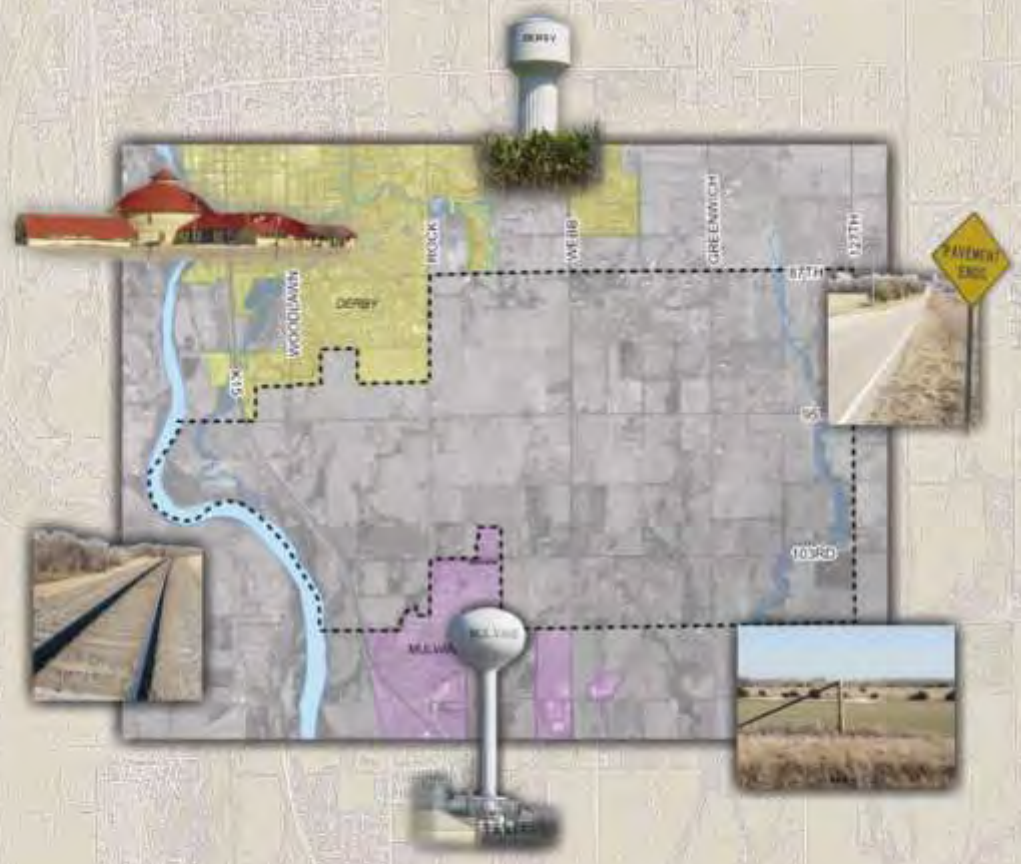
Derby-Mulvane Joint Area Plan

APPENDICIES

2009-2030



DRAFT
MONTH YEAR

Derby-Mulvane Joint Area Plan Appendices

The Derby-Mulvane Joint Area Plan Appendices contain three reports and two categories of example documents (listed below). The three reports were developed for review and comment by the Steering Committee to provide information and explore issues in-depth. The Steering Committee reviewed and provided feedback for all of the materials contained within the appendices. Each of the documents was prepared at a specific point in time, and reflects the best information available at the time. These documents should be reviewed as building blocks to the Derby-Mulvane Joint Area Plan or examples for implementation of the Plan.

Appendix A: Existing Conditions

The Derby-Mulvane Joint Area Plan Existing Conditions Report inventories the existing conditions of the Derby-Mulvane Joint Area Plan area. The existing conditions inventoried range from natural, to man-made structures, to population demographics are contained within this report. The majority of the Existing Conditions Report was completed during the summer of 2009. Minor updates to elements of this report were made throughout the Derby-Mulvane Joint Area Plan development process.

Appendix B: Future Urban Growth Estimates Report

The Derby-Mulvane Joint Area Plan Future Urban Growth Estimates Report reviews the Derby and Mulvane comprehensive plans allocations for future urban growth in the Derby-Mulvane Plan area; provides estimates for future residential and commercial growth; and compares the allocations to the residential growth projections.

Appendix C: Large-lot Residential Subdivisions Report

The creation of large lot residential subdivisions outside the city limits but within the urban growth area can impede the ability of Derby and Mulvane to provide efficient and effective services within their respective long-term urban growth areas. This report provides a brief overview of the current regulatory environment that influences the development of large lot residential subdivisions in the Derby-Mulvane Joint Area Plan area, problems that can result, and potential regulatory changes to help prevent them.

Appendix D: Kansas Local Government Agreement Examples

This appendix contains examples of written agreements between local governments in Kansas. These are provided as a resource for review as an example for Derby and Mulvane when considering the development of a written agreement of future municipal boundaries for endorsement by their city councils.

Appendix E: Derby and Mulvane Written Agreement Example

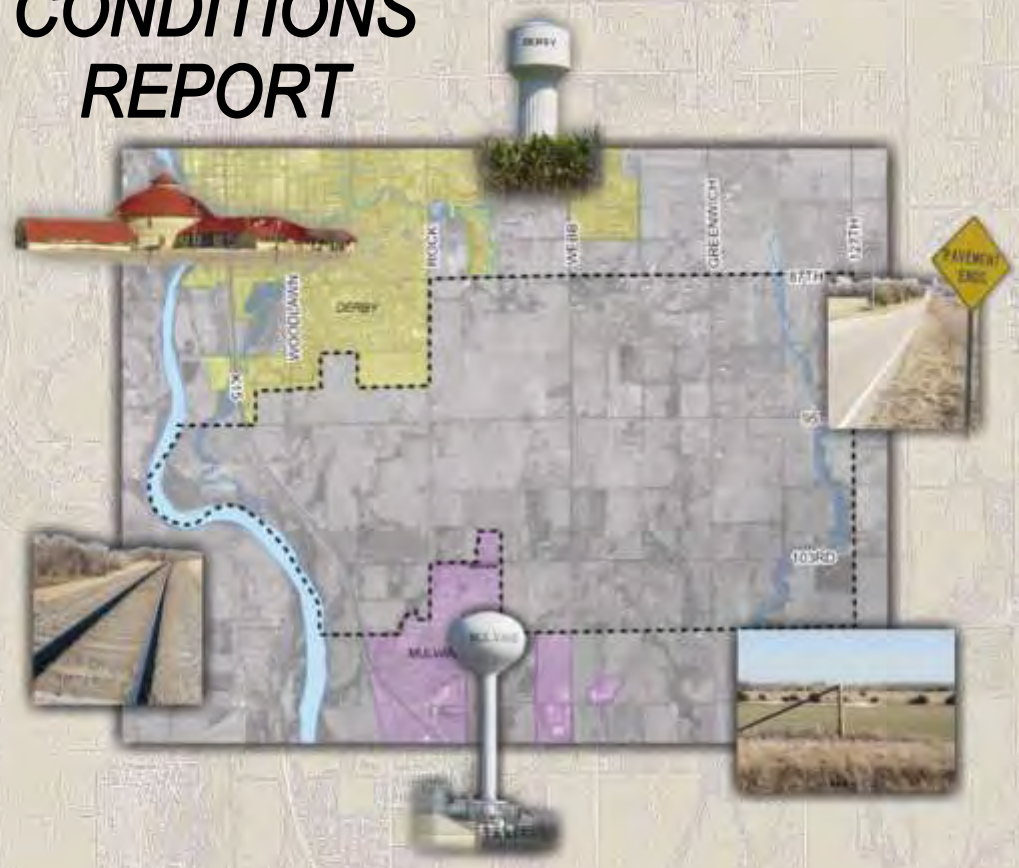
It is recommended that the Derby and Mulvane city councils endorse the following written agreement identifying future municipal boundaries for a limited duration of time.

DRAFT

DERBY-MULVANE JOINT AREA PLAN

2009-2030

EXISTING CONDITIONS REPORT



DRAFT
MONTH YEAR

7/15/2009

Contents

Existing Conditions 6
1.1 Natural Features 6
A. Stormwater Drainage 6
B. Flooding 6
C. Topography 7
D. Prime Agricultural Land 7
E. Broad Land use Considerations Based on Soil Types 7
F. Species Habitat 7
1.2 Other Features 14
A. Historic Sites and Resources 14
B. Towers 14
1.3 Property Use and Configurations 14
A. Existing Land Use 14
B. Land Ownership Patterns 14
C. Subdivision 15
D. Zoning 15
E. Comprehensive Plans 15
1.4 Emergency Services 27
A. Law Enforcement 27
B. Fire Protection and Medical First Response 27
C. Paramedic and Medical Transport 28
D. Storm Warning System 29
1.5 Water and Sewer 32
A. Rural Water District 32
B. City of Derby Water and Sewer Services 32
C. City of Mulvane Water and Sewer Services 32
D. Public Wholesale Water Supply District 32
1.6 Gas and Electric 33
A. Gas 33
B. Electric 33
1.7 Educational 42

A. Unified School Districts 42
B. Libraries 42
1.8 Parks Recreation and Open Space 42
A. Parks 42
B. Arkansas River Corridor Access Plan 44
1.9 Transportation Infrastructure 53
A. Roadways 53
B. Bridges 53
C. Transit 54
D. Bicycle Facilities 54
E. Airports 54
F. Railroads 54

Map 1: MAPD Estimated Drainage Areas 9
Map 2: FEMA Flood Zones 10
Map 3: Topography 11
Map 4: Prime Farmland 12
Map 5: Septic Drainage Limitations 13
Map 6: Estimated Round Barn Environs 17
Map 7: Existing Land Use 18
Map 8: Property Ownership 19
Map 9: Plan Area Zoning 21
Map 10: Zoning Areas of Influence 22
Map 11: Future Growth Areas 23
Map 12: Derby Growth Areas 24
Map 13: Derby Future Land Use 25
Map 14: Mulvane Future Land Use and Functional Street System 26
Map 15: MAPD Estimated Drive Time From Stations to the Plan Area 30
Map 16: Emergency Siren Coverage 31
Map 17: Plan Area Rural Water Districts 34
Map 18: City of Derby Water Contract Service Area 35
Map 19: Derby Sanitary Sewer System 36
Map 20: Derby Water System 37
Map 21: City of Mulvane Potable Water System 38
Map 22: City of Mulvane Sanitary Sewer System 39
Map 23: Plan Area Existing Gas Service Lines 40

Map 24: Plan Area Electric Service Areas 41
Map 25: Plan Area School District Boundaries 45
Map 26: Plan Area Municipal Library Locations 46
Map 27: Plan Area and Derby Neighborhood Park Service Areas 47
Map 28: Plan Area and Derby Community Park Service Areas 48
Map 29: Plan Area and Derby Regional Park Service Areas 49
Map 30: Plan Area and Mulvane Neighborhood Park Service Areas 50
Map 31: Plan Area and Mulvane Community Park Service Areas 51
Map 32: Plan Area with Potential and Possible Parks and Estimated Service Areas 52
Map 33: Plan Area Roadway Functional Classification 56
Map 34: WAMPO SATS Recommendation Map 57
Map 35: Plan Area Bridges 58
Map 36: Plan Area Existing and Proposed Bicycle Pathways 59
Map 37: WAMPO Map of Regional Railroads 60
Map 38: WAMPO Trains Per Day 61

Existing Conditions

The Derby-Mulvane Joint Area Plan Existing Conditions Report inventories the existing conditions of the Derby-Mulvane Joint Area Plan area. The existing conditions inventoried range from natural, to man-made structures, to population demographics. The majority of the Existing Conditions Report was completed during the summer of 2009. Minor updates to elements of this report were made throughout the Derby-Mulvane Joint Area Plan development process.

1.1 Natural Features

A. Stormwater Drainage

Stormwater flows to the Arkansas River through drainage basins, which are defined by higher elevation ridge lines. The drainage basins in the planning area primarily impact the development of sanitary sewer and storm sewer drainage systems. If a sanitary sewer line must cross a ridge line, the sewer may need to be pumped or forced over the ridge line. Lift stations and force mains add construction and design costs to the project and create future maintenance operation concerns.

Stormwater in the planning area generally drains to three water ways the Spring Creek, Dog Creek, and Styx Creek. Approximately less than 14 percent of the plan area drains north to the Spring Creek, with the remaining 85 percent draining south to the Styx or Dog Creek. The portion that drains to the Spring Creek is generally located in the northwest portion of the plan area. Refer to Map 1: MAPD Estimated Drainage Areas.

Sedgwick County and the City of Wichita are currently conducting a study of the drainage basins in the County. A draft of the study is anticipated to be completed in June of 2009. The study will more accurately identify the drainage basins and elevations.

Property owners are responsible for the maintenance of the majority of streams that provide the stormwater drainage for the majority of the plan area. The local governments are responsible only for maintaining the waterways that are within the public rights-of-way, such as roadside ditches. The maintenance of the streams and waterways is critical to the stormwater drainage of the plan area. A lack of maintenance by property owners, such as not clearing debris in a drainage channel, can result in flooding.

B. Flooding

Even with proper drainage systems and maintenance, excessive amounts of rain will cause flooding in the plan area. The local governments of Derby, Mulvane and Sedgwick County all participate in the National Flood Insurance Program and have adopted the revised/updated FEMA Flood Insurance Rate Maps effective February 2, 2007. The FEMA maps show the calculated water levels of a 100 year flood event, where the odds of a flood reaching the delineated 100 year flood level calculated by FEMA is 1 percent in a given year. Refer to Map 2: FEMA Flood Zones.

Using the FEMA maps and the Sedgwick County Geographic Information System (GIS), we are able to estimate the number of properties that would be impacted by floods of varying magnitudes. Within the plan area, approximately 86 properties have a portion within (intersect) the 100-year floodplain. The parcels contain approximately 3,599 acres or 51 percent of the plan area. Only 857 acres of those properties are within the 500 or 100 year floodplain. However, improvement values are only available at the parcel level. The value of the improvements on the properties/parcels with a portion within the floodplain areas is appraised by the County appraiser at approximately $4.5 million. The size of the properties impacted by the 100 year floodplain varies from less than an acre, to more than 195 acres, with an average size of 42 acres. A more in depth analysis would be required to determine the amount of improvements at risk of flooding within the 100 year floodplain.

C. Topography

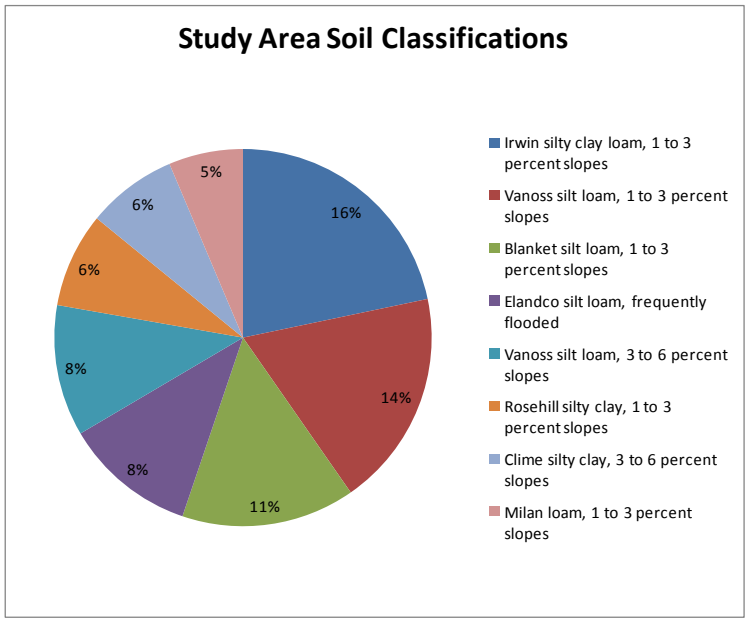
The plan area topography generally consists of rolling hills with gradual elevation changes. Multiple small channels exist in the plan area, generally decreasing in elevation as they move from north to south. The western most portion of the plan area contains areas with the most dramatic elevation changes, with elevations decreasing towards the Arkansas River. Refer to Map 3: Topography.

D. Prime Agricultural Land

The USDA Soil Conservation Service, "Soil Survey of Sedgwick County, Kansas," identifies approximately 82 percent of the plan area as prime farmland. Refer to Map 4: Prime Farmland.

E. Broad Land use Considerations Based on Soil Types

In general, the majority of the plan area contains soils that present moderate or severe limitations for building development. The difficulty associated with development is due to the shrink-swell and low strength of the soils, as described in the 1979 Soil Survey of Sedgwick County, Kansas. The majority of the plan area soils also pose severe difficulties or limitations with utilization for septic systems. Those soils within the plan area that are best suited for septic systems are generally located east of K-15 and west of Webb Road. Refer to Map 5: Septic Drainage Limitations.



F. Species Habitat

The plan area may include habitat for four threatened animal species: Whooping Crane; Arkansas River Shiner, Least Turn, and Arkansas Speckled Chub. Each of these species is provided government protection.

The Whooping Crane is listed as an endangered species by both the Federal government and State of Kansas. This bird species migrates throughout western and central Kansas, generally from March- April and October-November. It prefers areas of wetlands, open fields, and grasslands in areas of low relieve with short vegetation.

The Arkansas Shiner is a federally threatened species and is listed as an endangered species by the State of Kansas. This small minnow fish is a year round resident that prefers shallow braided sand-bottom streams. This species formerly occurred throughout the Arkansas River basin and may now be extirpated or occurs in very low numbers in flowing reaches of the Arkansas River in Oklahoma.

The Least Turn is a listed as an endangered species by both the Federal government and the State of Kansas. This bird species requires barren to sparsely vegetated sandbars along rivers; sand and gravel pits; lakes and reservoir shorelines.

The Arkansas Speckled Chub is not listed as a threatened or endangered species with the Federal government. However, it is listed as an endangered species by the State of Kansas and is a candidate species for Federal listing. This fish is a year round resident that inhabits clear vegetated wetlands and spring-fed pools in the Arkansas River and its tributaries.

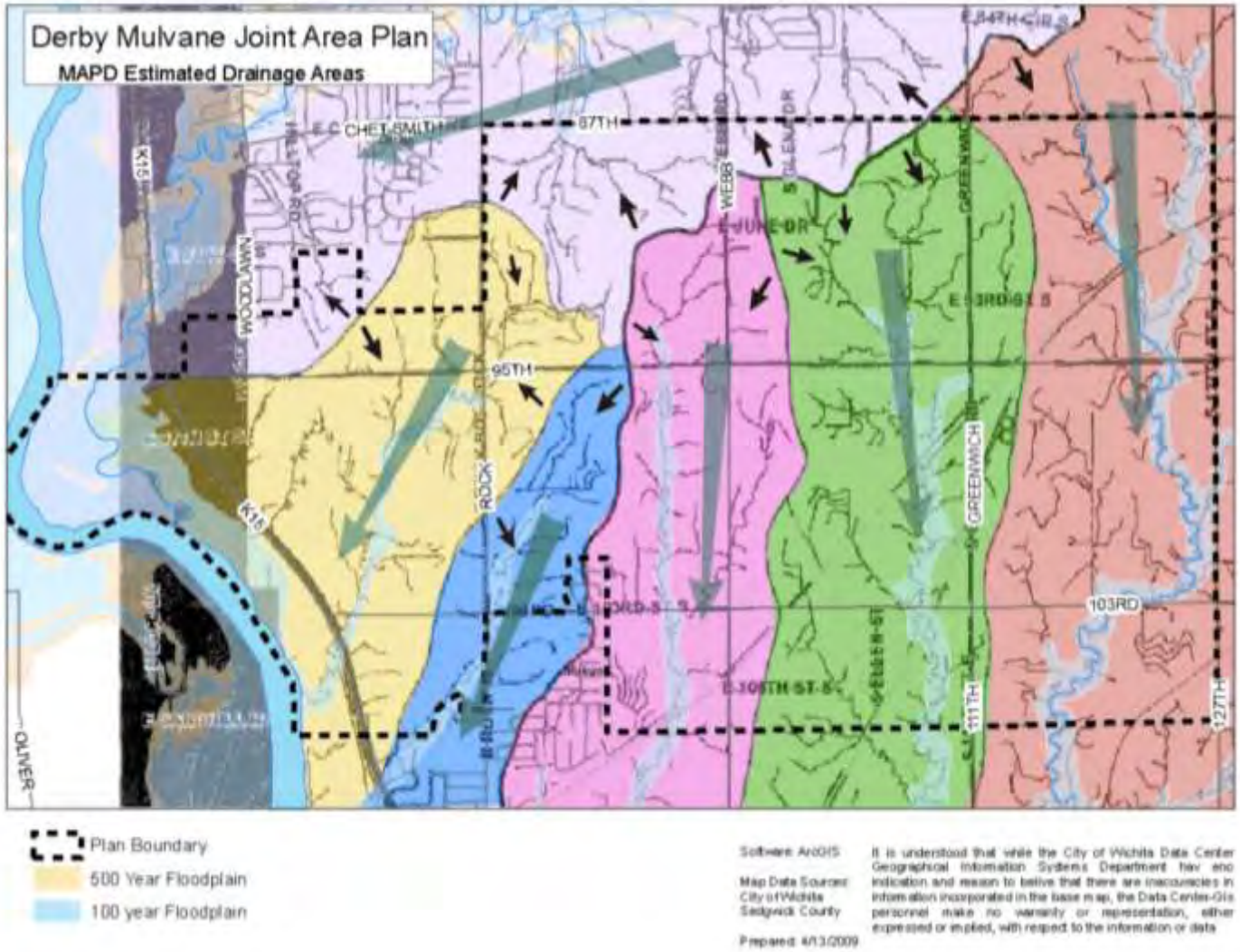
The key to protecting the species listed above, is to protect the habitat they depend on. Both the State of Kansas and the Federal government have legislation in place to protect the habitat of threatened and endangered species. These regulations can impact development within the plan area.

The State of Kansas Nongame and Endangered Species Conservation Act of 1975 requires any publicly funded action to apply for an Action Permit from KDWP for any actions that involve physical alteration or disturbance of habitat for species listed by the State of Kansas as threatened or endangered. The U.S. Endangered Species Act of 1973 prohibits activities that will affect threatened and endangered species, unless authorized by a permit from the U.S. Fish and Wildlife Service. These regulations may affect projects that impact the Arkansas River, and other properties indicated as habitat for the bird species listed above – depending on the time of year.

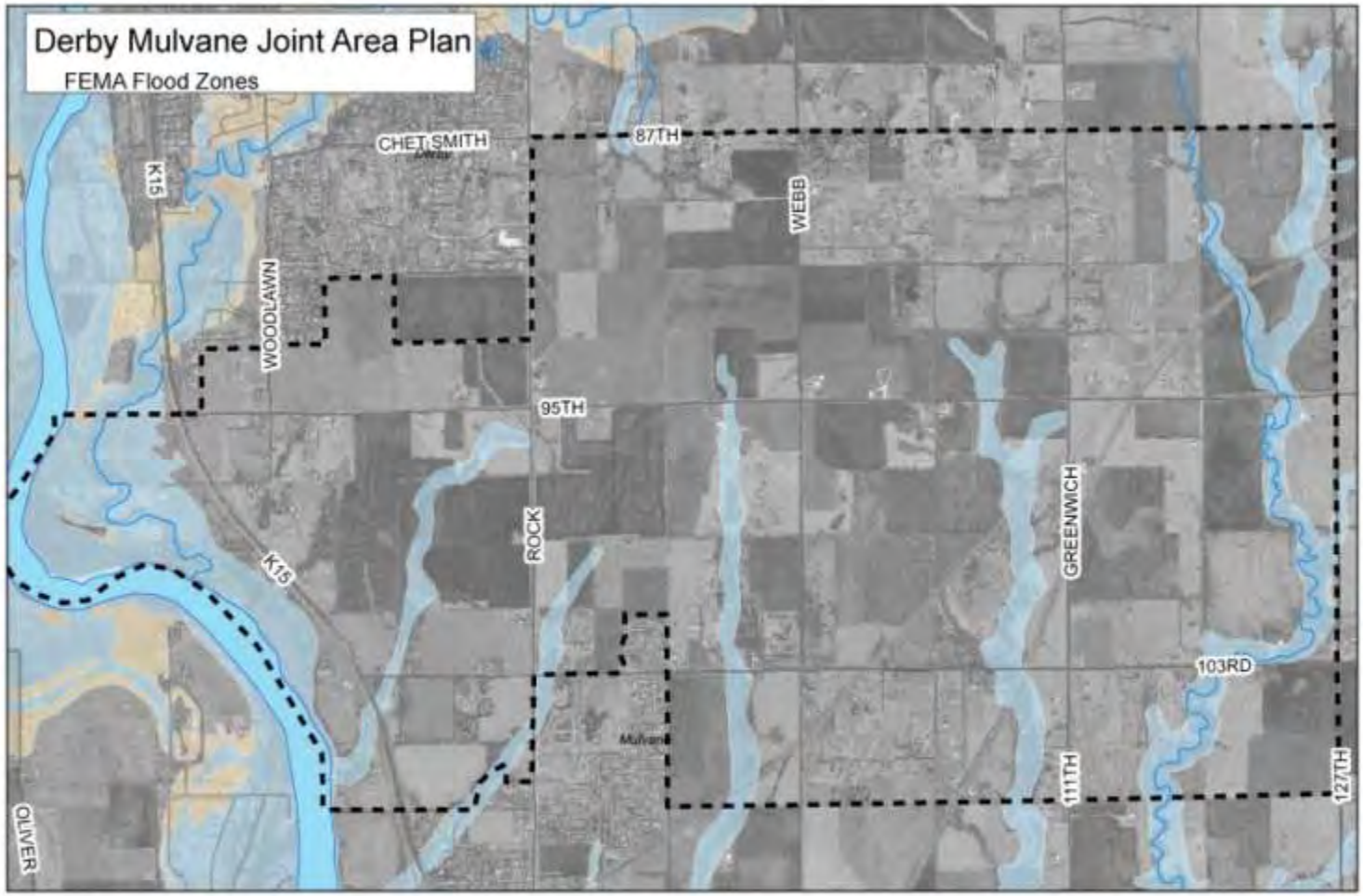
The Great Plains Nature Center staff scanned aerial photos of the plan area and suggest that the wooded riparian areas near the river and prairie tracts on the eastside of the plan area may be important habitat areas. The streams in the southern portion of the plan area may also be worth investigating. More analysis of the area, including field visits, would need to be completed before more conclusive findings can be made.

The U.S. Fish and Wildlife Service staff recommends the development and implementation of riparian/stream buffer setback ordinances and a stormwater management plan. These tools will help to protect development from flooding; preserve species habitat; improve water quality; and to connect habitat areas.

Map 1: MAPD Estimated Drainage Areas



Map 2: FEMA Flood Zones



Plan Boundary
500 Year Floodplain
100 year Floodplain

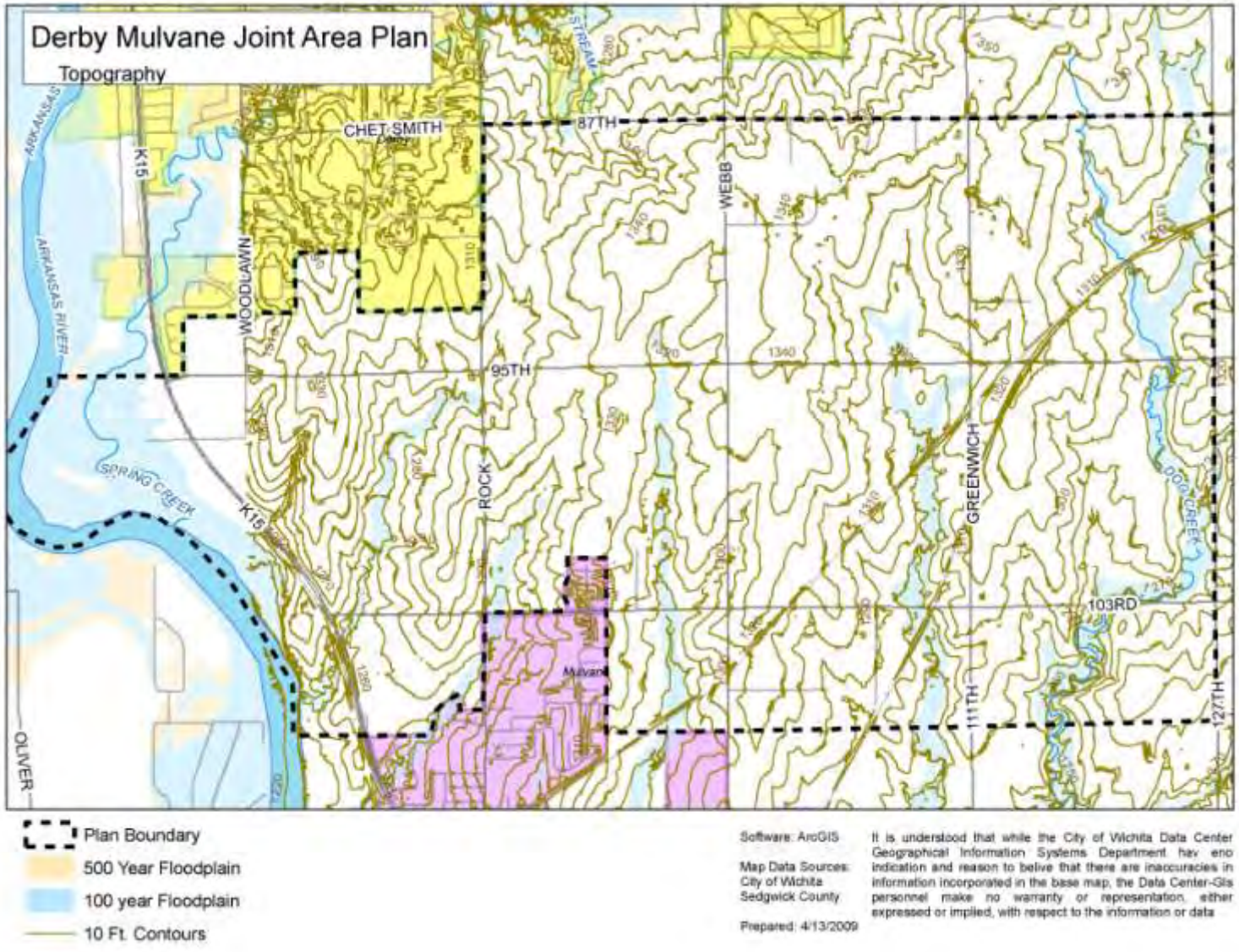
Software: ArcGIS

Map Data Sources:
City of Wichita
Sedgwick County

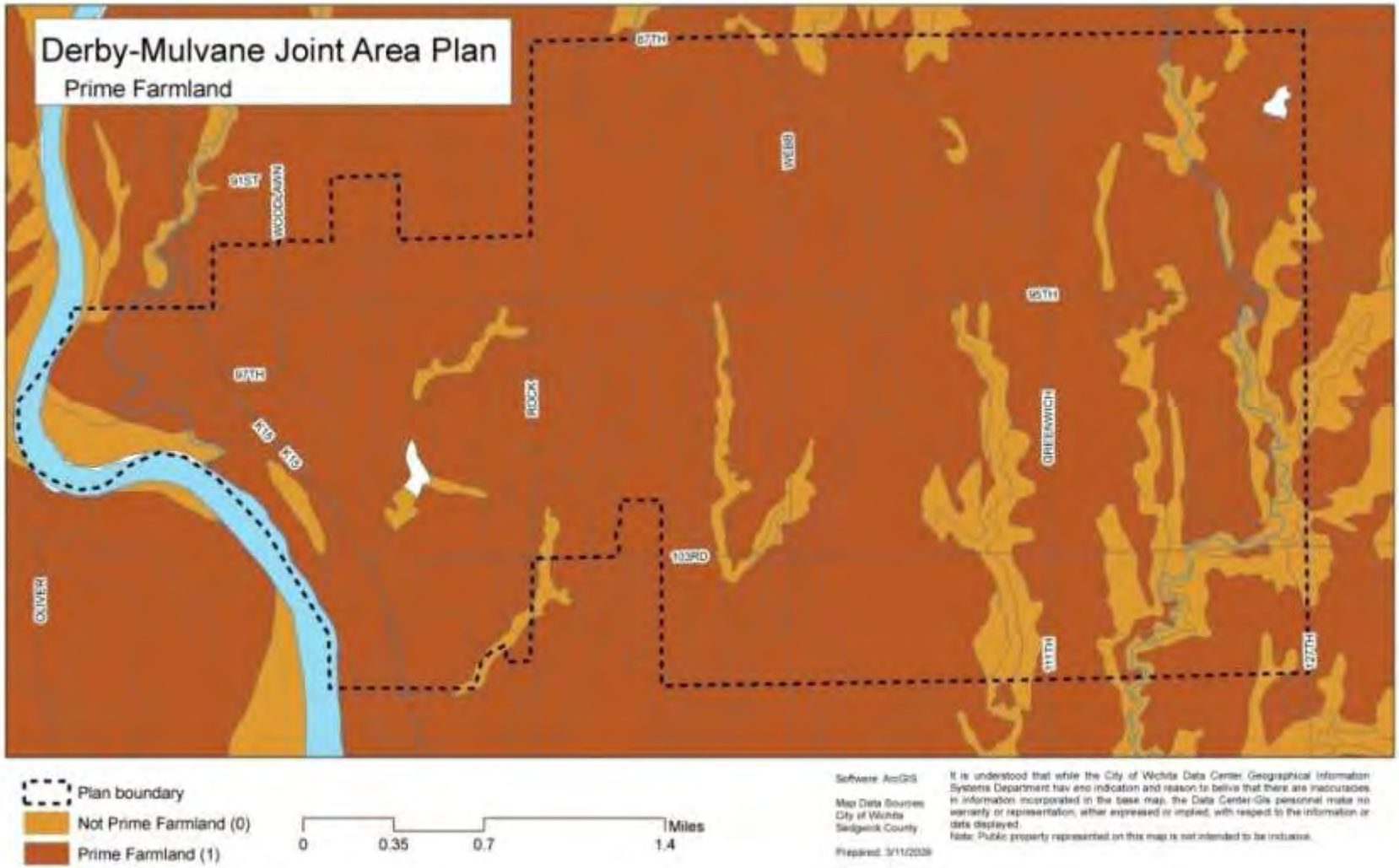
Prepared: 4/13/2009

It is understood that while the City of Wichita Data Center Geographical Information Systems Department hav eno indication and reason to belive that there are inaccuracies in information incorporated in the base map, the Data Center-Gis personnel make no warranty or representation, either expressed or implied, with respect to the information or data

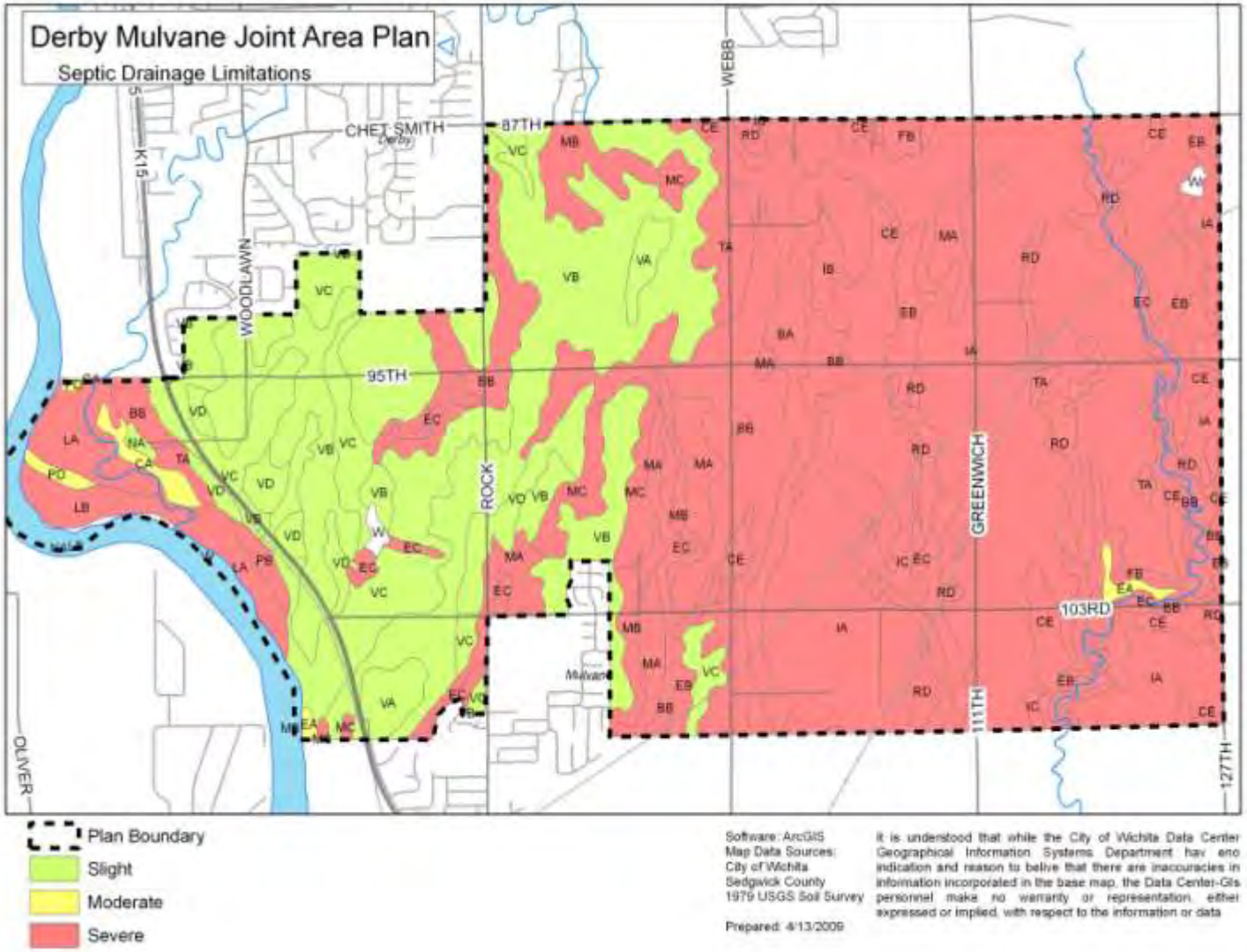
Map 3: Topography



Map 4: Prime Farmland



Map 5: Septic Drainage Limitations



1.2 Other Features

A. Historic Sites and Resources

A search of the online Kansas State Historical Society database did not show any eligible or listed structures within the plan area. The Wichita Office of Historic Preservation staff have identified the round barn northwest of the intersection at 95th and Woodlawn as a potential place for listing on the State and National registers of historic places. An article from the Derby Informer indicates that the owners are pursuing listing on both the State and National registers[i].

If the site is registered, then surrounding properties within the historic environs area will need review by the State Historic Preservation Officer and local governing body. The State of Kansas defines the environs area as the following: the area within 500 feet of the property, for those located within city limits; or the area within 1,000 feet of the property, for those located outside city limits. The estimated environs of the round barn would be located in the northwest portion of the plan area. Refer to Map 6: Estimated Round Barn Environs.

B. Towers

Two towers are located within the plan area. A cell tower is located near the southeast corner of 87th and Rock Road. A second cell tower is located southeast of the intersection of 95th and Woodlawn.

1.3 Property Use and Configurations

A. Existing Land Use

The plan area contains approximately 7,016 acres (or 11 square miles) of land. Using information about the land use of parcels (not including lands utilized for transportation and rights-of-way) we find that the majority of the plan area (78 percent) is currently utilized for agricultural uses. The second most common type of land use is for residences (11%). The third largest category was unknown, meaning that the Sedgwick County Assessor's Office did not have land use information available. However, a review of the GIS aerial images from 2006 indicates that these properties are most likely in agricultural use. Refer to Map 7: Existing Land Use.

Land Use Description	Acres	Percentage
Agricultural	4,452.5	77.8%
Cemetary	39.4	0.7%
Residential	644.1	11.2%
Unkown	582.9	10.2%
Utility / Transportation	2.5	0.0%
Veterinary	4.4	0.1%
Total	5,725.9	100.0%

B. Land Ownership Patterns

The Sedgwick County data shows that the top 20 private land owners by amount of acreage, own approximately 58 percent of the property in the plan area. The properties owned by the top 10 land owners by amount of acres are distributed throughout the plan area. Refer to Map 8: Property Ownership.

C. Subdivision

The Wichita-Sedgwick County Subdivision Regulations provides the cities of Derby and Mulvane the authority to regulate subdivision activity in specified areas outside their municipal boundaries. Within the defined areas, the municipalities have the ability to regulate and approve/deny all subdivision activities. The plan area is generally split between the Derby and Mulvane Extraterritorial Subdivision Regulation Authority Areas from the western boundaries of the plan area along the Ark River to Woodlawn; then north to 95th Street South; then east to 127th Street East.

Approximately 8 percent of the plan area has been subdivided among 15 subdivisions. The majority of the subdivisions (47 percent by number) occurred in the 1990's. The oldest subdivision, Mulberry Hill Addition, was subdivided in 1971. The most recent subdivisions (Harkness Addition and Humbolt Addition) occurred December, 2005. Approximately 93 percent of the parcels within the plan area subdivisions have been developed, with the majority (89 percent) developed for residential uses.

D. Zoning

More than 99 percent of the plan area is zoned "RR" Rural Residential. The City of Derby and the City of Mulvane control the zoning of the properties within their city limits. The unincorporated areas of Sedgwick County are zoned by the County.

The City of Mulvane's Zoning Area of Influence covers the majority of the plan area, including all areas east of Woodlawn Boulevard, south of 95th Street and west of 127thStreet. The City of Derby's Zoning Area of Influence includes all other areas within the Derby-Mulvane Joint Area Plan boundaries (north of 95th Street and west of Woodlawn Boulevard. Refer to Map 11: Zoning Areas of Influence.

E. Comprehensive Plans

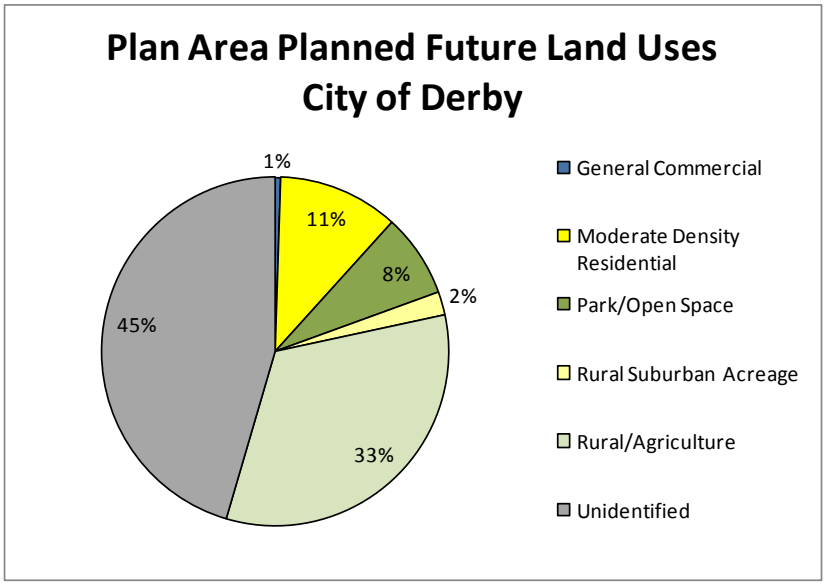
Comprehensive Plans are developed and adopted by local governments to indicate the preferred future development of the community. All three local governments, the City of Derby, City of Mulvane, and Sedgwick County, have adopted comprehensive plans. Each of the plans includes at least a portion of the plan area and generally identify both the future growth areas and future land uses.

In 2005 Sedgwick County adopted the Wichita and Small Cities 2030 Urban Growth Areas map as an amendment to the Wichita-Sedgwick County Comprehensive Plan. This map illustrates estimated future growth area of municipalities within Sedgwick County by the year 2030. The City of Derby and the City of Mulvane urban growth areas extend into the Derby-Mulvane Joint Area Plan boundaries. The City of Derby's urban growth area generally includes the northeast portions of the plan area, while the City of Mulvane's urban growth area generally includes the south central portions of the plan area. The two growth areas do not overlap and have a separation of approximately a half mile at the narrowest point. Refer to Map 12: Future Growth Areas.

The Wichita-Sedgwick County Comprehensive Plan (Updated 2009) does not recommend specific land uses for the properties within the Derby-Mulvane Joint Area plan boundaries.

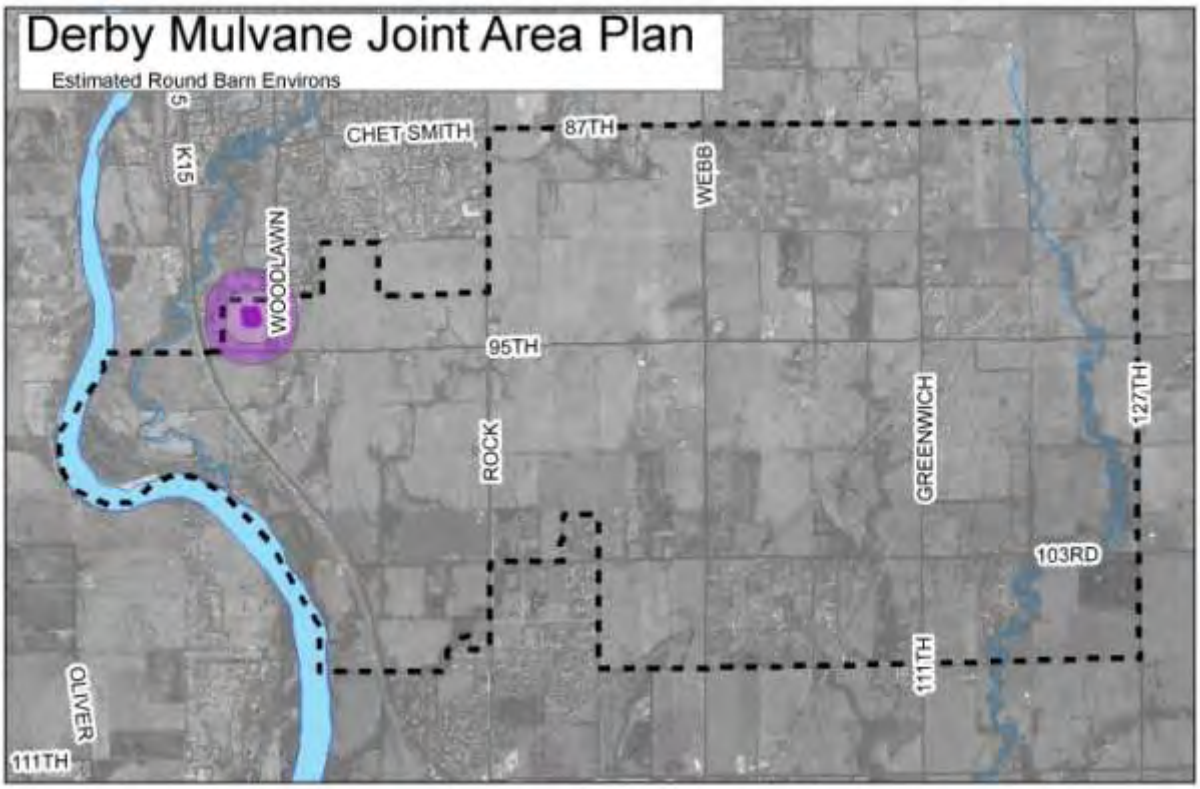
The Derby Comprehensive Plan identifies future land uses for approximately 55 percent of the plan area. The majority of area would be utilized for rural/agricultural land uses (33%), generally located furthest

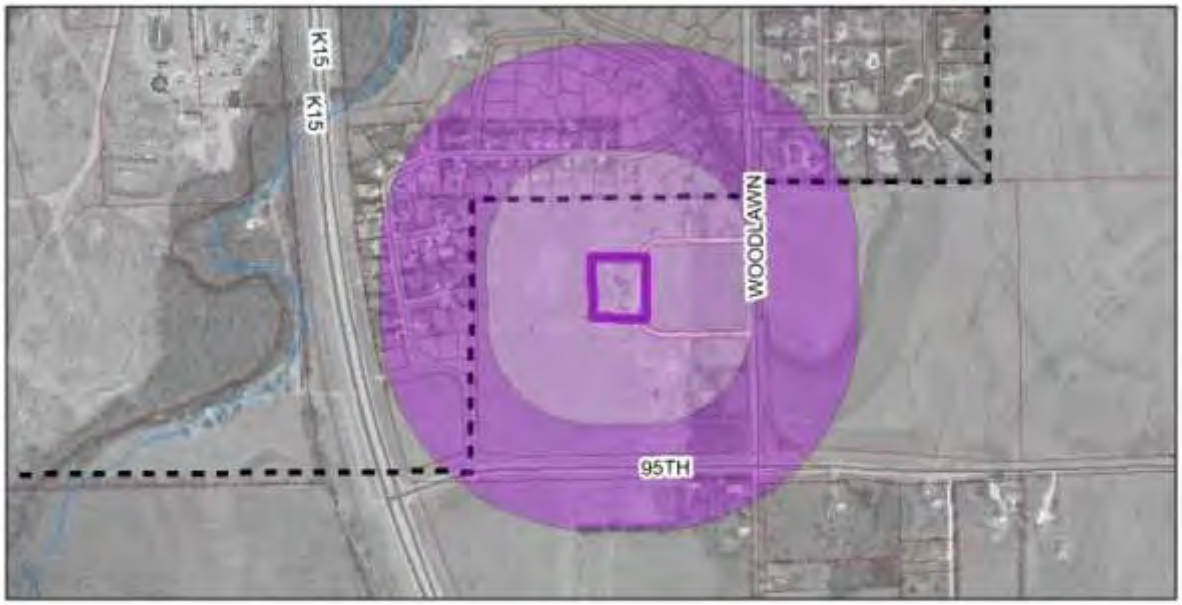
away from the existing Derby city limits. The Medium Density Residential (11%), General Commercial (1%), and Rural Suburban (2%) land uses would be located adjacent or near the existing Derby city limits. The Park/Open Space (8%) use areas are generally located within the 100 year floodplain and west of K-15. Refer to Map 13: Derby Growth Areas and Map 14: Derby Future Land Use.



The Mulvane Comprehensive Plan identifies future land uses for approximately 3 percent of the plan area. The majority of the planned area is for Single-Family Residential (2.5%). The remaining portion is planned for Commercial land use (.5 percent) along Rock Road and 103rd Street South. Refer to Map 15: Mulvane Future Land Use and Functional Street System.

Map 6: Estimated Round Barn Environs





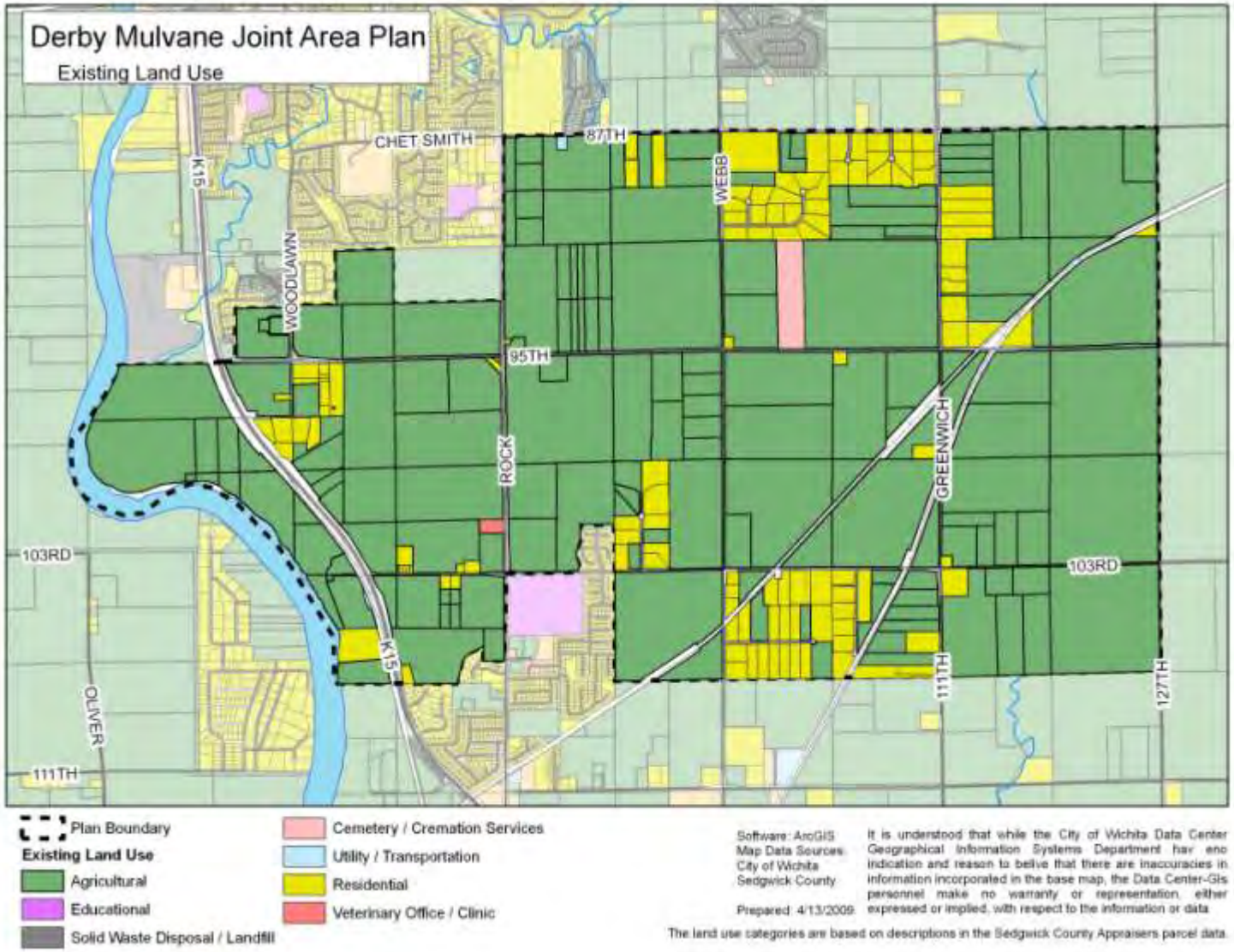
Plan Boundary
Round Barn Property Boundaries

Estimated Round Barn Historic Environs
distance
500
1000

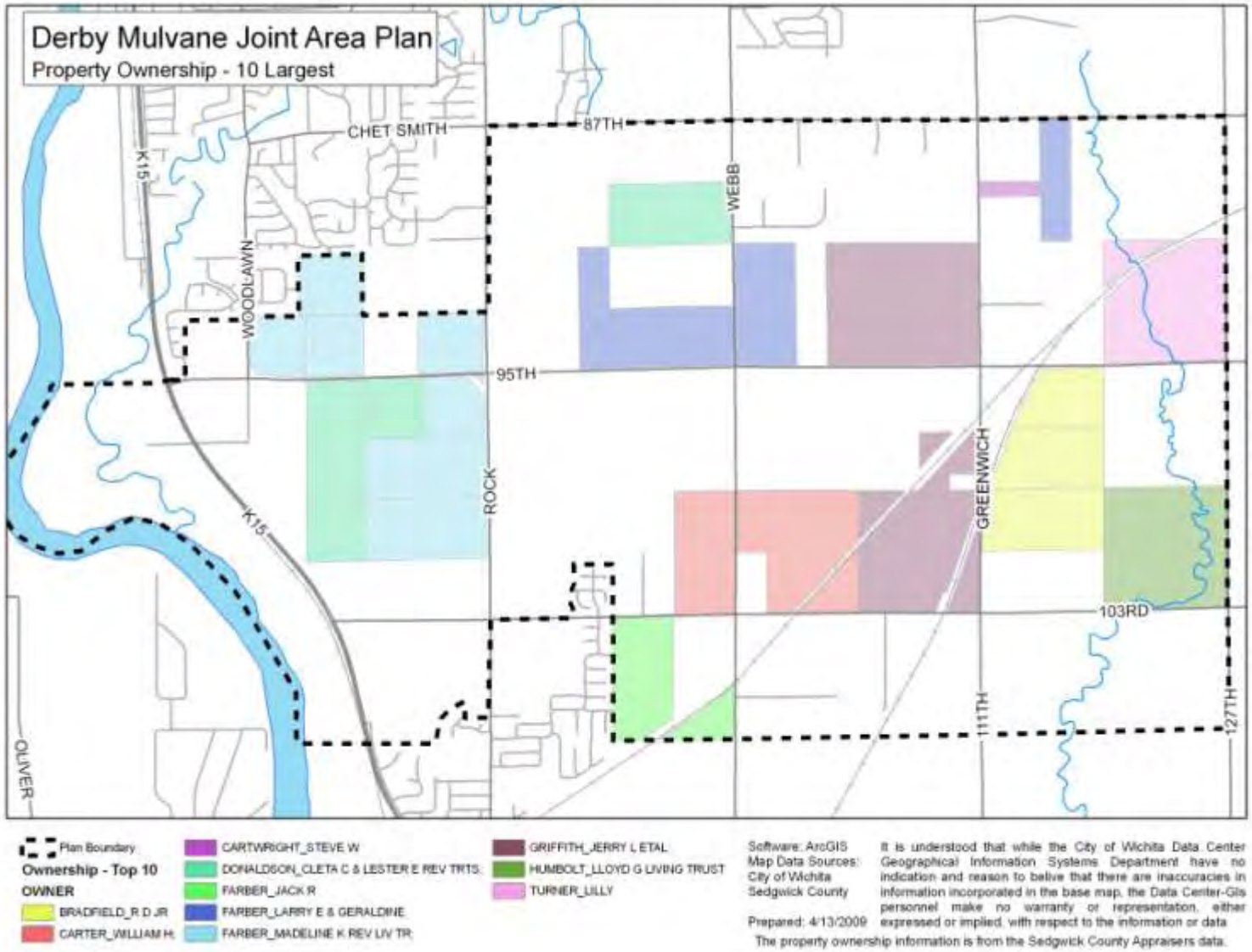
Software: ArcGIS
Map Data Sources
City of Wichita
Sedgwick County
Prepared: 5/8/2009

It is understood that while the City of Wichita Data Center Geographical Information Systems Department hav eno indication and reason to belive that there are inaccuracies in information

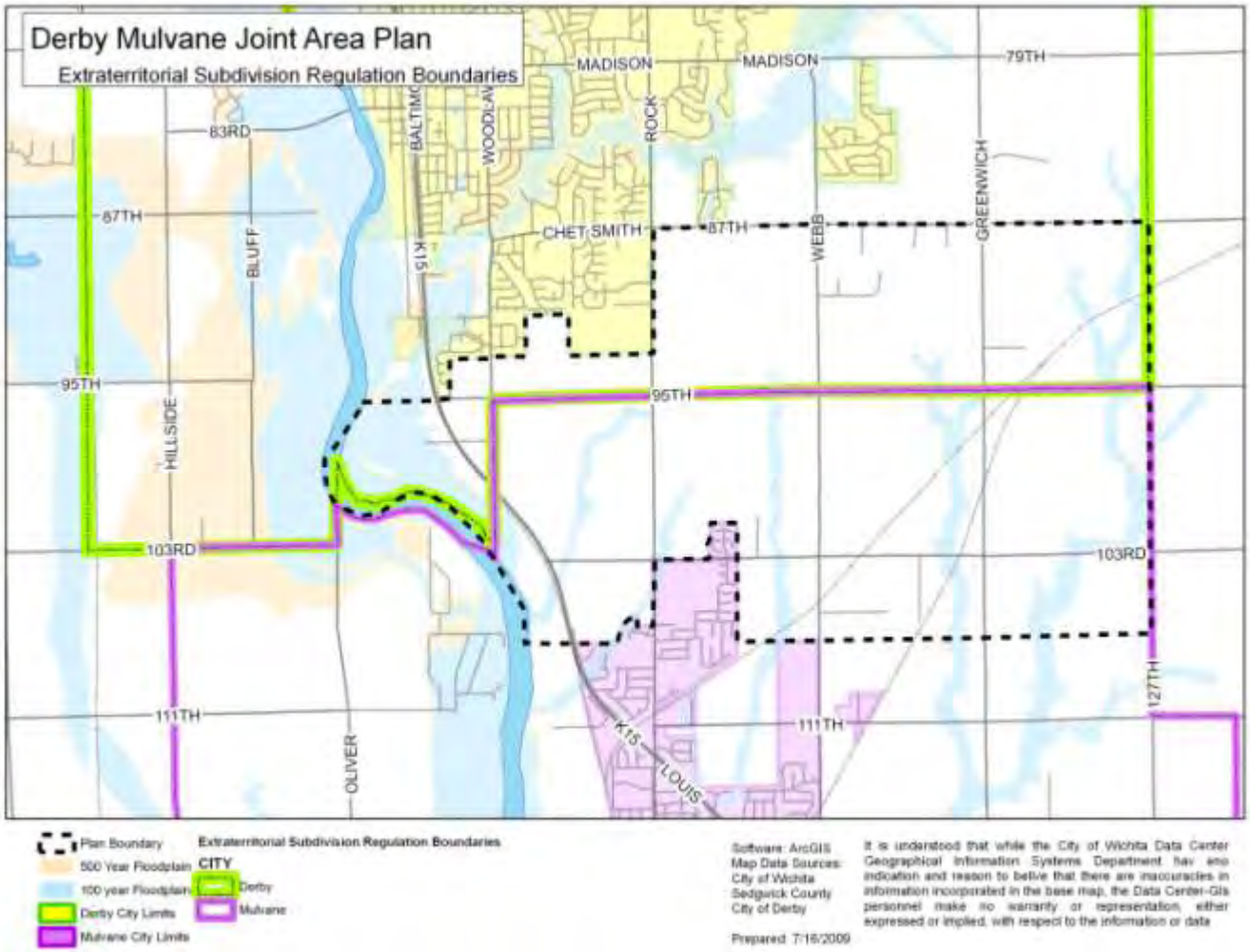
Map 7: Existing Land Use



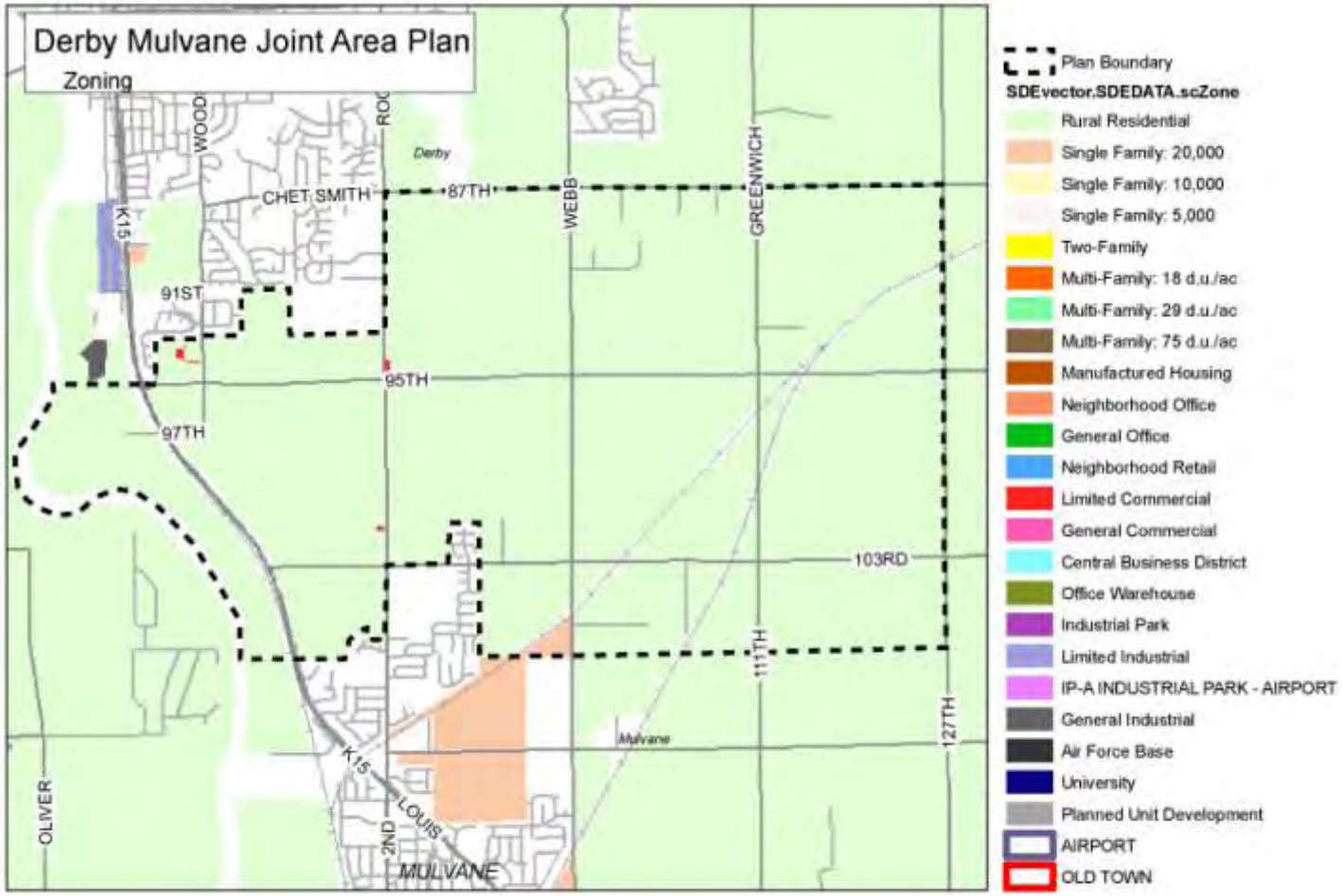
Map 8: Property Ownership



Map 9: Extraterritorial Subdivision Regulation Boundaries



Map 10: Plan Area Zoning



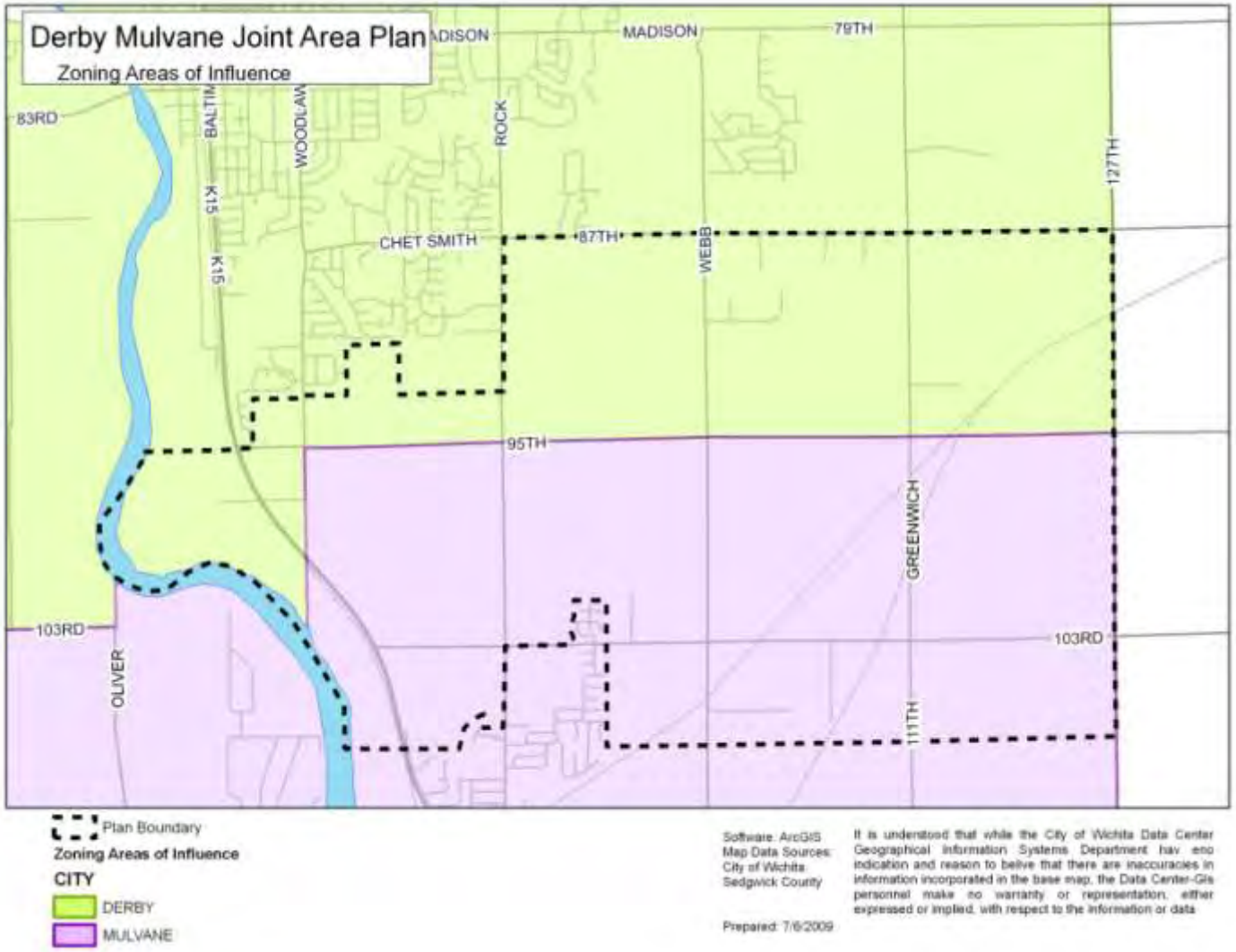
Software: ArcGIS

Map Data Sources:
City of Wichita
Sedgwick County

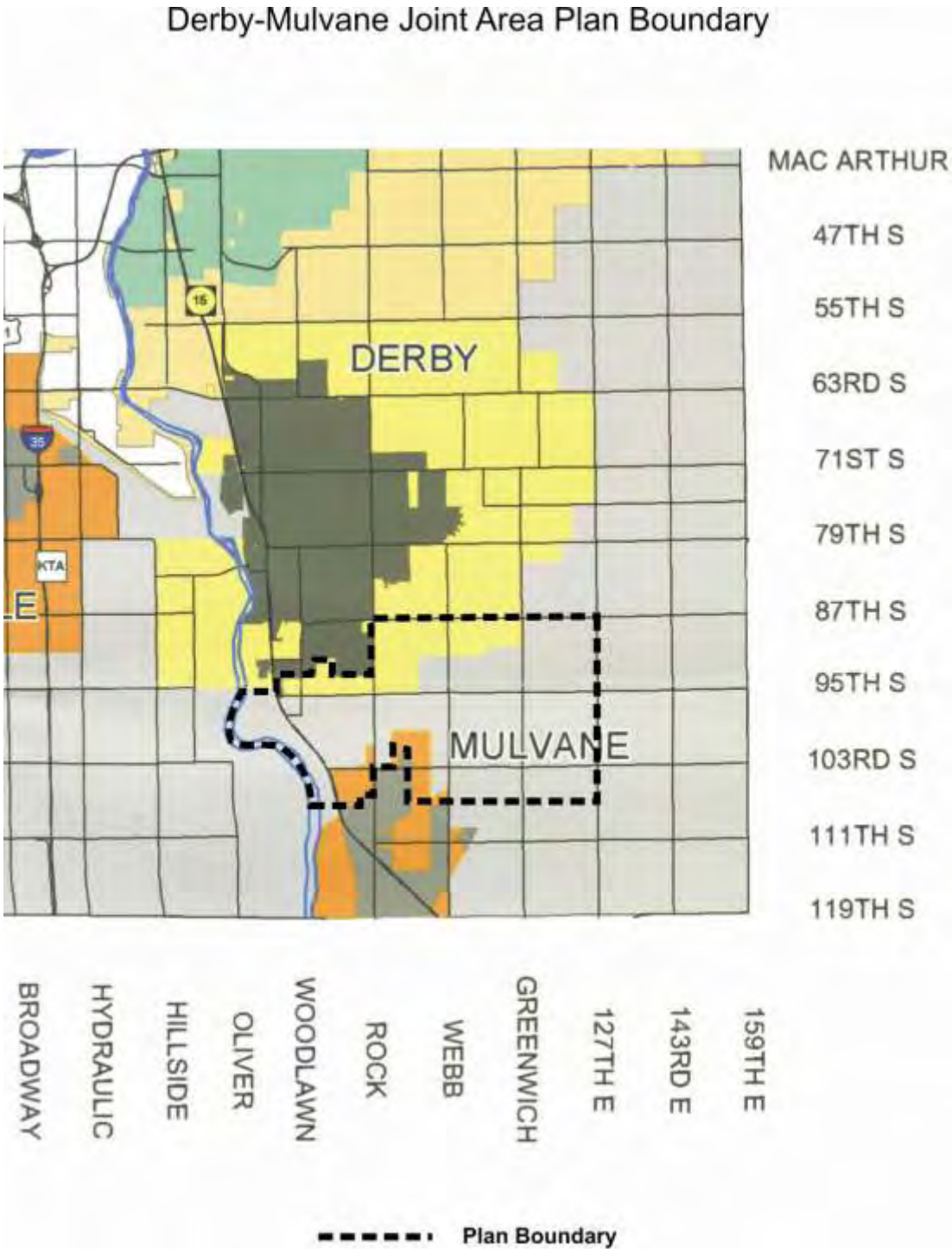
Prepared: 4/13/2009

It is understood that while the City of Wichita Data Center Geographical Information Systems Department hav eno indication and reason to belive that there are inaccuracies in information incorporated in the base map, the Data Center-Gis personnel make no warranty or representation, either expressed or implied, with respect to the information or data

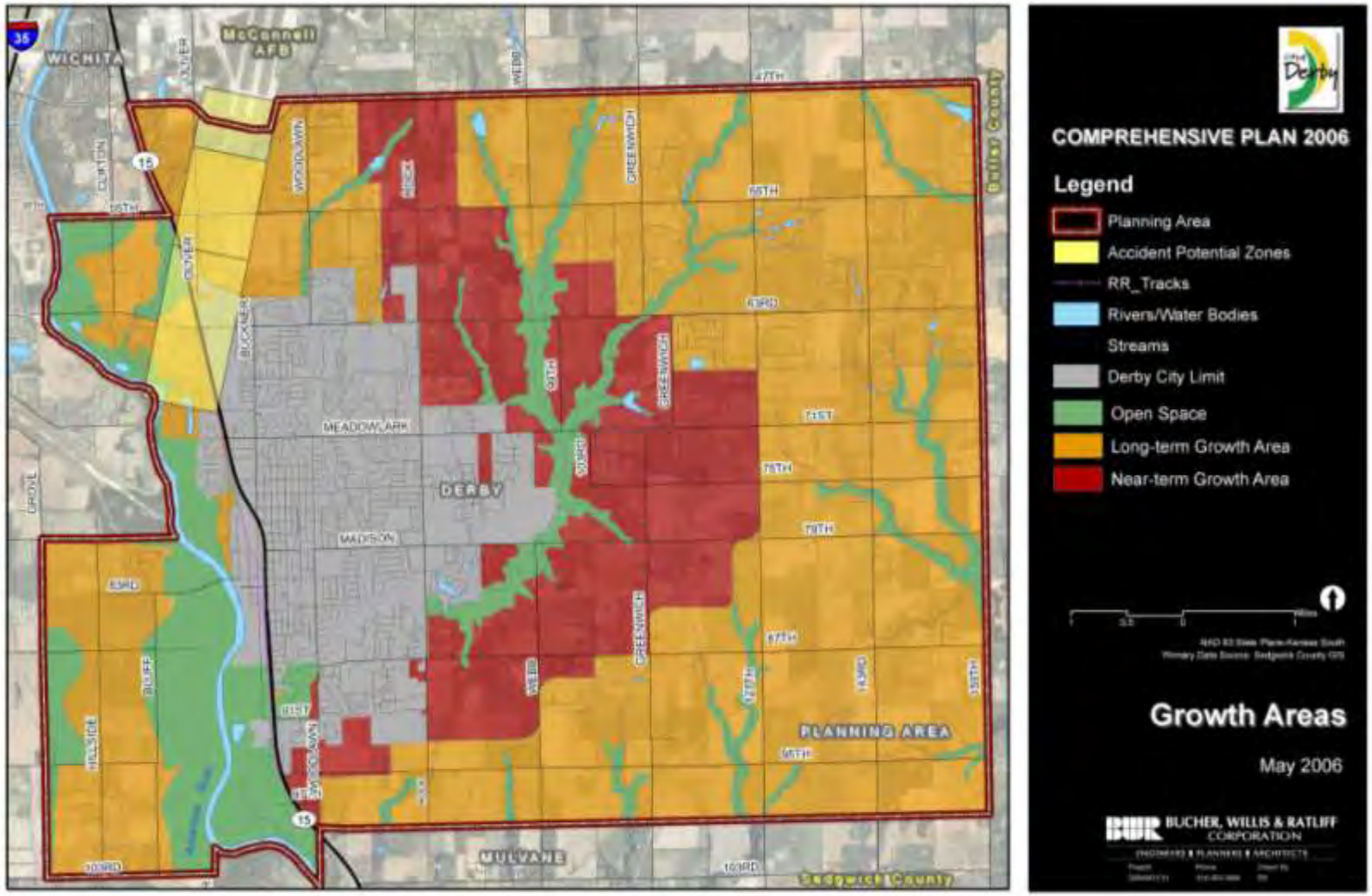
Map 11: Zoning Areas of Influence



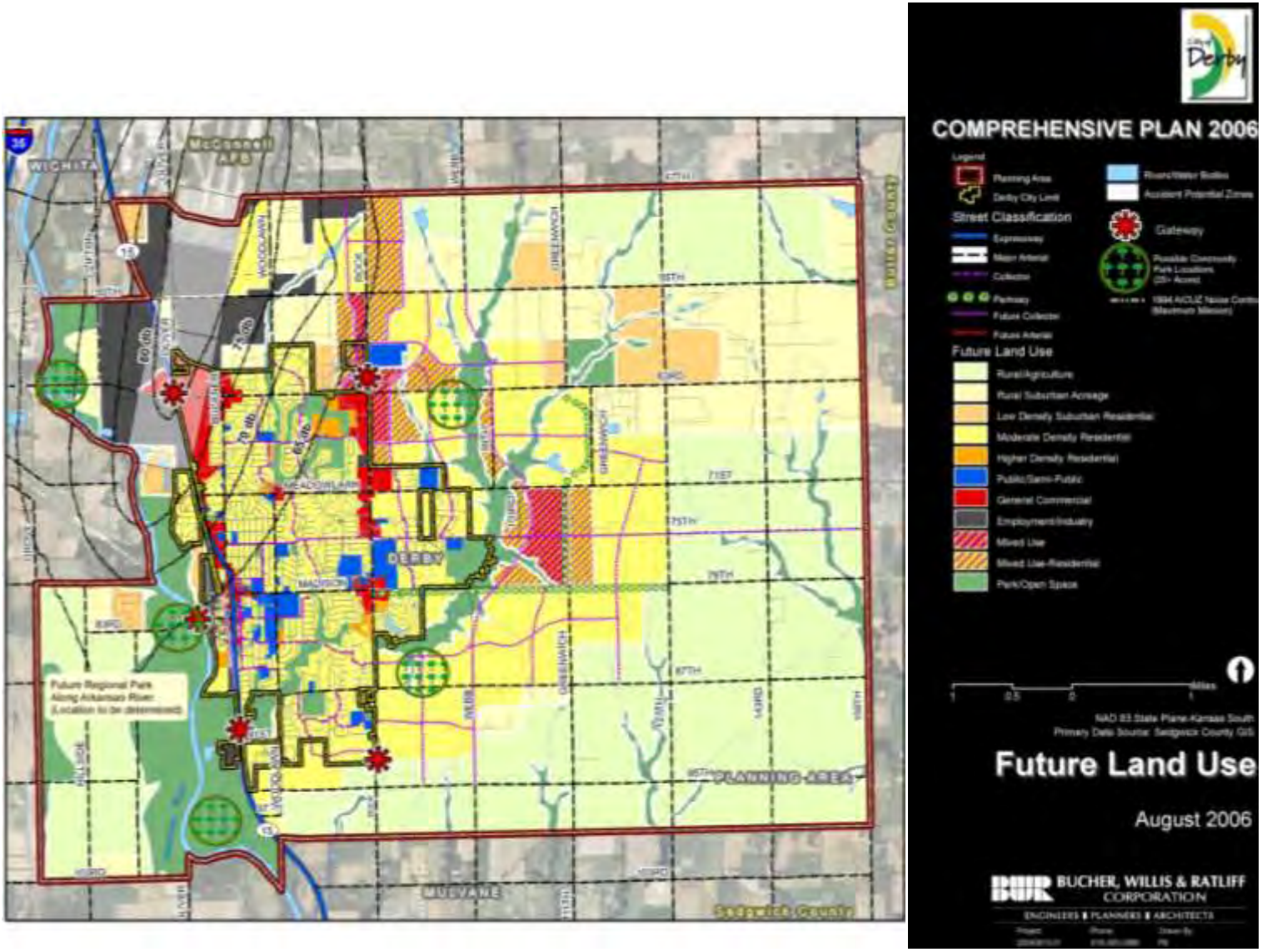
Map 12: Future Growth Areas



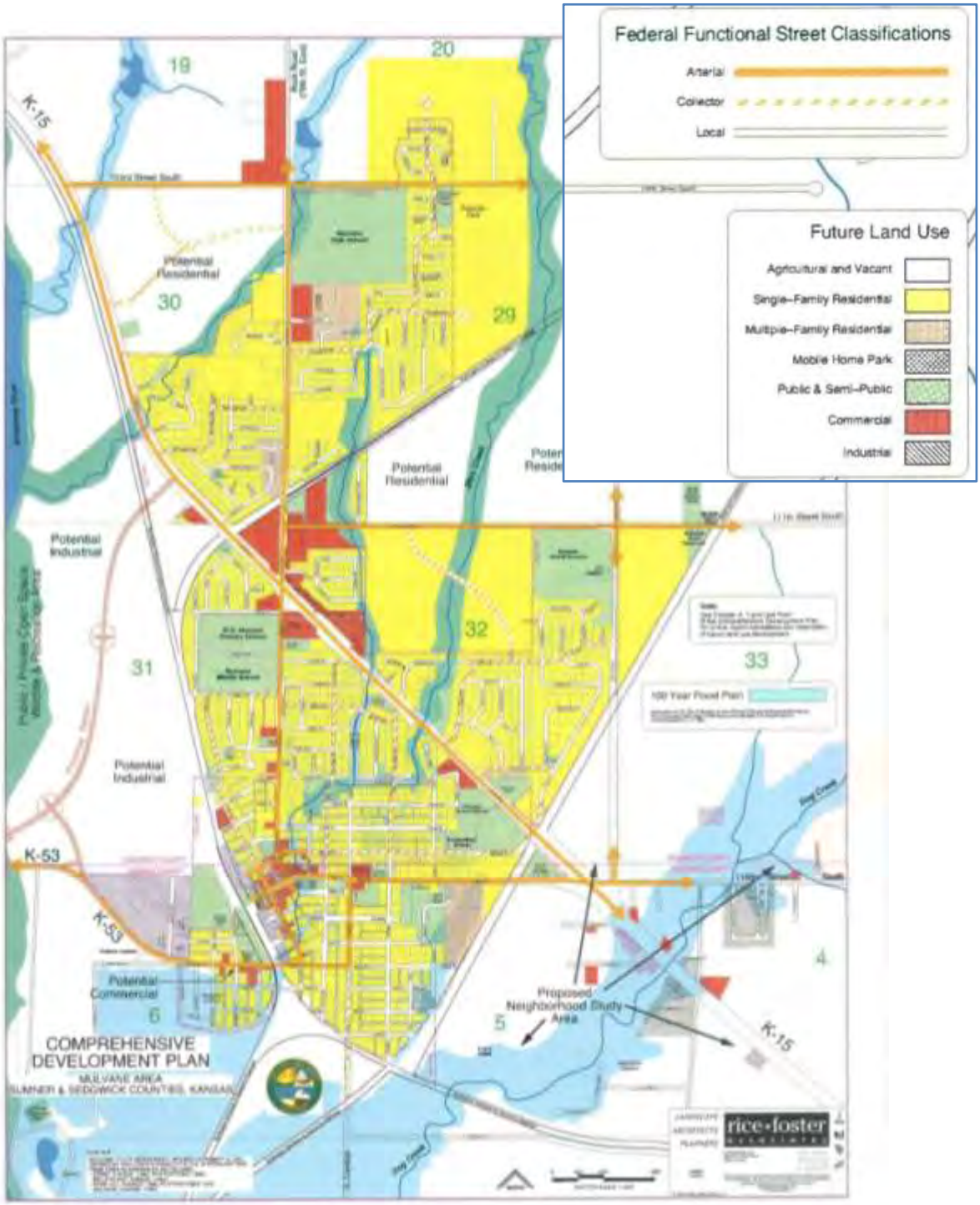
Map 13: Derby Growth Areas



Map 14: Derby Future Land Use



Map 15: Mulvane Future Land Use and Functional Street System



1.4 Emergency Services

A. Law Enforcement

Law enforcement services are currently provided by the Sedgwick County Sheriff's Office. The plan area is within Beat #4 which generally includes all areas east of the Arkansas River, north of Sumner County, West of Butler County, and south of Kellogg; excluding the Oaklawn area, which is Beat #5. Currently one Sheriff's Officer patrols the beat at all times.

The Derby Police Department provides law enforcement services within the Derby city limits, directly north of the plan area. The City of Derby currently has commissioned 40 police officers, including administrative and field staff. The estimated total number of full time equivalent officers in the Derby Police Department is 40 officers.

The Mulvane Police Department serves within the Mulvane city limits, directly south of the plan area. The City of Mulvane currently has 12 commissioned police officers; and a certified patrol and drug dog. The estimated total number of full time equivalent officers in the Mulvane Police Department is 12 officers.

Law enforcement services are generally provided in a beat format, where patrol officers are assigned to cover specific beats. The process of determining the boundaries of a patrol beat involves a complex analysis of call volume and activity. Areas with higher call volumes are generally placed in smaller beats or assigned additional officers.

A very simplified way of calculating level of services for law enforcement is to calculate the ratio of officers to residents and officers to area. The table below shows the ratios for the City of Derby and the City of Mulvane. Please note that one should not compare the ratios to each other as a comparison of the quality of services. The quality of services can more accurately be measured through citizen perception surveys and ratio of crimes per population.

Community	FTE Commissioned Officers	Population (2007)	Sq. Miles (2009)	1 FTE Officer / # Residents	1 FTE Officer / # Sq. Miles
Derby	40	22,058	9.5	1 FTE officer / 551 residents	1 FTE officer / .24 sq. miles
Mulvane	12	5,835	1.8	1 FTE officer / 487 residents	1 FTE officer / .18 sq. miles

B. Fire Protection and Medical First Response

The plan area is within Sedgwick County Fire District #1 and is primarily served by Sedgwick County Fire Station #36 at 63rd street and Rock Road. The station's designated service area consists of approximately 80 square miles with both urban and rural areas. The station houses 3 pieces of equipment: Engine 36, Squad 36, and Tender 36, and operates on a 3-shift (platoon) rotation. The crews work a 24-hour shift on and 48 hours off. Five personnel are assigned to each shift. Station 36 has an

automatic aid agreement and is automatically dispatched within the agreement area to assist Butler County Fire District #3, Rose Hill, McConnell Air Force Base and Derby Fire/Rescue Department.

The County fire station at 63rd Street and Rock Road is anticipated to be relocated in the 2011-2013 timeframe. No future relocation sites have been identified at the time of this report's development. However, County staff have identified that the station will likely be relocated north and to the west of the current site.

The City of Derby Fire and Rescue Department provides fire protection and medical first response services to the City of Derby as well as mutual aid to Mulvane Emergency Services, Butler County Fire District #3, Rose Hill, and Sedgwick County Fire District #1. Derby Fire/Rescue also has an automatic aid agreement with Sedgwick County Fire District #1 for response to structure fires. The City has three fire stations located at 128 W. Market, 1401 N. Rock Road, and 401 W. Patriot. Derby Fire and Rescue staff consists of a fire chief, a deputy chief, 12 full-time firefighters and approximately 30 volunteer firefighters. Station 1 located at 128 W. Market houses a pumper and a medium sized rescue unit, Station 2 at 1401 N. Rock Road houses a pumper, a 105 foot aerial rescue apparatus and a squad truck and a pumper is located at Station 3 at 401 W. Patriot. Stations 1 and 2 are occupied 24/7 by paid firefighters and Station 3 operates with volunteer firefighter response.

The Mulvane Emergency Services Department provides fire protection and medical first response services for the City of Mulvane and Sumner County Fire District 12. The Emergency Services Department is staffed with three full time employees and 23 volunteer firefighters. The City fire station is located at 910 E. Main. The vehicles in operation by the Department include five (5) pumpers, one (1) tanker, two (2) brush, and one (1) rescue vehicle.

The Map 16: MAPD Estimated Drive Time From Stations to the Plan Area illustrates the estimated drive time from the fire stations. The estimates were provided by Wichita GIS and are based on posted speed limits, not speeds higher or lower. The travel times do not include calculations for traffic load.

An additional measure of fire protection services comes from the Insurance Services Office, a private company that provides risk assessments. The fire safety service ratings assessed by this company are commonly referred to as ISO ratings, a lower ISO rating indicates a better assessment. The ISO ratings are based on the ability of resources including engines; and the access and supply of water. Both Derby and Mulvane have an ISO rating of 3. The unincorporated portions of Sedgwick County with fire hydrants have an ISO rating of 5. The unincorporated areas without fire hydrants have an ISO rating ranging from 5 to 10 depending on location.

C. Paramedic and Medical Transport

Sedgwick County provides emergency medical service to the plan area from Sedgwick County EMS Post #11, located at 71st Street South and Rock Road (Derby Fire Station #2). The estimated response times to the plan area range from 3 to 9.3 minutes. Sedgwick County EMS service standards are based on population and call density per mile, the table below shows the response times in relationship to the population density.

Population Density	Response Time Standard
Urban (1,000 people / sq. mile)	8:59
Suburban (500 – 999 people / sq. mile)	10:59
Rural (0 – 499 people / sq. mile)	15:59

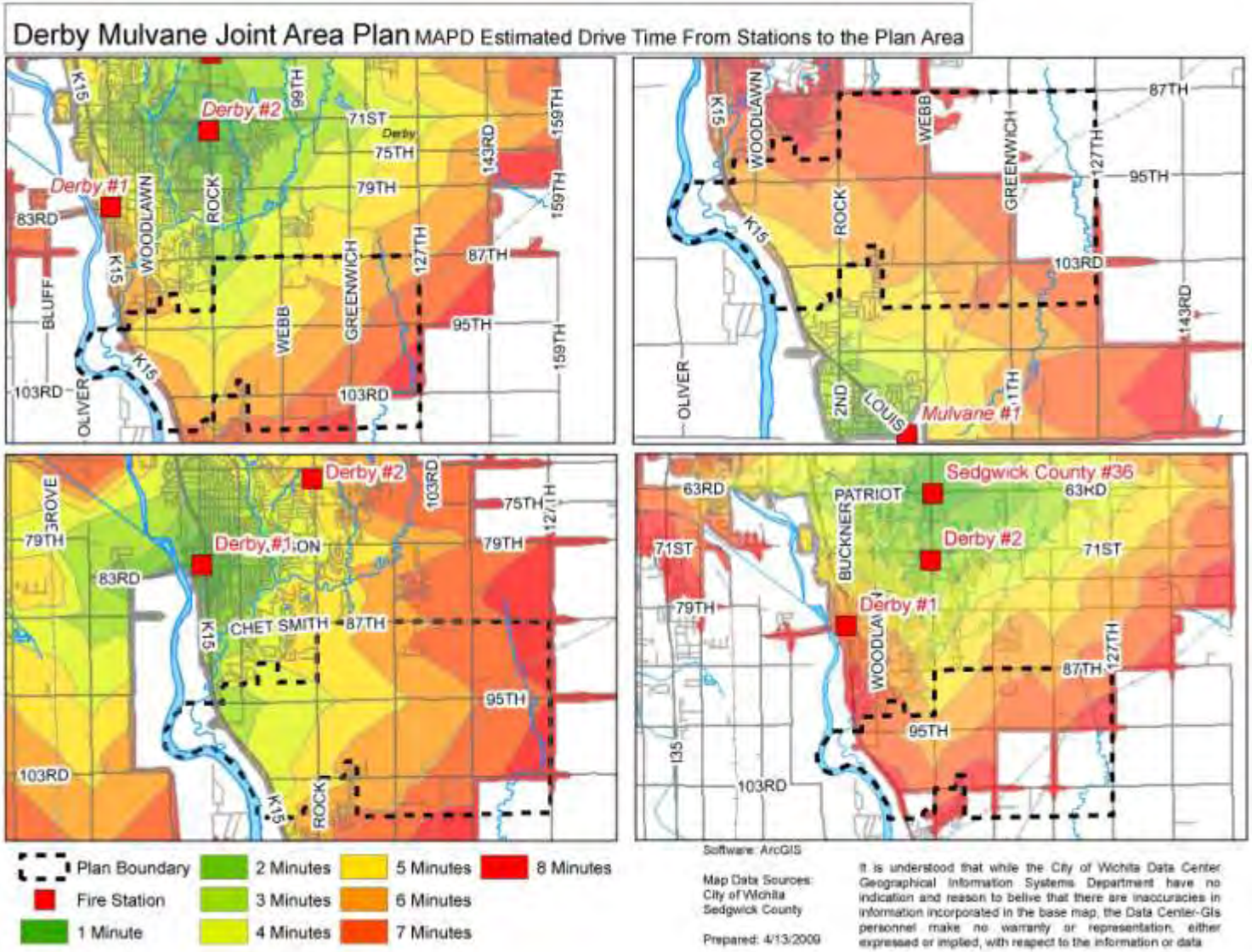
Ambulance service for the City of Derby is provided by Sedgwick County EMS. The City of Derby Fire Department to serves as the first medical responders at the Emergency Medical Technicians (EMT) level, providing a tiered medical response to the City of Derby in conjunction with Sedgwick County EMS

The City of Mulvane provides ambulance services for the City of Mulvane and portions of Cowley County. The City of Mulvane also has a mutual aid agreement to provides ambulance series to portions of Sumner and Sedgwick County.

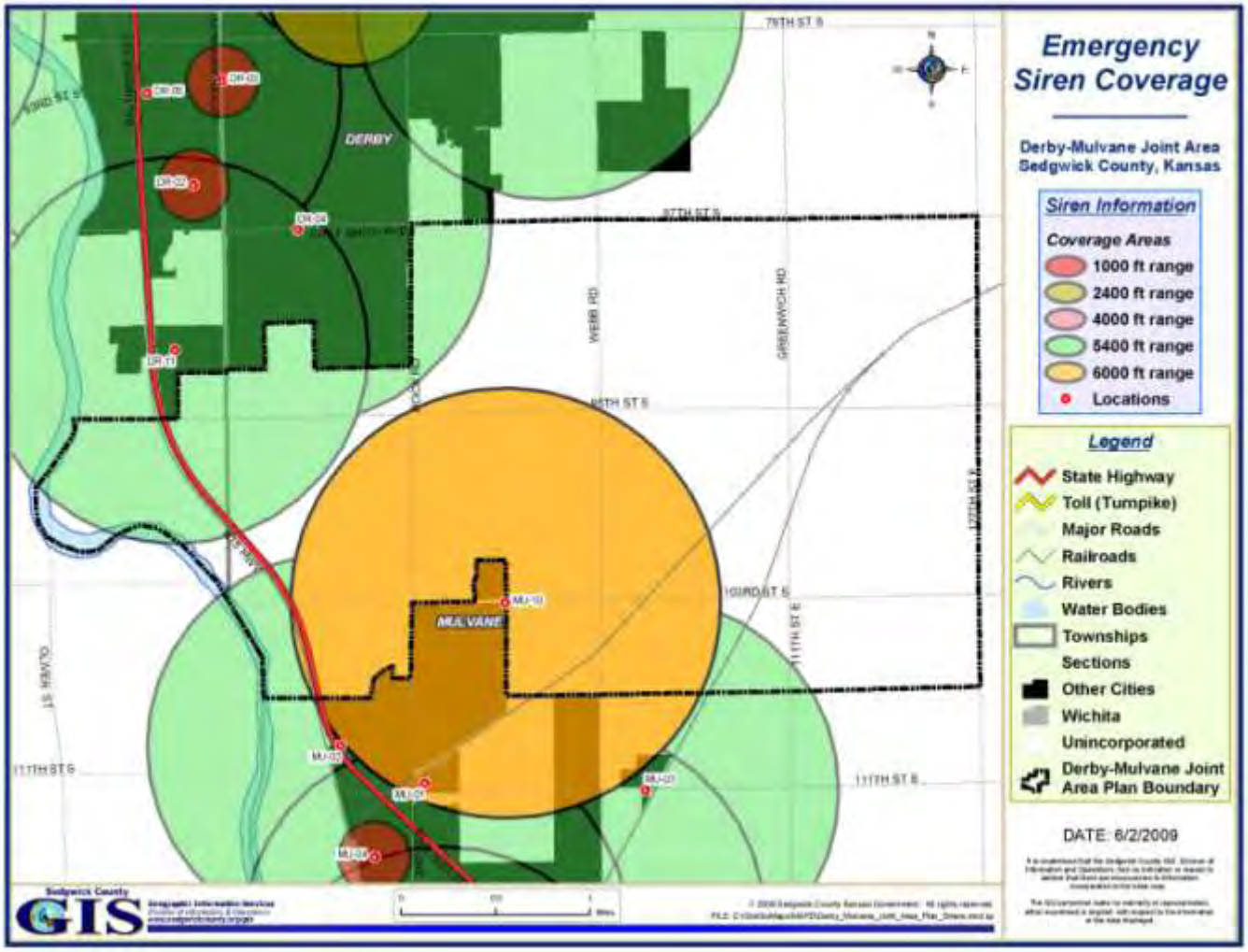
D. Storm Warning System

The storm warning system within Sedgwick County is made up of sirens that are owned and operated by the local government units. The City of Derby, City of Mulvane, and Sedgwick County all own and operate their own sirens. The coverage of the sirens varies throughout the County. Sedgwick County has provided a map of the estimated service areas of existing storm sirens. Based on this information, the majority of the western half of the plan area is served by existing sirens. The eastern half of the plan area is not within the service area of existing sirens. Refer to Map 17: Emergency Siren Coverage.

Map 16: MAPD Estimated Drive Time From Stations to the Plan Area



Map 17: Emergency Siren Coverage



1.5 Water and Sewer

A. Rural Water District

Sedgwick County Rural Water District #3 (RWD #3) serves the majority of the plan area. The areas not served by RWD #3 are primarily located to the west of K-15. A smaller pocket of area not served by RWD #3 exists directly east of the Mulvane city limits, south of 103rd Street South. By State Statute, when any city annexes properties that are served by a Rural Water District, that City must enter into good faith negotiations with the RWD to acquire that portion of their system. Generally, the type of waterlines operated by the RWD #3 are not able to be utilized for fire protection services. No sewer services are offered by the RWD #3. Refer to Map 18: Plan Area Rural Water Districts.

B. City of Derby Water and Sewer Services

The City of Derby does not currently provide water or sewer services to any properties within the plan area. The City of Derby does have a service agreement with the City of Wichita for the City of Wichita to provide enough water to the City of Derby for Derby to provide water service to the areas shown on Map 19: City of Derby Water Contract Service Area. The Derby water service area includes portions of the plan area north of 95th and west of Woodlawn. The existing Derby water service infrastructure is primarily located northwest of the Spring Creek and west of Rock Road. Refer Map 21: Derby Water System.

The City of Derby can provide sanitary sewer services into portions of the plan area. The service areas are limited by the elevation contours of the area, primarily construing the potential service area to the northern portion of the plan are within .5 miles of 87th Street South.

C. City of Mulvane Water and Sewer Services

The City of Mulvane does not currently provide water or sewer services to any properties within the plan area. A 2009 study of the area by the City of Mulvane indicates that the City of Mulvane could potentially supply water to properties .25 miles north of 95th Street South. The extension of water service would require the development of a water tower. Refer to Map 22: City of Mulvane Potable Water System

The City of Mulvane can also provide sanitary sewer services within the plan area by adding to their existing sewer infrastructure, according to the 2009 study. The potential service area would be limited by the elevation contours of the area, constraining the service area to the drainage basin directly north of the existing Mulvane community. The northern limit of the gravity sanitary sewer service area is approximately .4 miles south of 87th Street South. Refer to Map 23: City of Mulvane Sanitary Sewer System.

D. Public Wholesale Water Supply District

The Public Wholesale Water Supply District #22 has been formed by the communities of Derby, Mulvane, and Sedgwick County. The District was initially formed to explore water supply options. It is currently inactive, with the members pursuing water supply opportunities individually.

1.6 Gas and Electric

A. Gas

I. Services

Gas services to the plan area could be provided by Kansas Gas Services. Kansas Gas Services currently serves residents in both Mulvane and Derby. Main distribution lines would need to be extended into the plan area to provide services. Refer to Map 24: Plan Area Existing Gas Service Lines.

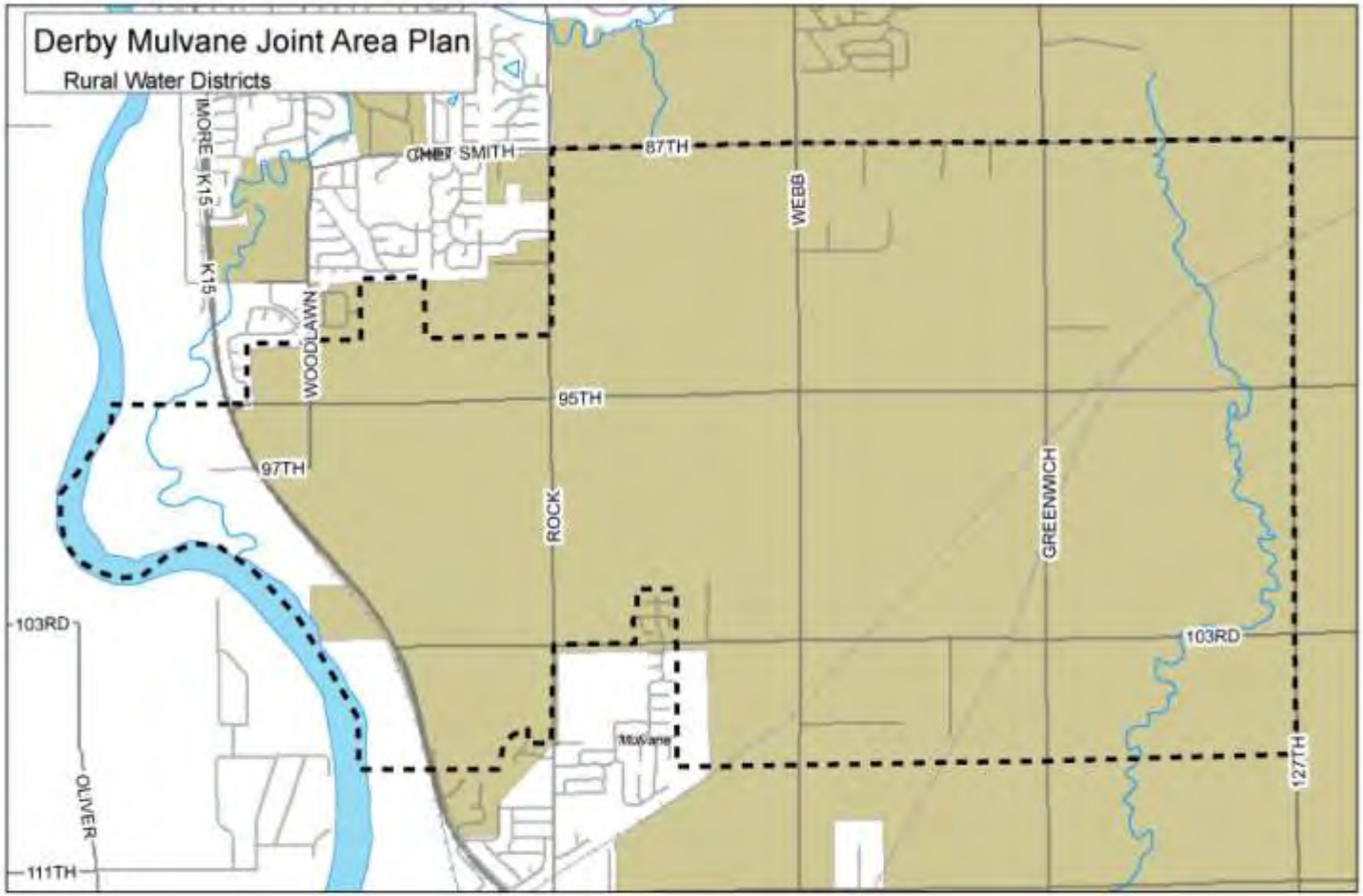
II. Transmission Facilities

Three companies own gas transmission lines that travel through the plan area: Black Hills/ Kansas Gas Utility Company, Southern Star Pipeline, and Jayhawk Pipeline. Planning staff have been unable to secure information about the location of the lines for Jayhawk Pipline. The Southern Star Central Gas line is east of Rock Road and runs parallel to the roadway in the plan area. It starts to angle east and away from the roadway the further east. The Black Hills Energy Corporation does not have any high pressure natural gas transmission lines that travel through the plan area.

