



**Date: February 8, 2023**

**To: Chair Emil Bergquist and the House Committee on Local Government**

**From: Sharon Dickgrafe, City of Wichita**

**Re: Written Testimony in Opposition to HB 2150**

Thank you for allowing the City of Wichita to submit written testimony in opposition to HB 2150. The City of Wichita recommends that you not move this bill forward. This bill is detrimental to the economic vitality of our communities by eliminating an important way to ensure orderly development in areas surrounding cities. The bill would eliminate municipalities' authority to enact subdivision regulations in areas outside of, but within three miles of the city limits.

Subdivision regulations are important to the State of Kansas, because they are an important way to regulate land use. Subdivision regulations impact street locations, location of public improvements, parks, recreational facilities, and flood protection. Currently, state law regulates the ability of cities and counties to enact these regulations in the area within three miles of a city's boundaries, commonly known as the "ETJ" (extraterritorial jurisdiction).

The City of Wichita opposes HB 2150 because it would eliminate municipalities' ability to apply its subdivision regulations to areas directly adjacent to the city limits. This would be detrimental to the State of Kansas and to communities throughout the state in the following ways listed below.

### **1. Lack of Orderly Growth**

The proposed bill will eliminate subdivision regulations that help ensure orderly development that helps contribute to the long-term economic strength and vibrancy of their region; and benefits the interests of all property owners. Without this subdivision authority, many regions would experience large lot ex-urban scale development that would threaten to stifle the ability of their cities to grow. The unincorporated areas surrounding cities would likely be developed with large lot residential and other uses that benefit from the proximity to the nearby city – with access to goods and services, while seeking to avoid contributing as a part of that same city. These large lot developments would be an impediment to orderly growth because they are not cost effective to extend service to (due to the infrastructure costs per customer), are expensive and difficult to go around (due to their large size and proximity to the city) and likely would not be annexed because they do not generate enough tax revenue to off-set the costs of providing city services to them.

In addition to orderly growth challenges from large lot developments, communities would also suffer from a lack of coordinated public rights-of-ways. The ability to locate public streets and utilities is largely dependent on the subdivision process. Without oversight of the subdivision processes, the ability of cities to expand streets and utilities into their growth areas would be severely disrupted and possibly halted.

## **2. Elimination of a Cooperative System**

The proposed bill would eliminate the cooperative system which is more than 50 years old and which established the extraterritorial jurisdiction process. In Kansas, a city desiring to adopt subdivision regulations in the ETJ must notify the county at least 20 days prior to acting. The statute gives the county (as the county commissioners are the duly elected representatives for the citizens in the area) the unilateral ability to stop a city from acting in the ETJ. City planning commissions that regulate subdivisions within the ETJ must have at least two members that reside in the ETJ. (K.S.A. 12-744). There are existing zoning limitations to protect agriculture. The current system allows cities and counties to work together in a collaborative way to plan for future growth. The division of land outside the city has a direct impact on the ability of a city to grow compactly and cost effectively. The provisions of current statutes protect landowners in these unincorporated areas.

Thank you for allowing the city to submit testimony on this legislation. We respectfully request that the Committee not approve HB 2150.