

## **Chapter 2**

# **Future Land Use Plan & Policies**

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# Future Land Use Plan & Policies

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SECTION 2.1

## **Introduction**

The future land use plan implements the vision and goals identified in the previous section by addressing four key planning elements:

- AGRICULTURE, OPEN SPACE & RURAL PRESERVATION
- URBAN FRINGE MANAGEMENT
- I-135 CORRIDOR
- EQUUS BEDS AQUIFER

The land use plan identifies a set of goals for each planning element, key planning concepts, and implementation policy. The policy statements define a course of action or basic operational rule to achieve the goals of the plan. The Planning Commission and County Commission should review and consider each of these policies when they make decisions about land use, infrastructure, or other strategic issues affecting the future development of the county.

SECTION 2.2

## **Agricultural, Open Space & Rural Preservation**

This section of the plan discusses how Harvey County intends to minimize encroachment of scattered urban uses and housing on agricultural lands. The county recognizes the economic challenges facing farmers and, at the same time, the need to balance private property rights with overall public welfare. The sale of a small tract of land may be an important source of revenue to a farming operation. At the same time, unregulated residential uses in rural areas can lead to a new set of problems for government officials. For this reason, Harvey County, through this land use plan, discourages unconstrained development in the rural portions of the county.

The agricultural landscape is an essential part of the character and environmental quality that makes Harvey County such an extraordinary place to live, work, or visit. This landscape is also an integral part of the regional economy that sustains livelihoods, contributes to the tax base of the county, and sustains the natural, renewable resources necessary for growth and stability in the future.

Agriculture is vastly more compatible with the conservation of natural resources such as open space, wildlife habitat, and watershed, than any alternative private

land use. The primary cause of farmland conversion is low density, sprawl development. Even at relatively low densities this type of conversion adversely affects virtually every environmental resource: visual and aesthetic value, water quality, biological resources, in addition to requiring costly infrastructure and increases in traffic on farm roads.

The continued loss of agriculture in Harvey County would be an environmental, economic and fiscal disaster. It would severely diminish environmental quality, undermine the county's economic and fiscal strength, reduce its social and cultural diversity, and undercut fundamental county-wide planning, housing, and transportation goals.

New highways and improved transportation routes make sprawl possible and developers find that farmland can be relatively inexpensive compared to developing areas. But the cost of providing community services to a widely scattered suburban population is far more expensive in terms of sewer lines, schools, and utilities. In fact, servicing sprawl development creates a direct subsidy for the new growth area that must be financed with increased taxes to those who live in more compact forms of development. In contrast, planning for new growth in areas where infrastructure can be made available is "smart growth."

## ***Background***

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Agricultural land is the predominant land use in Harvey County and many people earn their living directly or indirectly from farming. In addition to the economic importance of preserving farmland, and the environmental services performed by this natural resource, there is also the value of open space to be considered. People are attracted to the county because of vast areas of farmland, open space, and tree-lined streamways. Harvey County has a tradition of using land use planning and local zoning to preserve its agricultural heritage beginning nearly 25 years ago when they adopted large-acreage requirements for residential dwellings in agricultural zones.

To summarize, agricultural land and rural scenic resources are important to Harvey County for the following reasons:

1. The economic contribution of farming and agri-businesses to the local economy.
2. The quality of life is enhanced when farmland, open space, and natural resources are preserved.

3. The current and future need for governmental services is reduced when non-agricultural land uses are prevented from encroaching rural areas.
4. The scenic value and rural character of the county is preserved.

### ***Agricultural, Open Space & Rural Preservation Goals***

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- *Protect agricultural lands and limit development in order to preserve farmland for the production of agricultural products and promotion of related agribusiness.*
- *Preserve the rural character of the county and retain the historical, cultural, and physical features that define the rural landscape.*
- *Protect and preserve the natural resources (soil, water, and wildlife habitat) of the county.*

### ***Key Planning Concepts***

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#### **Agricultural/Rural Preservation Areas**

The primary goal of the agricultural/rural preservation area is to retain agriculture and the rural character of the county by directing growth into community planning areas. The rural preservation areas are intended to limit the encroachment of scattered housing or urban types of activities. The agricultural/rural preservation area is a visible symbol of the county's commitment to conserve and maintain rural use and character.

#### **Rural Resource Protection Areas**

The rural resource protection areas are based primarily on floodplains, streams, riparian areas, public lakes, and parks. The plan recommends that limited development be allowed within these corridors. .

The map on page 24 shows the areas of Harvey County recommended for agricultural/rural preservation and rural resource protection areas. See also Section 2.5 Equus Beds Aquifer.

## ***Agriculture/Rural Preservation Development Policies***

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### **Topic 1.0 Residential**

- Policy 1.1 Residential subdivisions shall not be allowed to locate in the agricultural/rural preservation area.
- Policy 1.2 Housing shall be allowed in the agricultural/rural preservation area at a density of one dwelling unit per quarter-quarter (40 acres).
- Policy 1.3 Farms and woodlands shall be recognized as an integral part of the planning area's open space system and should be preserved.

### **Topic 2.0 Commercial & Industrial Activity**

- Policy 2.1 Agriculture-related support businesses (both commercial and industrial) in the agricultural/rural preservation areas may be allowed, subject to conditional review and approval. The market being served or the character of the use must be distinctly non-urban in nature (i.e., agricultural commodities, plant nurseries, etc.). The sites for these proposed uses should be designed to meet the following conditions:
  1. Assurance that the roads providing access to the site is capable of handling the additional traffic without causing congestion or undue deterioration. Sites should be located with access to hard surfaced or major county roadways.
  2. Vehicular turning movements onto the site shall not cause a significant reduction in road capacity or represent a traffic safety hazard.
  3. A source of potable water is available in sufficient quantity to meet usage requirements. The county planning staff shall coordinate development review and approval with the affected rural water district.
  4. A sewage disposal system is available that can safely treat the anticipated quantity and type of wastewater without causing groundwater or surface water pollution.
  5. The planning commission may require a drainage study of the area by a licensed engineer.
  6. The proposed use is compatible with adjacent uses.
  7. The site is designed to conserve unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, and wetlands, by setting them aside from development.

8. The proposed location does not restrict existing agricultural operations or remove significant amounts of prime agricultural land, as defined by the Natural Resource Conservation Service, from production.

Policy 2.2 Urban commercial and industrial development shall not be allowed to locate in the agricultural/rural preservation area.

Policy 2.3 The county regional planning commission shall require buffers and/or open space between agricultural uses and commercial and industrial developments to minimize negative impacts.

Policy 2.4 Examine the need for dust treatment on county gravel roads leading to industrial or commercial areas.

### **Topic 3.0 Rural Resource Protection Area Policies**

Policy 3.1 Defined FEMA 100-year floodplains areas should be restricted from development and reserved as open space.

Policy 3.2 Encourage private landowners to preserve and protect riparian areas and streambeds from destruction.

Policy 3.3 The county should adopt erosion and sedimentation guidelines for new development. These guidelines should address stormwater quality during and after construction.

