

Approved Ivan Sand  
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE IVAN SAND at  
Chairperson

1:30 ~~xxx~~ a.m./p.m. on MARCH 21, 1984 in room 521-S of the Capitol.

All members were present except: Representative Arthur W. Douville (Excused)

Committee staff present: Mike Heim, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes Office  
Gloria Leonhard, Secretary to the Committee

Conferees appearing before the committee:

Senator Elwaine F. Pomeroy, SB 668  
Mr. Fred Allen, Kansas Assn. of Counties, SB 668  
Senator William T. Mulich, SB 710  
Mr. John Fifield, Oxford Township resident, SB 715  
Representative Stephen R. Cloud, SB 715  
Mr. Kim Nellor, Gardner, Kansas, resident, SB 715  
Mr. Ben Brown, Aubry Township Zoning Group, SB 715  
Ms. Gerry Ray, Jo.Co.Board of Commissioners, SB 715  
Mr. Berry Hokenson, Planning Director, Jo.Co.,Ks., SB 715

Chairman, Ivan Sand, called for hearings on the following Senate Bills:

SB 668, concerning counties; relating to letterhead stationery;  
By Senator Pomeroy

(See Supplemental Note on SB 668 -- Attachment I.)

Senator Elwaine F. Pomeroy, sponsor of SB 668, appeared to give background and intent of the bill. Pomeroy stated that the bill had been introduced by him to change a state statute which makes a local decision. When questioned, Pomeroy stated that Shawnee County had just discovered the provisions of the statute; that the statute was predated "Home-Rule."

Mr. Fred Allen, Kansas Association of Counties, indicated his Association's support for SB 668.

The hearing on SB 668 was closed.

SB 710, concerning counties; relating to the awarding of certain contracts;  
By Senator Mulich

(See Supplemental Note on SB 710 -- Attachment II.)

Senator William T. Mulich, sponsor of SB 710, appeared to give background and intent of the bill.

Chairman Sand informed the Committee that an amendment has been proposed for SB 710 and that further discussion on the bill be held next week.

The hearing on SB 710 was closed.

SB 715, concerning planning and zoning in urban areas; By Committee on  
Local Government

Mike Heim, Staff, gave an overview of the bill. Heim pointed out that the bill contains very comprehensive legislation. (See Supplemental Note on SB 715 -- Attachment III.)

It was pointed out that the Senate Local Government Committee struck out

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

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Section 9 of the bill dealing with funding activity; that the bill sets up an entirely different method of planning and zoning than is in effect now.

It was questioned what the bill allows that cannot be done now and why the bill is needed.

Mr. John Fifield, Oxford Township resident, appeared and testified as an opponent to the bill. (See Attachment IV-A)

Mr. Fifield asked the Committee why the provisions of SB 715 are not good for the rest of the State if they are good for Johnson County.

Fifield stated he believes the provisions of the bill will result in the emasculation of unincorporated areas.

Representative Stephen R. Cloud appeared to support SB 715 in general principal but endorsed several amendments to be included in the bill.

Cloud stated that under current state law, the Township Trustee of every township is an automatic member of the Township Zoning Board; that a problem in Johnson County is that there are only two out of nine who meet actively with the zoning board; that Cloud would support language that would mandate the Township Trustee to that Board if the member has expressed an interest to serve as a member of the zoning board; that Cloud's impression is that SB 715 is an attempt to come up with a much needed comprehensive plan while maintaining the current township zoning board; that Cloud was a Township Trustee for 4 years and was an active member of the Township Zoning Board; that a county-wide planning commission does not have authority to do what needs to be done in Johnson County; that SB 715 needs fine tuning and then will be a beneficial tool for zoning in Johnson County.

When questioned, Cloud stated that this is an attempt to get township representatives and city planners together to make zoning regulations; that a large group of people (probably 80-90) are involved in this proposed county planning.

Mr. Kim Nellor, a Gardner, Kansas, resident, appeared on behalf of a delegation present to indicate their opposition to SB 715. Nellor stressed that his group believes that SB 715 denies due process. (See Attach. IV-B)

Mr. Ben Brown, representing the Aubry Township Zoning Group, spoke in support of the bill in part but with some reservations. (See Attachment V.)

Brown stated that much of the bill is good in that it will deal with problems and help planning and zoning in unincorporated areas; that Brown had visited with Senator Jim Allen who had verified that it was the intention of the Senate to give a 75% majority from unincorporated areas; that the consolidation of Township Boards was not considered regarding representation; that the 75% explains why the nine to twelve members were set up; that Brown would ask the Committee to do what the Senate intended to do by requiring nine from township members and one from the zoning board within the nine; that a mechanism should exist by which property rights cannot be violated.

Brown urged the Committee to remedy the matter of the representation, make other changes determined appropriate, and then pass the bill.

Staff provided the Committee with five suggested amendments to SB 715. (See Attachments VI, VII, VIII, IX, and X.)

Representative L. V. Roper moved and Representative W. Edgar Moore seconded that Amendment No. 1 be accepted. Motion carried.

Representative Darrel M. Webb requested that the Committee be given additional time to consider testimony presented on SB 715 and the proposed amendments thereto. It was the general consensus of the Committee that SB 715 and its amendments be acted upon at a later meeting.

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Ms. Gerry Ray, representing the Board of County Commissioners of Johnson County, Kansas, appeared to testify in support of SB 715. (See Attachments XI, XII, XIII, XIV, and XV. *No Atch. XV*)

Ray stated that SB 715 is a necessity; that it provides a means for orderly growth; that the public interest is best served when final responsibility for zoning decisions remains with the elected instead of appointed boards.

Ray pointed out that the bill pertains only to Johnson County; that it is named an "urban county" bill and that Johnson County is the only county designated "urban." Ray urged the Committee to support the legislation in its present form.

A question was raised as to whether other counties may charter in under this legislation. Mike Heim, Staff, pointed out that an Attorney General's Opinion on file states that they may not.

Ray noted that the Board needs the latitude to consolidate when the need arises.

Mr. Berry Hokenson, Planning Director for Johnson County, Kansas, appeared to concur with Ray's testimony in support of the bill.

Representative Stephen R. Cloud made the recommendation for Amendment #3 regarding the appointment of the Township Trustee, that the language should be added, "if said Trustee expresses in writing the desire to serve on said zoning board." Cloud pointed out that the Township Trustee oftentimes does not wish to take part in the zoning board.

Theresa Kiernan, Staff, suggested making the language read, "to allow that Trustee or the Trustee's designee." Cloud stated he wouldn't want to give the Trustee the power to designate his substitute to the zoning board.

Chairman, Ivan Sand, informed the Committee that action on SB 715 and other Senate Bills previously heard will be taken the following week.

The hearing on SB 715 was closed.

Meeting adjourned.

(Also, made a part of these minutes is testimony of Ms. Nancy Brown which was distributed to Committee Members prior to the 3/21/84 meeting. See Attachments XVI and XVII.)





CORRECTED

SESSION OF 1984

SUPPLEMENTAL NOTE ON SENATE BILL NO. 668

As Recommended by Senate Committee on  
Local Government

Brief of Bill\*

S.B. 668 amends a statute directing boards of county commissioners to establish a uniform design for stationary letterhead for use in county offices and departments to make this permissive rather than mandatory.

Current law also directs the board of county commissioners to establish uniform stationary letterhead for use by the courts subject to the approval of the district judges of the district court.

Background

The sponsor said the bill was intended to enhance home rule powers of counties by allowing them more flexibility than the current law permits.

\* Bill briefs are prepared by the Legislative Research Department and do not express legislative intent.

SESSION OF 1984

SUPPLEMENTAL NOTE ON SENATE BILL NO. 710

As Amended by Senate Committee on  
Local Government

Brief of Bill\*

S.B. 710 amends K.S.A. 19-214 to raise the expenditure amount for contracts that must be let for public bid by counties for the construction of any courthouse, jail, or other county building or any bridge from in excess of \$10,000 to in excess of \$20,000.

The Senate Committee amendment was clarifying in nature.

Background

The sponsor said the bill was needed to keep pace with inflation.

\* Bill briefs are prepared by the Legislative Research Department and do not express legislative intent.

SESSION OF 1984

SUPPLEMENTAL NOTE ON SENATE BILL NO. 715

As Amended by Senate Committee on  
Local Government

Brief of Bill\*

S.B. 715, as amended by the Senate Committee, would enact a planning and zoning act that applies only to Johnson County. The bill permits the board of county commissioners to appoint five-member zoning boards for each township. Members shall be residents of unincorporated areas. The county commission may appoint consolidated township zoning boards of not less than five nor more than nine members in lieu of separate township zoning boards. The county commission is authorized also to appoint a county planning commission of not less than nine nor more than 12 members.

The bill authorizes the planning commission to formulate a comprehensive plan, to suggest zoning regulations for unincorporated areas, and to suggest subdivision regulations. The board of county commissioners is the body, however, which must adopt the comprehensive plan, zoning regulations, and subdivision regulations for the county and it may modify or reject the planning commission's recommendations. Amendments to the comprehensive plan may be suggested by either the planning commission or the county commission and shall first be considered by the planning commission. Final approval is by the county commission.

Zoning amendments and requests for conditional use permits shall first be submitted to either the planning commission or the appropriate township zoning board for recommendation. Final approval of any zoning amendment or conditional use permit shall be made by the county commission. Proposals for the amendment of subdivision regulations

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may be initiated by property owners, the planning commission, the county commission, or any township zoning board. All proposed amendments of subdivision regulations shall first be submitted to the planning commission for recommendation. Final approval is by the county commission.

