



RENO COUNTY  
206 West First Avenue  
Hutchinson, Kansas 67501-5245  
(620) 694-2929  
Fax (620) 694-2928  
TDD (800) 766-3777

---

TO: ALL INTERESTED PARTIES  
FROM: BOARD OF COMMISSIONERS  
RE: NOTICE OF MEETINGS  
DATE September 30, 2016

- The Reno County Board of Commissioners will meet as regularly scheduled at 9:00 a.m. on Tuesday, October 4, 2016, in Commission Chambers to hold their Agenda Session.

Follow us on Twitter:  
<https://twitter.com/RenoCountyKS>

Like us on Facebook:  
<https://www.facebook.com/RenoCountyKS>

**AGENDA SESSION**  
**RENO COUNTY COMMISSION**  
**COMMISSION CHAMBERS OF COURTHOUSE**  
**Tuesday, October 4, 2016**  
**9:00 A.M.**

1. Roll Call: Deming \_\_\_\_\_ Dillon \_\_\_\_\_ Schlickau \_\_\_\_\_
2. Pledge of Allegiance to the American Flag and Prayer
3. Determine Additions to the Agenda (Restricted to subject matters that were not known at the time of the agenda publication and to subject matters that require immediate Board discussion and/or action and which cannot be deferred to a later date.)
4. Public Comment on Items not on the Agenda. Please come forward to the podium, state your name and address and limit your remarks to not more than 5 minutes per item.
5. Consent Agenda (items considered routine for approval. If any commissioner or person in the audience would like further discussions or explanation of any item they may ask that it be removed from the consent agenda for additional consideration.

a. Vouchers (bills or payments owed by the county or related taxing units) totaling \_\_\_\_\_.

Motion for consent agenda items: Approval \_\_\_\_\_ Disapproval \_\_\_\_\_

Motion \_\_\_\_\_ Second \_\_\_\_\_

Dillon \_\_\_\_\_ Schlickau \_\_\_\_\_ Deming \_\_\_\_\_

6. **Public Hearing:** Planning & Zoning Case 2016-04, a request by Rental Sales Remodeling, LLC (Victor Kammavongsa), Agent, Duncan Durr, to rezone approximately 69.2 acres of land from AG – Agricultural District to R-1 – Rural Residential District for the purpose of establishing a residential subdivision. The property is located on the south side of E. Parallel Rd., approximately ½ mile east S. Yoder Rd. DI
7. **Public Hearing:** Consider the adoption by reference of the proposed Subdivision Regulations for the entire unincorporated portion of Reno County as reflected on the Official Zoning District Boundary Map. Exceptions to these regulations include land within an extra-territorial jurisdiction of a city and land within the corporate limits of any incorporated city. DI
8. Consider the proposed Hutchinson Area of Influence which will afford the city the opportunity to review zoning amendment and conditional use permit applications within the established border. DI
9. Consider for approval a request from Interfaith Housing for denial of local funding letter for a Title II Grant with emphasis on Detention for Youth through the Kansas Department of Corrections. AI

Motion for action: Approval \_\_\_\_\_ Disapproval \_\_\_\_\_

Motion \_\_\_\_\_ Second \_\_\_\_\_

Dillon \_\_\_\_\_ Schlickau \_\_\_\_\_ Deming \_\_\_\_\_

10. Discussion of items added to the agenda

11. Department update from Youth Services Director Bill Hermes

12. Adjournment

*Items listed on the agenda as “DI” (Discussion Item) will normally be discussed that day and voted on the following week. Items listed as “AI” (Action Item) will normally be voted on that day unless postponed for further discussion or to await additional information. The Commission reserves the right to take a final vote on any agenda item but normally, on items coming up for the first time discussion, will await the following week for a final vote.*



**AGENDA REQUEST**

**AGENDA  
ITEM #6**

Case #2016-04. A request by Rental Sales Remodeling, LLC (Agent: Duncan Durr) to rezone approximately 69.2 acres of land from AG - Agricultural District to R-1- Rural Residential District for the purpose of establishing a residential subdivision. The property is located on the south side of E. Parallel Rd., approximately one half-mile east of

**PROPOSED AGENDA ITEM:** S. Yoder Rd.

**PRESENTED BY:** Mark Vonachen, County Planner II

**RECOMMENDED ACTION:** Approval of the Planning Commission recommendation.

**BACKGROUND/DISCUSSION DATE:** 10/4/16

**PROPOSED AGENDA DATE:** 10/11/16

**FINANCIAL CONSIDERATIONS:**

Cost: \_\_\_\_\_ Funding Source: Is it budgeted? \_\_\_\_\_

Fund/Dept.: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Revenue: \_\_\_\_\_

Grant Amount: \_\_\_\_\_ Local Match: \_\_\_\_\_

**LEGAL CONSIDERATIONS:** If the Agenda Item concerns a Contract, Agreement, Policy, County Resolution, or other matter involving legal issues, has it been reviewed by the County Counselor for legal form/sufficiency/recommendation? No

**Will this Agenda Item replace an existing policy, agreement, contract or resolution?**  
**If Yes, please explain:** No

**OTHER:**

**OPTIONS/ALTERNATIVES:** If not approved, are there other options alternatives available? No



Public Works  
600 Scott Boulevard  
South Hutchinson, Kansas 67505  
620-694-2976

Road & Bridge • Planning & Zoning • Noxious Weed • Utilities

---

**Date:** September 21,, 2016

**To:** Reno County Board of County Commissioners

**From:** Mark Vonachen – County Planner II

**Subject:** 2016-04 – Rental Sales Remodeling, LLC (Victor Kammavongsa); Agent, Duncan Durr. Legal Description: Approximately 69.2 acres of land located in the NE ¼ - Section 3 – T26S, R5W in Ninnescah Township and further described as PIN# 3020300000002010.

**Who:** Owner: Rental Sales Remodeling, LLC (Victor Kammavongsa)

**What:** This is a rezone request from AG to R-1 to establish a residential subdivision. This area is outside of the Reno County Future Land Use Map. The floodplain designation for the property is Zone X which is an area outside of the .2% annual flood hazard chance (500-year floodplain).

**Why:** The owner is requesting a rezone on the above identified land for the purpose of establishing a residential subdivision.

### **BACKGROUND**

The owner is petitioning to rezone approximately 69.2 acres of land from AG – Agricultural District to R-1 - Rural Residential District to establish a residential subdivision. If the rezone petition is approved, the owner is required to submit a preliminary subdivision plat. It is at this time, the Planning Commission will review the actual division of this parcel into residential subdivision lots.

Currently, the AG District requires a minimum of 40 acres for a residential dwelling. If the rezone petition is approved to R-1, a minimum of three acres is required for a residential dwelling.

The role of the Planning Commission is to review this petition and make a recommendation to the County Commissioners on whether R-1 zoning is appropriate for this property instead of the current AG zoning designation. This recommendation should be based on land use. With this rezone petition, the County Commissioners cannot be concerned about items that will be addressed during the platting of the property. Items such as the number of lots, street layout, drainage systems, or septic system and well concerns will be addressed during the platting process.

## FACTORS

The Planning Commission may recommend approval/denial of a rezone and the County Commissioners may approve/deny such rezone request using the following factors as guidelines:

1. *Whether the change in classification would be consistent with the intent and purpose of these Regulations;*

Article 1-102 lists several purposes of the zoning regulations. The most relevant purposes are listed as follows:

- To promote the health, safety, comfort and general welfare of the citizens of Reno County, Kansas.
- To create a variety of zoning districts sensitive to the peculiarities of the various permitted uses and designed to protect and enhance the values inherent in each zone; while encouraging the redevelopment and revitalization of the cities within the County and discouraging the premature conversion of rural properties to more dense and/or “urban-like” uses.
- To conserve good agricultural land and protect it from the intrusion of incompatible uses, but not to regulate or restrict the primary use of land for agricultural uses.
- To avoid the undue concentration of populations and to prevent overcrowding in the use of land and community facilities.
- To facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public improvements and services, and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas and the Comprehensive Plan for Reno County, Kansas.
- To promote the achievement of the Future Land Use Plan for Reno County, Kansas.

