

January 29, 2025
House Committee on Local Government

HB2025
Position: Proponent
In Person Testimony
Sherri Grogan

Chairman Bergquist and members of the committee,

My name is Sherri Grogan, President, Rural Leavenworth, Inc (RLI). RLI is a non-profit citizen advocacy group formed in 2019 after Basehor tried to pursue the 3-mile authority. Our testimony in 2021 supported the repeal.

In our situation, more than 1200 parcels would have been affected. The city attempted to pursue the full 3-mile authority allowed by law. Affected citizens viewed this as overreach. Concerns included not being able to vote in city elections and more stringent regulations. Many of the citizens in the urban growth area were not in favor of regulation without representation.

We still believe the extraterritorial jurisdiction (ETJ) option is not a good approach and should be used with extreme caution for the reasons stated in Attorney General Kobach's opinion 2024-1. We also agree with the League of Municipalities that this is a complex issue and deserving of an interim committee.

Observations and Concerns:

The lack of infrastructure, primarily sewer, in the urban growth area is driving the development at a lower density than the land use map shows. For example, one acre lots vs. 3 units per acre.

The leapfrog development makes it more difficult to extend services and pursue annexation in the future. It is also costly to the taxpayer to expand infrastructure as development occurs further and further from the city.

Sometimes new residential development occurs in the urban growth management area but not adjacent to the city; and annexation is not pursued because it would create an island. Annexing land after it is developed is much harder than before the land is developed.

There are examples in Nemaha County where ETJ was unsuccessfully attempted to prevent wind turbines from locating near the city. See SB279 testimony from 2021. ETJ can be used to either encourage or discourage development depending on the situation.

Suggestion:

Request a report on where ETJ has been implemented successfully in Kansas including specifics, i.e., how far from the city, zoned or un-zoned county, challenges, when it was implemented, is it still in effect, what was the lay of the land at the time of implementation, and any challenges or successes. In other words, determine if ETJ is currently being used in Kansas.

Review what other states are doing. For example, Texas has a tiered approach where a smaller city can only use ETJ up to a half mile; a little larger city up to one mile, etc. This seems like a more realistic approach than allowing all cities up to authority up to 3-miles.

Identify potential solutions to ETJ like implementing zoning, comprehensive plans, city/counties aligning their vision for the future and working together to expand infrastructure. Figure out what is preventing the current processes from working and why cities are compelled to use ETJ.

In summary, ETJ is a complex issue as are the issues that arise from growth. It is important to know what the unintended consequences are before changing the law.

Sincerely,

Sherri Grogan
President, Rural Leavenworth Inc.
for the Board Directors