## **Urban Fringe Management**

This section addresses how Harvey County envisions the planning and management of urban fringe areas and the accommodation of limited rural development. Urban fringe development is a phenomenon that both small towns and urban cities must confront. The demand for rural land by individual homeowners, developers, and businesses has not abated since 1960 and in fact appears to be on the increase. Indeed, this is not a new situation facing Harvey County. The 1975 county comprehensive plan is worth repeating. "Non-farming dwelling units occupy numerous locations in the urban fringe areas particularly along major roadways. The incidence of non-farm housing is an increasing problem in the rural area in recent years due to the desire of urban dwellers to escape from the city environment." While Harvey County has a history of addressing urban fringe management, the consumer and economic forces at work 25 years ago still exist today because of the continued growth of metropolitan areas and a strong national economy.

There are three inter-related implementation strategies associated with managing the urban fringe as presented in this section.

- First is the **urban fringe**, which is defined as the land area located around a city that is expected or being planned to accommodate eventual urban growth and development. The urban fringe is the land a municipality plans to annex or directly control to promote urban housing, commerce or industry.
- Second is the **rural transition area**, which is the land adjacent to the urban fringe and is intended to accommodate limited suburban and residential housing. The development in the rural transition area is not planned to be served by municipal infrastructure. Cities prefer restricting development in the urban fringe to minimize land use conflicts and avoid problems in extending sanitary sewer or water mains. For this reason, it is important to identify rural areas that are suitable for supporting suburban subdivisions and housing on individual tracts with lateral fields or lagoon systems.
- Third is the **rural preservation area**, which delineates the portion of the county where agriculture and rural densities prevail. This is the part of the county where farmland and open space is protected from scattered or higher density housing or urban types of activities. See Section 2.2 for a complete review of the rural preservation area.

The amount of land influenced by urban fringe growth in the county is greatest in Newton and North Newton. However, urban fringe management issues and concerns apply to all seven of the incorporated cities of the county. The intricacy of urban fringe land use issues crossover county and city boundaries and require coordination in decision-making.

## ***Background***

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Since 1975 the basic planning premise in Harvey County is to guide development into the county's seven cities and permit housing and subdivisions into defined "low intensity agriculture" areas. The low-intensity agriculture areas were intended to receive rural housing development. This low-intensity agriculture area as defined in the 1975 comprehensive plan is the focus of this section.

The application of "urban utility service areas" is not a new planning approach in Harvey County. In 1982, with the preparation of the Harvey County Wastewater Management Plan, service areas for the future were defined. These areas were selected on the basis of where growth could be reasonably expected to occur. In effect, this plan directed urban growth to preferred areas. Then in 1987 the Board of County Commissioners amended the service area boundary for the cities of Newton and North Newton by removing approximately 3,450 acres from the sewer service area.

## ***Urban Fringe Management Goals***

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- *Balance the opportunity for the cities to expand their boundaries with limited suburban and housing in an extended district, and protect farmland and open space in the county*
- *Promote compact urban development in new areas adjacent to existing urban areas where public water and sanitary sewer lines can easily and economically be extended.*
- *Promote rural residential development that is in harmony with the surrounding built and natural environment, and in rural areas preserves the county's rural character.*
- *Preserve prime farmland, riparian areas, historic resources, and environmentally sensitive areas (wetlands, floodplains, and wildlife habitat).*
- *Avoid establishing airport hazards, lessen or prevent noise impacts affecting the public and the surrounding landowners, and promote*

*a pattern of primary and secondary industrial development between the airport and its environs.*

- *Encourage cluster housing to promote flexible development and appropriate site design to preserve natural amenities of rural land in the urban fringe and rural transition areas.*

## **Key Planning Concepts**

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### **Urban Growth Boundary & Service Areas**

The concept of applying an “urban growth and service area boundary” is a central element of this plan. The need exists for each of the incorporated cities to have land located outside their corporate limits for growth. The planning concept is based on encouraging city growth to areas where municipal infrastructure can easily and economically be extended. The cities are encouraged to apply “concurrency management.” This is a technique to regulate development and manage growth concurrently with city revenues that are available to provide infrastructure.

An urban growth boundary is a defined area reached through the agreement of county and city officials. The boundaries mark the separation between rural and urban land. They are intended to encompass an adequate supply of buildable land that can be efficiently provided with urban services (such as roads, sewers, water lines and street lights) to accommodate the expected growth during a 20-year period. By providing land for urban uses within the boundary, rural lands can be protected from urban sprawl. There are a number of considerations to be accessed before the actual delineation of the boundary can be finalized. For instance, the shape of the boundary is often dictated by the nature topography and the limitations to sewer and water extensions. Projected population growth, general market trends, and environmental limitations must also be considered when defining the size of the area encompassed by the boundary.

The cities of Newton and North Newton identified new sewer and water service areas in their 1998 comprehensive plan. Generally, the plan contemplates sewer and water service into the five primary drainage basins in and around the two cities. The growth plans for the cities of Hesston, Halstead, Sedgwick, Burrton, and Walton do not identify utility service areas. Each of these cities is interested in providing water or sewer service to new community growth. The size of these communities and their projected populations, however, do not warrant an excessive amount of land to accommodate future growth. A challenge for any city arises when development leapfrogs open land, thereby pushing urban growth

outward. A good example is the city of Sedgwick when they extended municipal water and sewer service approximately one mile east of the city to accommodate the Hilands housing development.

### **Rural Transition Area**

There are difficult planning issues associated with rural areas surrounding cities. One of the most complex is to balance the desire to protect agricultural lands against the desire or economic necessity of rural landowners to convert land to suburban/urban uses. This situation is compounded by the demand of urban households seeking a small tract of land in the country to build their suburban home. The challenge in land planning has always been striking a balance between private property rights and public policy.

The rural transition area is intended to accommodate some development in rural areas immediately adjacent to the defined urban fringe. The basic goal is to direct development to areas relatively close to incorporated cities that does not conflict with the long-range planning objectives of the cities or convert land use for valuable agricultural production.

### **Rural Preservation Area**

Rural preservation areas are explained in Section 2.2. In general, the intent of the rural preservation area is to protect the agricultural base of the county, along with rural character and open spaces. Rural preservation must also strike a balance between conservation and the ability to provide services to an integral part of the county's agricultural sector. Rural is a "community of interests" with service, economic, and social needs that must be addressed if this sector is to remain viable. Agricultural output is not the only "product" of rural areas. Horticulture, crafts, wood products, tourism and tourist accommodations, to mention but a few, also contribute to the overall sense of rural community.

### **Newton City - County Airport**

The airport is located in the urban fringe of Newton and is two miles east of the city. The airport receives joint funding from both the city and county, while the airport manager is an employee of the City of Newton.

A joint county-city project extended a 12-inch sanitary sewer line from the city of Newton treatment plant to the airport in 1998. The new line was required to treat industrial wastewater at the airport, because the Kansas Department of Health and Environment prohibited the use of the existing sewage disposal ponds. The extension of the sewer line creates new development possibilities for the airport,

and the unincorporated land between Newton and the airport. The airport is at the eastern edge of what Newton views as their sanitary sewer service boundary. The city of Newton also provides water service to the airport.

The airport is situated on 524 acres of land. As of the winter of 1999, there were 18 businesses located at the airport. According to Mr. Mason Short, Airport Manager, there are 50 acres of land suitable for industrial development on airport property. The industrial land has water and sewer service available, and the airport provides fire protection services. The airport works closely with JDC to promote economic development at the airport.

The 1998 Newton/North Newton future land use plan shows the airport as a public/semi-public land use. The city plan also contemplates an 80-acre parcel at the northwest corner of 1<sup>st</sup> Street and Oliver Road as industrial. The county zoned this 80-acre parcel and the current land use is agriculture. Apart from the future 80-acre industrial site, the city's future land use plan shows land around the airport as long-term development. This is because of the desire of the city to promote growth to the west and south, and the fact that the airport is located in the outermost drainage basin (i.e., West Fork-Jester Creek Basin).

An objective of this county plan is to avoid the establishment of airport hazards, lessen or prevent noise impacts affecting the public and the surrounding landowners, and promote a pattern of future land uses that encourages compatibility between the airport and its environs. The airport staff working with HNTB engineers identified an airport safety zone that has been included in this plan. The map contained on Figure 4 (see page 25) shows an airport safety zone extending  $\frac{3}{4}$  of a mile beyond the end of the runways and  $\frac{1}{2}$  mile from their sides. The result of the airport safety zone is that no residential development be allowed in these areas. With regard to the east-west crosswind runway residential development is precluded almost to Hillside on the west and approximately  $\frac{1}{4}$  mile east of Woodlawn on the east. Discouraging residential development in an area approximately  $\frac{1}{4}$  mile north of 24th Street and approximately  $\frac{1}{2}$  mile south of 1st Street protects the main south-north runway. The south boundary corresponds to the mapped noise level contour.

### **Suburban Residential Development**

The management of suburban residential development is a principal concern in Harvey County, given its proximity to the Wichita metro area and the spillover from Newton/North Newton. Suburban residential is defined as individual home sites or platted subdivisions located in an urban fringe. Another defining characteristic is that the homes are connected to an individual lateral field system or lagoon system. Typically, suburban housing is located along or near a paved road or highway, although there is a growing trend of suburban housing located along unpaved county roads.

The need to regulate suburban residential development is both a county and city planning issue. From the county's perspective, the development of suburban housing can contradict other planning objectives, such as conserving farmland, minimizing the demand for county services, and maintaining rural open space. The county is also interested in preventing disruptions or conflicts between farmers and suburbanites over perceived farming nuisances from dust, odor, or noise.

A city, on the other hand, has a direct interest in assuring that suburban housing does not prevent the opportunity to extend municipal utility services or local streets. It is in the best interest of the cities to discourage scattered suburban development because it leads to conflicts with more intense urban land development.

While the concerns over suburban residential development crossover both county and city land use planning, suburban housing is a function of consumer preference and market demand. Accordingly, a balancing of public and private interests is required to determine the extent of suburban housing that should be allowed within the urban fringe.

## ***Implementation***

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### **Urban Growth Boundary**

The urban growth boundaries for five cities need to be identified. The cities of Newton and North Newton identified an urban growth boundary or utility service area in their 1998 comprehensive plan and it has been incorporated into this plan. The other incorporated cities are encouraged to prepare a report defining where they predict logical growth patterns will occur. In addition, the report should provide population or economic growth projections demonstrating the amount of land needed to support future town growth. The report should include a map showing utility service areas where municipal water and sanitary sewer mains can be extended. Once the cities have identified their urban growth boundary, the Harvey County Regional Planning Commission should review and approve the urban boundary, subject to resolution of differences on the location of the boundary line. The recommendation of the Planning Commission is then forwarded to the Board of County Commissioners for official inclusion in the county comprehensive plan. The urban growth boundary prepared by the cities identifies the urban fringe boundary for county planning purposes.

### **Community Planning Areas**

Until the county formally adopts urban growth boundaries, a community planning area is shown on the future land use map of this plan. The community planning areas identify a city's urban fringe and rural transition area. See pages 25 – 30 for

individual maps of the community planning areas. The community planning areas are intended to guide land use decisions, zone changes, and subdivision plats, until the cities submit their urban growth boundaries and adopted by the county.

### **Extra-Territorial Land Use Management**

The majority of the seven incorporated cities in Harvey County have expressed an interest to implement extra-territorial zoning and subdivision regulations. There are three basic alternative arrangements for the management of land use in an urban fringe, based on Kansas enabling legislation:

- **County Control.** Continue with the current practice of allowing the county Planning Commission to make recommendations to the Board of County Commissioners for all land in the unincorporated areas of the county. [K.S.A. 12-715b and K.S.A. 19-2927]
- **City Control.** The Board of County Commissioners passes a resolution excluding the land around a city from county zoning regulations. In essence, the county grants the cities extra-territorial zoning and subdivision authority, thereby turning decision making to the cities. [K.S.A. 12-715b (c)]
- **Joint County-City Control.** The Board of County Commissioners and each municipality passes a resolution/ordinance creating a joint county-city planning commission to administer land use regulations in the extra-territorial area. [K.S.A. 12-715b (a). Another option for joint county-city decision making is to enter an inter-local agreement. [K.S.A. 12-2901] in which the Board of County Commissioners would receive a recommendation from a joint City/County Planning Commission for any rezoning outside the City limits, but within the extraterritorial area, but would make the final decision.

The recommendation of the Harvey County Regional Planning Commission is to develop county zoning regulations that compliment each of the cities' zoning regulations for the urban fringe areas and the county will administer zoning in the urban fringe areas that are not incorporated. The county planning staff will continue to inform the city staff about proposed rezoning within the urban fringe, and request city review and comment.

### **Cluster Housing & Conservation Subdivision Design**

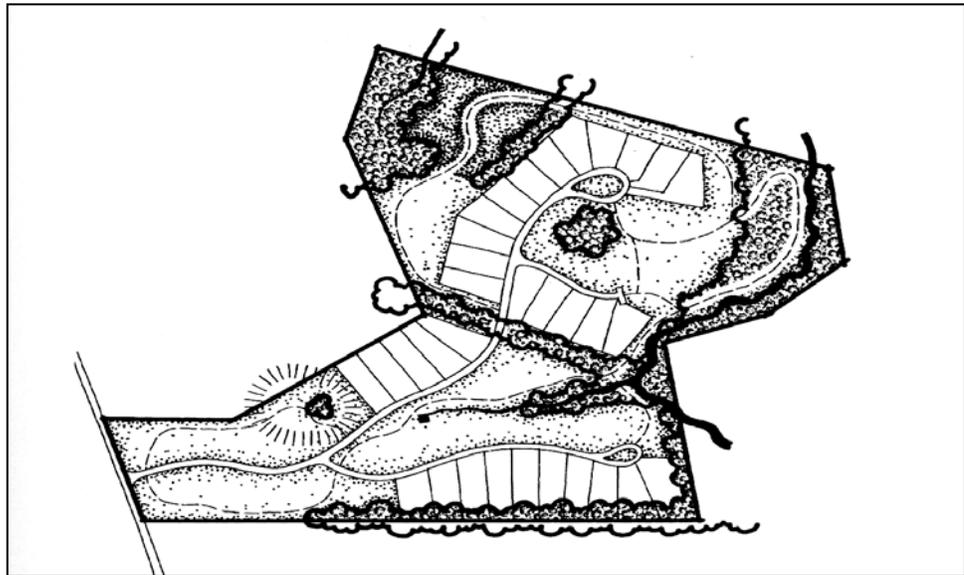
Clustering can be used to promote flexible development in the urban fringe and rural transition areas. Cluster development permits the grouping of housing on a small portion of the tract and thus promotes open space preservation and natural resources conservation. The intent is to cluster the houses or buildings away from environmental and scenic, historic, or cultural resources that might be found on the tract. For example, if a tract has an open meadow or wooded stream on the

site, the site plan or plat would be designed to keep the meadow and stream as open space and cluster the buildings together. As an incentive, some counties provide density bonuses to landowners that agree to cluster homes and place a conservation easement on the remaining open space.

The recommendation of this plan is for Harvey County to incorporate cluster housing or conservation subdivision design into their zoning/subdivision regulations. Since the land use plan contemplates a rural transition area where limited rural development will be allowed, the application of cluster housing is appropriate.

Figure 2-1 illustrates the principles of cluster development. The existing wooded areas on the edge of the property and stream that bisects the tract has been preserved. In addition, the residential lots have been grouped together to preserve a substantial portion of the meadow.

**Figure 2-1**  
**Residential Cluster Development**



## ***Urban Fringe Development Policies***

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### **Topic 3.0 Suburban Subdivisions**

*Suburban subdivision refers to the division of a lot, tract or parcel of land into two or more parts for the purpose, whether immediate or future, for sale of building residential structures.*

- Policy 3.1 Residential subdivisions shall not be allowed to locate in the rural preservation areas and shall be directed to the rural transition area.
- Policy 3.2 Residential subdivisions seeking approval in the urban fringe area shall connect to municipal water and sewer service, seek annexation, and be required to meet the subdivision regulations of the bordering city.
- Policy 3.3 Residential subdivisions may be allowed in the rural transition area if all of the following conditions are met:
1. A detailed site/development plan is prepared when a subdivision is proposed to be located on watershed structures.
  2. Roads providing access to the site are capable of handling additional traffic without causing congestion, excessive dust, or undue deterioration. Vehicular turning movements onto the site must not cause a significant reduction in road capacity or represent a traffic safety hazard.
  3. A source of potable water must be available in sufficient quantity to meet usage requirements. The county planning staff shall coordinate development review and approval with the affected rural water district.
    - a. Where a public water system is not available, the individual residential tract size shall not be less than 5 acres, unless a clustering of dwelling units occurs.
    - b. Development proposals shall be accompanied by certification of adequate water availability.
    - c. All water supply provisions, whether private or public, shall meet the standards of the Kansas Department of Health and Environment.
  4. A sewage disposal system must be provided that can safely treat the anticipated quantity and type of wastewater without causing groundwater or surface water pollution.
    - a. Where surface lagoons are to provide the primary means of sewerage disposal, the developer shall be encouraged

to utilize project size systems rather than individual cells to each lot or tract.

- b. All surface disposal lagoons shall be located, designed, and screened to preserve a high visual quality.
  - c. All sewage systems shall be designed to meet Kansas Department of Health and Environment standards for collection and disposal of sanitary waste.
5. The planning commission may require a drainage study of the area by a licensed engineer.
  6. The proposed development must be compatible with adjacent uses.
  7. The preliminary plat shall be designed to conserve unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, and wetlands, by setting them aside from development.
  8. The overall design of the subdivision must avoid a "ribbon" of lots along the county right-of-way and prohibit drives facing public roads.

Policy 3.5 Harvey County is intent on balancing the demand for suburban subdivisions with the efficient provision of public facilities and services. In reviewing rezoning requests, subdivisions, and plan amendments, the county regional planning commission shall determine the impact on the level of service on schools, police and fire protection, and county road maintenance. If it can be demonstrated that a proposed rezoning or dividing of land overloads public services and requires an increase in government budgets or services, the application may be amended or denied.

Policy 3.6 Discourage development which is located within the path of potential flood waters arising from the catastrophic breach of a watershed structure, flood control or recreation lake.

#### **Topic 4.0 Residential Housing Policies**

*Residential housing refers to an individual tract or parcel of land with the purpose, whether immediate or future, whose primary function is for residential or recreational purposes even though such properties may produce some agricultural products and maintain some farm animals. Residential typically involves the rezoning of agricultural land to a residential zoning district. It can also involve a sell-off or platting of residential zoned land into more than one lot, parcel, or tract.*

- Policy 4.1 Housing shall be allowed in the rural preservation area at a density of one dwelling unit per quarter-quarter (40 acres).
- Policy 4.2 Housing shall be allowed in the rural transition or urban fringe area at a density of one dwelling unit per quarter/quarter section (40 acres).
- Policy 4.3 Housing may be allowed in the rural transition or urban fringe area if all of the following conditions are met:
1. Roads providing access to the site are capable of handling the additional traffic without causing congestion or undue deterioration. The county planning staff shall coordinate development review in the urban fringe with the bordering city to evaluate local plans for future road improvements.
  2. Vehicular turning movements onto the site will not cause a significant reduction in road capacity or represent a traffic safety hazard.
  3. A source of potable water is available in sufficient quantity to meet usage requirements. The county planning staff shall coordinate development review and approval with the affected rural water district and/or bordering city.
  4. A sewage disposal system is available that can safely treat the anticipated quantity and type of wastewater without causing groundwater or surface water pollution. The county planning staff shall coordinate development review in the urban fringe with the bordering city to evaluate local plans for extension of sewer systems.
  5. Storm water runoff does not increase flooding hazards to human life or property. The county shall coordinate development review in the urban fringe with the bordering city and the city engineer to determine if anticipated changes in runoff justifies a drainage study to manage stormwater runoff.
  6. The proposed use is compatible with adjacent uses.
  7. When a preliminary plat is required the site is designed to conserve unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, and wetlands, by setting them aside from development. The county regional planning commission should encourage cluster housing or subdivision conservation design increase net density to offset conserving natural site amenities.
- Policy 4.4 The county regional planning commission shall require buffers and/or open space between agricultural uses and residential

developments to minimize the negative impacts of one use on the other.

- Policy 4.5 When a subdivision development is proposed on prime agricultural lands, the county regional planning commission should encourage the clustering of dwellings to preserve a significant portion of the land for continuing agricultural uses.

