

Section 10

Implementation and Coordination Strategy

US 24/40

A vision for the future

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Implementation and Coordination Strategy

Introduction

This section summarizes and presents the recommended approach to implement the recommendations of the US 24/40 Corridor Study. The overall strategy is outlined and includes the following:

- **Inter-local Agreement**
- **Implementation Action Plan**
- **Greenway Trail System Acquisition and Implementation Options**
- **Funding Resources**

Inter-local Agreement

An Inter-local Agreement formalizes the continued partnership between KDOT, MARC, Leavenworth County, Basehor and Tonganoxie to create a framework to implement the provisions for the implementation of the Corridor Study. While each Inter-local Agreement is tailored to the individual needs of each jurisdiction, every agreement includes the same general information:

- Purpose – purpose of the corridor plan,
- Parameters – minimum requirements (access, transportation, land use, etc.),
- Establishment of Corridor Oversight Committee – representatives of KDOT and the various jurisdictions to review the progress of plan implementation and to evaluate any necessary changes to the study’s recommendations,
- Roles and Responsibilities of KDOT,
- Roles and Responsibilities of the various jurisdictions, and
- Miscellaneous Provisions – term, termination, etc.

Within the roles and responsibilities sections of the Inter-local Agreements are provisions identifying responsibilities of the participant jurisdictions. These provisions essentially outline the “next steps” to implementing the US 24/40 Corridor Study.

The implementation and coordination strategy presents the recommended approach to implement the recommendations of the US 24/40 Corridor Study. The overall strategy includes the following:

- Inter-local Agreement,
- Implementation Action Plan,
- Greenway Trail System Acquisition and Implementation Options, and
- Funding Resources.

Inter-local Agreements formalize the continued partnership between KDOT, MARC, Leavenworth County, Basehor and Tonganoxie to create a framework to implement the provisions for the implementation of the Corridor Study.

Corridor Oversight Committee

The purpose of the recommended Corridor Oversight Committee will be to serve as an advisory body to regularly review, evaluate, facilitate discussions of and provide input on events and developments that may have an impact on the US 24/40 Corridor and the Corridor Study, and to assist in the Corridor implementation strategy. The Committee will be composed of representatives from Leavenworth County, the City of Basehor, the City of Tonganoxie, KDOT, and the Mid-America Regional Council. It is recommended that the KDOT representative serve as a co-chair of the Committee, with the other co-chair elected each year from the members of the Committee.

Committee meetings should occur whenever the Committee Co-Chairs jointly determine a meeting is appropriate, but at a minimum they should meet twice a year. Because the planning statutes of the state of Kansas require all local planning jurisdictions to annually review an adopted Comprehensive Plan—with public hearing—it is recommended that the participant county and city jurisdictions annually review the Corridor Study at that time. If listed in the published notice for hearing, the Corridor Study could be amended and updated in concert with the locally adopted land use plans, helping meet the intent of close collaboration and coordination between the two documents.

Implementation Action Plan

The work plan for implementation is summarized in the following matrix elements which provide generalized actions steps, responsibilities, and time frame to achieve the vision of the **US 24/40 Corridor Study**. The implementation matrix includes:

- Action Steps – First steps in implementing **Corridor Study** recommendations.
- Implementation Responsibilities – Key groups and partnerships needed to work on the project. These may include:
 - **City and County:** various Departments, Boards, and Commissions of the cities of Tonganoxie and Basehor and Leavenworth County—primarily the planning commissions and governing bodies;
 - **Agencies:** Federal and State agencies and planning organizations such as KDOT and MARC;
 - **Private Sector:** developers and land owners; and
 - **Neighborhoods:** homes associations, neighborhood groups, and homeowners.
- Time Frame – A general phasing of actions over which the action is to occur, expressed in the following terms:
 - Near-term, 1 to 5 years;
 - Mid-Term, 5-10 years;
 - Long-Term, over 10 years; and
 - Ongoing.

Table 10-1: Corridor Oversight Implementation Actions

| ACTION STEPS | IMPLEMENTATION RESPONSIBILITY | | | TIME FRAME | | | |
|---|-------------------------------|----------|--------------------|-----------------------|-----------------------|-----------------------|---------|
| | City - County | Agencies | Private Developers | Near Term (1-5 Years) | Mid Term (5-10 Years) | Long Term (10+ Years) | Ongoing |
| Corridor Oversight | | | | | | | |
| Adopt an Inter-local Agreement for the continued partnership between KDOT, MARC, Leavenworth County, and the cities of Basehor and Tonganoxie. | ★ | ★ | | ★ | | | |
| Continue the Community Advisory Committee to guide and coordinate US 24/40 Corridor implementation efforts. | ★ | ★ | | | | | ★ |
| Coordinate the formal adoption of the US 24/40 Corridor Study (by resolution) into the Comprehensive Plans for Leavenworth County and cities of Basehor and Tonganoxie. | ★ | ★ | | ★ | | | |
| Coordinate the adoption of uniform Corridor Overlay District regulations, Zoning Ordinance and Subdivision Regulations updates, Access Management Standards, and trail corridor standards between the various jurisdictions to implement the recommendations of the Corridor Study. | ★ | ★ | | ★ | | | |
| Incorporate the US 24/40 Corridor Management Plan into MARC's Long Range Transportation Plan. | | ★ | | ★ | | | |
| KDOT to adopt the plan into Section D of the Corridor Management Policy | | ★ | | ★ | | | |
| Continue the local partnerships with KDOT, and evaluate and pursue funding sources to implement the interim transportation actions. | ★ | ★ | | ★ | ★ | | ★ |
| Evaluate and implement a strategy to build public awareness about the guidelines and standards of the Corridor Study, including education of public officials, landowners, developers, real estate agents, and local development consultants. | ★ | | | ★ | | | ★ |
| Evaluate and establish the most appropriate entity to coordinate the development of regional trails in Leavenworth County (i.e. a new county parks and recreation department). | ★ | | | ★ | | | |
| Evaluate and pursue funding sources to implement the bicycle and greenway trail corridor funding sources. | ★ | ★ | ★ | ★ | | | |
| Determine how and by whom each segment of the trails corridor will be operated and maintained. | ★ | ★ | | ★ | | | |
| Encourage the cities of Basehor and Tonganoxie to establish or update their local community trails plans to provide local linkages to the regional trails designated by the US 24/40 Corridor Study. | ★ | | | ★ | | | |
| Build public awareness and support for greenways and trails, and promote system use. | ★ | ★ | | | | | ★ |

