

RESOLUTION 98-05

**BEFORE THE BOARD OF COUNTY
COMMISSIONERS**

OF

LINN COUNTY, KANSAS

**A RESOLUTION REGULATING
SUBDIVISION DEVELOPMENT**

IN LINN COUNTY, KANSAS

**LINN COUNTY KANSAS
SUBDIVISION REGULATIONS**

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ARTICLE 1

GENERAL PROVISIONS

Sections:

- 1-01 Title & Scope
- 1-02 Purpose
- 1-03 Jurisdiction
- 1-04 Appeal
- 1-05 Exemptions
- 1-06 Definitions

1-01 TITLE & SCOPE

These regulations, prescribe minimum design requirements and approval procedures for the development of new subdivisions and re-subdivisions of land in Linn County, Kansas.

1-02 PURPOSE

The division and improvement of land for urban or nonagricultural development has a significant and lasting impact upon the physical environment of Linn County. The creation of new streets, lots and utility systems requires significant public and private capital investments. Failure to properly size and construct adequate sewers and streets, ensure available water supplies, manage storm water runoff and erosion, and plan for public services results in physical and environmental problems which are difficult and costly to resolve.

These Regulations set forth uniform rules and procedures for the division and improvement of real property to assure that new subdivisions are properly planned and integrated with existing streets, utilities and other public facilities, to prevent potential environmental hazards, and to coordinate the use of private or public resources to achieve planned and orderly land development through proper location and design of streets, building lines, open spaces and utilities.

1-03 JURISDICTION

These Regulations shall apply to all the unincorporated land in Linn County, Kansas, other than areas by which the County has given authority to a separate entity through an Interlocal Agreement.

1-04 APPLICABILITY

These Regulations shall apply to any person desiring to do any of the following:

1. Subdivide or further subdivide any lot, tract or parcel of land into two or more parts.

2. Re-subdivide any lot, tract or parcel of land that has previously been subdivided into two or more parts.
3. Establish any street, alley, sidewalk, park or other property intended for public use or for the use of prospective or existing owners of lots, tracts or parcels of land fronting on or adjacent to such property.

The owner(s) of any land located within Linn County, Kansas, subdividing said land in a manner previously cited shall cause to be prepared a subdivision plat in accordance with the Provisions of these Regulations. No building or zoning permit shall hereafter be issued by Linn County, Kansas, for construction on any land that has not been subdivided in compliance with these Regulations and all other applicable state laws and Linn County regulations in effect at the time of the subdivision of said land.

1-05 EXEMPTIONS:

These Regulations shall not apply in the following instances or transactions:

1. Any lot, tract or parcel of land located within the area governed by the regulations that has been legally subdivided or platted prior to the effective date of these Regulations.
2. The division or further division of land into tracts of 40 acres or more when subdivided only for agricultural purposes, and that does not involve or result in the creation of any new streets, easements of access, or other dedication.
3. The use of land for right-of-way by railroads or public utilities subject to local, state, and federal regulations.
4. The division of a lot which creates no more than one additional lot shall be exempt from the platting process, *however*, said division shall be subject to lot split provisions described in Article 2-06 of these Regulations. Any further division of either lot shall be platted in compliance with these Regulations.
5. Cemeteries

1-06 DEFINITIONS:

For the purpose of these Regulations, certain terms, words, and phrases are hereby defined and shall have the meaning assigned to them in this section when used or referred to throughout these Regulations.

1. **ACCESS:** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

2. **AGRICULTURAL PURPOSE:** The use of the tract of land for the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental or greenhouse products. Land used for agricultural purposes shall not include the following:
 - A. Lands which are used for recreational purposes; suburban residential acreage; rural residential home sites and yard plots whose primary function Are for residential or recreational purposes even though such properties may produce or maintain some of the plants or animals listed herein.
 - B. The operation or maintenance of greenhouses, nurseries or hydroponics farms operated at retail.
 - C. The operation or maintenance of a commercial stockyard or feedlot.
3. **ALLEY:** A public or private thoroughfare, which provides only a secondary means of access to abutting properties.
4. **BLOCK:** A tract of land bound by streets.
5. **BOND:** Any form of security including cash deposit, surety bonds, collateral, property or instrument of credit in an amount and form satisfactory to Linn County. Linn County shall approve all bonds whenever a bond is required by these Regulations.
6. **COUNTY:** The Governing body of Linn County, Kansas, or its delegated staff, boards or agencies.
7. **COUNTY ATTORNEY:** The County Attorney or such licensed attorney designated by the County Attorney, responsible for the prosecution of all violations of these Regulations in accordance with the provisions contained herein, and as established by law.
8. **COUNTY COUNSELOR:** The County Counselor, or such licensed attorney designated by the County Counselor or the Governing Body, to furnish legal assistance for the administration of the Regulations.
9. **COUNTY ENGINEER:** The County Engineer, or such licensed engineer designated by the County Engineer or Governing Body, to provide engineering assistance in administering these and other regulations governing areas of normal responsibilities assigned to the County Engineer.
10. **DEVELOPER:** The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these Regulations for the purpose of subdividing land.
11. **DIRECT ACCESS:** Access from a county road or other public right of way or a

- platted private road or street to a tract, lot or parcel which lies contiguous to the road or right of way and which does not cross any other lot or parcel.
12. **EASEMENT:** A grant by a property owner to specific persons or the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.
 13. **FINAL PLAT:** The map, plan or record of a subdivision and any accompanying materials, as described in these Regulations.
 14. **FLAG LOT:** A lot, tract or parcel of land that provides minimum frontage to the road or street by a narrow strip of land and whose main body of land lies to the rear of the property.
 15. **FRONTAGE:**
 - A. **Street frontage:** All of the property on one side of a street between two intersecting streets measured along the line of the street, of if the street is dead-ended, than all of the property abutting on one side between an intersecting street and the dead-end street.
 - B. **Lot frontage:** The distance for which the front boundary line of the lot and the right-of-way is coincident.
 16. **GOVERNING BODY:** The Board of County Commissioners of Linn County, Kansas.
 17. **GRADE:** The slope of a road, street or other public way.
 18. **IMPROVEMENTS:** All facilities constructed or erected by the developer and/or public entity within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial, or industrial use.
 19. **LOT:** An area of land with fixed boundaries as described and recorded in the office of the Register of Deeds of Linn County Kansas, under individual ownership used by one main building and its accessory buildings and not divided by any public highway or alley.
 20. **LOT DEPTH:** The dimension of a lot running perpendicular to a road frontage.
 21. **LOT OF RECORD:** A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Linn County Kansas.
 22. **LOT SPLIT:** The dividing or redividing of a lot, tract or parcel of land into not more than two (2) lots, tracts or parcels for purpose of sale, lease, development or financing which meet the requirements established by these Subdivision Regulations.
 23. **LOT WIDTH:** The dimension of a lot along a road frontage.

