hills. The 96-acre farm has been the site for the University of Kansas' home cross country meets since 1979. Trails run over the undulating hills of the upper brome field, through timber areas.

The cross-country course is an example of farm and non-farm land uses cooperating together for mutual benefit. The course is an example of entrepreneurial use of rural land. The Kansas State

## **JEFFERSON COUNTY, KANSAS**

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### ***Existing Conditions***

High School Activity Association holds its state championships for boys and girls in the 6A and 5A-class division on the farm every fall. Recently over 1,500 High School runners competed in the invitational cross-country hosted by Lawrence High, Free State High, and KU. It was the site of the state 5A and 6A high school state championships as it has been for the last several years.

The University of Kansas cross-country meets at Rim Rock include the NCAA Division I and Division II National Collegiate Championships for both men and women in 1998. Over the past few years, the prestige of Rim Rock as a first-class cross-country course has grown and it is now considered to be one of the most exciting courses in the United States.

**Rural Transit Services.** According to the Kansas Council on Aging, Jefferson County provides eight vehicles for elderly transit countywide through the Jefferson County Services Organization. As of 1995, the “Rural Transit Demand Estimate” by the council office for Jefferson County ranges from 29,000 to 38,000 potential requests for trips annually. The county ranks in the top 10 of the 35 “rural counties” in Kansas in terms of the “Employment Transportation Need Index.” The index is based on the demand estimate for employment-related trips as compared to the percent of unmet need in Jefferson County. For more information on the need index published by the Council on Aging contact the agency at 316-342-6119.

**Historic Structures.** On the National Register of Historic Places, Jefferson County has listed the following:

- Jefferson Old Town Bowstring Bridge, Old Jefferson Town, US-59, Oskaloosa (Metal Truss Bridges in Kansas, 1861-1939) (1-4-90)
- Union Block, southwest corner, Delaware and Jefferson, Oskaloosa (4-23-73)
- Buck Creek School, off US 24, 2 mi. east of Williamstown (12-27-88)



*Historic structures, such as the one room Buck Creek School shown above, are being restored.*

**ON THE STATE OF KANSAS REGISTER IS LISTED THE FOLLOWING FOR JEFFERSON COUNTY:**

- Benedict Meyer Log Cabin, Threshing Bee Grounds on K-4, Meriden Kansas
- Meriden Rock Creek Bridge, .5 mile west of Meriden
- The John Stuart Curry Boyhood Home, Old Jefferson Town, US-59, Oskaloosa
- Cedar Creek Bridge, Valley Falls vicinity

**SOILS OF JEFFERSON COUNTY**

The soils of Jefferson County are shown on detailed soils maps published by the United States Department of Agriculture, Natural Resources Conservation Service. The maps consist of soil areas outlined and identified by symbols printed on aerial photo sheets. Tables and other data in the study show the relative suitability or degree of limitation of soils for many specific purposes, such as farming and urban development. Jefferson County can use the soil maps and defining characteristics in assessing development proposals under the Land Evaluation and Site Assessment (LESA) System.

*Existing Conditions*

**Soil Classifications**

The national capability classification shows soils groupings in eight classes:

Class I soils	few limitations that restrict their use.
Class II soils	some limitations that reduce the choice of plants or require moderate conservation practices.
Class III soils	severe limitations that reduce the choice of plants or require special conservation practices, or both.
Class IV soils	very severe limitations that reduce the choice of plants, require very careful management, or both.
Class V soils	little or no erosion hazard but have other limitations impractical to remove that limit their use largely to pasture, range, woodland or wildlife food and cover.
Class VI soils	severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture, range, woodland, or wildlife food and cover.
Class VII soils	very severe limitations that make them unsuited to cultivation and that restrict their use largely to grazing, woodland, or wildlife.
CLASS VIII soils and landform	limitations that preclude their use for commercial plan production and restrict their use to recreation, wildlife, or water supply, or to aesthetic purposes.

Class I and Class II soils with soil yields-per-acre of crops and pasture land of certain types should comprise the soils protected for farming in the LESA evaluation. Soil yields of 80 bushels or greater of corn should be considered as the yields necessary for LESA designation.

**GENERAL SOILS MAP**



*Existing Conditions*

**Soils Associations**

Soils in the Pawnee-Grundy-Shelby (Association 3) generally qualify for yields in the designated range. These soils are found in Jefferson County primarily in the northeast quadrant of the county, north of K-92/16 and north of Oskaloosa, either side of U.S. 59 Highway, in the uplands above the creeks that flow to the south and southwest. The “General soil Map” on the next page identifies the soil associations. Soil Associations 4 and 5 are generally in the floodplains of the creeks and the Delaware and Kansas Rivers, where high crop yields are found. Farm protection under LESA should be considered for these soil associations as well. (See the “General Soils Map.”)

**AREAS OF NATURAL SIGNIFICANCE**

**Known Areas of Sensitive Habitat**

For identifying and mapping potentially sensitive habitat areas of Jefferson County, the records of the Kansas Biological Survey (KBS) were investigated. The KBS is a non-regulatory, non-degree granting service and research unit of the University of Kansas and the State of Kansas. The programs and activities of the KBS focus on environmental and biological issues at state, regional, national and global levels. An additional function of the KBS is to support and maintain the Kansas Natural Heritage Inventory (KSNHI).

The mission of the KSNHI is to collect, manage, and disseminate information about the biological features of Kansas. A database of over 4,500 locations of rare species and natural plant communities is maintained by the KSNHI. The data is gathered primarily from staff field surveys, but also from chance observations, literature reports and Kansas Museum records.

Map 3 “Known Areas of Sensitive Habitat and Cultural Significance,” reflects the known locations of rare or endangered plants, animals and natural plant communities in Jefferson County. Although 47 locations have been indicated, the map is not exhaustive and other sites may occur that have not been surveyed and incorporated into the Kansas Natural Heritage database.

Plants or animals are designated "rare" based on their status under the federal Endangered Species Act, Kansas protection status and global rank. The Kansas ranking system ranges from demonstrably secure in Kansas to critically imperil because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres).

The Kansas Natural Heritage Inventory defines a “Natural Plant Community” as a native plant association such as the tall prairie grass association. Knowledge of community associations provides information on species, including those classified rare or endangered, that are usually found to be a part of these communities or associations.

**MAP OF KNOWN SENSITIVE HABITAT AREAS**



## **JEFFERSON COUNTY, KANSAS**

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### *Existing Conditions*

This information allows for early notification of potential resource conflicts, such as converting a valuable tall grass prairie community to cropland or suburban development of the habitat of an endangered species. It is recommended that, should the county incorporate a land use evaluation scheme, a comprehensive natural survey should be performed and incorporated into the evaluation criteria.

Following is a list of the threatened or endangered species known or likely to occur in Jefferson County compiled by the Kansas Department of Wildlife and Parks.

**THREATENED OR ENDANGERED SPECIES KNOWN OR LIKELY TO OCCUR IN JEFFERSON COUNTY**

**American Burying Beetle** (*Necrophorus americanus*) - Endangered: May occur in suitable grasslands and upland woodlands. Endangered nationally.

**Bald Eagle** (*haliaeetus leucocephalus*) – Endangered: known to occur as a regular winter resident at Perry reservoir and along the Kansas River where waterfowl, fish, and other prey are abundant. Critical habitat has been designated. Endangered nationally.

**Chestnut Lamprey** (*ichthyomyzon castaneus*) – Threatened: May occur infrequently in the Kansas River.

**Eastern Spotted Skunk** (*Spilogale putorius interrupta*) – Threatened: May occur in woodland edges, brushy rocky grasslands, wood draws, and old debris piles or abandoned buildings.

**Eskimo Curlew** (*Numenius borealis*) – Endangered: Formerly a regular spring transient. Has not been recorded in Kansas since 1902, but a few birds may still migrate through Kansas. Endangered nationally.

**Flathead Chub** (*Platygobio gracilis*) – Threatened: known to occur historically in the main stem Kansas River. May still rarely occur, but modification of the river’s channel and flow regime have largely eliminated the fish’s preferred habitats. Critical habitat has been designated.

**Least Tern** (*Sterna antillarum*) – Endangered: Known to occur as an occasional seasonal transient or summer visitant at large impoundments along the Kansas River where small fish are abundant for the bird to feed on. Endangered nationally.

## JEFFERSON COUNTY, KANSAS

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### *Existing Conditions*

#### Threatened or Endangered Species Known or Likely to Occur in Jefferson County (cont.)

**Northern Redbelly Snake** (*Storeria occipitomaculata occipitomaculata*) – Threatened: Known to occur in suitable habitat. Requires native upland woodlands with abundant dense leaf litter, rock, logs, or other debris available for cover.

**Peregrine Falcon** (*Falco peregrinus*) – Endangered: Known to occur as an occasional winter transient or visitant. Prefers wetlands and other water bodies where waterfowl and other bird life concentrate. Endangered nationally.

**Piping Plover** (*Charadrius melodus*) – Threatened: Known to occur as a rare seasonal transient at wetlands, lakes, and rivers where bare to sparsely vegetated shorelines are available. Threatened nationally.

**Snowy Plover** (*Charadrius alexandrinus*) – Threatened: Known to occur as an occasional seasonal transient or summer visitant on bare to sparsely vegetated shores of wetlands, impoundment's, and rivers.

**Sturgeon Chub** (*Macrhybopsis gelida*) – Threatened: Restricted to larger sandy rivers where they frequent areas swept by currents especially at heads of islands and sand bars. Has been documented in the Kansas River. Critical habitat has been designated.

**Western Earth Snake** (*Virginia valeriae elegans*) – Threatened: Known to occur in suitable habitat. Prefers rocky hillsides in moist woodlands and woodlands edges. Spends daylight hours beneath rocks, logs, or leaf litter.

**Western Silvery Minnow** (*Hybognathus argyritis*) – Threatened: Prefers large shallow sandy rivers where it utilizes runs and backwater pools. Historically occurred in the Kansas River.

**White-faced Ibis** (*Plegadis chihi*) – Threatened: Known to occur as an occasional seasonal transient or summer visitant at wetlands and other water bodies.

**Whooping Crane** (*Grus americana*) – Endangered: Known to occur as an infrequent seasonal transient. Endangered nationally.

**CHAPTER 2 - DEMOGRAPHIC AND LAND USE TRENDS**

**POPULATION TRENDS**

Of the seven counties that had fewer people in 1990 than in 1900, Jefferson County is the one county in the region that increased its population by the U.S. Census estimate of 1997 to reverse that trend.

**TABLE 2-1**  
**Population of Area Counties in Northeast Kansas, 1900, 1990, and 1997**

	<b>1900</b>	<b>1990</b>	<b>1997</b>
Atchison	28,606	16,932	16,319
Douglas	25,096	81,798	91,093
Jackson	17,117	11,525	12,036
<b>Jefferson</b>	<b>17,533</b>	<b>15,905</b>	<b>17,930</b>
Leavenworth	40,940	64,371	70,176
Shawnee	53,727	160,976	164,932
Remaining NE Counties	215,809	607,463	665,980
<b>Total</b>	<b>398,828</b>	<b>958,970</b>	<b>1,038,466</b>

Source: U.S. Bureau of the Census and Census Estimates

**TABLE 2-2:**  
**JEFFERSON COUNTY POPULATION BY AGE**

<b>Population by Age</b>	<b>1990</b>	<b>% of Total</b>	<b>1998</b>	<b>% of Total</b>	<b>% Change 1990-1998</b>
1 to 4 Years	1,085	7%	1,126	6%	4%
5 to 17 years	3,277	21%	3,832	21%	17%
18 to 24 Years	1,135	7%	1,259	7%	11%
25 to 44 Years	4,786	30%	5,154	28%	8%
45 to 64 Years	3,281	21%	4,423	24%	35%
65 Years and Over	2,341	15%	2,449	13%	5%
<b>Total</b>	<b>15,905</b>	<b>100%</b>	<b>18,243</b>	<b>100%</b>	<b>15%</b>

Source: Kansas Institute of Public Policy and the Decisionmark Corp.

**JEFFERSON COUNTY, KANSAS**

*Demographic and Land Use Trends*

**TABLE 2-3:  
Projections for Jefferson County Educational Attainment, Persons Age 25 and Over**

<b>Education</b>	<b>1990</b>	<b>% of Total</b>	<b>1997</b>	<b>% of Total</b>	<b>2002</b>
Less Than High School	1,973	19%	1,854	16%	1,666
High School	4,682	45%	5,139	45%	5,025
Some College	2,340	23%	2,693	24%	3,291
College	921	9%	1,174	10%	1,489
Graduate Degree	483	5%	537	5%	697
<b>Total</b>	<b>10,399</b>	<b>100%</b>	<b>11,397</b>	<b>100%</b>	<b>12,168</b>

Source: Decisionmark Corp.

**TABLE 2-4:  
Jefferson County Household Income**

<b>Household Income</b>	<b>1990</b>	<b>% of Total</b>	<b>1997</b>	<b>% of Total</b>	<b>% Change 1990-1997</b>
Less than \$15,000	1,381	24%	1,481	23%	7%
\$15,000 to \$24,999	1,024	18%	1,091	17%	7%
\$25,000 to \$34,999	1,124	19%	1,114	17%	-1%
\$35,000 to \$49,999	1,300	22%	1,234	19%	-5%
\$50,000 to \$74,999	744	13%	984	15%	32%
\$75,000 to \$99,999	129	2%	252	4%	95%
\$100,000 to \$150,000	95	2%	190	3%	100%
\$150,000 and over	24	0%	48	1%	100%
<b>Total Households</b>	<b>5,821</b>	<b>100%</b>	<b>6,394</b>	<b>100%</b>	<b>10%</b>

Source: Decisionmark Corp.

**TABLE 2-5:  
Percentage of Change in Household Income for Jefferson County, Kansas, Lawrence MSA  
and Topeka MSA**

Household Income	JEFFERSON COUNTY		KANSAS		LAWRENCE MSA		TOPEKA MSA	
	% Change 1990-1997	% Change 1997-2002	% Change 1990-1997	% Change 1997-2002	% Change 1990- 1997	% Change 1997- 2002	% Change 1990- 1997	% Change 1997- 2002
Less than \$15,000	7%	1%	1%	-4%	9%	3%	3%	-1%
\$15,000 to \$24,999	7%	0%	0%	-4%	8%	2%	1%	-3%
\$25,000 to \$34,999	-1%	-5%	-6%	-9%	1%	-4%	-6%	-8%
\$35,000 to \$49,999	-5%	-8%	-10%	-12%	-4%	-7%	-11%	-12%
\$50,000 to \$74,999	32%	18%	25%	11%	30%	15%	20%	8%
\$75,000 to \$99,999	95%	61%	85%	51%	86%	53%	71%	42%
\$100,000 to \$150,000	100%	64%	89%	54%	89%	55%	72%	43%
\$150,000 and over	100%	65%	89%	53%	86%	51%	69%	40%
<b>Total</b>	<b>10%</b>	<b>6%</b>	<b>6%</b>	<b>3%</b>	<b>13%</b>	<b>7%</b>	<b>5%</b>	<b>2%</b>

Source: Decisionmark Corp.

## **JEFFERSON COUNTY, KANSAS**

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### ***Demographic and Land Use Trends***

#### **LOCAL AREA ECONOMIC FORECASTS**

As assessed by the University of Kansas, Institute for Public Policy and Business Research, Northeast Kansas does not contain a homogenous economy. Rather, there are several different economies in Northeast Kansas.

A variety of patterns of economic development have emerged within the region during this century, a fact of some relevance for economic forecasting. For example, seven of the fourteen counties in this region had a higher population count in 1900 than in 1990. (*Kansas Business Review*, IPPBR, Winter, 1999.)

#### **Lawrence Area Forecast**

Lawrence area (Douglas and Franklin counties) non-farm wage and salary employment growth is projected to fall to 5.5 percent in 1999 from the extremely strong growth rate of 6.5 percent in 1998. The 1999 forecasted growth rate for the Lawrence area is significantly better than the growth rates for the U.S., Kansas, or Northeast Kansas. Since 1983 the Lawrence area employment growth rate has consistently surpassed the rate for Kansas and the United States. Since the 1991 recession, the employment growth rate for the Lawrence area has been the best of any rate of the four sub-regions in Northeast Kansas.