The bill authorizes the establishment of a board of zoning appeals of not less than five nor more than nine members, all of whom shall be residents of the unincorporated area. The board of zoning appeals shall hear appeals of alleged errors in any order or decision of an administrative official regarding zoning regulation enforcement and requests for variances. The county commission shall review each decision of the board of zoning appeals.

Violations shall be a misdemeanor punishable by a fine of not to exceed \$500 for each offense. The bill is effective upon publication in the Kansas Register.

#### Background

The bill was requested by the Johnson County Commission.



My name is John Fifield and I have lived in my present location in Oxford Township for 28 years. My experience in planning and zoning comes from 12 years on the Olathe Planning Commission and 6 years on the Oxford Township Zoning Board where I am currently chairman.

I am alarmed at the scope and implication of SB 715 as submitted by the Johnson County Board of County Commissioners. I can not support the adoption of this bill. As explained by the BOCC, the main purpose of this bill is to allow the adoption of a Comprehensive Land Use Plan by legitimizing a County Planning Commission and Township Zoning Boards.

This is certainly not necessary, as there are 2 other ways that the Comprehensive Plan can be adopted. 1) By the formation of a Planning Commission as specified in state statute 19-2914. However, this would eliminate the Township Zoning Boards. This appears to be repugnant to the BOCC. 2) The Township Zoning Boards could each on its own action adopt the Comprehensive Plan. This is supported by state statute 19-2904. This option does not appeal to the BOCC. Therefore, they have drafted this bill which if adopted will, in my opinion, create more problems than it will solve. It will completely take away any meaningfulness that the Zoning Boards and/or Planning Commission have under the present state statutes.

Please do not impose these changes on the unincorporated area of Johnson County if you would not be willing to impose them upon your represented area. Could you in all honesty go to your constituents and say I am going to initiate legislation that would do the following:

1. Eliminate the Township Trustee as an ex officio member of the Zoning Board.
2. That the Planning Commission could only recommend changes in the Comprehensive Plan. Under present law the Planning Commission adopts and amends the Comprehensive Plan.
3. Recommend gradual elimination of nonconforming uses.
4. Give the BOCC the authority to over rule a decision of the Board of Zoning Appeals- this is contrary to present state statute.
5. Recommend that every city and county have both a Planning Commission and Zoning Board.

If you feel that these are good for Johnson County, why not for the rest of the stste?

We who live in the unincorporated area of Johnson County are looking at the same goals as the BOCC. The careful, thoughtful and meaningful development of the area. As stated earlier, the present statutes are more than adequate to allow the implementation of the Comprehensive Plan without the emasculation of the unincorporated area in the process.

Another aspect of this statute should be brought to your attention.

To my knowledge, there was no input into the writing of this statute by any member of the unincorporated community. Does it not cause concern that neither the Zoning Boards nor Planning Commission was ask to help formulate this statute. This statute was conceived and drafted by people who do not live in the unincorporated area. Not one of the county commissioners nor administrative personnel of the Planning Department live in the unincorporated area. We are being governed by people we have no effective political control over.

We need your help! If we feel that we are being treated unfairly and our rights are being violated, the chances of us replacing those elected officials perpetrating these changes is almost nonexistent. The current population for unincorporated Johnson County is approximately 17,000 while the county as a whole is approximately 266,000. With these figures, it becomes rather evident that unincorporated Johnson County can not politically protect itself. Especially, when the 17,000 are split into 3 commissioner districts and the incorporated area is apathetic towards our problems.

Please give careful consideration to our situation. As stated before, there are already adequate laws to allow the adoption of a Comprehensive Land Use Plan , Board of Zoning Appeals etc.

My interpretation of the feelings of unincorporated Johnson County is as follows: SB715 be rejected completely, if this is not possible, keep it in committee until next year in order to work with the County Commissioners to make acceptable amendments, if this is not possible, pass it with all the amendments as presented. Under no circumstances can SB 715 be accepted as passed by the Senate.

TO MEMBERS OF LOCAL GOVERNMENT COMMITTEE

Request from Delegation from Johnson County Unincorporated Area:

Mr Chairman:

We are here today as a group of concerned citizens from the unincorporated area of Johnson County as opponents of Senate Bill # 715.

Senate Bill #715 in it's present form is asking that there be total change from township zoning boards to county urban planning and zoning, with County commissioners having authority for final decisions on all areas in the unincorporated portion of Johnson County. We feel this proposal does not provide for democratic representation.

Our delegation is definitely for complete and responsible zoning and planning. We ask only that our citizens most affected by Senate Bill #715 be allowed to have positive input and preferrably to elect representatives to all township zoning boards, and to the Board of Zoning Appeals.

Our community leaders have worked for over 30 years to have orderly zoning regulation to protect their property values and the concerns of their neighbors. It is the intent of the citizens in the unincorporated area to cooperate and deligently work with our elected officials. Our rural citizens in Johnson County are progressive and sincere in their desire for continous systematic growth. Our concern is that in every case of political process we must have the oppportunity to express ourselves and take part in the decisions that most affect our daily lives.

In the case of Senate Bill #715, we believe that due process has been denied and we ask that we be allowed to make constructive contributions to our future. It should be brought to the attention of this committee that Johnson County has a strong agricultural economy, with at least 30 million dollars of revenue and produce sold each year. It is important to realize that Johnson County is not just a strong urban county, but also a valuable agriculture area. We earnestly believe proper zoning is important for continued growth and protection of property values in our county.

We acknowledge that our county commissioners have held meetings to inform us of their recommended changes in county zoning, but in almost every case the members of this delegation feel they were denied oppportunity of expressing their concerns. It should be pointed out that this legislation has taken four (4) years of work and cost one (1) million dollars to complete. Certainly no one would argue that such intensity should be admired and respected.

Our feelings however is that the people in this area should be consulted and included in this bill. We have many intelligent, willing and able citizens, who are available to take part in comprehensive planning.

Let me explain to the members of this committee that Johnson County is unique in its organization of authority. All Johnson County commissioners governing the unincorporated areas are from the cities of Johnson County. Due to the change in districts and population concentration it is nearly impossible to have a elected county official from the unincorporated areas.

This bill after receiving so much attention for four (4) years was submitted to the Legislature thirty (30) days after it started. The members of this delegation found out about the legislation one (1) day prior to it's be submitted. Surely, members of this committee, if it is so important, and I believe comprehensive planning is, then the imput must be added to protect all concerned. We feel in good conscience for democratic representation you will surely consider that these few amendments to a very powerful bill must be included.

Amendments are:

1. The Board of Zoning appeals after required hearings and upon facts of hearing shall make final decisions.
2. The reference to elimination of nonconforming users must be eliminated from this Bill.
3. Planning Commission will be appointed by B.O.C.C. twelve members of which three from incorporated area and nine members from unincorporated area of the county.
4. Township Trustee elected at general election will be a voting member of Township Zoning Board.

# County gives up points in bill

By **GEORGE B. PYLE**

Daily News Reporter

Fearing that the protests of a few people might sink a new state law governing county zoning, Johnson County Commissioners Monday decided to give up three controversial points in the bill in order to save the rest.

Commissioner Robert Bacon dissented. He said commissioners were giving in too easily to protests by a handful of people.

"We sure get spooked by two or three people screeching," Bacon said.

"The legislators are spooked by two or three people screeching," answered Commissioner William Franklin.

"The legislature is spooked by branches rustling in the wind," Bacon said.

Last month commissioners asked the Kansas Legislature for a law setting up a new format for writing and amending plans and zoning laws for the unincor-

porated section of the county. They said it would streamline the process and give the elected commissioners a better handle on controlling growth.

The bill would create a county planning commission to hear and make recommendations on county-wide plans and zoning laws. The individual township zoning boards would be retained to recommend action on specific rezoning cases in each township.

At a meeting of county and township officials last week, commissioners heard three complaints. Commission Chairman Bruce Craig said at least one person at the meeting did not like the sections of the proposal that:

- Do not guarantee the township trustee, an elected official, the seat on the township zoning board the trustee now has.
- Would levy taxes of up to two mills, or \$2 in taxes for every \$1,000 in assessed valuation, to support planning staff and

process.

- Would give the county commission the power to define what uses are agricultural, and therefore exempt from zoning regulations.

After long discussion Monday, commissioners decided to amend the bill to leave out the agriculture definition section and to specify that a township trustee may be one of the five members of a township zoning board.

Commissioners also said that if the Legislature decided to drop the two mill planning tax, they would not object.

Craig said that if those three sections would draw opposition to the entire bill, they should be dropped.

"I'm interested in the legislation and I think it should proceed," Craig said. "I think we should go up there with a clean bill."

He pointed out that if the bill is amended one way in the Senate and another in the

House, it could easily get lost in a conference committee.

Commissioner Janet Leick, who opposed the two mill planning tax from the outset, said it should be dropped.

But Bacon and Commissioner Johnna Lingle said the tax should not be abandoned so easily. Lingle said that even if the commission does not push the planning tax, some legislators from urban areas will.

Lingle said a two mill levy applied only to the unincorporated area would raise \$125,000 a year toward a planning budget of \$300,000. So that even with the full tax, city taxpayers would still be subsidizing most of a department that mostly serves the unincorporated area.

David Collier, county administrator and the planning department would start keeping track of the time it spends on work that is county-wide in benefit, such as major road planning, and work that is rural in benefit, such as neighborhood rezonings.



We are asking your cooperation in making what we believe are very necessary amendments to SB # 715 as amended. These amendments are to make the law a more democratic form of Government and to eliminate the personal and political pressures from its administration.

These Amendments Are:

1. Planning Commission will be appointed by B.O.C.C. Twelve members of which 3 from incorporated area and 9 members from the unincorporated area of the county.
2. The Board of Zoning Appeals, after required hearings and upon facts of hearings, shall make final decisions.
3. Township Trustee elected at general election will be a voting member of Township Zoning Board.
4. The reference to elimination of nonconforming users must be eliminated from this Bill. -----

I, a resident of Johnson County, Kansas, do agree to and propose the above amendments to Senate Bill No. 715

| name                               | address         | Telephone #    |
|------------------------------------|-----------------|----------------|
| Lou Fleming                        | Gardner Kansas  | 884-7128       |
| Raymond Morrison                   |                 |                |
| Bill Mill                          | Olathe Mo       | 764 3454       |
| Jack A. Sharp                      | Stilwell Kansas | 897-2562       |
| Mike Smith                         | Stilwell        | 881-2534       |
| Leo F. Weber                       | Spring Hill     | 686-3372       |
| Tom Ewing                          | Spring Hill     | 686-5797       |
| John Hansen                        | Spring Hill     | 686-2458       |
| <hr/> Harold Humphrey Edgerton Kan |                 | <hr/> 882-6573 |

| Name                 | Address                               | Telephone #    |
|----------------------|---------------------------------------|----------------|
| Carol Freund         | 19770 South Gardner Rd                | 884-7927       |
| anda Freund          | 19770 S. Gardner Rd                   | 884-7921       |
| ale Hemon            | 15320 Moonlight Road Clatte, Ks.      | 884-8566       |
| Leo Valmer           | RR1 Box 219 B Gardner Ks              | 884-8619       |
| and McJohnie         | 438 S Heckory Gardner Ks              | 884-7261       |
| omer J Knale         | RR#1 Box 886 Edgerton Ks.             | 884 7701       |
| Larry Stuber         | RR#1 Box 38B Gardner Ks               | 884-7973       |
| Ernest C. Wise Jr.   | 15415 Gardner Place Gardner, Ks       | 884-6272       |
| Kenneth Phillips     | RR#1 Box 96 Edgerton Kans.            | 882-6576       |
| John Freund          | 30125 W 183rd St. Gardner, Ks         | 884-7769       |
| Roy Lanning          | 813 W. Sheridan Clatte Ks             | 782-2873       |
| George Wise          | RR#1 Box 22 Gardner Ks.               | 884-8358       |
| Jerry Jagust         | Box 283 Gardner Ks.                   | 884-8800       |
| Lyla Baker           | 19815 S Gardner Rd Gardner Ks         | 884-8558       |
| Ray Freund           | 19880 S Gardner Rd Gardner Ks         | 884-7413       |
| Lin Sadler           | 19855 S Gardner Rd Gardner Ks         | 884-7339       |
| Betty Bruce          | 24445 W. 199th St. Gardner, Ks.       | 884-8211       |
| Roy Bruce            |                                       |                |
| Dorothy J. Zimmerman | 30900 W. 198th RR Box 88D Edgerton Ks | 66021          |
| Phil J. Baugh        | RR Box 89 Edgerton Ks                 | 66021 884-7503 |
| Sharon E. Baugh      | RR#1 Box 89 Edgerton, Ks              | 66021 884-7506 |
| Barbara L. Page      | RR#1 Box 89A Edgerton Ks              | 66021 884-6081 |

| Name              | Address                                  | Telephone # |
|-------------------|--|-------------|
| Dale M. Custer    | 17925 Bridgeview                         | 686-3441    |
| Sandra Bingham    | 20165 S. Hedge Lane                      | 686-3483    |
| Don Hamerton      | 18425 Hedge Ln.                          | 686-3602    |
| George Russell    | 175 <sup>th</sup> <del>Spring</del> Road | 764-0352    |
| S. A. Seiff       | 14282 W. 159th St.                       | 764-1612    |
| David Fleming     | 137 <sup>th</sup>                        |             |
| Janice Fleming    | RT 1 Box 91 Edgerton Ks                  | 884-6270    |
| John H. Orendale  | RR#7 Box 89C EDGERTON                    | 884-7648    |
| Dorice Bottoms    | 30484 2207 St Gardner, KS                | 884-8829    |
| Lessa Bottoms     | "  | "           |
| Huston F Bottoms  | "  | "           |
| Dary K. Bottoms   | "  | "           |
| Tony Chivverini   | 15700 Lone Elm Rd. Olathe, Ks. 66061     | 782-8394    |
| Debbie Chivverini | 15700 Lone Elm Rd. Olathe Ks. 66061      | 782-8394    |
| Jarvis M. Smith   | 15120 Lone Elm Rd Olathe, Ks 66061       | 782-4148    |
| Beth Allen        | 16101 Lone Elm Olathe, KS 66061          | 764-6111    |
| Marion Bacon      | 23155 W 75 St Olathe, Kansas 66062       | 66062       |

| <u>Name</u>            | <u>Address</u>                          | <u>Telephone #</u> |
|------------------------|---|--------------------|
| Betty June Brunker     | 15495 S. Fern Elm Rd, Olathe, Kan 66061 | 782-6672           |
| Emil R. Brunker        | 15495 S. Tomclem Rd. Olathe, Ks 66061   | 782-0672           |
| Wendell O. Chamberlain | 15270 S. Lone Elm Rd Olathe, Ks, 66061  | 782-3735           |
| Dale Gurg              | 15990 South Sun Elm Rd Olathe Kan       | 782-3800           |
| Joyce Chamberlain      | 15270 S Lone Elm Rd Olathe, K, 66061    | 782-3735           |
| Jim Pitts              | RR#1 Box 405 DeSoto, Ks 66018           | 1141-1757          |
| Carl Theden De Soto,   | Kansas R. R. 1 66018                    |                    |
| F. R. Lamm             | " " " " " " " "                         | 422-5766           |
| E. R. Noe              | RR#1 Box 425 DeSoto, Kan                |                    |
| J. R. Noe              |   |                    |
| Lloyd Mae              | Box 331 DeSoto, Kan.                    |                    |
| J. W. Enright          | De Soto Ks.                             | 441-3257           |
| Helene Enright         | De Soto Ks.                             | 441-3257           |
| Merill Rempel          | Olathe, Ks                              | 686-2764           |
| Carlino Hattelau       | Olathe, Ks.                             |                    |
| Thomas E. Brown        | Olathe, Ks                              |                    |
| Wick G. Collins        | Gardner Ks.                             | 66030              |
| Doug Ann               | Olathe Ks                               | 66062              |
| Fred A. Thompson       | Olathe Ks                               | 66061              |

| <u>Name</u>                              | <u>Address</u>  | <u>Telephone #</u>           |
|--|---|------------------------------|
| Ray Brunk                                | 15505 E. 1st<br>Olathe, Ks 66061  | 913-782-2225                 |
| Judrey Gordon                            | 32665 175th St<br>Gardner, Ks. 66030                                    | (913) 884-7691               |
| Leslie Gordon                            | 32665 W. 175th St<br>Gardner, Ks 66030                                  | 913 884 7691                 |
| R. Lefmann                               | 32965 W. 175 St,<br>Gardner Ks 66030                                    | 913 884 8032                 |
| Jillie C. Zytz                           | 32175 W. 175th<br>Gardner, Ks 66030                                     | 913-884-7753                 |
| <del>Kenneth</del><br>Dorinda A. Lefmann | 519 W. SANTA FE<br>GARDNER, Ks<br>32965 W. 175th.<br>Gardner, Ks. 66030 | 913-884-8535<br>913-884-8032 |
| Harold (Crownstone)                      | RR 1 Box 492<br>Gardner, Ks   | 913 8744                     |
| Henry F. Peters                          |   |                              |
| John W. Stockley                         |   |                              |
| Joan C. Stockley                         |   |                              |
| Margaret Cox                             |   |                              |
| Dorrell Cox                              |   |                              |

| Name               | Address                                 | Telephone #  |
|--------------------|---|--------------|
| Walter M. Johnston | DeSoto, Ks 66015<br>31466 W 95th        | 913-585-1477 |
| Charles K. Pawhead | 31860 W 83<br>DeSoto, Ks.               | 913-585-1098 |
| Loyce Annell       | 11920 Homestead Ln<br>Olathe, Ks. 66061 | 913-884-6053 |
| John R. Alley      | RR1, DeSoto, Ks 66018                   | 913-585-1312 |
| Mary F. Alley      | RR1 DeSoto, Ks. 66018                   | 913-585-1312 |
| Herb [unclear]     | [unclear], Olathe                       | 884 8530     |
| David Small        | Olathe, Kan.                            | 884 7229     |
| William N. Thomas  | DeSoto, Kan                             | 585-1023     |
| Hubert Shelton     | "                                       | 585-1746     |
| Bernice M. Simpson | Box 328, DeSoto, Ks.                    | 585-1682     |
| Wiley Simpson      | " " "                                   | " " "        |
| Z. V. Snowden      | Box 288 DeSoto                          | 585-1945     |
| Helen R. Brown     | R. 1. Box 493 DeSoto                    | 585-3135     |
| Harold D. Brown    | R. 1. Box 493 DeSoto                    | 585-3135     |
| Sandy Kayser       | 574 W. Sparta St, Olathe, Mo.           | 884-8535     |
| Elden W. Conyne    | 8925 Waverly                            | 585-1407     |
| George Hays        | 9200 Colvin                             | 585-1302     |
| Charles R. Radtke  | 8180 S. Colvin                          | 585-1345     |
| Bob Redick         | DeSoto<br>Box 413 DeSoto                | 585-1150     |
| Betty Miller       | R.R. 1, Lindsay, Ks.                    | 884 8800     |