24. **MONUMENT:** The device, usually a metallic bar or tube, used to mark and identify the corners in the boundaries of subdivisions or lots.
25. **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.
26. **PRELIMINARY PLAT:** The preliminary drawing or drawings, described in these Regulations, indicating the proposed manner or layout of the subdivision.
27. **RESUBDIVISION:** A change in a map of an approved or recorded subdivision plat if such change affects any street layout shown on such map, any area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Tract or lot splitting may be allowed as specified within these Regulations.
28. **RIGHT-OF-WAY:** A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks, or other public utilities or services.
29. **SETBACK:** The distance between a building and the lot line, or road right-of-way line, whichever provides the desired minimum distance.
30. **SHORT-FORM PLAT:** A map or drawing of a proposed subdivision containing four lots or less giving, in form suitable for filing in the office of the Linn County Register of Deeds office, necessary affidavits, dedications and acceptances, and containing a complete legal description sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision.
31. **STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.
 - A. **Arterial:** An arterial or thoroughfare which primarily serves as a transportation link for vehicular traffic and which prohibits direct access from residential lots. An arterial may be classified as either a Major Arterial, or a Minor Arterial, as defined in the Highway Functional Classification system of the U.S. Department of Transportation, Federal Highway Administration and/or the Linn County Comprehensive Plan.
 - B. **Collector:** A road (or street) which is intended to move traffic from local roads to arterials. A collector road (or street) serves a neighborhood or a large subdivision not as an interior road but as the passageway between a local street and an arterial street.
 - C. **Local:** A road (or street) whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.
32. **SUBDIVISION:** Any land, vacant or improved, which is divided into two or more lots, parcels, sites, units, plats or interests for the purpose of offering same for sale,

lease, development or financing, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. A subdivision includes the division or development of residential and non-residential zoned land, whether by deed, metes-and-bounds description, map, plat or other recorded instrument.

33. **SUBDIVISION, NON-RESIDENTIAL:** A subdivision, which is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of the Regulations.
34. **TRACT:** An area of land other than a lot of record which has been described and recorded in the Register of Deeds office of Linn County Kansas as a single area of land under common ownership.
35. **WALKWAY:** Any pathway, surfaced or otherwise, intended for pedestrian use only.
36. **ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Governing Body to administer the requirements of these Regulations.

ARTICLE 2

PROCEDURE FOR APPROVAL OF SUBDIVISIONS

Sections:

- 2.01 GENERAL PROVISIONS
- 2.02 PRE-PLATTING CONFERENCE
- 2.03 PRELIMINARY PLAT
- 2.04 FINAL PLAT
- 2.05 SHORT-FORM PLAT
- 2.06 LOT SPLITS

2.01 GENERAL PROVISIONS:

This article establishes uniform procedures and platting requirements for subdivisions subject to these Regulations. No final plat shall be filed or recorded with the County Register of Deeds as required by law unless and until it has been acted upon by the Planning Commission and approved by the Governing Body as required herein.

2.02 PRE-PLATTING CONFERENCE

Any person desiring to subdivide land, which is subject to these Regulations, shall be required to attend a pre-platting conference with the Linn County Zoning Administrator as the first step to filing an application for a preliminary plat. Arrangements for this conference shall be made by contacting the Zoning Administrator.

The purpose of the pre-platting conference is to inform the county staff of possible future subdivision development and inform the applicant of the effect, feasibility and compatibility of the proposal in relation to Linn County development policies and Comprehensive Plan. The conference enables the staff to inform owners and their agents:

1. Of the general conformance or nonconformance of the subdivision proposal with these Regulations,
2. Identify additional requirements for further processing of the proposal,
3. To advise them of applicable zoning provisions or conflicts,
4. To advise them of special design considerations presented by particular environmental features on or affecting the site (i.e. flood plains, excessive slope areas, soil problems, high water tables, etc.).

The landowner or his representative may, if he deems it desirable, prepare a schematic drawing of the proposed subdivision in order to receive any pre-plat comments of the staff which may prove helpful in designing the preliminary plat. The sketch plan should convey:

1. The location of the proposed subdivision,
2. The general layout of the proposed subdivision, including the location and size of streets and the orientation
3. The number and dimensions of the lots
4. Plans for water supply and sanitary sewage disposal, and
5. Any particular design problems posed by the existing natural or man-made conditions and characteristics of the site that could benefit from an early discussion.

The developer may also consult with the Linn County Planning Commission to receive any unofficial comments prior to the drawing of the Preliminary Plat.

No verbal, written or schematically illustrated statements made during the course of the conference shall be held as legally binding or construed in any way as granting or assuring approval of the proposed subdivision since the Planning Commission has final authority on all subdivision plats.

2-03 PRELIMINARY PLAT

1. **APPLICATION** A subdivision application form shall be filed with the Zoning Administrator and shall be accompanied by 20 copies of the preliminary plat. The appropriate fee shall be paid upon filing the application.

2. **PRELIMINARY PLAT CONTENTS** The following information shall be shown on the preliminary plat or attached thereto:

A. Items pertaining to the title:

1. The name of the proposed subdivision.
2. Location of the subdivision by reference to a section corner.
3. The name(s) and address(es) of the owner(s) developer(s) and the licensed land surveyor who prepared the plat.
4. North arrow.
5. Date prepared and scale of the drawing(s). Preliminary plat shall be drawn to a scale of not less than 1" = 100'; however, with special conditions and prior approval of the Zoning Administrator, this scale may be exceeded.
6. General description of property

B. Items pertaining to the subject property (Existing):

- 1. All of the land to be platted as well as all platted or unplatted adjacent properties within 1,000 feet shall be shown including a list of property owners and addresses. A heavy solid line shall accurately indicate the boundary of the platted area.**
- 2. The location, width and names of all existing platted or private streets or other public ways within or adjacent to the tract, together with easements, railroad and utility rights-of-way, parks and other significant features.**
- 3. Drainage channels and areas subject to flooding by the intermediate Regional Flood (100-year flood).**
- 4. All airports, sanitary landfills, feedlots or similar uses, located within two miles of the proposed plat shall be shown on a vicinity map.**
- 5. Existing contours with the contour intervals of not more than 5 feet; provided, contour intervals may be modified or replaced with spot elevations following site inspection by the Zoning Administrator and County Engineer for Short Form plats and plats proposing few lots, but only where conditions warrant. All elevations and contours shall be referenced to U.S.G.S. datum.**

C. Items pertaining to the plat (proposed:)

- 1. Layout and names of streets, with general dimensions and appropriate grades, and their relationship to adjoining or projected streets.**
- 2. Intended layout, numbers and dimension of lots.**
- 3. Location and type of utilities to be installed, including the approximate location of sanitary sewers, on-site waste systems, storm sewers or water lines.**
- 4. A statement or other indication of phasing of the development and an appropriate timetable, if applicable.**
- 5. Vicinity sketch which indicates the relationship between the proposed subdivision and surrounding properties within 1,000 feet, showing streets and other features.**
- 6. Parcels of land intended to be dedicated or reserved for parks, schools, or other public use or to be reserved for the use of property owners within the subdivision.**
- 7. Utility and other easements indicating width and purpose.**

3. APPLICATION COMPLETE

Upon receipt of the preliminary plat and supporting data required in this document, the Zoning Administrator shall certify the application as complete and affix the date of application acceptance on the plat or application form. He shall then place the preliminary plat on the agenda for consideration at the first available meeting of the County Planning Commission.

4. ADEQUATE PUBLIC FACILITIES

Prior to approval of the Preliminary Plat, the Planning Commission shall find that sufficient public facilities and services are either available, shall be available within a reasonable time as programmed in the Capital Improvements Program, or shall be provided by the developer in accordance with the requirements of their Regulations to adequately service the type of subdivision and development being proposed.

5. GENERAL COUNTY STAFF AND UTILITY REVIEW

The zoning Administrator shall distribute copies of the preliminary plat to the appropriate Linn County Departments, and affected utility companies for review and comment. All general staff and utility review comments shall be coordinated by the Zoning Administrator and shall be forwarded along with a report and recommendation to the Planning Commission.