Table 10-2: Land Use and Development Regulations Implementation Actions

| ACTION STEPS | IMPLEMENTATION RESPONSIBILITY | | | TIME FRAME | | | |
|---|-------------------------------|----------|--------------------|-----------------------|-----------------------|-----------------------|---------|
| | City – County | Agencies | Private Developers | Near Term (1-5 Years) | Mid Term (5-10 Years) | Long Term (10+ Years) | Ongoing |
| Formally adopt a US 24/40 Corridor Overlay District into the Zoning Codes for Leavenworth County and the cities of Basehor and Tonganoxie, and subsequently amend the respective Zoning Maps to reflect the District boundary in each jurisdiction. | ★ | | | ★ | | | |
| Amend the respective Zoning Codes and Subdivision Regulations to implement the recommended setbacks from US 24/40 Highway right-of-way for all parking and paved areas and residential and nonresidential structures. | ★ | | | ★ | | | |
| Amend the respective Zoning Codes and Subdivision Regulations as necessary to provide “cluster development” standards, such as flexible development design standards allowing for reduced lot sizes and setbacks and alternative street designs that concentrate buildings on a part of the site (the cluster area) and allow the remaining land to be preserved as open space. | ★ | | | ★ | | | |
| Amend the respective Zoning Codes and Subdivision Regulations with stream buffer regulations that protect stream corridors. | ★ | | | ★ | | | |
| Amend the respective Zoning Codes and Subdivision Regulations to require special standards for wetlands or areas designated as forests, or woodlands by the Mid-America Regional Council Natural Resources Inventory (i.e. open space preservation, tree survey, cluster development, etc.). | ★ | | | ★ | | | |
| Issue access permits in accordance with the Corridor Study Access and Traffic Management Plan | | ★ | | ★ | ★ | ★ | ★ |

Table 10-3 Interim Transportation Implementation Actions (1-5 years)

| ACTION STEPS | IMPLEMENTATION RESPONSIBILITY | | | TIME FRAME | |
|---|-------------------------------|----------|--------------------|-----------------------|---------|
| | City – County | Agencies | Private Developers | Near Term (1-5 Years) | Ongoing |
| Interim Transportation | | | | | |
| Amend the respective Subdivision Regulations for Leavenworth County and the cities of Basehor and Tonganoxie to implement the Access Management Standards for US 24/40 Highway. | ★ | | | ★ | |
| Relocate the traffic signal at Tonganoxie High School to the Main Street intersection as warranted. | ★ | ★ | | ★ | |
| Alter the on-site traffic circulation pattern at the Tonganoxie High School to direct exiting traffic to Main Street. | ★ | ★ | | ★ | |
| Install a traffic signal at the US 24/40 Highway intersections with Laming Road, 150 th Street and 158 th Street as warranted. | ★ | ★ | | ★ | |
| Install auxiliary left-turn lanes at the US 24/40 Highway intersection with 142 nd Street. | ★ | ★ | | ★ | |
| Install auxiliary left-turn lanes at the US 24/40 Highway intersection with 174 th Street. | ★ | ★ | | ★ | |
| Widen US 24/40 Highway in Tonganoxie from Smiley Road to County Road / install a center turn lane. | ★ | ★ | | ★ | |
| Implement the US 24/40 Corridor supporting collector street network with the construction of new developments or with the redevelopment of existing properties. | ★ | ★ | ★ | ★ | ★ |
| Consolidate and relocate driveways to US 24/40 Highway. | ★ | ★ | ★ | | ★ |
| Provide a collector street system between 150 th Street and 158 th Street on both sides of US 24/40. | ★ | ★ | ★ | ★ | |
| Install auxiliary right turn lanes at the US 24/40 Highway intersection with 198 th Street. | ★ | ★ | | ★ | |
| Install auxiliary right turn lanes at the US 24/40 Highway intersection with 182 nd Street. | ★ | ★ | | ★ | |
| Install auxiliary right turn lanes at the US 24/40 Highway intersection with 174 th Street. | ★ | ★ | | ★ | |
| Install auxiliary right turn lanes at the US 24/40 Highway intersection with 166 th Street. | ★ | ★ | | ★ | |
| Install auxiliary right turn lanes at the US 24/40 Highway intersection with 150 th Street. | ★ | ★ | | ★ | |
| Install auxiliary right turn lanes at the US 24/40 Highway intersection with 142 nd Street. | ★ | ★ | | ★ | |
| Close median openings in the interest of safety and/or in implementation of the Corridor Plan. | | ★ | | ★ | ★ |
| Acquire 120 feet of right-of-way on intersecting arterial streets through the site plan approval process. | ★ | | | ★ | ★ |