In part, the purpose of the R-1 zoning district is to provide for the platted development of low-density residential neighborhoods that retain the character of the basically rural area and yet allow an influx of residential development. This district is limited to those areas of Reno County where adequate water, sewage disposal and other infrastructure presently exists; or may be approved outside such areas only when adequate water, sewage disposal and other infrastructure, as well as the delivery of support services can be demonstrated and proved to the satisfaction of the County.

Staff concludes the proposed change in classification would not be consistent with the listed intent and purposes of these regulations. If the rezone is approved, any subdivision plat has the potential to convert this rural area to a more urban-like setting.

2. *The character and condition of the surrounding neighborhood and its effect on the proposed change;*

The surrounding neighborhood consists mainly of agricultural crop land and pasture land. Within a half mile of this parcel there are only four other homes. This part of the county is extremely rural with very few homes.

Rezoning this parcel to R-1 for the creation of a residential subdivision will begin the transition of this area from a rural agricultural setting to an urbanized residential neighborhood.

Staff concludes this request is not in keeping with the surrounding neighborhood and would have a detrimental effect on the area if the rezone is approved. The rural setting of the area will be changed to a more urban setting while also encroaching into existing agricultural operations.

3. *Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;*

Staff concludes the proposed amendment is not necessary because of changing conditions in the area. There are no residential subdivisions for several miles in any one direction. The majority of land is used for agricultural or pasture purposes. There is no expectation that this area will trend toward the development of residential subdivisions. Staff believes the few single family dwellings in the area were once part of a larger farm parcel that was split off into a smaller residential tract.

4. *The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;*

All parcels greater than 40 acres are zoned AG and mostly used for either the growing of crops or pasture land. There are four single family dwellings within one mile of this proposed rezone. Three of the parcels are zoned R-1 while the other parcel is zoned R-3. The residential zoning of these single family dwellings are based strictly on the parcel size.

Placing a residential subdivision can cause conflicts between the agricultural community and people moving into the area. Residents moving to a predominately agricultural area sometimes complain about the smells and noises from a farm operation. Conversely, farmers may complain about the increase in traffic on roads which are not designed to handle increased volumes of traffic. Many rural local roads today are ill-equipped to handle the large machinery that travels down the roads daily. This only becomes worse when a car travelling the opposite direction meets the large piece of farm machinery. Increasing the traffic on these local roads increases the chance of a car versus farm machinery accident. Most county roads are designed to handle larger farm machinery and car traffic due to the wider driving surface and wider right of way width. Local roads are often graveled and have a narrow driving surface.

5. *Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;*

If the property is rezoned, the only land use permitted by right is a single family dwelling. As stated elsewhere in this report, single family dwellings are not necessarily compatible with a predominantly agricultural area. All other land uses are permitted with a conditional use permit. Some of those land uses could be compatible with agricultural land while other land uses may not be compatible with agricultural land. Each land use would be evaluated on a case by case basis.

It is presumed in this particular case, the predominant land use will be single family dwellings and not citizens proposing to operate businesses within this residential subdivision. There is no indication the area is trending toward residential.

Staff concludes if the property is rezoned, single family dwellings would not be compatible with the existing land uses in the immediate vicinity.

6. *The suitability of the applicant's property for the uses to which it has been restricted;*

Currently the property is restricted to one single family dwelling because of the acreage. Any other land uses are available to the owner with an approved conditional use.

Based on air photo interpretation by staff, this property contains two intermittent streams that appear to have a defined bank. Both stream courses are not identified as being in a floodplain due to the fact they do not drain at least two square miles of area.

These two natural features could make it difficult to develop the property into sustainable residential lots. Extensive drainage work, bridges, and/or culverts will need to be installed to ensure the streams can continue to hold the same amount of water they do now when it rains and not cause any change in the natural drainage of the area. The construction of new roads may also be a concern for the township to maintain once a subdivision plat is approved. Maintenance of the roads may prove difficult for the township even though the county will ensure the roads are built to the current county standard.

Staff concludes the applicant's property is properly zoned and the current use is appropriate because of the above stated reasons. The property is not suitable for a residential subdivision.

7. *The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped;*

The subject property is currently vacant with no single family dwellings. However, the property has a viable use as either agricultural land or pasture/grass land.

8. *Whether adequate sewer and water facilities, and all other needed public services including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;*

There are no public sewer and water facilities available for this property should the rezone be approved. The nearest public sewer and water facility is the city of Haven which is approximately six miles to the northeast of this proposed development.

If the rezone is approved, a subdivision plat will be created showing the lot layout, roads, and drainage control. It is at this time that each lot will be evaluated to ensure a septic system and well can be placed on the property and in compliance with the sanitation code. The new roads will meet the county standard before the plat is approved and recorded.

While it is preferred this subdivision proposal be served by a public sewer and water system, staff concludes at this time that adequate sewer, water, and transportation services will be available if the property is rezoned. It should be noted that the owner will have to provide assurances that each lot created can be served by a septic system and well. This analysis will take place during the subdivision platting process.

9. *The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;*

Since this parcel is over 40 acres it is zoned AG. All farmland, grassland, and pastureland parcels over 40 acres are also zoned AG. Typically these parcels have only one farm house located on the parcel or it is vacant.

There are also two intermittent streams that run north and south on the property. Due to these two streams, development of the property may be difficult because a drainage plan will have to be developed that contains all the potential runoff within the existing parcel. In addition, many culverts or small bridges may need to be constructed to cross the streams. This will add to the potential costs of the development.

Staff concludes that the two streams do not make this parcel suitable for a residential subdivision. In addition, there are several large tracts of land in the immediate vicinity used for agricultural purposes. No large tracts of land in the area have been converted into a residential subdivision.

10. *The recommendations of permanent or professional staff;*

See the staff analysis later in the report.

11. *Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan;*

The future land use map does not show an identified land use for this area. At the time of adoption of the Comprehensive Plan and the Future Land Use Map, if this area of the county was deemed suitable for residential development it would have been identified on the Future Land Use Map. As the County Commissioners may recall, the Future Land Use Map only identifies urban land uses. Agricultural land uses are exempt from zoning regulations and thus are not identified on a Future Land Use Map. Therefore, since this area of land has no identified urban land uses, the only suitable land use is agricultural.

In reviewing the General Policies (GP) and Residential Development (RD) Policies established by the adopted Comprehensive Plan, staff finds this rezone proposal does not meet several of the policies. They are as follows:

GP-2 – All future rural area non-farm development shall generally conform with the directions and intent of the adopted Future Land Use Plan.

GP-3 – The direction and intent of the Future Land Use Plan shall constitute a basis for all future decisions concerning application of the Zoning Regulations.

GP-4 – Prime farmland and rare or unique agricultural production acreage shall be protected from unreasonable encroachment by non-farm urban development.

GP-8 – Future development shall be located and designed to make efficient use of energy resources, public travelways, facilities, and services.

GP-9 – Future development shall demonstrate appropriate, reasonable, and efficient use of the land resources of Reno County.

RD-1 – Encourage rural non-farm residential development to locate near established communities in order to access urban infrastructure.

RD-3 – Rural non-farm development shall be located adjacent to established major travelways so as to assure appropriate access by emergency services responders.

Staff concludes this rezone request does not conform to the Reno County Comprehensive Plan based on the listed policies.

12. *Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such a reclassification; and,*

Staff concludes the relative gain to the public health, safety and general welfare outweighs the hardship imposed upon the applicant by not upgrading (rezoning) the value of the property. In coming to this conclusion staff considered several factors.

- The owner may apply for an agricultural lot split for a new parcel between three and seven acres. This new parcel may be sold for a new home site.
- The owner may also sell the remaining parcel of land for farming or pasture purposes. Due to the frontage requirement in the AG zoning district, a second dwelling may not be constructed on the remnant. The minimum frontage requirement in the AG zoning district is 660 feet. However, the owner may apply for a special exception where the County Commissioners can decide whether to permit another dwelling on an AG parcel with less than 660 feet of road frontage.
- The owner may sell the entire parcel of land. The new owner can construct a single family dwelling on the parcel.
- One new dwelling on this parcel of land would be in keeping with the existing neighborhood and also be in compliance with the desires of the Planning Commission and County Commissioners to permit two dwellings per 40 acres of land without rezoning and platting.

- Increase in potential flooding. Even though a drainage plan will be developed, adding additional homes sites will increase the amount of impervious surface in the area thus possibly causing undue flooding or ponding of water in the area.
  - Increase in traffic on roads not capable of handling the increase in cars. This causes the township to have to spend extra money grading and maintaining the road. Along with this road, there will be a new road system created with the subdivision. This will increase the township's expenses in maintaining the new road system.
  - Increase in police, fire, and ambulance services to the area.
  - Increase in property taxes for the township and county if new homes are constructed. However, there are several residential subdivisions located in the Cheney Lake area and throughout the county that are over half empty. No evidence has been submitted showing there is a market for new subdivisions in this area. If the rezone is approved and a new road system constructed, it will be the township's responsibility to maintain the roads regardless if there are any homes in the subdivision. This is an added expense the township will incur with or without new homes.
  - There may be septic system and well concerns locating several homes in a concentrated area. If the rezone passes, the owner will need to provide evidence that the ground can support the number of lots proposed to be platted. See the written comments submitted by the Health Department.
13. *Such other factors as may be relevant from the facts and evidence presented in the application.*

No other factors considered in the writing of this report prior to the public hearing.

**STAFF RECOMMENDATION:**

Staff recommends **DENIAL** of this request for a rezone of 69.2 acres of land from AG – Agricultural District to R-1 - Rural Residential District based on the following factors:

1. Whether the change in classification would be consistent with the intent and purpose of these Regulations
2. The character and condition of the surrounding neighborhood and its effect on the proposed change
3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions
4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification

5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
6. The suitability of the applicant's property for the uses to which it has been restricted
7. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped
8. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development
9. The recommendations of permanent or professional staff
10. Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan
11. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such a reclassification

Staff sent letters to 10 different property owners. Zero people responded in favor of the proposal and two responded as opposed.

On September 15, 2016 the Reno County Planning Commission conducted a public hearing on this petition.

Duncan Durr, 525 Howard St., Hutchinson, KS 67501, representing the owner of the property, stated he is proposing to rezone the property for the purpose of a residential subdivision. He has read the objections of the surrounding land owners and staff. All of that makes sense but the same objections will be present whether the subdivision is by the lake, within a city, or on the outskirts of a city. A new subdivision will always affect somebody.

The character of the land will not be significantly altered. There are a couple of ten acre tracts in the area. The owner is proposing five acre tracts. No work has been done on the subdivision with the exception of downloading the contour lines to see how the drainage flows on the property.

Commissioner Jorns asked about the timeframe to begin construction and development of the subdivision.

Mr. Durr answered that the platting process may take six to nine months to complete so nothing will be started until then. The first items to complete will be the drainage and road system. Construction of houses will depend on the selling of the lots.

Commissioner Westfahl questioned if Mr. Durr or the owner has been on the property when it is wet.

Mr. Durr answered no. He was on the property when it was dry.

Mr. Westfahl drives that road frequently and when it is wet it is a difficult road to travel down. Adding more cars to a road not capable of handling the additional traffic will necessitate a reconstruction of the road.

Mr. Durr added he hasn't talked to anybody on the township board but he believes they would be in favor of the subdivision because of the extra tax revenue gained from the new houses.

Chairman Etzler also expressed concerns over the condition of E. Parallel Rd and how the road may deteriorate further with addition traffic generated by a new subdivision.

Vonachen presented the staff report to the Planning Commission.

The Planning Commission had no questions for staff at this time.

During the public comment period of the public hearing, the following people addressed the Planning Commission:

Corey Worster, 4505 E. Parallel Rd., Pretty Prairie, KS 67570 stated he is concerned about how wet the property is. He has a modified vehicle that is lifted with aggressive tires to help him navigate the road when it is wet. Other property owners in the area also have the same type of vehicles.

Mr. Worster has a sump pump to help pump water out of his basement. His basement has flooded once this year. He doesn't see how someone could build on the property now. A lot of expensive drainage work will have to be done before houses can be built on the property.

Mr. Worster is concerned about water quality. His water well is treated and filtered and it barely passed inspection before he bought his property earlier this year.

Misty Cavanaugh, 20517 S. Obee Rd., Pretty Prairie, KS 67570 stated in the Planning Commission packet there is a letter explaining her concerns with the rezoning request. Ms. Cavanaugh explained in greater detail her letter.

Ms. Cavanaugh is concerned about having a subdivision next to their property because it doesn't fit the rural character of the neighborhood. She also does not see a need for a residential subdivision.

Drainage is a concern. The land is very wet and she is concerned about how the water will be contained on the property once residential houses are constructed.

Another issue is the impact additional traffic will have on the maintenance of E. Parallel Rd. Often times a 4-wheel drive vehicle is needed to travel down this road. Additional residential traffic will only make the condition of the road worse.

Lastly, the sustainability of the development is a concern. What type of houses will be built and how will that impact the value of their property.

Mark Breitenbach has property two miles southeast of this property. He lives in Utah but is representing his brother Jerry who owns property within the notification area. The subject property used to be his grandfather's which was part of the original homestead property. The property is the worst 80 acres of the entire 560 acres once owned by his grandfather. It is mostly CRP grass. The reason the grass is so tall is because the property is wet.

The soil is highly erodible. He is concerned this is a speculative venture by the owner of the property. He would like to see a plan of what is proposed to be built. He believes the property was picked up cheap. It is his belief people won't want to build a house on this red clay surface. People want black dirt and to be able to have a garden.

Another concern Mr. Breitenbach has is the amount of wells needs for the development and will adequate pressure be available for the new homes. Due to the highly erodible soil, he would like to see asphalt road be a requirement if the rezone passes.

Lastly, if the land is going to be a subdivision, it needs to be a subdivision like you find in a city. He invited the Planning Commission to drive any of the roads in the area now to see the current condition. Most of the roads are barely passible and have deep ruts from people not familiar with the area who are travelling down these roads.

Pam Lehner, 6307 E. Arlington Rd., Haven, KS 67543, said she wants to know who the builder is for this development. She has searched for a website for the business and cannot locate one. She also advised the Planning Commission that she does not believe the owner is part of the Wichita Business Association. She would like more information about the builder.

The applicant and staff were permitted an opportunity to rebut any statements.

Mr. Durr stated when proposing a rezone for a residential subdivision, you don't submit a development plan. There is a preliminary sketch plan that was developed but it is not required for submittal of a rezone request.

Regarding asphalt roads, Mr. Durr doesn't believe that would be appropriate as it would lead into a mud road.

The ground is wet but Mr. Durr believes this ground would be better for residential yards than a pasture. He does not believe the owner is trying to rezone the property for speculative purposes. They are trying to rezone the property to develop a residential subdivision.

Staff had no rebuttal of any statements.

Chairman Etzler requested staff clarify the property tax and property value concerns.

Vonachen stated the value of this development will be based off of the appraiser's department assessment. The effects this new subdivision will have on property values for other homes and parcels in the area will also be determined by the appraiser's department. In conversations with the owner, he intends to build up-scale housing in the \$300,000 range. That valuation of this subdivision will generate extra tax revenue to the county and the township but you have to weigh that extra valuation with the added costs to possibly upgrade E. Parallel Rd. and the maintenance costs of the new road system for the subdivision. Even if E. Parallel Rd., is not upgraded, it more than likely will need to be bladed more often than it is now because of the added traffic. Vonachen also reminded the Planning Commission and audience members that manufactured housing is not permitted on the property without a conditional use permit.