B. Electric

Both Westar Energy and Butler Rural Electric Co-op provide electric service to the plan area. Butler Rural Electric Co-op provides service generally to the northeast quarter of the plan area, and Westar Electric services the remaining portions of the plan area. A series of overhead transmission lines travel diagonally through the plan area east of Greenwich Road. They extend generally from the northwest to the southeast. Generally, the transmission lines are located within easements that restrict specific property uses. Refer to Map 25: Plan Area Electric Service Areas.

Map 18: Plan Area Rural Water Districts



Plan Boundary

Sedgwick County RWD #03

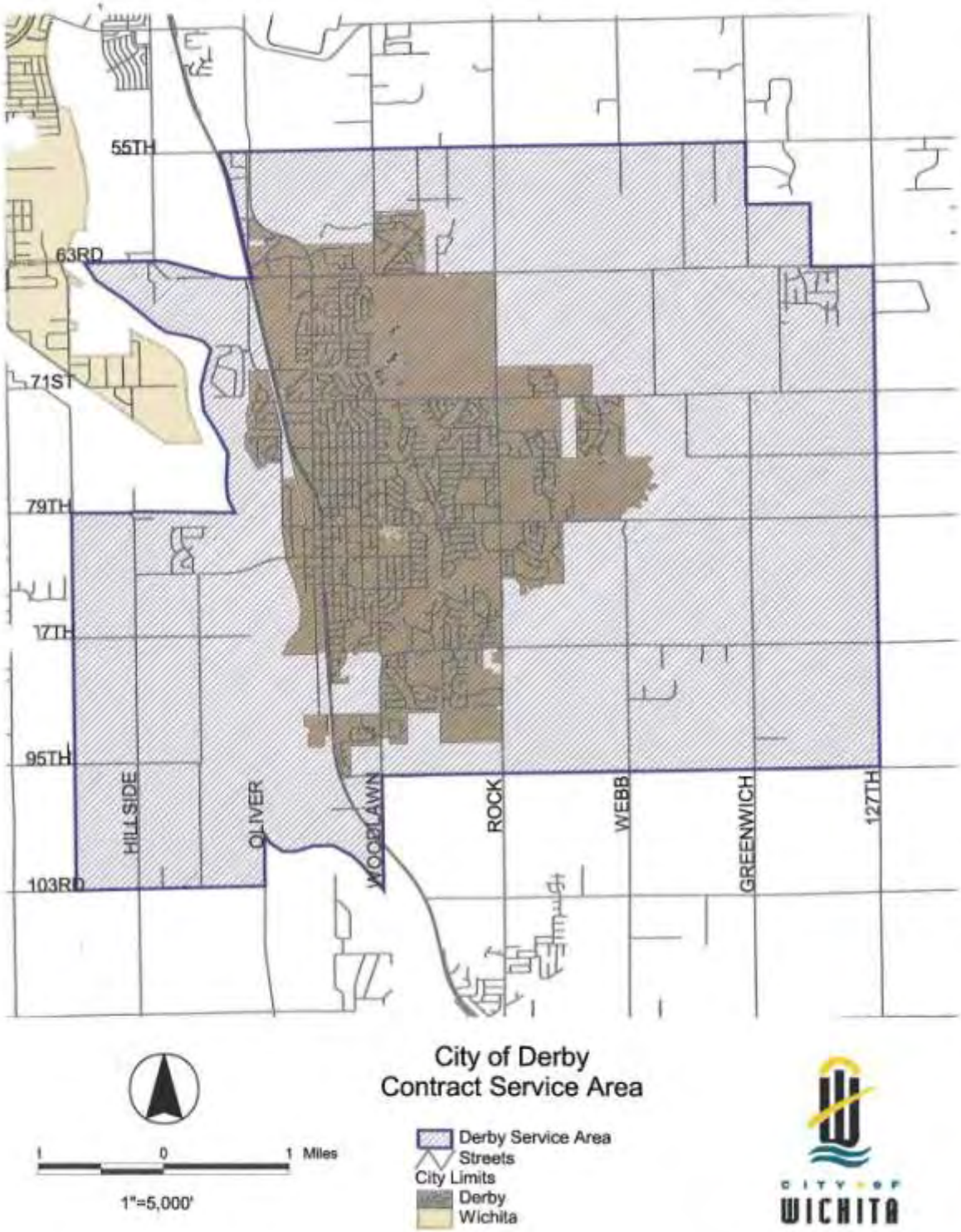
Software: ArcGIS

Map Data Sources:
City of Wichita
Sedgwick County

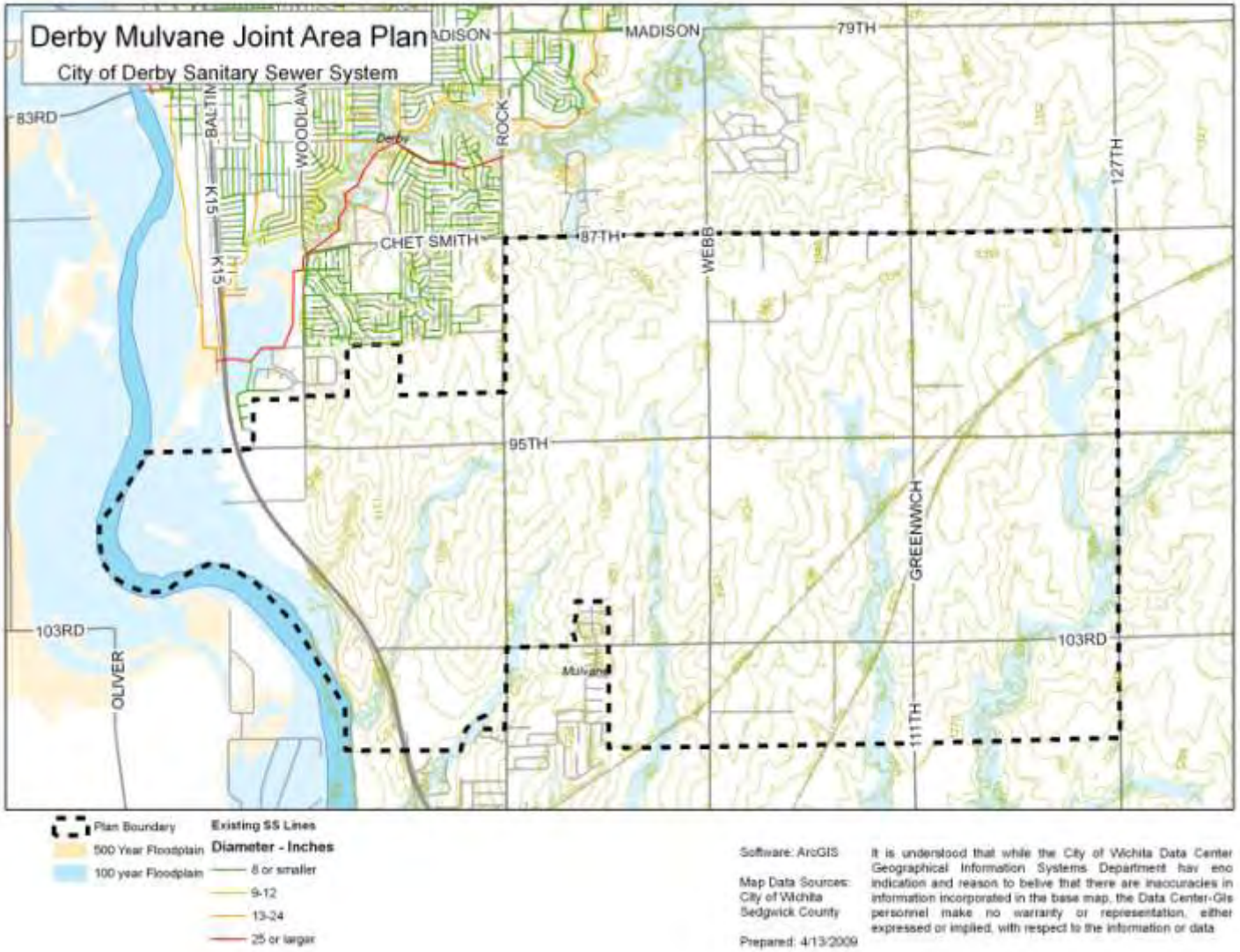
Prepared: 4/13/2009

It is understood that while the City of Wichita Data Center Geographical Information Systems Department hav eno indication and reason to belive that there are inaccuracies in information incorporated in the base map, the Data Center-Gis personnel make no warranty or representation, either expressed or implied, with respect to the information or data

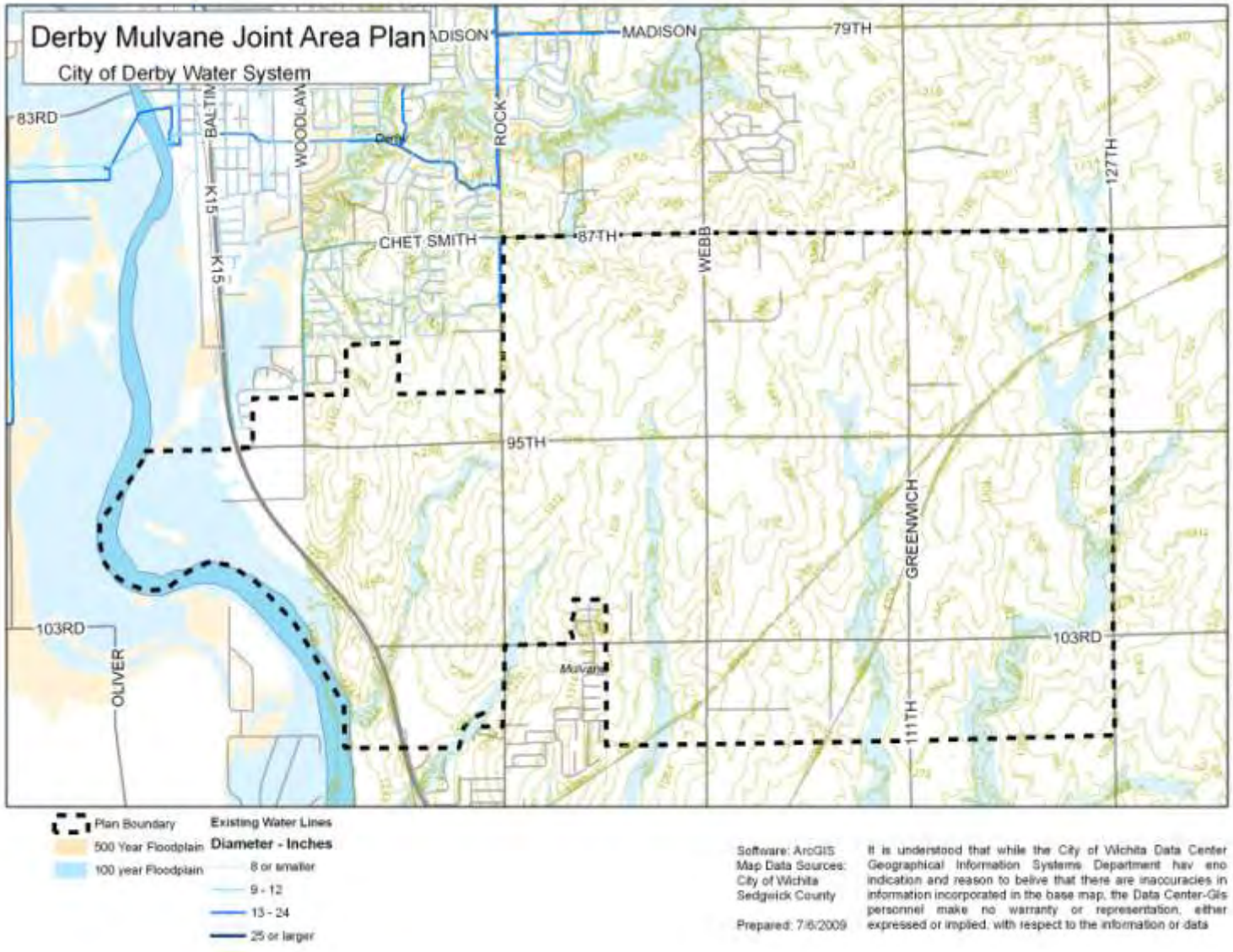
Map 19: City of Derby Water Contract Service Area



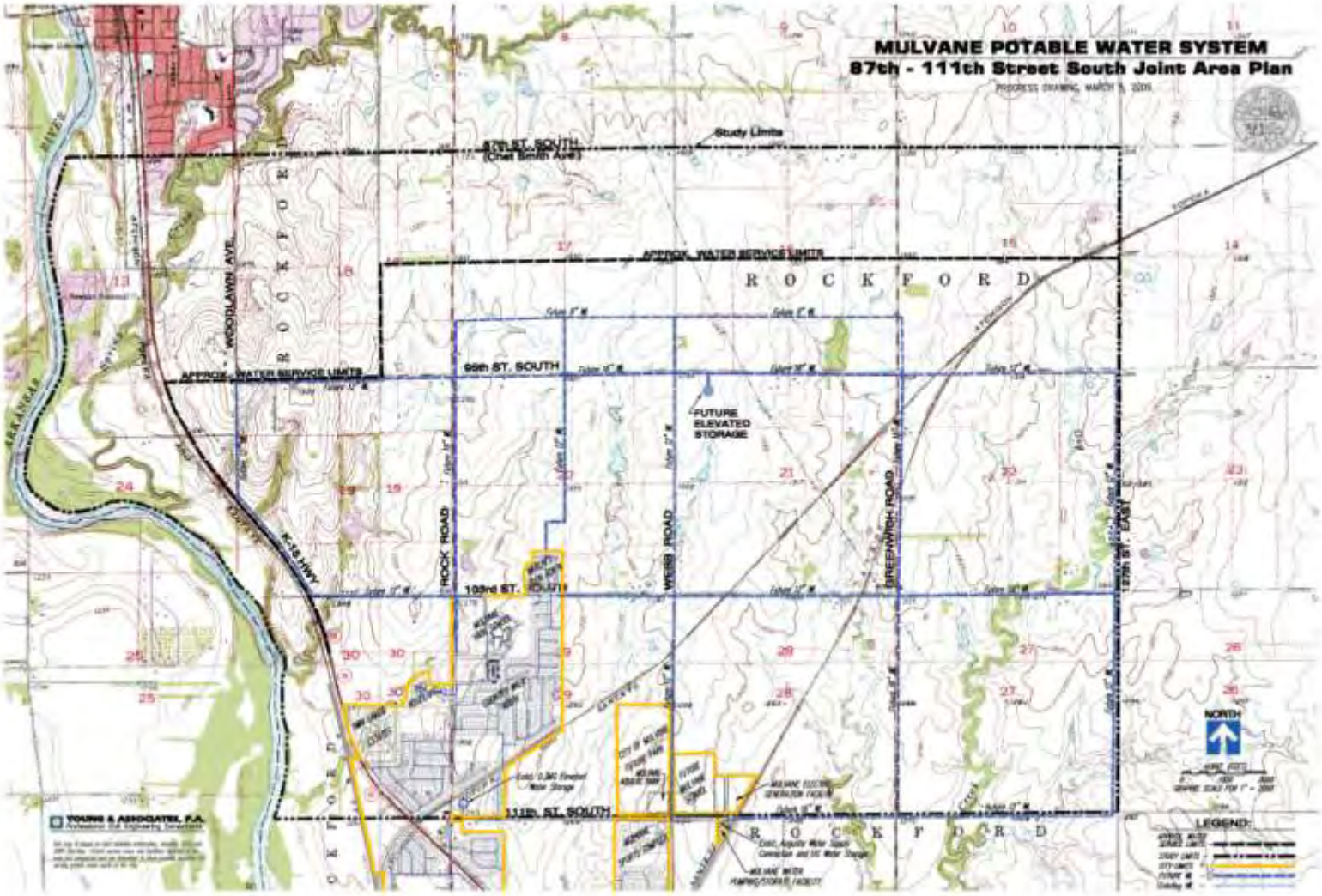
Map 20: Derby Sanitary Sewer System



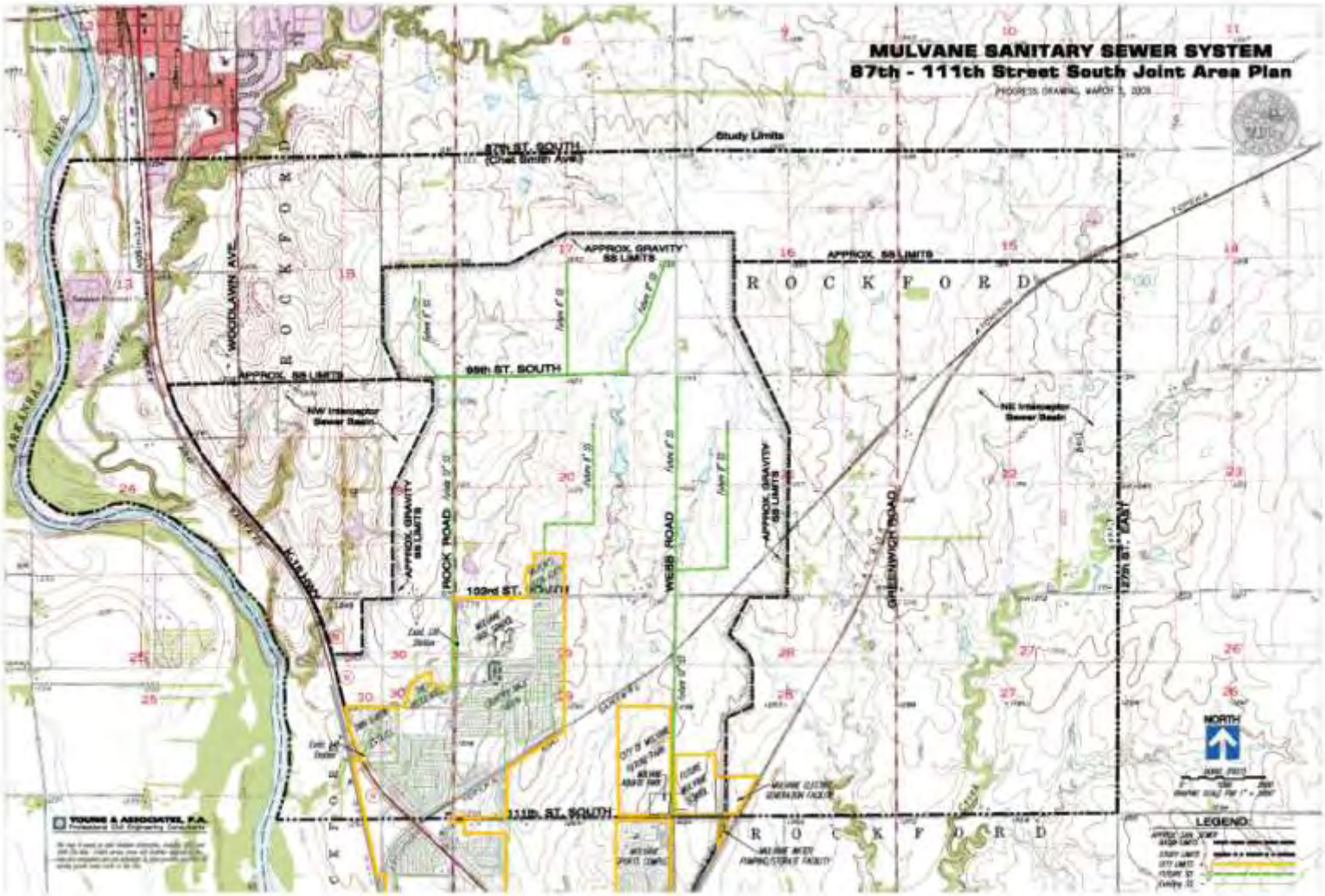
Map 21: Derby Water System



Map 22: City of Mulvane Potable Water System



Map 23: City of Mulvane Sanitary Sewer System



Map 24: Plan Area Existing Gas Service Lines

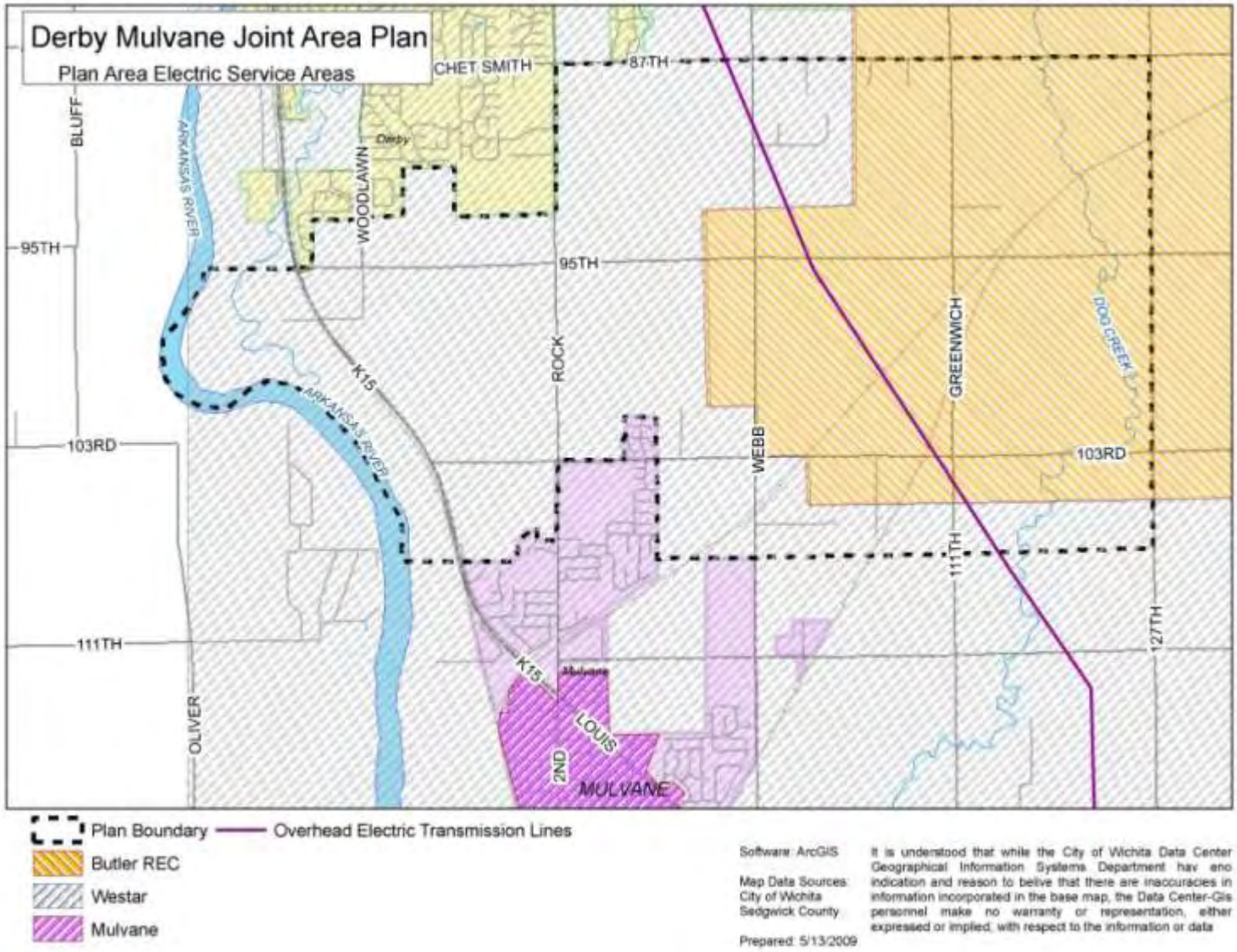
Software: ArcGIS

Map Data Sources:
City of Wichita
Sedgwick County

Prepared: 3/30/2009

It is understood that while the City of Wichita Data Center Geographical Information Systems Department hav eno indication and reason to belive that there are inaccuracies in information incorporated in the base map, the Data Center-Gis personnel make no warranty or representation, either expressed or implied, with respect to the information or data

Map 25: Plan Area Electric Service Areas



1.7 Educational

A. Unified School Districts

The plan area is within the boundaries of two unified school districts (USD): USD 260 Derby; and USD 263. The USD 263 Mulvane serves the majority of the area, with the district boundaries including all lands south of 91st. The Area north of 91st Street is within the USD 260 Derby boundaries. Refer to Map 26: Plan Area School District Boundaries.

The properties within the USD 260 are served the Derby High School, Derby Middle School, Park Hill Elementary, Swaney Elementary, Derby 6th Grade Center, and Pleasantview Elementary. Currently, all but one of the schools are below 100 percent of their recommended maximum student capacity. The exception is Park Hill Elementary, which is currently at 101 percent of its recommended maximum student capacity.

The properties within the USD 263 are served by Mulvane High School, Mulvane Academy, Mulvane Middle School, Mulvane Grade School, and Munson Primary School. The majority of the facilities are below 100 percent of their recommended maximum student capacity. Both Munson Primary School and Mulvane Middle School are above their recommended capacities, at 108 percent and 105 percent utilization respectively.

B. Libraries

No libraries are located within the plan area. The City of Derby and City of Mulvane have municipal libraries. The Mulvane library is located approximately 1.5 miles to the south of the plan area boundaries near the intersection of 2nd and Main. The Derby library is located approximately one (1) mile north of the plan area boundaries near the intersection of Mulberry and Madison. In 2010 the Derby library will relocate to a new facility near the intersection of Walnut Grove and Sumac. Refer to Map 27: Plan Area Municipal Library Locations.

A very simplified way to measure the current level of service is to calculate the number of items available to the public from the library as a ratio compared to the population. Please note that this ratio does not measure the quality of the items, nor the services provided at the library. The table below indicates the current level of service as a ratio of items per resident.

Community	Number of Catalog Items for Public Use	Population of City Residents (2007) – U.S. Census	Ratio of Items per Resident
City of Derby	75,178	22,058	3.4
City of Mulvane	30,759	5,835	5.2

Source: Derby Public Library and Mulvane Public Library

1.8 Parks Recreation and Open Space

A. Parks

The City of Derby 2008 Park and Open Space Plan Update (Derby Park Plan Update) guides the provision of park, recreation, and open space resources by the City of Derby. The Derby Park Plan Update provides service area and level of service standards. Based on the service area standards we are able to calculate the percentage of the plan area currently served by the existing Derby park system. All or a majority of the plan area is currently served by Derby regional and community parks. A very small portion of the plan area is served by Derby neighborhood parks. Refer to Map 28, Map 29, and Map 30.

Park Type	Service Area	Percentage of Plan Area Served
Neighborhood Park	Up to .5 Miles	2%
Community Park	Up to 3 Miles	80%
Regional Park	Up to 5 Miles	100%

The Derby parks level of service standards identified in the Derby Park Plan Update are measured by the amount of park acreage compared to the City population. The Derby Park Plan Update indicates that more park land is needed to meet the City level of service standards, based on the 2008 population. Likewise, more investments in parkland are needed to meet the estimated 2018 level of service standards.

Park Type	Municipal Park Acres	Public School Park Acres	Total Public Park Acres	2008 Population	2018 Population	2008 Existing Level of Service (acres per 1,000 residents)	City of Derby Level of Service Standard (acres per 1,000 residents)	2018 Projected Level of Service Utilizing Only Existing Facilities (acres per 1,000 residents)	Additional Acres Needed to Meet LOS Standard
Neighborhood Parks	37.26	8.65	45.91	21,265	25,694	2.16	3.50	1.79	44.02
Community Parks	70.57	25.72	96.29	21,265	25,694	4.53	5.00	3.75	32.18
Regional Parks	105.03		105.03	21,265	25,694	4.94	6.00	4.09	49.13

The City of Mulvane 2003 Park System and Open Space Plan (Mulvane Park Plan) guides the provision of park, recreation, and open space resource by the City of Mulvane. The plan identifies future investments and improvements while providing an inventory of the current resources. The plan does not specify standards for park service areas or levels of service. However, it does provide information that we can use to develop rough estimates for these measures.

The Mulvane Park Plan identifies the service area standards for the Mulvane park system. Based on this information we are able to calculate the percentage of the plan area currently served by the existing Mulvane park system. More than a third of the plan area is currently served by Mulvane neighborhood parks, and nearly half of the plan area is currently served by the Mulvane community park. No regional parks are currently in the Mulvane park system. Refer to Map 31 and Map 32.

Park Type	Service Area	Percentage of Plan Area Served
Neighborhood Park	Up to 1 Mile	39%
Community Park	Up to 3 Miles	42%
Regional Park	Up to 5 Miles	0%

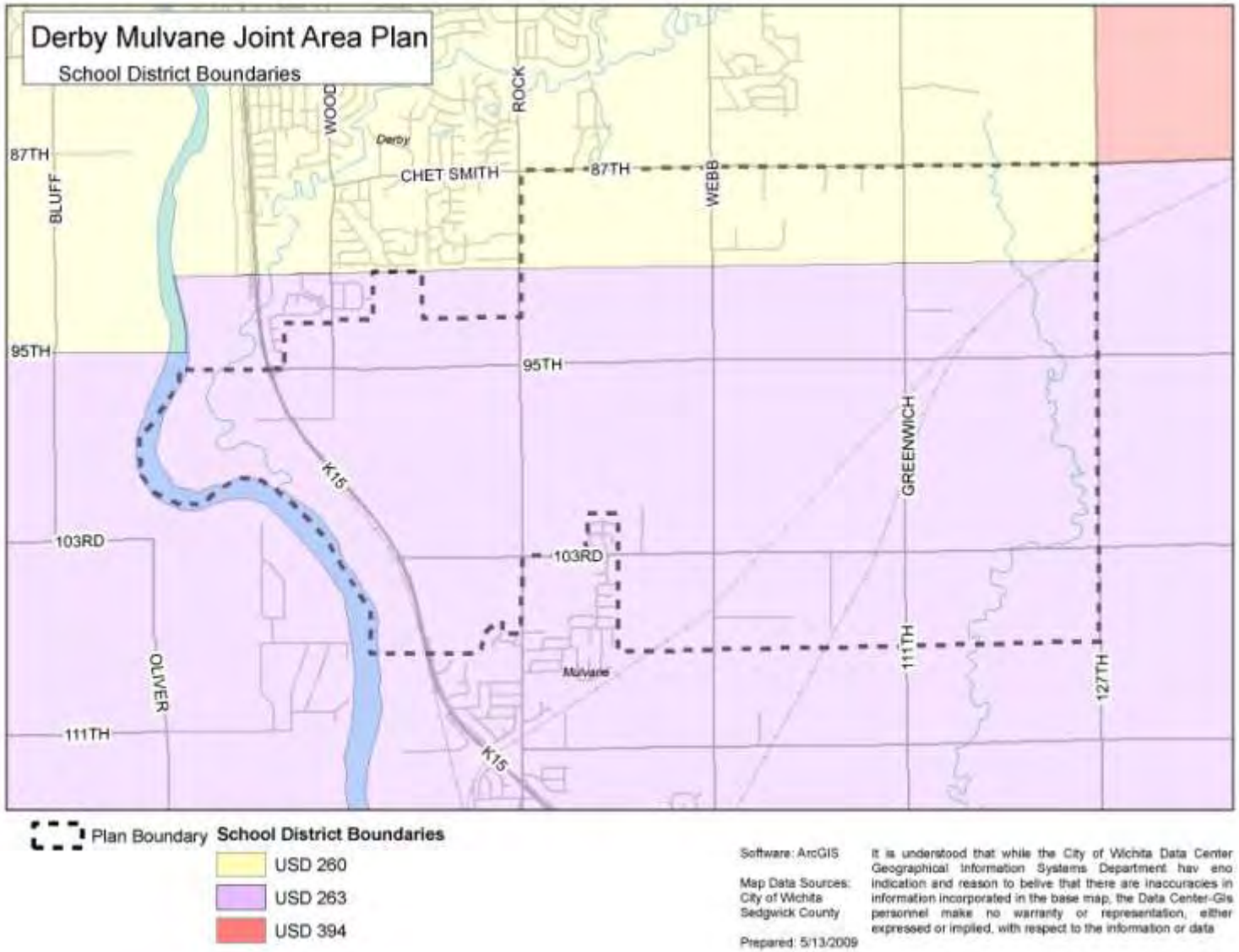
The Mulvane Comprehensive Plan indicates that 76% of those participating in the survey conducted for the Mulvane Comprehensive Plan ranked Mulvane City parks as “adequate”. If we use the level of service when the survey was undertaken (2001), we can create an estimated level of service standard for use with this planning initiative. Utilizing the 2001 level of service and the estimated 2018 population, we can identify the amount of additional park land necessary to maintain the 2001 level of service standards.

