

LYON COUNTY COMPREHENSIVE PLAN INTRODUCTION

PURPOSE:

The State of Kansas has granted counties the power to enact and enforce zoning and subdivision regulations in the public interest. These regulations are intended to protect and enhance the “general welfare” of the county residents. In order to achieve this intended purpose, each zoning and subdivision decision should be consistent with the long-range goals of the Lyon County Comprehensive Plan and not just be an isolated response.

Whenever a land use decision is made, it should be based on a review of the adopted plan including relevant goals, objectives and policies. These goals, objectives and policies will help the Lyon County Planning Board and the County Board of Commissioners as they consider development proposals. The Lyon County Comprehensive Plan should be reviewed at least annually to reflect changes in local conditions and attitudes.

BACKGROUND

Residential uses are scattered throughout rural Lyon County, along rural water district lines and arterial roads and highways; also within the vicinity of the “Emporia-Lyon County Metropolitan Planning Area” around the City of Emporia. These uses have been developed without regard of the primary purpose of the Lyon County Zoning Regulations, which is to protect and conserve good agricultural land. Further, the utilities that serve these scattered residences have been improved without regard for community-wide concerns for efficient extension of public water and sewer services.

The Lyon County Planning Board, in cooperation with the Board of County Commissioners, has met during 1999 and 2000 to formulate the Goals for rural development, and update the comprehensive plan created in 1990.

In addition to the preservation of good agricultural land and the orderly and efficient extension of public utilities, Lyon County needs to plan for the following public purposes:

- Control the maintenance costs and tax burden which new development can create for Lyon County, the Townships, and the incorporated places of Admire, Allen, Americus, Bushong, Hartford, Neosho Rapids, Olpe and Reading.
- Eliminate the problems of cities having to annex (or being pressured to annex) Subdivisions, which are substandard.

- Encourage new development in Lyon County particularly in the Metropolitan Planning Area. By making new subdivisions more economically feasible.
- Provide the county with effective regulations for reviewing and regulating subdivision proposals.
- Assure coordination of development between Lyon County and the cities within the county to promote efficient use of county roads and law enforcement, to improve fire protection, and to complement local school districts' attendance centers.

GOALS, OBJECTIVES AND POLICIES

Goals are the generalized framework of the desires of the community. From these goals, objectives are developed to more specifically define the community's intent in attaining these goals. The final step of the planning process is the actual programming of activities, or establishing policies that help implement the objectives and goals.

RELATIONSHIP OF GOALS TO THE FUTURE LAND USE PLAN

The Planning Board and the Board of County Commissioners must work to articulate the specific objectives and policies for the development of the area. These objectives and policies will give direction to the plan. The detailed objectives and policies of the plan can be used as a reference to guide the work of the Planning Board: recommending amendments to zoning and subdivision regulations, negotiating inter-local agreements with the cities for development review in the urban fringe, and in many other land use matters.

The objectives and policies of the plan, therefore, becomes the mechanism by which the goals of the community in the unincorporated areas of the county are implemented. As such, they should be consulted during the planning process, just as the Future Land Use Map and the District Zoning Map is consulted when considering zoning amendments.

Goals and objectives should be dynamic. As a community changes, so must the goals and objectives. Therefore, they should be periodically reviewed so that new policies for land use in the county may be formulated.

ROLE OF THE PLANNING BOARD

The role of the Planning Board is one of advisor to the Board of County Commissioners. The Planning Board is responsible for informing the Commissioners as to the consequences of potential development decisions. A well functioning Planning Board can help the Commissioners weigh the advantages and disadvantages of alternative courses of action. They should keep the public informed and seek to include their input.

The Planning Board's direct responsibilities are to formulate and adopt the county's comprehensive plan, hold public hearings on zoning amendment applications, recommend action on such applications and approve or disapprove subdivision plats.

ROLE OF THE BOARD OF COUNTY COMMISSIONERS

The Lyon County Board of Commissioners has responsibility for enacting and amending the zoning regulations after considering the recommendations of the Planning Board. This responsibility includes amending the zoning district map. The role of the County Commission in the subdivision process includes accepting or rejecting dedications of easements, right-of-way and other public lands, approving financial quarantines or financing mechanisms to ensure construction of all public improvements, and approving engineering drawings.

ROLE OF THE BOARD OF APPEALS

The Lyon County Board of Zoning Appeals is, as the name implies, the body to which appeals are directed. The Board of Appeals functions as quasi-judicial body rather than an advisory of legislative body. Its role in zoning administration is specifically limited to three duties:

- To hear appeals of an administrative decision or interpretation,
- To hear and decide request for interpretation of any map, and
- To grant variances in cases of hardship.