| <u>Name</u>      | <u>Address</u>                     | <u>Telephone #</u> |
|------------------|------------------------------------|--------------------|
| Flarence Knoll   | RR1 Box 85E Edgerton Ka            | 884-7701           |
| Candy Meridale   | RR1 Box 84C, Edgerton              | 884-7648           |
| Richard E. Smith | " Box 88 "                         | 882-6812           |
| Hellie M. Ebeck  | RR1 Box 88 Edgerton, KS            | 882-6822           |
| Yvonne Bruce     | 29345 W 199th Gardner, KS          | 854-7892           |
| John Hedden      | 29245 W 199th, Garden Grove, KS    | 884-6212           |
| Bill & Ethel     | 29245 W 199th Gardner, KS          |                    |
| Ronald Rockel    | 28920 W 199th St., Gardner, KS,    |                    |
| Marilyn Rockel   | " " " "                            |                    |
| Harold Becker    | 19815 S. Gardner Rd Gardner, KS    | 854-8038           |
| Mary C Smith     | R3 Box 222 Clatke                  |                    |
| William J. Smith | 116 S. OAK GARDNER, KS, 66030      |                    |
| Thomas R Smith   | R3 Box 222 Clatke, KS 66061        |                    |
| Jessie R. Smith  | RR3 Box 222 Clatke, KS 66061       |                    |
| Ernest S. Smith  | R3 Box 222 Clatke, KS 66061        |                    |
| Lucy A. Coday    | RR3 Box 224 Clatke, KS 66061       |                    |
| Raymond Coday    | RR3 Box 224 Clatke, KS 66061       |                    |
| Bob Smith        | Clatke, Kansas 66061               |                    |
| Ruth Wadde       | 20230 S. Moonlight Rd, Gardner, KS | 66030              |

| <u>Name</u>            | <u>Address</u>                       | <u>Telephone #</u> |
|------------------------|--------------------------------------|--------------------|
| Ralph Wise             | R.R.1 Box 22                         | 884-8358           |
| Bob Stone              | MRS [unclear]                        | [unclear]          |
| Jimmie Rier            | RR1 Gardner Ks                       | 884-6039           |
| Jess Peers             | " " " "                              | " "                |
| Tom Boehm              | 17370 W 175 <sup>th</sup> Olathe, KS | 656-3426           |
| Ralph Sallagel         | 12515 W 175 Olathe                   | 897-3587           |
| Michael Long Verhaeghe | 17065 Quince Rd Olathe               | 897-3426           |
| Koppel Verhaeghe       | RR# 6 Box 164 -                      | 897-3589           |
| H. Knepperberger       | P.O. Box 561 Olathe                  | 782-2269           |
| Frank R. Greninger     | RR1 Box 29F Edgerton                 | 882-6761           |
| A. Earl Allen Jr       | 19535 S. Waverly Rd.                 | 884-7416           |
| Robert J. Knecht       | 238 N Maple Gardner KS               | 884-8300           |
| Maurice S. Wheeler     | 21050 S. Gardner Rd Gardner KS       | 884-7644           |
| Mabel Wheeler          | " " " "                              | " "                |
| Arthur Pearce          | Gardner Kansas                       | 884-8512           |
| Jahn van Schoelandt    | RR1 Box 257 Spring Hill Kans         |                    |
| Lloyd Lynn             | R# 2 Box 376 Gardner, Kans.          |                    |
| Russ Helleo            | R# 2 Box 373 Gardner, KS.            | 884-8504           |
| Jim Harmon             | RR1 Box 27F Edgerton Ks              | 882-9610           |
| Robert A. English      | 227 N. WALNUT GARDNER Ks.            | 884-6133           |
| Loretta Helleo         | RR2 Gardner Ks                       | 884-8504           |

| Name                  | Address                                      | Telephone # |
|-----------------------|--|-------------|
| Ronald D Gerard       | 16208 W 145 <sup>th</sup> TERR., OLATHE, KS. | 764-6031    |
| Richard E. Weather    | 13390 N. Lakeshore Olathe KS                 | 764-2315    |
| Richard Sizer         | 908 S Forest Olathe Mo                       | 782-3981    |
| Blum McKewey          | 713 Windsor Olathe, Ka                       | 764-2862    |
| Jerry George          | 15990 S. Lone Elm Rd Olathe, Ky              | 782-3800    |
| Hermeta George        | 15950 S Lone Elm Rd Olathe, Ky               | 782-3886    |
| Ralph Burchett        | 15950 S Lone Elm Rd Olathe KS                | 782-3886    |
| Tom Kling             | 16300 So. Lone Elm Rd. Olathe, KS.           |             |
| Abbie Hime            | 16300 So. Lone Elm Rd. Olathe, KS            |             |
| Sherry Johnson        | 15725 S. Lone Elm Olathe KS                  | 782-2605    |
| Wald F. Johnson       | 15725 S. Lone Elm Olathe KS                  | 782-2605    |
| Jill Brunken          | 15505 S Lone Elm Olathe KS                   | 782-2225    |
| Cufford Haring        | 11725 E. Elm Olathe, Mo                      |             |
| Lan Dudding           | 77 Montauq Olathe KS                         | 764-2472    |
| Shirley Krappenberger | 15350 So 169 Hwy - Olathe                    | 782-2269    |
| Frank Mackey          | R 5 Olathe, Kan.                             |             |
| Frank Mackey          | Rt 5 Olathe, Kan.                            | 354-1924    |
| E. L. Hinkhouse       | 19475 W. 167 <sup>th</sup>                   | 782-2514    |
| Gladys Rogers         | Rt 5 Box 11                                  | 782-2133    |
| Richard Haemmerle     | Box 248A RT 5                                | 782-8115    |
| Jean Haemmerle        | " "  | " "         |
| Burdette Dunson       | P.O. Box 876                                 | 824-4075    |

| <u>Name</u>       | <u>Address</u>                     | <u>Telephone #</u> |
|-------------------|------------------------------------|--------------------|
| Maury Buckner     | Edgerton RT 1 Box 51               | 882 6707           |
| Miss Ed Schendel  | Edgerton R 1 Box 41                | 882 6590           |
| Emma E. Schendel  | Edgerton R.R. 1 Box 41             | 882-6540           |
| Robert J. Wise    | GARDNER RR-1                       | 884-5350           |
| Dorothy Dymally   | Gardner, R.R. 1 Box 92             | 884-4744           |
| Marvin Ponder     | Gardner R1                         | 884-2981           |
| Jewelyn Rankin    | Gardner Rt. 1                      | 884 7941           |
| Donna R. Kinosh   | 235 N Maple Gardner, Ks            | 884-8200           |
| Angie Mackey      | Rt 5 - Box 74 - Olathe             | 782-0064           |
| Marie Lantz       | 101 S. Harrison<br>Spring Hill, Ks | 686-3455           |
| Ed Thomas         | 19311 W 50th Terr Shawnee          | 441-2113           |
| Tom Beach         | 8818 W. 7TH ST SHAWNEE             | 689 9787           |
| Erabeth Clark     | 12701 W 116th St Overland Park     | 541-1556           |
| Gene F. Thomson   | 19311 W 50th Terr Shawnee Ks       | 441-2113           |
| Gene Morris       | Box 33 RR 1 Edgerton, Ks           | 882-6297           |
| Paul Sower        | 506 N Washington Spring Hill, Ks   | 686-3491           |
| Robert M. Sower   | Rt 3 Box 255 Spring Hill, Ks       | 686-3782           |
| Thelma Sower      | Rt 3, Box 255 Spring Hill, Ks.     | 686-3782           |
| William L. Wright | RR 1 Box 75 Edgerton Ks            | 882-4746           |
| Carl Branson      | Rt 1 Box 9 Gardner, Ks             | 884-7747           |
| Carl Branson      | Rt 1 Box 9 Gardner Ks              | 884-7747           |
| Paul Lequet       | 13970 Budweiser Rd                 | 884-7423           |
| Kelvin Argo       | RT. 1 Box 10                       | 884 7569           |

| <u>Name</u>                  | <u>Address</u>                   | <u>Telephone #</u>  |
|------------------------------|----------------------------------|---------------------|
| Worthy, Laurel               | 159705 Garden Dr.                | 884-7983            |
| Verbunde Ange                | R1 Box 10 Gardner                | 884-7369            |
| Eugene Burns                 | 227 N Center                     | 913 884-7155        |
| Helen Burns                  | <del>227 N Center</del>          | 913 884 7155        |
| Bill Klamon                  | 27580 West 175 St Gardner        | 884-8880            |
| Bill Keldgar                 | Gardner, Kan Box 169             | 884-7844            |
| James Sick                   | Gardner, KS Box 434              | 884-7740            |
| Evelyn Sick                  | Rt. 1, Box 434 Gardner           | 884-7740            |
| Ben Shepherd                 | 333 N. Cherry - Gardner          | 884-7171            |
| James M Wiseman              | 31435 W 191st Gardner            | 884-7964            |
| Betty Wiseman                | 31435 W 191st Gardner            | 884-7964            |
| <del>Frank A. Thompson</del> | <del>2142 S. Hwy 7 Olathe</del>  | <del>764-0390</del> |
| Max Ebberts                  | R2 Box 491 Edgerton              | 882-6783            |
| Frances E. Hart              | RR #2 Box 71 Edgerton            | 882-6783            |
| Mervin A. Knoche             | 1049 E Doug. Cir Olathe, KS      | 827-6223            |
| Margine M. Knoche            | 1049 E Power Cir Olathe, KS      | 827-6223            |
| Steve M. Clark               | 12701 W. North Overland Park, KS | 571-1596            |
| Jane E. Knoche               | 5818 W 77th St Overland Park, KS | 649-9787            |
| D. B. Hillstrom              | 30000 W 183 Gardner, KS          | 884-7741            |
| J. A. Cate                   | Rt #1 Box 33111 Edgerton, KS     | 882-6871            |
| Kevin Lasky                  | Rt 1 Box 102 Edgerton, KS        | 882-9646            |
| Michael DePaul               | RR 2 Box 325 Gardner, KS         | 884-7765            |
| Flourance DePaul             | Rt 2 Box 325 Gardner, KS         | 884-7765            |
| Dick Nelson                  | R #2 Gardner, KS                 | 884-8324            |
| Charles Kucer                | Rt 1 Gardner, KS                 | 884-8804            |