Park Type	Municipal Park Acres	Public School Total Acres	Total Public Park Acres	2001 Population	2018 Population	2001 Existing Level of Service (acres per 1,000 residents)	2018 Projected Level of Service Utilizing Only Existing Facilities (acres per 1,000 residents)	Additional Acres Needed to Meet 2001 LOS Standard
Citywide Parks	49.2		49.20	5,245	7,506	9.38	6.55	21.21
City Park and Open Space Area	7.3		7.30	5,245	7,506	1.39	0.97	3.15
Neighborhood Parks	7.78		7.78	5,245	7,506	1.48	1.04	3.35
Other		58.8	58.80	5,245	7,506	11.21	7.83	25.35

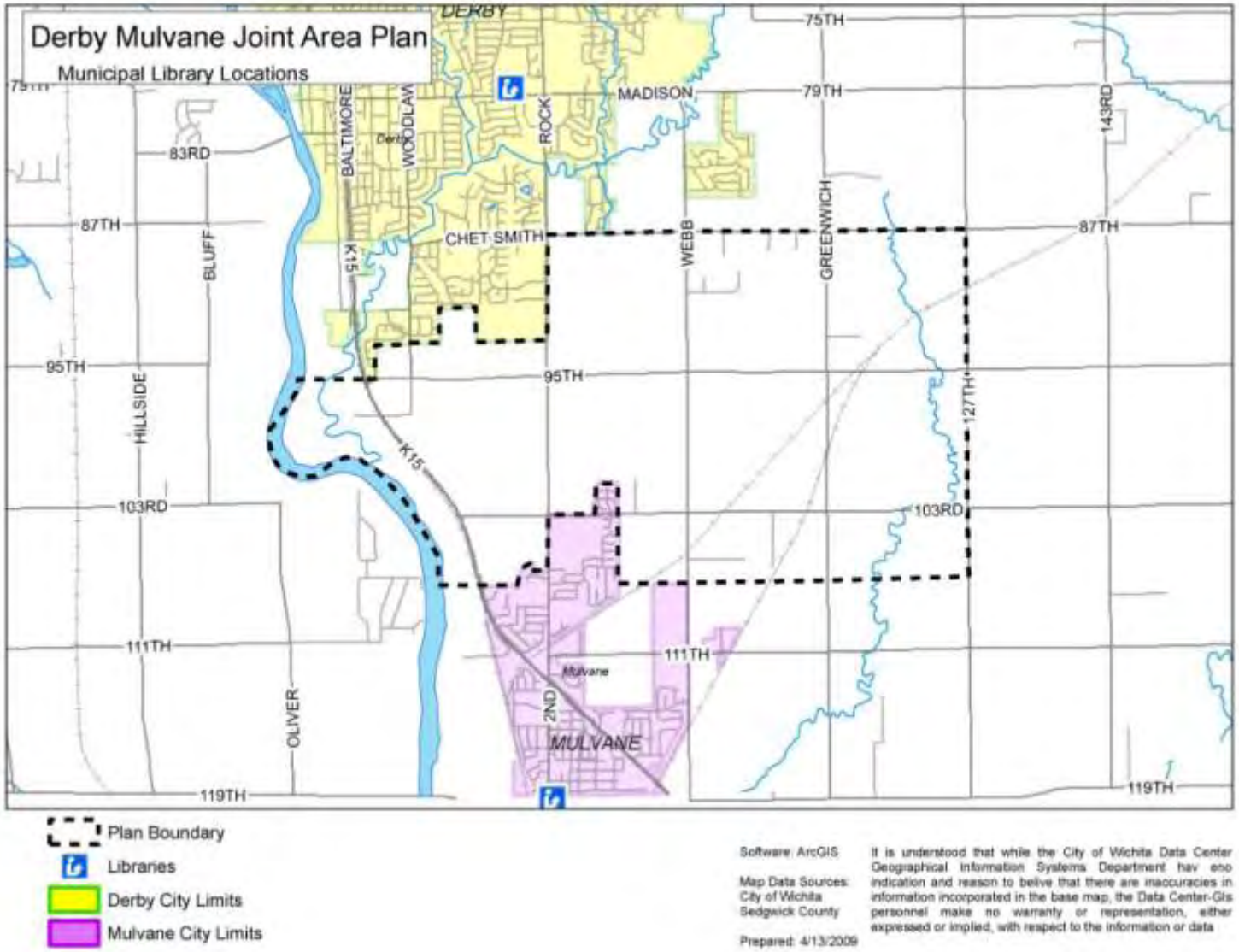
B. Arkansas River Corridor Access Plan

The 2007 Arkansas River Corridor Access Plan (ARCAP) recommends locations and configurations for access points to the Arkansas River. The ARCAP document does not identify any access points within the plan area. The two recommended access points nearest to the plan area are located within Derby and south K-53.

Map 26: Plan Area School District Boundaries



Map 27: Plan Area Municipal Library Locations



Map 28: Plan Area and Derby Neighborhood Park Service Areas

Plan Boundary

Neighborhood Park .5 Mile Service Area

Software: ArcGIS

Map Data Sources:
City of Wichita
Sedgwick County

Prepared: 3/30/2009

It is understood that while the City of Wichita Data Center Geographical Information Systems Department hav eno indication and reason to belive that there are inaccuracies in information incorporated in the base map, the Data Center-Gis personnel make no warranty or representation, either expressed or implied, with respect to the information or data

Map 29: Plan Area and Derby Community Park Service Areas

Plan Boundary

Community Park 3 Mile Service Area

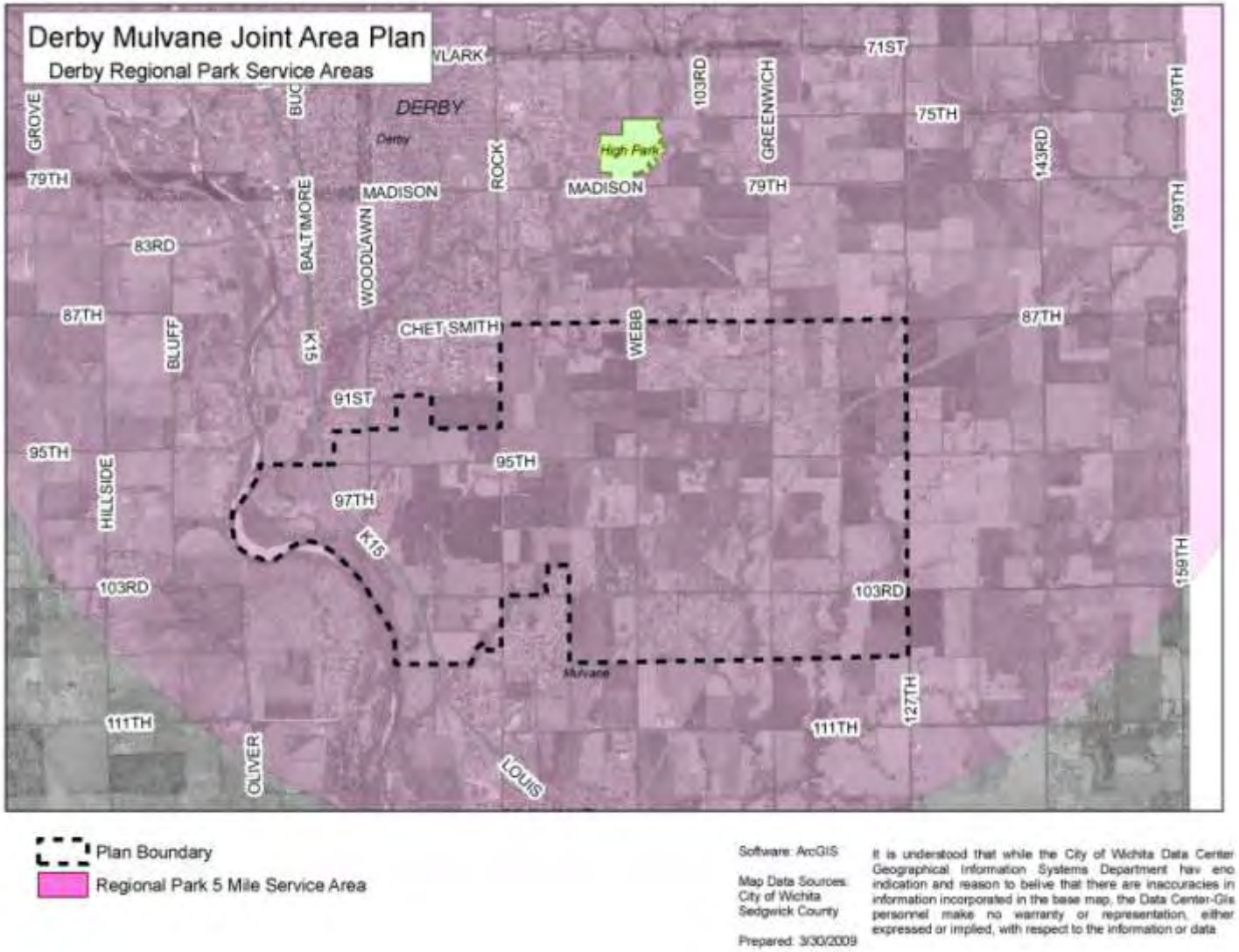
Software: ArcGIS

Map Data Sources:
City of Wichita
Sedgwick County

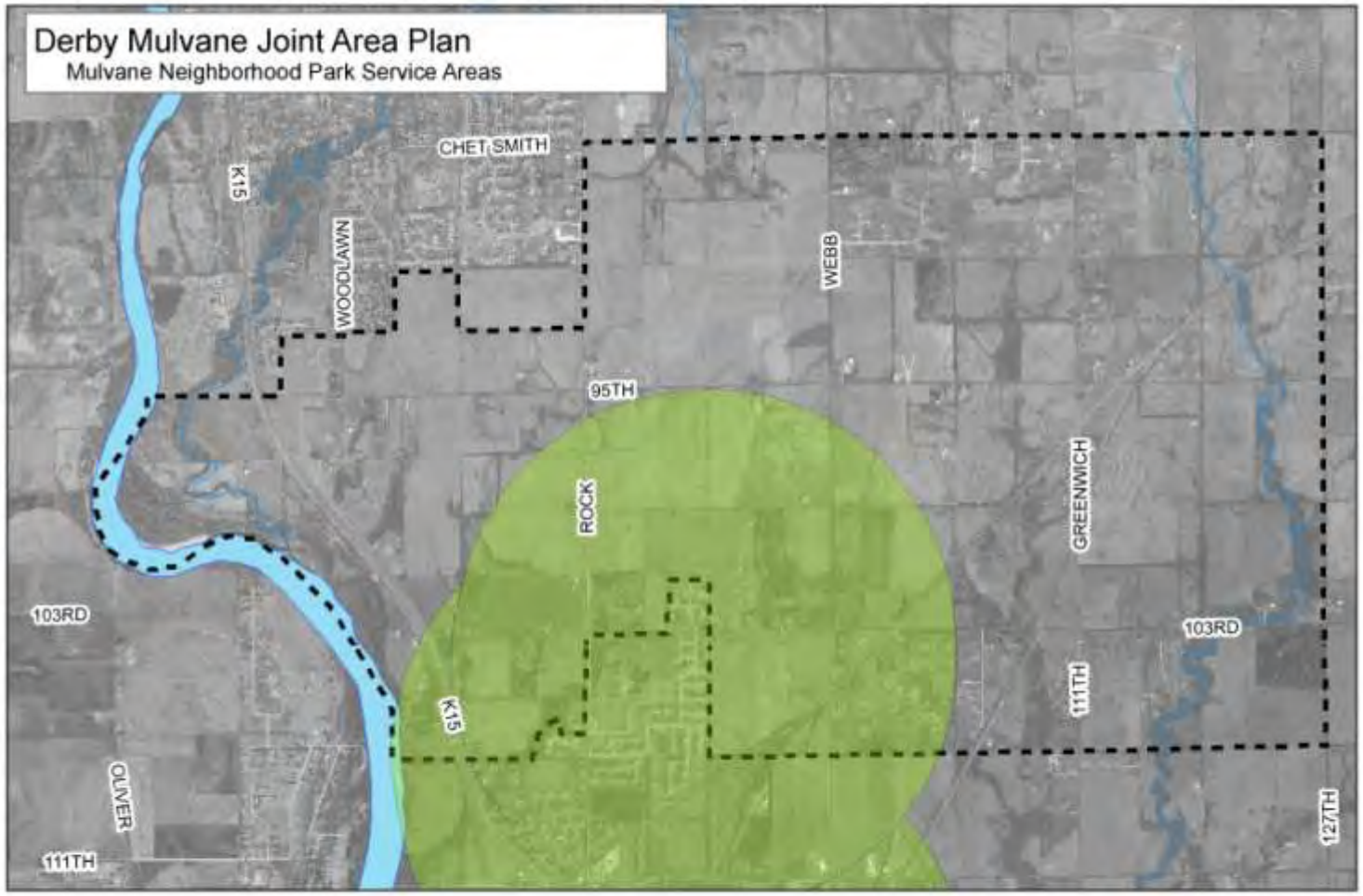
Prepared: 3/30/2009

It is understood that while the City of Wichita Data Center Geographical Information Systems Department hav ano indication and reason to belive that there are inaccuracies in information incorporated in the base map, the Data Center-GIs personnel make no warranty or representation, either expressed or implied, with respect to the information or data

Map 30: Plan Area and Derby Regional Park Service Areas



Map 31: Plan Area and Mulvane Neighborhood Park Service Areas



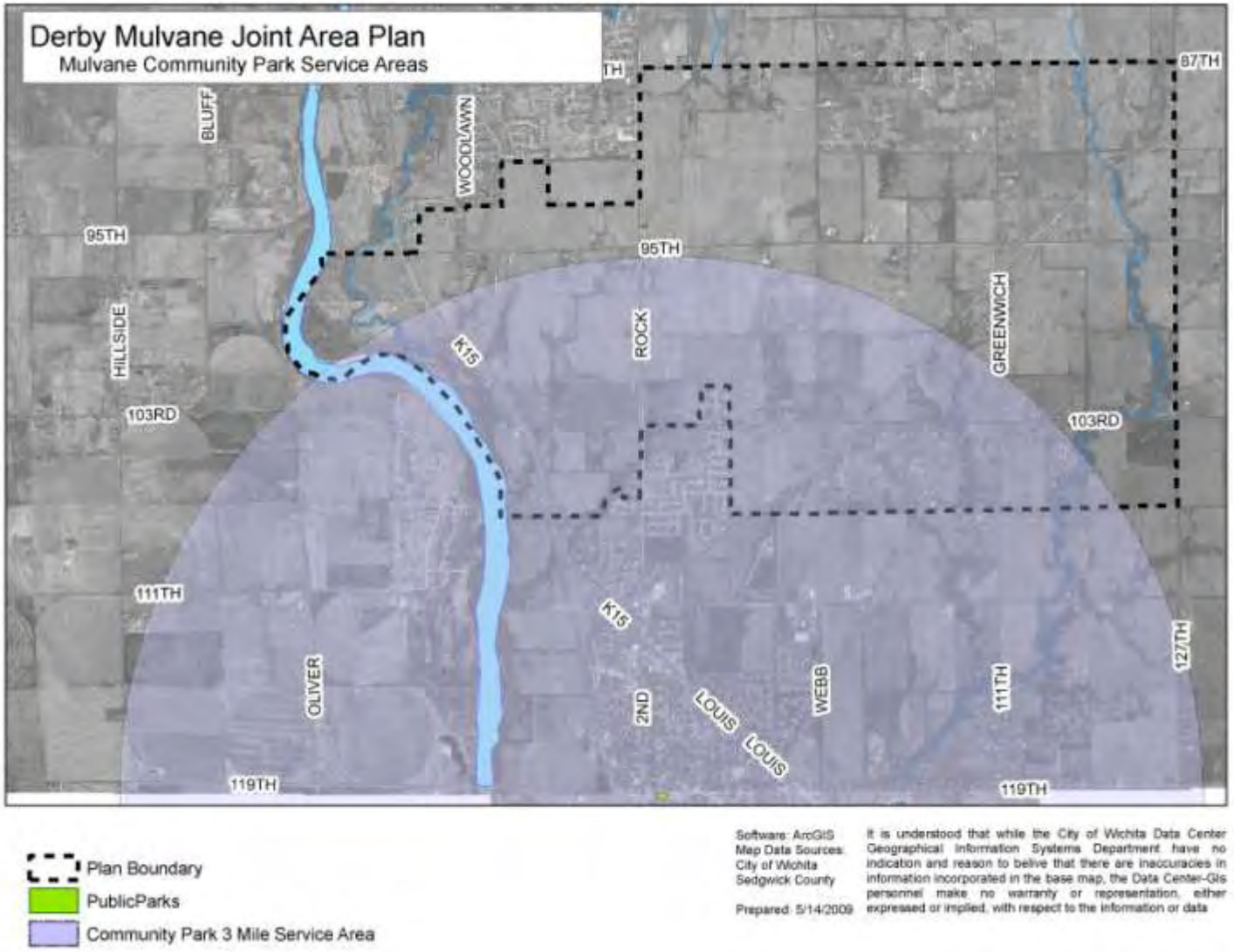
Plan Boundary
PublicParks
Neighborhood Park 1 Mile Service Area

Software: ArcGIS
Map Data Sources:
City of Wichita
Sedgwick County

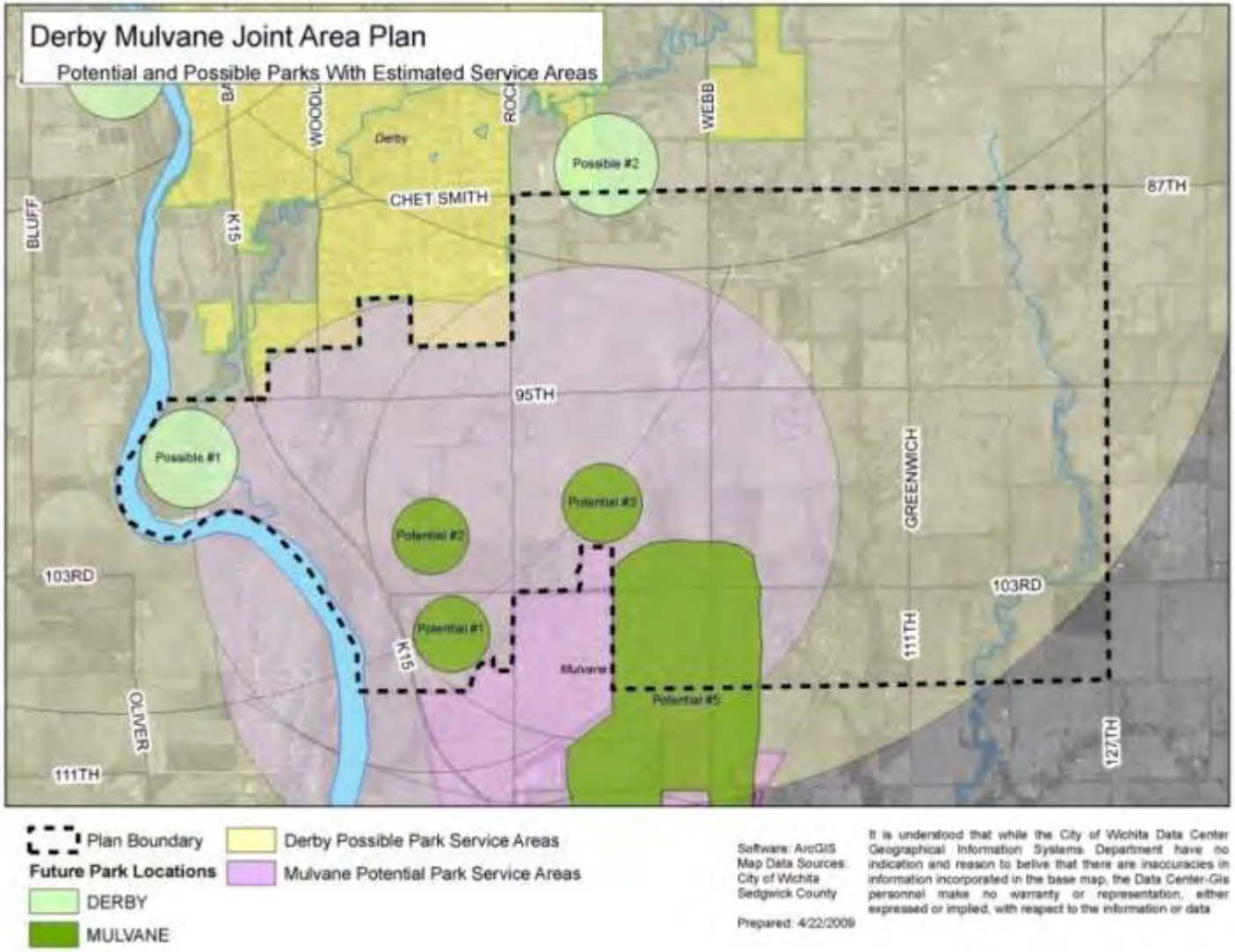
Prepared: 5/14/2009

It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to belive that there are inaccuracies in information incorporated in the base map, the Data Center-Gis personnel make no warranty or representation, either expressed or implied, with respect to the information or data

Map 32: Plan Area and Mulvane Community Park Service Areas



Map 33: Plan Area with Potential and Possible Parks and Estimated Service Areas



1.9 Transportation Infrastructure

A. Roadways

In order to be eligible for Federal funding administered by the Wichita Area Metropolitan Planning Organization (WAMPO), the roadways must be classified as a Rural Major Collector if outside city boundaries, or a Major Arterial or above if within a city. Within the plan area all of the section line roadways, except for the 127th Street East, eastern portions of 87th South, eastern portions of 103rd South, and eastern portions of 111th South are eligible for Federal funding through WAMPO. Refer to Map 34: Plan Area Roadway Functional Classification.

In 2008, the WAMPO adopted the South Area Transportation Study (SATS) which reviewed the existing transportation roadway infrastructure and provided recommendations for future improvements. Based on the projections for future use, the SATS provides a number of recommendations for the South Area. Below are some of the SATS recommended improvements that impact the Derby Mulvane Joint Area:

- develop a bridge crossing of the Arkansas River between 83rd Street South and K-53;
- prioritize paving and additions of shoulders to rural arterials; and
- Develop the four-lane, semi-access controlled major arterial loop or parkway (utilizing portions of 95th Street South and Greenwich Road).

An illustration of the SATS recommendations is provided on Map 35: WAMPO SATS Recommendation Map.

B. Bridges

Seven bridges maintained by Sedgwick County are within the plan area. Two of the bridges will require replacement or substantial upgrades within 10 years. Three bridges have a conditions rating of less than 80 on a scale of 1 to 100, with 100 being best. The table below shows the conditions information and ID for each of the bridges, for a graphic of the locations please refer to Map 36: Plan Area Bridges.

ID	Conditions Raiting	Year Built	Years of Use Remaining	Deck Width
644334041	74	1950	10	18
644342859	88	1950	10	32
642333615	73	1960	20	30
642344524	71	1950	20	30
640344698	88	1977	25	34
640321680	100	1993	40	28
642341000	99	1985	40	28

Source: Sedgwick County Public Works

C. Transit

Multiple private transit services are currently offered in the plan area. Limited public transit services are offered by Sedgwick County. The County transit services are generally limited to round trips from the unincorporated portions of the County to locations within the City of Wichita. These limitations may not apply for some riders and persons are encouraged to call Sedgwick County Transit for information about the eligibility of specific proposed trips. The 2008 WAMPO SATS plan recommends that an extension of public transit service along Rock Road to Derby and further south to 63rd Street in Haysville be investigated.

D. Bicycle Facilities

No bicycle facilities currently exist in the plan area. Facilities from both Derby and Mulvane are near the plan area on Rock Road, both north and south of the plan boundaries. The Derby Comprehensive Plan identifies hike and bike trails along both Rock Road and Greenwich Road. The plan also identifies a future regional trail along the Arkansas River. The Mulvane Comprehensive Plan does not identify the locations of planned future bicycle facilities.

The adopted Sedgwick County 1996 Parks and Pathways Plan identifies planned pathways in Sedgwick County. A pathway is a bicycle facility that connects two points, it can consist of both a shared use facility (street with bike lanes), or single use facility (i.e. bike path). The Parks and Pathways Plan identifies pathways along both sides of the Arkansas River, from Wichita to the southern county line.

The Wichita Area Metropolitan Planning Organization (WAMPO) adopted the 2007 WAMPO Pathways Plan as guide for the MPO, showing where and how regional bicycle facilities should be developed in the MPO boundaries. The WAMPO Pathways Plan identifies a planned bicycle facility (side path) should be developed along Rock Road between Woodbrook and 103rd Street South. This segment would connect the City of Derby and Mulvane bike path networks. The estimated cost identified in the WAMPO Pathways Plan is between $475,200 - $633,600 to develop the facility.

E. Airports

The 2006 – 2007 KDOT Kansas Airport Directory does not indicate the presence of any airports in the plan area.

F. Railroads

Three railroad lines pass through the plan area. The BNSF Ark City Subdivision rail line travels parallel to K-15 on the west side of the freeway through the western portion of the plan area. Two BNSF Emporia Subdivision lines travel through the western portions of the plan area, branching out generally south of 95th Street South. Refer to Map 38: WAMPO Map of Regional Railroads.

The amount of train traffic through the plan area is higher than any other area in Sedgwick County. The 2007 WAMPO Railroads Crossing Plan indicates that approximately 31 to 40 trains utilize the BNSF Ark City line per day, while 41 to 50 trains per day utilize the northern branch of the BNSF Emporia line, and more than 50 trains per day utilize the southern branch of the BNSF Emporia line. The amount of rail traffic can impact area land uses, infrastructure, and services. Refer to Map 39: WAMPO Trains Per Day.

The BNSF Ark City line crossings at 97th Street South and Louis Drive are at grade without gates or flashing lights. The eastern most crossing of the BNSF Emporia line at 96th Street South is grade separated. The remaining railroad crossings in the plan area are gated crossings

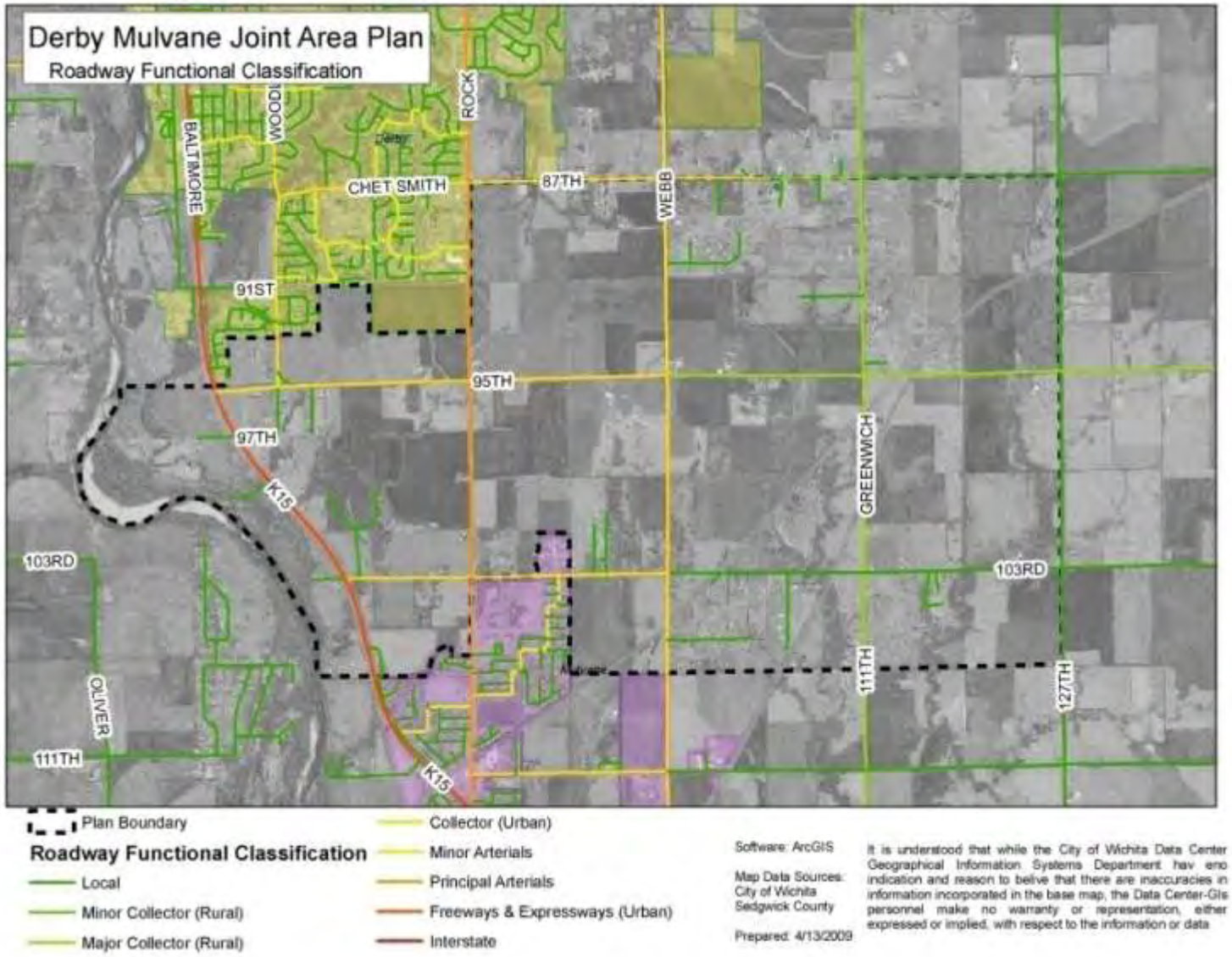
The Wichita Area Metropolitan Area Planning Organization (WAMPO) 2007 Railroad Crossings Study identified the 50 most hazardous railroad crossings within the WAMPO area boundaries. One railroad crossing within the Derby-Mulvane plan area made the list, the crossing at 95th Street to the east of the intersection with Greenwich. The WAMPO Railroad Crossing Study notes that this crossing is one of four crossings in the WAMPO area that are not suitable for major crossing improvements.

The WAMPO Railroad Crossing Study recommends that crossings be developed, where warranted, to allow for longer queue lines for left and right turns. These improvements would allow for reduced congestion of traffic traveling on roadways parallel to the rail line. This recommendation may not be applicable to the crossings in the Derby-Mulvane Joint Area Plan study area today, but may be applicable in the future.

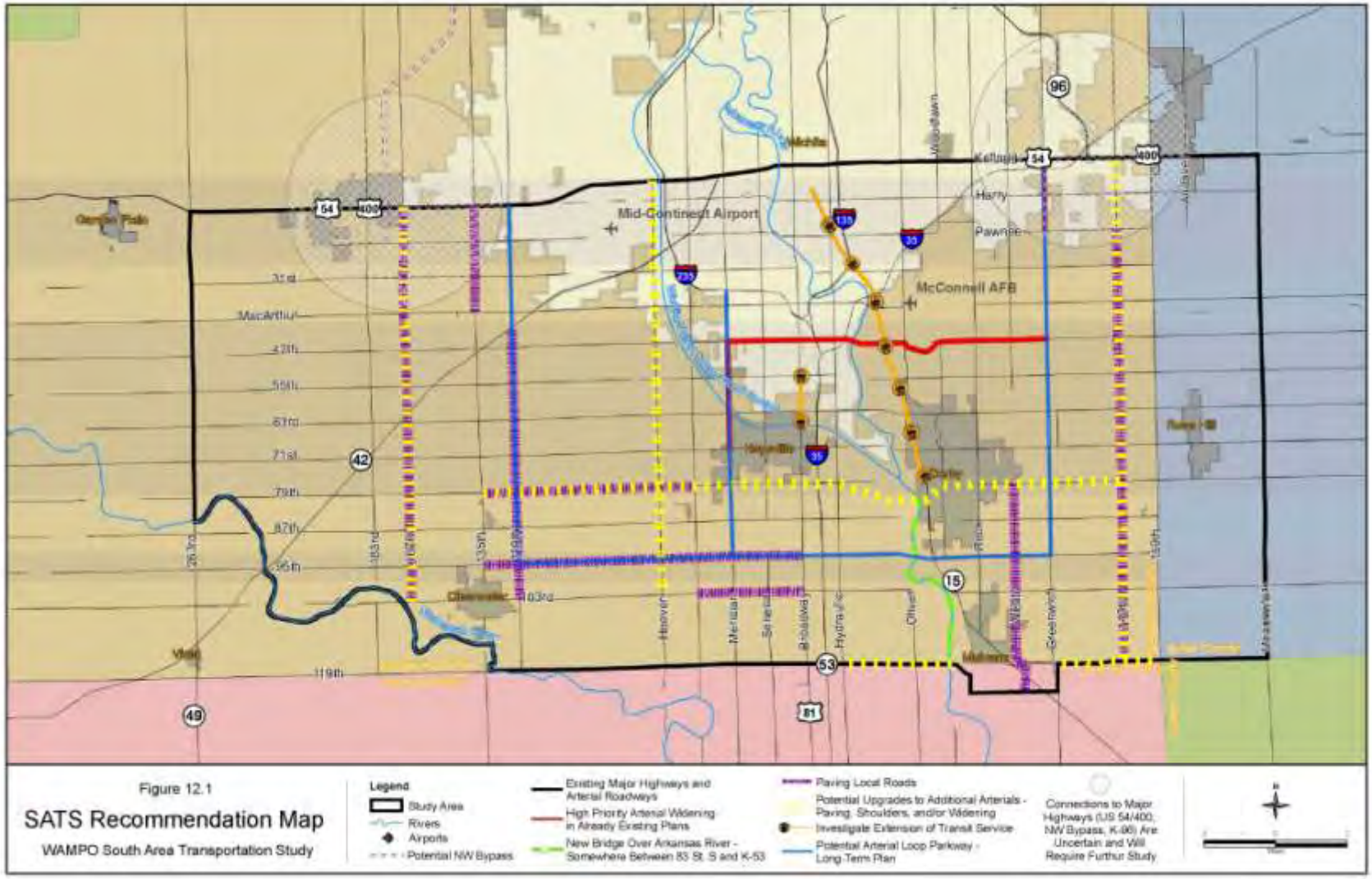
A railroad traffic study is currently being developed by KDOT. No anticipated date of release has been set for the completion of the study. The study will provide a clearer picture of the future projected railroad traffic through the plan area.

A feasibility study is currently underway for possible passenger rail service between Kansas City, Oklahoma City, and Fort Worth. A potential route for the passenger rail service would travel through the plan area. The KDOT staff anticipate that the feasibility study will be completed in the fall or winter of 2009. Both the City of Derby and City of Mulvane have passed resolutions expressing support for the expansion of passenger rail service in the area.