#### **Topeka Area Forecast**

Since the last recession, employment in the Topeka area economy (Jackson, Jefferson, Osage, and Shawnee counties) has grown at a rate less than the Kansas employment growth rate and slightly less than growth in employment in the rest of Kansas. In 1999, the Topeka employment growth rate is expected to drop from the 1.3 percent growth in 1998 to 0.7 percent in 1999. The 0.7 percent growth rate would be the lowest the Topeka area has experienced since 1991.

#### **COUNTY HOUSING MARKET STRENGTHS AND WEAKNESSES**

To better understand the Jefferson County housing market, it is appropriate to view the housing industry within the context of relevant national housing market trends. Nationally, home ownership is increasing among households, a result of low interest rates, strong economy and federal lending programs. In Jefferson County, the percent of single family homes most often owner-occupied, rose from 79% in 1990 to an estimated 82% in 1997.

Nationally, the average size of newly constructed single family homes is increasing from 1,760 square feet in 1980 to 2,190 square feet in 1998 according to the National Home Builders Association. This trend appears to be occurring in Jefferson County as well, resulting in a more visual impact of newly constructed residences on the mostly rural landscape.

There are 6,314 housing units in Jefferson County according to 1990 U.S. Census data. There were 4,845 owner-occupied units. Approximately 84 percent of all units are owner occupied. Since 1990, the total housing supply in the Jefferson County has increased by 843 units to approximately 7,157 units (Table 2-6 - "New Residential Construction 1950 - 1999"), which is an average of more than 97 new housing units a year.

**TABLE 2-6  
NEW RESIDENTIAL CONSTRUCTION 1950 - 1999**

<b>DECADE</b>	<b>UNITS BUILT</b>	<b>ANNUAL AVERAGE</b>	<b>AVERAGE ANNUAL GROWTH RATE</b>
1991 to 1999	843	97	1.4%
1980 to 1989	1,037	104	1.4%
1970 to 1979	1,906	191	2.7%
1960 to 1969	942	94	1.3%
1950 to 1959	397	40	0.6%

Source: U.S. Census Bureau; Jefferson County.

Although there was a slight decline in the average annual construction level from 1980 to 1990 the rate of home building in unincorporated areas of the county grew as a share of the total. In 1990, Jefferson County's eight incorporated municipalities contained 39.5% of all housing units in the county. New housing growth in unincorporated area of Jefferson County grew from 64% in the 1980's to 86% in the 1990's. Other key characteristics of the county's housing market are summarized as follows:

1. The percent of single-family homes in Jefferson County rose from 79% in 1990 to 82% in 1997.
2. Since 1998, the average price of 212 new single family homes constructed in Jefferson County was \$88,000. The average sale price of existing homes has increased by 34.7 percent since 1995. This rise in values has been influenced by the county's proximity to Douglas, Leavenworth and Shawnee counties where home values have experienced significant escalation in the last few years. (Although average values are higher in Douglas County, the average price of homes in Jefferson County has increased at a higher rate than Douglas County in the last five years, averaging a 34.7% increase in Jefferson County versus 31.8% in Douglas County and 17.2% nationally.)
3. Eighty-five percent (85%) of all multi-family rental units are in the seven incorporated cities; seventy-one percent (71%) of all mobile homes are in the unincorporated areas of the county.

Jefferson County's housing market is characterized by the following strengths:

1. *Amount and price of undeveloped land* - The cost of vacant residential and agricultural land is relatively inexpensive, especially in comparison to nearby Douglas and Leavenworth



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### ***Demographic and Land Use Trends***

Counties. Land is routinely about 20 percent of the total cost of new housing keeping the total cost of the finished home at a more affordable level.

2. *Proximity to employment centers* - While there has been significant state and national employment growth over the past decade, the total number of jobs in the metropolitan area counties to the south, east and west of Jefferson County has increased significantly. For example, the total number of new jobs added to Douglas County in the last three years is larger than the total number of all employment opportunities in Jefferson County.
3. *Presence of Lake Perry* - As one of the largest lakes in Kansas and close to two of Kansas' metropolitan areas, the lake serves not only as a recreation attraction, but as a marketing tool exposing lake visitors to the attractive, rural character of Jefferson County.
4. *Favorable housing demand conditions* - In an environment like Jefferson County that has demonstrated a steady level of new housing construction, additional prospective buyers and home builders are drawn to the market which further contributes to a favorable housing image and climate.
5. *Availability of local financing, labor and building materials* - There are a sufficient number of financial institutions which offer a full range of home purchase loans and private financing alternatives for residents, builders, developers and other related contractors.

Despite these strengths, certain characteristics of the Jefferson County housing market are considered weaknesses. These include:

1. *Lack of infrastructure in unincorporated areas* - The limited sewer capacity and cost of expansion in the county's smaller cities impedes investment in new residential subdivisions.
2. *Declining housing stock* - The abundance of older, singlewide manufactured mobile housing, especially in unincorporated parts of the county, are declining in value and condition.
3. *Limited code enforcement resources* - There are limited resources committed to and comparatively lax housing code regulatory controls and practices by cities and the county.
4. *Higher than average property taxes* - Real Estate property tax rates in Jefferson County are higher than a majority of the surrounding counties which partially offsets the lower, vacant developable land costs.
5. *Bureaucratic reputation* -A cross section of area realtors and others in the development industry surveyed for this plan cited a wide range of criticism towards the process, consistency and timeliness of the governmental decision-making associated with the planning and/or construction of new housing.

**SUPPLY AND DEMAND ASSESSMENT**

Housing demand is routinely generated by growth in an area's population and households. Those existing households that are inadequately served by the existing housing supply also drive housing demand. This housing deficiency, known as "pent-up" demand, needs or seeks housing units that are either more affordable and/or in better condition to serve the existing population.

Jefferson County's demand for new housing has experienced a wide fluctuation over the past five decades. Since 1950, Jefferson County's housing market has added from as few as 400 new units over a decade to a high of more than 1,900 new housing units in the 1970's. The most recent decade of the 1990's experienced the construction of nearly 1,000 housing units.

In projecting housing demand for Jefferson County, the following factors were considered:

- a) new household formation projections;
- b) the age of the housing supply and the need to replace older stock;
- c) new housing construction rates driven by changes to the household size and housing requirements of existing residents.

In addition to these three standard factors, Jefferson County is also influenced by a fourth key factor. That is an influx of new residents made up mostly of commuters to adjoining counties for employment combined with some retirees. These new Jefferson County residents are choosing Jefferson County for "lifestyle" factors.

Based on a combination of these, it is estimated that Jefferson County could adequately support from approximately 850 new units to as many as 1,500 new housing units over the next ten years (see Table 2-7 - "Jefferson County Housing Demand Projections 2000 - 2010"). The level of housing demand will directly depend on the public policies and planning practices Jefferson County and city officials choose to use. Therefore, housing demand for Jefferson County over the next decade is projected under three alternative scenarios. These scenarios reflect public policies and planning codes under the following strategies:

1. Continue the status quo - Given the continuation of existing practices, housing demand over the next 10 years is projected to be approximately 1,100 units.
2. Adopt a more Land Preservation developmental approach - If revised public policies seek to constrain housing development, new housing development can be expected to decline by 25 to 30 percent from the level of the 1990's. Land Preservation policies means a combination of tighter development standards, zoning and rezoning controls.
3. Adopt a proactive developmental approach - Public policies that support acceptable residential subdivision and housing development can be expected to result in 30 to 40 percent growth above current levels over the next decade. Proactive approaches may include

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such strategies as encouraging clustering homes in new subdivisions to better protect open space, reducing minimum lot size requirements in residential zoning districts and improving the planning, review and approval processes.

**TABLE 2-7  
JEFFERSON COUNTY ANNUAL HOUSING DEMAND 2000 - 2010**

<u>Major Source of Demand</u>	<u>Status Quo</u>	<u>Land Preservation Policies</u>	<u>Proactive Policies</u>
a. New household formation	28 - 30	22 - 25	25 - 30
b. Replacement of older housing	22 - 30	22 - 25	28 35
c. Move-up for existing owners	28 - 30	22 - 25	32 - 35
d. Lifestyle relocations	28 - 30	13 - 15	55 - 60
<b>ESTIMATED AVERAGE ANNUAL DEMAND</b>	<b>105 - 115 units</b>	<b>80 - 90 units</b>	<b>145 – 155 units</b>

**TARGET MARKET ASSESSMENT**

The sources of demand for housing generated by persons making lifestyle choices are predominantly persons who are employed in counties adjacent to Jefferson County and/or households drawn to the county to be nearer to the county's lake and golfing recreational amenities.

The largest shares are persons arriving from more urban areas for lifestyle changes. In Jefferson County, housing construction in unincorporated areas is growing and is an increasing share of the total county housing market. In the 1980's, new housing construction in unincorporated areas represented 64% of all new housing units built versus 86% of all new housing units built in the 1990's.

Most planners, economists and other development professionals strive to achieve an equal balance of growth between population and housing. Although this is not routinely achievable in areas influenced by urban growth pressures, the demographic trends found In Jefferson County and its surrounding counties are very revealing. In all five of the counties adjacent to Jefferson County, employment growth since 1990 outpaced population growth while the exact opposite is found in Jefferson County (see Table 2-8 - "Population vs. Employment Growth Rate Comparisons 1990 - 1997").

**TABLE 2-8  
POPULATION VS. EMPLOYMENT GROWTH RATE COMPARISONS 1990 -1997**

<b>County</b>	<b>1990 - 1997 Population Change</b>	<b>1990 - 1997 Employment Change</b>	<b>Population vs. Employment Difference</b>
Atchison	-3.6%	+5.3%	Employment: +8.9%
Douglas	+11.4%	+19.2%	Employment: +7.8%
Jackson	+4.4%	14.7%	Employment: +10.3%
Leavenworth	+9.0%	+9.8%	Employment: +0.8%
Shawnee	+2.5%	+8.3%	Employment: +5.8%
<b>Jefferson</b>	+12.9%	+11.7%	Population: +1.2%

Source: U.S. Census Bureau, 1999; Kansas Department of Human Resources.

Two of the county's recreational attractions that serve as indicators of the county's pull as a housing destination are associated with Lake Perry. These amenities influence the demand for large lots and demand for housing that complements recreational interests. Visitation figures for the Perry State Park and Lake Perry indicate that there are more than 700,000 visitor days spent annually in Jefferson County for recreational purposes (Table 2-9 - "Jefferson County Annual Visitor Indicators 1996 - 1999").

**TABLE 2-9  
JEFFERSON COUNTY ANNUAL VISITOR INDICATORS 1996 - 1999**

<b><u>Year</u></b>	<b><u>Perry State Park Visitors</u></b>	<b><u>Perry Lake Visitors</u></b>
1996	226,452	522,909
1997	247,256	541,218
1998	308,766	506,067
1999	233,468	471,526

Source: Kansas Department of Wildlife & Parks; U.S. Army Corps of Engineers.

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The strongest demand for these residential opportunities is found in three sections of Jefferson County which offer the easiest access and closest proximity to the three most populated adjacent counties. These include:

- East Central Jefferson County attracting spill from Leavenworth County;
- Southeast Jefferson County attracting spill from Douglas County; and
- Southwestern Jefferson County attracting spill from Shawnee County.

Not surprising, the 1999 property values report published by the Jefferson County Appraiser reveals housing values in the county rising fastest in these three housing "hot spots." Over the past decade, the demand for new housing from residents outside the county represented approximately 30 percent of the county's housing current demand (approximately 30 units annually.) A proactive development policy could result in as many as 55 to 60 units annually, or 35 to 40 percent of the county's housing growth in the coming decade.

## CHAPTER 3 – GOALS, OBJECTIVES AND POLICY STEPS

### ISSUES IDENTIFICATION

The Jefferson County *Steering Committee*, staff, County Commission and Planning Commission held a "Focus Session" on October 14, 1999 to provide an opportunity for residents, land owners and business leaders of Jefferson County to identify issues that are critical to the county and its communities. The session was open to invited stakeholders as well as the public. Facilitated by the project consultant, 70 participants discussed a wide range of issues facing Jefferson County now and in the future.

The method for *Issues Identification* used at the Focus Session was a structured idea-sharing process that expanded on statements developed at a previous series of planning meetings. The entire group formed "Break-out" groups to further discuss the issues following consideration. The breakout groups discussed the following series of issues:

1. **Future Land Use:** issues discussed related to the location, type and quantity of land uses as Jefferson County grows.
2. **Economic Development:** issues discussed related to business and industrial growth in Jefferson County and its communities.
3. **Sense of Place:** discussion focused on specific issues that influence the caliber of Jefferson County as a place to live and work.

### ISSUE DEVELOPMENT

Information from the "Focus Session" was used as a basis for the follow-up "Policy Planning Charrette" workshop held on November 11, 1999. Approximately 80 participants collaborated all evening in study groups with detailed "Workbooks" to develop community policies and "action steps" that address the critical issues facing Jefferson County. Participants also addressed issues graphically by transferring ideas to maps of different areas of the county. The issues were discussed in terms of both the near-term (the immediate five-year period) and long-term plans (up to twenty years in the future).

The following goal statements and planning objectives are based on a summary of the ideas expressed at the planning charrette session. The Jefferson County *Steering Committee* reviewed the summaries from the public workshops, and met during the winter and spring of 2000 to continue revising the objectives. Responses to each objective are identified in a column entitled "Policy Step."

The plan allows the county to formulate goal statements and policy objectives, then policy steps to take in an action agenda. For each issue and goals/objectives statement, a policy step identifies the

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entity or group—public or private—that is the appropriate agent for action to implement the plan objectives.