### **Topic 5.0 Commercial & Industrial Policies**

- Policy 5.1 Urban commercial and industrial uses shall not be allowed in the agricultural/rural preservation or rural transition area. These uses shall be directed to locate inside the corporate limits of a municipality.
- Policy 5.2 Commercial or industrial uses that provide goods or services that are clearly non-urban in nature (e.g. farm supplies or services, agricultural commodities or processing, plant nurseries) may be allowed in the agricultural/rural preservation or rural transition area.
- Policy 5.3 Non-urban commercial or industrial uses may be allowed in the rural preservation or rural transition area if all of the following conditions are met:
1. Roads providing access to the site are capable of handling the additional traffic without causing congestion or undue deterioration. Hard surfaced access and parking shall be provided on the site.
  2. Vehicular turning movements onto the site will not cause a significant reduction in highway capacity or represent a traffic safety hazard.
  3. A source of potable water is available in sufficient quantity to meet usage requirements and, preferably, meet fire-fighting requirements. The county planning staff shall coordinate development review and approval with the affected rural water district.
    - a. Development proposals shall be accompanied by certification of adequate water availability.
    - b. All water supply water provisions, whether private or public, shall meet the standards of the Kansas Department of Health and Environment.
  4. A sewage disposal system is available that can safely treat the anticipated quantity and type of wastewater without causing groundwater or surface water pollution.

- a. All surface disposal lagoons shall be located, designed, and screened in to preserve a high visual quality.
  - b. All sewage systems shall be designed to meet Kansas Department of Health and Environment standards for collection and disposal of sanitary waste.
5. The planning commission may require a drainage study of the area by a licensed engineer.
  6. The proposed use is compatible with adjacent uses.
  7. The development of the site will not result in the loss or destruction of established hedgerows, woodland habitat, riparian lands, and historic or cultural features.

Policy 5.4 Restricted commercial or industrial uses may be allowed in the rural transition or urban fringe area, provided the activity is an ancillary use to a principal residence and provides services to the agricultural community.

Policy 5.5 Commercial or industrial uses seeking approval in the urban fringe area should be connected to municipal water and sewer service, seek annexation, and zoning approval from the bordering municipality.

Policy 5.7 Preliminary and final plats should include utility easements to accommodate planned municipal utility extensions and public right-of-way in accordance with the municipal future land use plan/major street plan. See Policy 9.4

Policy 5.8 The county regional planning commission shall require buffers and/or open space between agricultural uses and commercial or industrial developments to minimize the negative impacts of one use on the other.

## **Topic 6.0 Newton City-County Airport Policies**

Policy 6.1 Encourage the creation and adoption of an airspace protection code or airport overlay district to regulate land uses and structures that might impose a hazard to the airport and to lessen or prevent noise impacts affecting the public and surrounding landowners.

Policy 6.2 Discourage the development of urban or suburban residential subdivisions to locate on land surrounding the airport. Map 4 shows an airport safety zone extending  $\frac{3}{4}$  of a mile beyond the end of the runways and  $\frac{1}{2}$  mile from their sides. The result of the airport safety zone is that no residential development be allowed in these areas. With regard to the east-west crosswind runway residential development is precluded almost to Hillside on the west and approximately  $\frac{1}{4}$  mile east of Woodlawn on the east.

Discouraging residential development in an area approximately ¼ mile north of 24th Street and approximately ½ mile south of 1st Street protects the main south-north runway. The south boundary corresponds to the mapped noise level contour.

- Policy 6.3 Support industrial uses on or near the airport property, provided the location and uses comply with the airport safety plan, and are connected to public water and sanitary sewer service.
- Policy 6.4 Ensure that adequate right-of-way and access spacing is provided for 1<sup>st</sup> Street. According to the Newton comprehensive plan, 1<sup>st</sup> Street is classified as an arterial street, which requires a 100-120 feet of right-of-way.
- Policy 6.5 Land situated within one-quarter mile west and north of the Newton City-County airport is classified as “industrial reserve”. The intent is to prevent this land from being zoned to either commercial or residential, thereby precluding the option of future industrial development. The industrial property located at the airport, and the 80-acre tract at 1<sup>st</sup> Street and Oliver Road, is the primary industrial development area, while the one-quarter mile industrial reserve, is the secondary industrial development area. The land south and east of the airport is located in the rural preservation area, hence, urban development and rural housing is not encouraged.
- Policy 6.6 Require that any proposed industrial development proposal in the industrial reserve be accompanied with a storm water management study showing how surface drainage will be retained or detained on-site.

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**Map\_\_**  
**Harvey County**  
**Rural Preservation, Urban Fringe, Rural Transition and Rural Resource**  
**Protection Areas**

This page reserved for an 11x17 map of the county

**Map\_\_**  
**City of Burrton**  
**Urban Fringe/Rural Transition Area**



**Urban Fringe Area**

**Rural Transition Area**



**North**

**Map\_\_**  
**City of Halstead**  
**Urban Fringe/Rural Transition Area**





**Urban Fringe Area**



**Rural Transition Area**

**North**

**Map\_\_**  
**City of Sedgwick**  
**Urban Fringe/Rural Transition Area**



**Urban Fringe Area**

**Rural Transition Area**



**North**

**Map\_**  
**City of Walton**  
**Urban Fringe/Rural Transition Area**



**Urban Fringe Area**



**Rural Transition Area**



**North**

**Map\_\_**  
**Cities of Newton & North Newton**  
**Urban Fringe/Rural Transition Area**





**Urban Fringe Area**



**Rural Transition Area**

**North**

**Map\_\_**  
**City of Hesston**  
**Urban Fringe/Rural Transition Area**





**Urban Fringe Area**



**Rural Transition Area**

**North**

## ***I-135 Corridor***

The I-135 corridor is a development area extending along Interstate Highway 35 and old Highway 81 (Kansas Road). These two highways parallel each other and bisect Harvey County. The cities of Newton, North Newton, and Hesston are situated within the corridor. From a historical and contemporary perspective, these highways function as facilitators of development and changes in land use in the county. The construction of I-135 has caused several former highway retail businesses located along old Highway 81 to close because of displaced traffic patterns. However, several isolated industrial tracts still remain along old Highway 81.

While the commercial appeal of old 81 (outside the urban areas) is diminished, it continues to open the urban fringe areas of Hesston, North Newton, and Newton to the suburban/rural housing market. The Kansas Department of Transportation (KDOT) designed I-135 with controlled access, thus limiting the opportunity within the corridor for direct access to the highway. However, Interstate Highway I-135 creates an attractive situation for certain commercial and industrial users, as evidenced by the Newton Mall.

### ***Background***

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The I-135 Corridor is a strategic land development resource and offers both challenges and opportunities for Harvey County. Development opportunities flow from the high-speed access and open nature of the corridor. However, the I-135 Corridor presents a number of planning challenges similar to all development corridors in metropolitan-adjacent regions. The most important challenge is the selection of appropriate development in terms of intensity, scale, and viability. Successful corridor planning is based on the concept of land use support - the idea that linear development must be connected, both physically and economically, to a suitable support base (infrastructure), labor supply, and economic development strategy. Table 2-1 offers reasons for and against corridor development.

