

# Angel Cushing in favor of HB2150

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Angel (Georganna) Cushing, Allen, Kansas

To Chairman Bergquist and members of the Local Government Committee,

Desensitization is a common tactic used in training horses. Once the horse is desensitized to an object or task, they will accept an expansion of it.

I did not know that Lyon County and the City of Emporia had been participating in joint planning and zoning called a Metropolitan Area for many years prior to building Plan ELC. I could not find anything in Kansas law that required the county governing to place themselves beneath city governing. Whether it is the city of Cheyenne and Laramie County in Wyoming, or the city of Emporia and Lyon County here in Kansas, the county always ends up ceding their authority to the city. I believe that is due to the cities always having a majority of members on the commissions and boards. Here in Kansas, the combined Planning Commissions are required to have no less than five members with an odd number to prevent ties in voting. Zoning and Appeals Boards are to also have an odd number of no less than 3 but no more than 7 members. It is simply easier to find more willing members in the larger population of the cities than in the smaller populations of unincorporated areas of the county.

Back in August of 2019, I did not yet know that my county commissioners had grown comfortable being ruled by the city of Emporia in land use planning and zoning. That is when I learned they were about to vote on regulations that would ban barbwire and electric fences in the entire county. After years of living with Metropolitan Planning and Zoning, it seemed natural to the governing bodies to enter into the Joint Emporia and Lyon County Comprehensive Planning and Zoning (PLAN ELC) in an effort to obtain federal grants for the city of Emporia.

I did not know that my county commissioners were so desensitized to the city of Emporia deciding land use policy on unincorporated areas, that they would fight the agriculture producers in Lyon County who did not want public use trails through their feedlots and pastures. My county commissioners had almost completely surrendered their authority to the city of Emporia when we discovered the regulations for PLAN ELC in the summer of 2019. It took eighteen months, 3 petitions and 6 re-writing of the zoning regulations in order to convince our commissioners that our zoning boards and regulations should be separate from the city. We failed to convince them that planning commissions should also be separate. Three city commissioners and two county commissioners are members of the PLAN ELC planning commission. The city, commissioners whom I will never be able to cast a vote for because I do not live in the city, is deciding land use policy for my farm.

I did not know that at one time, I had participated in surrendering my representation to a



jurisdiction whose candidates I will never be able to cast a vote for. While employed at my local library, I was asked to participate in a public meeting that I thought was about the future of that public library. I was greeted by very nice, friendly people who said they had been hired to determine our needs in North Lyon County. "More housing" was a suggestion by one participant. "Public transportation for the elder generation" was another. We were handed pictures of houses and landscapes on paper. We were asked to check the box below the picture that looked the best. I learned later, that was one of the required surveys needed for PLAN ELC. Not one time during that meeting was I asked if I would be willing to give up my farm so residents of the city of Emporia could enjoy those coffee-table pictures that I selected.

Sold to my county commissioners as a way to prevent urban sprawl into farmlands, Metropolitan Planning Areas legally obligated my county to submit to the city of Emporia through interlocal agreements. It is the Metropolitan Planning Area laws that are now being used to steal representation from every individual living in unincorporated areas involving entire counties through Joint Comprehensive Planning and Zoning. As more city regulations get implemented on agricultural lands, farmers lose the ability to be sustainable, and are sold. Developers around cities then buy that farmland and develop them into shopping centers and neighborhoods.

As our ability to produce inexpensive food for our local economies continue to dwindle, more and more people are realizing their representation has been stolen from them. Cheyenne and Laramie County, Wyoming suffered costly lawsuits due to their Joint Planning and Zoning. It still exists but, has been reduced and continues to be fought back by the public. Once a county accepts submission to a city, it is difficult to convince county commissioners that their governing authority is actually above the cities within their boundaries, The state of Oklahoma introduced legislation to repeal Joint Planning and Zoning this legislative session and city of Emporia, here in Lyon County, