

Tuesday, February 6, 2024
SB 346
Proponent Testimony
Request to appear in person

Stephen Platt
Kansas Senate District : 7

Members of Senate Committee on Local Government;

My testimony is in support of SB346. The concern has been overreaching of Local Governments and other government agencies regarding rezoning. The local governments need to be held to a higher standard in rezoning actions. The electors need to have an equal say in issues involving the dictating of rezoning over property owners including government owned property.

A higher level of “hurdles” needs to be in force especially when it comes to matters of Historical Sites, Churches, Schools, and Parks.

Recent events can be found where planning commissions and elected officials have ignored and are overriding long standing Master Community Plans. State statues and rules have been ignored or misrepresented in attempts to advance rezoning.

Often, taxpayers’ financial interests are compromised with use of Industrial Revenue Bond, Sales Tax Exemptions on building materials, Star Bonds, and Tax Incentive Financing (TIFs). The electorate often has little recourse when these incentives are included in rezoning efforts. This tax burden is then borne by the state and throughout most other county tax jurisdictions.

Governments and agencies have the ability to ‘break the bank’ of citizens opposed to rezoning due to the availability of funds and other resources. A limiting factor is the property owners ability to protest for those only within 200 feet (up to 1000 feet in a few instances) when so many are potentially impacted.

Recent example of this overreach are the events occurring in Westwood, KS where the local government is ignoring a Kansas Statue when the municipality declared their park is not a park. Intimidation and threats of legal action against citizens have followed in the attempt to limit first amendment rights. When the city was presented with a protest petition, by recharacterization of the citizens’ petition the efforts were declared invalid. This abuse of the electorates can be seen in other municipalities locally and throughout Kansas.

Passage of SB346 would be a start to counter officials and unelected planning commissioners and municipalities from imposing rezoning changes unjustly.