#### SUMMARY OF ISSUE STATEMENTS, GOALS, OBJECTIVES AND POLICY STEPS

##### Existing Conditions

Issue Goal Statement/Objectives	Policy Step
<b><i>Goal: Assess the Key Issues Surrounding Existing Conditions that Affect Long-range Planning in Jefferson County.</i></b>	
Conduct county training sessions on planning and zoning policy to foster non-arbitrary decision making policies.	County Commission and Planning Commission
Inventory existing undeveloped RR, SR, R-1 lots to determine: <ul style="list-style-type: none"><li>• what has worked in the past for development, and</li><li>• what has caused tracts to remain vacant in certain areas.</li></ul>	Staff
Evaluate urban development in established urban corridors, such as: <ul style="list-style-type: none"><li>• K-4,</li><li>• U.S. 59, and</li><li>• Lake-area corridors, such as Westlake Road.</li></ul>	CC and PC



*The U.S. Army Corps of Engineers has provided improvements for access to Lake Perry, such as riprap and concrete slip ramps for the boating public.*

Natural Features in Jefferson County

Issue Goal Statement/Objectives	Policy Step
<p><b>Goal: Define and Map Natural Futures to be Considered when Evaluating Urban Development in Jefferson County, Including Expressions Of Symbolic Significance.</b></p>	
<p>Define the “view sheds” of value in Jefferson County as seen by the public from the major travel routes, including:</p> <ul style="list-style-type: none"> <li>• Kansas Highway 4, K92 west of Oskaloosa, U.S. Highway 59 State Highway 237 to Westlake Road;</li> <li>• Wellman Road, 33<sup>rd</sup> Street to Ferguson Road, and State Highway 16 west of Valley Falls and Buck Creek Road.</li> </ul> <p>Protect Views: Ridges where vistas are broad</p> <ul style="list-style-type: none"> <li>• Open grasslands</li> <li>• Major creeks and valleys</li> <li>• Rugged bluffs and steep ravines</li> <li>• Timber land</li> <li>• Sloping sites bounded by hills</li> <li>• Fan-shaped sites (having an ampitheatrical effect)</li> <li>• Bowl-shaped sites</li> </ul>	<p>Plan Document</p>
<p>Refer to the natural features and wildlife inventories when reviewing development proposals as mapped in the plan:</p> <ul style="list-style-type: none"> <li>• The Kansas Department of Wildlife and Parks, Known Areas of Sensitive Habitat,</li> <li>• Kansas Natural Heritage Inventory (KSNHI), and</li> <li>• Kansas Biological Survey (KBS).</li> </ul>	<p>Staff</p>



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<p>Define the distinctive Natural Features relevant to planning and development standards:</p> <ul style="list-style-type: none"><li>• Rolling hills,</li><li>• Wood lands,</li><li>• Native prairie,</li><li>• KU conservation,</li><li>• Lakes, i.e. Dabinawa</li><li>• Many farm ponds</li><li>• Numerous wildlife of all types.</li></ul>	<p>Plan Document</p>
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**A Sense of Place**

Issue Goal Statement/Objectives	Policy Step
<b>Goal: Maintain the integrity of the current rural and agricultural atmosphere of Jefferson County by articulating a Local “Sense of Place.”</b>	
Define the characteristics of the existing rural and agricultural nature of the county.	CC and PC
Create incentives to maintain agricultural land: <ul style="list-style-type: none"> <li>• conservation easement purchase and/or donations ;</li> <li>• purchase of development rights on productive agricultural land; and</li> <li>• other incentives.</li> </ul>	CC
Preserve Natural Features and Places of Cultural Significance: <ul style="list-style-type: none"> <li>• Designate a "Scenic Drive", west of Oskaloosa to Lake Perry.</li> <li>• Enhance or increase preservation of the Battle of Hickory Point.</li> <li>• Encourage development of Old Jefferson Town.</li> <li>• Preserve Half Mound Community.</li> </ul>	CC and PC/ Private Sector/ Historic Preservation Committee
Adopt standards for maintaining cultural treasures: <ul style="list-style-type: none"> <li>• historic areas, and</li> <li>• cemetery sites.</li> </ul>	CC and PC/ Private Sector/ Historic Preservation Committee
Future development should surround the existing cities to utilize existing support system i.e. water, sewage, fire police, ambulance.	CC and PC in cooperation with the cities
Plan for preservation of historic structures	CC and PC/ Private Sector/ Historic Preservation Committee

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**Urban Development in the Countryside**

<b>Issue Goal Statement/Objectives</b>	<b>Policy Step</b>
<b>Goal: Establish Sound Planning Policies for Rural Residential Development in the Countryside.</b>	
Plan higher density residential development around cities in the “areas of Urban Influence” as identified in the plan.	PC and CC
Discourage spot development in agricultural areas.	PC and CC
Promote awareness of current buildable lots.	PC and CC
Encourage open space dedication in new subdivisions.	Amend Subdivision Regulations.
Restrict large development in areas where there are no plans for extension of services (schools, infrastructure).	PC and CC

**Urban Development Near the Cities**

<b>Issue Goal Statement/Objectives</b>	<b>Policy Step</b>
<b>Goal: Establish Sound Planning Policies for Urban Residential Development Near the Cities of Jefferson County.</b>	

**Urban Development Near the Cities (cont.)**

Issue Goal Statement/Objectives	Policy Step
Cooperate with the cities in encouraging development in near proximity to urban services.	Cites and County cooperate
Adopt building codes that match the codes of the cities to ensure quality of urban construction and eliminate comparative advantages/disadvantages between city/county construction requirements. Hire building inspection staff.	Cites and County cooperate
Encourage green areas in subdivisions and a benefit district for the maintenance of open space.	County PC
Establish benefit district for roads and sewers of new subdivisions near the cities; provide other incentives—lesser impact fees, Neighborhood Revitalization Act incentives—to develop near the cities.	Cites and County cooperate on financing plans.



*Stabilization ponds need to be carefully sited to not discourage adjacent development.*

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**Lake Perry Economics**

Issue Goal Statement/Objectives	Policy Step
<b>Goal: Pro-actively Support Economic Development at Lake Perry.</b>	
Advertise the availability of campgrounds and retreat facilities that can be leased by the public.	Economic Development Committee
Preserve, restore and establish adequate public transportation or access to the lake and for circular traffic around the bottom half.	Refer to maps/concepts in report by committee.
Discuss and encourage renewed participation with the Corp of Engineers in implementing the Lake Perry Plan and the recommendations of the Lake Perry & Recreation Committee.	
Encourage county residents and communities to promote and utilize Lake Perry as a drawing card for recreation and visitation.	Create a county staff position for this.
Encourage studies on lake development.	Create county position.
A special designation is needed for the Grange-Boy Scout Camp Legion.	See priority list in report.
The county should invest in roads to improve access around the foot of the dam. To encourage recreational and commercial activity (#237 to Ferguson Road North of 24 Highway).	See maps and use zoning plan.
Need to enforce sanitary codes and minimum building standards throughout the county.	CC
Create a position of Director of Recreation and Visitation.	See report
Initiate annual tax auctions in order to bring stability and investment to the lake subdivision.	CC

Issue Goal Statement/Objectives	Policy Step
<b>Goal: Address Problems of Existing Lake Subdivisions:</b>	
Form an association of Perry Lake homes associations.	Coordinated by Director of Recreation.
Address retroactively poor lot design and/or layout of lake-area development.	
Address platted property around the lake that is abandoned, reverted to the county in tax sales or subject to illegal possession by “squatters” as these areas constitute large portions of lake-area development in Jefferson County.	PC and CC
Encourage the build out of high density, undeveloped lake properties.	See plan.



*Several “Improvement Districts” provide basic services, such as maintenance of streets and pumping of holding tanks for a fee in residential districts.*

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#### Agricultural Economics

Issue Goal Statement/Objectives	Policy Step
<b>Goal: Support the Agricultural Business Sectors to Help Bolster the Local Economy, Maintain Choices for Farmers, and Preserve the Rural Character of Jefferson County.</b>	
Adopt development policies that preserve farmland values while accommodating the market demand for the amenities and atmosphere of rural life.	PC and CC
Use impact fees that are lower in designated development areas and in Lake Perry development areas, such as along Ferguson Road.	Areas of Urban Influence and Lake Perry.
Implement a LESA (Land Evaluation and Site Assessment) process as a component of development proposal review. Include hunting preserves in the assessment criteria.	PC and CC
Incorporate soil classifications into the development review policy and procedures. Land use planning for Jefferson County.	PC and CC
Encourage preservation of farm lands in and around the creek bottoms where soils are particularly good for high value, intensive farming. Protect riparian areas of Jefferson County from environmental hazards.	PC and CC
Preserve large areas of native grass and grazing areas: <ul style="list-style-type: none"><li>• To the east of Mud Creek.</li><li>• Wildlife Areas on the Natural Features Map, including sections of Delaware Township.</li></ul>	PC and CC
Describe historic ranching and farming economies and define differences in land use activities.	Historic Preservation Committee

**Agricultural Economics (cont.)**

Issue Goal Statement/Objectives	Policy Step
<p>Preserve agricultural density ratios of 1 unit/40 acres. Maintain a rural flavor throughout the county.</p> <p>Anything under 40 acres must be platted. Deny sell-off/buy-backs: Enforce platting requirement of parcel under 40 acres to stop selling 40 acres and buying back all but 2 acres.</p>	<p>PC and CC</p>
<p>Support agriculture related businesses that add value to locally grown commodities</p>	<p>Economic Development (ED) Office</p>
<p>Plan according to realistic agricultural economics.</p> <ul style="list-style-type: none"> <li>• Encourage filling of niche markets to meet the primary needs of smaller tract owners.</li> <li>• Address the fact that the operating farm size is likely to continue to grow for full-time farmers less dependent on (or loyal to) the local supplier or commodity buyer.</li> <li>• Encourage hunting and some nature type activities where the potential of tourist development is limited such as north of K-92.</li> </ul>	<p>ED: Conduct a niche development study.</p>
<p>Support Agriculture-related retail.</p>	<p>PC and CC in cooperation with the cities.</p>
<p>Encourage higher density development within a 3-mile radius from the cities. Regulate:</p> <ul style="list-style-type: none"> <li>• More efficient use of land.</li> <li>• No impact fees if within 2/3 mile development zone of a city.</li> </ul>	<p>PC and CC in cooperation with the cities.</p>
<p>Adopt regulations that take into consideration how they may or may not accelerate Jefferson County becoming a bedroom community.</p>	<p>PC and CC</p>



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**Public Road Standards**

Issue Goal Statement/Objectives	Policy Step
<p><b>Goal: Require Roads to Meet Standards that Serve the Long-term Goals and Objectives of Jefferson County.</b></p>	
<p>Plan for infrastructure improvements addressing truck traffic on Highways 59, 4, 24 and 16.</p>	<p>County should work closely with KDOT.</p>
<p>Preserve major highways that are major traffic routes for work commuters, including traffic problems on K-4 at peak hours.</p>	<p>County should work closely with KDOT.</p>
<p>Address concerns about traffic conditions:</p> <ul style="list-style-type: none"> <li>▪ South of Oskaloosa at the intersection of Highways 59 and 16.</li> <li>▪ The intersection of Highways 59 and 24.</li> <li>▪ The intersection of Ferguson Road and Highway 92.</li> <li>▪ The intersection of Washington Road and Highway 16.</li> <li>• The intersection of 92 and K4,</li> <li>• The intersection of K4 at Valley Falls,</li> <li>• The intersection of K4 at Meriden, and</li> <li>▪ on Wellman Road.</li> </ul>	<p>KDOT and the County to work together. Work to establish a FAS designation for Wellman Rd.</p>
<p>Study concerns about road conditions:</p> <ul style="list-style-type: none"> <li>• Conduct necessary studies, such as safety problems.</li> </ul>	<p>CC and Road and Bridge Department</p>
<p>Concentrate funding on the improvement/maintenance of existing roadways:</p> <ul style="list-style-type: none"> <li>• The county should not implement policies or fund improvements that encourage urban sprawl, such as additional cross-country highways.</li> <li>• Target road improvements and/or maintenance on main county roads, such as Wellman Road, according to an adopted Capital Improvement Program (CIP) that prioritizes funding, by year.</li> </ul>	<p>Prioritize County issues.</p>

Adopt a CIP that implements the goals and objectives of the Comprehensive Plan, including road funding proactively to: <ul style="list-style-type: none"><li>• Influence development trends in designated growth areas; and</li><li>• support economic development of Perry Lake.</li></ul>	Prioritize County issues.
Coordinate with KDOT in planning long-range improvements.	Submit plan to KDOT.
Target road improvements that promote existing development and utilize existing infrastructure	Impact Fee Formulae
The Board of County Commissioners should continue a long-term road plan, with input of the planning commission through a county CIP.	CC and PC
Encourage a reduction in road cuts.	Road and Bridge Department: Road Cut Separation Standards

**Public Improvements Financing**

Issue Goal Statement/Objectives	Policy Step
<p><b>Goal: Study Options for Financing of Major Arterial Road Improvement/Maintenance, Including Impact Fees and Excise Taxes.</b></p>	
<p>Study the viability of Impact Fees for major road improvements/maintenance:</p> <ul style="list-style-type: none"> <li>• areas of the county that have a deficiency in areawide traffic capacity;</li> <li>• areas that have a significant amount of latent development (high growth areas);</li> <li>• existing and expected commuting routes and traffic patterns;</li> <li>• natural and political boundaries;</li> <li>• other geographic limitations; and</li> <li>• the location of existing roads.</li> </ul> <p>Define “service areas” as geographic areas with clearly defined boundaries, set forth in an impact fee ordinance enacted by local government, that serves as the basis for imposing fees upon new development created within that geographic area and as a limitation on the area in which the fees collected may be spent.</p> <p>Define service areas for the purpose of imposing impact fees so as to :</p> <ul style="list-style-type: none"> <li>• to ensure that a proportional connection exists between the properties charged and the facilities that will be constructed with those fees;</li> <li>• to ensure that the fees collected will be spent in reasonably close proximity to the properties paying the fees, thereby providing a measurable benefit to those properties;</li> <li>• to correctly calculate the costs of the facility or service being provided to the public; and</li> <li>• to guide the creation of one or more impact fee trust funds that correspond to the service areas in order to ensure that funds are properly earmarked and spent only within the appropriate service area.</li> </ul> <p>Adopt a capital improvements program (CIP), setting forth the planned road improvements for the entire county, as the foundation for the designation of the service areas. Study the alternative of an Excise Tax, using similar methodology.</p>	<p>Research what others are doing and assess applicability for Jefferson Co.</p> <p>Legal implications explored.</p> <p>Negative impacts.</p> <p>(See above)</p> <p>(See above)</p> <p>(See above)</p> <p>(See above)</p>

**Tourism**

Issue Goal Statement/Objectives	Policy Step
<b>Goal: Preserve and Expand Important Tourist Destinations.</b>	
Support continuation of regional attractions, such as the Rim Rock Cross-Country facility.	Annual review of existing guidelines and agreements.
Encourage tourist destinations in all areas of the county.	Economic Development Committee and local chambers.
Seek sponsorships to fund county tourist attractions brochure.	Seek sponsorships to fund.
Establish and promote policies for clean recreation and industry.	Economic Development Committee and local chambers
Support local bed and breakfast businesses.	Economic Development Committee
Preservation efforts should include valued natural features, as presented on the Natural Features Map.	Zoning policy. Keep commercial (non-ag) near or within city limits.

**JEFFERSON COUNTY, KANSAS**

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*Goals, Objectives and Policy Steps*

**Industrial/Commercial Development**

<b>Issue Goal Statement/Objectives</b>	<b>Policy Step</b>
<b><i>Goal: Promote Industrial/Commercial Development in Designated, Appropriate Corridors and Districts.</i></b>	
Current commercial areas should be targeted for expansion of commercial development in the future.	Zoning – centralize commercial development and provide incentives.
Encourage continued commercial development area located along major highways and in city limits.	Zoning

**MISSION STATEMENT**

***JEFFERSON COUNTY COMPREHENSIVE PLAN***

***MISSION STATEMENT***

“Working within the theme of ‘Jefferson County 2020 Plan’ in partnership with the residents of Jefferson County, The Planning Commission and Planning and Zoning Department staff are committed to preserving the physical beauty, historical heritage and environmental quality of the County, while striving to manage growth and promote development to ensure that it is a positive force on the general welfare of the countywide community, through clear guidelines and regulations that achieve this goal.”

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## CHAPTER 4 - COMPREHENSIVE PLAN POLICIES

### MAJOR THOROUGHFARE PLAN

#### Transportation Policies

The Major Street Plan establishes a classification system for various highways and roadways within the County. In addition, access control standards and guidelines are cited which establish minimum distances for intersections and driveways along “Rural Major” and “Rural Minor” roads (as depicted on the *Major Thoroughfare Plan* map).

Individual roads and streets do not serve trips independently, rather, most trips involve movement through a network of roadways. A functional classification system of roadways provides a method for channeling traffic in a logical, efficient and safe manner.

#### Regional Transportation Plans

Widening of Interstate 70 to six lanes is being considered by the Kansas Department of Transportation (KDOT). Given the interstate improvements, the other local highways through Jefferson County may not be improved in the near-term. The timing and level of improvement of the interstate is being discussed as it relates to other possible improvements, such as widening U.S. 24 Highway and extension of U.S. 59 Highway across the Kaw River.

Finally, there is a long-term plan for improving K-4 Highway from southwest Jefferson County to the northeast. Currently, K-4 Highway is two lanes from Topeka through the City of Valley Falls. K-4 Highway carries commuter traffic to and from Topeka, not only within the county, but the Northeast Kansas region. The highway is planned for widening to four lanes and—where needed—realignment; however, there is no state funding currently allocated for the planned improvements.

#### Roadway Classification System

The existing road and highway network is classified by function. Roads and highways are grouped into classes or systems according to the service they provide. The factors that identify roadway classifications include:

- the level of through-traffic movement; and
- access to adjacent land or individual properties.

Roadways are not classified by the amount of traffic they carry; however, higher traffic volumes are usually consistent with upper level roadway classifications, as discussed below.