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**Table 2-1**  
**Reasons For and Against the Development of the I-135 Corridor**

| <b>Reasons For Development</b>  | <b>Reasons Against Development</b>  |
|---|---|
| <ul style="list-style-type: none"> <li>■ Convenient access to Interstate Highway</li> <li>■ Convenient access to Kansas Road</li> <li>■ Convenient commute to Newton/Wichita</li> </ul> | <ul style="list-style-type: none"> <li>■ Loss of farmland</li> <li>■ Lack of public sewers or water</li> <li>■ Increased service and maintenance costs to county</li> </ul> |

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- High visibility to Interstate traffic for commercial business
- Capitalize on existing investment that improved Kansas Road
- More efficient use of resources and tax dollars to promote development in the urban areas
- Loss of rural visual character in lieu of creating urban sprawl

The basic problem in corridor planning in the United States is that this form of linear development can "take on a life of its' own." They serve as an open opportunity to transfer traditional commercial activities from municipal locations to less expensive, open sites clustered around highway interchanges. Eventually, this form of "strip development" can virtually become the center business district of a municipality. Residential developments located along most corridors take on the appearance of classic urban sprawl. Without support infrastructure, they cannot reach the critical density necessary to become a new addition to a community. Rather, they become isolated, large lot islands stretching from access point to access point along the highway that feeds the corridor. In Harvey County's case, a low density and predominately rural area, corridor development also transforms the general open/rural character of the landscape.

Defining a future vision of the I-135 - Highway 81 Corridor for the next 20 - 25 years is critical. There are at least three essential keys to defining this vision statement.

- 1) Development must proceed in a compact form. This compact form must be located within the present or foreseeable "footprint" of existing communities.
- 2) Development must be selected at an appropriate level. To be appropriate, new development must support local economic development goals, compliment existing services or offer new opportunities, rather than compete with existing firms and services.
- 3) Development must be selected at a suitable scale. Small scale, isolated development is wasteful of current and future resources, a major contributor to spiraling transportation and infrastructure costs, and almost certain to cause major social and economic problems because of the eventual incompatibility of land use.

The crux of the challenge facing the I-135 corridor is whether it should retain its predominate rural/agricultural character that exists in 2000 or be allowed to develop with commercial, industrial and suburban housing. The advantages of highway access and location to Wichita and Newton could easily facilitate a ribbon of retail or industrial uses. In all probability, the corridor will not develop at urban intensities, but there is a real potential for scattered, individual sites from businesses seeking access and visibility. The vision of the I-135 corridor recommended by this plan is as follows.

## **Corridor Vision Statement**

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*Open pastures, cultivated farmland, and the retention of the environmental and rural scenic resources define the Harvey County I-135 Corridor in the year 2020. A clear edge exists between the cities within the corridor and the unincorporated areas of the county. The people of the county are proud to have a highway corridor that has not been a victim of urban sprawl.*

### ***I-135 Corridor Goals***

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- *Encourage urban commercial, industrial, and urban residential uses to locate within the urban service area and connect to a municipal water and sanitary sewer system.*
- *Promote compact urban development and discourage urban sprawl.*
- *Discourage the leap-frogging of urban land uses into a rural area.*
- *Prevent the gradual conversion of Kansas Road (Old 81) and I-135 to a commercial strip of individual development sites.*
- *Accommodate limited rural subdivisions into a primary development area and allow lower density housing in a secondary development area.*
- *Encourage cluster housing or subdivision conservation design to protect natural amenities and rural character of the corridor.*

### ***Key Planning Concepts***

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**Newton Retail/Business Node.** The City of Newton envisions a “mixed-use business park center” to anchor the northern end of the corridor. Their intent is to supply land for large-scale business parks, industrial parks, and office-commercial uses. According to their 1998 comprehensive plan, “the west side of I-135 should develop as office, research and development, lodging, and service-commercial developments, such as car dealerships and auto service, as well as large-scale retail uses that generate relatively light traffic, such as furniture stores. On the east side of I-135, only industrial and distribution uses would be permitted with some accessory office development on approximately 120 acres. The plan shows

approximately 200 acres of land on the west side of I-135 for future service commercial development and office/research/business parks.

The county should not rezone land for urban commercial or industrial activity in the unincorporated areas of the corridor. The intent is to encourage commercial or industrial uses to connect to municipal services and seek annexation, given the opportunities to develop these uses at the northern edge of the I-135 corridor. The goal is to allow commercial and industrial uses to cluster at the 36<sup>th</sup> Street interchange. Examples of commercial activities include highway retail services such as fast food, gasoline sales, and hotels. It also includes auto dealers, furniture stores, multi-tenant shopping centers, as well as service-oriented businesses such as truck stops.

Depending on the extent and location of residential development that is allowed within the primary development area of the corridor during the 20-year planning period, there may be a need to allow limited retail to provide convenience goods and services to these households. Generally, a five-acre site should accommodate the limited amount of retail needed to serve a rural-based housing demand. The intent is to create a planned cluster or multi-tenant building.

**Rural/Suburban Housing.** The opportunity to support rural/suburban housing along the corridor is tremendous. As previously mentioned, Kansas Road (Old 81) and I-135 provides safe and convenient access to homeowners commuting to Wichita and Newton. The intent is to allow suburban subdivisions and rural housing in the area of the corridor north of Highway 196, which is entitled the "Primary Suburban Residential Development Area". While suburban housing is considered an appropriate land use, care should be given to designing plats and individual tracts to accommodate future utilities and road improvements. The land area south of Highway 196 is envisioned to retain a rural and open space land use character. The intent is to allow limited housing in this area, which is known as the "Open Space/Farmland Preservation and Rural Residential Area".

**Rural Industrial.** In certain instances, it may be reasonable to allow a rural industry to locate within the corridor. A rural industry is defined as one that provides goods, materials, or services to the agricultural sector of the county. The overriding planning principle should be one of limited industry within the corridor. The county's zoning regulations should include special provisions for reviewing and authorizing rural industry in the corridor. The rezoning of sites to light or heavy industry should be avoided; and, instead allow specific rural industrial users.

**Public Utility Extension.** The lack of sanitary sewers and public water within the corridor is a limiting factor for intensive development. As pointed out in the 1991 corridor study by Wilson & Co., “adequate supplies of potable water, beyond that required to serve only an isolated use point, or a small group of users, will be dependent upon access to water from one or more possible supply points in the surrounding area.” On the topic of sanitary sewers, the Wilson & Co. study states, “it is likely that the northern one-third of the corridor will be served by one sewage treatment facility or the sewage pumped to Newton, while the southern two-thirds of the corridor will be served by a separate treatment facility.” The City of Newton constructed a sanitary sewer main to serve the Newton Mall, along with municipal water line. The availability of this municipal infrastructure supports and encourages commercial and industrial uses to locate in the Newton urban service area.

