

RESOLUTION 2018 - 6

A RESOLUTION ADOPTED UNDER AUTHORITY OF K.S.A. 12-749 PROVIDING FOR ON SITE AND OFF SITE ROAD IMPROVEMENTS, TO ADOPT A FEE THAT PROVIDES FOR THE IMPROVEMENT OF ROADS REQUIRED BY NEW DEVELOPMENT; REPEALING RESOLUTION 1999-10.

WHEREAS, most of the existing roads within Leavenworth were built for agricultural and low density rural conditions;

WHEREAS, these conditions have changed due to development making the road system inadequate to handle the demands of medium density rural residential development;

WHEREAS, new development on existing roads causes the need for the improvement of these roads and the cost of new improvements should not be passed on to the existing taxpayer;

WHEREAS, the full cost of constructing roads are not to be borne by building permits alone;

WHEREAS, development is through the platting and building permit processes;

WHEREAS, the County does not desire to unnecessarily restrict new development due to existing road conditions;

WHEREAS, the County does not want to direct specific development.

NOW BE IT THEREFORE, RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS;

That all new plats, lot splits, and building permits shall pay an improvement fee, Development (DIF) and Road (RIF), to be paid by the developer and the builder at time of plat/subdivision approval or building permit.

1. Fees shall not apply to existing homes that may become part of a new subdivision plat or lot split; existing homes destroyed in any manner; existing homes demolished and replaced by another home.
2. DIF shall not apply to tract splits and any other exception under the Zoning & Subdivision Regulations.
3. Fees shall apply to any development that fronts an unimproved county road or an improved county road that utilized RIF/DIF or developer funded improvements.
4. Fees and required improvements for commercial development, including special use permits, which generate greater than or equal to 50 peak hour vehicle trips (≥ 50 phv) shall be evaluated for development improvements and road impacts using a traffic impact analysis. Traffic impact analyses are to be completed by a licensed and registered professional engineer in the State of Kansas contracted and paid for by the developer.

5. Funds collected from the improvement fees will be used within the Township in which the lot(s) or tract is located. The priority of road and bridge improvements shall be determined by the County Engineer and published biennially.
6. Fees will be determined based upon the classification/traffic count of the road(s) that front the proposed development and the cost of construction. The determination of the classification/traffic count of the roads and the cost of construction shall be reviewed and adjusted by the County Engineer and published biennially to compensate for construction cost indices.
 - a. Classification
 1. Very Low Volume Road design standard is eligible for roads with less than four-hundred (< 400) vehicles per day. Roads shall be designed for a 10-year minimum lifespan.
 1. Existing traffic counts shall be less than three-hundred (< 300) vehicles per day to be considered eligible for Very Low Volume Road design standards.
 2. Counts shall be collected for three sequential non-weekend days and evaluated by the County Engineer.
 2. All other roads are greater than or equal to four-hundred (≥ 400) vehicles.
 1. Existing traffic counts shall be (≥ 300) vehicles per day.
 - b. Estimated Construction Cost
 1. Very Low Volume Road design is \$150,000/mile; \$14.25/LF of road frontage.
 2. All other road design is \$250,000/mile; \$23.75/LF of road frontage.
7. (RIF) shall be paid by all builders of new residences at time of building permit issuance with a minimum fee of \$3,000, effective from the date of adoption of this resolution. The determination of this cost shall be made by the County Engineer and shall be reviewed and adjusted by the County Engineer and published biennially to compensate for construction cost indices.
 - a. Lots within a development that are affected by an improved county road at the expense of the developer shall not be required to pay RIF.
 - b. Lots affected by an improved county road due to an adjacent developer or county projects funded by RIF/DIF shall be required to pay RIF.
 - c. Lots affected by an improved county road due to a county project funded by non-RIF/DIF shall not be required to pay RIF.
8. (DIF) shall be paid by all developers of plats, replats, and other subdivisions of land as allowed and defined by Zoning and Subdivision Regulations, meeting permitting criteria to include, but not limited to, Public Works Access Management Policy. Fee shall be calculated utilizing the estimated construction costs by multiplying the road frontage fee (*FF*) times the lineal feet (*LF*) of road frontage less the (RIF) potential times the number of lots (n_{lots}) created.