***Comprehensive Plan Policies***

The functional classification for roadways employs a hierarchical structure to identify the operation of all roadways within a transportation system. The hierarchy of road types in ascending order is: local roads, collector roads, arterial roads, and expressways/freeways. Lower level roadways, such as local or collector roads, provide more direct access to property than do higher level roadways, such as arterial roadways or expressways.

Roadway classifications dictate the design standards for the construction of a roadway. The function of a roadway, traffic volume, and adjacent land use determine the type of roadway that should support daily traffic activity. General roadway design standards have been developed by the American Association of State Highway Transportation Officials (AASHTO) as defined in "A Policy of Geometric Design and Highways and Streets." The ability to improve an existing roadway by constructing additional lanes or other improvements to AASHTO standards, however, may be constrained by the existing development in growth areas. The standards summarized below for arterial, collector, and local roadways also reflect locally adopted standards.

**Local Roadways**

Local roadways provide direct access to private property. The ideal traffic volume for local roadways is less than 500 vehicles per day. The recommended width for a new local roadway is 28 feet and the recommended minimum right-of-way is 60 feet. Local roadways serving residential areas should be constructed with an enclosed storm water system. On-street parking may be permitted. However, in order to meet fire codes, which require a 20-foot path for equipment, parking should be limited to one side of the roadway.

**Collector Roadways**

Collector roadways—Rural Minor Roads—can be further classified as minor collector roadways (two-lane) and major collector roadways (three-lane). The two-lane collector roadway functions to collect traffic from local roads and residential neighborhoods. Because traffic volumes on two-lane collector roadways may range between 1,500 and 5,000 vehicles per day, residential properties abutting the collector road may not be as desirable as those abutting a local road. To accommodate traffic volumes, a minimum right-of-way of 60 feet is needed. Depending on local conditions such as traffic volumes, up to an 80' right-of-way may be warranted. Parking and private access to the collector should be discouraged.

A three-lane collector roadway section is appropriate for collecting traffic in commercial land use areas, such as a business park or shopping center where traffic demand is expected to range between 1,500 and 12,000 vehicles per day. This road section includes two 12-foot through lanes, and can be widened by adding one 12-foot center left turn lane. The recommended road width for a three-lane collector including curb and gutter is 40 feet. Sidewalks should be provided on both sides. The right-of-way width to allow for the roadway, sidewalks and street lighting should be 80 feet. On-street parking should be prohibited.

### **Arterial Roadways**

Arterial roadways—Rural Major Roads—are appropriate for carrying traffic through primarily residential areas without directly accessing any of the properties. A minor arterial road section includes four 12-foot through lanes and should provide additional left-turn bay at all signalized intersections and any major intersections. Minimum travel widths should be based on traffic capacity. Sidewalks should be provided in residential districts on both sides. Only public roads should be allowed to access a four-lane arterial road. The ideal range for traffic volume on a four-lane arterial roadway is between 12,000 and 25,000 vehicles per day.

### **State Highways**

State Highways are primary arterial roadways that are partially access controlled. These routes are typically the highest traveled corridors, serve major activity centers and carry the major portion of trips entering or leaving the county and the cities of the county. State Highways serve major activity centers and carry a high proportion of traffic on a limited number of roadway miles. A road section ideally includes two 12-foot through lanes in each direction and between a 12-foot and 16-foot center two-way left-turn lane in urban areas. A minimum road width of 65 feet and right-of-way of 100 feet are recommended. Traffic volumes on this type of roadway range between 25,000 and 35,000 vehicles per day



*Jefferson County is studying ways to make roads more safe where there is no paved shoulder or inadequate shoulders, through improved drainage and related strategies.*

**Roadway Classifications**

The roadway classifications described above are applicable to the major roadways in the County and the projected growth areas. These roadways are classified based on their function that corresponds with the description of the roadway classifications. Table 4.1 lists examples of the functional classification of collector roadways depicted on the “Major Thoroughfare Plan” map. Roads that are not identified as either a collector road, arterial road or expressway/freeway are classified as local roads. As development occurs within the growth areas, other roadways need to be classified as either collector or arterial roadways.

<b>TABLE 4.1 ROADWAY CLASSIFICATIONS</b>	
<b>Name of Roadway</b>	<b>Roadway Classification</b>
U.S. Highways 24/59	State Highways
Highways K-4/92	State Highways
Wellman	Rural Major Collector
Ferguson	Rural Major Collector
Westlake	Rural Major Collector
Osage	Rural Major Collector
State Highways 92/16/192	State Highways
Hickory Point	Rural Major Collector
Blue Mound	Rural Major Collector

**Highway Corridors**

U.S. 24/59 and the state highways function as major thoroughfares for regional access and local collector access. Major land uses such as the Lake Perry access roads and the City of Perry Industrial Park are served by these primary roadways. The Kansas Department of Transportation estimates the Average Annual Daily Traffic (AADT) for major roadways in Kansas. The traffic counts are derived primarily from 24-hour traffic volumes recorded with portable traffic counters. Heavy commercial volumes were obtained from visual or machine vehicle classification counts. The AADT counts are cited in Table 4.2.

TABLE 4.2 AVERAGE ANNUAL DAILY TRAFFIC (AADT)		
Count Location	Average Annual Daily Traffic (AADT)	
	High Traffic Count	Low Traffic Count
U.S. 59	2,800	1,090
U.S. 24	7,885	4,420
Highway K-4	7,675	1,605
Highway K-92	2,665	1,960

Source: Kansas Department of Transportation Bureau of Transportation Planning, 1998 Traffic Flow Map

Development along the federal and state highways must be carefully planned in order for efficient funneling of traffic onto local and collector roads. Further, roads and driveways intersecting the major collectors that provide links to the highways, such as K-92 across the lake, must be designed in a manner that will minimize traffic conflicts and maximize access to new development and major land uses.

**Access Control**

Just as the design of a roadway helps to move traffic efficiently, controlling access to the roadway system can help do the same. The lack of an adequate access control policy or plan increases the probability of having traffic hazards and increased traffic congestion. Traffic hazards and traffic congestion reduce the capacity of the roadway to accommodate the traffic volumes for which it is designed. Traffic congestion and traffic hazards increase the pressure to widen roadways, which requires additional public funds.

Roadway capacity can be increased or decreased in a number of ways. The method utilized most frequently to increase capacity is to widen a road to provide additional travel lanes. In some instances, however, it is not feasible to add additional travel lanes due to land uses on either side of existing roadways. In these instances, other methods of increasing roadway capacity may be more appropriate. Other methods include constructing intersection improvements, turn bays, medians, restricting road and driveway access or providing traffic signal timing improvements. Conversely, road capacity can be decreased by adding cross roads, driveways, traffic signals, or other traffic control devices. By developing an access control policy, road capacity can be maintained to efficiently accommodate future development.

Specific design characteristics associated with each functional classification depend on factors such as projected traffic volumes and local access control policies. Higher traffic volumes such as those exceeding 20,000 vehicles per day warrant construction of a four or five lane arterial road. Traffic volumes of 10,000 or 15,000 vehicles per day can be accommodated by a four-lane arterial road or by a two-lane arterial road that includes turn bays, good signal and intersection spacing, and private

***Comprehensive Plan Policies***

driveway access control. In many cases, a well-built two-lane arterial road can function as well as a four-lane road at approximately half the cost.

Traffic volumes on a highway can range between 25,000 and 35,000 vehicles per day. However, excessive curb cuts and mid-block turning movements can reduce capacity. The center turn lane is appropriate because of frequent entrances into higher traffic generation land uses such as business parks and retail centers. A median can be constructed in locations where left-turns should be prohibited and on-street parking should not be allowed. For design speeds greater than 35 mph, or for peak hour right turn-in traffic volumes exceeding 100 vehicles, it is recommended that a right turn lane be constructed along the arterial roadway approaching the curb cut.

U.S. 24/59 and K-4/92 provide regional access as well as access to abutting properties. Therefore, it is critical that a sound access control policy be followed as development occurs on property directly abutting the highway. Access control for major collector streets parallel to highways and county roads become critical for efficient movement of local traffic as residential and commercial growth occurs.

As future development occurs, minor roadway improvements may be necessary to prevent traffic congestion from increased traffic movements accessing U.S. 24/59 and K-4/92. Such improvements may consist of turn bays, restricting road and driveway access, or providing traffic control devices on local arterial roads and access roads. The need for these improvements must be carefully balanced against the need to allow for the efficient movement of traffic through the County. Therefore, the carrying capacity of U.S. 24/59 and K-4/92 must be protected by limiting the number of cross roads, driveways, traffic signals, or other stop controls.

**Intersection Spacing**

Adequate distance between intersections is essential for the safe and efficient flow of traffic. Appropriately spaced intersections provide through-motorists an opportunity to respond to traffic entering the street from a side street. Table 4.3 shows the recommended minimum standards for spacing intersections, determined by through-traffic speed.

<b>TABLE 4.3 MINIMUM INTERSECTION SPACING STANDARDS</b>	
<b>Through-Traffic Speed</b>	<b>Minimum Intersection Spacing</b>
30 mph	210 feet
35 mph	300 feet
40 mph	420 feet
45+ mph	550 feet

Source: Institute of Transportation Engineers

**Driveway Spacing**

Like a street, private driveways create an intersection with a public street. Conflicts and potential congestion occur at all intersections - public and private. Methods to reduce conflict include:

- Separating the conflicts by reducing the number of driveways and intersections;
- Limiting certain maneuvers such as left turns; and
- Separating conflicts by providing turn lanes.

No access drives should be located within the operations area of an intersection. Driver conflicts need to be spaced in order to eliminate overlaps between through traffic and right turns.

It is recommended that new driveway locations should comply with the minimum corner clearance criteria indicated in Figure 4-1. Proper spacing of driveways permits adequate storage and stacking of automobiles on the public street. This distance may have to be increased in cases with high volumes to ensure that driveways do not interfere with the operation of turning lanes at intersections.

The number of driveways accessing undivided arterial roadways should be minimized. The following standards in Table 4.4 are based on AASHTO standards and the Institute of Transportation Engineers (ITE) Manual.

<b>TABLE 4.4</b>		
<b>SUGGESTED MAXIMUM DRIVEWAY GUIDELINES</b>		
<b>Maximum Number of Driveways</b>	<b>Driveway Spacing</b>	
	<b>Undivided Arterial Roads Length of Lot Frontage</b>	<b>Divided Arterial Roads Length of Lot Frontage</b>
1	0-399 feet	0-529 feet
2	400 - 899 feet	530 - 1199 feet
3	900-1,399 feet	1200 - 1859 feet
4	1,400-1,899 feet <sup>1</sup>	1860 - 2525 feet <sup>2</sup>

Source: Institute of Transportation Engineers (ITE) Manual

Notes:

<sup>1</sup> For each 500 feet above 1899 feet, one additional driveway is permitted.

<sup>2</sup> For each 665 feet above 2525 feet, one additional driveway is permitted.

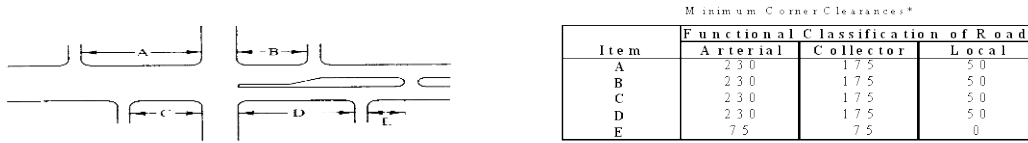
**MAJOR THOROUGHFARE PLAN MAP**





Corner Clearance

Figure 3: CORNER CLEARANCE GUIDELINES



Guidelines for signalized intersection control

Source: Based on Institute of Traffic Engineers Handbook

Specific minimum corner clearance guidelines are listed in Figure 3. These guidelines can be used to regulate new commercial developments located along arterial or collector streets.

**LAND USE PLAN**

**Land Planning Principles**

The Jefferson County planning program has been applying public policy to influence change - in the public interest - as it has responded to change over time. In order for the entire county to attain the objectives of the Comprehensive Plan, it is helpful to restate the dynamics of development. Without such an understanding, local efforts cannot promote community goals as effectively. The comprehensive plan has been developed with the land planning principles presented in this section.

**Land Use Effects**

Certain basic planning issues are relevant to sound public policy. The impact of a given parcel of land on its neighboring properties must be given reasonable consideration. For example, a residential district that abuts agricultural areas can experience negative externalities. If not carefully site-planned, the residential district and the farm operation are harmed. In effect, the land use incompatibility creates a cost imposed by the commercial owners on the residential owners. The best way to minimize these external costs is to buffer opposing land uses. These planning principles help create compatible transitions between residential and commercial areas.

Areas of the county that are vulnerable to the "externalities" of change and need careful land use planning include existing agricultural uses near residential areas. Non-residential uses, which are not part of an existing urban community, can be made compatible with sensitive screening and other mitigating design features.

**Transportation Access**

Proper access control includes limitation on curb cuts, widths of driveway and related design issues. The planning principles for Jefferson County in the Comprehensive Plan are relevant site plan review of non-agricultural development as it occurs on arterial roads and highways. The County must protect not only existing development but also certain "urban systems." Growth along major arterial roads must be carefully planned to allow the major thoroughfare to continue carrying traffic. Development along the arterial roads must be designed to minimize conflicts.

Access within Jefferson County to the regional highway network is important to the viability of Lake Perry and other development areas, including the cities; however, the transportation networks must be planned with the same sensitivity to the rural "sense of place" as other improvements.

## Neighborhood Design

Focusing on neighborhood design is appropriate at the urban scale and countywide scale. Agricultural areas experiencing growth function as large-scale neighborhoods. We must think of traffic impacts within rural neighborhoods much like urban neighborhoods. Good neighborhood design can help new developments relate to adjacent developments to form strong neighborhoods. The land use pattern of a neighborhood plays a major role in determining its strengths and weaknesses.

The current Jefferson County pattern of rural landscapes must be preserved - as called for in Chapter Three - in ways similar to neighborhood preservation. The scale is larger, but the principles for planning are similar: being good neighbors to one another.



*Land at the edge of cities is available in Jefferson County for urban growth in a rural setting.*

## Municipal Services and Natural Features

In addition to public land use policy, the physical features of the land affect future development. Each major ridgeline that forms the drainage basin of Jefferson County is shown on the *Natural Features and Cultural Attributes Map*. The map informs where the cities should target “Urban Service Areas.” The county should consider this factor in implementing its new LESA system.

The County administers the FEMA floodplain regulations. The broadest, most extensive floodplain in the county is in the River basin north of Lake Perry. In addition to the administration of the FEMA regulations affecting floodplains, the county should encourage the cities to plan for

*Comprehensive Plan Policies*

development based on drainage basins. To accommodate the projected future land uses; the ability to serve existing and additional growth should be assessed. Once this ability to serve has been assessed, the desire for and appropriateness of a specific use can be weighed against the ability to serve such a use and need for improvements based upon the projected impact of the use. This is especially important when assessing the planned "Urban Service" areas outside the boundaries of the various cities, as discussed in the next section.

**Municipal Utilities and the Capacity to Serve Growth**

In order to determine what type of land uses should be projected for future growth areas, an assessment must be made of the ability of the existing utility infrastructure to serve the additional growth. The desire to allow for a specific land use must be weighed against the ability of the county and the cities to serve. The need for improvements will be based upon the impact of the projected use on existing utility systems.

The *Natural Features and Cultural Attributes Map* illustrates the general ridge line system of Jefferson County which influences where municipal utility systems (sanitary sewer and water) can be cost-effectively extended. The map shows where there is the ability of the Jefferson County city systems to serve the future growth areas. The following summary of city service capacities must be considered when planning for urban growth in Jefferson County. The new LESA system factors in the municipal utility capacity of the area cities.

In response to the Municipal Services Summary, the eight incorporated cities of Jefferson County submitted information concerning key municipal services of their city. The responses have been incorporated into the following table of information.

Table 1-1 indicates that as of 1996 all of the incorporated areas have zoning, but only 6 of the 8 have comprehensive plans guiding development decisions. Only three cities - Nortonville, Oskaloosa and Meriden - report development of a subdivision in the past 5 years. The survey responses indicate those subdivisions were served by public facilities.