As in 1991, it is *possible* in 2000 to bring water and sanitary sewer utilities to the corridor. The fact remains; however, the lack of development pressure has not created a situation where the extension of sewers or water is economically feasible. The one exception is the Newton Mall. The planning principles and policies advocated in the 1991 Wilson & Co. study of phased utility service remains a sound approach.

**Protection of Rural/Agricultural Land.** The predominant land use in the corridor is agricultural production and open land reserve. According to the Natural Resource Conservation Service (formerly the Soil Conservation Service), most of the soils in the corridor are classified as prime farmland. Preservation of farmland and rural character is an overarching goal of the Harvey County comprehensive plan.

The best technique to safeguard the rural character of the corridor is to maintain a clear edge between town and country. A compact urban growth pattern within a defined urban boundary assures the protection of rural open space and agricultural lands. In the year 2020 when driving from Wichita to Newton what visual image should the corridor present? The goal of this plan is to ensure that in twenty years the corridor projects an image of rural open space and not a five-mile corridor of back-to-back large-lot subdivisions or commercial uses lining both sides of the highway.

<sup>1</sup> The use of individual on-site waste systems and private wells or rural water defines rural housing, as opposed to urban housing which is connected to public water and sewer facilities.

### ***Future Land Use Map***

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The future land use map for the I-135 corridor is presented on the following page. The future land use map shows the planned locations of the ensuing land use activities:

- Newton Retail/Business Node.
- Primary Suburban Residential Development Area.
- Open Space/Farmland Preservation & Rural Residential Area.

The implementation of the future land use map must be used in conjunction with the vision statement, principles, and policies for the I-135 Corridor. The county should evaluate each land use decision in the context of how the proposed land use supports the ideas expressed in the vision statement, principles, and policies.

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**Map\_\_**  
**Future Land Use Map for the I-135 Corridor**

## **Future Land Use Principles**

The land use principles guiding the development of the I-135 Corridor are listed below.

**Principle One: *Maintain compact urban development and preserve a distinctive edge between urban and rural.***

Much of the I-135 Corridor is rural in character and identified with agriculture and rural, uncluttered open space. . In order to preserve this land use pattern, the I-135 corridor development plan supports urban housing, commercial, and industrial activity within defined urban service boundaries, and areas located beyond the urban service boundary land should remain rural.

**Principle Two: *Require commercial development to be clustered and submit a site plan addressing the placement of buildings, access, parking, landscaping, signage, and future expansion.***

If the rezoning of rural land to accommodate limited commercial is determined reasonable, then development should be clustered within a single parcel to avoid a typical linear strip commercial zone within the corridor, or development at all four corners of an intersection. It is possible that a small (5-acre) site is justified to support commercial goods to serve rural households. The county should ensure that there is adequate land for future expansion adjacent to the proposed retail site. Requiring the preparation of a site plan accompanying all rezonings that detail strengthens this principle how the site will be developed.

**Principle Three: *Accommodate limited suburban/rural housing at appropriate locations within the corridor.***

The I-135 corridor is capable of supporting limited residential activity without diminishing the rural setting. A primary suburban residential growth area is identified north of Highway 196, while a residential growth area is located south of Highway 196. The intent is to accommodate planned subdivisions in the primary growth area and housing on large tracts in the secondary growth area. The key is to evaluate each proposal on a case-by-case basis to assess traffic, environmental characteristics, road conditions, loss of prime farmland, and fiscal impact on the county.

**Principle Four: *Encourage housing to develop in a cluster pattern and encourage the design of subdivisions to protect wildlife habitats and rural roadside character.***

Subdivision design should protect wooded streambeds, existing hedgerows, or mature stands of trees on a site. Direct lot access onto existing public roads should be avoided. The creation of a

buffer/landscape zone along Kansas Road (Old 81) is encouraged.

## ***I-135 Development Policies***

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### **Topic 8.0 Interchange Area Development Policies**

- Policy 8.1 Direct urban commercial and industrial development to locate at the 36th<sup>th</sup> Street and Highway I-135 interchange.
- Policy 8.2 Prevent residential, commercial, or industrial development at or near the following Highway I-135 interchanges: State Highway 196 and 125 Street.

### **Topic 9.0 Subdivision Design & Residential Development Policies**

- Policy 9.1 Suburban residential subdivisions shall be encouraged to locate north of Highway 196 and discouraged from locating south of Highway 196.
- Policy 9.2 The land area north of Highway 196 is the primary suburban residential development area, while the land area south of Highway 196 is considered the open space/farmland preservation, and residential development area.
- Policy 9.3 Residential subdivisions within the primary suburban residential development area shall be encouraged to develop with access to Kansas Road and Spencer Road. Careful site design consideration should be given to subdivisions wanting to locate adjacent to I-135 and, generally, discouraged to locate on land abutting I-135 Highway.
- Policy 9.4 Residential subdivisions may be allowed in the primary residential development area of the I-135 Corridor if all of the following conditions are met.
  1. Roads providing access to the site are capable of handling the additional traffic without causing congestion, or undue deterioration. Subdivisions shall be located with direct access to Kansas Road Spencer Road or other hard surfaced roadway.
  2. Vehicular turning movements onto the site will not cause a significant reduction in highway capacity or represent a traffic safety hazard.
  3. A source of potable water is available in sufficient quantity to meet usage requirements. The county planning staff shall coordinate development review and approval with the affected rural water district and/or bordering city.

- a. Where a public water system is not available, individual residential tract size shall not be less than 5 acres, unless a clustering of dwelling units occurs.
  - b. Development proposals shall be accompanied by certification of adequate water availability.
  - c. Project design of new subdivisions shall include provisions for an eventual distribution system to be connected to an approved public water supply.
  - d. As a condition of subdivision approval, the developer shall agree to commit current and future landowners to connect with a public water supply when a system becomes available.
  - e. All water supply provisions, whether private or public, shall meet the standards of the Kansas Department of Health and Environment.
4. A sewage disposal system is available that can safely treat the anticipated quantity and type of wastewater without causing groundwater or surface water pollution. The county planning staff shall coordinate development review with the bordering city to evaluate local plans for extension of sewer systems.
- a. Utility design shall include adequate provisions for rights-of-way and/or easements to allow construction of utility systems to serve the entire area.
  - b. Layout of utilities and streets rights-of-way shall be designed to allow extension of service to adjacent undeveloped lands and to allow connection of the system to an area-wide system when said system is available.
  - c. All new development shall be required to prepare plans for adequate utility services meeting the bordering city public standards as part of the project review.
  - d. The cost of utility services both on and off-site required to meet the demands of a specific development shall be borne by the developer.
  - e. As a condition of project approval, the developer shall agree to connect the development with the area utility system when available, and shall prepare for this eventuality through appropriate project design and administrative agreement.
5. The planning commission may require a drainage study of the area by a licensed engineer.