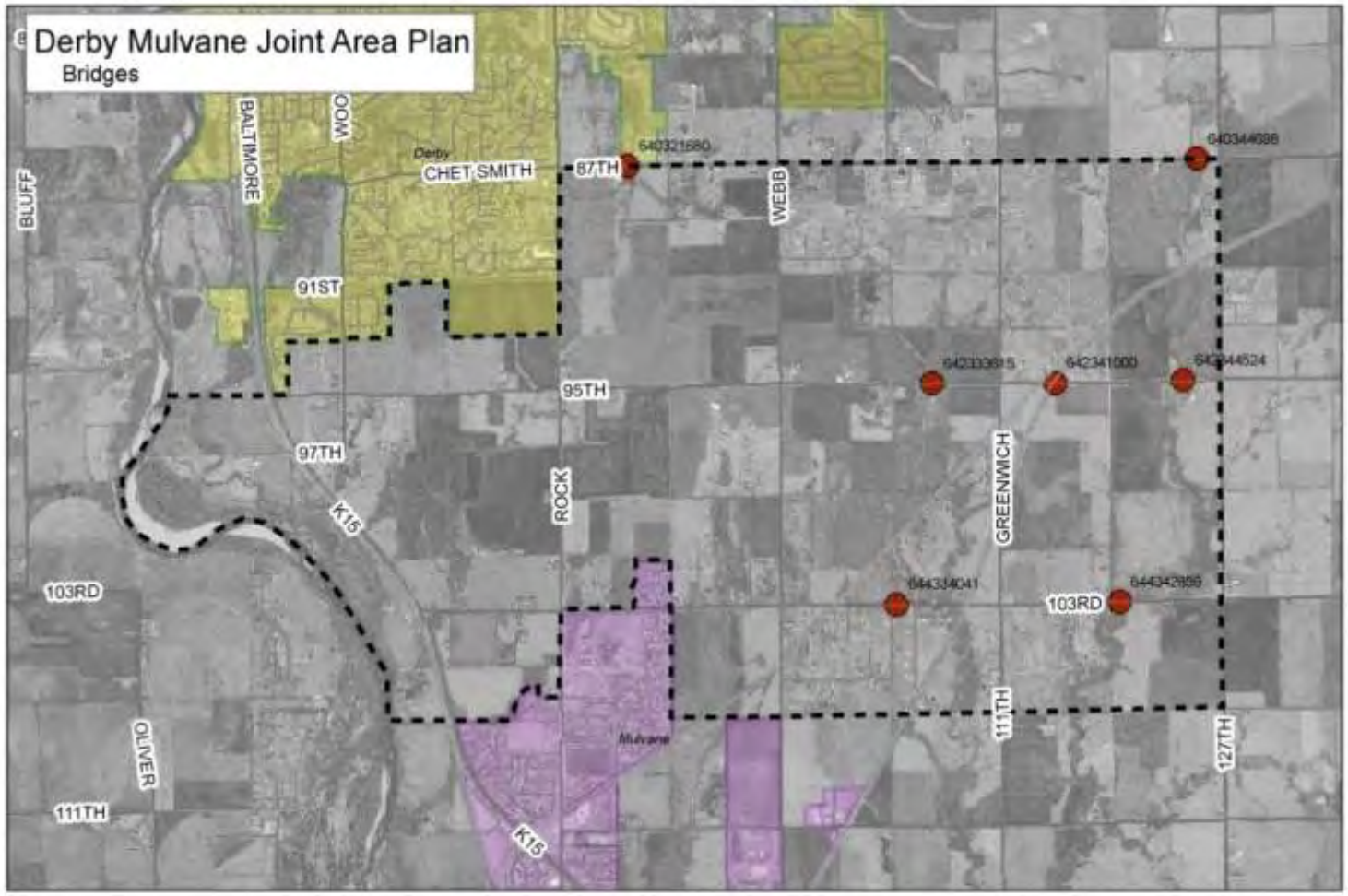
Map 34: Plan Area Roadway Functional Classification



Map 35: WAMPO SATS Recommendation Map



Map 36: Plan Area Bridges



Plan Boundary
Derby City Limits
Mulvane City Limits

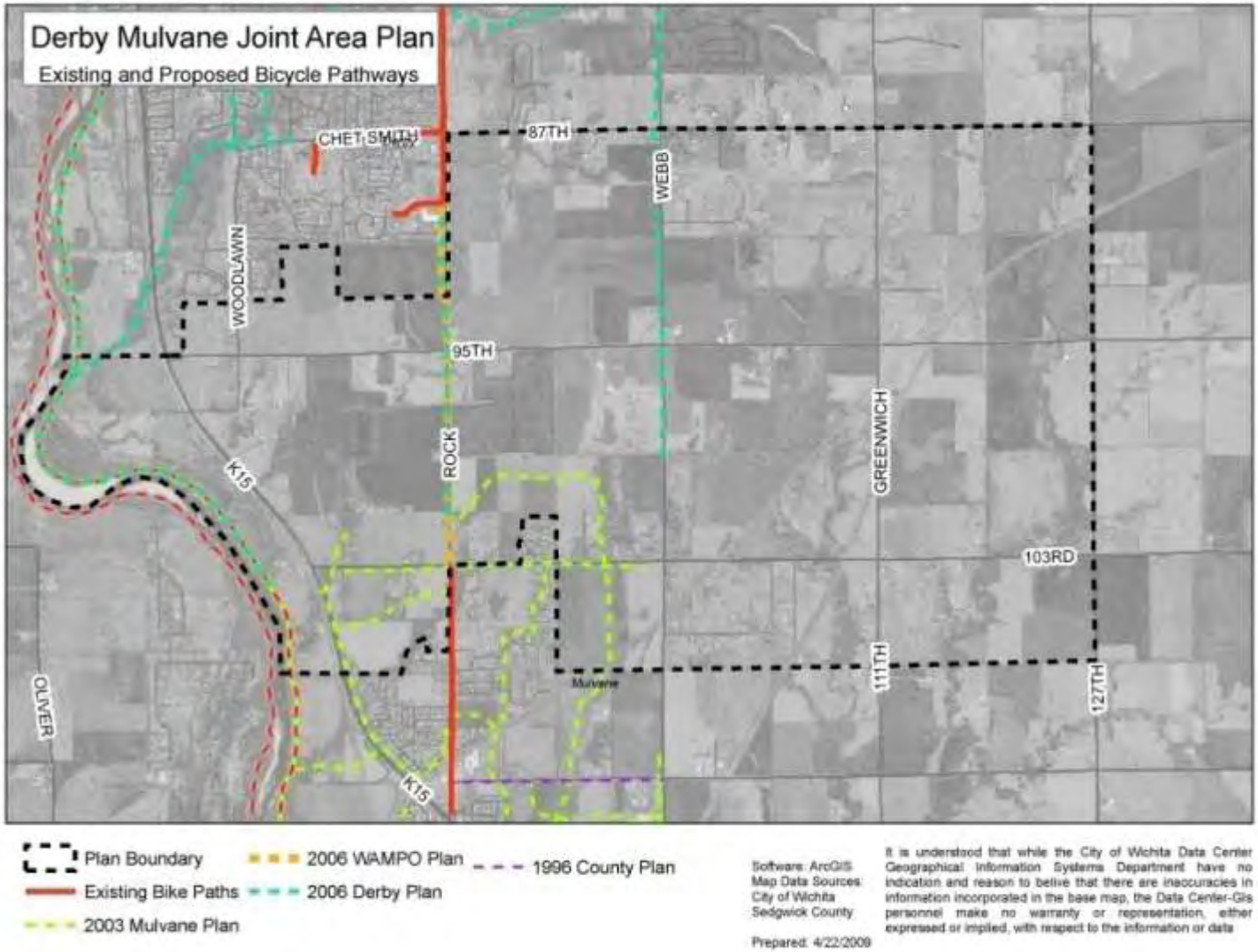
Software: ArcGIS

Map Data Sources:
City of Wichita
Sedgwick County

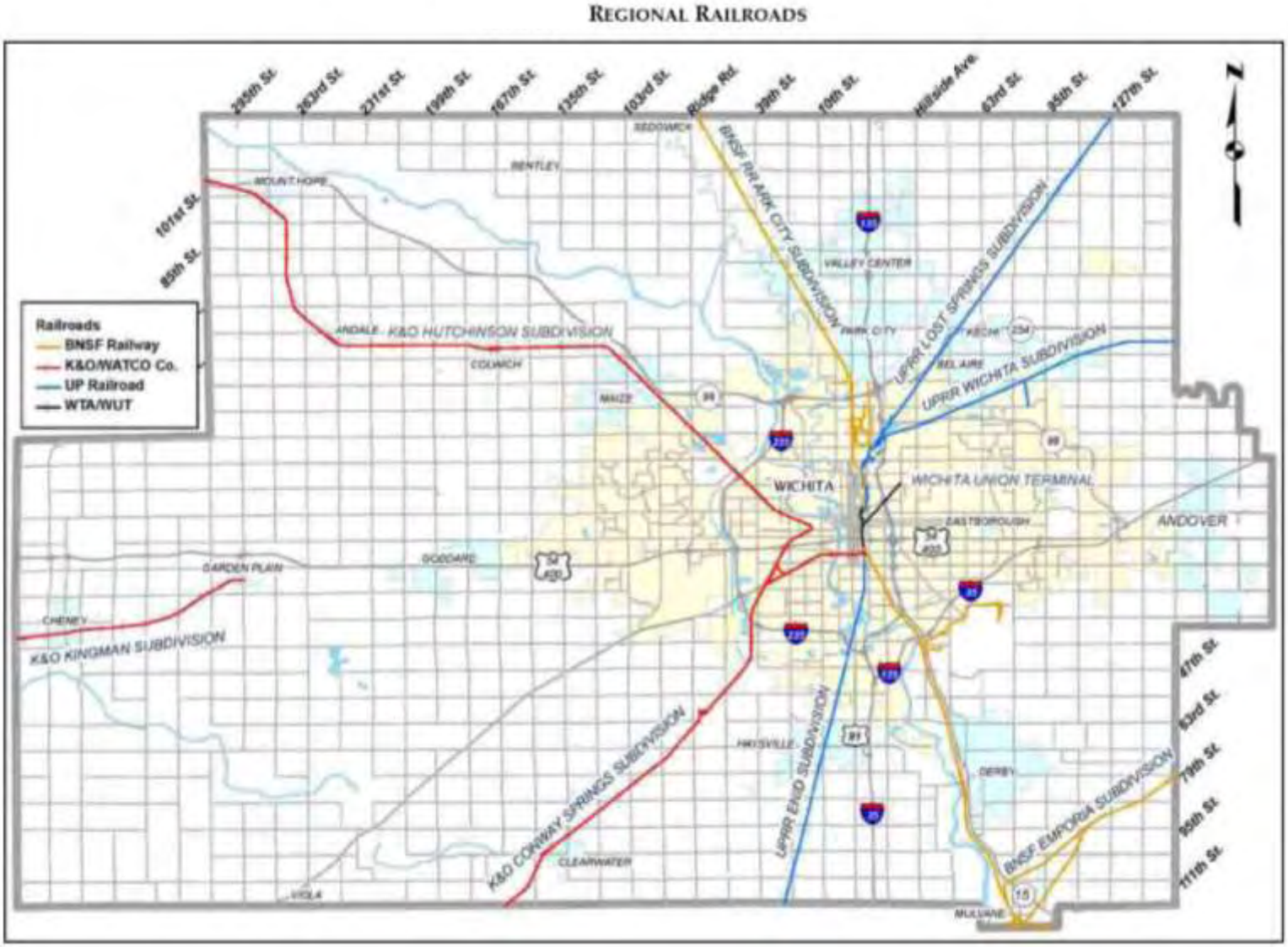
Prepared: 4/13/2009

It is understood that while the City of Wichita Data Center Geographical Information Systems Department hav eno indication and reason to belive that there are inaccuracies in information incorporated in the base map, the Data Center-Gis personnel make no warranty or representation, either expressed or implied, with respect to the information or data

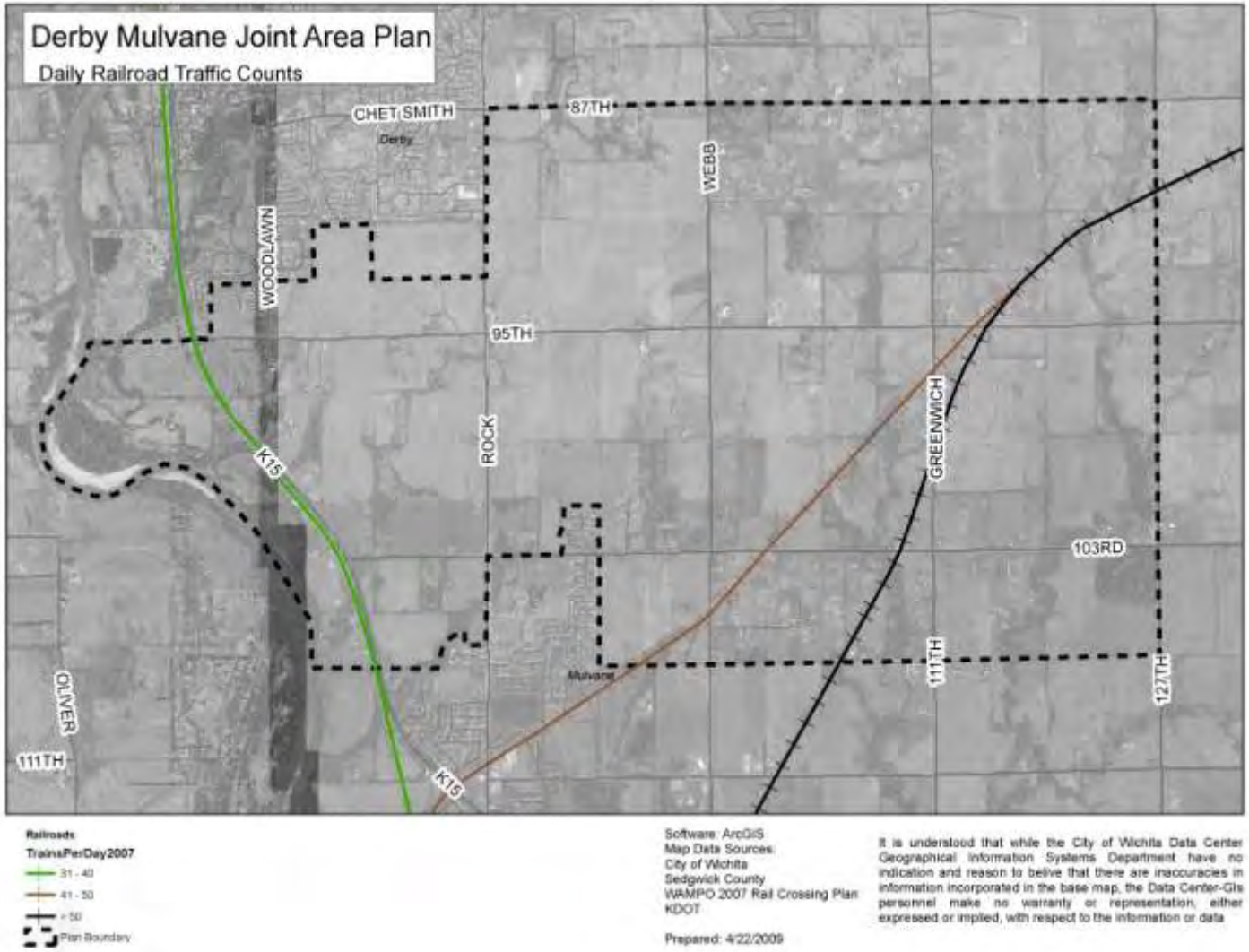
Map 37: Plan Area Existing and Proposed Bicycle Pathways



Map 38: WAMPO Map of Regional Railroads



Map 39: WAMPO Trains Per Day



Date Printed: 2/3/2010 9:12:00 AM

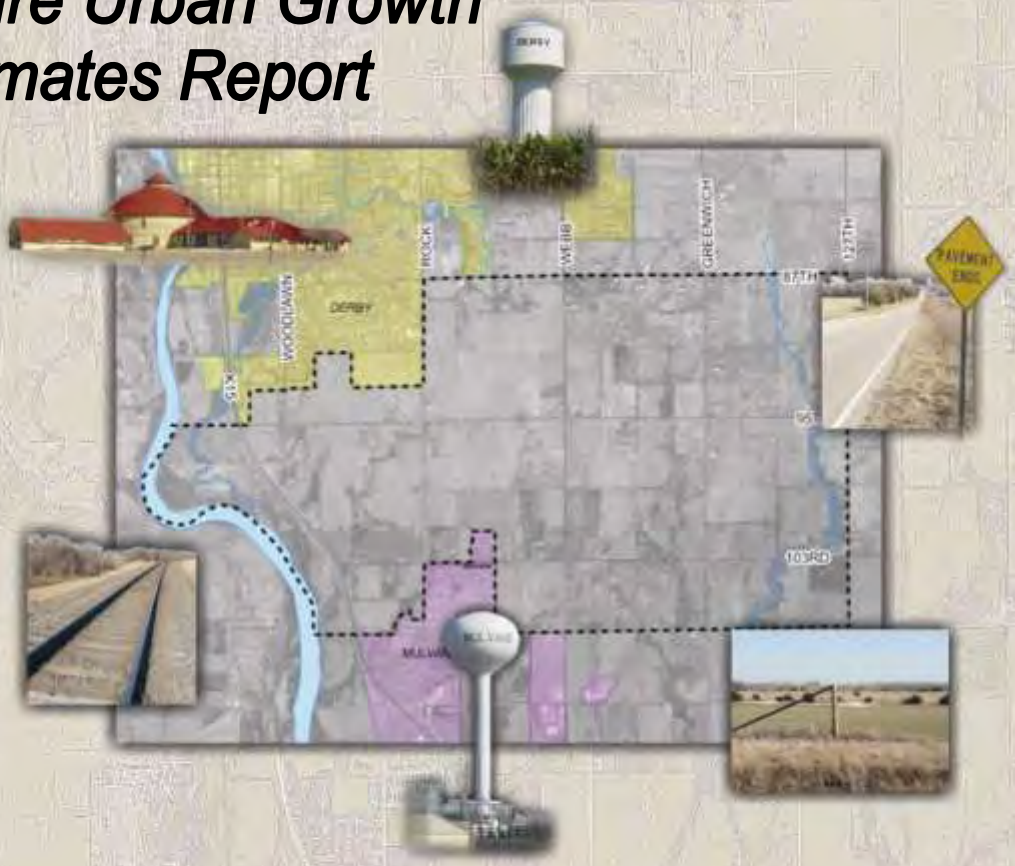
---

[i] Derby Informer Wednesday April 15, 2009 Barn Could Become Entertainment Venue

Derby-Mulvane Joint Area Plan

2009-2030

Appendix B: Future Urban Growth Estimates Report



DRAFT
MONTH YEAR

Introduction

The Derby-Mulvane Joint Area Plan Future Urban Growth Estimates Report reviews the Derby and Mulvane comprehensive plans allocations for future urban growth in the Derby-Mulvane Plan area, and compares the allocations to the residential and commercial growth projections.

Development Trends Data from 2002 to 2008

During the period 2004 to 2008 four homes were built within the plan area boundaries. Two of these homes were built in 2004 and the other two in 2008. There has been no subdivision activity within the planning boundary that would point to demand for appreciable future residential building activity. However, Derby has seen residential subdivision activity at the edge of the planning area on the north side of 87th Street South within the last five years. Derby has also seen other residential subdivision activity with a half mile of the planning area.

There have been no appreciable commercial construction projects built within the study area boundary from 2004 to 2008. Derby has seen one commercial subdivision on the west side of Rock Road in 2004, and Mulvane has seen two commercial subdivisions within a half mile of the planning area in both 2005 and 2006 along 111th Street South.

2035 Population and Employment Projections

The Wichita-Sedgwick County Metropolitan Area Planning Department (MAPD) 2009 population projection estimates for the Wichita Area Metropolitan Area Planning Organization Area, including all of Sedgwick County, estimates that total population and employment growth will result in 104,050 additional population and 60,400 additional employees for Sedgwick County during the planning period of 2008 to 2035. The City of Derby population is projected to increase approximately two percent a year from 22,058 residents in 2007[1] to 33,750 residents in the year 2035. The number of Mulvane residents is projected to increase at approximately one percent a year from 5,835 residents to 6,800 residents for the same period of time.

Within the Derby and Mulvane Traffic Analysis Zones (roughly resembling all or portions of the future growth areas of each community) the MAPD projects that nearly 800 new homes and nearly 90 new jobs will be created by 2035 (maps displaying the future estimates are available later in this document). Approximately 650 of these new homes could occur within the joint planning area along with approximately 65 of the new jobs.

These estimates are based on Sedgwick County control totals of 582,000 total population and 352,100 total employment for the year 2035. In addition, staff also reviewed community comprehensive plans; performed an analysis of trend history for the previous ten to twenty years; and accounted for changes in the dynamics of growth throughout the county over the previous five to ten years. The growth dynamics are impacted by smaller cities now sharing common city limits with Wichita and other

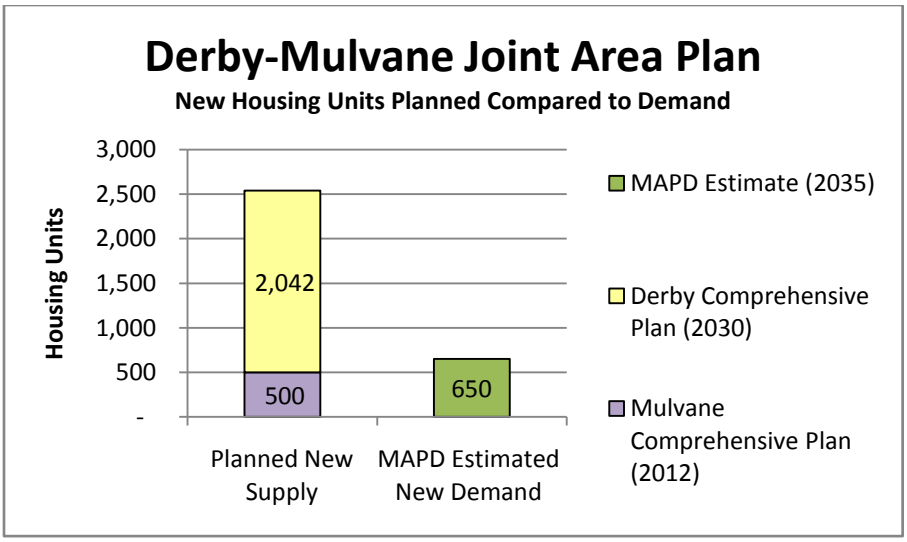
[1] U.S. Census Bureau, Population Estimates Program, 2007 Population Estimates, Table T1

communities; more intense development within the common city limit areas; and the ability of communities to provide water and sewer services to new areas. It is important to note that the Derby area is now sufficiently large enough that it is recognized as a market area in itself for many businesses looking to invest in the region. This can result in growth rates more independent of other regional trends.

Planned Future Urban Development Allocations

The combined Derby and Mulvane comprehensive plans' allocations for future residential development within the plan area are nearly four (4) times the amount of demand anticipated by MAPD population projections to the year 2035. This provides the recommended three (3) times the amount of property needed for the anticipated demand, allowing the flexibility to accommodate properties that are undesirable for development or will be underutilized to the year 2035. However, the property allocated for residential and use beyond the recommended three (3) times the amount needed, could allow for development to leapfrog past undeveloped, but developable, properties of significant size. This could result in substantial costs for extensions of municipal infrastructure and services. The location and sequencing of both developments and infrastructure will be import considerations for local governments.

The estimates for the planned supply and estimated demand for housing units was arrived at using information from the Derby and Mulvane comprehensive plans and from 2035 population estimates created by the MAPD. The Derby and Mulvane comprehensive plans include maps (please refer to maps 3 and 4 in this document) that identify locations for future growth within the plan area. Using this information and average housing densities, we created a rough estimate of the amount of land (in acres) allocated for residential land use. Using this information we were able to compare the amount of land necessary to house the estimated future increase in the plan area population. Later in the document, Table 1: Planned Supply and Estimated Demand for Future Land Uses shows the estimates for the future land use allocations and the estimated demand for future residential land. The figure below shows the comparison of planned housing units supply and estimated future demand in a graphic format.



Future Urban Services

The availability of water and sewer services are some of the most important factors when projecting the future location and growth rates of urban development. Without these services developments are generally limited in density and size due to the ability to treat sewage on-site. Municipalities generally prefer to provide sewer services to areas where gravity flow can be utilized to transport the sewage materials, due to the high cost of installing and operating sewage pumping stations. The boundaries of gravity flow systems are generally the same as area drainage basin boundaries (illustrated on map 5). The majority of the plan area properties drain to the south and west towards Mulvane, shown on the map below. The plan area properties located in the northern portion of the plan area drain slightly north, then west to Derby.

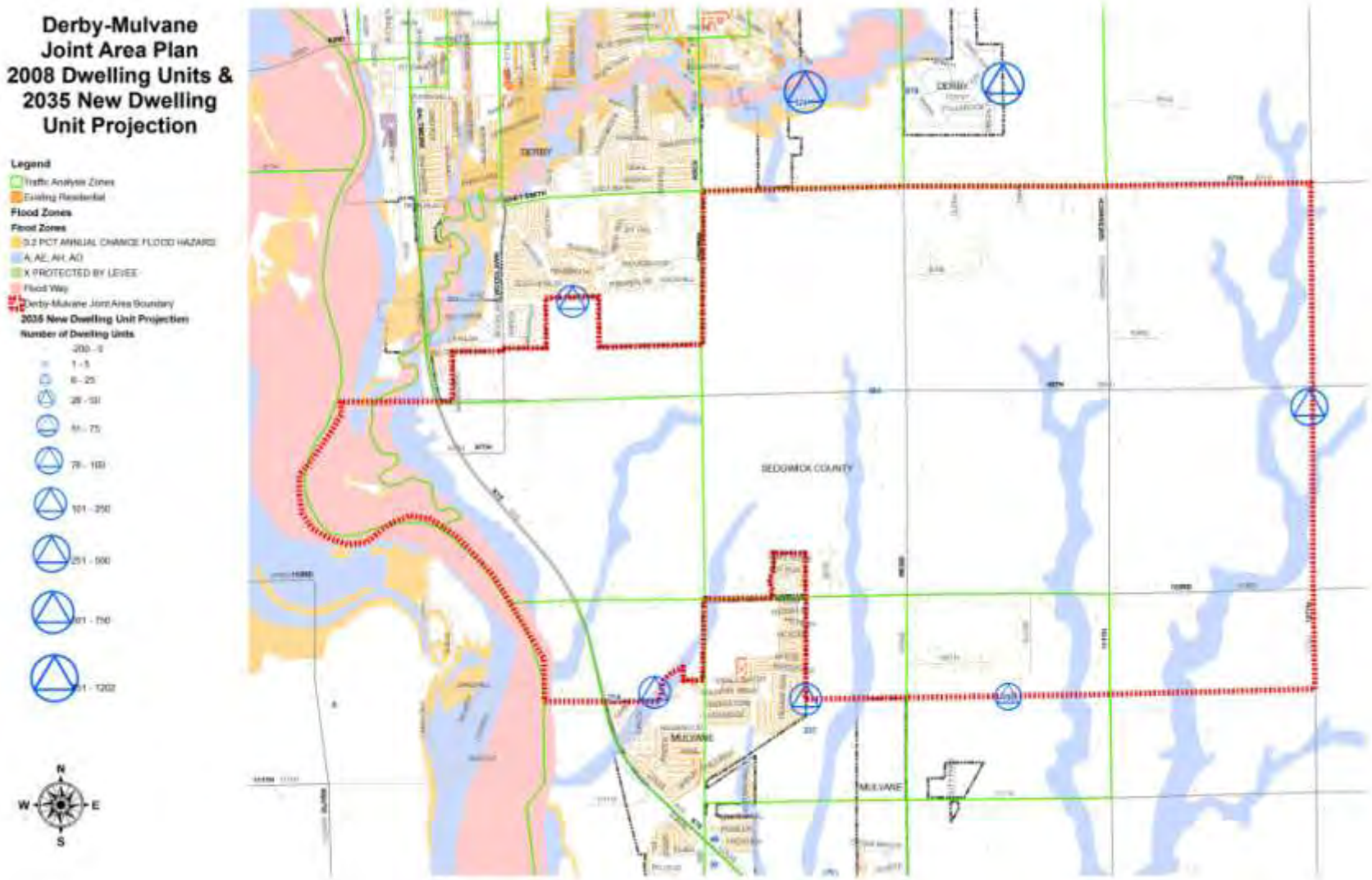
Growth Estimates Analysis

The MAPD staff anticipate that the majority of the plan area will remain in agricultural use by 2030, based on the estimated growth rates of the communities and planned sewer services. The areas most likely to see urban scale developments are those properties located north near the Derby city limits, south near the Mulvane city limits, or west along K-15. The drainage patterns of the area are likely to encourage these development patterns, due to the higher costs to develop properties in the central portion of the plan area. The higher costs are due to the need to either pumping sewage north and connecting into the Derby system, or extending infrastructure from the south in order to connect to the Mulvane system.

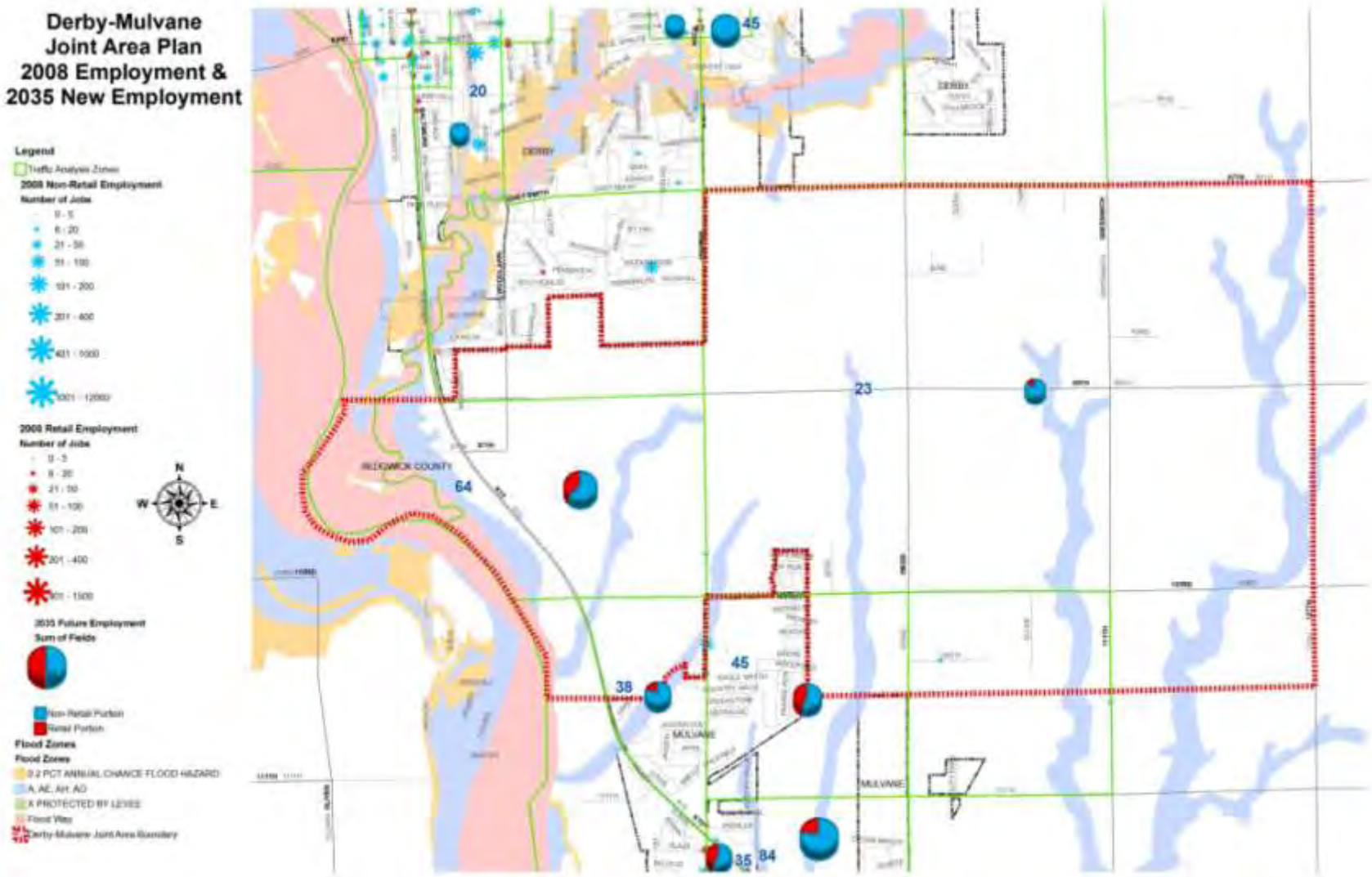
The Derby and Mulvane comprehensive plans identify areas for residential developments that could house approximately 2,542 new residents, approximately four times the MAPD estimated population

growth in the plan area. The excess capacity for residential development will accommodate unanticipated changes in market conditions and that some properties will be undevelopable. In addition, it also allows the flexibility to accommodate any residential growth beyond that projected by the MAPD staff. The capacity for residential development will make the location and sequencing of developments important considerations for Derby and Mulvane. The size of the areas identified for future residential development could allow for development to leap-frog past undeveloped properties of considerable size, requiring substantial costs for the extensions of municipal infrastructure and services.