$$(DIF) = (FF * LF) - (RIF * n_{lots})$$

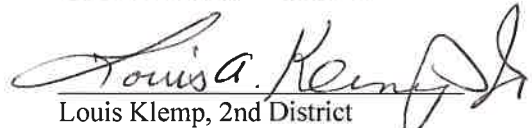
- a. Road Frontage Fees (*FF*) shall be reviewed and adjusted by the County Engineer and published biennially to compensate for construction cost indices.
 1. Very Low Volume Road Frontage is \$14.25 per lineal feet.
 2. All other road frontage is \$23.75 per lineal feet.
- b. Developer improvements may be accepted in lieu of DIF/RIF
 1. Developer shall improve the affected road frontage due to proposed development on county roads to the minimum standards as described within the Public Works Road and Drainage Standards.
 2. Developer shall obtain required right of way from all properties affected at developer expense. Utilization of eminent domain is at the discretion of the Board of County Commissioners to assist with acquisition of required right of way.
 3. Developer shall bear the costs of any required utility relocations caused by the road improvement.
 4. Developer shall receive the collected DIF/RIF payments for reimbursement per policy as defined in the Zoning and Subdivision regulations.
- c. Example Calculations shown in Exhibit A.


9. Resolution No. 1999-10 is hereby repealed.

Adopted this 28 day of February, 2018

Board of County Commissioners
Leavenworth County, Kansas


Robert Holland, 1st District


Louis Klemp, 2nd District


Doug Smith, 3rd District

ATTEST:

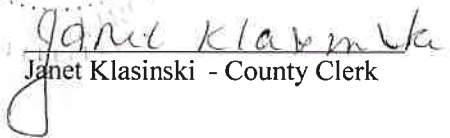

Janet Klasinski - County Clerk

EXHIBIT A – EXAMPLE CALCULATION OF DIF/RIF

1. Farm Family requests a lot split of one (1) 5 acre lot that has 300 lineal feet of road frontage.



(DIF) = $\$0.00 * 300 - \$3,000 * 1 = \$0$
due at lot split approval

- Both lots on <400vpd road are eligible for a driveway connection.

2. Sierra Ridge, real world example, requested the subdivision of 50 acres into sixteen (16) 2.5 acre lots with 825 lineal feet of road frontage. Developer was required to improve Hollingsworth Road. Revised options:



(DIF) = $\$23.75 * 825 - \$3,000 * 16 = \$0$ due at subdivision approval.

- Phased Local Road installation per lot sale/building permit option.
- Variance for road placement
- Grandfathered Lot 1 driveway.

OR provide improvement with reimbursement.

3. D Bros Development, LLC requests the subdivision of 40 acres into one (1) 20 acre lot, two (2) 2.5 acre lots, one (1) 5 acre lot, and one (1) ten acre lot with 660 lineal feet of road frontage.



(DIF) = $\$23.75 * 1320 - \$3,000 * 5 = \$16,350$ due at subdivision approval

- Phased Local Road installation per lot sale/building permit option.
- Three lots with road frontage would be eligible for a driveway.
- All other lots would require local road access.

4. Land Division, Inc. requests the subdivision of 160 acres into multiple lots that is bound by two roads. One is paved, one is gravel.



(DIF) = $\$0 * 2640 + \$14.25 * 2640 - \$3,000 * 8 = \$13,620$ due at subdivision approval.

- Future road ROW is platted for installation as future replat/development occurs.
- All lots on <400vpd road are eligible for a driveway connection.
- Minimum 660 lineal feet between driveways on >1000vpd road. All other lots would require local road access.

OR



(DIF) = $\$0 * 2640 + \$14.25 * 2640 - \$3,000 * 10 = \$7,620$ due at subdivision approval.

- Previously listed items still apply

OR



(DIF) = $\$0 * 2640 + \$14.25 * 2640 - \$3,000 * 13 = \0 due at subdivision approval.

- Previously listed items still apply.

OR



(DIF) = $\$0 * 2640 + \$14.25 * 2640 - \$3,000 * 23 = \0 due at subdivision approval.

- Previously listed items still apply.

A developer may review many approaches while evaluating their investment.