6. COUNTY PLANNING COMMISSION REVIEW AND ACTION

The County Planning Commission shall conduct a public hearing on the preliminary plat of which notice shall be published once in the Official County newspaper at least 20 days prior to the date of the hearing. In addition, notices of the public hearing on the proposed preliminary plat shall be mailed to all property owners within 1,000 feet of the proposed plat or as required by law. The County Planning Commission shall review the preliminary plat for compliance with the provisions of these Regulations and the Comprehensive Plan. After reviewing the preliminary plat based on the objectives and requirements of these Regulations, the Comprehensive Plan, comments from concerned citizens, and any additional information effecting the preliminary plat, the County Planning Commission shall take action on the acceptance, modification or rejection of the preliminary plat. Approval of the preliminary plat by the County Planning Commission shall permit the applicant to proceed with the filings of a final plat as described in Section 2-04. The Zoning Administrator shall forward a statement of the action taken by the Planning Commission to the Governing Body.

7. EFFECT OF APPROVED PRELIMINARY PLAT

Approval of the preliminary plat does not constitute final acceptance of the subdivision by Linn County. It establishes the overall layout and design of the proposed subdivision and authorizes the applicant to prepare a FINAL PLAT. Any deviation of the final plat from the intent of the approved preliminary plat as determined by the County Planning Commission shall be disallowed and shall cause the re-initiation of the preliminary platting process. The applicant shall submit a final plat application along with the

required documents described, within one (1) year of the approval of the preliminary plat by the Planning Commission. Upon failure to do so within the time specified, approval of the preliminary plat is null and void, unless an extension of time, limited to six (6) months, is applied for by the developer and granted by the County Planning Commission. An extension shall be granted only once.

2-04 FINAL PLAT

1. APPLICATION

The final platting process is intended to provide a complete surveyed drawing of the subdivision for the purpose of providing a legal record of lots, streets, areas of dedication and easements for future reference and transactions. The final plat submitted may be for all of the property approved in the preliminary plat or may be for only a portion or Aphase≡ thereof.

The applicant shall file 20 copies of the final plat with the County Zoning Administrator along with the additional information required herein. Said final plat shall be prepared by a registered land surveyor, and so sealed. In addition to the 20 copies, one (1) original final plat shall be submitted at least ten (10) days prior to the County Planning Commission meeting. Said original final plat shall be clearly and legibly drawn in waterproof black ink on mylar. The page sizes shall be 24 inches by 36 inches. Larger or smaller sizes will not be accepted. The scale shall be not less than 1" = 100' except that a variation in scale may be allowed when the Zoning Administrator determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g. sheet 1 of 3 sheets).

2. FINAL PLAT CONTENTS

The following information shall be shown on, or pertaining to the final plat and attached thereto:

- A. The lines and names of all proposed streets or other ways or easements, and other open spaces intended to be dedicated for public use or granted for use of inhabitants of the subdivision.
- B. The length of all straight lines, deflection angles, and radii, arcs and central angles of all curves, along the center line and the property lines of each street. All dimensions along the lines of each lot with the true bearings and angles of the intersection that they make with each other, and also any of the data necessary for the location of any lot line in the field. If more convenient, calculated bearing may be used instead of angles.
- C. The location of all building setback lines.
- D. Control points, as established by Kansas Minimum Standards, or descriptions and Aties≡ to such control points, to which all dimensions, angles, bearing, and

similar data given on the plat shall be referred. All dimensions shall be shown in feet and decimals of a foot.

- E. Location and elevation of a permanent bench mark.
- F. The location of all permanent monuments with the distance between them, and sufficient curve data plainly marked. These monuments shall be located at all lot and block corners.
- G. Date of preparation, title, north point, and scale shall be included. The title shall include the name of the subdivision under which it is to be recorded. The north point may indicate either the magnetic or true north and shall be so designated on the plat.
- H. The boundary of the subdivided tract with courses and distances marked thereon which shall be determined by survey in the field; shall be balanced and closed; and shall be made by a licensed surveyor.
- I. An identification system for all lots and blocks, and the area in square feet of each lot.
- J. The certification of the land surveyor making the plat, his seal and signature.
- K. Notary acknowledgment.
- L. A certification of the County Planning Commission showing its approval to the plat.
- M. Register of Deeds certification
- N. Title insurance certification or a certificate of title, prepared by a qualified Title Company, showing that the proposed subdivider owns all the property within the plat in fee, and that it is free from encumbrances and liens; but if encumbered, the mortgagee shall be required to consent to the plat.
- O. Certification of the owner dedicating streets, rights-of-way, and any sites for public use.
- P. Other such certificates, affidavits, endorsements, or dedications as may be required by the County Planning Commission in the enforcement of these Regulations.
- Q. Purpose for which sites, other than residential lots, are dedicated or reserved.
- R. Legal description of the subdivision.

- S. Certification that states the person(s) whose names are signed to this document and/or appear on the final plat are the sole and lawful owners of the property; that the plat is made with their desires; and that they dedicate the areas shown on the plat or as set forth in the document to the perpetual use and ownership by the public for the specific purpose stated therein or thereon. Ownership shall be verified by the County Clerk.
- T. Certification by the County Treasurer showing that taxes have been paid in full.
- U. A copy of any restrictive covenants applicable to the subdivision, if any; provided, the developer or subsequent homeowners association shall be responsible for the enforcement of any and all restrictive covenants filed for and subdivision and no provisions of said restrictive covenants shall supersede and restrictions or regulations established by these or any other local or State rules, regulations or laws.
- V. Three copies of a properly executed written agreement by the developer to undertake and complete, to the satisfaction of the County, all public improvements required as a condition for approval of the plat. The Certification agreement shall also set out the time limit for the completion of the specified work, the amount of bond or other acceptable surety to be posted as security for satisfactory completion of the work, and the right of the County, in the event the required work is not completed in a proper or timely manner, to perform or complete the work and recover the actual cost thereof from the developer(s)' sureties. The developer(s) agreement for public improvements will set out the public improvements required and also set out of incorporate by appropriate references, the plans and specifications for said improvements. The developer(s) agreement and bond for required public improvements shall be reviewed and approved as to the form and content by the County Engineer and the County Counselor. The Governing Body may defer the submission of the written agreement until after the final plat has been approved.

3. APPLICATION COMPLETE

Upon receipt of the final plat, engineering drawings and certification documents required in these Regulations, the County Zoning Administrator shall certify the final plat application as complete. He shall then place the final plat on the agenda for consideration as the next meeting of the County Planning Commission which is held no less than 10 days after said application or no more than 45 days thereafter.

4. SUBDIVISION IMPROVEMENTS

When the construction or installation of street improvements, public water supply, sanitary sewer systems, storm sewer systems or other drainage improvements, or other facilities is required to serve the proposed development within a subdivision, a prerequisite for the consideration of the Final Plat shall be the submission of a Benefit District Petition or a Subdivision Improvements Agreement specifically setting forth the extent, time schedule, and method of financing such construction or installation as proposed by the owner or developer. The Benefit District Petition or the Subdivision

Improvements Agreement shall contain sufficient information to make a determination that the proposed construction or installation shall meet or exceed the standards set forth in the Subdivision Regulations herein. A phased construction time schedule may be recommended by the Planning Commission, subject to the Governing Bodies approval, which is based on the owner=s or developer=s estimate of the pace at which development will proceed within the subdivision.

5. GENERAL COUNTY STAFF AND UTILITY REVIEW

The County Zoning Administrator shall transmit copies of the final plat, along with the other documents submitted, to the appropriate Linn County departments and agencies, and utility companies as the Commission deems necessary for review and to assure compliance with the approved preliminary plat. The Zoning Administrator shall serve as final plat coordinator and all review comments shall be directed to such person and forwarded to the Planning Commission along with a report and recommendation.

6. PLANNING COMMISSION REVIEW AND ACTION

The Planning Commission shall review the final plat for compliance with the approved preliminary plat and for completion of all final platting requirements. After consideration, the Planning Commission shall either approve or deny the plat. If approved, the County Zoning Administrator shall forward a statement of the action taken by the Planning Commission together with the minutes and copies of the final plat to the Governing Body.

7. GOVERNING BODY REVIEW AND ACTION

Upon receiving the final plat from the Planning Commission, the Governing Body shall accept or reject the acceptance of streets and other public way dedications, service and utility easements, and land dedicated for other public use. Failure of the Governing Body to accept these dedications shall have the effect of denying the plat.

8. RECORDING OF FINAL PLAT

The final plat shall be recorded and filed with the Register of Deeds of Linn County, Kansas, after acceptance of the final plat by the Governing Body as required by State law.

2-05 SHORT-FORM PLAT

1. APPLICATION

A short-form plat procedure is included within these Regulations for the purpose and intent of providing a means of approving a subdivision of land that contains four lots or less and, in all other respects, meets the requirements of these Regulations. As such, a short-form plat shall serve as the final plot of the subdivision. The submission and approval of a preliminary plat may be waived at the discretion of the Zoning Administrator as a prerequisite for a short-form plat approval; provided, that the public hearing requirements outlined herein for preliminary plats shall be applicable and all

short-form plats shall be subject to a public hearing.

If the proposed subdivision qualifies for a short-form plat, the applicant shall file twenty (20) copies of the plat with the Linn County Zoning Administrator along with the additional information required herein.

2. SHORT-FORM PLAT CONTENTS

A short-form plat must be drawn with waterproof black ink on mylar and must be drawn to a scale of not less than 1" =100'. If required, contour information will be provided on a separate drawing to the same requirements as specified in Section 2-03 Preliminary Plat. Except for the above requirements necessary for the approval of a final plat as stated herein, including but not limited to all bonding requirements.

3. SHORT-FORM PLAT REVIEW AND ACTION

The review and approval procedures for a short-form plat are the same as specified herein for a final plat, except that a public hearing shall be held in compliance with the requirements and procedures outlined herein for a preliminary plat.

2-06 LOT SPLITS

1. OBJECTIVE

The objective of this section is to provide for the division of a lot or tract into not more than two (2) lots, tracts or parcels without having to comply with the platting requirements described in Article 2-01 through 2-05. Such lot split shall be subject to the guidelines established in this section and any further divisions of the lots, tracts or parcels shall be platted in compliance with the requirements and guidelines of Article 2-01 through 2-05.

2. AUTHORITY FOR APPROVAL OF LOT SPLITS

The Linn County Zoning Administrator is hereby authorized to approve or disapprove a lot split in accordance with the provisions of this Section. The applicant may make an appeal, from a decision made by the Zoning Administrator, to the Governing Body for a final determination.

3. APPLICATION PROCEDURE

The application for a lot split shall be made to the County Zoning Administrator on forms provided and shall be accompanied by the following information:

- A. Three (3) copies of a drawing to a scale of not less than 1" =100' (or as approved by the Zoning Administrator) showing the lots involved, the precise location of any structures thereon, and the location and dimensions of the original and proposed lots. Said drawing shall be a certificate of survey from a licensed land surveyor to determine the exact location of the structures and the precise dimensions of the lots. Survey shall be submitted on paper sized 11" x 17" or

smaller.

4. **APPROVAL GUIDELINES** - No split shall be approved if one or more of the following applies:
- A. A new street or alley is needed or proposed.
 - B. Such split will result in a lot without direct access.
 - C. There is less street right-of-way than required by these Regulations, unless dedication of additional right-of-way can be made by separate instrument.
 - D. Any easement requirements have not been satisfied.
 - E. Such split will result in a lot without direct access to and/or less than the required frontage on a road as specified in the Linn County Zoning Regulations.
 - F. A substandard sized lot will be created according to these Regulations or the Linn County Zoning Regulations. Within fifteen (15) working days of the Application, the County Zoning Administrator shall in writing, either approve, with or without conditions, or disapprove the lot split.

The County Zoning Administrator may make such additional requirements as deemed necessary to carry out the intent and purpose of these Regulations. Such requirements may include, but not be limited to, installation of public facilities or dedication of right-of-way and/or easements.

2-07 BOUNDARY LINE ADJUSTMENTS, MERGERS, REVERSION TO ACREAGE

1. **OBJECTIVE** The objective of this article is to provide for the adjustment of boundaries or the merger of previously subdivided lots, tracts or parcels without having to comply with platting requirements as set forth in Article 2 of these regulations. Further, the objective is to establish procedures reverting subdivided lands into a single lot, tract or parcel when it has been determined that:

- A. An approved subdivision has not complied with conditions of approval.
- B. Improvements proposed for the subdivision have not been completed.
- C. Surety guaranteeing the completion of improvements has elapsed and is no longer in force and effect.
- D. The subdivision is no longer necessary.

2. AUTHORIZATION FOR APPROVAL

- A. The Zoning Administrator is hereby authorized to approve or disapprove the adjustment of one or more common boundaries between existing lots or the merger of two or more existing lots, provided that the resulting lots are in

compliance with all applicable regulations. Or, where a nonconforming lot exists, the nonconforming lot is not made more nonconforming. The applicant may make appeals from a decision made by the Zoning Administrator to the Board of County Commissioners.

- B. The Planning Commission shall conduct a public hearing to consider whether previously approved subdivision shall be reverted to acreage in a single lot tract. The Zoning Administrator shall give written notice to all holders of title or interest in the subdivision of the intention to revert the subdivision to acreage as a single lot. Said notice shall be by certified mail and shall be made at least twenty (20) days prior to the Planning Commission meeting.
- C. In the case of a determination by the Planning Commission to revert the subdivision into acreage as a single lot, the Zoning Administrator shall submit a request to the Board of County Commissioners for the vacation or abandonment of any unnecessary streets, easements, or public ways. Failure of the Board of County Commissioners to execute the vacation or abandonment shall be deemed to be a refusal to revert the subdivision to acreage and the subdivision shall remain in force and effect.

3. APPLICATION PROCEDURE

- A. The owner(s) of the land shall make request for boundary line adjustments or the merger of existing lots to the Zoning Administrator. The owner(s) shall submit four (4) copies of a Certificate of Survey, in the case of a boundary line adjustment; or a metes and bounds description of the perimeter boundaries in the case of a merger, prepared by a licensed surveyor or title company, along with the appropriate fee as established by the Board of County Commissioners.
- B. The Zoning Administrator shall submit, in writing, approval or disapproval of the boundary line adjustment or merger within thirty (30) days of receipt of the application. In the event of disapproval, the applicant(s) shall have thirty (30) days to perfect an appeal to the Board of County Commissioners.
- C. Request for the consideration to revert an existing subdivision to acreage as a single lot may be initiated by the Zoning Administrator, County Engineer, Board of County Commissioners or the County Planning Commission. Any request for reversion to acreage shall be submitted to the Zoning Administrator to be set for public hearing. The Planning Commission shall act to approve or disapprove the reversion to acreage request within sixty (60) days after submission. Failure to act within the sixty (60) days shall be deemed to be a denial and no further action shall be required.

4. APPROVAL GUIDELINES The merger of two or more lots or the adjustment of the common property boundary between two or more lots shall comply with all applicable regulations except as provided in Section 2-07(2) of these regulations. No lot merger or boundary line adjustment shall be approved where one of the following applies:

- A. A new street, road or alley is required except that additional easements or right-of-way be required for existing streets, roads or alleys.**
- B. There is less street or road right-of-way than required by County unless such dedications can be made by separate instrument.**
- C. Any holders of easements have not consented to the relocation or abandonment of the easement.**
- D. Such lot resulting from the merger or boundary line adjustment will not have direct access to a public road or street.**

ARTICLE 3

SUBDIVISION DESIGN STANDARDS

Sections:

- 3.01 APPLICABILITY
- 3.02 ROAD STANDARDS
- 3.03 BLOCK STANDARDS
- 3.04 LOT STANDARDS
- 3.05 EASEMENTS
- 3.06 DRAINAGE
- 3.07 WATER AND SEWER FACILITIES
- 3.08 PUBLIC SITES AND OPEN SPACES
- 3.09 BENCH MARKS, CORNER MONUMENTS, AND OTHER MARKERS
- 3.10 COMMUNITY ASSETS

3.01 APPLICABILITY

All subdivisions of land subject to their Regulations shall conform to the following minimum standards. Such design criteria shall govern the approval of subdivision plats by the Planning Commission and the Governing Body. All Plats shall be prepared under the direct supervision of a registered land surveyor of the State of Kansas and all submittal shall bear the seal of said registered land surveyor.

All subdivisions shall be platted with due consideration toward sound traffic engineering principles, safe and accessible building sites, adequate methods of storm water drainage and provisions for a sanitary water supply and effective sewage disposal system. All subdivision plats shall be consistent with applicable Linn County development plans and policies and shall be coordinated with existing, planned or committed public improvements. All subdivision plats shall comply with all local, state, and federal laws and regulations.

3.02 ROAD STANDARDS

1. COMPREHENSIVE PLAN COMPLIANCE

The arrangement, character, extent, and location of all roads shall conform to the Comprehensive Plan and the *Policy on Geometric Design of Highways and Streets-1984*.

2. EXTERNAL ROAD CONSIDERATIONS

The arrangement, alignment, and width of roads in new subdivisions shall be properly integrated with the existing road system and where appropriate shall provide for the continuation of existing principal streets in adjoining subdivisions or their projection where adjoining property is not platted. In no case shall the width of roads in new subdivision be less than the minimum road widths established in this Article or in the

Comprehensive Plan.

3. INTERNAL STREET LAYOUT, GENERAL

The location, arrangement, character and type of all roads shall be designed in relation to topographical conditions, the extent and impact of storm water runoff, the safe and convenient circulation of traffic within the subdivision, and the uses of the land to be served by such roads. When possible, roads shall be planned so as to discourage through traffic and to conveniently channel traffic onto collector and arterial roads.

4. INTERNAL STREET LAYOUT, RESIDENTIAL DEVELOPMENT

The use of curvilinear roads, cul-de-sacs, U-shaped roads, or cluster developments shall be encouraged in residential areas when appropriate. However, the excessive use of cul-de-sacs shall be discouraged. No roads shall be laid out so as to intersect with themselves, unless topographic conditions warrant.

5. INTERNAL ROADS LAYOUT, NON-RESIDENTIAL DEVELOPMENT

In commercial or industrial developments, the roads and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, the provision of alleys, truck loading and maneuvering areas, walks, and parking areas as to minimize conflict of movement between the various types of traffic, including pedestrian.

6. MULTIPLE INTERSECTIONS

Intersections involving the junction of more than two (2) roads shall be avoided whenever possible.

7. INTERSECTION CURVATURE

Roads shall be designed to intersect as nearly as possible at right angles, except where topography or other natural conditions justify a variation. No two roads shall intersect at an interior angle of less than 75 degrees unless they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than two hundred (200) feet.

8. OFFSET ROADS

Offset roads whose centerlines are separated by less than 150 feet shall be avoided, except where topography or other conditions justify a variation.

9. PRIVATE ROADS

There shall be no private roads platted in any subdivision.

10. DEAD-END ROADS AND CUL-DE-SACS

Permanent dead-end roads shall be cul-de-sacs. A cul-de-sac shall be no longer than 528 feet in length, without written consent of the Zoning Administrator or County Engineer, measured along the centerline of the cul-de-sac from the centerline of the intersecting roads to the radius point, and shall have an adequate turnaround with a minimum 60 foot radius right-of-way at the closed end. Temporary dead-end roads longer than 100 feet intended to be continued for access to adjoining property shall have a temporary turnaround area to provide service equal to the cul-de-sac requirement stated above.

11. HALF ROADS

Half roads shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these Regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half road is adjacent to a tract to be subdivided, the other half of the road shall be platted within such tract.

12. ACCESS TO ARTERIALS

- A. Where a proposed commercial or industrial subdivision borders on or contains an existing or proposed limited access arterial, the Planning Commission may require a road system design which affords separation of through and local traffic. This may be accomplished through reverse frontage lots with access control provisions along the rear property line, deep lots with rear service areas, frontage roads, or other similar means.**
- B. Where a residential subdivision borders on or contains an existing or proposed limited access arterial, the Planning Commission shall require that access to such roads be limited by any of the following means:**
 - 1. The subdivision of lots so as to back onto the arterial street and front onto a parallel collector road. No access shall be provided directly to any lot from the arterial road, and screening may be required of the developer in a screening easement along the rear property lines of such lots.**
 - 2. A series of cul-de-sacs, u-shaped roads, or short loops entered from and designed generally at right angles to such a parallel road, with the road lines of their terminal lots backing onto the arterial road. No direct access to the arterial road shall be allowed.**
 - 3. A frontage road having access to the arterial road at suitable points.**

13. RIGHT-OF-WAY AND ROAD WIDTHS

In order to provide for roads of suitable location, width and improvements to accommodate future traffic and afford satisfactory access to emergency and service

vehicles (particularly fire trucks and school buses), and to coordinate roads so as to develop a convenient system that avoids undue hardships to adjoining properties, the following design standards are hereby required. Road classifications are indicated in the Comprehensive Plan.

IMPROVEMENTS

MINIMUM RIGHT-OF-WAY (in feet)

Principal Arterial	Per KDOT
Minor Arterial	120
Major Collector	80
Minor Collector	80
Local	70
Cul-de-sac Turnaround radius	60

MINIMUM ROADBED AND SURFACE WIDTH(in feet)

	<u>Roadbed Width</u>	<u>Drive Surface Width</u>
Principal Arterial	Per KDOT	Per KDOT
Minor Arterial	42	24
Major Collector	28	24
Minor Collector	28	24
Cul-de-sac	28	22
Cul-de-sac Turnaround radius	54	50

In front of areas designed and zoned for an industrial use, or where a petition for a change in zoning is contemplated for a commercial or industrial use, to permit such use, the road width shall be increased by such amount on each side deemed necessary by the Planning Commission after review and recommendation of the County Engineer to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide safe parking space for such commercial or industrial districts.

14. CENTERED IMPROVEMENTS

The improved portion of roads shall be centered within the right-of-way, except in the cases where the Planning Commission, after review and recommendation of County Engineer, may allow.

15. VERTICAL CURVES

Vertical curves are required for changes in grade.

16. REVERSE CURVES

A tangent shall be provided between all reverse curves of a sufficient length, as related to the radius of the curves, so as to provide for a smooth flow of traffic.

17. ROAD GRADES

No road grade shall be greater than seven percent (7%) nor less than five-tenths of one percent (0.5%).

18. ROAD NAMES

Roads, which are substantially in alignment with existing roads, shall, unless otherwise illogical or due to severe directional change, bear the names of the existing roads. The names of such new roads shall be recommended by the Rural Fire Coordinator and approved by the Planning Commission.

19. ROAD SURFACING

All roads shall be constructed according to the standards and specifications in the *Policy on Geometric Design of Highway and Streets - 1984* on file with the County Engineer.

3-03 BLOCK STANDARDS

1. LENGTH

Blocks shall be delineated by intersecting roads at such intervals as to sufficiently provide for cross traffic and to furnish access to existing roads adjoining the new subdivision.

In residential districts, no block shall be longer than 1056 feet between centerlines of roads, except variations may be allowed by the Planning Commission upon review and recommendation of the County Engineer in instances where topography or other conditions prohibit compliance.

2. DESIGN

The configuration of blocks shall be determined with regard given to:

- A. Zoning requirements as to lot sizes and dimensions.
- B. Provision of adequate building sites suitable to the particular needs of the type of use intended.
- C. Topography as it affects storm water drainage and erosion.
- D. Need for convenient circulation, access, safety and control of vehicular and pedestrian traffic.

3-04 LOT STANDARDS

1. FRONTAGE REQUIREMENTS

Every lot shall have frontage on a road at least equal to the requirements of the zoning district in which it is located; except those lots fronting on the end of a cul-de-sac, which shall meet the frontage requirements as measured on a radius at the front yard setback line.

2. SIZE

The size, width, depth, shape and orientation of lots and any minimum building setback lines shall be addressed by the Linn County Zoning Regulation. Lot depth shall not exceed three (3) times it's width.

3. SIDE LOT LINES

All side lot lines shall be at right angles to straight road lines and radial to curved road lines where practicable.

4. COMMERCIAL/INDUSTRIAL LOTS

Lots reserved or laid out for commercial and/or industrial purposes shall be of adequate size to provide for the off-road service and parking facilities required by the type of use, zoning district and development contemplated.

5. DOUBLE FRONTAGE

Double frontage lots shall be avoided for single-family residential dwellings except where the lots abut upon an arterial road, or where the topography of the land prevents reasonable subdivision into additional lots. Double frontage lots shall not have vehicular access between such lots and an abutting arterial road.

6. MAJOR STREETS

Lots intended for residential use facing on arterial roads shall be avoided. It is preferable that the sides or backs on such lots adjoin arterial roads with the vehicular egress from such lots being oriented to collector or local road.

7. CORNER LOTS

Corner lots intended for residential use shall have additional width to allow appropriate building setback and orientation to both roads and to provide adequate corner visibility.

8. FLAG LOTS

Flag lots are prohibited.

9. ADDRESSING OF LOTS

House numbers shall be assigned to each lot by the Rural Fire Coordinator, or her designee, and shall be displayed and legible in accordance with County Standards.

3.05 EASEMENTS

1. UTILITIES

Permanent easements shall be provided where necessary for the location and servicing of utility poles, wires, conduits, storm and sanitary sewers, water and gas mains and other public utilities. Utility easements located along rear lot lines shall measure at least 20 feet wide and be centered on such rear lot line. Utility easements located along side lot lines shall measure at least 15 feet wide and shall be centered on such side lot lines; provided, whenever utility easements are located around the perimeter of the area to be subdivided, they shall be contained wholly within such area. Utility easements located along front lot lines shall measure at least 10 feet wide. No utilities shall be buried within the driving surface of the street without written approval of the County Engineer.

2. DRAINAGE

A drainage easement may be required for a proposed subdivision which is traversed by a watercourse, drainage way or drainage channel. Such easement shall conform substantially to the lines of such watercourse and shall be of such width as may be necessary to provide adequate storm water drainage and access for maintenance.

3.06 DRAINAGE

1. STORM DRAINAGE

The developer shall make adequate provision for the control and discharge of storm water from the platted area and in doing so shall give consideration to the alternatives and principles of storm water management. When necessary, the construction of storm sewers shall be properly integrated with any existing storm sewer system and shall provide for the anticipated extension of said system to serve additional areas. The storm drainage plan and subsequent installation of culverts, storm sewers, stabilization ditches, storm water detention or retention ponds and other improvements shall follow accepted engineering standards and principles of design and construction. All storm drainage plans shall be prepared by a registered engineer of the State of Kansas and shall bear the seal of said registered engineer and must receive approval of the County Engineer. The developer shall include a drainage plan where applicable and shall design required storm water facilities according to the standards established by the *APWA Metro Kansas City Book*, as a minimum. Drainage plans shall include, but are not limited to:

- A. A complete drainage-area map showing the natural drainage area boundaries, direction of surface flow, and large impervious area, existing and proposed streets, man-made or natural obstructions to be avoided for storm

drainage locations, runoff calculations for existing and for developed conditions, and proposed inlet locations.

- B. A grading design so that drainage from each lot should flow directly to a channel or detention area without crossing more than four (4) adjacent lots.

2. DETENTION FACILITIES

The developer shall install detention facilities when the County Engineer or Staff determines that a subdivision provides enough area for runoff control and determines that detention facilities are necessary, and will not adversely affect downstream conditions.

3. STORM SEWERS

The dedicated non-pavement street right-of-way may be utilized for storm sewer facilities.

3-07 WATER AND SEWER FACILITIES

The type of water supply and sewage disposal utilized to serve the subdivision shall be subject to the requirements of the Linn County Sanitary Code. The plans for water supply and disposal of sewage to serve the platted area shall give due consideration to the present and/or foreseeable future needs of the subject property and adjoining properties intended to develop, as well as the overall effectiveness of the system based on the characteristics of the land and the nature of the development.

In those instances where a public water supply is provided through a Rural Water District, such construction and installation of the water system shall be in compliance with the applicable standards and specifications of the appropriate Rural Water District supplying the water. Additionally the construction of all public water supply systems shall be subject to the regulations of the Kansas State Department of Health and Environment.

1. WATER SUPPLY

- A. The developer shall provide for a public water supply to each lot in the proposed subdivision. The adequacy, healthfulness and potability of the water supply shall be subject to the approval of the Kansas Department of Health and Environment. The use of wells as a source of water for the development shall be discouraged.

2. SEWAGE DISPOSAL SYSTEM

- A. Where the installation of sanitary sewers is not required, and where the lots are more than three (3) acres in area, the developer may install individual disposal devices for each lot at the time improvements are erected thereon. All such individual sewage disposal systems shall be subject to the approval as provided by the Linn County Sanitary Code.

No holding tanks permitted.

- B. All sanitary sewer plans and profiles shall be subject to the approval of the Kansas Department of Health and Environment and as provided by the Linn County Sanitation Code.
- C. When a County sewer district has been approved for the property within a proposed subdivision, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the County.

3. LOCATION

Water and sanitary sewer systems may be located within the dedicated non-pavement street right-of-way.

4. ON-SITE SYSTEMS

When on-site sewage systems are proposed to be used in a subdivision, a prerequisite for the approval of a Final Plat shall be a plan of such systems bearing the signed approval by the Director of the County Health Department. The approved plan for the on-site system shall be presented to the County along with the submission of the Final Plat.

5. CENTRAL SYSTEMS

When a central sewerage system is proposed for immediate or future use to serve all units within a subdivision, a prerequisite for the approval of a Final Plat shall be an engineering report and a plan approved by the County Engineer. Such approved plan shall be presented to the County along with the submission of the Final Plat. In addition to the preparation and approval of such plans, the owner shall file a formal written petition with the County Commissioners for establishment of a County Sanitary Sewer District to serve the Subdivision. Such application, or ~~Apetition~~, shall be presented to the County Commissioners prior to the submission of the Final Plat to the County. A preliminary plan for the development and maintenance of such sewerage system by a Benefit District shall be prepared by the owner and presented to the county along with the Preliminary Plat.

6. FIRE HYDRANTS

Fire hydrants shall be located on all streets at least every six hundred (600) feet when the development is being or is proposed to be served by a public water system; provided, the engineer for such public water system certifies the water system is capable of supporting the fire hydrants. In those instances where the waterline is incapable of supporting a hydrant, flush valves or dry hydrants shall be installed as approved by the Rural Fire Coordinator.

3-08 PUBLIC SITES AND OPEN SPACES

Where deemed necessary by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, the Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other public or open spaces. The requirement of the dedication of such public sites and open spaces by the Planning Commission shall not constitute an acceptance of the dedication by the County.

3-09 BENCH MARKS, CORNER MONUMENTS, AND OTHER MARKERS:

1. BENCH MARKS

- A. All elevations shown on plats shall be based on U.S.G.S. datum as near as practical.**
- B. The permanent bench mark location and description that is used to extend datum to the project shall be noted on the Final Plat.**

2. MONUMENTS

- A. All monuments shall be installed prior to the issuance of any building or zoning permits.**
- B. Monuments at the main controlling corners of a subdivision shall consist of one-half inch iron bar, two (2) feet long, and be encased in concrete. Variations to the two (2) foot length may be allowed based on subsurface conditions according to Kansas Minimum Standards.**
- C. All lot corners and control points for horizontal curves within the subdivision shall be marked with a one-half inch iron bar at least two (2) feet long according to Kansas Minimum Standards.**

3. U.S. GOVERNMENT CORNERS

- A. Whenever a survey originates from a United States public land survey corner or any related accessory, the land surveyor shall file a copy of the completed survey and references to the corner or accessory according to the Kansas Minimum Standards.**
- B. Any altered, removed, damaged or destroyed corner shall be restored by a registered land surveyor licensed in the State of Kansas and reported and filed according to Kansas Minimum Standards.**
- C. Whenever such a corner or any related accessory may be endangered by future construction activities, an endangered corner report shall be filed and after such corner is restored, reestablished or replaced, a restoration report shall be filed according to Kansas Minimum Standards.**

3-10 COMMUNITY ASSETS

In all subdivisions, due regard shall be given to the preservation of any historical sites, drainage courses, areas of particular esthetic value, or large and/or valuable trees.

ARTICLE 4

REQUIREMENTS FOR IMPROVEMENTS

SECTIONS:

- 4-01 APPLICATION
- 4-02 REQUIRED IMPROVEMENTS
- 4-03 INSPECTION
- 4-04 INSTALLATION OF UTILITY LINES & APPURTENANCES
- 4-05 EXCEPTIONS
- 4-06 FINANCING
- 4-07 RELATION TO FINAL PLAT APPROVAL
- 4-08 RELOCATION OF EXISTING FACILITIES
- 4-09 ACCEPTANCE
- 4-10 OFF-SITE IMPROVEMENTS

4-01 APPLICATION

Prior to, and as a condition of acceptance of any final plat by the Governing Body, the developer shall agree to install or provide for the installation of certain improvements within the proposed subdivision. Such improvements installed by the developer shall comply with the standards and specifications of the County, utility company or public agency having jurisdiction and shall be subject to any applicable surety requirements to guarantee their proper installation.

4-02 REQUIRED IMPROVEMENTS

Every developer shall install, or through the appropriate public agency and/or utility company provide for the installation of, the following improvements in accordance with the conditions and specifications required herein.

The developer shall provide for the improvement of all new streets within the platted area. Such street improvements should adequately reflect the classification of the particular street, its location and anticipated volume of traffic. All grades, drainage facilities and surfacing requirements shall be constructed according to the standards and specifications of the County. Said construction standards are on file and available in the office of the County Engineer. The County Engineer shall approve all street plans and specifications and final acceptance of the construction of said streets shall be made by the County Engineer.

4-03 INSPECTIONS

The County Engineer shall inspect all construction and installation. The developer shall pay for inspection personnel furnished by the County, under the supervision of the County Engineer, on all improvements constructed by the developer as contractor or subcontractor. The County Engineer shall prepare a schedule of fees.

4-04 INSTALLATION OF UTILITY LINES & APPURTENANCES

The developer shall be responsible for making the necessary arrangements with the appropriate utility companies for the installation of utility lines and appurtenances. The installation of such be done in such a manner as to not interfere with other underground utilities and their installation shall be coordinated through the County Engineer. Underground utility lines which cross underneath the right-of-way of a street shall be installed prior to the improvement of any such street in order to reduce the damage caused by street cuts. Incidental appurtenances, such as transformer enclosures and meter cabinets, shall be located so as not to be hazardous to the public.

4-05 EXCEPTIONS

All improvement requirements as set out within this article shall be provided for in all subdivisions with the following exceptions:

1. Upon specific request from the developer and approval of the Governing Body, certain improvements may be waived. Such waiver may include, but not be limited to, instances where the proposed subdivision is a resubdivision and/or concerns an area presently having any or all the required improvements as set out in this document and where such improvements comply with the requirements of said document and are in acceptable condition as determined by the County Engineer.
2. The Governing Body may make other reasonable requirements for dedications or installations of Public improvements or facilities deemed necessary to meet the public needs caused by the new subdivision. Such additional requirements may include, but not be limited to, the provision of park or open space land as is warranted by the reasonably foreseeable future population and use of the area as a result of the proposed subdivision.

4-06 FINANCING

1. SUBDIVISION IMPROVEMENTS

Before the Final Subdivision Plat is signed by the Chairman of the Planning Commission, all applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the Linn County Engineer, all the street, sanitary and other public improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations, specified in the Final Subdivision Plat and as approved by the Planning Commission, and to dedicate those public improvements to Linn County, or any other responsible party which is approved by Linn County, free and clear of all liens and encumbrances on the dedicated property and public improvements.

The Planning Commission in its sole discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the approval of the final subdivision plat and, as an alternative, permit the applicant to enter into a Subdivision Improvement Agreement by which the subdivider covenants to complete all required public improvements no later than one (1) year following the date on which the Chairman of the Planning Commission signs the final subdivision plat. The applicant

shall covenant to maintain each required public improvement for a period of one (1) year following the acceptance by the Governing Body of the dedication of that completed public improvement. The Subdivision Improvements Agreement shall contain such other terms and conditions agreed to by the applicant and the Planning Commission.

The Subdivision Improvements Agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs, and assignees of the subdivider. The Subdivision Improvements Agreement shall be adopted by the Governing Body and recorded in the Clerk and Register of Deeds offices of Linn County.

2. SECURITY

Whenever the Planning Commission permits an applicant to enter into a subdivision improvement agreement, it shall require the applicant to provide a letter of credit or surety bond as security for the promises contained in the Subdivision Improvement Agreement. Either security shall be in an amount equal to one hundred twenty (120) percent of the estimated cost of completion of the required public improvements.

- A. Letters of Credit:** If the applicant posts a letter of credit as security for its promises contained in the subdivision improvements agreement, the credit shall, (1) be irrevocable; (2) be for a term sufficient to cover the completion, maintenance and warranty periods; and (3) require only that Linn County present the credit with a sight draft and an affidavit signed by the County Attorney or County Councilor attesting to the County's right to draw funds under the credit.
- B. Surety Bonds:** The developer shall provide the county Engineer with all calculations and information needed to check the cost estimates of said improvements. This cost shall be estimated by the developer and shall be verified by the County Engineer. The developer shall then be required to obtain a security bond from a surety bonding company authorized to do business in the State of Kansas. The bond shall be made payable to Linn County and shall be the total improvements costs as recommended by the County Engineer or such other financial assurance accepted by the Governing Body. The duration of the bond shall be until such time as the improvements are completed, inspected and accepted by the County.
- C. Alternatives:** Other financing methods may include cash or collateral, Escrow Accounts, or other guarantee the Governing Body shall deem acceptable.
- D. Maintenance:** The developer shall be required to maintain all required public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required by the Planning Commission, until acceptance of the improvements by the Governing Body. If there are any certificates of occupancy on a street not dedicated to the local government, the local government may, on twelve (12) hours notice, plow the street or effect emergency repairs and charge those costs to the developer. Following the acceptance of the dedication of any public improvement by the local government, the government may, in its sole discretion require the subdivider to maintain the improvement for a period of one (1) year from the date of

acceptance.