Table 10-4: Long-Term Transportation Implementation Actions (5 to 20 years)

| ACTION STEPS | IMPLEMENTATION RESPONSIBILITY | | | TIME FRAME | |
|---|-------------------------------|----------|--------------------|----------------------|---------|
| | City - County | Agencies | Private Developers | Long Term (5+ Years) | Ongoing |
| Long Term Transportation | | | | | |
| Widen US 24/40 Highway in Tonganoxie from 4 th Street to County Rt. 1 to four lanes plus a center median. | ★ | ★ | | ★ | |
| Replace the center turn lane with a median on US 24/40 Highway in Tonganoxie from 4 th Street to Stone Creek Drive. | ★ | ★ | | ★ | |
| Construct the supporting roadway network. | ★ | ★ | | ★ | ★ |
| Install additional traffic signals as warranted. | ★ | ★ | | ★ | ★ |
| Close existing nonconforming median breaks on US 24/40 Highway. | ★ | ★ | | ★ | ★ |
| At such a time as safety becomes an issue, KDOT and the City of Basehor will discuss possible steps to take regarding the signalized intersection at 155th Street. This could include removal of the existing traffic signal or other steps consistent with the identified safety issue. | ★ | ★ | | ★ | ★ |
| At such time as safety becomes an issue, KDOT and the City of Tonganoxie will discuss possible steps to take regarding three-quarter turn access at Washington Street and Ridge Street. This could include replacement of one or both three-quarter turn accesses with right turn only access or other steps consistent with the identified safety issue. | ★ | ★ | | ★ | ★ |

Table 10-5: Bicycle and Trails Plan Implementation Actions

| ACTION STEPS | IMPLEMENTATION RESPONSIBILITY | | | TIME FRAME | | |
|---|-------------------------------|----------|--------------------|-----------------------|----------------------|---------|
| | City - County | Agencies | Private Developers | Near Term (1-5 Years) | Long Term (5+ Years) | Ongoing |
| Bicycle and Trail Facilities | | | | | | |
| Amend the Comprehensive Plans of Leavenworth County and cities of Basehor and Tonganoxie to formally adopt the US 24/40 Corridor Supporting Transportation System Network Map as part of those comprehensive plans, thereby creating more legal force in support of the Corridor Study. | ★ | | | ★ | | |
| Adopt formal park / trail / greenway standards, or amend the Subdivision Regulations for Leavenworth County, Basehor, and Tonganoxie as necessary to secure land or easements for trail facilities. | ★ | | | ★ | | |
| Amend Zoning and Subdivision Regulations as necessary to allow for density bonuses, subdivision modifications to lot size, and dimensional requirements for preservation of open space, or dedication/ acquisition of land for trails and the construction of trails. | ★ | | | ★ | | |
| Enact a mechanism for a dedicated tax to support trail acquisition, development, and maintenance. | ★ | | | ★ | | |
| Amend the Zoning and Subdivision Regulations to provide that dedication of land (or dedication of land and constructed trails) shall count in calculating lot size, setbacks, or other dimensional requirements. | ★ | | | ★ | | |
| Amend the respective Subdivision Regulations to incorporate express reference to the US 24/40 Corridor Supporting Transportation System Network Map to place developers on notice of development exaction requirements. The US 24/40 Corridor Supporting Transportation System Network Map should also be incorporated into each code by reference. | ★ | | | ★ | | |
| Add provision to planned development zoning sections, incorporating the US 24/40 Corridor Supporting Transportation System Network Map by reference and creating as a condition of any planned development the dedication and/or construction of trails. | ★ | | | ★ | | |
| Establish dedication provisions in the respective zoning/subdivision regulations allowing easement, right-of-way or fee simple dedications, subject to approval (or option of) by the County or Cities on a case-by-case basis. | ★ | | | ★ | | |
| Create an administrative appeal process to provide the local government with the opportunity to provide relief without court intervention. | ★ | | | ★ | | |
| Establish specific submittal and evaluation criteria for the dedication and acceptance of trails (i.e. greenway and trail standards). | ★ | | | ★ | | |
| Develop maintenance standards for the regional and local trails. | ★ | | | ★ | | |
| Educate the public on the tax benefits of donation and assist owners by facilitating donations, possibly through use of a nonprofit "friends" of the Trail System or a trust. | ★ | | | | | ★ |
| Tonganoxie, Basehor and Leavenworth County are preparing a regional trail plan, portions of which will be adopted by each city. | ★ | | | ★ | | |

Greenway Trail System Acquisition and Implementation Options

This section of the *Corridor Study* addresses issues associated with the acquisition, financing and administration of trails and linear parks (hereinafter collectively referred to as “trails”). Land acquisition techniques range in levels of required initiative and commitment from a simple request for a land gift to the required dedication as a condition of development. At the middle ground are zoning and subdivision regulations that can, with some strategic amendments, be used to require granting of easements or dedications of land, setbacks, and other desired elements to implement the trail system in the US 24/40 Corridor, off of the highway right-of-way, and primarily on local major streets and in streamway corridors.