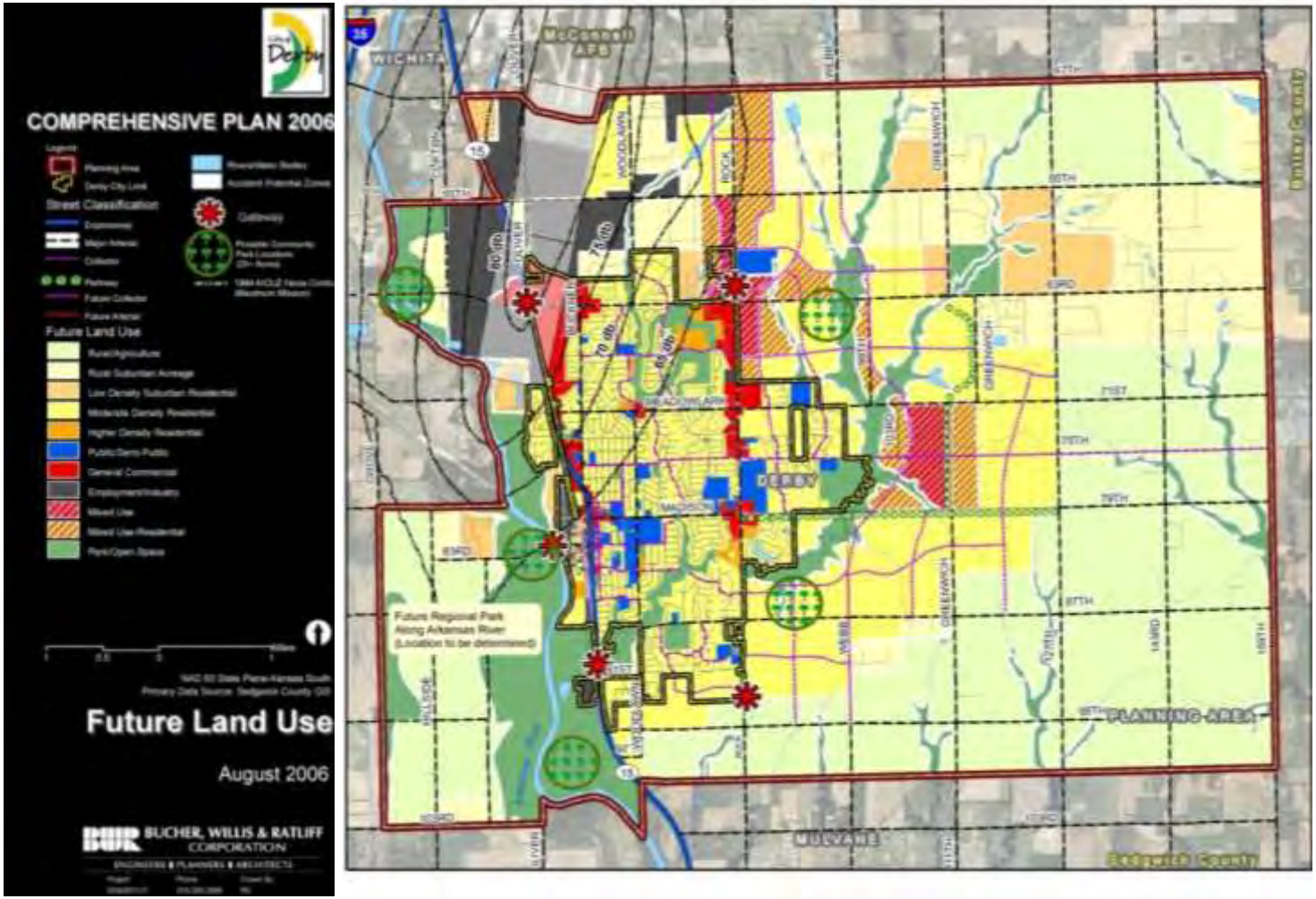
Map 1: MAPD Derby-Mulvane Joint Area 2008 Dwelling Units and 2035 New Dwelling Unit Projection



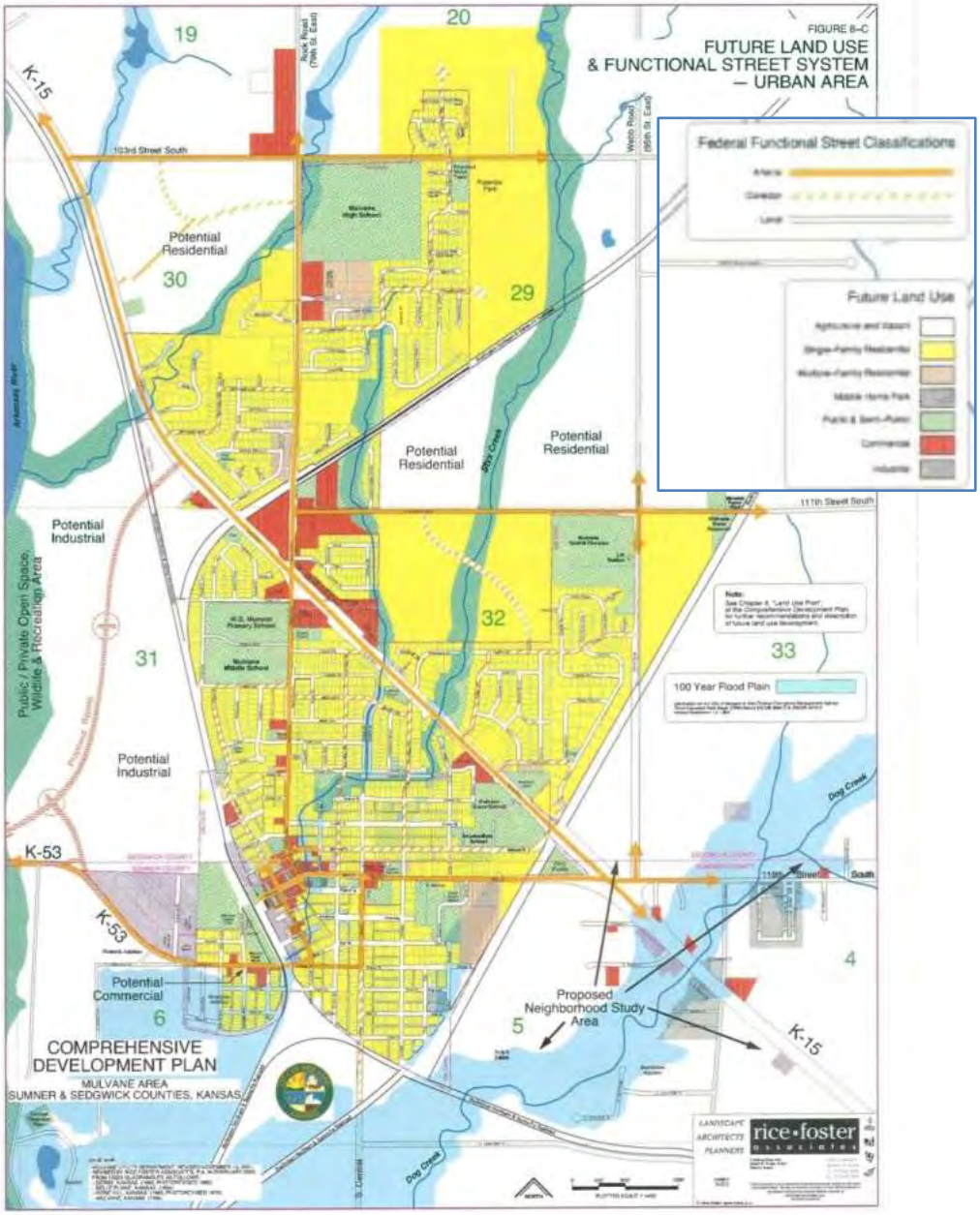
Map 2: Derby-Mulvane Joint Area Plan 2008 Employment and 2035 New Employment



Map 3: Derby Comprehensive Plan Future Land Use Map



Map 4: Mulvane Comprehensive Plan Future Land Use and Functional Street System



Map 5: Derby-Mulvane Joint Area Plan MAPD Estimated Drainage Areas

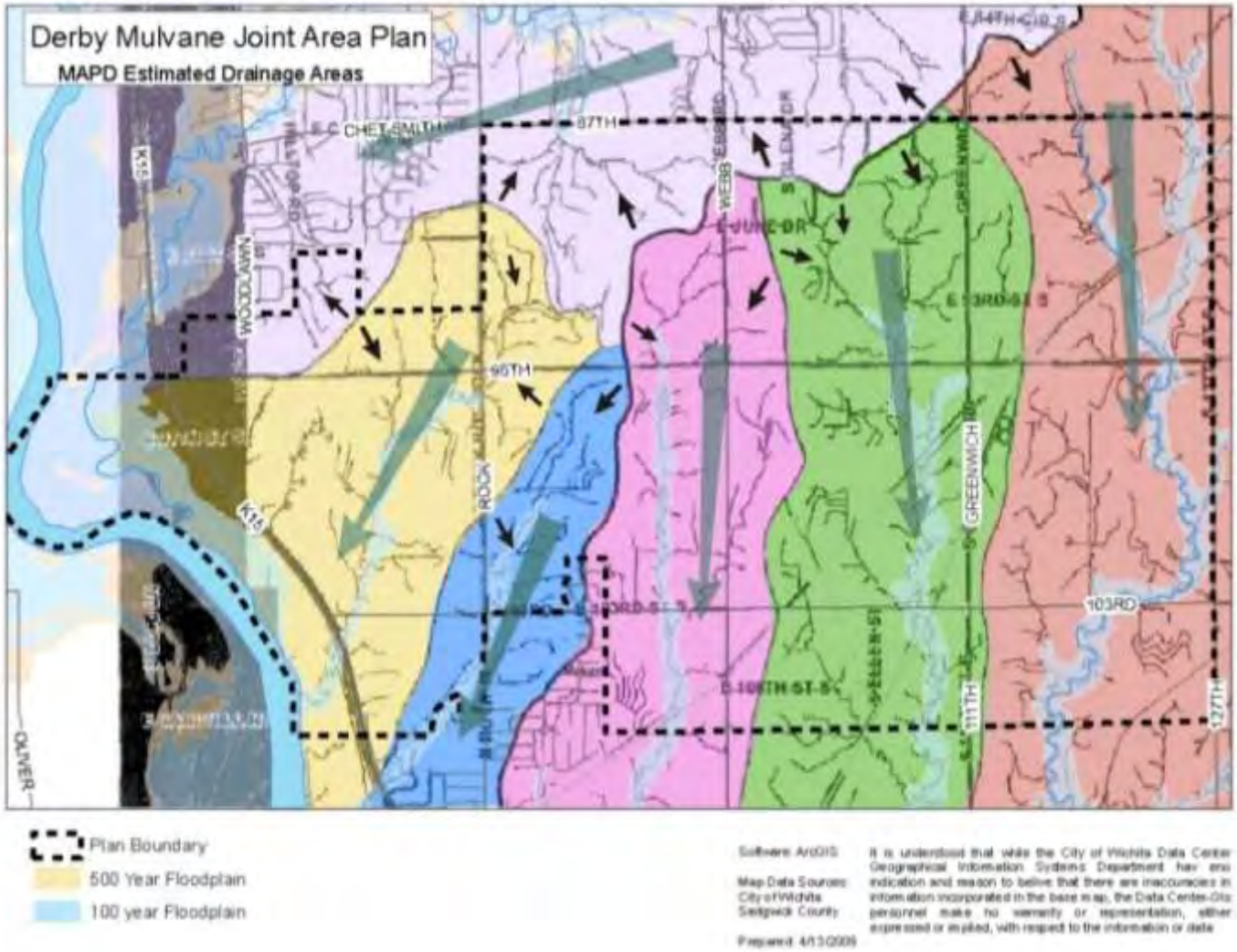


Table 1: Planned Supply and Estimated Demand for Future Land Uses

Planned Supply and Estimated Demand for Future Land Uses

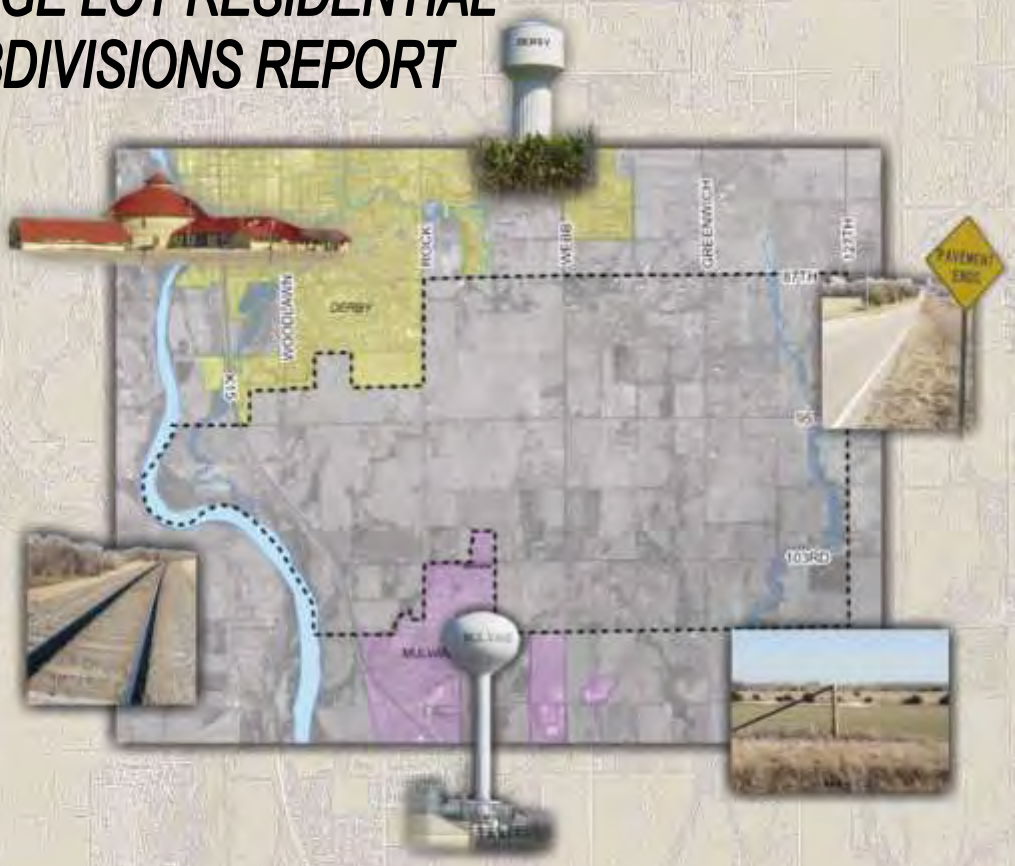
Estimate Source (Time Horizon)	Comprehensive Plan Land Use	Area (Sq. Ft.)	Acres	Estimated Average Dwelling Units per Acre*	Projected Increase in Units	Vacancy Rate**	Average Household Size***	Estimated Population Increase	Year
Mulvane Comprehensive Plan (2012)	Moderate Density Residential	7,257,528	167	3	500	3%	2.69	1,304	2012
Mulvane Comprehensive Plan (2012)	Commercial	670,029	15						
Total			182						
Derby Comprehensive Plan (2030)	General Commercial	1,545,922	35						
Derby Comprehensive Plan (2030)	Park/Open Space	23,695,985	544						
Derby Comprehensive Plan (2030)	Rural Suburban Acreage	6,626,306	152						
Derby Comprehensive Plan (2030)	Moderate Density Residential	34,205,072	785	2.6	2,042	3%	2.5	4,951	2030
Derby Comprehensive Plan (2030)	Rural/Agriculture	100,579,614	2,309						
Total, Minus Rural/Agricultural Uses			1,517						
MAPD Estimated Population Increase (2035)	None		250	2.6	650	3%	2.5	1,576	2035
MAPD Estimate of Acres Within the 100 Year Floodplain	None		854						
Total Area Needed for MAPD Estimate			1,104						2035
Plan Area			6,124						

* Source: City of Derby Comprehensive Plan or City of Mulvane
** Source: U.S. Census Bureau, Census 2000 - Table H3
*** Source: U.S. Census Bureau, Census 2000 - Table P17 and City of Derby Comprehensive Plan

Derby-Mulvane Joint Area Plan

APPENDIX C: LARGE LOT RESIDENTIAL SUBDIVISIONS REPORT

2009-2030



DRAFT
MONTH YEAR

Contents

Introduction 3
Regulatory Authority 3
Municipal Growth Areas 3
Recent Development Activity 4
Negative Effects of Possible Development Configurations 4
Zoning Regulations 6
Existing Zoning 6
Zoning Areas of Influence 7
Impacts of Existing Zoning 8
Possible Approaches 8
Subdivision Regulations 10
Derby Subdivision Regulations 10
Mulvane Subdivision Regulations 11
Impacts of Existing Subdivision Regulations 12
Possible Approaches 13
Recommendations 14

Introduction

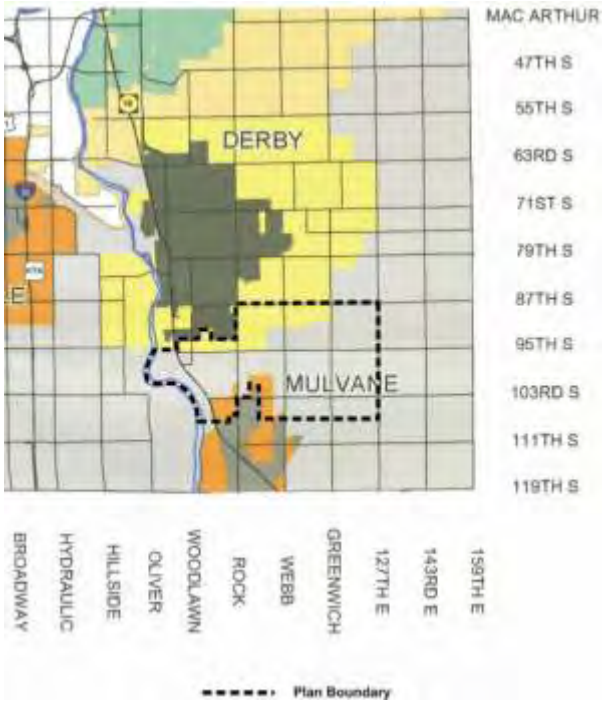
The creation of large lot residential subdivisions outside the city limits but within the urban growth area can impede the ability of Derby and Mulvane to provide efficient and effective services within their respective long-term urban growth areas. This report provides a brief overview of the current regulatory environment that influences the development of large lot residential subdivisions in the Derby-Mulvane Joint Area Plan (Derby-Mulvane Plan) area, problems that can result, and potential regulatory changes to help prevent them.

Regulatory Authority

Land use and parcel size within the Derby-Mulvane Plan area are primarily regulated through the use of zoning and subdivision controls. Zoning regulates the land use and lot size, while the subdivision regulations govern the lot size and layout of the properties. The cities of Derby and Mulvane regulate the subdivision activities within the plan area, and Sedgwick County regulates the zoning activities. The ability to influence the development within the plan area is important for Derby and Mulvane, since much of the plan area is identified within their urban growth areas.

Municipal Growth Areas

The City of Derby and the City of Mulvane urban growth areas, identified both in the Wichita-Sedgwick County Comprehensive Plan and each community's comprehensive plan, extend into the Derby-Mulvane Joint Area Plan boundaries. The Wichita-Sedgwick County Comprehensive Plan identifies the City of Derby's urban growth area generally includes the northeast portions of the plan area, while the City of Mulvane's urban growth area generally includes the south central portions of the plan area. The two growth areas do not overlap and have a separation of approximately a half mile at the narrowest point (see the map of growth areas below).



In addition to the Wichita-Sedgwick County Comprehensive Plan, both Derby and Mulvane have adopted comprehensive plans that identify future growth areas within the Derby-Mulvane Plan area. The City of Derby Comprehensive Plan, adopted in 2006, identifies the city's growth area boundary as the Arkansas River to what would be the intersection with Woodlawn Boulevard; then north along Woodlawn Boulevard to what would be 99th Street South; then east to 159th Street. The City of Mulvane Comprehensive Plan, adopted in 2002, identifies the city's growth area generally south of 103rd Street, except for an area at the northwest corner of the intersection of 103rd Street South and Rock Road; and lands generally located between Rock Road and Webb Road, south of what would be 99th Street South.

Recent Development Activity

Approximately 8 percent of the plan area has been subdivided among 15 subdivisions. The majority of the subdivisions (47 percent by number) occurred in the 1990's. The oldest subdivision, Mulberry Hill Addition, was subdivided in 1971. The most recent subdivisions (Harkness Addition and Humbolt Addition) occurred December, 2005. Approximately 93 percent of the parcels within the plan area subdivisions have been developed, with the majority (89 percent) developed for residential uses.

Negative Effects of Possible Development Configurations

Large lot residential developments without municipal services, on parcels smaller than 20 acres but larger than urban scale residential parcels, can have negative impacts on the ability of local governments to provide efficient and effective services in the future. The negative impacts can occur because the developments are often difficult to retrofit for municipal services, restrict the ability of municipalities to extend urban services, are difficult to redevelop, are difficult to service in a cost effective manner, and impair the ability of agricultural uses to operate in close proximity.

Large lot residential dwellings without urban services are generally difficult to retrofit for municipal services to due the amount of infrastructure needed to extend services to the property (i.e. water lines, sewer lines), and the ability to pay for the investment (based on costs per user ratio). Likewise, the provision of municipal services (i.e. fire protection, police services) can be expensive (based on a costs per user ratio).

The difficulty of providing services in a cost effective manner can result in unincorporated residential properties neither requesting annexation nor being considered for annexation by municipalities. The existence of jurisdictional doughnut-holes can substantially complicate the provision of services, including those for safety (i.e. fire and law enforcement), substantially reducing the quality of services and/or increasing the costs for services.

The high cost to provide urban services to large lot residential developments can also restrict the ability of local governments to extend urban services through and beyond the large lot properties. The inability or high cost to extend the services beyond large lot residential can result in additional costs for those who wish to receive urban services. The inability to extend municipal services in a cost effective manner can also limit long-term urban growth opportunities for municipalities.

The inability of municipalities to provide cost effective urban services to large lot properties within the urban growth areas is further complicated by the general difficulty of redeveloping the properties due to the limited size and layout. Generally, the large lot residential developments place the structures near the center of the parcel. This location can restrict the ability to subdivide the property into different parcel configurations that are marketable and cost effective to provide urban services to.

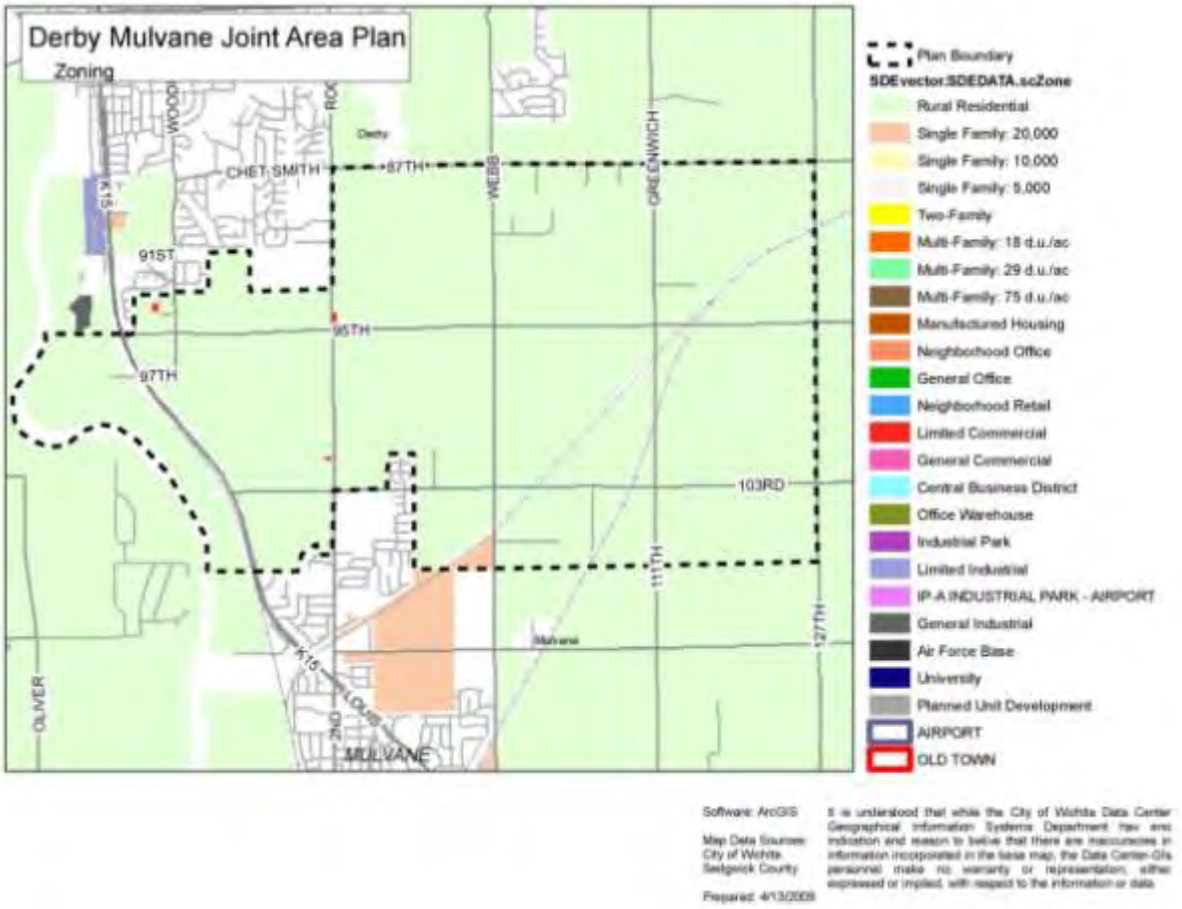
Large lot residential developments can also impair the ability of agricultural uses to operate within close proximity. The use of properties for agriculture can result in noise, sights, and smells that generally are not compatible with residential uses. This can lead to complaints and regulatory issues for specific agricultural operations.

Zoning Regulations

Existing Zoning

The City of Derby and the City of Mulvane control the zoning of the properties within their city limits. The unincorporated areas of Sedgwick County are zoned by Sedgwick County. More than 99 percent of the Derby-Mulvane Plan area is zoned "RR" Rural Residential (see the map below). Municipalities within Sedgwick County are able to influence but not control County zoning decisions for areas near their city boundaries through the zoning areas of influence.

Map 1: Existing Zoning



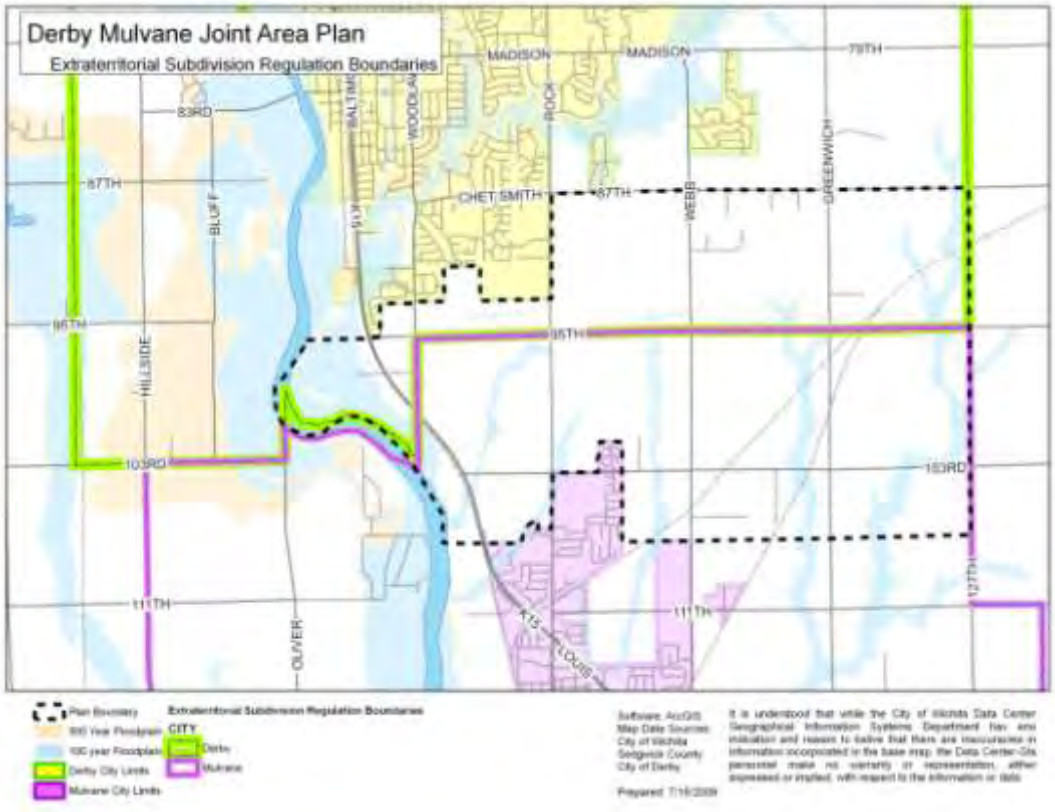
The use of parcels with "RR" Rural Residential zoning for single-family residential is permitted by right and does not require any zoning review. The minimum lot size required for a single-family use in this zone district is 4.5 acres if the property is served by a sewage lagoon. However, the lot size can be reduced to a minimum of 2 acres when specific conditions are met (see the table below). Larger minimum lot sizes may also be required by the applicable subdivision regulations.

Minimum Lot Size	Necessary Conditions per Wichita-Sedgwick County Zoning
2 Acres	Standard minimum size, unless subdivision regulations require larger; or a sewage lagoon or alternative sewer system is in use
4.5 Acres	If sewage lagoons are in use
2 Acres	If the following conditions are met: • It is approved by the Sedgwick County Health Department; • the lot is within a platted and recorded addition that includes at least one open space reserve; and • the overall density of the addition, including all lots, rights-of-ways, and open space does not exceed 1 lot per 5 acres.

Zoning Areas of Influence

Nearly all of the municipalities within Sedgwick County have been provided a Zoning Area of Influence (ZAOI) through the Wichita-Sedgwick County Zoning Code. The Zoning Areas of Influence were created in 1985, when Sedgwick County adopted countywide zoning. All of the cities of the second and third class except Eastborough, were granted the authority to review and comment on zoning applications located within unincorporated Sedgwick County and in close proximity to each cities' boundaries. When a zoning or conditional use application is filed with Sedgwick County and is located within a city's Zoning Area of Influence, that city's planning commission must be given the opportunity to review and comment on the application. If the city's planning commission recommends denial, then it requires a unanimous vote of approval by the Board of County Commissioners to override the planning commission's recommendation of denial. Since 1987, planning staff is aware of only four cases where the County Commission approved an application after a city has recommended denial.

The City of Mulvane's Zoning Area of Influence covers the majority of the plan area, including all areas east of Woodlawn Boulevard, south of 95th Street and west of 127thStreet. The City of Derby's Zoning Area of Influence includes all other areas within the Derby-Mulvane Joint Area Plan boundaries (north of 95th Street and west of Woodlawn Boulevard).



Impacts of Existing Zoning

More than 99 percent of the Derby-Mulvane Plan area is zoned "RR" Rural Residential by Sedgwick County. Single-Family residential developments as small as two acres are a permitted use within the zoning district and do not require zoning review by Derby or Mulvane. Single-family residential developments on parcels smaller than 20 acres but larger than urban densities, can occur throughout the plan area. This could substantially decrease the ability of Derby and Mulvane to provide effective and efficient services to lands within their growth areas.

Possible Approaches

Zoning Approach: Change the Wichita-Sedgwick County Zoning

Portions of the plan area currently zoned RR Rural Residential can be rezoned to require a minimum lot size of 20 acres. Below are some examples of how this could be accomplished using the following changes (or combination of changes) to the Wichita-Sedgwick County Zoning Code:

- revise the existing "RR" Rural Residential zone district to require minimum lot sizes of 20 acres or more for residential uses;
- revise the existing "RR" Rural Residential zone district to make residential lots smaller than 20 acres a conditional use;
- create a new zone district (or overlay district) with a minimum lot size requirement of 20 acres; or

- create a new zone district (or overlay district) with a minimum lot size of 20 acres for residential uses, but with the ability to create lots smaller than 20 acres through the conditional use process.

The zoning regulations provide the ability to regulate lot sizes, with the flexibility to address specific circumstances (land use, intensity, and location). The new zoning district, or possibly an overlay district, could be made to closely resemble the existing RR "Rural Residential" zone district, but require lot sizes of 20 acres or more. The new zoning district could be applied to specific areas as needed, and would allow for the property owner to request a different zoning district if needed. If this method was utilized; then large lot residential subdivisions could still be developed within the plan area, but would require a change to a different zoning district or approval of a conditional use (depending on how the zoning district was tailored).The new zoning could be tailored so that any requests to change the applicable property zoning district would still provide Derby or Mulvane an opportunity to review the appropriateness of the requested zoning through the use of their Zoning Area of Influence. It is also important to note that the Derby and Mulvane subdivision regulations exempt properties from platting that will be for residential or agricultural use, are 20 acres in size or larger, and meet the necessary conditions identified in the regulations.

If applied carefully, the new zoning regulations could be applied to portions of the plan area so that a few or no new non-conforming land uses are created. Per the Wichita-Sedgwick County Zoning Code Section VII-D, a non-conforming land use is only created based on lot size if the lot is less than 75 percent of the required minimum standard for the zoning district. This makes it even more unlikely that non-conforming uses would be created through a rezoning effort that increased the minimum lot size. If any non-conforming land uses were created, then they would still be able to operate so long as they complied with the applicable conditions listed in Article VII of the Wichita-Sedgwick County Zoning Code. These provisions generally work to prevent expansion of the non-conforming use at the site, limit the ability rebuild after substantial damages, and limit the ability of the operations to resume after an extended period of vacancy.

Subdivision Regulations

The Wichita-Sedgwick County Subdivision Regulations provides the cities of Derby and Mulvane the authority to regulate subdivision activity in specified areas outside their municipal boundaries. Within these defined areas the municipalities have the ability to regulate and approve/deny all subdivision activities. All of the plan area is included in either the Derby or Mulvane Extraterritorial Subdivision Regulation Authority Areas, it is generally split between the Derby and Mulvane Extraterritorial Subdivision Regulation Authority Areas from the western boundaries of the plan area along the Ark River to Woodlawn; then north to 95th Street South; then east to 127th Street East.

Derby Subdivision Regulations

Lot Size

The Derby subdivision regulations, per Article 105.H exempts properties from platting so long as they meet specific conditions, including but not limited to

- the property will be 20 acres in size or larger;:
- it will be used for agricultural or single-family purposes only;
- they do not involve any new streets or easements;
- are adjacent to a public road or private road which conforms to the rights-of-way standards in the subdivision regulations;
- has land suitable for dwelling purposes which is not located in an area subject to flooding; and
- conforms with zoning and sanitary codes.

The Derby subdivision regulations, per Article 604.A, state that the minimum lot size shall conform to the size specified in the zoning district, except for areas that will not be served by a public sewer. In these areas, the County Department of Community Health may require larger minimum lot sizes.

Per Article 604.A(2), the City of Derby, through the use of restrictive covenants, can require development on platted lots to be configured so that when water and sewer services are available the lots can be re-subdivided and portions combined to create another buildable lot.

Infrastructure Requirements

The City of Derby subdivision regulations, per Article 7.702, require that subdivisions outside the City, but within the Derby Extraterritorial Subdivision Authority Area and Derby growth area (identified in the Derby Comprehensive Plan or other officially adopted growth area map) provide specific infrastructure to the City of Derby standards. However, the requirement can be waived when the land is located one or more parcels removed from the Derby city limits and the subdivider submits an acceptable plan which indicates how all the improvements will be provided in the future. The required infrastructure includes the following, per Article 7.700:

- roadways, alleys, curbs, gutters, and street drainage facilities (any temporary streets constructed by the subdivider are the responsibility of the subdivider to maintain until they are accepted by the City);

- sidewalks or other Pedestrian Accessways;
- water supply system for each lot in the proposed subdivision;
- fire hydrants;
- sanitary sewer system;
- storm sewer system;
- street lighting system;
- street and traffic signs (temporary signs may be allowed);
- landscaping (if required, the planting plan shall be prepared and approved by the Planning Commission);
- monuments (designs approved by the City Engineer);
- underground wiring in residential subdivisions (except for lines rated over 12,000 volts, transformers and related infrastructure, or for areas where overhead distribution systems currently exist;
- fences or walls (subject to review).

Mulvane Subdivision Regulations

Lot Size

The Mulvane subdivision regulations, per Article 1.105.B., provide a platting exemption for properties that meet all of the following criteria:

- are 20 acres in size or larger;
- will be for agricultural or single-family residential use;
- are more than 500 feet away from the Mulvane city limits;
- does not involve any new streets or easements (determined by Planning Commission)
- does not propose any residential developments in areas subject to flooding;
- complies with the Mulvane subdivision regulations for disposal of sewage and for water supply; and
- conforms to applicable zoning.

If a proposed lot does not meet the exemption criteria listed in Article 1.105, then it must be plated. The lot size shall conform to the minimum applicable zoning and sanitary codes, whichever is larger (Article 6.110(2).

Infrastructure Requirements

The City of Mulvane has the right to require subdivisions in the “surrounding jurisdiction” to connect to public water supply and sewage disposal systems, as deemed feasible by the Governing Body (Article 6.110.B.1).

Per Article 6.110.C, the City of Mulvane, through the use of restrictive covenants, can require development on platted lots to be configured so that when water and sewer services are available the lots can be re-subdivided and portions combined to create another buildable lot.

The Mulvane subdivision regulations distinguish between Urban Type Subdivisions and Rural Type Subdivisions, with the Urban Type Subdivisions subject to more standards and improvements (i.e. paved facilities; storm drainage systems; sidewalks; etc.). Urban subdivisions are defined as the following:

- all subdivisions including a portion within the City limits;
- all subdivisions adjoining or touching the City limits;
- all subdivisions adjoining or touching the boundary of property being annexed by the City;
- all subdivisions adjoining or touching another subdivision which has previously received final plat approval by the City and adjoins or touches the City boundary; or
- all subdivisions which have or intend to have both municipal water and sewage service.

Impacts of Existing Subdivision Regulations

Derby: Lot Size

The City of Derby subdivision regulations generally do not regulate the lot sizes, which are established by the applicable zoning. The majority of the plan area is currently zoned so that residential subdivisions can be created with lots as small as two acres.

Derby: Infrastructure Requirements

The City of Derby can require infrastructure that meets city standards (i.e. water lines, sewer lines, roadways). The City of Derby subdivision regulations are flexible and do allow for these requirements to be waived if an acceptable plan for future improvements is provided. Many times this results in property owners signing petitions for City of Derby infrastructure improvements that allow for the City to install infrastructure at cost to the property owner at anytime. Depending on the duration of time between the enactment of the petition and the infrastructure development, it is possible that the original property owner will have sold the property by the time the City moves to install the infrastructure and secure reimbursement. The ability to require infrastructure provides a great amount of flexibility for the city to regulate the creation of large lot residential subdivisions.

Mulvane: Lot Size

The City of Mulvane does not regulate the size of lots not classified as Urban Type Subdivision (see the review of Mulvane subdivision regulations above for definition) through its subdivision regulations. The subdivision regulations allow the minimum lot sizes to be established by the applicable zoning. The result is that large lot residential subdivisions with lots as small as two acres are able to be developed within the City of Mulvane growth area in areas zoned RR “Rural Residential”.