In the first two cases it is the Board's responsibility to rule on the decision or interpretation of the Zoning Administrator or to rule on the interpretation of the zoning regulations or map whenever it is alleged that there is an ambiguous provision or an error in the enforcement. In the third case, a variance may be granted where a unique physical constraint would cause hardship to the property owner if a particular requirement of the zoning regulations were to be enforced. The role of the Board is to determine whether a variance is warranted and whether a variance can be granted in a manner consistent with the intent of the zoning regulations.

ROLE OF THE CITIZEN

Citizens can become directly involved in the planning process through appointment to the Planning Board. Other county boards and commissions work with related county development issues. These groups are composed of interested citizens motivated by a general desire to help improve their community and work with the Planning Board.

Formalizing citizen input through public meetings and required public hearings is one of the most vital aspects of the planning process. Citizens can become involved into the process by contributing to the meaningful dialogue surrounding particular issues of the process in general. Citizens of Lyon County have participated extensively in the original preparation of this plan through goal-setting workshops and, finally, during public hearings for the adoption of the plan.

ROLE OF THE ZONING ADMINISTRATOR

It shall be the duty of the Zoning Administrator to enforce the Zoning and Subdivision Regulations and other related land use regulations adopted by the County Commission. The Zoning Administrator acts as Secretary to the Planning Board and the Board of Zoning Appeals. The Zoning Administrator shall serve as zoning advisor to the Planning Board, Appeals Board as well as the Lyon County Commission.

CHAPTER 1

POPULATION

HISTORICAL TRENDS

The City of Emporia population grew by 8.4% during the 1970's. By comparison the county population outside of Emporia---the "rural" population as defined by the Census Bureau--increased by 12.3% during the same period (See Tables 1 and 2) The growth in the "rural" area marked the first time in nearly 40 years that the "rural" population had grown instead of decreasing. However, during the 1980's the trend reverted to a more urban growth with a slight increase of .89% while the "rural" population declined by 6.17%. It is anticipated that the urban growth in the 1990's will again exceed the rural growth.

**Table 1
Historical Population Trends**

	1940	1950	1960	1970	1980	1990
EMPORIA	13,288	15,669	18,190	23,327	25,276	25,512
LYON COUNTY	25,442	26,576	26,928	32,011	35,108	34,732
OUTSIDE EMPORIA	12,154	10,907	8,738	8,684	9,830	9,220

U.S. Department of Commerce, Bureau of Census

**Table 2
Population Rate of Growth (Percentage)**

	1930 TO 1940	1930 TO 1950	1950 TO 1960	1960 TO 1970	1970 TO 1980	1980 TO 1990
EMPORIA	-6.20%	18.80%	16.20%	28.20%	8.40%	0.90%
LYON COUNTY	-9.60%	0.58%	1.30%	18.90%	9.70%	-1.10%
OUTSIDE EMPORIA	-19.90%	-10.25%	-19.90%	-0.80%	13.45%	-6.20%

U.S. Department of Commerce, Bureau of Census

Also see Figure No. 1.

POPULATION PROJECTIONS

The Emporia-Lyon County Metropolitan Area Planning Commission rewrote and adopted their Comprehensive Plan in 1998. A review of the Population projections made by such plan is shown as Table 3. The projections shown are using the best methods and information available at the time; however, it is extremely difficult to accurately forecast population in the future due to unknown factors. These projections do however reflect the historical trends of the last decades of the 20th Century.

**Table 3
Population Projections 1990-2010**

ACTUAL	PROJECTIONS					RATE OF GROWTH PERCENTAGE		
	1990	1995	2000	2005	2010	1990-2000	2000-2010	1990-2010
EMPORIA	25,512	26,560	27,838	28,085	28,531	9.1%	2.5%	11.8%
LYON COUNTY	35,732	35,259	35,848	35,442	35,083	3.2%	-2.1%	1.1%
OUTSIDE EMPORIA	9,220	8,699	8,010	7,357	6,552	-13.2%	-18%	-28.9%

Source: Comprehensive Plan for Emporia-Lyon County Metropolitan Area: Prepared by Butcher-Willis-Ratcliff

Also see Figure No. 2

SUMMARY

These figures anticipate that the population of the City of Emporia will continue to grow at a modest rate of approximately 12% from 1990 to 2010, while Lyon County would show only a slight growth of 1.1% during the same time. This means that the rural population outside of the City of Emporia will continue to decline. It is projected that the rural area outside of the City of Emporia will decline 28.9% from 1990 to the year 2010. At this time, even preliminary figures of the 2000 Census are unavailable to check the accuracy of the population projections. Within a couple of years the plan will be reviewed and updated when all figures from the 2000 Census are available.