Commissioner French stated, like Commissioner Westfahl, she is very familiar with this area and know what the roads are like when they are wet. Staff has done a good job of explaining the reasons why this property should not be rezoned. She does not believe this property would make a very successful subdivision.

Chairman Etzler closed the public hearing after all comments were received.

There were no other questions or comments from the Planning Commission.

**Motion by Commissioner French to recommend to the County Commissioners DENIAL of the rezone request from AG - Agricultural District to R-1 – Rural Residential District based on the eleven factors listed above by staff. The motion was seconded by Commissioner Jorns. The motion passed by a 7-0 vote (Yes: Baker, Price, Jorns, Westfahl, French, Richardson, and Etzler).**

**ACTION REQUIRED:**

Motion to (accept/deny/return to the Planning Commission for further discussion) the Planning Commission's recommendation to deny the proposed rezone request.

**ATTACHMENTS**

Application

Comments

Zoning and property ownership map

**APPLICATION FOR CHANGE OF ZONING CLASSIFICATION (REZONING)  
OR A CONDITIONAL USE PERMIT**

This is an application for change of zoning classification (rezoning) or for a Conditional Use Permit. The form must be completed and filed at the office of the Zoning Administrator in accordance with directions on the accompanying instruction sheet.

**AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.**

1. Name of applicant or applicants (owner(s) and/or their agent(s)). All owners of all property requested to be rezoned must be listed in this form.

A. Applicant/Owner RENTAL SALES REMODELING LLC, SEE LLC ARTICLES OF ORG

Address 4549 BROOKHAVEN, WICHITA, KS 67216

Phone 316-841-7316

Email vande0607@gmail.com



B. Agent DUNCAN DURR

Address 525 HOWARD ST HUTCHINSON, KS 67501

Phone 620-663-9613

Email ddurrengr@sbcglobal.net

(Use separate sheet if necessary for names of additional owners/applicants.)

2. The applicant hereby requests:

X A change of zoning from AEAG to R1.

         A Conditional Use for the following: \_\_\_\_\_

3. The property is legally described as (Lot and Block or Metes and Bounds):

0783020300000002010

NINNESCAH TOWNSHIP, S03, T26, R05W, ACRES 69.27, LOT 2 EXC TR COM NW COR  
NE/4 TH E 185.63FT FOR POB TH CONT E 500FT TH S 871FT TH W 500FT TH N 871FT  
TO POB LESS RD R/W.

Book/Page 413/ 350 516/ 342 567/ 362

---

---

---

4. This property address is: E PARALLEL RD

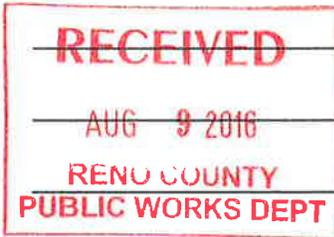
The general location is (use appropriate section):

A. At the \_\_\_\_\_ (NW, NE, SW or SE) corner of \_\_\_\_\_ (street/road) and \_\_\_\_\_ (street/road) or,

B. On the S (N, S, E, W) side of PARALLEL ROAD (Road) between YODER RD AND OBEE RD (Road) and \_\_\_\_\_ (Road).

5. I request this change in zoning for the following reasons (Do not include reference to proposed uses for a rezoning.) Attach a separate sheet if necessary.

FUTURE DEVELOPEMENT



6. I (We), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (We) realize that this application cannot be processed unless it is completely filled in; is accompanied by an ownership list as required in the instruction sheet; and is accompanied by the appropriate fee.

(Owner)

(Owner)

By DUNCAN DURR

A handwritten signature in blue ink, appearing to read "Duncan Durr".

By \_\_\_\_\_

Authorized Agent (if any)

Authorized Agent (if any)

**VI. OFFICE USE ONLY:**

This application was received at the office of the Zoning Administrator at 1:30 (A.M.)  
(P.M.) on 9th day of August, 2016. This application  
has been checked and found to be complete and accompanied by the required documents and the  
appropriate fee of \$300.