Numerous taxing methods authorized by state statute can be used to generate revenue to support the trail system, ranging from a basic capital improvement sales tax to a more complex benefit district mechanism. Finally, the designated governmental agencies may accomplish the ongoing operation and maintenance of the trails, benefit districts, nonprofit organizations, or trusts. The goal of this section is to provide a set of “tools” which can assist the implementation of the regional trail system in the US 24/40 Corridor. While all of these options are discussed herein, the respective jurisdiction based on their unique attributes, needs, and objectives must determine the ultimate combination of options.

Donations and Incentives

There are many voluntary mechanisms to acquire land and build trail infrastructure that can be implemented in areas where development is occurring, or likely to occur. Such mechanisms generally involve exceptions or modifications to zoning or subdivision requirements to reduce the cost of development or increase the return on the developer investment. This approach requires:

- the existence of development in or near the area of the trail;
- requirements that can be waived without harming the public safety or interest; and
- a willingness of the public to allow the waivers to acquire desired trail sections.

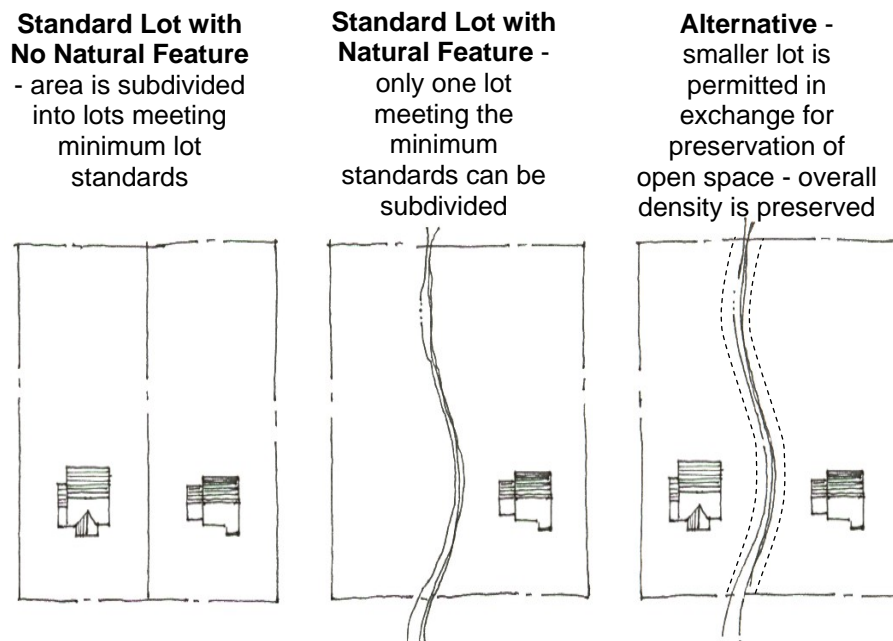
The exceptions or code waivers can be used as an incentive to obtain dedication and construction of trail segments on the site of the development, or in some circumstances even at locations offsite or unassociated with the development. The goal is to minimize the impact upon the landowner so any loss in otherwise developable land may be offset by incentives. Examples of developer incentives include:

1. **Density bonus** – This mechanism grants the developer greater density than permitted by a Master Plan or zoning district in exchange for the developer’s dedication of the land for a trail and/or trail construction. Incentive or bonus zoning is a land use technique that allows a jurisdiction to obtain various public amenities from a builder or developer without having to pay for them directly. Normally, an incentive zoning system will allow a developer to exceed an existing height or density regulation in return for providing one or more public amenities, such as public plazas, parks, and pedestrian space. Incentive zoning typically benefits the landowner or developer,

since the value of the bonus can be designed to equal or exceed the cost to the developer of supplying the public benefit. The most common examples of incentive zoning are an increase in density in the form of bonus floor area, or an increase in the number of dwelling units or the number of square feet of commercial space on a site. A density bonus may also take the form of reduced requirements for off-street parking and loading, mixed uses, and other modifications commonly allowed within a planned development such as a PUD.

2. **Subdivision/lot size modifications** – A reduction in lot size (as opposed to increasing overall density of the entire developed tract), and lot dimension adjustments are also potential incentives. For example, if a property has a creek running through it in such a manner as to leave too little land on one or both sides to develop lots of the size required by the subdivision code or the applicable zoning district, a modification could be made in exchange for dedication of the creek and adjoining area for the trail. Although the lot would be substandard in size, the actual green space for the lot would remain intact as public space. Accordingly, the same number of houses may still exist, although the lot sizes on paper may be smaller.