Mulvane: Infrastructure Requirements

The City of Mulvane can require subdivisions in the “surrounding jurisdiction” to connect to public water supply and sewage disposal systems, as deemed feasible by the Governing Body (Article 6.110.B.1).

Possible Approaches

Subdivision Approach: Revise the Subdivision Regulations to Require Lot Sizes of 20 Acres or Larger

The Derby and Mulvane subdivision regulations can be changed to increase the required minimum lot size to 20 acres. The objective of the changes is to ensure that lots created in the unincorporated portions of the plan area are sufficiently large enough that they preserve the ability for the property owner to more easily subdivided/redevelop in the future.

Subdivision regulations generally do not differentiate between uses, the subdivision regulations generally apply uniformly to all properties and all uses. Changing the Derby and Mulvane subdivision regulations to require a minimum lot size of 20 acres (unless a larger minimum lot size is required by zoning) would generally apply to all uses including industrial, institutional, and commercial uses.

Subdivision Approach: Revise the Subdivision Regulations to Require Specific Urban Infrastructure

The Derby and Mulvane subdivision regulations can be changed to require specific urban infrastructure for new subdivisions created in the unincorporated portions of the plan area. The objective of this option is to help ensure that the large lot residential developments have adequate infrastructure in place to integrate with urban services offered by Derby and Mulvane. By requiring the infrastructure to be installed during development, the municipalities and property owners save the expense of retrofitting the sites. The urban infrastructure could require the installation of infrastructure such as paved roads connecting the large lot subdivision and the nearest municipality, sewer and water lines that meet municipal standards. Examples of adopted urban infrastructure standards are available in Article VIII of the Wichita-Sedgwick County Subdivision Regulations.

The use of updated subdivision regulations could allow for the development of large lot subdivisions, while preserving the ability to connect the development to city infrastructure systems (i.e. water, sewer, roadways), or to subdivide/redevelop the property for urban/suburban type uses. The updated infrastructure standards will raise the costs of subdivisions. However, the costs would be substantially lower for property owners that wish to connect to municipal services in the future. Derby and Mulvane could also identify select areas where the changes to the subdivision regulations would not apply. The existing subdivisions would not be impacted by the new standards for proposed subdivisions.

Recommendations

The ability to develop large lot residential developments (single-family residential uses on parcels smaller than 20 acres in size and larger than urban/suburban residential densities) is a concern for the long term ability of Derby and Mulvane to provide efficient and effective services to lands within their future urban growth areas. Based on a review of the approaches available to Derby and Mulvane, it is recommended that both Derby and Mulvane update their subdivision regulations to establish/require urban infrastructure standards for proposed subdivisions in the unincorporated portions of the plan area and that they encourage Sedgwick County to change the zoning for the plan area to provide Derby and Mulvane an opportunity to review the appropriateness of the requested zoning through the use of their existing Zoning Area of Influence.

Changes to the subdivision regulations to require specific urban infrastructure are recommended because they can be updated relatively quickly under the authority of each municipality, and can tailored to meet their community needs. They will help to ensure that future developments have the ability to connect to municipal systems in a cost effective manner, and that the cost of development includes not just the present costs of development but also future adaptation for more urban/suburban needs. This document does not recommend specific solutions/updates to the subdivision regulations. Examples of infrastructure standards are available in Article VIII of the Wichita-Sedgwick County Subdivision Regulations.

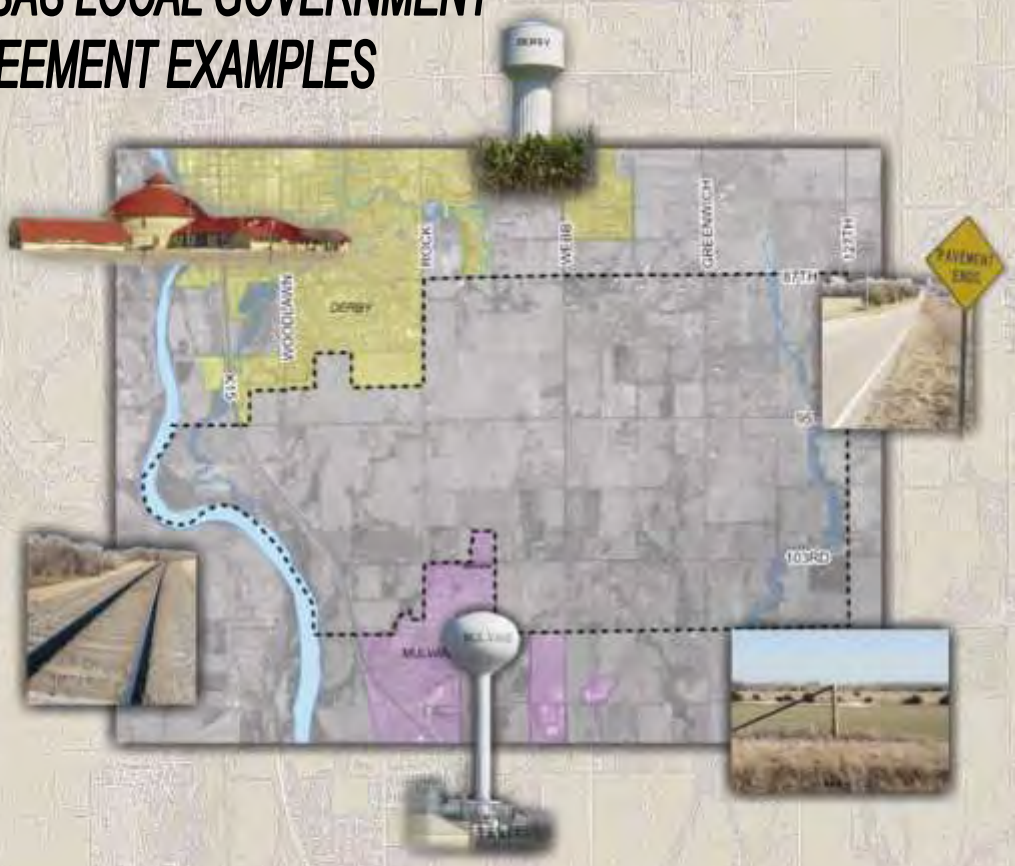
The zoning regulations are also recommended because they provide the ability to regulate lot sizes, while also providing the flexibility to address specific circumstances (land use, intensity, and location). Utilizing this combination of tools, Derby and Mulvane can better ensure their ability to provide efficient and effective services to the lands within their future urban growth areas.

The approach of changing the Derby and Mulvane subdivisions to increase the minimum lot size to 20 acres is not recommended due to the inability of subdivision regulations to address specific situations (land use, intensity, and location). The minimum lot size of 20 acres would apply to all land uses including institutional, industrial, and commercial. In addition, the regulations could be difficult to modify. The changes to the subdivision regulations might also cause confusion, because they would probably need to be applied only to the plan area and would be unique from the other areas regulated by the Derby and Mulvane subdivision regulations.

Derby-Mulvane Joint Area Plan

2009-2030

APPENDIX D: KANSAS LOCAL GOVERNMENT AGREEMENT EXAMPLES



DRAFT
MONTH YEAR

Description

This appendix contains examples of written agreements between local governments in Kansas. These are provided as a resource for review as an example for Derby and Mulvane when considering the development of a written agreement of future municipal boundaries for endorsement by their city councils.

Example

AGREEMENT BETWEEN THE CITES OF OLATHE AND SPRING HILL, KANSAS RELATING TO FUTURE ANNEXATIONS

THIS AGREEMENT is made and entered into this 21st day of August, 2003, by and between the CITY OF OLATHE, KANSAS (hereinafter "Olathe") and the CITY OF SPRING HILL, KANSAS (hereinafter "Spring Hill"), each party have been organized and now existing under the laws of the State of Kansas.

WHEREAS, certain lands in the vicinity of the Olathe Township and Spring Hill Township boundaries are projected for future urbanization by comprehensive plans of the parties hereto; and

WHEREAS, such lands are adjacent and proximate to the boundaries of the parties and it is expected that pressure will be exerted on the parties to expand their borders so as to accommodate this growth in a sound, rational manner; and

WHEREAS, it is the intent of the parties to cooperate so as to avoid disputes concerning future annexations and zoning of such lands; and

WHEREAS, public policy in general and K.S.A. 12-2901, et seq., and amendments thereto, entitled the "Interlocal Cooperation Act" in particular, authorize and encourage cities to cooperate to address and resolve issues of mutual concern, including regional problems; and

WHEREAS, the parties mutually desire to avoid annexation and zoning disputes between the parties which may result in illogical or premature annexations or unwanted development which would not be in the best interests of the parties hereto; and

WHEREAS, the parties mutually desire to avoid a duplication of planning efforts, capital improvements programming and provision of extraterritorial services, and desire instead to coordinate in such efforts; and

WHEREAS, the parties desire to engage in joint planning with respect to land use, development and provision of services; and

WHEREAS, property owners in this area should have a definite and certain indication of future city plans for annexation, provision of services, and comprehensive development plans; and

WHEREAS, the County has encouraged the parties to resolve annexation issues by establishing, for each city, areas having a community of interest with each city; and

WHEREAS, failure to address these issues may result in irregular and illogical boundary lines which inhibit sound land use planning, as well as the provision of services, the implementation of plans, and the scheduling and provision of public improvements necessary to support anticipated growth and development; and

WHEREAS, the governing bodies of said cities have established a logical demarcation line for future annexation which balances the needs and resources of the cities as wells those of the landowners in the area so as to increase coordination in comprehensive planning and capital improvements programming; and

WHEREAS, the governing bodies of said cities have deemed it necessary and advisable to enter into this Agreement to establish their future boundaries; and

WHEREAS, the Governing Body of the City of Olathe, Kansas, did approve and authorize its Mayor to execute this Agreement by official vote of said body on the ____ day of _____, 2003; and

WHEREAS, the Governing Body of the City of Spring Hill, Kansas, did approve and authorize its Mayor to execute this Agreement by official vote of said body on the 21ST day of August, 2003.

NOW THEREFORE, in consideration of the above recitals, the mutual covenants and agreements herein contained, and for other good and valuable considerations, the parties agree as follows:

1. Duration of Agreement: This Agreement shall be and remain in effect until terminated. Termination shall occur only upon mutual consent of the parties as evidenced by a resolution adopted by official vote of each governing body.

2. No Legal Entity Created: This Agreement creates no separate or independent legal entity.

3. Administration of Agreement: This Agreement shall be administered by the Governing Body of the City of Olathe, Kansas, acting by and through its City Manager, by the Governing Body of the City of Spring Hill, Kansas, acting by and through its City Administrator, which officials are hereby designated to administer said Agreement and empowered to do all things reasonably necessary to enforce its terms.

4. No Separate Budget or Jointly Held Property: There will be no separate budget established or maintained pursuant to this Agreement; and, the cost, if any, of financing this Agreement shall be borne by the parties through their normal budgeting processes. No property, real or personal, shall be jointly acquired or held by the parties.

5. Purpose of the Agreement: The purpose of this Agreement is to designate and delineate a boundary for future annexations of the parties in order to avoid annexation disputes and to further and encourage planning, construction of public

Example

improvements, and the provision of municipal services to landowners in the areas affected hereby.

6. Delineation of Future Annexation Areas:

(a) The boundary line between the two cities is described as follows:

Beginning at the NW corner of the S ½ of the NE ¼ of Section 33 Township 14 S Range 23 E, thence East along the North line of said S ½ to the NE corner thereof, said point is also the NW corner of the S ½ of the N ½ of Section 34 Township 14 S Range 23 E, thence East along the North line of said S ½ and continuing along the North line of the S ½ of the N ½ of Section 35 Township 14 S Range 23 E to the NE corner of the S ½ of the N ½ of said Section 35, said point is also the NW corner of the S ½ of the NW ¼ of Section 36 Township 14 S Range 23 E, thence East along the North line of said S ½ to the NE corner thereof, thence South along the East line of said S ½ and continuing along the East line of the SW ¼ of said Section 36 and the East line of the NW ¼ of Section 1 Township 15 S Range 23 E to the SE corner of the NW ¼ of said Section 1, said point is also the SE corner of the NE ¼ of said Section 1; thence East along the South line of said NE ¼ to the SE corner thereof, said point is also the NW corner of the S ½ of Section 6 Township 15 S Range 24 E, thence East along the North line of said S ½ and continuing along the North line of the S ½ of Section 5 Township 15 S Range 24 E and Section 4 Township 15 S Range 24 E to the NE corner of the S ½ of said Section 4, said point being the point of termination.

Example

(b) The parties mutually agree that Olathe shall not initiate annexation proceedings or accept annexation petitions under K.S.A. 12-520 or 12-521, or any successor annexation statutes, with respect to lands located south of the solid dark line (labeled Spring Hill on the legend) as shown on the Map attached hereto and incorporated herein by reference as Exhibit A;

(c) The parties mutually agree that Spring Hill shall not initiate annexation proceedings or accept annexation petitions under K.S.A. 12-520 or 12-521, or any successor annexation statutes, with respect to lands located north of the solid dark line on the Map attached hereto and incorporated herein by reference as Exhibit A.

7. Mutual Comprehensive Planning: The parties agree to meet periodically to discuss comprehensive planning and provision of municipal services along the annexation of borders established in Exhibit A. Such meetings may be either informally between the professional planning staffs or formally between the Planning Commissions and/or Governing Bodies.

Either party shall notify the other parties whenever a zoning request is received within one quarter (1/4) of a mile from the annexation borders established in Exhibit A. The parties so notified shall be given an opportunity to comment upon the proposed zoning application prior to, or at, the required Planning Commission public hearing. Such comments shall be considered in rendering the zoning decision.

8. Irrevocable and Binding Nature of Agreement: This Agreement shall be binding on the parties hereto as continuing political and jurisdictional bodies organized under and authorized by the State of Kansas to enter such Agreement.

9. Rights of Third Parties: The parties specifically agree that it is not the intent of this Agreement to institute annexation proceedings nor to affect the rights of third parties in that regard, the intent of the Agreement being merely to establish, by agreement, the prior jurisdiction of the respective parties to proceed with and accomplish future annexations in the designated areas.

IN WITNESS WHEREOF, four (4) copies of the above and foregoing Agreement have been executed by each of the parties on the day and year first above written.

CITY OF OLATHE, KANSAS

By _____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

APPROVED:

_____
City Attorney

Example

4

CITY OF SPRING HILL, KANSAS

By _____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

APPROVED:

_____
City Attorney

APPROVED BY THE ATTORNEY GENERAL:

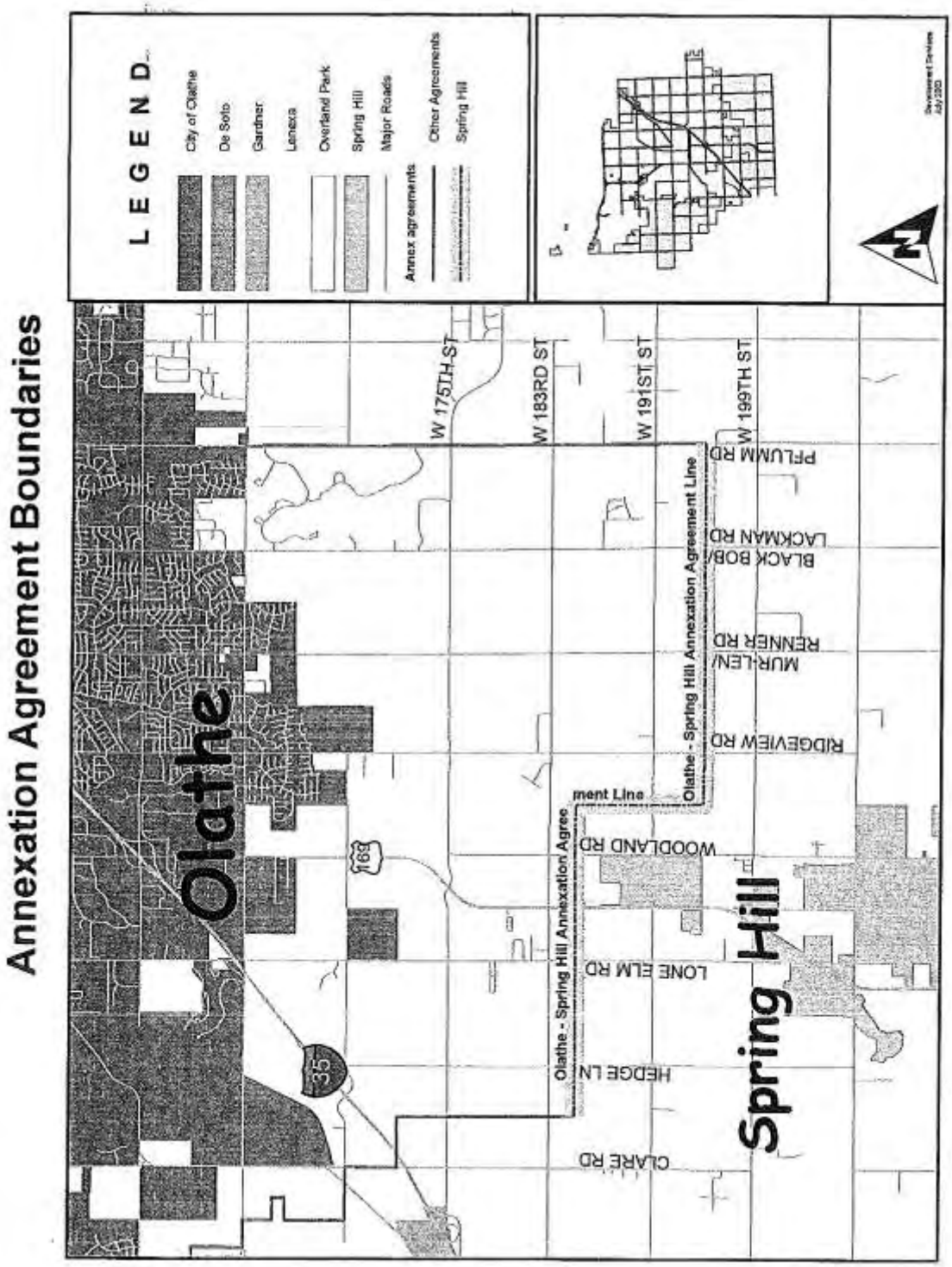
By: _____

Date: _____

Example

5

EXHIBIT A


Annexation Agreement Boundaries
LEGEND
City of Olathe
De Soto
Gardner
Lenexa
Overland Park
Spring Hill
Major Roads
Annex agreements
Other Agreements
Spring Hill
Olathe
Spring Hill
W 175TH ST
W 183RD ST
W 191ST ST
W 199TH ST
PFLUMM RD
BLACK BOB/
LACKMAN RD
MUR-LEN/
RENNER RD
RIDGEVIEW RD
WOODLAND RD
LONE ELM RD
HEDGE LN
CLARE RD
Olathe - Spring Hill Annexation Agreement Line
Olathe - Spring Hill Annexation Agreement Line
35
169

AGREEMENT

THIS AGREEMENT, made and entered into this 27th day of September, 1994, by and between the City of Valley Center, hereinafter referred to as the Party of the First Part, and the City of Park City, hereinafter referred to as Party of the Second Part:

WITNESSETH: That

WHEREAS, the City of Valley Center and the City of Park City are both second class cities, located within the boundaries of Sedgwick County, Kansas; and

WHEREAS, the two cities of Valley Center and Park City recognize the need and benefit to establishing an annexation boundary between the two cities consistent with their ability to provide municipal water and sewer service to areas within said annexation boundary.

NOW, THEREFORE, IT IS MUTUALLY AGREED:

1. That a logical and agreeable annexation boundary would be:

   Beginning at the center of the intersection of 53rd Street North and the Little Arkansas River, said boundary shall proceed in a northerly direction along the centerline of the Little Arkansas to the centerline of an extended 61st Street North, thence east to the centerline of Seneca Street, thence north to the centerline of 69th Street North, thence east to the half mile line, thence north to the centerline of 77th Street North, thence east to the centerline of North Broadway, thence north to one half mile north of the centerline of 85th Street North.

   EXCEPTION: Should the City of Wichita pursue annexation between the two cities or should the consolidation of the governments of Sedgwick County and Wichita become an eminant reality, the City of Park City retains the privilege to agressively pursue annexation of the triangular shaped property described as lying south of 69th Street North, between Interurban and Seneca Street, if the City of Valley Center is not in a strategical position to do so. Therefore securing a geographical connection between the corporate boundaries of the City of Valley Center and the City of Park City.

2. This agreement shall be mutually respected and honored by both parties for a period of five (5) years at which time its value and effect may be reviewed.

IN WITNESS WHEREOF, The parties hereto have set their hands and affixed their official seals the day and year first written above.

(seal)

PARTY OF THE FIRST PART:
CITY OF VALLEY CENTER, KANSAS

BY: Robert W. Robinson
Robert W. Robinson, Mayor

ATTEST: Lynn E. Ireland
Lynn E. Ireland, City Clerk

(seal)

PARTY OF THE SECOND PART:
CITY OF PARK CITY, KANSAS

BY: Jerry L. Bressler
Jerry L. Bressler, Mayor

ATTEST: Carol A. Jones
Carol A. Jones, City Clerk

Example

ANNEXATION BOUNDARY AGREEMENT

THIS AGREEMENT, made and entered into this 17th day of May, 2000, by and between the City of Valley Center, hereinafter referred to as the Party of the First Part, and the City of Park City, hereinafter referred to as the Party of the Second Part:

WITNESSETH: That

WHEREAS, the City of Valley Center and the City of Park City are both second class cities, located with the boundaries of Sedgwick County, Kansas; and

WHEREAS, the two cities of Valley Center and Park City recognize the need and benefit to establishing an annexation boundary between the two cities consistent with their ability to provide municipal water and sewer service to areas within said annexation boundary.

NOW, THEREFORE, IT IS MUTUALLY AGREED:

1. That a logical and agreeable annexation boundary would be:

   Beginning at a point located 516.8 feet east of the southwest corner of Section 8, Township 26, Range 1 East of the 6th P.M. Sedgwick County, Kansas; thence north to a point locate 1078.08 feet south and 516.8 feet east of the northwest corner of said Section 8; thence east to the west right-of-way line of the Wichita-Valley Center Flood Control; thence northwesterly along said right-of-way line to a point 40 feet south of the north line of said Section 8 (south right-of-way line of 69th Street North); thence east to a point located 40 feet south of the southeast corner of the Southwest Quarter of Section 5, Township 26 South, Range 1 East of the 6th P.M. Sedgwick County, Kansas; thence north along the center of Section 5 to a point located 30 feet south of the north line of said Section 5 (south right-of-way line of 77th Street North); thence east parallel to the north line of said Section 5 to the west right-of-way line of Broadway Avenue; thence north along said west right-of-way line to the south right-of-way line of 85th Street North; thence east parallel to the north line of Section 32, Township 25 South, Range 1 East of the 6th P.M. Sedgwick County, Kansas to the east right-of-way of Broadway Avenue being the existing City Limits of the City of Park City; thence north along the east right-of-way line of Broadway Avenue to the south line of 93rd Street North; thence east along said right-of-way to the west line of Interstate 135; thence north along said interstate right-of-way to the County line..

2. This agreement shall be mutually respected and honored by both parties for a period of five (5) years from the date of signing at which time its value and effect may be reviewed.

3. Both parties agree that when both cities are adjacent to a common public roadway that the city having jurisdiction of the roadway would not prevent the city not having jurisdiction the ability to service lands within its corporate limits adjacent to the roadway.

PARTY OF THE FIRST PART:
CITY OF VALLEY CENTER, KANSAS

BY: James Truman, Mayor

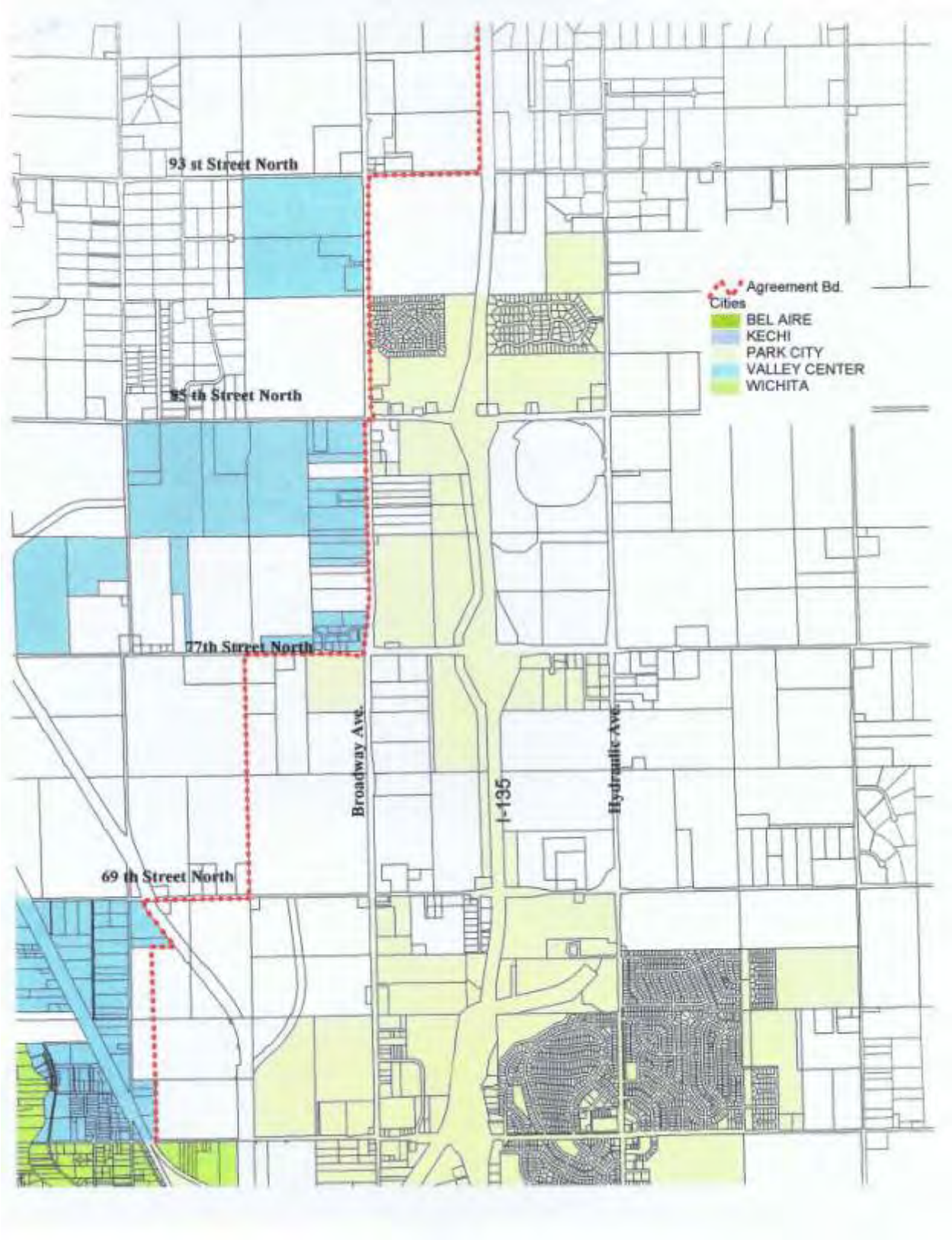
ATTEST: Lynn E. Ireland, City Clerk

PARTY OF THE SECOND PART:
CITY OF PARK CITY, KANSAS

BY: Olin Hiebert, Mayor

ATTEST: Ruth Kendall, Asst. City Clerk

Example


93 st Street North
85 th Street North
77th Street North
69 th Street North
Broadway Ave.
I-135
Hydraulic Ave.
Agreement Bd.
Cities
BEL AIRE
KECHI
PARK CITY
VALLEY CENTER
WICHITA

AGREEMENT

THIS AGREEMENT, made and entered into this 26th day of JULY, 1994, by and between the City of Valley Center, hereinafter referred to as the Party of the First Part, and the City of Park City, hereinafter referred to as Party of the Second Part:

WITNESSETH: That

WHEREAS, the City of Valley Center and the City of Park City are both second class cities located within the boundaries of Sedgwick County, Kansas; and

WHEREAS, the two cities of Valley Center and Park City recognize the need and benefit to establishing an annexation boundary between the two cities consistent with their ability to provide municipal water and sewer service to areas within said annexation boundary.

NOW, THEREFORE, IT IS MUTUALLY AGREED:

1. That a logical and agreeable annexation boundary would be:

   Beginning at the center of the intersection of 53rd Street North and the Little Arkansas River, said boundary shall proceed in a northerly direction along the centerline of the Little Arkansas River to the centerline of an extended 61st Street North, thence east to the centerline of Seneca Street, thence north to the centerline of 69th Street North, thence east to the half mile line, thence north to the centerline of 77th Street North, thence east to the centerline of North Broadway, thence north to one half mile north of the centerline of 85th Street North.

2. This agreement shall be mutually respected and honored by both parties for a period of five(5) years at which time its value and effect may be reviewed.

IN WITNESS WHEREOF, The parties hereto have set their hands and affixed their official seals the day and year first written above

PARTY OF THE FIRST PART:
CITY OF VALLEY CENTER, KANSAS

(seal)

BY: Robert W. Robinson
Robert W. Robinson, Mayor

ATTEST: Lynn E. Ireland
Lynn E. Ireland, City Clerk

PARTY OF THE SECOND PART:
CITY OF PARK CITY, KANSAS

(seal)

BY_____
Jerry L. Bressler, Mayor

ATTEST: _____
Carol A. Jones, City Clerk

Example

City of Park City

6110 N. Hydraulic • Park City, KS 67219-2499 • (316) 744-2026

Example

September 28, 1994

The Honorable Robert Robinson, Mayor
City of Valley Center
116 S. Park
Valley Center, KS 67147

Dear Mayor Robinson:

Please find enclosed a signed annexation boundary agreement between our two cities proposed by Valley Center earlier this year and amended by our planning commission. An exception has been included, this had been discussed and verbally agreed upon previously between representatives of the Valley Center and Park City Planning Commissions and staff. Our relationship with the City of Valley Center is very important to us and it is our goal and desire to maintain a amiable and cohesive relationship.

Your review and consideration is requested and appreciated. Please return one fully executed copy of the agreement to this office for our records. Thank you and please feel free to contact me if you have any questions.

Sincerely,

Gregory A. Miles

Greg Miles, P.E.
City Administrator

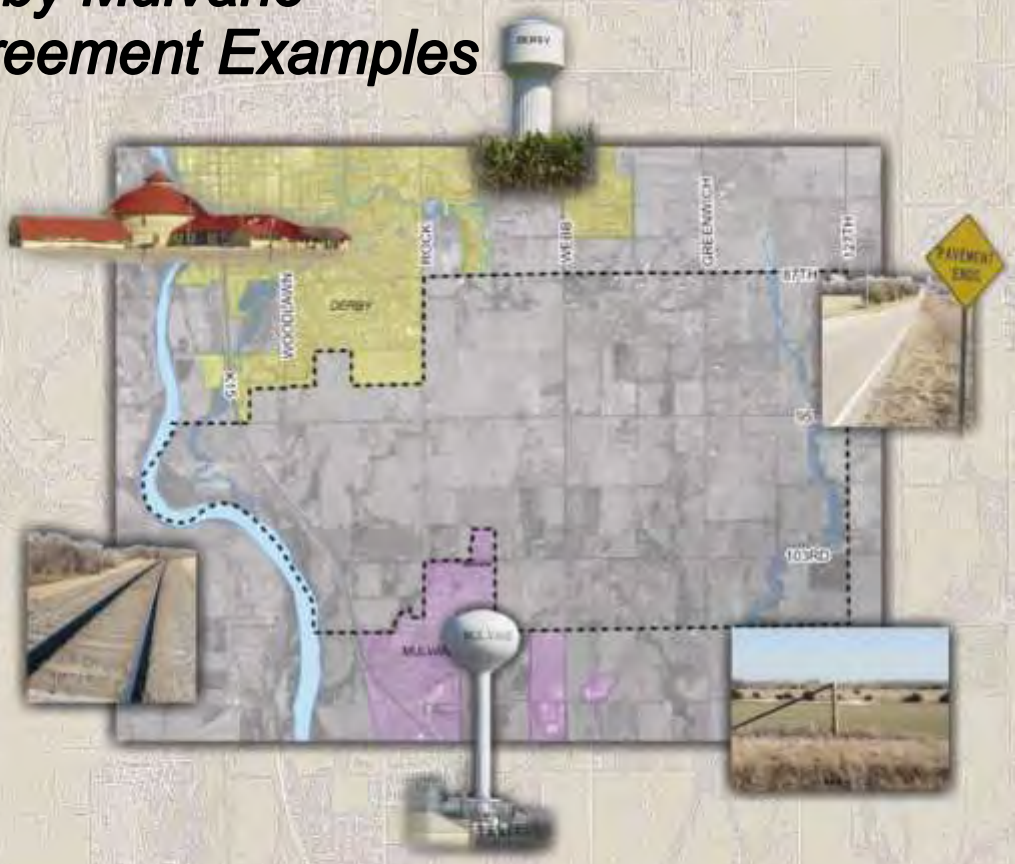
cc: Bob Finkbiner, City Administrator
Park City Mayor and Council

GAM/bs

Derby-Mulvane Joint Area Plan

2009-2030

APPENDIX E: Derby Mulvane Agreement Examples



DRAFT
MONTH YEAR

Description

It is recommended that the Derby and Mulvane city councils endorse the following written agreement identifying future municipal boundaries for a limited duration of time.

ANNEXATION BOUNDARY AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of _____, 2010, by and between the City of Mulvane and the City of Derby:

WITNESSETH: That

WHEREAS, the City of Mulvane and the City of Derby are both cities of the second class, located in Sedgwick County, Kansas; and

WHEREAS, the two cities of Mulvane and Derby recognize the need and benefit to establishing an annexation boundary between the two cities consistent with their ability to provide municipal water and sewer service to areas within said annexation boundary.

NOW, THEREFORE, IT IS MUTUALLY AGREED:

1. That a logical and agreeable annexation boundary would be:

   [legal description of 95th Street South from Woodlawn east to 127th Street East]

2. This agreement shall be mutually respected and honored by both parties for a period of five (5) years from the date of signing at which time its value and effect shall be reviewed.

3. Both parties agree that when both cities are adjacent to a common public roadway that the city having jurisdiction of the roadway would not prevent the city not having jurisdiction the ability to service lands within its corporate limits adjacent to the roadway.

4. If either city is approached for services in the other city's area, that city would notify the other city of the request and engage in dialogue about the costs, timing, and feasibility of providing services by each city, taking into consideration the costs and benefits to the property owner as well as the best interests of the cities. If the two cities determine that the above stated annexation boundary is no longer applicable to the matter under consideration, they would enter into an agreement about providing municipal services across the annexation boundary or would update the Annexation Boundary Agreement accordingly.

CITY OF MULVANE, KANSAS

_____

Jim Ford, Mayor

DRAFT

ATTEST: _____
_____, City Clerk

CITY OF DERBY, KANSAS

_____
Dion Avello, Mayor

ATTEST: _____
Jean Epperson, City Clerk

DRAFT