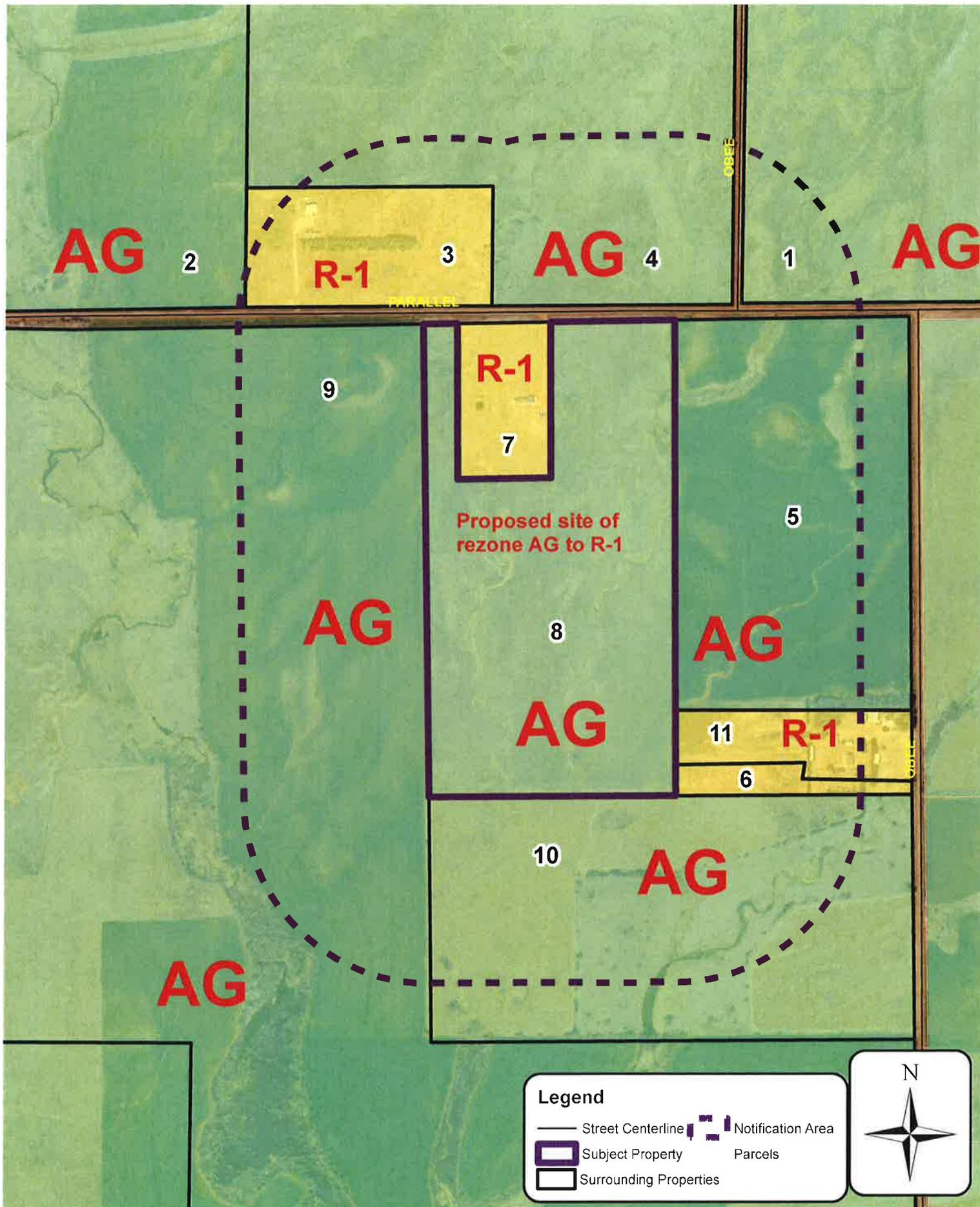
Mark Vanecko  
Name

County Planner II  
Title



# Property Ownership/Zoning Map

## Case # 2016-04



Rental Sales Remodeling, LLC  
Property Ownership List

Case #2016-04

A	B	C	D	E	
1	PO #	PIN	OWNER	OWNER ADDRESS	PROPERTY ADDRESS
2	1	2773500000001000	ANDRA, AARON	PO BOX 187 HAVEN, KS 67543-0187	00000 S MAYFIELD RD, Haven, KS 67543
3	2	2783400000004000	LEHNER, HOWARD LIV TRUST	6307 E ARLINGTON RD HAVEN, KS 67543-8206	00000 E PARALLEL RD, Pretty Prairie, KS 67570
4	3	2783400000005000	BONTRAGER, KEVIN D	4216 E PARALLEL RD PRETTY PRAIRIE, KS 67570	4216 E PARALLEL RD, Pretty Prairie, KS 67570
5	4	2783400000005010	YODER, NELSON & LEANNA	7002 E GREENFIELD RD HAVEN, KS 67543-8174	00000 E PARALLEL RD, Pretty Prairie, KS 67570
6	5	3020300000001000	ROCK N H FARMS, LLC	9406 E PRETTY PRAIRIE RD MT HOPE, KS 67108	00000 S OBEE RD, Pretty Prairie, KS 67570
7	6	3020300000001010	BREITENBACH, JEROME A	5915 E SILVER LAKE RD PRETTY PRAIRIE, KS 67570	00000 S OBEE RD, Pretty Prairie, KS 67570
8	7	3020300000002000	WORSTER, COREY D & TABITHA	4505 E PARALLEL RD PRETTY PRAIRIE, KS 67570	4505 E PARALLEL RD, Pretty Prairie, KS 67570
9	8	3020300000002010	RENTAL SALES REMODELING LLC	4549 BROOKHAVEN ST WICHITA, KS 67216-3006	00000 E PARALLEL RD, Pretty Prairie, KS 67570
10	9	3020300000003000	HORSCH, FRANK D & ALMA P REVOCABLE TRUST	PO BOX 147 ANDALE, KS 67001-0147	4216 E SUN CITY RD, Pretty Prairie, KS 67570
11	10	3020300000006000	BREITENBACH, JERRY A & JEROME A	5915 E SILVER LAKE RD PRETTY PRAIRIE, KS 67570	00000 S OBEE RD, Pretty Prairie, KS 67570
12	11	3020300000007000	HELMER, MISTY D & CAVANAUGH, BRIAN M	20517 S OBEE RD PRETTY PRAIRIE, KS 67570	20517 S OBEE RD, Pretty Prairie, KS 67570

**Comments**  
**Rental Sales Remodeling, LLC**  
**2016-04**

**RENO COUNTY DEPARTMENTS**

**Nick Baldetti/Darcy Basye - Reno County Health Department**

No comment regarding the zoning change.

If zoning change is approved the developer will need to work closely with the Environmental staff regarding the layout of the lots. After a review of the established properties surrounding the parcel there are some limitations that need to be considered in the lot development for the onsite wastewater systems and private wells.

Such lot limitations are listed below, but not limited to the following:

- 1.shale
- 2.high ground water
- 3.clay
- 4.low drainage areas

Attached is a handout that describes the subdivision approval process for the Reno County Health Dept. that will need to be followed if the subdivision is to proceed.

*(Note to Planning Commission – Owner and applicant were mailed a copy of the subdivision approval process)*

**OTHER AGENCIES**

None

**PROPERTY OWNERS**

**Jerome Breitenbach, Property Owner 6 & 10**

See Separate letter.

**Brian and Misty Cavanaugh, Property Owner 11**

See separate letter.

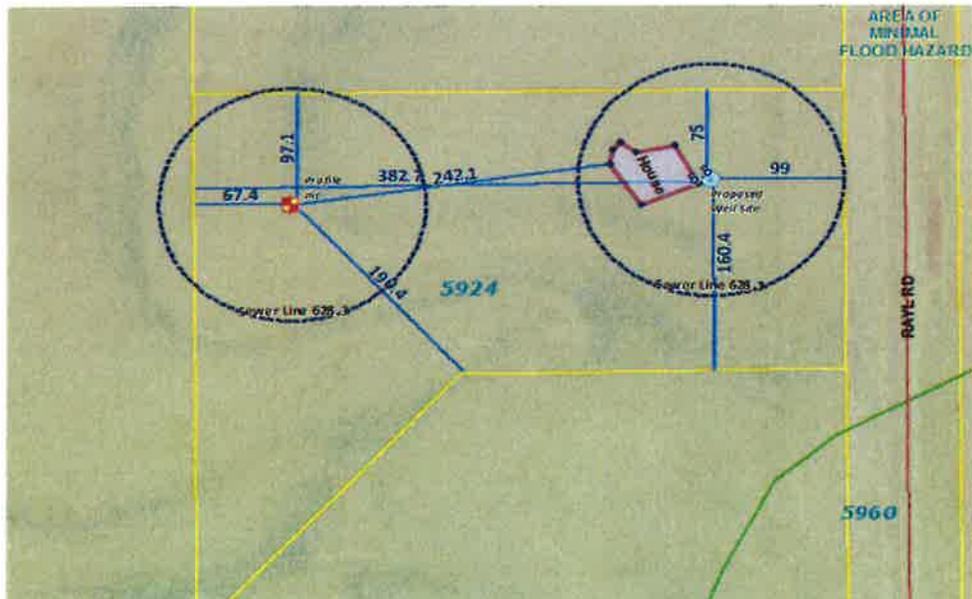
### Subdivision Reviews

Environmental Staff will be involved in the preliminary plat and final plat review and attending public hearings. The EH staff will also conduct a site evaluation of each proposed lot to ensure compliance with the Reno County Sanitation Code. All findings will be reported to the developer and Planning and Zoning staff. Contact the Environmental section at 620-694-2900 to make an appointment.



### Environmental Reviews include:

1. \$300.00 review fee, and \$175.00/ lot.
2. Preliminary and Final Plat reviews.
3. \$75.00 soil profile fee on every proposed lot that would be served by a private wastewater system and well. The profile pit would need to be provided by the developer or contractor. This fee will be deducted from the permit process in the future if this soil profile pit and results are used.
4. Proposed lots need to be staked or clearly marked by developer.
5. Test well will need to be drilled in the area of residential development and tested for water quality and yield. Multiple test wells may be required depending in the development proposed.
6. Environmental reports will include location of soil profile, proposed wastewater location, possible well location, sanitation code set backs identified, water well quality and yield, and an estimated size of a wastewater system based on a general home.
7. An electronic version is required to be placed on as a layer on GIS for reporting purposes.
8. Reports will be shared with the developer, contractors, and planning and zoning staff.
9. Environmental Staff will attend all public hearings and meetings as needed.





9-14-16

**Mark Vonachen, CFM  
County Planner II  
600 Scott Blvd  
South Hutchinson, KS 67505**

**Re: Case # 2016-04**

**Dear Mr Vonachen,**

**I am the landowner on the south side of the 80-acre tract being considered for rezoning. My concerns are as follows:**

**I try to burn my CRP grass each spring and at that time of year the winds are generally out of the southeast. My field generates a lot of smoke and would affect any houses that would be in the path of the wind.**

**In a few years my field will be tilled and planted into wheat. Again, any housing in this area will be exposed to dust blowing, noise from machinery, chemicals from fertilizers, pesticides, herbicides, etc. The same farming operations are currently happening along the east and west sides of the 80-acre tract.**

**There is a lot of hunting in this area and housing will affect the habits of any wild game in the area.**

**There are three washes on this 80-acre tract and all three dump onto my land. Although there will be no difference in the amount of rain, the amount of runoff will be affected by hard surfaces, curbs, gutters, watered lawns, etc. This will create accelerated runoff and more erosion on my property. I am required by CRP contract to control erosion on my property.**

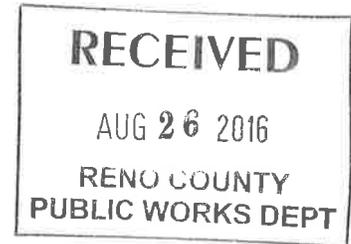
**The area is simply not an ideal spot for housing development. There have been other places around the Cheney Lake area on blacktop roads that were started to be developed and then turned into trailer parks. I don't want to see this happen on the property next to mine.**

**For all the above reasons I am requesting that you do not approve the request for rezoning from Agricultural to Residential.**

**Respectfully,**

**Jerry Breitenbach  
5915 East Silver Lake Road  
Pretty Prairie, KS 67570**

Brian and Misty Cavanaugh  
20517 S. Obee Rd.  
Pretty Prairie, KS 67570



August 25, 2016

Mark Vonachen, CFM  
County Planner II  
600 Scott Blvd.  
South Hutchinson, KS 67505

Re: Case Number 2016-04 – R-1 Rezone Request Appeal

Dear Mr. Vonachen and Reno County Planning Commission:

We, as one of the closest and most immediately impacted by the proposed rezone of approximately 69.2 acres of land from AG - Agricultural District to R-1 – Rural Residential Subdivision by Rental Sales Remodeling, LLC which is located directly behind us, appeal the granting of the R-1 Rezone Request.