| <u>Name</u>         | <u>Address</u>                | <u>Telephone #</u>                       |
|---------------------|-------------------------------|--|
| Lu Eastland         | 15570 S. Cambridge & Stanning | Ks 66021 897-2526                        |
| eta R. Sheldon      | 15695 W 175th                 | Olathe, Ks. 66062 - 686-3425             |
| Fanny R. Sheldon    | 15625 W 175                   | Olathe, Ks. 66062 686-3425               |
| John R. Eastland    | 15370 S. Cambridge            | Olathe, Ks. 66062 - 897-2526             |
| Brother Van Dallen  | 13725 W 191st                 | Spring Hill, Kansas 66083<br>913-6823611 |
| Kay M. Dangel       | 17915 Lone Elm Rd             | Olathe, Ks 66061 686-3570                |
| Henrietta Muller    | 20470 Woodland                | Spring Hill 66083                        |
| Carlene Hansen      | 18615 Hedge Lane              | Olathe, Kansas 66061                     |
| Ann Lohm            | 21370 W 180                   | Olathe, Ks. 66062                        |
| William G. Miller   | R2 Box 373                    | Spring Hill, Ks 66083                    |
| Elizabeth O. Nelson | R2 Box 64                     | Spring Hill, Ks 66083                    |
| Martha J. Edwardson | 20,001 Padbury Lane           | Spring Hill, KS 66083                    |
| Jugman Mackey       | Rt 5 Box 74                   | Olathe, Ks 66062                         |
| Inna Schlagel       | 17160 Pilsbun                 | Olathe, Ks 66062                         |
| Mary Boehm          | 17270 W 175th                 | Olathe Ks 66062                          |
| Ralph Boehm         | 17370 W 175th                 | Olathe Ks 66062                          |
| Opal Taylor         | 9010 Lowell                   | Overland Park 66212                      |
| Lerie Speer         | 1005 W. Elm Apt 2             | Olathe KS 66061                          |
| Paul Speer          | 5421 Blue Jacket              | Shawnee, KS 66203                        |
| Joseph Walrod       | 10241 Russell                 | Overland Park, 66212                     |
| Margaret Stone      | 19810 - S Hedge Ln            | Spring Hill Ks 66083                     |
| Kim Neider          | R2 Box 373                    | Shawnee Ks 66080 897-9504                |



| name                | address                             | phone #  |
|---------------------|-------------------------------------|----------|
| Wayne Roberts       | RR1 Box 108 Gardner                 | 884-7985 |
| Jeraldine Roberts   | RR1 Box 108 Gardner                 | 884-7730 |
| Alton Bonar         | RR1 Box 163 "                       | 884-7840 |
| Jay Jay             | 19885 S. GARDNER RD.<br>GARDNER, KS | 884-7254 |
| Garrett Patrick     | GARDNER                             |          |
| Marion Turner       | RR#1 Box 401 Gardner                | 884-7115 |
| Scott Boyd          | 30210 W 189th St Gardner            | 884-6221 |
| Steve King          | 31450 W 159th Gardner               | 884-7920 |
| Tom Young           |                                     | 884-8862 |
| Walter M. Zimmerman | 30900 W 199th Edgerton, Ks.         |          |
| William F. Voigt    | 215 W. Park Gardner                 | 884-6899 |
| Mendel Krabe        | RR1 Box 68 Gardner                  | 882-6507 |
| Jane Donham         | RR1 Box 72 Gardner                  | 884-8962 |
| Nancy Donham        | RR1 Box 68 Gardner                  | 884-7883 |
| Elmer Donham        | RR1 Box 72 Gardner                  | 884-8962 |
| Carol Redwood       | 2401 W 199 Gardner                  | 884-8349 |
| Karen Redwood       | 26101 W. 199 Gardner                | 884-7083 |
| Tom & Harriet C2    | Gardner                             | 884-6548 |
| Mary Lou Sheenaker  | RR1 Gardner                         | 884-6605 |
| Debbie Lantz        | RR1 Box 68 Edgerton Ks              |          |

| Name               | Address  | Telephone # |
|--------------------|--|-------------|
| Jim Davidson       | 625 Edgemere Olathe                                    | 764-1171    |
| Smithy Ayres       | 1020 Fairwood Olathe Ks                                | 782-6488    |
| Paul J. Mahuffe    | 609 W. oak Olathe                                      | 764-0571    |
| John A. Exson      | 12220 S. 7 Highway Olathe Mo                           | 782-1563    |
| Barry S. Gove      | 401 W. Cedar Olathe, Ks                                | 782-8329    |
| Richard L. Johnson | 1100 S. 1st Olathe, Mo                                 | 782-1577    |
| Frank Johnson      | 700 S. Jackson Olathe, Mo                              | 782-1577    |
| Richard Linneman   | 313 Meadowbrook Olathe Ks                              | 764-0369    |
| H. F. Lloyd        | 811 S. Water Olathe Ks                                 | 764-3426    |
| Roy Blackburn      | 24502 W 86 St Olathe, Mo                               | 441-6008    |
| Ralph L. Stahlman  | 12617 W 69th St Shawnee, Ks                            | 268-7550    |
| Ruby Stahlman      | 12617 W. 69th St. Shawnee, Ks                          | 268-7550    |
| Carol Blackburn    | 24502 W 86 St Olathe, Ks                               | 441-6008    |
| Roy Blackburn      | 24502 W 86 St Olathe, Mo                               | 441-6008    |
| John A. Exson      | 12220 S. 7 Highway Olathe Mo                           | 782-1563    |
| Jerry Lewis        | 8824 W. 88th O.P. Ks                                   | 341-2234    |
| Jerry Lewis        | RR2 BOX 3ESB<br><del>60207 MOOREHEAD</del> GARDNER, KS | 884-8436    |

| Name              | Address                                   | Telephone # |
|-------------------|---|-------------|
| W. E. Schumacher  | 22080 W 199 Spring Hill Ks                | 686-3453    |
| Harold Luns       | R#2 Spring Hill, Ks.                      | 686-3288    |
| W. E. Hummel      | Rt 1. Box 275 Gardner, Kan                | 884-7635    |
| C. W. Duncan      | 19008 Walnut Stilwell, Ks                 | 681-2339    |
| Les Nelson        | 14245 CEDAR RIDGE CIRCLE                  | 554-3237    |
| D. R. Olson       | RR1 Box 74 Edgerton, Ks 66021             | 884-7885    |
| L. J. Holcomb     | 715 S. HAMILTON ST. #4                    | 554-1115    |
| Edward J. Larson  | 452 Backway Line (Chalk) Kan.             | 686-3522    |
| David J. Deegan   | 266 W. Allen Spring Hill, Ks              | 686-3219    |
| Henry M. Deegan   | 57950 W 175 <sup>TH</sup> GARDNER, KANSAS | 554-6128    |
| Jay Wetman        | 133 West Main Gardner, Kan                | 884-6522    |
| J. P. Kellum Sr   | 57310 Iowa Center, Ks                     | 764-5787    |
| J. P. Kellum Jr   | 1511 Iowa Center, Ks                      | 764-5787    |
| John Jensen       | 519 Layton Center                         | 554-6214    |
| Richard S. Zieher | Rt 1 Box 417 Gardner Kan.                 | 554-6214    |
| Harold Brunz      | 1901 W. 152nd Olathe Ks.                  | 782-0411    |
| Edmund J. Clement | 441 E 200th                               | 764-6563    |
| Melvin Lu         | 18120 W 191 SPRING HILL                   | 884-7776    |
| Shelby Moore      | R#1 Box 233 Gardner LAKE                  | 686-3786    |
| Albert D. Beatty  | 25560 W 199 BOX 173                       |             |

B

4333 W. 175TH STREET • STILWELL, KS. 66085 • PHONE (913) 897-3243

Local Government Committee  
Kansas House of Representatives

Mr. Chairman and Members of the Committee,

It is not my desire to see the Urban Township Bill defeated. There is much about it which is good, and in the main, I believe that it will effectively deal with the problems and growing pains of a truly urban Johnson County, while providing a good framework for the administration of planning in the unincorporated areas.

There is, however, one area in which I have an insurmountable problem. The problem is the result, according to Senator Jim Allen, of an error or oversight when the bill was amended in the Senate. It was the intention of the Senators, Senator Allen has told me, to guarantee to the unincorporated areas, a 75% majority on the Planning Commission. The senators felt that they had achieved this in setting the total membership at twelve, in view of the requirement that each zoning board, of which there are currently nine, have one representative on the Planning Commission. They did not, however, take into consideration the consolidation of townships and zoning boards, the first of which will probably take place this year.

