



## HB 2025, Neutral Testimony

January 27, 2025

KACPZO, or the Kansas Association of County Planning and Zoning Officials, is a membership-based group of county Planning and Zoning Officials from all over the state of Kansas. Members include directors, zoning administrators, environmental health officials, and building code inspectors, to name a few. Established in 2000, the group meets two times per year – one time in the spring for an educational conference, and again in the winter at the Kansas Association of Counties annual meeting. However, throughout the year, KACPZO is utilized as a collaboration, where members can ask questions of their peers, and share input on each member county's role and experience with issues in planning and zoning. Topics have included mobile homes, short-term rentals, wind or solar, nuisance complaints, enforcement, drafting of regulations and comprehensive plans, and floodplain topics.

In Kansas, there are 105 counties, but few operate in the exact same manner. Out of those, only 59 are zoned, or partially zoned. A small number have been deemed "urban counties" and follow Chapter 19 Planning and Zoning Statutes; the remaining counties, and all cities, follow Chapter 12 Planning and Zoning Statutes. Several counties have entered into agreements for Joint Metropolitan Planning Departments with a city located within its county. It is unknown exactly how many cities within our counties have enacted ETJ (extraterritorial jurisdiction, or three-mile jurisdiction). What does remain clear is that Kansas counties *are not all one and the same*.

As such, when considering the proposed amendments to KSA 12-749 to remove references to the three-mile language, as well as the recommendation to repeal KSA 12-715b, KSA 12-715c, and KSA 12-715d, the answer is *not all one and the same*. How these amendments would affect one county is not the same as how it would affect another county.

The KACPZO Board proposed this issue to its members and asked for input. Some examples of the effects are as follows:

In one County, two cities have ETJ that was granted to them by the County. The County had zoning regulations in place prior to the cities requesting the ETJ. The County approved the ETJ, and rescinded the County zoning / subdivision regulations within this area. In both cases, the ETJ does not extend the full 3 miles from the city boundary. One city has requested extension of their ETJ several times, and was approved by the County. One city's regulations are far less strict than the County's which **could result in potentially a loss in development rights for property owners within the ETJ should it be eliminated.**

Another county believes it has the least restrictive zoning of any county in Kansas. A city within that county is the only municipality in the County that has the three-mile ETJ zone in conjunction with their zoning regulations; there is an industrial park located in the county just outside the ETJ. That county believes the city should retain its ETJ as they have **more comprehensive zoning in place to govern their growth in response to the development of the industrial park**. The county's zoning is more specific to rural areas, whereas the city's zoning is more specific to urban areas and thus would provide better governance for the anticipated growth.

A third county has enacted an 'Area of Influence' around each city instead of an ETJ. This area of interest requires county officials to send notification to the city any time a CUP or land use change application has been submitted within that designated area. The city may then speak to the BOCC in addition to the Planning Commission's recommendations. That county believes while an ETJ sounds good on the surface to cities, it comes with a lot of responsibilities that many are not able to provide, so an area of influence **was a good compromise for this county** to help protect that buffer area.

A fourth county has one city that has taken ETJ. That city provides some level of water and sewer services to residents located outside of the city limits but within the ETJ. Should the ETJ be eliminated, without further agreement between the city and the county, future services to residents outside of the city limits **may be at risk**. However, on the other hand, many citizens within the ETJ area feel they are **being under-represented and unable to develop land in a manner that they choose**. Those residents would prefer the ETJ be eliminated.

Based upon responses and discussions, our findings are as such:

- The three-mile ETJ is applied in different ways in different locations, and an outright ban would have significant unintended consequences.
- The statutes that set out three-mile ETJ for zoning and subdivisions are vastly different. In one statute, counties are given a say on whether or not to give up their land development authority in the unincorporated area; and in the other, they have no choice.
- How these statutory amendments would affect one county is not the same as how it would affect another county.
- Further research needs to be done.

The recommendation of KACPZO is for this matter to be sent to an interim committee to better study the issue and gather input from cities and counties across the state prior to amending KSA 12-749, or repealing KSA 12-715b, KSA 12-715c, and KSA 12-715d.

KACPZO Board,

*Heidi Harris*