**The area is not conducive of a Residential Subdivision. Below is our reasoning:**

- **Character of Neighborhood:** We oppose the disruption of our agricultural way of life that a residential subdivision will bring to our existing way of life and community. The area is currently surrounded by agricultural use (mainly wheat, milo and CRP), as well as cattle ranching. A residential housing subdivision would add additional noise and traffic concerns to a normal country setting. We purposely purchased our home and land with the expectation of country life, quiet and peaceful, not with the expectation of a residential housing development occurring right off our backyard essentially, adding in even more neighbors, noise, traffic, etc.
- **Economic Need:** As we love our home and the area, we would not say that it is an economically booming area that will support a residential subdivision. Just as reference, there is another residential area approximately two miles west on Parallel (from the corner of Parallel and Yoder) – Riverview Heights, that appears to be in decline in certain areas. We do not desire this to happen in our neighborhood as well.
- **Functionality of the Land as a Residential Subdivision:** The property appears to have drainage issues (with a small creek running through the center of it), as well as flooding issues. We do not want this to also affect our land as they attempt to “fix” this opportunity in development.
- **Traffic impact on the Area:** Parallel Road is essentially a mud road when there have been heavy rains. Currently, there are three homes that share this portion of Parallel Road to exit onto Yoder Road. With a subdivision possibly bringing the potential of 20+ additional homes, imagine the impact of that extra traffic along this portion of the road. It is now difficult to get down the road at times even with a 4X4 vehicle, imagine 20+ more cars trying to travel the same area.
- **Possible Reduction in Property Value:** Since at this time we are not aware of the property owners plans with development of this land, if they decide to go with multi-family homes such as duplexes or an apartment building, this could in fact negatively affect our home and land value. Along with adding even more people, vehicles, etc. into the area affecting the character of the neighborhood.

- **Increase of Property Taxes:** Also since we do not currently know the development plan, there is always the possibility that our property taxes would increase due to this residential subdivision as well.

**Conclusion**

We do not support the rezoning for the above mentioned reasons. We have not seen any circumstances for the rezoning. There has been no change in the Neighborhood and surrounding area justifying the rezone. Please take this all into consideration as you are making your decision.

We would appreciate the inclusion of this letter into the Planning Commission's Report being held on Thursday, September 15, 2016 at 5:00pm at the Reno County Public Works facility.

Thank you,  
Brian and Misty Cavanaugh



**AGENDA REQUEST**

**AGENDA  
ITEM #7**

**PROPOSED AGENDA ITEM:** Adoption of the Reno County Subdivision Regulations - October 2016 Edition

**PRESENTED BY:** David McComb, Public Works Director, David Yearout, Yearout Associates, Inc, and Mark Vonachen, County Planner II

**RECOMMENDED ACTION:** Approval of the Planning Commission recommendation.

**BACKGROUND/DISCUSSION DATE:** 10/4/16

**PROPOSED AGENDA DATE:** 10/11/16

**FINANCIAL CONSIDERATIONS:**

Cost: \_\_\_\_\_ Funding Source: Is it budgeted? \_\_\_\_\_

Fund/Dept.: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Revenue: \_\_\_\_\_

Grant Amount: \_\_\_\_\_ Local Match: \_\_\_\_\_

**LEGAL CONSIDERATIONS:** If the Agenda Item concerns a Contract, Agreement, Policy, County Resolution, or other matter involving legal issues, has it been reviewed by the County Counselor for legal form/sufficiency/recommendation? Yes

**Will this Agenda Item replace an existing policy, agreement, contract or resolution?**

**Yes. The new subdivision regulations will replace the**

**If Yes, please explain: existing subdivision regulations.**

**OTHER:**

**OPTIONS/ALTERNATIVES:** If not approved, are there other options alternatives available? No



Public Works  
600 Scott Boulevard  
South Hutchinson, Kansas 67505  
620-694-2976

Road & Bridge • Planning & Zoning • Noxious Weed • Utilities

---

To: Reno County Board of County Commissioners  
From: Mark Vonachen – County Planner II  
Date: September 21, 2016  
Re: Subdivision Regulation Changes

---

On September 15, 2016, the Reno County Planning Commission conducted a public hearing regarding adoption of the new subdivision regulations. Dave Yearout, Yearout Associates, Inc. presented a summary of the subdivision regulations to the Planning Commission and explained these subdivision regulations work in conjunction with the recently adopted zoning regulations.

Nobody from the public spoke in favor or against the subdivision regulations. **At the conclusion of the public hearing, Commissioner Jorns moved to recommend approval of the subdivision regulations to the County Commissioners as presented by Mr. Yearout and staff; Vice-Chairman Richardson seconded. The motion was approved by a vote of 7-0 (Yes: Baker, Price, Jorns, Westfahl, French, Richardson, and Etzler).**

The following list of topics is meant to be a summary of some of the changes incorporated in the new subdivision regulations that are not present in the existing subdivision regulations. County staff and Mr. Yearout will describe in greater detail these and other changes during the public hearing on October 4, 2016 and if necessary on October 11, 2016.

**Summary List of Subdivision Regulation Changes:**

- Updated the definitions and duties of the County Commissioners, Planning Commission, and staff.
- Added a requirement for a pre-platting conference with the developer and staff so the subdivision requirements can be explained before formal submittal of a preliminary plat.
- Added the specific requirements for a lot split, agricultural lot split, and a homestead agricultural lot split. All of these procedures are permitted by the zoning regulations but the subdivision regulations govern the specific requirements.

- All rezones of parcels from AG to R-1 are required to plat and develop a minimum of 8 lots.
- All rezones of parcels from AG to R-2 or R-3 are required to plat and develop a minimum of 16 lots.
- All parcels currently zoned R-1, R-2, and R-3 are required to plat to divide the parcel further. The entire parcel should be platted to the maximum number of lots allowed under the zoning district to indicate what the parcel will look like when fully developed. For example, a ten acre parcel zoned R-1 should show three total lots on the plat. A twenty acre parcel zoned R-1 should have a minimum of five or six lots. The minimum lot size for R-1 is three acres.
- The development of a parcel of land into smaller lots is required to have an internal road system. No access to the individual lots will be permitted off of the county or township section line road. Exceptions to this requirement may be granted by the County Commissioners.
- Travel easements serving no more than two lots may be granted where it is deemed necessary or advantageous. No private roads are permitted.
- Each division of land will require a developer's agreement be signed by the owner(s) of the property and Reno County.
- Reno County will be in charge of accepting bids to construct the road(s) for the subdivision. The owner will be prohibited from hiring his own contractor or constructing the roads himself. However, the owner of the property or his chosen contractor can certainly bid on the project. All roads will be built to the minimum county standard and inspected by county staff or the hired engineering company.
- Reno County will not finance the construction of the new subdivision roads or other public improvements through the selling of bonds and placement of special assessments on vacant lots. The owner(s) of the property will need to provide the county the money up front in order to pay for the design and construction of the roads and public improvements.
- Separate from the subdivision regulations, the County Commissioners reserve the right to sell bonds and place special assessments on other road improvement projects such as the one recently completed on Prairie Dunes Drive and Linksland Drive.