CHAPTER 2

LAND USE

The Land Use Map presented in this plan was compiled a) From the data files created by the County Zoning Department on each rezoning approved from the implementation of Zoning in 1979 to 2000, b) County wide Land Use data from the Lyon County Appraiser's office compiled during 2000, and c) From field check of certain areas. The Land Use Map presented with the original Comprehensive Plan of 1990 was used to cross check the accuracy of the other data sources.

A review of land use data indicates that there are approximately 1919 home sites within Lyon County, with well over 300 tracts having an area of 3 acres or less. Many uses are currently non-conforming as to size and the intention of this plan is to greatly limit the continuing use of extremely small tracts of land for residential development.

While it is projected that there will continue to be new housing units developed within the unincorporated area of Lyon County, the overall population of the County was expected to raise slightly up to the year 2000, but is projected to decline modestly thereafter.

The land use data supports the Census data presented in Tables 1, 2 and 3 of Chapter 1 of this document, showing a continued increase of population within the City of Emporia, but an overall decrease in the rural population.

As observed by the Planning Board, rural residential growth tends to follow the water lines improved by the Water Districts in Lyon County. Current land use data indicates that a large percentage of the rural residential development has occurred within one mile of the Emporia-Lyon County Metropolitan Planning Area boundary and also along Urban Access Corridors. The Goals and Objectives adopted as a part of this Comprehensive Plan, along with amendments of the Zoning and Subdivision Regulations are designed to promote orderly development as the County and cities respond to growth pressures in the unincorporated areas.

RECOMMENDATIONS:

Because of the lack of water service and supply throughout the rural areas of the County, the pattern of development near the boundary of the Emporia-Lyon County Metropolitan Area and along the defined development areas is projected to continue. The Lyon County Zoning Regulations, the Lyon County Subdivision Regulations and Goals of this Comprehensive Plan should be administered so that residential, non-farm growth continues within the Metropolitan Planning Area, within one mile of the Planning Area and along designed Urban Corridors.

Action steps to be taken to implement the plan;

- Amend the Zoning Ordinance of the County to implement the objectives of the plan for creating orderly development close to the cities and within the Urban Reserve areas.
- Amend the Subdivision Regulations of the County to implement the objectives of the plan for creating orderly development close to the cities and within the Urban Reserve areas, assuring utility and infrastructure in accordance with the objectives of the plan,
- Create and update a Procedures Manual for efficient administration of the new regulations.
- Coordinate with regional and local jurisdictions and other county departments to review land use development proposals, including:
 1. The Rural Watershed District Boards
 2. The Emporia-Lyon County Metropolitan Area Planning Commission
 3. Planning Commissions of any other city in Lyon County
 4. The Soil Conservation Service
 5. Lyon County Health Department
 6. Lyon County Engineer
 7. Rural Water Districts

GOALS OF THE LYON COUNTY COMPREHENSIVE PLAN

1. AGRICULTURAL GOAL: To preserve and enhance utilization of Rural land for Agricultural purposes, while ensuring sufficient amounts of developable land suitable for future urban growth.

Objective A1 Stabilize and enhance agricultural operations.

Policy A1.1 Non-agricultural development should not be allowed to disrupt agricultural operations areas that are not anticipated to become urbanized

1. Amend the subdivision regulations to show a principal objective of the conservation of agricultural uses, while accommodating appropriate urban development.
2. Amend the zoning regulations to help implement the principal objective of the conservation and development of agricultural uses, while accommodating appropriate urban development.

Policy A1.2 Uses that are supportive of agriculture (e.g., agricultural chemical wholesalers, grain elevators and feed stores) should be allowed in rural areas where the following conditions can be met.

1. The existing roads can safely accommodate increase in traffic without causing maintenance problems, and
2. Water supply and sewage disposal systems are environmentally safe.

Policy A1.3 Support educational efforts to inform the residents of Lyon County about the needs of the agricultural industry.

Policy A1.4 Maintain roads and bridges in good repair for safe and efficient operation of agricultural uses.

Objective A2 Minimize conflict between rural/agricultural uses and urban growth areas.

Policy A2.1 Urban subdivisions and utility extensions shall be located and designed so as to encourage a logical and compact growth pattern, which mitigates conflicts between agricultural and urban land uses.

Policy A2.2 Land in the immediate path of urban growth should not be used for any purpose, which will preclude its eventual use for urban purposes.

2. DEVELOPMENT GOAL: To provide ample opportunity for continued commercial and Industrial development logically distributed at locations with suitable access, adequate public facilities and within an orderly, efficient and environmentally safe planning framework.

Objective D1. Restrict development to areas with few environmental hazards and minimize the loss of natural resources.

Policy D1.1 New development shall be located in areas, which are relatively free of environmental problems relating to soils and topography.