3. DEFAULTING

The Governing Body may, upon advice of the County Engineer or the Zoning Administrator, find that the developer is in default of the Subdivision Improvements Agreement. Such finding shall occur at a regularly scheduled meeting of the County Commission. Two (2) weeks prior to such scheduled meeting, the developer shall be notified by registered mail of possible default proceedings.

At the meeting the developer shall be given the opportunity to rebut findings of default.

Defaulting results from:

- A. Improper construction standards and specifications.
- B. Failure to install agreed upon improvements.
- C. Construction of improvements not according to agreed upon time schedule , allowing for unexpected or unavoidable delays.
- D. Other financial and/or contractual conditions which might lead to the developer being unable to complete the agreed upon improvements.

3. DEFAULT PROCEEDINGS

The Governing Body may find the developer not in default, extend the time limit, or:

- A. Should the Governing Body find the Subdivision Improvements Agreement to have been violated, it may liquidate the improvements guarantee, in whatever form it takes, and apply the proceeds of this guarantee to the construction of the improvements set out in the Subdivision Improvements Agreement.
- B. Should the proceeds of the guarantee not be sufficient to cover the costs of said improvements, the Governing Body may assess to the developer, Property owners, or both, the construction costs of the improvements that exceed the amount provided by the developer. This may take the form of a lien against the property covered in the Subdivision Improvements Agreement.
- C. Should the proceeds of the guarantee exceed the actual cost of the improvements, and any cost incurred in the default procedures, the County shall return the unexpended balance to the individual named on the Subdivision Improvements Agreement as the one having secured the guarantee.

4. BOND RELEASE

When all improvements have been completed and have been inspected, approved and accepted, the County shall authorize the release of the guarantee.

4-07 RELATION TO FINAL PLAT APPROVAL

Any approval required under this section does not obligate the Planning Commission to approve the proposed plat if the Planning Commission finds the overall development to be inconsistent with the Linn County Comprehensive Plan or other established policies and plans.

4-08 RELOCATION OF EXISTING FACILITIES

1. FINANCIAL OBLIGATIONS Whenever any existing improvements and/or utilities are required to be relocated or upgraded due to the subdivision or construction of improvements required as a condition for approval of the subdivision plat, and in the event such was not known at the time of initial construction, the costs of such relocation or upgrading shall be the sole responsibility of the new subdivision. Franchise agreements between the County and private utilities in effect at the time of construction, may dictate the responsibility for absorbing costs associated with the relocating or repairing utility lines. Responsibility may also depend on whether the relocation or repair is a private or public benefit.

2. DUPLICATION OF IMPROVEMENTS Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as set out above, and where such improvements meet the requirements of these Regulations and are in good condition as determined by the County Engineer and the Linn County Rural Fire Coordinator, no further provision need be made by the developer to duplicate such improvements. The developer shall provide for the repair, correction or replacement of improvements so that all improvements will meet the said requirements.

3. STREET WIDENING OR REDUCTION Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street with less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these Regulations and/or County policy. The developer of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these Regulations and the County Engineer. The County Engineer shall determine what adjustment to make where the widening merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The County Engineer may approve reduction of the minimum roadway width, as required by these Regulations, to match an existing roadway system where physical consideration warrants such action.

4-09 ACCEPTANCE

No improvements may be accepted until the County has inspected said improvements and certified that they meet the applicable standards.

4-10 OFF-SITE IMPROVEMENTS

The Planning Commission may, upon advice and findings, require the developer to

submit a Subdivision Improvements Agreement or a Benefit District Petition, in accordance with the provisions of this Article, for the installation or upgrading of off-site improvements if such need be within dedicated easements or right-of-way and serve a public purpose. The financing of such improvements shall be handled as if they were on-site improvements. The Governing Body may require such subdivision to participate in the following facilities and improvements, or any other off-site improvements as recommended by the Planning Commission, if the need is created by a proposed subdivision:

1. Special Grading Requirements;
2. Street improvements;
3. Drainage improvements;
4. Traffic control devices;
5. Landscaping

ARTICLE 5

ADMINISTRATION

SECTIONS

5-01 RULE EXCEPTIONS

5-02 APPEALS

5-03 PENALTY FOR VIOLATIONS, ACTIONS

5-01 RULE EXCEPTIONS

The standards and procedures required in these Regulations shall be interpreted and applied literally in the case of all subdivision plats submitted after the date of the adoption of the Regulations. In case, however, of hardship caused by size, location or configuration of land, topography or other factors which affect a specific tract or subdivision or portion thereof, the applicant may request a rule exception from one or more of the requirements contained herein. A rule exception may be requested, on forms provided, at the time of filing of the preliminary or final plat application. A rule exception may be approved by the Governing Body, provided, that in its judgment, such action will not violate the public interest, unnecessarily burden the County or annul the intent and purpose of these Regulations.

5-02 APPEALS

Any decision of the Planning Commission or the Governing Body on matters contained herein may be appealed to the District Court, and said may reverse or affirm such decision.

5-03 PENALTY FOR VIOLATIONS, ACTIONS

The violation of any provision of these Regulations shall be deemed a misdemeanor and any person, firm association, partnership or corporation convicted thereof shall be punished by a fine not to exceed \$500.00 or by imprisonment, for not more than 6 months for each offense, or by both fine and imprisonment, and that each day=s violation shall constitute a separate offense. The Governing Body shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these Regulations and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful construction , erection, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of any building, structure or land.

ARTICLE 6
MISCELLANEOUS

SECTIONS

- 6-01 VALIDITY**
- 6-02 ACCRUED RIGHTS AND LIABILITIES SAVED**
- 6-03 SEVERABILITY**
- 6-04 EFFECTIVE DATE**
- 6-05 REPEALING CLAUSE**

6-01 VALIDITY

If any section, paragraph, subdivision, clause, phrase, or provision of these Regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these Regulations as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional. All regulations or parts of regulations in conflict herewith are hereby repealed.

6-02 ACCRUED RIGHTS AND LIABILITIES SAVED

The repeal of regulations provided in section 6-05 herein, shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of said regulations or parts thereof. Said regulations below repealed are hereby continued in force and effect, after the passage, approval and publication of these Regulations, for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

6-03 SEVERABILITY

Each article, section, and subdivision of a section of these Regulations is hereby declared to be independent of every other article, section, or subdivision of a section, so far as inducement for the passage of these Regulations is concerned.

6-04 EFFECTIVE DATE

These regulations being designated as the ~~A~~Subdivision Regulations of Linn County, Kansas~~s~~, shall be in full force and effect from and after its passage and publication in accordance with K.S.A. 12-3301 through 12-3305.

6-05 REPEALING CLAUSE

These Regulations repeal the Subdivision Regulations of Linn County, Kansas previously adopted in their entirety.

6. Section 2-04(2)(U) - County Treasurer Certification, I _____,
Linn County treasurer, certify that the taxes on the hereon described property,
known as parcel # _____, are paid in full through _____ (year), the
tax year currently being collected.

7. Section 2-04(2)(N) - Register of Deeds Certification, I, _____,
Linn County Register of Deeds, do hereby certify that this plat was filed for record in
this office in the plat book kept for such purpose, at _____ o'clock and _____
minutes ____m. on the _____ day of _____, _____.