**The existing subdivision regulations:**

- Exempt developers from platting
- Permit special assessments to be placed on vacant lots
- Permit developers to hire their own contractors to construct public improvements
- Permit developers to utilize county and township section line roads as access to newly created lots
- Exempt developers from platting a required minimum number of lots
- Exempt developers from a pre-platting conference and signing a developer's agreement

**RESOLUTION NO. 2016-26**

**A RESOLUTION CONCERNING THE ADOPTION BY REFERENCE OF THE OCTOBER, 2016 EDITION OF THE RENO COUNTY SUBDIVISION REGULATIONS FOR A PORTION OF RENO COUNTY, KANSAS AS REFLECTED ON THE OFFICIAL ZONING DISTRICT BOUNDARY MAP, EXCEPT THOSE LANDS WITHIN A DESIGNATED EXTRA-TERRITORIAL ZONING JURISDICTION OF A CITY OR WITHIN THE CORPORATE BOUNDARY OF AN INCORPORATED CITY**

**WHEREAS**, the Reno County Planning Commission has prepared in book form the proposed October, 2016 Edition of the Reno County Subdivision Regulations for a portion of Reno County, Kansas, as reflected on the official zoning district boundary map, except those lands within a designated extra-territorial zoning jurisdiction of a city or within the corporate boundary of an incorporated city; and,

**WHEREAS**, the Reno County Planning Commission has conducted a public hearing on said proposed October, 2016 Edition of the Reno County Subdivision Regulations for all of Reno County, Kansas, as reflected on the official zoning district boundary map, except those lands within a designated extra-territorial zoning jurisdiction of a city or within the corporate boundary of an incorporated city on September 15, 2016; and,

**WHEREAS**, said public hearing was conducted pursuant to K.S.A. 12-741 et seq, as amended, following published notification including all incorporated cities and townships affected by the subdivision regulations in Reno County; and,

**WHEREAS**, the Reno County Planning Commission has, by a majority vote of all its members, recommended that the Governing Body of Reno County, Kansas, adopt said October, 2016 Edition of the Reno County Subdivision Regulations as reflected on the official zoning district boundary map, except those lands within a designated extra-territorial zoning jurisdiction of a city or within the corporate boundary of an incorporated city of Reno County, Kansas as proposed;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RENO COUNTY, KANSAS, that:**

1. The proposed October, 2016 Edition of the Reno County Subdivision Regulations as reflected on the official zoning district boundary map, except those lands within a designated extra-territorial zoning jurisdiction of a city or within the corporate boundary of an incorporated city for Reno County, Kansas with certain amendments made of record are hereby adopted pursuant to K.S.A. 12-741 et seq.
2. The said Reno County Subdivision Regulations as reflected on the official zoning district boundary map, except those lands within a designated extra-territorial zoning jurisdiction of a city or within the corporate boundary of an incorporated city for Reno County, Kansas were prepared in book form by the Reno County Planning Commission under the date of October, 2016, and the same is hereby declared to be approved and incorporated herein by reference as fully as if set out herein pursuant to K.S.A. 12-3301, as amended, and K.S.A. 12-3303 through 12-3305.

3. Not less than three (3) copies of the Reno County Subdivision Regulations shall be filed with the County Clerk marked Official Copy as Incorporated by Resolution Number 2016-26 and to which there shall be attached a published copy of this Resolution, said copies to be open for inspection and available to the public at all reasonable hours.
4. Any person or corporation who shall violate any of the provisions of these Regulations or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than six (6) months for each offense and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof, where anything in violation of these Regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be subject to the same fine as hereinbefore provided.
5. Any provision of this Resolution which shall be declared invalid shall not affect the validity and authority of any other sections.
6. The previous Subdivision Regulations of Reno County, Kansas, and any previous resolutions or any parts of resolutions in conflict with this Resolution are hereby repealed.
7. All applications duly submitted prior to the effective date of this Resolution, with appropriate payment of all fees, and in the process of being considered by Reno County officials under the provisions of the Reno County Subdivision Regulations in effect prior to the effective date of this resolution, shall be considered and acted upon under the provisions of said previous Reno County Subdivision Regulations. Similarly, all orders issued by the District Court of Reno County, Kansas, enforcing provisions of the Reno County Subdivision Regulations in effect prior to the effective date of this Resolution, which said orders remain within the continuing jurisdiction of the Court, shall be considered and acted upon under the provisions of said previous Reno County Subdivision Regulations.
8. This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS** of Reno County, Kansas, this 11<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
Dan Deming, Chairman

Attest:

\_\_\_\_\_  
James D. Schlickau, Commissioner

\_\_\_\_\_  
Donna Patton, Reno County Clerk

\_\_\_\_\_  
Brad D. Dillon, Commissioner



**AGENDA REQUEST**

**AGENDA  
ITEM #8**

**PROPOSED AGENDA ITEM:** City of Hutchinson Area of Influence

**PRESENTED BY:** Mark Vonachen, County Planner II

**RECOMMENDED ACTION:** Approval of the Area of Influence Map.

**BACKGROUND/DISCUSSION DATE:** 10/4/16

**PROPOSED AGENDA DATE:** 10/11/16

**FINANCIAL CONSIDERATIONS:**

Cost: \_\_\_\_\_ Funding Source: Is it budgeted? \_\_\_\_\_

Fund/Dept.: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Revenue: \_\_\_\_\_

Grant Amount: \_\_\_\_\_ Local Match: \_\_\_\_\_

**LEGAL CONSIDERATIONS:** If the Agenda Item concerns a Contract, Agreement, Policy, County Resolution, or other matter involving legal issues, has it been reviewed by the County Counselor for legal form/sufficiency/recommendation? No

**Will this Agenda Item replace an existing policy, agreement, contract or resolution?  
If Yes, please explain: No**

**OTHER:**

**OPTIONS/ALTERNATIVES:** If not approved, are there other options alternatives available? **Yes. Request the City Council Revise the proposed Area of Influence.**



Public Works  
600 Scott Boulevard  
South Hutchinson, Kansas 67505  
620-694-2976

Road & Bridge • Planning & Zoning • Noxious Weed • Utilities

---

To: Reno County Board of County Commissioners  
From: Mark Vonachen – County Planner II  
Date: September 23, 2016  
Re: Hutchinson Area of Influence

---

In May of 2016, the County Commissioners adopted new Zoning Regulations for the portion of the county identified on the official County Zoning Map.

Article 20-103 of the Zoning Regulations provides a city the opportunity to establish an Area of Influence. On July 27, 2016, letters were sent out to the cities of Nickerson, Buhler, Willowbrook, South Hutchinson, and Haven offering those cities the opportunity to establish an Area of Influence. The other cities in the western and southern part of the county do not have this opportunity because the county has not established zoning outside of their city limit boundaries. Due to the recently approved Ideatek Storage Facility Conditional Use Permit application being submitted within days of the adoption of the new Zoning Regulations, staff contacted the City of Hutchinson Planning and Development Department by phone and email informing them of the opportunity to establish an Area of Influence.

The Area of Influence is not an Extra-Territorial Zoning Jurisdiction (ETJ). Currently, only the cities of Nickerson, Buhler, Haven, and S. Hutchinson have an ETJ. Land within an ETJ is governed solely by the city. All permits and development projects are approved by the city.

The Area of Influence affords a city the opportunity to review zoning amendment and conditional use permit applications within an established border agreed upon by both the City Council and County Commissioners. After review of the zoning amendment/conditional use permit application, if the city objects to the proposal, the City Council can approve an official written recommendation and submit it to county staff. If a formal written recommendation is submitted by the City, the County Commissioners shall only pass the proposed zoning amendment or conditional use permit by  $\frac{3}{4}$  majority vote. In this instance, the County Commissioners must pass the petition by unanimous vote instead of the usual 2-1 vote.