This legislation is applicable only to the unincorporated areas, and to allow a situation to come into being under which, due to the consolidation of zoning boards, the cities might, even with a vacancy or several absences, at any time, gain a voting majority over those of us who are to be governed, would be improper.

I would ask then, that you favorably consider doing what the Senate, in fact, intended to do, by stipulating through amendment, that nine members of the twelve member Planning Commission shall be from the unincorporated areas, and that one member from each zoning board shall be included among those nine.

So important is the matter of representation to those of us in the unincorporated areas, that I must predicate my support of what I believe, overall, to be a very good bill, on the correction of the oversight made in the Senate,

I feel compelled, too, to speak in favor of one of those

areas of the bill which is under attack today.

I strongly feel, as a member of a township zoning board, that the mechanism should exist by which certain undesirable nonconforming uses can be eliminated over a period of time if zoning or conditional use classification is not appropriate and if the public interest requires it. I am confident that it is not the intent of this bill to violate anyone's property rights, but to serve the public interest and protect all.

My sincere thanks for your consideration of my comments.

A handwritten signature in cursive script that reads "Ben H. Brown". The signature is written in dark ink and has a long, sweeping underline that extends to the left and right.

Ben H. Brown, Member,  
Aubry Township Zoning Board.

PROPOSED AMENDMENTS TO SENATE BILL NO. 715  
(As Amended by Senate Committee)

On page 1, in line 40, by striking "and"; in line 41, by striking "who" and inserting ". Nine of such"; in line 41, before "county", by inserting "unincorporated area of the"



PROPOSED AMENDMENTS TO SENATE BILL NO. 715  
(As Amended by Senate Committee)

On page 19, in line 706, by striking all after the period;  
by striking all in lines 707 through 709;

On page 20, by striking all in lines 710 through 737 and  
inserting a new paragraph as follows:

"Any person, official or governmental agency dissatisfied  
with any order or determination of the board of zoning appeals  
may bring an action in the district court of the county to  
determine the reasonableness of any such order or determination."

Also on page 20, in line 738, before "The", by inserting  
"(c)";

PROPOSED AMENDMENTS TO SENATE BILL NO. 715  
(As Amended by Senate Committee)

On page 1, in line 33, following "of", by inserting "(1)";  
in line 35, following "county", by inserting "and (2) the  
township trustee of each township in the county"

PROPOSED AMENDMENTS TO SENATE BILL NO. 715  
(As Amended by Senate Committee)

On page 3, following line 107, by inserting a new paragraph as follows:

"Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. If, within 30 days after the last publication, a petition signed by not less than 5% of the qualified electors of the county is filed with the county election officer requesting an election thereon no consolidated zoning board shall be appointed unless the question is submitted to and approved by a majority of the qualified electors of the county <sup>voting</sup> at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. If the question is approved, the consolidated board shall be appointed as provided by this section."

PROPOSED AMENDMENTS TO SENATE BILL NO. 715  
(As Amended by Senate Committee)

On page 13, in line 451, by striking the comma; by striking  
all in line 452; in line 453, by striking all before the period;

JOHNSON COUNTY KANSAS

*Office of the Board of County Commissioners*

JOHNSON COUNTY COURTHOUSE  
OLATHE, KANSAS 66061  
782-5000

TESTIMONY OF GERRY RAY  
HOUSE LOCAL GOVERNMENT COMMITTEE  
SENATE BILL NO. 715

Mr. Chairman, members of the committee.

The Johnson County Commissioners have requested the legislation addressed in Senate Bill 715, because a need was recognized in our county for an additional option in the state planning and zoning statutes. Specifically, the Commissioners saw that the adoption of a comprehensive plan for the unincorporated area was a necessity in order to minimize "leap frog" development and provide a means for orderly growth.

The Commissioners believe that the Township Zoning Board concept in land planning is the best approach, because it provides a method for localized input into zoning and subdivision questions. They also believe our county has reached a stage in development that requires both a Uniform Comprehensive Plan and a Board of Zoning Appeals. Present state statutes do not provide an option that incorporates all three of these components into the planning and zoning process.

To illustrate the problems we have encountered, I would point out that to amend the County's Uniform Zoning and Subdivision Regulations, we are required to hold individual zoning board hearings and considerations in each of the nine zoning boards. To make even the most minor change, this procedure takes close to a year to finalize and requires the expenditure of numerous hours of county staff time. Senate Bill No. 715 provides that the regulations are amended by recommendation of the Planning Commission. Additionally, the statute under which we operate does not allow for the establishment of a Board of Zoning Appeals. Such a Board is needed to address appeals to the interpretations of the zoning regulations and requests for variances. Senate Bill No. 715 was written to provide Zoning Appeals because the Commissioners believe that the public interest is best served when final responsibility for such decisions remains with elected rather than appointed officials.

Over a period of four years, the Commissioners and the Planning Department have studied all facets of this subject. Although our Board believed the final product in Senate Bill No. 715 was a very creative and workable approach to planning issues, they were responsive to suggested changes. On February 8th, the Board held a public meeting that was attended by members of the Township Zoning Boards, the Planning Commission and Representative David Webb. At that time, those in attendance requested certain changes in the bill. After considering those requests, the Commissioners submitted two amendments to the Senate Local Government Committee:

1. Removal of Section 9 (Lines 0767 through 0774), pertaining to a two mill levy in the unincorporated area;
2. Removal of the definition of agricultural use (Lines 0462 through 0466).

TESTIMONY OF GERRY RAY  
SENATE BILL NO. 715  
PAGE 2

Originally, the Commissioners asked that the Planning Commission be comprised of 9 to 15 members, the majority of which would be residents of the unincorporated area (one member from each Township Zoning Board, the remaining at-large). Due to a request by a group of citizens at the Senate Local Government Committee, the Planning Commission was reduced to a membership of 9 to 12 members. As a clarifying measure, the Senate Committee also removed the language pertaining to a majority of the members being residents of the unincorporated area (Lines 0041 through 0043).

Senate Bill No. 715, which applies only to Johnson County, is of the utmost importance to that entire area. It does not alter the present authority or function of the Township Zoning Boards and provides additional public forums for citizen participation in the planning process. The County Commissioners feel it offers a means to achieve orderly growth and development in the county, with beneficial results for the people in both the unincorporated areas and the cities. Therefore, the Board requests that the Local Government support passage of this legislation.

3/5/84

Summary Review of SB 715, as amended by Senate Local Government Committee  
and approved by the Senate