Policy D1.2 New development shall not alter drainage patterns of adjacent land or cause downstream flooding or pollution.

Policy D1.3 Non-agricultural development should generally not be located in the 100-year flood plain.

Policy D1.4 Development should be avoided on slopes greater than 15% unless the developer can demonstrate that appropriate steps have been taken to prevent soil erosion and slippage.

Objective D2 Minimize initial and future public costs of new development.

Policy D2.1 New development shall be encouraged to locate in areas where services and public facilities exist or can easily be extended.

Policy D2.2 Streets and utility extensions shall be designed to provide services to the maximum area, with the least length of extension. Cost for such improvements to a development, where such improvements exclusively serve the development area, shall be borne by the developer or owners of property being served.

Policy D2.3 Construction of nonagricultural improvements down stream from an existing watershed dam shall be safely above prescribed flood routing levels, as shown by flood routing and breaching studies, and the cost of such studies, or updating of an existing study, to be borne by the developer.

Objective D3 To provide areas for commercial and industrial development consistent with their intended market and where appropriate public services are available.

Policy D3.1 Commercial uses shall be permitted in rural area if the market being served is distinctly non-urban in nature (e.g., agricultural commodities; highway services; plant nurseries; rural residential services, etc.) or if a suitable urban site cannot be found. Industrial use shall be permitted in rural areas only if the use is agriculture based, requires a site-specific resource or cannot find an appropriate urban location. (Cost of land shall not be a factor in determining suitability.)

Policy D3.2 Commercial and Industrial uses in rural areas shall have direct access to a hard surfaced arterial or collector road.

Objective D4 Locate commercial and industrial uses in a manner compatible with adjacent land uses, site constraints and the intensity of the proposed use.

Policy D4.1 Commercial or Industrial uses shall not cause traffic congestion or disrupt residential areas.

Policy D4.2 Industrial uses which extract mineral resources, or which create or store toxic wastes, will be required to submit plans showing the steps taken to protect the public health and safety, and to reclaim any land damaged or destroyed during operation.

Policy D4.3 New Industrial uses shall be separated and buffered from surrounding non-industrial uses so that the usefulness and value of adjacent property is not impaired. Appropriate buffers may include fences, landscaping and earth berms.

Policy D4.4 Industrial uses shall be located and designed so as to minimize any negative impact relating to noise, smoke, dust, runoff or odor.

3. HOUSING GOAL: To provide decent and affordable housing for present and future populations of Lyon County, while preserving existing residential areas.

Objective H1 Locate suburban residential development so that costs of providing and maintaining public services are minimized.

Policy H1.1. Encourage subdivision development to locate within the Metropolitan Planning area.

Policy H1.2. Allow residential subdivisions to locate within Urban Reserve Areas, no farther than one mile outside an incorporated or unincorporated place; or beyond one mile in clusters of at least 20 residential lots, provided lots are served by adequate utilities and local streets are improved by a development agreement with the county.

Policy H1.3. Continue to update Subdivision Regulations to ensure that subdivisions developed in the county area are developed to acceptable engineering standards, which are compatible with City of Emporia standards, so such subdivisions do not become a financial burden for the county or the city in event of annexation.

Policy H1.4 Require subdivisions to connect to public and/or approved sanitary sewage and water systems, and to be provided with appropriate utility easements for extension of all public services.

Objective H2. Limit residential development outside of the Metropolitan Area so that agricultural land is preserve

Policy H2.1 Allow existing farmstead or “sell-off” of parcels not less than 6 2/3 acres for a single family residence in an agricultural district to a density of no more than 16 residences per square mile, subject to lot division approval.

Policy H2.2. Allow single-family residences to be developed to a higher density than one residence per 40 acres in the Urban Reserve areas; and along the Urban Access Corridors where access is within one mile of a hard-surfaced public road, provided that the carrying capacity of such road is not diminished.

Policy H2.3 Authorize the location of residential development so that it will not restrict existing agricultural operations or remove significant amounts of prime agricultural land from production.

Objective H3. Encourage safe and standard construction practices.

Policy H3.1. Study the advantages and disadvantages of adopting basic Building Codes for non-agricultural construction.

Objective H4 Strive to maintain and upgrade the residential character of existing villages and residential subdivisions.

Policy H4.1 Non-agricultural uses which create substantial traffic, noise or odor, shall be separated physically or visually from existing residential neighborhoods.

Policy H4.2 Vacant areas within predominately residential areas shall be encouraged to be developed similar in character to surrounding residential uses.

Policy H4.3 Nonconforming commercial and industrial uses in residential areas shall not be allowed to expand and their conversion to appropriate land uses shall be encouraged.

Policy H4.4 The rehabilitation of housing in older sections within unincorporated villages shall be encouraged.