The cities were asked about their respective water capacities. As water capacity can be measured by supply, distribution or storage, responses in several different units were noted. Meriden is unique in that the water supply for the city is provided by a rural water district, the Public Water Supply District No. 1. Excluding Meriden, all of the cities reported a significant percentage of their water main distribution systems are less than 6" in diameter. Nortonville reports that approximately 95% of the main distribution system is less than 6". The cities were asked if there were plans to expand capacity in the next 5 years. Only Valley Falls and Oskaloosa indicated expansion was planned.

All cities but Meriden reported primary wastewater treatment. Meriden reported having secondary treatment facilities. Most of the cities indicated having a municipal lagoon system. When asked the treatment capacity, Ozawkie and Oskaloosa had no estimate and Perry indicated capacity was at maximum levels. When asked if there are plans to increase capacity in the next 5 years, Perry and

McLouth reported in the affirmative and Winchester indicated expansion plans are beyond a 5-year time frame.

### **Growth Management Laws**

Growth management laws are designed to control the timing and phasing of urban growth and to determine the types of land use that will be permitted at the local and regional levels. Growth management laws take a comprehensive approach to regulating the pattern and rate of development and set policies to ensure that most new construction is concentrated within designated urban growth areas or boundaries (UGBs). They direct local governments to identify lands with high resource value and protect them from development. Several have implemented farmland protection techniques, such as agricultural protection zoning, purchase of agricultural conservation easement programs and transfer of development rights programs since the enactment of GMA.

### **Purchase of Agricultural Conservation Easement Programs**

Purchase of agricultural conservation easement programs pay farmers to protect their land from development. PACE is known by the variety of other terms, the most common being purchase of development rights. PACE programs allow farmers to cash in a fair percentage of the equity in their land, thus creating a financially competitive alternative to selling land for non-agricultural uses.

### **Right-to-Farm Laws**

State right-to-farm laws are intended to protect farmers and ranchers from nuisance lawsuits. Every state in the nation has at least one right-to-farm law. Right-to-farm laws are a state policy assertion that commercial agriculture is an important activity. The statutes also help support the economic viability of farming by discouraging neighbors from filing lawsuits against agricultural operations.

### **Tax Relief**

Differential assessment laws direct local governments to assess agricultural land at its value for agriculture, instead of its full fair market value, which is generally higher. Differential assessment is also known as current use assessment, current use valuation, farm use valuation, use assessment and use value assessment.

**FARMLAND PROTECTION AND A “SENSE OF PLACE”**

The protection of farmland is a public policy of the Jefferson County Plan. According to the American Farmland Trust (AFT) farmland protection toolbox programs that are generally enacted at the state level are as follows:

**AMERICAN FARMLAND TRUST IDEAS**

**Agricultural District Laws**

Agricultural district laws allow farmers to form special areas where commercial agriculture is encouraged and protected. Common benefits of enrollment in a district include automatic eligibility for differential assessment, protection from eminent domain and municipal annexation, enhanced right-to-farm protection, exemption from special local tax assessments and eligibility for state PACE programs.

**Conservation Easements**

Every state in the nation has a law pertaining to conservation easements. Conservation easements limit land to specific uses and thus protect it from development. These voluntary legal agreements are created between private landowners (grantors) and qualified land trusts, conservation organizations or government agencies (grantees).

**Executive Orders**

Governors of at least 10 states have issued executive orders that document the importance of agriculture and farmland to their states' economy, environment and culture.

## **Other Strategies To Protect Farmland And Support Agriculture**

Competition for land is only one of the problems facing farmers and ranchers. Financial problems and the burden of complying with regulations are also significant challenges for commercial agricultural operations. Most farmers say the best way to protect farmland is to keep farming profitable. State and local governments have created a variety of marketing programs to support and enhance the economics of agriculture. Several states and a few local governments have developed programs that compensate farmers for protecting natural resources.

As the American Farmland Trust (AFT) explains, other farmland protection programs are enacted commonly at the local level. The following programs can be implemented through local initiatives.

### **Agricultural Protection Zoning**

Zoning is a form of local government land use control. Agricultural protection zoning ordinances designate areas where farming is the primary land use and discourage other land uses in those areas.

### **Cluster Zoning**

Cluster zoning ordinances allow or require houses to be grouped close together on small lots to protect open land. The portion of the parcel that is not developed may be restricted by a conservation easement. Cluster zoning has been used more successfully to preserve open space or to create transitional areas between farms and residential areas than to protect farmland.

### **Comprehensive Planning**

Comprehensive planning allows counties, cities, towns and townships to create a vision for their joint future. Comprehensive plans provide a rationale for zoning and promote the orderly development of public services. A comprehensive plan can form the foundation of a local farmland protection strategy by identifying areas to be protected for agricultural use and areas where growth will be encouraged. It may include policies designed to conserve natural resources and provide affordable housing and adequate public services.

### **Right-To-Farm Ordinances**

Local governments around the nation are enacting their own right-to-farm laws to strengthen and clarify weak language in state laws. A local right-to-farm ordinance can serve as a formal policy statement that agriculture is a valuable part of the country or town economy and culture.



*The Jefferson County Plan seeks to accommodate growth while preserving the natural beauty of the region. One recommendation is to conduct a comprehensive natural survey in association with the Kansas Biological Survey (KBS). The KBS is a research unit of the University of Kansas in Lawrence. The Jefferson County survey would augment the Kansas Natural Heritage Inventory of the KBS.*



AFT works with landowners, policy-makers and other key influentials in local communities and at the state level to help them develop effective farmland conservation programs. Why save Farmland? The Jefferson County planning process has identified the objective during public meetings. The AFT presents the arguments follows:

**Why Save Farmland?**

- It's the only farmland we've got; when it's gone, it's gone forever!
- American farms ensure a safe and plentiful food supply.
- Many American families and rural communities are supported by their farmland.
- Saving farmland helps control sprawling development.
- Farms and ranches provide wildlife habitat.
- Urban-edge farms provide fresh, local produce for city residents.
- Farming is a better economic use of the land than scattered development.
- Farms provide a direct link to our agricultural heritage and America's history.
- Farms provide jobs.
- Farmland provides scenic open space.

American Farmland Trust  
National Office  
1200 18th St. NW  
Suite 800  
Washington, DC 20036  
(202) 331-7300

**Legend:**

**Natural Features and Cultural Attributes Map**

<b>Roads</b>	Major Thoroughfare Plan Roads
<b>Lake</b>	Perry Lake Army Corp "Take" Line
<b>Ridge Lines</b>	High Points that define major drainage basins
<b>Grasslands</b>	Native Prairie lands to be protected
<b>View Corridor</b>	High points on public corridors where scenic views define a "Sense of Place" in Jefferson county.
<b>View Shed</b>	Valleys that frame a local view.
<b>Wild Life Areas</b>	Natural habitat areas are designated by the U.S. Army Corps of Engineers
<b>Vistas</b>	Key points where broad views are framed.
<b>Historic Structures</b>	Designations on the National Register of Historic Places.
<b>Areas of Urban Influence</b>	Areas where Urban Development is encouraged and where "Urban Service Areas" may be established.

## CHAPTER 5 - COMPREHENSIVE PLAN IMPLEMENTATION

### RECOMMENDATIONS

Jefferson County has an opportunity to build upon and protect its “sense of place” for the future by applying the objectives of the plan, guided by the planning principles of the plan, in the public interest. The plan has articulated a “Vision” for the future, and it is attainable. The great landscape architect/planner, Ian McHarg, wrote in his seminal work, *Design With Nature*, how regions can absorb growth “without despoliation.”

In fact there is not a scarcity of land but abundance. The problem is one of diverting development to (areas that are) capable of absorbing it, and deflecting it from where despoliation would result developing as recommended, despoliation can be averted—it requires only a minor increase in average density for the prospective population to be accommodated in the areas indicated. This slight increase in average density is justified on two counts: first, by the preservation of amenity and the open space thereby provided, secondly by the advantage of relative concentration in towns. (McHarg, *Design With Nature*, 1969)

### Site Plan Review

Jefferson County zoning regulations require that any change in land use or rezoning—other than single-family and two-family dwellings—must be reviewed by the Planning Commission and approved by the county commission before building permits can be issued. A rezoning that requires a preliminary and final plat requires two stages of review: preliminary and final. The preliminary plan is a detailed depiction of the entire project and its relationship to adjoining property.

Upon approval of the preliminary plans, the final plans may be prepared and submitted to the Planning Commission for approval. Simultaneous submittal of preliminary and final plans can be allowed at the discretion of the County.

Jefferson County should amend its zoning regulations to address this issue. The following review standards are appropriate when considering a site plan application.

**Intent:** Because Jefferson County strives to promote growth in the countryside that is compatible with rural environments, while stabilizing the established residential districts. The County recognizes that land development can create potential for traffic congestion, overcrowding, adverse visual environmental impacts, and health problems.

***Land Evaluation And Site Assessment (Lesa) System Concept***

The Site Plan Review regulates the development of structures and sites in a manner, which considers the following concerns:

- A. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
- B. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- C. The adequacy of waste disposal methods and protection from pollution of surface or groundwater;
- D. The protection of historic and natural environmental features on the site under review, and in adjacent areas; and
- E. The stability of the rural environment--particularly established farmland--by promoting compatible development.

**Applicability:** The Zoning Administrator shall require that any change in land use or rezoning—other than single-family and two-family dwellings—must be subject to Site Plan Review in accordance with these regulations. Site Plan Review also applies to redevelopment in the following circumstances: if the redevelopment enlarges the size of the original structure by more than 50 percent in the case of a renovation or alteration. Developments shall be encouraged to implement the objectives of the Future Land Use Plan to foster compatibility among land uses in Jefferson County. Site Plan Reviews shall be performed by the Zoning Administrator and the Jefferson County Planning Commission.

The Jefferson County Planning Commission shall perform the review at the next regularly scheduled meeting of the Planning Commission that meets the established deadlines and shall adjourn and reconvene as is determined necessary. The applicant may appeal a site plan review determination to the Board of Zoning Appeals for approval in the event that an applicant alleges that there is an error in any order, requirement, decision or determination made by the Planning Commission in the enforcement of Site Plan Review. The request for review by the Board shall be accompanied by a complete description of the error(s) alleged.

**Authority:** Building permits shall not be issued for any use of land or proposed construction where Site Plan Review is applicable, unless Site Plan Review approval has been granted.

**Submission Requirements:** The Site Plan shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.

Site Plans shall be prepared by a registered professional architect, land planner or landscape architect, or at the discretion of the County, the applicant or his/her agent. The plan shall be presented at a readable scale. Items required for submission include:

- A. Name of the project, address, boundaries, date, north arrow and scale of the plan.
- B. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
- C. Name and address of all owners of record of abutting parcels.
- D. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.
- E. The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations. For developments in the indicate design details to make new construction compatible with existing structures.
- F. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
- G. The Zoning Administrator may require location, height, intensity, of all external and lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- H. The location, height, size, materials, and design of all proposed signage.
- I. The Zoning Administrator may require a landscape plan showing all existing open space, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
- J. The location of all present and proposed utility systems including:
  - (1) sewerage system;
  - (2) water supply system;
  - (3) telephone, cable and electrical systems; and
  - (4) storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swells.

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- K. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, significantly altering the water table, and flooding of other properties, as applicable.
- L. Existing and proposed topography shown at not more than two-foot contour intervals. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year floodplain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements.
- M. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.
- N. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.
- A. The County Engineer may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:
  - (1) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
  - (2) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
  - (3) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacity. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.
- O. For new construction or alterations to any existing structure, a table containing the following information must be included:
  - (1) Area of structure to be used for a particular use, such as retail operation, office, storage, etc.;
  - (2) Maximum number of employees;
  - (3) Maximum seating capacity, where applicable;
  - (4) Number of parking spaces existing and required for the intended use; and
  - (5) A landscaping plan for implementing the buffering and open space requirements of the plan.

**Standard of Review:** The recommendations of the Zoning Administrator shall be based on the following standards:

- A. The extent to which the proposal conforms to the previous sections of these Zoning Regulations.
- B. The extent to which the development would be compatible with the surrounding area and minimize any adverse impact on neighboring farmlands through appropriate buffers.
- C. The extent to which the proposal conforms to the provisions of the County's Subdivision Regulations and Comprehensive Plan.
- D. The extent to which the proposal conforms to customary engineering standards used in the County.
- E. The extent to which the location of streets and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

**Development Standards, "View Shed and View Corridor Overlay Districts":** The Site Plan shall demonstrate the extent to which the structures, roads, driveways, open space, and other public and private improvements in the " **View Shed and View Corridor** Overlay Districts" have been proposed to achieve the following objectives:

- A. Conserve natural resources and amenities available on the site;
- B. Preserve the sense of place in Jefferson County as viewed from the public rights-of-way of the regional thoroughfares; and
- C. Ensure that coordination with the site development objectives of the County plan are considered, including dedication of easements and rights-of-way for open space.



*View of Lake Perry should be protected through “View Corridor” Overlay District standards, applied through site plan review procedures. The plan provides a policy basis for requiring cluster development: preserve net density to allow development opportunities; preserve open space and a “sense of place” through cluster development, dedication of easements and increased setbacks.*

## **RESIDENTIAL DEVELOPMENT**

Jefferson County seeks to coordinate with area cities at this time through a “review and consent” process. The county should build on this practice of cooperating with the cities. The county should propose extraterritorial land use regulation, as provided by state statute, to ensure compatible and appropriate fringe development. Infill development is also important; again, the balance between what is here and what is being developed. Incentive programs and increased enforcement of codes are called for in the plan.

## **Recommendation—Regional Planning and Land Use Regulation**

The plan establishes the rational basis for coordination with the cities on extraterritorial zoning and subdivision regulation. The drainage basins around and in the cities dictate how sanitary sewers can be extended in cost-effective ways. The county and cities must coordinate regulation of urban fringe growth to promote cost-effective extension of urban services.



Extension of city services to newly annexed areas must be coordinated with public and private investors. The infrastructure must be planned along each drainage basin and subsequently to neighboring basins. Such phasing of improvements will promote efficient expenditure of public investment in utility and street infrastructure. The creation of a “Municipal Service Area” thus becomes a logical basis for extraterritorial land use regulation.

The State of Kansas allows cities, upon adoption of the comprehensive plan, to apply the provisions of their zoning and subdivision regulations to land outside of the city limits provided such land is within the same county in which the city is located. The cities may establish extraterritorial zoning and/or subdivision regulations through an inter-local agreement with the county.

#### **Establish Urban Service Areas in Cooperation with Jefferson County**

- Establish Urban Service Areas” in the “Areas of Urban Influence” where long-term residential development is indicated on the “Natural Features and Cultural Attributes Map.”
- Plan for extension of city utilities to the areas.
- Plan for urban development at lower densities in “Areas of Urban Influence” where city utilities will not be extended in the near-term.

#### **Recommendation—Continue Considering Building Code Regulation**

Kansas State Statutes allow counties, in conjunction with zoning or subdivision regulations, to adopt and enforce building codes. The building code authority should be coordinated with regulations into the urban fringe areas near the cities.

#### **Study Options for City Building Codes for New Construction in the Urban Service Areas**

- Adopt county building codes for non-farm construction.
- Amend city building codes jurisdiction to extend into the Urban Service Areas.
- Review codes to ensure compatibility with the new jurisdiction.

The plan presents a model for cooperation with Jefferson County in extraterritorial land use regulation. The cooperative planning approach will allow for extension of building codes into unincorporated growth areas. With the plan in place, related issues can be addressed, such as future annexation.

#### **Recommendation—Annexation**

The cities should initiate annexation—in conjunction with extraterritorial zoning and subdivision regulation—in order to provide services within identified growth corridors and “Urban Service Areas.”

#### **Recommendation—City County Cooperation**

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A common building code process may be workable for all jurisdictions, administered centrally through the office of the Planning/Zoning Administrator. The multiple jurisdictions should cooperate in cost-effective administration of codes so that adequate staffing can be instituted, thereby assuring better enforcement.