Figure 10-1: Subdivision/Lot Size Modifications

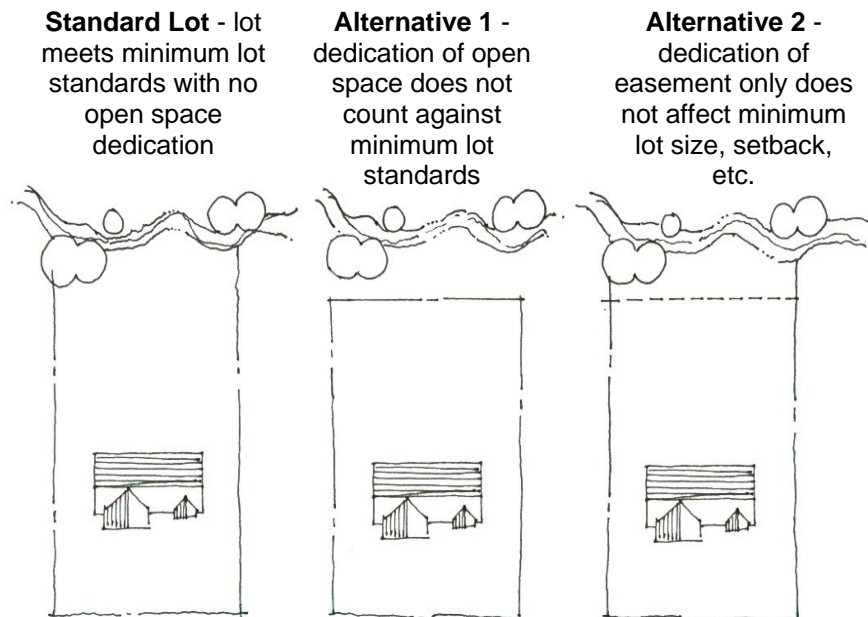


3. **Neutral dedication provisions** – Ensure that the dedication of land is "neutral" to the developer and does not cause a reduction in lot size or developable land by allowing dedication of trails (with limitations) to have no effect on the remaining density, setbacks, etc. after the dedication. For example, if a trail is sought at the back of a lot where there is a 30-foot building setback, the zoning code would be modified to allow any dedicated space to count as part of the lot setback, even though it no longer is part of the lot.

In other words, ensure that the developer is not "punished" by loss of useable ground as a result of the dedication. Another available option is to allow easements to be

dedicated as opposed to the conveyance of a fee simple interest. This ensures that density, setbacks, lot dimensions are wholly unaffected by the dedication of the trail, thereby obtaining the same result as the first option.

Figure 10-2: Neutral Dedication Provisions



4. **Planned Development and Conditional Use / Special Use Permit Conditions**

Planned development provisions generally allow for an area of land, controlled by a landowner, to be developed as a single entity with a designated number of dwelling units and square footage of commercial and industrial uses. The plan allows modifications of lot size, bulk, type of use, density, lot coverage and open space, to allow developers to achieve a more flexible design, especially in exchange for a development exaction. The ***US 24/40 Corridor Supporting Transportation System Network Map (Ref Figure 7-2)*** and/or other greenspace requirements can be incorporated as an integral part of the approval procedures so that a condition or factor in granting the approval is whether the developer has provided the trails or green space applicable to the site sufficient to warrant the approval. Generally, only trails or greenspace onsite or adjacent can be made a condition of granting the planned development approval. The use of conditions in a planned zoning is technically a "voluntary" incentive because the developer is not required to seek the planned zoning but may opt to use the more restrictive "as of right" zoning district under which the property is currently zoned. The jurisdictions should ensure that they have the appropriate degree of discretion to control the design and use modification requested by the developers and the authority to deny an application if not in the public interest.

The county and cities may also consider the additional requirement of compliance with the ***US 24/40 Corridor Supporting Transportation System Network Map (Figure 7-2)***

and the dedication and construction of trails as conditions for approval of conditional use / special use permits.

Dedication Requirements / Impact Fees

The authority to utilize both of these techniques arises from the police power of the county and the cities of Basehor and Tonganoxie. Each is imposed through the exercise of this power as a condition of development approval. A dedication exaction is a condition or stipulation of approval that requires the applicant to convey an interest in land as a condition of the subject approval. An impact fee is, as it states, a fee, which is legislatively adopted (though it can be imposed on an ad hoc basis). The fee amount is calculated to cover the applicant's fair share of the public infrastructure for which the fee is calculated. Generally, the fee amount is set based upon an established equivalent unit to offset the capacity of the infrastructure system being funded and consumed by the development proposed by the applicant. Exactions may be imposed at different points in the approval process. Traditionally, a dedication exaction is imposed as a condition of rezoning, award of a special/conditional use permit, or upon plat approval. More generally, an impact fee is assessed at one of the aforementioned points, but not collected until a building permit is issued.

The application of dedication exaction's (e.g., dedication requirements and impact fees) must be done consistent with the legally protected property rights of affected property owners, and in a reasonable, non-discriminatory and non-arbitrary manner. While cities and counties clearly have the legal authority to condition development permits to mitigate the impacts of a project on identifiable public resources and interests, such development exactions must have a "close fit" to the development's impact. In Supreme Court parlance, land use regulations must "substantially advance" a legitimate state interest, and there must be an "essential nexus" between the asserted public purpose of a land use action and any conditions attached to approval of a development permit. In the case of a dedication exaction, the amount of land to be dedicated must be roughly proportionate in nature and extent to the development impact. The Supreme Court has yet to clearly decide whether this "rough proportionality" test applies to impact fees. Dedication exactions and the impact fee amount for trails must be reasonably related to the development's impact on the availability of open spaces and recreational areas such as trails.