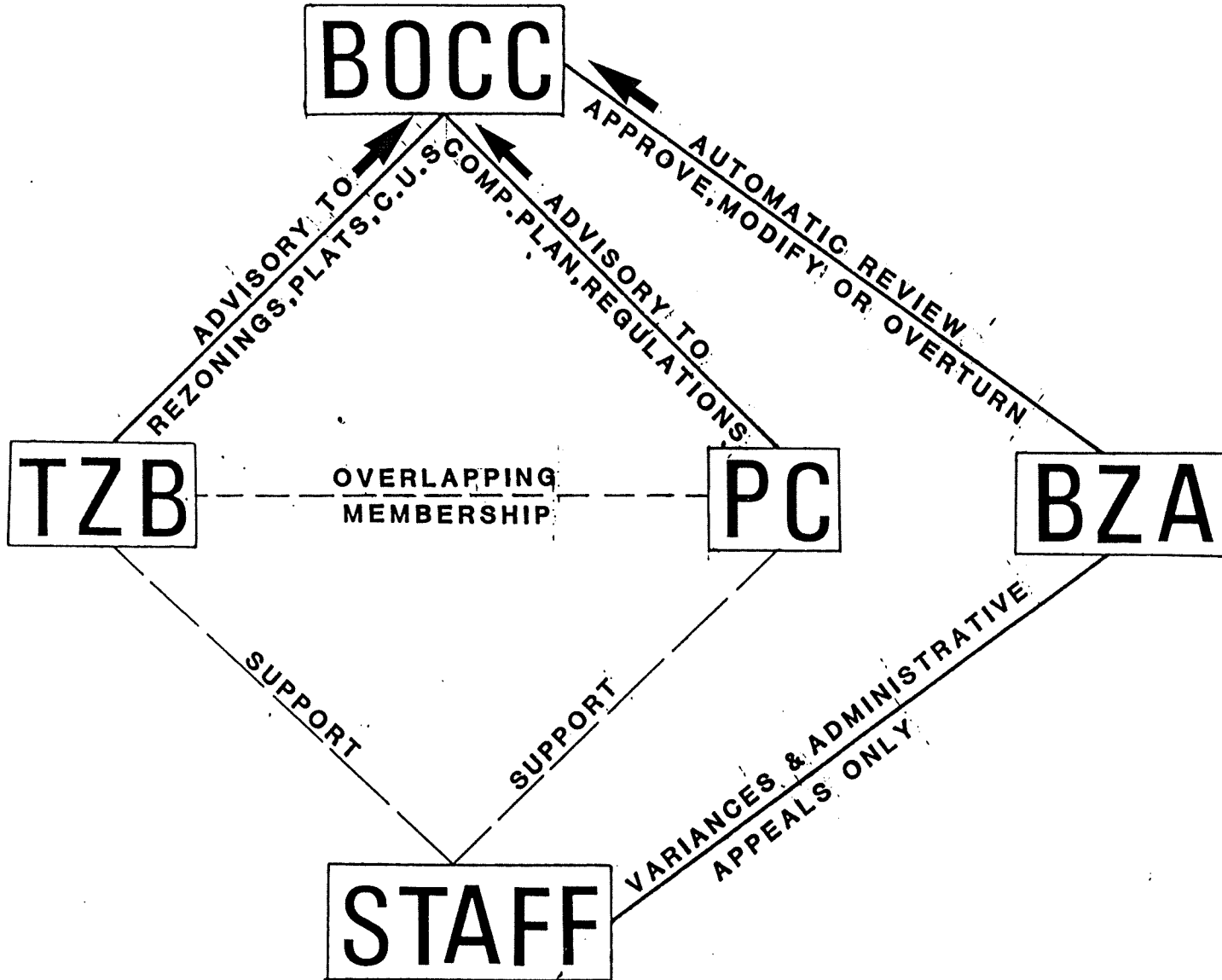
- Section 1. This section gives the purpose of the act, as well as stating that it applies only to Johnson County. It also states the intent to provide for singular plans and regulations within a multiple advisory body scheme.
- Section 2. This section authorizes the establishment of a zoning board for each township within the county, of a planning commission for the county with membership from the township zoning boards, and, as an option, creating a consolidated zoning board for two or more townships or parts thereof. This section also sets membership of the advisory boards, length of the terms, officers, meetings, supporting staff and other such items.
- Section 3. This section authorizes preparation, adoption and amendment of a comprehensive plan and is modeled generally after the city statutes (K.S.A. 12-704 and 12-704a). It outlines what may be included within the plan, establishes the procedures for notice, hearings, adoption of and subsequent amendments to the plan. It also states that the plan is adopted by the board of county commissioners after recommendation from the planning commission.
- Section 4. This section allows the board of county commissioners to authorize joint planning efforts between the county and any other governmental agencies. It also list those governmental entities included within the meaning of the section.
- Section 5. This section authorizes the preparation, adoption and amendment of zoning regulations and is modeled generally after the statutes for county planning boards (K.S.A. 19-2919, 19-2920, 19-2921). It gives the basic grant of power to zone, establishes the procedures for notice, hearings, adoption of and subsequent amendments to the zoning regulations and the zoning map, authorizes special or conditional uses and outlines the protest procedures. The board of county commissioners adopts the zoning regulations and map, as well as amendments thereto, after receiving recommendations from: (1) the planning commission regarding the original regulations, original map and amendments to the original regulations; and, (2) the appropriate township zoning board regarding rezonings and conditional use permits. This section provides for gradual elimination of nonconforming uses and for exemption of agricultural land and buildings. This section also authorizes the board of county commissioners to establish building or setback lines on present or future streets or highways
- Section 6. This section authorizes the preparation, adoption and amendment of subdivision regulations and is modeled generally after the city statutes (K.S.A 12-705, 12-705b, 12-705c). It gives the basic grant of power to regulate the subdivision of



land, authorizes that improvements, including streets, adjacent thereto, can be either installed or guaranteed by bond or other security, establishes the procedures for notice, hearings, adoption of and subsequent amendments to the subdivision regulations, requires platting and outlines the procedures for review and approval of such plats. It authorizes holding building permits until subdivision regulations have been complied with and establishes procedures for approving tract or lot splits. This section also authorizes the board of county commissioners to name or rename streets and to number or renumber business and residence addresses.

- Section 7. This section establishes a board of zoning appeals to be appointed by the board of county commissioners and is modeled generally after the statutes for county planning commissions (K.S.A. 19-2934, 19-2934a). It sets the membership, terms, officers and meetings of the board. It establishes the duties of the board regarding appeals and variances to the zoning regulations and outlines the procedures for notice, hearings and actions on the same. It also states decisions of the board of zoning appeals are not effective until acted on by the board of county commissioners. The board of county commissioners may approve, modify and approve, or overturn the decision of the board of zoning appeals, but must hold a public hearing to modify or overturn a decision.
- Section 8. This section establishes the penalty for violations of any regulations authorized by this act and outlines what actions may be taken to enforce the regulations and to abate violations.
- Section 9. This section states that actions against the board of county commissioners can be brought in district court in the manner set out in K.S.A. 19-223 within 30 days after a decision by the board of county commissioners.
- Section 10. This section states that existing plans and regulations remain in effect until a new plan or regulations are adopted under this act.
- Section 11. This section states that this act is severable if any part of it is determined to be unconstitutional or invalid.
- Section 12. This section states the effective date of the act will be on publication in the Kansas register.





ALTERNATE ZONING STATUTES

March 5, 1984

| APPLICABLE STATUTES                        | COMMON NAME OF SCHEME        | ADVISORY BOARD COMPOSITION  | COMPREHENSIVE PLAN REQUIREMENTS   | REGULATION REQUIREMENTS   | REGULATION AMENDMENT REQUIREMENTS  | BOARD OF ZONING APPEALS  | AGRICULTURAL EXEMPTION   | BUDGETS  | NONCONFORMING USES                   | SCHEME USED BY VARIOUS COUNTIES   |
|--|------------------------------|---|---|---|--|--|--|--|--------------------------------------|---|
| <p>1. K.S.A. 19-2901 to K.S.A. 19-2913</p> | <p>TOWNSHIP ZONING BOARD</p> | <p>5 members appointed by BOCC - all residents of township. Co. Engineer &amp; Township Trustee - Ex-officio<br/>-----<br/>Can Consolidate 2 or more Twps. - then 4 members appointed by BOCC plus county.</p>  | <p>Each TZB may prepare "Plans &amp; Maps" for its respective TWP.<br/><br/>BOCC takes final action as it sees fit.</p> | <p>Each TZB must recommend regulations for its TWP.<br/><br/>BOCC makes final determination<br/><br/>No adherence to Comp. Plan required. Regs. adopted for that TWP. only.</p> | <p>For all amend. changes, CU's Plats, etc.<br/><br/>TZB makes recommendation<br/>BOCC takes final action for that TWP. only</p> | <p>No provision for a Board of Zoning Appeals</p>  | <p>Agricultural uses including dwellings for agricultural use are exempt from regulations</p>  | <p>Budget prepared annually. Necessary Hearings held by TZB. Fund raised thru fees &amp; max of 1/4 mill levy. Additional 1/4 mill available if needed</p> | <p>Nonconforming uses protected.</p> | <p>Johnson - All TWPs<br/>Miami - 9 of 13 TWPs<br/><br/>Franklin - 3 of 16 TWPs</p> |
|  |                              | <p>Planning Commission of 9 to 12 members appointed by BOCC - 1 to be member of each TZB: all others selected by BOCC.<br/>-----<br/>Can consolidate 2 or more twps. or parts thereof, then 5 to 9 members appointed by BOCC - all residents of area included in consolidation.</p> | <p>public improvements to be in compliance with Plan.</p>   | <p>Final determination.<br/>Regs must be made in accordance with adopted Land Use Plan.</p>   | <p>for recommendation.<br/>BOCC takes final action on all.</p>   | <p>All BZA decisions submitted to BOCC for final determination. BOCC may approve, modify and approve or overturn decision of BZA</p> | <p>bldgs, including agricultural, may be regulated for setbacks.<br/><br/>Agricultural use exemption applies to zoning regulations only.</p> |  |                                      |   |

Chairman Sand and members of the Committee. . I am Nancy Brown, Trustee in Oxford Township, Johnson County, which will be affected by this bill. I also wish to speak to you as an advocate of township government.

Others will be addressing certain aspects of this bill which hopefully will be carefully considered by this committee. I asked to address one issue in particular since, as trustee, I am directly involved - the deletion of the township trustee from the zoning board.

Johnson County currently operates under KSA 19-2901 which permits zoning boards. Section 19-2902 addresses the composition of the zoning board which states there shall be seven members, five of whom shall be freeholders and residents of such township; and the county engineer and township trustee shall be ex officia members of the zoning board.

SB 715 removes the ex officio members from the board. There is no objection to the removal of the county engineer if this is the wish of the county. However, there is objection to the removal of the trustee.

As you are aware, there are over 4,000 township officials in Kansas. Each county and each township is unique in their responsibilities and the areas in which they are involved, i.e., roads, cemeteries, noxious weeds, fire districts, etc. However, regardless of their involvement, Kansas is blessed with thousands of dedicated individuals who are willing to devote their time to the betterment of Kansas. For the countless hours they spend, they receive little or no compensation and very little recognition or praise. In this present day of financial cutbacks at all levels, it is crucial that Kansas recognize the value of these people who could not be replaced through any other system. In what other organization do you find 4,000 people willing to work, giving of themselves, their time and talents?

I point this out to tell you that Johnson County has nine townships and twenty-seven township officials who are included in this group of givers. Some are very active, some inactive, depending on the happenings and needs of their township. Regardless of their involvement as seen by the Board of County Commissions (who, by the way, may not even know what they do), these dedicated people feel a commitment to their position and to the people who elected them. While the majority of their responsibilities have been deleted through home rule powers, they still hold a role respected by the people in their townships as a zoning board member. Now the BOCC wishes to remove them from this role, the only elected official on the board, and the one closest to the people in the township.

I have not yet heard any good reasons from the BOCC as to why they wish to remove the trustee other than they want to appoint all the members. Why, I wonder, when they already can appoint five to each zoning board or 45 members, plus the appointment of numerous more under this new suggested bill, do they oppose the addition of one elected official from each township to the zoning board?