**Recommendation—Public Improvements**

Jefferson County must invest in infrastructure to a) maintain current improvements, b) upgrade substandard improvements and c) invest in future improvements in response to growth demands. The county should make urban development pay its way.

**Plan for Public Improvements, Financed by Development**

- Adopt a five-year Capital Improvements Program (CIP).
- Require developers to dedicate local streets to the public as part of subdivision approval for urban density cluster developments.
- Require local streets in cluster developments to be improved to public standards so that county maintenance is affordable.

**Recommendation—Housing Strategies**

To successfully enhance the county's housing stock careful strategies must be adopted based on the findings of the plan. The strategies must be pursued in cooperation with area cities. These strategies are components of a comprehensive multi-year effort Jefferson County should carry out to improve the overall character of the county's housing stock. Specific strategies recommended are as follows:

1. *Annex Vacant Developable Land* - The cities of Jefferson County should become pro-active in regard to annexation to avoid being "land locked." By increasing the amount of potential developable land for future residential use, more residential development options will be created.
2. *Install and Help Finance Infrastructure to Encourage New Development* - Extending new infrastructure for housing must be looked at as investment and part of the cities' economic development efforts. Policies should be considered which offer up front assistance to residential developers including benefit districts and discounting the cost to induce residential subdivisions based on the number of units to be built and the expected new taxes which will be paid by new homeowners. For example, the State of Kansas has enacted a new law in 1999 allowing for tax increment financing to be used to assist in the development of new housing in rural counties. Other traditional approaches such as special benefit districts should also be encouraged to support the installation of utilities in areas suitable for new residential development.

3. *Establish a Jefferson County Housing Advisory Council* - Since the condition of housing and new housing development have such a major impact on the character of Jefferson County, an ongoing forum for discussion and dialogue of key housing issues is needed. The establishment of a countywide housing advisory council made up of a cross section of persons from throughout the county and residing in different types of housing could serve as an important sounding board for issues that would ultimately be considered by the county planning commission, county commission and/or city councils. Issues and topics might range from open space easement issues to code compliance matters.
  
4. *Seek federal and state land use reform* - There are an increasing number of changes to federal and state land management practices that may create new opportunities for Jefferson County. Recent initiatives on the state and federal levels have included state and/or federal government flexibility on such matters as extending lease terms, set back requirements and possible infrastructure assistance. By potentially opening up or even transferring out of public ownership to private use for well planned, private investment, Jefferson County may regain opportunities to enhance the county's housing environment that was altered when Lake Perry was built.

## **Commercial**

In 1987, Jefferson County identified a crucial need to develop future economic development strategies to maintain and improve the economic health of the county. The county's concerns included the need for diversification of the economic base. With that need in mind, The Jefferson County Economic Development Commission was formed and their mission: "Was to envision the future of Jefferson County, and to develop ideas to make these dreams reality. The result, on July 28, 1989 was "The Jefferson County Economic Development Plan," a comprehensive, community-wide strategic planning effort. Ten years later the plan, which had been revised in 1991, 1993, 1995, 1996, and 1997, was still valid but needed updating and refinement. By 1999 many successes had been obtained, but along with the success came necessary revisions. There was a need to update the various strategies that reflected changing circumstances and priorities.

The early and mid 1980's brought some of the slowest growth conditions the Jefferson County had yet experienced. As the local economy grew very slowly, employment grew from a total of 5,068 in 1980 to 5,102 in December of 1984, a total of only 34 jobs. But today, we're experiencing a growth turnaround. The area has witnessed positive economic growth. From 1987 to 1998 the number of jobs in Jefferson County has increased by 1,000.

The Jefferson County Economic Development Commission (JCEDC) completed Jefferson County's 1999-revised Strategic Plan for Economic Development, Vision 2000.

**Land Evaluation And Site Assessment (LESA) System**

Purpose and Intent. The Land Evaluation and Site Assessment (LESA) System has been designed to provide a rational process for assisting local officials in making farmland conversion decisions through the local zoning process. The staff of the Jefferson County Planning Commission and the Natural Resources Conservation Service Office will use the system and Water Conservation District when reporting to local hearing bodies and elected officials concerning petitions to allow the conversion of farmland to non-agricultural uses. The system contains two (2) separate but related reports as follows:

- Land Evaluation - an evaluation of soil properties and their relative desirability for agricultural use; and
- Site Assessment - an assessment of other factors relating to the site that should be considered before farmland is converted to other uses.

EVALUATION SYSTEM. The system has been designed to provide an assessment of each factor that relates either to the land or the site. The percentage of each factor met should be considered when recommending on each land use application:

- Maintenance of land for agricultural use, or
- Conversion of land to other uses.

The following breakdown should be used in evaluating land for rezoning from agriculture to other non-AG related uses. Percentage values consistently above 50 percent indicate that the site is a prime location for agricultural retention. Percentage values consistently less than 50 percent indicate that the site is suitable for non-agricultural related uses.

FACTORS TO BE CONSIDERED. The factors to be considered and the points assigned to each factor are listed below:

**Land Evaluation:**

The land evaluation section of the system is designed to provide an average site value based on soil compatibility for farming:

- Grouping all soils in Jefferson County into one of eight land compatibility classes by using a soil capability class, productivity index and a prime or important farmland designation; and
- Calculating a relative value of each soil group by dividing the highest productivity index of the groups found in the County into the productivity index for each soil group.

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The average site value is then calculated in accordance with the following example:

Land Compatibility Classes	Relative Value	Number of Acres In Site	Product of Relative Value and Number of Acres
1	100	50	5000
2	96		
3	94	20	1880
4	90	10	900
5	80	10	800
6	70	10	700
7	60		
8	50		
TOTALS		100	9280

Product of Relative Value and Acres = Average Site Value

$$\frac{9280}{100} = 92.8$$

*Outside Agricultural Enhancement Area multiply x 0.5*

**Site Assessment**

Agricultural economic viability of a site cannot be measured in isolation from existing and impending land use needs of Jefferson County. The Site Assessment process provides a system for identifying important factors other than soils that affect the economic viability of a site for agricultural uses.

This section describes each Site Assessment factor to be considered when a change to another land use is proposed in an area zoned AG, Agriculture, under the provisions of the Jefferson County Zoning Ordinance. The Site Assessment factors are grouped into the following three major areas of consideration:

- Location and Land Use Considerations;
- Public Policy Considerations; and
- Public Service and Community Facility Considerations.

Based on current land use data, land use regulations, site inspection and other pertinent information, a point value is determined by analyzing each site assessment factor and selecting a number value that best reflects the quality of the property in question.

**SITE ASSESSMENT FACTORS, VALUES, AND DESCRIPTIONS OF FACTORS.**

**Location and Land Use Considerations**

**1) Land Area in an Agricultural Use Within one mile of site.**

90% to 100%	18 points	_____
75% to 89%	13 points	_____
50% to 74%	10 points	_____
25% to 49%	7 points	_____
10% to 24%	4 points	_____
0% to 9%	0 points	_____

This factor is a major indicator of the agricultural character of an area. Areas in the County that are dominated by agricultural uses are generally more viable for farm purposes. The definition of Agricultural land uses should be interpreted to mean all agricultural and related uses that can be considered to be part of the farm operation. This would include farmland (cropland), pasture lands, or timberlands whether or not in current production and farm residences, barns, and outbuildings.

The one-mile area of consideration for this factor was selected because in Jefferson County, a one-mile radius is a reasonable and manageable area when analyzing the land use and overall characteristics of the area. Since this factor is a major indicator of the agricultural character of an area, it should be weighted heavily.

**2) Land in an Agricultural Use adjacent to the site. (% of total perimeter)**

90% to 100%	22 points	_____
75% to 89%	18 points	_____
50% to 74%	13 points	_____
25% to 49%	9 points	_____
10% to 24%	4 points	_____
0% to 9%	0 points	_____

In order to limit potential nuisance complaints and other forms of conflict, pre-existing adjacent land uses should be evaluated in all cases. Since this factor is also a major indicator of the agricultural character of an area, it should be given the highest consideration.

**3) Size of the site to be converted.**

80 and larger	22 points	_____
40 to 79 acres	18 points	_____
10 to 39 acres	11 points	_____
0 to 9 acres	6 points	_____

This factor recognizes that the size of the parcel of land has an impact on the site's viability for agricultural purposes. This factor is less significant, since a well designed, larger parcel may fit better into the countryside than an isolated, small parcel.

**4) Proximity to City Boundary**

Contiguous to City Limit	-25 points	_____
Within ¼ mile of City Limit	-20 points	_____
Within ½ mile of City Limit	-15 points	_____
Within 1 mile of City Limit	-10 points	_____
Within 3 miles of City Limit	-5 points	_____
Beyond 3 miles of City Limit	0 points	_____

This factor recognizes existing policy to encourage the development and revitalization of the cities within the County.

**Public Policy Considerations**

**5) Land area zoned for agricultural use within one mile of the site.**

90% to 100%	18 points	_____
74% to 89%	13 points	_____
50% to 74%	10 points	_____
25% to 49%	7 points	_____

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10% to 24%	4 points	_____
0% to 9%	0 points	_____

This factor is important since zoning regulations derive from the police power. When land is zoned other than AG-Agriculture District, the potential exists for non-agricultural uses which may be incompatible with agriculture. The one-mile radius is a reasonable and manageable area in Jefferson County when analyzing the land use and overall characteristics of the area.

**6) Land area zoned for agricultural use adjacent to the site.**

90% to 100%	22 points	_____
74% to 89%	18 points	_____
50% to 74%	13 points	_____
25% to 49%	9 points	_____
10% to 24%	4 points	_____
0% to 9%	0 points	_____

This factor is important since zoning regulations derive from the police power. When land is zoned other than AG-Agriculture District, the potential exists for non-agricultural uses which may be incompatible with agriculture. Jefferson County should weight adjacent Ag zoning heavily when analyzing the land use and overall characteristics of the area.

**7) Compatible Zoning**

Within one mile	24 points	_____
Within one half mile	15 points	_____
Within 1,000 feet	0 points	_____

This factor recognizes the importance of the current zoning status of nearby properties and the character and condition of the surrounding neighborhood.

**8) Availability of development clusters at the site—to preserve land and open space.**

No cluster development proposed	22 points	_____
Limited site clusters	13 points	_____
Site clusters available and proposed	9 points	_____

This factor can be used for site development comparison where it may be possible to cluster non-agricultural use, and thereby preserve agricultural land, open space and related amenities. Often with a little investigation, sites for development on less productive agricultural land can be identified as alternatives. The site plan can be compared with any number of alternatives.

**9) Environmental considerations (flood hazards, wetlands, aquifer recharge area, wild life habitat and unique community values).**



Major negative impact	22 points	_____
Substantial negative impact	13 points	_____
Minor negative impact	7 points	_____
No negative impact	0 points	_____

This factor addresses whether the proposed use or zoning change will have an impact on neighboring properties from surface runoffs. This factor is also concerned with environmentally sensitive areas such as floodplains and wetlands and takes into account whether reasonable provisions have been made to collect and divert surface runoff in order to reduce the likelihood of damage to adjoining properties. The selection and design of measures will depend on varying local conditions such as soils, topography, physical features and the extent of impervious surface. Refer to the Jefferson County Zoning Ordinance for the range of permitted uses in the proposed zoning district.

**10) Creation of Open Space:**

- Front setbacks and open space standard 22 points \_\_\_\_\_
- Open Space and front setbacks increased 50% or more 0 points \_\_\_\_\_
- Major creeks and valleys preserved \_\_\_\_\_
- Adjacent prime farmland buffered \_\_\_\_\_
- Timber land preserved \_\_\_\_\_

In preserving an agricultural environment, the plan seeks to maintain an open space and preserve natural features.

**11) Protection of Vistas in Designated View Sheds and View Corridors:**

- Fewer than one-half of the following applicable features are enhanced: 22 points \_\_\_\_\_
- One-half or more of the following applicable features are enhanced: 11 points \_\_\_\_\_
- Three fourths or more of the applicable features are enhanced: 5 points \_\_\_\_\_
- Out of designated view shed or corridor 0 points \_\_\_\_\_

The extent to which the site plan and/or plat accommodates/protects the following features:

- Ridges where vistas are broad \_\_\_\_\_
- Open grasslands \_\_\_\_\_
- Major creeks and valleys \_\_\_\_\_
- Rugged bluffs and steep ravines \_\_\_\_\_
- Timberland \_\_\_\_\_
- Sloping sites bounded by hills \_\_\_\_\_
- Fan-shaped sites (having an amphitheatrical effect) \_\_\_\_\_
- Bowl-shaped sites \_\_\_\_\_

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### ***Land Evaluation And Site Assessment (Lesa) System Concept***

The Jefferson County plan strives to maintain a “sense of place” by building on the visual richness of the rural atmosphere. Therefore, protecting the views and vistas from major roads, as designated on the plan maps, is a key strategy for fulfilling the public purpose.

#### **Public Service and Community Facility Considerations**

##### **12) Access to adequate transportation:**

1. Frontage on a county highway, a township road, or a city street built to rural standards:
  - (1) poor surface condition and a pavement width of less than 22 feet. 22 points \_\_\_\_\_
  - (2) good surface condition and a pavement width of less than 22 feet. 18 points \_\_\_\_\_
  - (3) poor surface condition and pavement width of more than 22 feet. 13 points \_\_\_\_\_
  - (4) good surface condition and pavement width of more than 22 feet 9 points \_\_\_\_\_
  
2. Frontage on a city street built to urban standards/State or Fed. Hwy 0 points \_\_\_\_\_

Access to transportation is a consideration in the location of all types of uses. The location of industrial, commercial, and residential uses within 1.0 mile of existing municipalities results in a more efficient movement of goods and people. The location of non-agricultural uses along rural roads may necessitate the upgrading and widening of rural roads, which results in a further loss of farmland. High volume/high speed traffic may not be compatible with agricultural uses.

The type of road providing access to a site whether existing or to be provided by a developer, and the availability of transportation modes are major factors in determining suitability of the planned use or proposed rezoning.

##### **13) Availability of a public sanitary sewer system.**

Sewer system not available	22 points	_____
Sewer system more than 1500 feet from site	18 points	_____
Sewer system between 750 and 1500 feet from site	13 points	_____
Sewer system less than 750 feet from site	7 points	_____
Sewer system available at site	0 points	_____

The availability to a site of a central sewer system with sufficient capacity encourages growth and reduces the long-term viability of a site for agriculture. This factor should be weighted with requirements of the developer to extend sewer under certain circumstances. Jefferson County should adopt a policy that states, “new or renovated private sewage disposal systems shall not be approved where a public sanitary sewer is located within 200 feet of the property and is available for connection.”

14) Availability of a public water system.

Public water system not available	22 points	_____
Public Water System more than 1500 ft. from site.	18 points	_____
Public Water System between 750 & 1500 ft. from site.	13 points	_____
Public Water System less than 750 ft. from site.	7 points	_____
Public Water System available at site.	0 points	_____

This factor recognizes that the existence of a central water system encourages growth and reduces the long-term viability of a site for agriculture. As a central water system is extended into an agricultural area, the character of the area may change and more non-agricultural development occurs.

15) Public Protection Classification (Fire Insurance Rating)

Classifications 9 and 10	22 points	_____
Classification 8	18 points	_____
Classification 7	13 points	_____
Classification 6	9 points	_____
Classification 5	7 points	_____
Classifications 1 through 4	0 points	_____
Commercial/Industrial	0 points	_____

Fire protection requires a combination of equipment, manpower, and availability and supply of water. This factor is also related to distance between fire station and proposed development. Fire insurance ratings in Jefferson County are determined by the Fire Suppression Rating Schedule, published by the Insurance Services Office of Kansas. These ratings are based on the fire fighting capability of the rural fire protection districts serving the unincorporated areas of Jefferson County and should be listed in the Zoning Office.

16) Proximity of elementary and secondary schools/ Capacity current and planned.