1. **Subdivision Code Dedication Requirement.** Amend the subdivision codes as necessary to allow dedication requirements where the property, with respect to which development approval is sought, is included in or adjacent to the proposed Trail System. A formal dedication ordinance/resolution can be adopted. The same result, however, can be achieved by the insertion of language such as "the Commission (or Council) may require dedication" into the Codes at the appropriate point where the different development approvals are set forth. Appropriate references to the trail plan and how it relates to the increased populations caused by the subdivisions, and the corresponding increased demand for public recreational facilities such as trails, should also be added. For example, "any development within 50 feet of the greenway trail system, as specified in the **US 24/40 Corridor Supporting Transportation System Network Map (Figure 7-2)**, shall be required, as a condition of plat approval, to dedicate an interest in land for the purpose of establishing a trail, unless otherwise waived." This approach will result in substantial compliance, although in any given case, a refusal of the developer to comply and/or the commitment of the County or

Cities to enforce the provisions may result in less than full compliance. Waiver criteria may be established, based on the developers' ability to demonstrate through an individualized determination that the dedication is not justified or roughly proportional to the impact of the development either because of a lack of requisite reasonable relationship, unique site circumstances, undue hardship, or other circumstances warranting a waiver.

2. **Formal dedication ordinance/resolution.** A formal dedication/impact fee ordinance/resolution may be adopted that establishes requirements for new development. Dedication and impact fee ordinances/resolutions are legally defensible to the extent that they are related to new development and the dedications and/or impact fees are reasonably related to the impact created by the development. Requiring dedication without an individualized determination that the required dedication is roughly proportional to the proposed development's impact on the trail system (i.e., use of the system) may not be legally defensible or enforceable.
3. **Zoning Code – “Trail Corridor” Requirements.** Amend the zoning codes to introduce and establish the “trail corridor” concept by including language similar to the following: “Any development within 50 feet of the Trail System, as specified in the **US 24/40 Corridor Supporting Transportation System Network Map (Figure 7-2)**, shall have a setback from the trails or open space of at least 20 feet.” For situations involving the development of a single parcel of land (not subject to the subdivision or platting process), the county and cities should also consider an amendment that would make the issuance of a building permit contingent upon the dedication of land and/or construction of a trail.
4. **Administrative Appeal Process.** Amend the zoning and subdivision codes, or establish a stand-alone requirement, to create an administrative appeals process to provide the local governments with the opportunity to correct alleged improper application of trail or green space requirements without immediate court action. For example, where a specific design standard or condition is imposed or a dedication exaction is required, the developer should have an appeals process available prior to judicial intervention. The Board of Adjustment could serve as the entity for these appeals, and could be established as either a final decision-maker or as a recommending body that would hold the formal adjudicative hearing but not make a final decision.

Evaluation Criteria for Trail Dedication and Construction

In evaluating the dedication of land and easements, and the design and construction of trails, criteria should be developed by the county and the respective cities indicating design appropriate to the site's natural, historic, and cultural features, and otherwise meeting the requirements of the respective development codes. Each affected parcel of property will present a unique set of facts and circumstances that requires individual consideration by the local jurisdiction.

Each city and the county should contemplate an evaluation that may involve not only the Planning Commission, but the local staff and Parks Board. This evaluative process will usually

take place during the review of applications for preliminary plat approval, rezoning, special/conditional use permit, or preliminary development plan approval.

Diversity and originality in lot layout and property dedication should be encouraged to achieve the best possible relationship between development and conservation/recreation areas. In addition, these criteria may help ensure that the dedicated land is not merely low-quality land poorly suited for trail use. The evaluation criteria should be established to determine whether the proposed dedication/acquisition satisfies some of the following elements:

- protects and serves floodplains, wetlands, and steep slopes;
- preserves and maintains mature woodlands, existing fields, pastures, meadows, and creates sufficient buffer areas;
- maintains or creates an upland buffer;
- designs around existing tree lines and hedgerows, between fields or meadows, and minimizes impacts on large woodlands;
- leaves scenic views and vistas unblocked or uninterrupted;
- protects wildlife habitat areas;
- designs around and preserves sites of historic, archaeological, or cultural value;
- protects rural roadside character;
- improves public safety;
- provides active recreational areas;
- offers adequate screening from nearby commercial or residential development;
- makes connections to commercial or residential development;
- facilitates pedestrian and bicycle access;
- provides open space that is reasonably contiguous and whose configuration is in accordance with the respective zoning ordinances as well as the **US 24/40 Corridor Supporting Transportation System Network Map (Figure 7-2)**.

Funding Resources

Capital improvements for the permanent addition to the physical infrastructure assets and other public facilities in the US 24/40 Corridor will likely require funding from a variety of sources. As new private development occurs in the corridor, developers should be required to:

- dedicate right-of-way for any necessary US 24/40 Highway improvements, as well as for the local street network; and
- construct improvements needed as a result of the developments (i.e., turn lanes, local streets, reverse frontage (backage) roads, etc.).
- post a bond for future improvements (traffic signals, turn lanes, etc.)