The one major difference between an ETJ and the Area of Influence is the County Commissioners retain control over development projects within the Area of Influence. The Area of Influence is limited to three miles outside of a city limit boundary. This three mile distance is the same maximum distance a city is permitted to establish an

ETJ. Like an ETJ, the Area of Influence can be amended over time as a city grows and annexes property. Again, any change in the Area of Influence border shall be mutually agreed upon by both the City Council and the County Commissioners.

The Area of Influence is based off of the Zoning Protest Petition found in the state statutes. Without getting into great detail, citizens receiving notice of a zoning amendment or conditional use permit application have an opportunity to file a protest petition against a Planning Commission recommendation. If the protest petition satisfies the criteria outlined in the state statute, the zoning amendment/conditional use permit petition shall not be approved except by a  $\frac{3}{4}$  vote of the County Commissioners.

The Area of Influence simply provides a city the opportunity to review land use proposals outside of their city limit boundary and submit a formal objection to the proposal. This review process permits a city to determine if a particular land use is compatible with the city's Comprehensive Plan and Future Land Use Map as the city grows and annexes property. The County Commissioners still retain the decision on all land use proposals within an established Area of Influence.

The City may continue to submit comments on land use cases such as the comments received from the Ideatek petition. However, without an official written recommendation by the City Council, the County Commissioners can pass the petition by a simple majority vote rather than a super majority vote (or in this case a unanimous vote).

On September 15, 2016, the Reno County Planning Commission reviewed and discussed the proposed Hutchinson Area of Influence. Nobody from the public spoke in favor or against the proposal.

**At the conclusion of the discussion, Vice-Chairman Richardson moved to recommend to the County Commissioners approval of the Hutchinson Area of Influence as presented by staff; seconded by Commissioner Price. The motion passed by a voice vote of 7-0.**

**20-103 Referral of Amendments to Cities:** In order to protect the area around all incorporated cities within Reno County from untimely, premature, or inappropriate development, all proposed changes in a zoning district (rezonings) or requests for a Conditional Use Permit within the unincorporated portion of Reno County and within the designated notification area of all cities within Reno County shall be submitted to said city for official review and recommendation. The notification area for each city shall be described by complete and accurate legal description prepared by the city and shall be mutually agreed upon by said city and Reno County. Such area shall not exceed that area a city would be able to include within its Zoning Ordinance as outlined in Kansas statutes; however, it shall be limited in scope to what can be reasonably serviced by an extension of the city water and/or sewer services. The notification area may be revised by mutual agreement at any time.

The Zoning Administrator shall submit the application, along with all supporting documentation and any development plans, to the appropriate city once the application has been determined to be complete. The application shall be set for public hearing by the Planning Commission in the same manner as any other application.

The Governing Body of said city may review such proposed rezoning or Conditional Use request may submit a written recommendation regarding said application to the Governing Body; may appear before the Governing Body and present its recommendation in person; or may elect to make no comments regarding said request.

Notwithstanding any other provision of these Regulations or of state law; and in addition to all other rights granted to the applicant and to adjoining landowners; in the event a city recommends that a rezoning or Conditional Use proposed within said notification area be denied; then a resolution of approval of such request shall not be passed except by three-fourths majority vote of the Governing Body of Reno County.

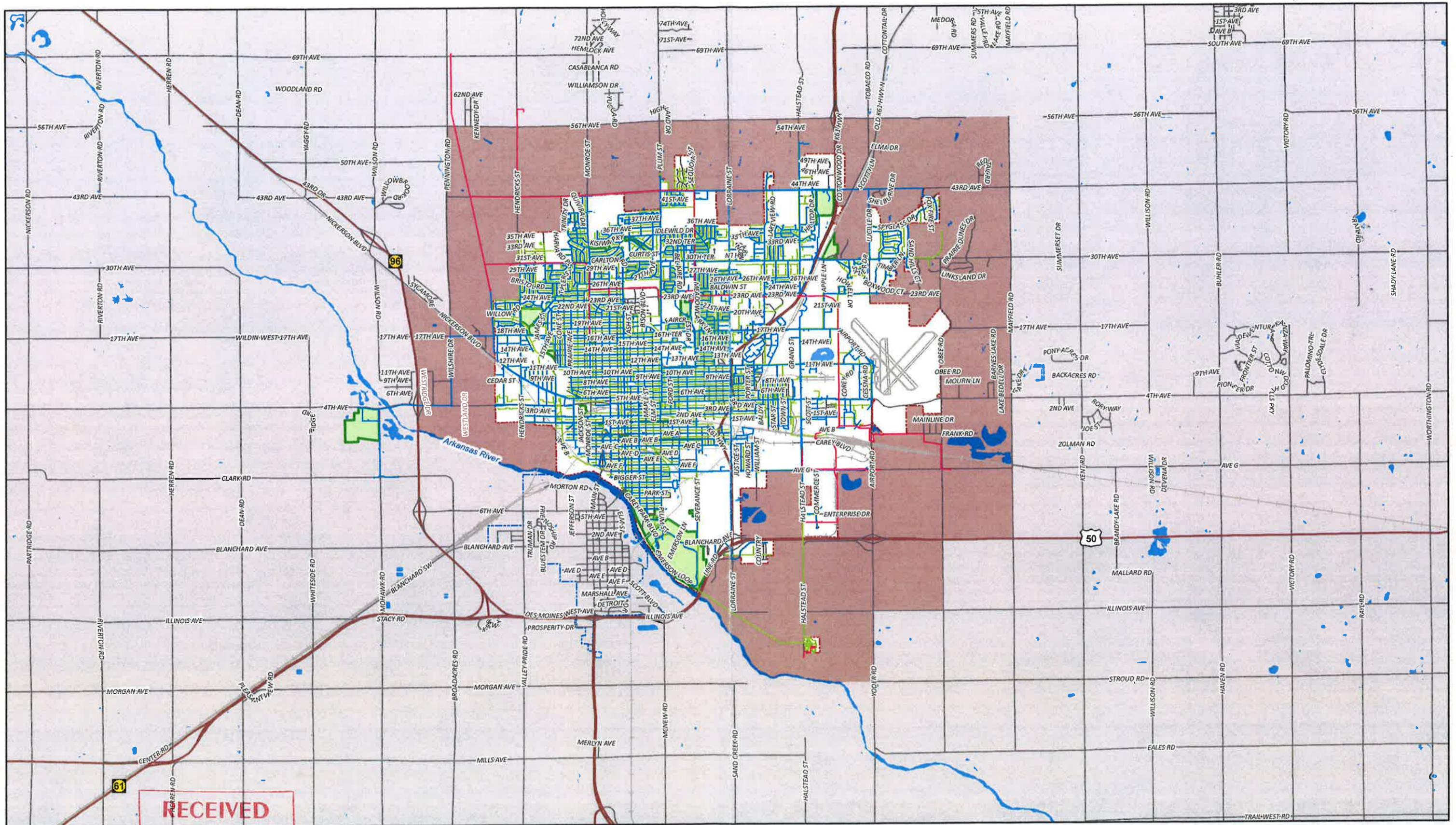
**20-104 Factors to be Considered:**

1. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines:
  - A. Whether the change in classification would be consistent with the intent and purpose of these Regulations;
  - B. The character and condition of the surrounding neighborhood and its effect on the proposed change;
  - C. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;
  - D. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;
  - E. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
  - F. The suitability of the applicant's property for the uses to which it has been restricted;

# Areas of Influence

EXHIBIT 1

CITY OF HUTCHINSON



**RECEIVED**  
 SEP 13 2016  
 RENO COUNTY  
 PUBLIC WORKS DEPT

- Sewer Pipe
- Raw Water Pipe
- Water Pipe
- Highways
- Other Roads
- Railroads
- City Parks/Greenspaces
- Hutchinson City Limits
- South Hutchinson
- Areas of Influence