6. Provisions are made concerning utilities.
  - a. Design of subdivision shall include adequate rights-of-way and/or easements to assure utility access with provisions for operation and maintenance.
  - b. All utility line routings should follow established public rights-of-way or dedicated utility easements.
  - c. Plans for electric substations, gas value stations and similar utilities within one-quarter mile of I-135 shall include provisions for special screening and/or other visual enhancement. Plans shall be submitted for review and approval by the county prior to construction.
7. The proposed use is compatible with adjacent uses.
8. The preliminary plat is designed to conserve unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, and wetlands, by setting them aside from development. In addition, site design consideration is afforded to preserving historic or cultural features located on the site.
9. The preliminary plat is designed to prohibit lots facing onto county roads or highways with individual lot access or the conventional "ribbon" of lots.

Policy 9.5 Residential housing may be allowed in the "Open Space/Farmland Preservation & Rural Residential Area" of the I-135 corridor subject to a density of one dwelling unit per quarter/quarter (40 acres) or by encouraging clustering in accordance with the provisions of the standards in Policy 4.4.

Policy 9.6 Residential housing in the "Open Space/Farmland Preservation & Rural Residential Area" of the I-135 Corridor shall be discouraged locating adjacent to I-135.

Policy 9.7 All subdivisions shall include landscape buffer zones of a minimum 25' along Kansas Road and Spencer Road.

Policy 9.8 Provisions for pedestrian access and circulation shall be provided in locations where deemed advisable by the county regional planning commission.

## **Topic 10 Commercial & Industrial Development Policies**

Policy 10.1 Urban commercial and industrial development shall not be allowed in the I-135 rural transition area; this class of development should be guided to the 36<sup>th</sup> Street Interchange or within a

defined urban service boundary as identified by the bordering city.

- Policy 10.2 Commercial or industrial uses seeking approval in the urban fringe areas of the I-135 Corridor shall be connected to municipal water and sewer service, seek annexation, and zoning approval from the bordering municipality.
- Policy 10.3 Non-urban commercial or industrial uses may be allowed in the I-135 Corridor rural transition area, subject to the provisions of Policy 5.3.
- Policy 10.4 Preliminary and final plats shall include utility easements to accommodate planned municipal utility extensions and public right-of-way in accordance with the municipal future land use plan/major street plan.
- Policy 10.5 The county regional planning commission shall require buffers and/or open space between agricultural uses and commercial or industrial developments to minimize the negative impacts of one use on the other.
- Policy 10.6 All proposals for urban or non-urban commercial and industrial development in the I-135 Corridor shall be accompanied by site plans.
- Policy 10.7 The size and the number of freestanding pole and building signs shall be restricted to promote visual quality.
- Policy 10.8 Access from individual parcels, tracts, or lots to "Old 81" and other area travelways shall be prohibited. The intent is to cluster commercial and/or industrial uses using internal circulation.

## **Topic 11 Aesthetic Improvement Policies**

- Policy 11.1 Consider the use of site plans or the creation of an overlay district to govern commercial and industrial site design, architectural compatibility, landscaping, and signage.
- Policy 11.2 Ensure that sign regulations protect the corridor from excessive signage and to avoid adverse visual impact.
- Policy 11.3 Special provisions for decorative screening, including architectural and/or landscape features, should be required for residential subdivisions adjacent to a public road or where commercial or industrial development will abut a residential area.

## **Topic 12 Environmental Quality Policies**

- Policy 12.1 Defined 100 floodplain areas should be withheld from development and formally reserved as open green space for low-density recreational use.
- Policy 12.2 A development proposal should include storm water management plans to help assure that downstream properties will not be adversely affected by increased runoff.
- Policy 12.3 All development proposals should include, as part of a plat review or site plan review, consideration of protection of existing hedgerows, woodland habitat, streambeds, ponds, and historic or cultural features.
- Policy 12.4 When a subdivision development is proposed on prime agricultural lands, the county regional planning commission should encourage the clustering of dwellings to preserve a significant portion of the land for continuing agricultural uses.

## ***Equus Beds Aquifer***

The Equus Beds Aquifer is a source of water for multiple users including Harvey County municipalities, rural water districts, farmers, and the City of Wichita. Groundwater supply and the quality of water have been important regional and state planning issues in Harvey County for several decades. The county recognizes the importance of the Equus Beds as a natural resource and intends to play a leadership role in protecting and preserving the quality and quantity of the groundwater. A map showing the location of the Equus Beds Aquifer is on page 73.

### ***Equus Beds Aquifer Goals***

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- Protect the groundwater supply in Harvey County.
- Protect the quality of the groundwater supply in Harvey County.

### ***Key Planning Concepts***

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The role of county government in achieving the above goals is limited. The county can work with the Equus Beds Groundwater Management District No. 2, the State of Kansas, and private landowners, but it has limited regulatory authority to address issues of non-point pollution and water consumption. The principal planning concept advanced in this plan is to prevent inappropriate land uses from locating in areas where they may pose an environmental risk to the Equus Beds.

### ***Implementation***

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#### **Topic 13 Equus Beds Aquifer Policies**

- Policy 13.1 Encourage and coordinate cooperation among public water supply systems and the Equus Beds Groundwater Management District No. 2. Since the Equus Beds Groundwater Management District has "safe yield" regulations that limit water removal and well spacing, public water systems must plan accordingly for future water removal.
- Policy 13.2 Encourage coordination of municipal water use management practices as set forth in the Equus Beds Groundwater Management District No. 2 Management Program.
- Policy 13.3 Encourage rural development in areas with adequate infrastructure for rural water service. The approval process for

new housing developments should take into consideration the feasibility of public water systems to supply water to the location.

Policy 13.4 Establish communication and coordination regarding land use issues with the Equus Beds Groundwater Management District No. 2.

Policy 13.5 County planners should work with Equus Beds Groundwater Management District No. 2 and the Natural Resource Conservation Service to adopt measures that identify and protect especially sensitive groundwater areas within the county. Protection measures may include:

1. Prohibiting construction of septic tanks and lateral systems in areas where depth to water is shallow.
2. Requiring new housing developments of a specific density threshold to have a public sewerage system. This policy will help reduce infiltration of wastewater into the aquifer.
3. Require new housing in urban fringe areas to be connected to municipal water and sewerage system.
4. Prohibiting the construction of landfills over the Equus Beds Aquifer.
5. Development of a wellhead protection plan. According to the Kansas Department of Health and Environment, local governments should develop wellhead protection plans that are guided by the state-approved wellhead protection program. Options available to local governments for wellhead protection include voluntary measures, educational programs, financial incentives, or regulatory measures.
6. Encouraging implementation of "best management practices" similar to those used by the North Fork-Ninnescah Watershed Water Quality Project in Reno County. This organization takes advantage of several federally and locally funded programs that reduce non-point source pollution.

Policy 13.6 Amend the subdivision regulations to require stream buffers or provide incentives that preserve existing riparian buffers.

Policy 13.7 Adopt appropriate land use controls to minimize inappropriate development in critical areas of the Equus Beds. This could include an "Aquifer Area Overlay Zone"

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