Federal dollars are available through the Mid-America Regional Council (MARC) for necessary interim improvements. Such projects must qualify for the various federal funding sources and be included in the Transportation Improvement Projects (TIP) list maintained by MARC. KDOT currently has no funding identified to implement the Corridor Study recommendations and funding for significant projects will have to wait until another federal highway bill is passed. However, there are some KDOT programs that could be applied for smaller interim improvements. Such potential funding sources may include:

State Corridor Management Funds

These funds help purchase right-of-way or fund other related activities that will improve corridor / access management along the state / federal highway system. As a result of developing and implementing this plan, the parties of the US 24/40 Inter-local Agreement will be eligible for Corridor Management funds. The funds are available through an annual application process for transportation improvements projects on the State and US Highway Systems as well as on the local street system. Project examples include improvements to intersections on the highway, construction of reverse access roads, and advanced acquisition of right-of-way for future projects.

KDOT Economic Development Funds

Such funds may apply to improvements to roads and bridges that will have a benefit to economic development in the area. A 75/25 split is required, with funds solicited in June and forms due in September of each year. Projects are selected by the Highway Advisory Commission the following spring (three years in advance of construction) and are managed by the Bureau of Local Projects.

City Connecting Link (KLINK) Resurfacing Projects

The KLINK program includes resurfacing “curb-to-curb” projects intended to improve roadway surfacing on city streets connecting two rural portions of state highway and are maintained by the city. These projects are limited to resurfacing of the roadway only. (Project scopes may vary from surface replacement to minor patching, joint repair or overlay, but does not include bridge decks or curb and gutter). The maximum state participation in the cost of construction and construction engineering is \$200,000. KLINK funds are solicited in June and forms due in September of each year. Projects are selected by the Highway Advisory Commission the following spring (programmed two years in advance of construction) and are managed by the Bureau of Local Projects.

Geometric Improvement Projects

The Geometric Improvement program is intended to help cities widen pavements, add or widen shoulders, eliminate steep hills or sharp curves and add needed turning lanes, acceleration lanes and deceleration lanes on City Connecting Links. These projects provide improvements to City Connecting Links that extend beyond the back of curb (widening, grades, flatten curves, etc.), with 75% to 100% state participation based on the size of the city (currently up to \$700,000 for Basehor and \$750,000 for Tonganoxie). Funds are solicited in June and forms due in September of each year. Projects are selected by the Highway Advisory Commission the following spring (three years in advance of construction), and are managed by the Bureau of Local Projects.

Transportation Revolving Fund (“TRF”)

The Kansas TRF is a statewide revolving loan fund designed to promote innovative transportation funding solutions. The purpose of the TRF is to provide financial assistance to local governmental units for transportation projects. Eligible projects must be a bridge, culvert, road, street, or highway. However, trail projects are not eligible for financing. Projects must be consistent with the state highway system, as it

exists now or in the future. Local communities identify their transportation needs and submit a project application. Applicants may combine several projects on one application as a highway improvement program; however, each project must be listed separately with supporting information on the application.

The TRF offers a wide range of loan and credit enhancement opportunities for eligible projects. Local governmental units can repay loans with various revenues including Special City & County Highway Fund allocations or locally raised revenues such as sales taxes. A transfer of monies from the state highway fund capitalized the TRF. Proceeds from the issuance of bonds will also be used for project financing. An application for the local share of a state or federal project does not change the financing source. If a project is part of another KDOT program, such as KLINK, Geometric Improvement, or Economic Development, it is subject to all the rules of that program. Borrowing from the TRF does not count against a local government unit's maximum bonding authority. All cities, counties, and other governmental units of the State of Kansas are eligible to borrow from the TRF. In addition, private enterprises are eligible if they have a governmental unit as a partner.

STP Transportation Enhancement Funds

These funds are divided into three main categories of purpose for project selection: Historic; Scenic and Environmental; and, Pedestrian and Bicycle Facilities. To be eligible for Transportation Enhancement funds, an application must:

- relate to surface transportation;
- include one of the 12 federally designated transportation enhancement activities; and
- must be submitted by a local governing entity (city, county, school district, etc.).

Project applications are accepted only from state agencies, city and county governments, and other political subdivisions. Applications within urbanized areas (populations greater than 50,000) must be submitted through Metropolitan Planning Organizations (MPO's), which for Leavenworth County is the Mid-America Regional Council.

The applicant is responsible for at least 20 percent of the total project costs. Applications offering a greater portion of local funding and support receive additional consideration. In-kind (donated) labor and materials are not allowed as part of the applicant's match. Donated rights-of-way may be allowed as part of local match if the applicant provides documentation that acquisition was in accordance with the federal requirements.

STP Hazard Elimination Safety (HES) Funds

HES funds are federal dollars to improve safety on and off the state highway system. Examples include traffic signal installation, left-turn lanes, right-turn lanes, traffic signal modifications, roundabouts, and other projects that improve safety. These funds have a 90 (federal) / 10 (local) split. Selected projects are based on Annual

Average Net Return of the proposed improvement. The program is conducted on a two year cycle.

State-Aid Safety Funds

These funds are for projects to improve safety on the state highway system. Examples include traffic signal installation, left-turn lanes, right-turn lanes, traffic signal modifications, and other projects that improve safety. These funds range from 100 percent to a 50 (federal) / 50 (local) split. Selected projects are prioritized on an as-needed basis.