Capacity is insufficient and not planned	22 points	_____
Over 30 minutes from site	18 points	_____
15 to 30 minutes from site	13 points	_____
Less than 15 minutes from site	9 points	_____
Walking distance of site	0 points	_____

Proximity of an elementary school affects the driving time and wear and tear on the county roads. It also relates to safety, when fewer miles are driven each school day.

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**17) Cost/Benefit of Non-residential Development.**

Public costs exceed public benefits.	18 points	_____
Public benefits equal public costs.	9 points	_____
Public benefits exceed public costs.	0 points	_____

The county should conduct a general assessment of public costs and benefits and evaluate the timeliness of a proposed development. If the public costs are too high, or they are not budgeted at the time of proposed development, then the private developer may elect to invest in the improvements.

**18) Positive Environmental Effects of Development.**

There will be no environmental benefit.	18 points	_____
The project will advance environmental objectives.	0 points	_____

If a project resolves environmental problems—on-site or off-site—then the county should weight this factor.

**Scoring Summary**

Jefferson County should evaluate these 16 factors in implementing the Jefferson County LESA system. Each eligible project will be evaluated as development a proposal and scored. The scores should be weighted and used as follows:

**Land Evaluation:**

80 to 100 points	Highly rated for farmland preservation
50 to 80 points	Moderately rated for farmland preservation
49 and below	Not rated for farmland preservation

**Site Assessment:**

250 – 360 points	Highly rated for farmland preservation
200 – 249 points	Moderately rated for farmland preservation
199 and below	Not rated for farmland preservation

The two ratings can be considered separately, or combined into a total score, in which case the evaluation would yield the following recommendations:

**Combined LESA Score:**

330 – 460	Highly rated for farmland preservation
250 – 329	Moderately rated for farmland preservation
249 and below	Not rated for farmland preservation

The rating should be reported during Site Plan Review consideration and considered by the Planning Commission when recommending land use change approval or denial.

**GLOSSARY**

<p>Agricultural Land (Farmland)</p>	<p>Land in farms regularly used for agricultural production. The term includes all land devoted to crop or livestock enterprises, for example, the farmstead lands, drainage ditches, water supply, cropland, pasture land, or timberland (whether or not in current production), and grazing land of every kind in farms.</p>
<p>Agriculture</p>	<p>The devotion of land to the growing of farm or truck garden crops, horticulture, viticulture or pasturage as a principal use, together with accessory animal and poultry husbandry, dairying, apiculture and other common accessory uses including farm dwellings as defined herein and other buildings and structures for agricultural purposes upon such land. Source: Jefferson County Zoning Ordinance</p>
<p>Capability Subclass</p>	<p>Subclasses are groups of capability units within classes that have the same kinds of dominant limitations for agricultural use as a result of soil and climate. The subclass provides information about both the degree and kind of limitation. There are three subclasses that are used with the soils in Jefferson County:</p>
	<p>Subclass (e) erosion: applies to soils where the susceptibility to erosion is the dominant problem or hazard in their use. Erosion susceptibility and past erosion damage are the major soil factors for placing soils in this subclass.</p> <p>Subclass (s) defines shallow soils</p> <p>Subclass (w) excess water: applies to soils where excess water is the dominant hazard or limitation in their use. Poor soil drainage, wetness, high water table, and overflow are the criteria for determining which soils belong in this subclass.</p>

<p>Capability Class</p>	<p>Capability classes are broad groupings of soil mapping units that have similar potentials and/or limitations and hazards. These classes are useful as a means of introducing the map users to more detailed information on a soils map. The classes show the location, amount and general suitability of the soils for agricultural use.</p> <p>The national capability classification shows soils groupings in eight classes:</p> <p>Class I - soils have few limitations that restrict their use. Class II - soils have some limitations that reduce the choice of plants or require moderate conservation practices.</p> <p>Class III -soils have severe limitations that reduce the choice of plants or require special conservation practices, or both. Class IV - soils have very severe limitations that reduce the choice of plants, require very careful management, or both. Class V - soils have severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture, range, woodland, or wildlife food and cover. Class VI - soils have very severe limitations that make them unsuited to cultivation and that restrict their use largely to grazing, woodland, or wildlife. Class VII - soils and landform have limitations that preclude their use for commercial plan production and restrict their use to recreation, wildlife, or water supply, or to aesthetic purposes.</p>
<p>Farmland of Statewide Importance</p>	<p>This land is of statewide importance for the production of food, feed, fiber, forage and oilseed crops. Generally, additional farmland and that economically produce high yields or crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable.</p>

<p>Prime Farmland</p>	<p>Prime farmland is land that is best suited to food, feed, forage, fiber, and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil economically to produce a sustained high yield of crops. Prime farmland produces the highest yields with minimum inputs of energy and economic resources, and farming it results in the least damage to the environment.</p> <p>Prime farmland has an adequate and dependable supply to moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 - 5 percent.</p>
<p>Productivity Index</p>	<p>Productivity indexes for grain crops express the estimated yields of the major grain crops as percentage of the average yields obtained under basic management. Soil productivity is strongly influenced by the capacity of a soil to supply the nutrient and soil-stored water needs of a growing crop in a given climate. Source: Soil Productivity in Kansas.</p>





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**APPENDIX A  
CLUSTER DEVELOPMENT PRINCIPLES**

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CLUSTER DEVELOPMENT PRINCIPLES

Two techniques are suggested as a strategy for Jefferson County's dual objectives of protecting agricultural land of the rural atmosphere enjoyed by non-farming residents. **Agricultural Buffer Zones** are intended to protect the farmer's ability to conduct agricultural practices, while a **Cluster Development Overlay Zone** can help accommodate development in the County that preserves the rural character of non-farm areas.

AGRICULTURAL BUFFER ZONES

Tom Daniels and Deborah Bowers, authors of Holding Our Ground, Protecting America's Farms and Farmland (1997), describe two types of agricultural buffer ordinances. One type refers to the siting of nonfarm dwellings on building lots subdivided off a farm. The second type regulates the quantity of development allowed by non-farm agricultural zoning. A blend of these two approaches is recommended for an agricultural buffer zone in Jefferson County.

A buffer of land required between nonagricultural buildings or lots and property with an agricultural zoning designation will help minimize potential incompatibilities among land uses. A limited range of uses can be allowed for buffer areas, including open space, recreational uses, or cemeteries. Site review of the landscaping plans of buffered areas should include consideration of potential crop reduction due to shade created from planted vegetation.

Deeds for new homes built within 300 feet of an agricultural use in the agricultural district should contain restriction clauses or disclosure agreements acknowledging adjacent agricultural uses. An example of an agricultural disclaimer is as follows:

*All lands within the Agricultural Zone are located in an area where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides.*

Disclaimers and disclosure agreements raise the buyer's awareness of the potential neighboring land uses. They may lessen the ability of a nonfarm neighbor to win a nuisance suit against a farmer who employs normal farming practices.

**CLUSTER DEVELOPMENT OVERLAY ZONE**

Cluster development, also known as Open Space Development or Conservation Design Development, groups homes or lots tightly on the more buildable or accessible portions of a site, leaving more open space and preserving land or natural features such as trees, streams, valleys, and steep slopes. For example, if zoning allows one unit per three acres, a typical 50-acre site would permit 13-15 homes. With clustered development, homes could be built on three times as many half-acre lots, leaving 25 acres of permanently protected open space. Cluster development is often opposed and misinterpreted as including higher densities and concessions to the developer, but can be a valuable tool to preserve open space or natural features.

Once the overlay zoning designation is applied to the site by the Planning Commission following a public hearing, a sliding scale can be used by the developer to increase the proportion of open space to development density. The sliding scale encourages greater open space set-asides by allowing the gross density to rise if the net area consumed by development is reduced. In other words, if open space rises from 50 percent to 60 percent, with a roadside buffer depth growing from 100 feet to 150 feet, landowners would be allowed a 20 percent increase in the number of house lots. Table A-1 describes a suggested sliding scale.

**TABLE A-1**  
**Sliding Scale of Development Density on an 100-acre Tract**

Option	Open Space Preserved	Number of Lots	Maximum Lot Size	Road Setback	Density in acres per dwelling unit	Acres Preserved	Acres Developed
A	50%	10	5	100	10.0	50	50
B	60%	12	3.3	150	8.3	60	40
C	70%	20	1.5	200	5.0	70	30

Source: Adapted from a Redman-Johnston table cited in Randall Arendt, Rural by Design (1997).

Preservation of 70 percent of the parcel would earn an additional eight lots, subject to a maximum area of 1.5 acres each. The only exemptions from the above standards are for parcels 40 acres or larger, intended for agricultural use and prohibited from further subdivision by covenants recorded with the subdivision plat. This approach should result in overall density reductions to preserve rural character, while permitting small lot sizes to satisfy the vested interests of the County's farming community.

Cluster development also has the advantage of being able to site buildings away from environmentally fragile areas, rather than in a “cookie cutter” pattern associated with a typical rural

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development of large minimum lot sizes. But an important issue is the density that is allowed with the cluster.

Large minimum lot sizes of from 3 to 40 acres without the Cluster Development Overlay Zone can limit the number of nonfarm dwellings and can provide opportunities for hobby farming. However, a large minimum lot size can also create an awkward pattern that eats up the land on the buffer zone fairly quickly. Although, if public or centralized sewer and water are not available and are not expected to be for many years, a large minimum lot size can more safely accommodate septic and well systems than cluster developments with higher densities.

**APPENDIX B  
PUBLIC AND PRIVATE FINANCING**

**APPENDIX B  
PUBLIC AND PRIVATE FINANCING**

Jefferson County must coordinate with its area cities, not only in planning for the future, but in financing public improvements, as well. The following financing mechanisms apply to both county and city projects, and include roadway financing, housing and redevelopment financing and related improvements.

**PUBLIC SOURCES**

**Neighborhood Revitalization Act (KS 12-177, 114-120)**

The Neighborhood Revitalization Act enables municipalities to designate areas within a municipality as a neighborhood revitalization area. The purpose of the act is to encourage reinvestment in urban neighborhoods by providing tax rebates for property owners making considerable improvements to their property. Residential and commercial property owners are eligible for a tax rebate on the increment of the increase in property taxes based on the increased assessed valuation after improvement. Kansas cities, such as Topeka and Atchison, have successfully implemented this program.

*Neighborhood Revitalization Areas.* A neighborhood revitalization area falls into one or more of three categories:

- 1) An area with a predominance of buildings or improvements that are dilapidated, deteriorated, obsolete, inadequately ventilated and lighted, lacking provision for sanitation and open spaces with high population densities and overcrowding, to an extent that life or property is endangered.
- 2) An area with a predominance of deteriorated, dilapidated, unsafe and unhealthy conditions that inhibit growth of the municipality or constitute an economic liability for the public health, safety or welfare.
- 3) An area with a predominance of buildings that are either historic or architecturally significant and should be preserved or restored for productive use.

*Neighborhood Revitalization Plans.* Prior to designating an area for revitalization, the municipality must adopt a neighborhood revitalization plan for the designated area. The plan is to include:

- 1) Legal description of the area;
- 2) Names and addresses of property owners;
- 3) Identify zoning classifications and proposed land uses;
- 4) Proposals for capital improvements, including transportation facilities, water and sewage systems, refuse collection, road and street maintenance, park and recreation facilities, and police and fire protection;

- 5) Identify what property and what improvement actions are eligible for revitalization;
- 6) Criteria to determine eligibility; and
- 7) Procedure for submitting an application for property tax rebate.

### **Public/Private Road Improvement Financing**

The current financing sources available to Jefferson County provide partial funding of future roadway improvements. However, additional financing tools are necessary to implement the recommended roadway improvements needed to serve urbanizing areas. These tools can be identified by the source of the financing. Primarily, there is public financing, which includes local, state and federal taxes and programs, such as those that are currently in place; and private financing, such as the individual developer.

The entity responsible for the cost of roadway improvements depends on the primary users. Arterial roadways benefit an entire plan area; therefore, the entire plan area should contribute to the construction of these roadway improvements. Similarly, construction or improvements to collector and local streets that serve specific developments should be paid for and constructed by the applicable development.

The county must employ a financial strategy that collects fees to pay for the construction of all arterial roadways and arterial roadway bridges within the unincorporated area of the county. The construction of all other public roadway improvements should then be the responsibility of the applicable developer. (These strategies should be encouraged for Jefferson County cities to use, as well.)

Multiple developments in an area often create the need for roadway improvements. Therefore, a city may require a fee for the off-site roadway improvements. This is an individual developer's contribution to a fund for off-site improvements; rather than require a single development to construct the improvement(s). This method of financing is referred to as an impact fee. A working definition of an impact fee is:

*an exaction (or tax, or dedication of money or other goods) to the public for an off-site public improvement necessitated in part by the developer who pays the fee. The amount of payment is based on the impact of each development on the need for the improvement. Each developer pays his fair share.*

However, impact fees can be controversial. The method for establishing the fair amount of the impact fee can vary depending on the method used for determining the impact, or need for the improvement, of the applicable development(s).



***Appendix B***

Recent court rulings have established three key issues that must be addressed in order for a municipality to impose an impact fee system.

1. Jefferson County and the cities must establish a legal mechanism for imposing the fee as a condition of development approval.
2. A rational nexus must exist which demonstrates that there is a relationship between the fee or dedication that is being required of the proposed development and the applicable public improvement. To establish a rational nexus, three factors should exist:
  - the development creates a need for new capital facilities;
  - the developer pays a proportional share; and
  - the fee collected from the developer benefits the developer.
3. If imposition of the impact fee is legitimate, Jefferson County must be able to demonstrate that the amount of the fee is in rough proportionality to the need and the use the development is creating for the applicable improvement.

The following is a summary of certain financing options available to the cities and/or the county for funding major road improvements. The term "major road improvements" is defined for purposes of this study as construction, reconstruction or major maintenance (milling and overlay) of arterial streets, including parkways (divided arterials), and a limited number of existing collector streets. It cannot be overemphasized that the options summarized in this section merely represent a list of possible financing tools. It is likely that the financing strategy ultimately selected will only incorporate several of these options. Some of the options may be mutually exclusive and some of the options may be of limited utility.

The authority of the county to impose some of the options in this section has not been fully investigated. Rather, all potential options are listed for the county's information, and the consultant team will fully realize the authority of the county to impose a particular option if the county desires to fully investigate that option. In order to avoid attaching any significance to the placement of options in the report, the options have been listed in alphabetical order.

- Capital Improvements Sales Tax
- Excise Tax
- General Obligation Bonds
- Government Programs
- Special Assessment Districts
- Right-of-Way Exactions
- Road User or Impact Fees

**Capital Improvements (and Special Projects) Sales Tax.** Kansas statutes authorize cities and counties to impose a sales tax of one-half percent or one percent on all retail sales in the jurisdiction for the purpose of funding capital improvements, including operation and maintenance. The sales

tax must be authorized by the County Commission and approved by a simple majority of the voters in an election. The funds collected from this tax must be deposited in the general fund and may be transferred to a fund--such as a road improvement fund--to be used solely for the purpose designated in the vote that is approved by the citizens of the jurisdiction.

Jefferson County and the cities could vote a one percent sales tax. One half of the revenue could be shared between the county and the cities based on population. The other half of the revenue could be distributed to the county and cities based on relative ad valorem property taxes levied. Cities can vote up to an additional one percent sales tax.

**Excise Tax.** An excise tax is a method of raising revenue by levying a tax on a particular activity. An excise tax has been defined as a tax that is measured by the amount of business done, income received, or by the extent to which a privilege may have been enjoyed or exercised by the taxpayer, irrespective of the nature or value of the taxpayer's assets or investments in business. It is different than a property tax, which is a tax on the assessed value of property. An excise tax is not subject to the benefit or nexus requirements of a fee imposed pursuant to a city's police power, such as a road user or impact fee (see below). This means that there need not be a rational relationship between the tax imposed and the demand for public services created by the activity upon which the tax is imposed; such as a new development and the resultant demand for new road, water, sewer, park or other public facilities that the development creates.