Speaking from experience, I can give you numerous reasons why the township trustee should remain on the board. Let me tell you about this trustee's involvement in the community. Besides the routine duties, our board actively supports the rural fire department, we have opened a township office to assist in the economic development of Stanley, are in the process of working with the Kansas Department of Economic Development to do a market survey, are gathering information for a community brochure to assist in bringing businesses and families into town, we have hired a planning firm to work with us on downtown revitalization and are currently in the process of negotiating for the purchase of one of the oldest structures in town, a vacated church which will be used as a museum, community center, location for senior and youth programs, etc. And we are in the process of making application for a community development block grant for lateral

lines for the Stanley sewer. In addition, the Oxford Township office is a place where people call for information about available business sites, a place to review maps and plans, discuss possibilities of new businesses, homes, etc. We also network with the multi-service center, community organizations, churches, ministerial society, etc. In fact, I have probably worked with almost every department in the county on township business, much of it unknown or not understood by the BOCC. As township trustee, I work full-time in this office on a volunteer basis trying to help a township and its people who are struggling with a variety of problems. Planning and zoning in Oxford Township, in the pathway of rapid development once the sewer situation is resolved, is vital to the future of the people throughout the county. The BOCC cannot and should not be expected to keep up with the rapid growth and changes, and they have continually failed to understand how the township board has been helping them in a variety of ways. (On a smaller scale in other townships who are not experiencing the same problems as Oxford, township trustees are involved with zoning and with the thoughts of the people in their area.)

I urge you to allow the township trustee to continue to serve its township and the county in the same manner as before, by amending this bill to put the township trustee back on the board.

Thank you!

3/15/84

Honorable Chairman, members of the committee, thank you for the opportunity to speak to you on Senate Bill 715, an act concerning planning and zoning in urban areas. My name is Nancy Brown. I am the trustee in Oxford Township, Johnson County, and President of the Johnson County Township Association.

It is most difficult for township officials and zoning board members to support this bill, for a variety of reasons, some of which will be mentioned here today. However, it is also difficult to oppose the bill being told that zoning boards in Johnson County will be abolished to make way for a Plan Commission unless the bill is passed. We are "darned" if we do, and "darned" if we don't! Therefore, I am not here to speak for or against the bill, but am requesting amendments so township and zoning boards in Johnson County can remain an active, vital part of the "input" process.

Johnson County, as you know, is one of the fastest growing counties in Kansas and the unincorporated areas are feeling the growing pains. We need township zoning boards and input from the people like never before. It is not only crucial that the people who live in the areas have a voice in the decisions affecting their land and lives, but they must have the opportunity to play a role in these decisions. Their input is important and vital to the future of Johnson County.

Be assured that I am a proponent of planning and do not oppose the idea of a comprehensive plan for the county. Having served as a former city official, plan commission member, and zoning board member,

I recognize that county-wide planning is essential for continuity and a smooth transition as rapid growth and development continues. And I understand the difficulty the county has had implementing changes in their zoning regulations. What I don't understand is why the BOCC felt they had to make such drastic changes in the statutes in order to achieve what they wanted to achieve which is, as we have been told, to maintain zoning boards, have a plan commission and zoning board of appeals.

This seems like a reasonable request which possibly could have been supported by the townships if, in fact, they took existing statutes and modified them for their use. Instead, the statutes have been altered considerably to the point where the boards are absolutely meaningless. For example, the zoning board members are appointed by the BOCC (Sec. 2a) and are "subject to the jurisdiction and under the control and approval of the BOCC" (Sec. 2c). The BOCC may also establish a plan commission (Sec. 2a) who shall make a comprehensive plan which "shall show the commission's recommendations for the development or redevelopment of the county" (Sec. 3a). It then must be presented to the BOCC for their consideration and approval (Sec. 3b). If the BOCC does not agree with the Plan Commission's recommendations, it is returned to the Plan Commission for further consideration who must "either submit a new recommendation to the BOCC or resubmit its original recommendation to the BOCC. No additional public hearing shall be required unless the BOCC directs that one be held." The BOCC may then "adopt, in whole or in part, or

ATTACHMENT XVII

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may revise or amend and adopt such proposed plan" (Sec. 3c).

Now when the comprehensive plan is reviewed and an amendment or addition to the plan is proposed, they are first submitted to the Plan commission for recommendation. After a public hearing, the BOCC shall consider the amendment or addition "as recommended by the planning commission and, regardless of whether the recommendation is for approval or disapproval, if the BOCC approves such recommendation, it may adopt such recommendation" (Sec. 3h). The same procedure applies to this portion of the bill as with the original adoption of the comprehensive plan. The BOCC is the ultimate word!

Most of you are familiar with comprehensive plans in cities and as stated in KSA 19-2916a where the planning commission is responsible for the comprehensive plan. This bill not only changes that authority, but also includes a provision that the plan "shall show the commissioner's recommendations". Now, I point out to you, that the check and balance process is completely eliminated by Senate Bill 715.

To further compound the problem, the proposed Zoning Board of Appeals may also be overruled by the BOCC. Sec. 7a states that there shall be a zoning board of appeals whose members shall be appointed by the BOCC. But then, "Every decision, and the record thereon, of the board of zoning appeals shall be submitted to the BOCC". After a public hearing process, the BOCC "shall approve, modify and

approve, or overturn the decision of the board of zoning appeals" (Sec. 7b-1). Let me point out that the three sections dealing with boards of zoning appeals in the statutes state that the BOCC has no role in the Board of Zoning Appeals activities. Why then should Johnson County be allowed this power?

My recommendations for the above concerns would be that the Plan Commission prepare and adopt the comprehensive plan, considering the commissioner's recommendations, and that the board of zoning appeals have the ultimate decision regarding their responsibilities.

There are several other areas of concern with Senate Bill 715. Sec. 2a states that the BOCC "may" establish a zoning board for each township. This should be changed to "shall". In addition, this bill once again deviates from existing statutes by eliminating the township trustee and county engineer as ex-officio members of the zoning board. I can understand that the county engineer in a county the size of Johnson may not have the time to attend the meetings of all nine zoning boards. However, the township trustee, being the elected official closest to the people in the townships should not be eliminated from this board. With few exceptions in Johnson County, township trustees feel a vital part of the board. In those cases where the township trustee does not attend the meetings it is generally because they have been told that this is not one of their areas of responsibility.

*not necessary*

Township trustees in Johnson County want to and should remain on the zoning board. Our recommendation is that "The Board shall consist of five members"; one shall be the township trustee. Or, they may remain as ex-officio voting members as indicated in existing statutes.

Section 5 deals with non-conforming uses. Under this bill, non-conforming uses may be eliminated which can place a grave hardship on many residents and businesses in the unincorporated areas. All of us are familiar with several establishments that would not be allowed to erect their buildings or operate their businesses if they were making application today. However, many of these have existed for years and it would place an economic hardship not only on the individuals, but the townships and county. This section needs further consideration to ultimately achieve what the BOCC desires without harming those individuals and businesses who have been part of the county, in many instances, longer than we have.

Sec. 5 c states that "the BOCC, in the promulgation of such regulations authorized in this act, shall define agriculture and agricultural use." I cannot imagine anyone in the state of Kansas willing to accept such definition, particularly from Johnson County commissioners. Why should the Johnson County residents? We recommend the deletion of this section.

Sec. 9 discusses a tax levy for the unincorporated portion of the county only which shall not exceed two mills. It's not enough that the new

law would delete the township trustee from the zoning boards, that the responsibilities are distributed among three advisory boards appointed by the BOCC, that these boards can be overruled in any of their decisions, that non-conforming uses may be eliminated, with agricultural uses being defined, but they also expect only the unincorporated areas to pay for the administration of this act when, in fact, it is not the unincorporated areas that elected the BOCC in the first place. It is our recommendation that any tax levy be administered to the entire county since planning is to the benefit of the county at large, and the county at large elected the BOCC.

One last recommendation and then I am through. Section 2c states that the BOCC, "by resolution, may appoint one or more consolidated zoning boards for two or more townships" with 5-9 members being appointed by the BOCC. I must admit that the Board does need some mechanism for consolidating zoning <sup>boards</sup> in areas where there is a need. For example, perhaps Shawnee County, much of which has been annexed does not have need for a separate zoning board. However, it is felt that this decision should not be made by the BOCC but by the township residents themselves. This should be brought to a vote of the people!

Let me conclude by stating that I went to several members of the BOCC and the Planning Dept. expressing my interest in supporting a bill that would allow for both planning and zoning functions in



Johnson County, recognizing some of the difficulties they were having in implementing some of their goals and objectives. I also offered to work with them and the townships on a bill that could be acceptable to both the county and the townships. It is unfortunate that we were not asked for input. In fact, a meeting was scheduled with the township zoning boards only after there were expressions of concern to the BOCC and Representative Dave Webb. At this point in time the bill had already been presented to the Johnson County delegation and was scheduled to be heard shortly. During the meeting many individuals felt that they were not being heard, particularly since board members indicated they would not change their position on several areas of concern. In fact, a recently received letter indicated that they would make one change which is "deleting the reference to a locally defined 'agricultural use'". Also, the letter stated that they were "indicating no opposition to the deletion of the proposed 2-mill levy." The other issues, some of which are included in this testimony, were not amended.

Based on statements that it is the intent of the Johnson County Board to abolish zoning boards unless the legislation passes this session, the townships are in a dilemma. I told Board members I would not work to defeat this legislation, but I could not support it in its present form. Therefore, we are asking for your wisdom in considering our request for some amendments to the bill so we can all be winners rather than losers. Thank you!