State Lighting Funds

Funds are available to install lighting at interchanges / intersections based on criteria met in the KDOT Lighting Handbook. Locations must be on the state / federal highway system.

Additional funding for improvements in the US 24/40 Corridor, including local connecting arterial streets, will need to come from Leavenworth County and the communities of Basehor and Tonganoxie. Since the local jurisdictions have tight CIP budgets, other alternative funding sources should be considered to finance major corridor improvements. The following summarizes potential local funding sources:

Capital Improvements (and Special Projects) Sales Tax

Cities and counties may impose a sales tax on all retail sales in the jurisdiction for the purpose of funding capital improvements, including operation and maintenance. The sales tax must be authorized by the governing body and approved by a simple majority of the voters in an election. Funds collected from this tax must be deposited in the general fund and may be transferred to a fund--such as a road improvement fund--to be used solely for the purpose designated in the vote which is approved by the citizens of the jurisdiction.

General Obligation Bonds. Subject to certain constitutional and statutory limitations, primary of which is a constitutional limit on the total amount of debt the county and cities can incur based upon a set percentage of its assessed valuation, funds for street improvements may be raised by the issuance of general obligation (GO) bonds. GO bonds are long-term obligations backed by the full faith and credit of the county or cities. Kansas statutes authorize the governing body to issue bonds for the construction, reconstruction, improvement, maintenance and repair of any and all public roads, highways, bridges and culverts, including the acquisition of property through eminent domain powers. The proceeds from such bonds must be kept as a separate fund. These funds may also be used in the construction, reconstruction, improvement, maintenance and repair of any street, avenue, road or alley in any incorporated city, town or village if that construction or improvement forms part of a continuous road, highway, bridge or culvert of the County.

Transportation Development District ("TDD")

A TDD is a form of special assessment district for transportation needs and has authority to raise funds either through special assessment or sales tax in district. TDDs

are authorized by K.S.A. 12-17,141 et seq. and may be used to pay for improvements for which the development area creates the demand. Such property assessments or sales taxes require approval of all property owners within the district. The funds generated in the TDD are paid by property owners in the case of an assessment, or by the users in the case of a sales tax.

Tax Increment Financing (“TIF”)

A TIF allows future real property taxes and other taxes generated by new development to pay for the costs of construction of public infrastructure and other improvements to make the project feasible. The program allows for the increment in sales taxes and property taxes (taxes after development - taxes before development) to go towards paying off costs incurred for the project. The tax increment can be used for site acquisition, relocation, site preparation, parking facilities, and public improvements. The process is divided into two steps. The first step is establishing a Redevelopment District and the second is adopting a Redevelopment Plan for the Redevelopment District.

Community Improvement District (“CID”)

A Community Improvement District or CID provides another class of special purpose, self-taxing district. Once established, CIDs enjoy broad authority to levy and collect special assessments and/or sales taxes to fix and collect fees for use of CID properties, to construct and maintain a variety of public improvements, to support business activity and economic development within district boundaries, and to issue tax exempt revenue and general obligations.

Transportation Utility Fee

A transportation utility fee is a fee collected on residences and businesses within the local jurisdiction’s corporate limits and tied to the use and consumption of transportation services in the community. Such a fee is similar to a storm water, water, or sanitary sewer utility fee. The premise is that local government is responsible for making roadways available to anybody who desires to use them, and therefore all potential users should pay for upkeep of the roadway network. Typically such a fee is applied communitywide, but could be limited to a corridor or district. There is currently no enabling authority in Kansas for such a fee, but could be applied under home rule authority.

Impact Fee

An impact fee is a one time payment assessed against new development to cover the expenses for essential capital improvements proportionate to the demand generated by the development. Such improvements typically apply to roads, sanitary sewer, storm water systems, or may also include emergency services (e.g. police, fire, and EMS services) and public buildings. The fee may be collected at the time of platting, issuance of building permit, or the issuance of a certificate of occupancy permit. Typically such a fee is applied communitywide, or may limited to specific corridors, but collected funds must be used to provide substantial benefit to the new development. There is no specific authority in Kansas for such a fee, but could be applied under home rule authority.

Excise Tax

The tax is typically applied communitywide to new development and may either be paid by the developer at the time of platting or by a property owner at the time of purchase. The use of the funds may be applied to any budgeted item if placed in the jurisdiction's general fund. The City of Tonganoxie currently has excise tax dedicated to transportation improvements. Leavenworth County does not currently have an excise tax and can no longer enact them, due to a change in the state legislation.

Special Assessment Districts

State statutes authorize the creation of a Special Assessment Districts (SA) by cities and counties for areas designated to benefit from a particular public improvement. Landowners within the district must authorize the formation of the District either by a vote of approval or by execution of a petition to the governing body. A landowner petition to create a District must be signed by the owners of record of at least two-thirds by area of all real property located within the proposed District. If approved, the governing body may authorize the issuance of general obligation bonds to finance construction of an improvement, such as road improvements. To secure the bonds, a portion of the total cost is assessed against each landowner within the District and the special assessment becomes a tax lien against the property. The method of apportioning assessments among the property owners within the District is established prior to the creation of the District. A Special Assessment District allows cities and counties to construct improvements sooner than other financing methods such as road user or impact fees.