An excise tax's purpose is to raise revenue, not to pay for costs created by the activity upon which the tax is imposed. Unlike a road user fee, the funds collected from an excise tax are not earmarked for a particular purpose, such as road improvements. The funds collected from an excise tax are simply placed in the City's general fund for use for any valid public purpose. While earmarking of funds is unnecessary, from a practical standpoint, the City can state that the purpose of the excise tax is to provide for road improvements. This could be done in a number of different ways, including action through the adoption of an ordinance or less formally through the adoption of a resolution. An excise tax could not be imposed unless approved by a majority of those voting at an election on the question. There is no legal limit on the rate of an excise tax that could be imposed.

It has not been definitively determined, under Kansas law, that an excise tax is available to counties such as Jefferson County. Research has not uncovered any specific authority for the County to impose an excise tax, but has uncovered limitations in the Kansas Constitution and Statutes that may prohibit an excise tax. At the County's direction, the consultant team could research further the County's ability to impose an excise tax for road financing.

**General Obligation Bonds.** Subject to certain constitutional and statutory limitations, primary of which is a constitutional limit on the total amount of debt the County can incur based upon a set percentage of its assessed valuation, the city and county have the ability to raise funds for street improvements by the issuance of general obligation bonds. General obligation bonds are long-term obligations of the County backed by the full faith and credit of the County.

**Appendix B**

Kansas statutes authorize the County Commission to issue bonds for the construction, reconstruction, improvement, maintenance and repair of any and all public roads, highways, bridges and culverts within the County, and includes the acquisition of property through eminent domain powers. The proceeds from such bonds must be kept as a separate fund, such as The Road Bond Construction Fund. These funds may also be used in the construction, reconstruction, improvement, maintenance and repair of any street, avenue, road or alley in any incorporated city, town or village if that construction or improvement forms part of a continuous road, highway, bridge or culvert of the County.

**Government Programs.** State and federal programs exist that may provide a funding source for street improvement projects. Typically, such programs would be available only for projects meeting the criteria of that particular program and for transportation improvements forming a part of the funding entities' transportation network, i.e., federal funds for U.S. highways. Although some grants may be available, most programs will require a local "match" by the County to pay a specified portion of the project costs in order to leverage the funds from the other governmental entity. It should be noted that funding decisions have already been made for virtually all of these possible funding sources for the immediate future.

**Special Assessment Districts.** State statutes authorize the creation of a Special Assessment Districts (SA) for cities and counties. Under the SA statutes, particular areas of land may be designated by the County Commission as a neighborhood that will benefit from a particular public improvement. Landowners within each neighborhood must authorize the formation of the SA either by a vote of approval or by execution of a petition to the County Commission. The boundaries of the SA are created at an election and the approval percentages are the same as those for approval of general obligation bonds (see above). State statute requires that a landowner petition to create an SA must be signed by the owners of record of at least two-thirds by area of all real property located within the proposed SA. If approved, the County Commission may authorize the issuance of general obligation bonds to finance construction of an improvement, such as road improvements. To secure the bonds, a portion of the total cost is assessed against each landowner within the SA and the special assessment becomes a tax lien against the property. The method of apportioning assessments among the property owners within the SA is established prior to the creation of the SA. The bonds may be issued without a vote of the public. Bonds issued count against the city's debt limit. A SA allows the city to construct an applicable improvement sooner than other financing methods such as road user or impact fees.

**Right-of-Way Exaction's.** Exaction's are those aspects of development regulations that require a person seeking development approval to give something to the city or county or to a common maintenance entity as a condition of such approval. Traditionally, counties have required developers to dedicate right-of-way for streets within the development and for streets abutting the development as a condition of a specific development's approval; an exercise of the police power. Typically, these right-of-way exaction's have been imposed at the time of zoning or subdivision approval, with the understanding that the dedication would take place at no cost to the entity requiring the dedication. In 1994, the United States Supreme Court decided the case of *Dolan v. City of Tigard*, in which it held that any requirements for the dedication of land imposed as a

condition of development approval must be roughly proportional to that development's contribution to the need for new public facilities. Further, the Supreme Court held that the local government imposing the exaction must make an individualized determination regarding the proportionality between the exaction and the impacts caused on public facilities.

After *Dolan*, it can no longer be assumed that street right-of-way dedications may always be exacted at no charge. An individualized determination must be made, in each instance, to insure that the dedication requested is roughly proportionate to the demand for right-of-way created by the proposed development. At a minimum, there must be some methodology used to quantify the development's impact and the amount of the dedication required to offset that impact. However, the courts have made it clear that mathematical precision of the relationship between the impact and the dedication is not required.

**Road User or Impact Fees.** A road user or impact fee is a monetary exaction on new development imposed as a part of the development approval process. There is some disagreement among the courts as to the application of the *Dolan* "rough proportionality" analysis to monetary exaction's such as these fees, but the more well-reasoned judicial opinions have held that impact fees are subject to the *Dolan* analysis described above (Right-of-Way Exaction's).

The authority of counties in Kansas to impose an impact fee is uncertain. Research has uncovered no specific authorization for county impact fees, and the Kansas legislature has not enacted impact fee enabling legislation.

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**APPENDIX C**  
**JEFFERSON COUNTY COMPREHENSIVE PLAN**  
**ENVIRONMENTAL OVERVIEW**

**APPENDIX C  
JEFFERSON COUNTY COMPREHENSIVE PLAN  
ENVIRONMENTAL OVERVIEW**

Federal laws govern environmental management by federal agencies. Certain laws such as the Floodplain Management Act, are administered at the local level; others at the state level. This Appendix lists environmental laws that should be considered during the administration of the Jefferson County plan.

**Floodplain Management**

Jefferson County floodplains are protected under Executive Order 11988 – Floodplain Management, May 24, 1977. The purpose of the Order is to require federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, each agency is required to “take action to reduce the risk of flood loss, to minimize the impacts of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplain in carrying out its responsibilities.”

As the State of Kansas participates in the National Flood Insurance Program (NFIP), any state-owned development located within a special flood hazard area as identified by the Federal Emergency Management Agency (FEMA) must obtain a flood development permit for the project. If the development is located within a regulatory floodway, a “no-rise” certificate/statement as to the effects of possible flooding is required before the development can be permitted.

The County ordinance should ensure that impacts to the base floodplain will be minimized throughout the design procedures to insure that any increase of floodwater elevation shall be less than one foot and that no rise will occur in the regulatory floodway, in accordance with Federal Emergency Management Agency (FEMA) standards.

**Wetlands**

Wetlands are defined as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas” (33 CFR 328.3. Wetlands are considered to be “waters of the U.S.” and are regulated by the U.S. Army Corps of Engineers of Engineers (USACE) under Section 404 of the Clean Water Act. For County projects that are federally funded, Executive Order 11990 requires all federal agencies to minimize impacts to wetlands when conducting specific activities.

A Section 404 permit is required for construction activities that place fill material within wetlands and ponds that the USACE chooses to regulate as waters of the U.S., and/or below ordinary high

water lines of regulated rivers and streams. Should the County project require the discharge of dredged or fill material in any waters of the U.S., including wetlands, a permit may be required. A jurisdictional wetland determination must be conducted and submitted to the USACE for the project following design and prior to the initiation of any construction on the project that is within the USACE regulatory jurisdiction.

All County projects must consider the potential impacts to these isolated wetland systems, due to dredging operation, fill placement, or any alteration of the channel structure, and minimized the impacts to the extent possible.

### **Erosion Control**

The National Pollutant Discharge Elimination System (NPDES) requirements of the Clean Water Act (CWA) prohibit construction activities that cause erosion that may pollute adjacent rivers and streams. The County must consider whether the construction activities of a project will disturb soil and cause the off-site movement of soil particles. The Jefferson County Conservation District and Natural Resources Conservation Service may be contacted for obtaining guidance for establishing County regulations and permit procedures, methods of erosion control, temporary erosion controls, and best management practices.

The State may offer recommendations, similar to the following, in order to minimize impacts to the aquatic environment.

- State Channel Modification Guidelines should be followed for any channel modification or stream relocation.
- Disturbed areas should be graded and seeded as soon as possible to minimize erosion. The State may have seeding and planting recommendations.
- Avoid disturbing stream banks and riparian areas.
- Stream flows should not be interrupted and all temporary in-channel fills that could impound water should be provided with a culvert.
- Working in channels between certain dated should be avoided to the extent possible.
- Take all necessary precautions to prevent petroleum products from entering streams.

### **Hazardous Waste Sites**

The County shall endeavor to limit development at sites that have been encumbered by hazardous waste, and may elect to research the following databases available from the U.S. Environmental Protection Agency, Region VII (USEPA) and the Kansas Natural Resources Conservation Commission. The list includes locations of sites that have potential hazardous and solid waste concerns, and existing businesses and past businesses suspected of using or storing oil or hazardous substances.

- NPL                                      National Priorities List
- Delisted NPL                            Npl Deletions



*Appendix C*

- RCRIS-TSD Resource Conservation And Recovery Information System
- SHWS State Hazardous Waste
- CERCLIS Comprehensive Environmental Response, Compensation, And Liability Information System
  
- CORRACTS Corrective Action Report
- SWF/ LF Permitted Solid Waste Facilities
- RAATS Rcra Administrative Action Tracking System
- RCRIS-LQG Rcra Information System
- PADS Pcb Activity Database System
- NPL Lien Npl Liens
- TSCA Toxic Substances Control Act
- MLTS Material Licensing Tracking System
- WasteMgt Waste Management
- TX MM Multi Media Enforcement Cases
- CLI MSW Closed And Abandoned Landfills
- AIRS Aerometric Information Retrieval System Facility Subsystem
  
- ROD Record Of Decision
- CONSENT Superfund (Cercla) Consent Decrees
- Coal Gas Former Manufactured Gas (Coal Gas) Sites
- MINES Mines Master Index Files
- CERCLIS – NFRAPCERCLIS No Further Remedial Action Planned
- TNRCC LUST State Leaking Underground Storage Tank Incident Reports
- TNRCC UST State Underground Storage Tank Database
- TNRCC AST State List Of Registered Aboveground Storage Tanks
- RCRIS USEPA List Of Hazardous Waste Treatment, Storage Or Disposal Sites
  
- HMIRS Usepa Hazardous Material Incident Reporting System
- ERNS USEPA Emergency Response Notification System For Oil And Hazardous Substances
  
- FINDS Facility Index System For USEPA Information Systems
- TRIS Usepa Sara Title Iii Toxic Chemical Release Inventory System
  
- TNRCC SPILLS State Spills Database
- TX VCP Voluntary Cleanup Program Sites
- TX IHW Industrial And Hazardous Waste Database
- CERCLIS Federal Comprehensive Environmental Response, Compensation, And Liability Information System
  
- USEP Emergency Response Notification System (Erns)

**Public Lands**

Public lands may be reserved for public recreational usage under a Section 4(f) or Section 6(f) designation. Section 4(f) is part of the Department of Transportation (DOT) Act of 1966 that was designed to preserve the natural beauty of the countryside. Property eligible for Section 4(f) must be publicly owned, except for historic sites, which could be either public or privately owned. Section 4(f) eligible sites cannot be impacted by federally funded actions unless there is no feasible and prudent alternative.

Section 6(f) is part of the Land and Water Conservation Fund (LWCF) Act, which was designed to provide restrictions for public recreation facilities funded with LWCF money. The LWCF Act provides funds for the acquisition and development of public outdoor recreation facilities that could include community, county, and state parks, trails, fairgrounds, conservation areas, boat ramps, shooting ranges, etc. Facilities that are LWCF-assisted must be maintained for outdoor recreation in perpetuity and therefore require mitigation that includes replacement land of at least equal value and recreation utility park, recreation, wildlife or waterfowl.

The definition of publicly owned lands may include properties within the county that were purchased under the following:

- National Wildlife Refuge System
- National Park System
- Bureau Of Land Management
- Wild And Scenic Rivers
- U.S. Fish And Wildlife Service
- Forest Service
- Federal-Aid In Fish Restoration
- Federal-Aid In Wildlife Restoration Act
- Recreational Demonstration Projects
- Federal Property And Administrative Service (Surplus Property) Acts
- Land And Water Conservation Fund (Lwcf) - Section 6(F)

**Farmland**

The County has adopted local policies that affect farmland. Federal programs must be undertaken in accordance with the following.

Farmland is protected under the federal Farmland Protection Policy Act (FPPA) as set forth in 1978 under 7 U.S.C. 4201 et seq., and the U.S. EPA Policy to Protect Environmentally Significant Agricultural Lands. The purpose of these regulations is to minimize the extent to which federal

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programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural use, and to assure that federal programs are administered in a manner that, to the extent practicable, will be compatible with state, local and private programs and policies to protect farmland. Additionally, the U.S. EPA's policy is to protect the Nation's significant/ important agricultural lands from conversions that are irreversible and result in the loss of an essential food or environmental resource. The U.S. Department of Agriculture (USDA) and the Natural Resource Conservation Service (NRCS) administers the FPPA.

**Wildlife**

The County may wish to coordinate with the Kansas Biological Survey and continue to identify wildlife areas and establish protection ordinances in accordance with the following.

The federal Fish and Wildlife Coordination Act (FWCA) was set forth in 1964 under 16 U.S.C. 661 et seq. The purpose is to protect fish and wildlife when federal actions result in the control or modification of a natural stream or body of water. The statute requires federal agencies to consider the effect that water-related projects would have on fish and wildlife resources; take action to prevent loss or damage to these resources; and to provide for the development and improvement of these resources. The Department of Interior through the Fish and Wildlife Service (FWS) and the Department of Commerce through the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) administer the FWCA.

**Wild & Scenic Rivers**

Wild and scenic rivers are protected under the Wild and Scenic Rivers Act (WSRA), codified under 16 U.S.C. 1271, et seq. The intent of the WSRA is to preserve the free-flowing state of rivers that are listed in the National Wild and Scenic Rivers System (System) or under study for inclusion in the System because of their outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. Rivers in the System are classified as wild river areas, scenic river areas, or recreational river areas. The WSRA establishes requirements applicable to water resource projects and protects both the river, and river segments, and the land immediately surrounding them. WSRA specifically prohibits federal agencies from providing assistance for the construction of any water resource projects that would adversely affect wild and scenic rivers. The U.S. Department of the Interior through the National Park Service (NPS), Bureau of Land Management (BLM), and Fish and Wildlife Service (FWS) and the Department of Agriculture through the Forest Service (FS), manage wild and scenic rivers within their jurisdiction and conduct the necessary studies to include additional river components into the System. Under Section 2(a) of the WSRA, states may also propose rivers to the System and manage them.

**Threatened & Endangered Species**

The purpose of the federal Endangered Species Act as set forth under 16 U.S.C. 1531 et seq. is to ensure that federal agencies and departments review actions they take or support to determine whether they may effect endangered and threatened species or their habitats. If such a review indicates the potential for effects, the federal agency must consult with the Fish and Wildlife Service (FWS) of the U.S. Department of the Interior and the National Marine Fisheries Service (NMFS) of the U.S. Department of Commerce. The State of Kansas has also identified species that are imperiled in the state, and their habitat locations.



*Appendix D*

**APPENDIX D**  
**JEFFERSON COUNTY COMPREHENSIVE PLAN**  
**Commercial/Industrial Area Map**

In order to provide areas within Jefferson County where commercial and/or industrial development may be considered, the Jefferson County Zoning Regulations were amended in 2009 to add certain commercial and industrial zoning districts. However, it is recognized that such districts would not be appropriate for use throughout the entirety of Jefferson County because of a current lack of infrastructure necessary to open properties up to a wide range of potential uses that are common when property is zoned commercially or industrially. Therefore, the accompanying map has been established to identify those areas that, within the unincorporated areas of the County, may obtain one of the commercial or industrial zoning designations, rather than exclusively rely upon a Conditional Use Permit. The Conditional Use Permit process for commercial and industrial development will remain for the balance of Jefferson County outside the designated areas shown on the Commercial/Industrial Area Map, or as allowed by the Jefferson County Zoning Regulations, unless this map is amended in the future. Regardless, the overall rules, regulations and standards of the Jefferson County Zoning Regulations shall control with respect to all development within the unincorporated areas of Jefferson County.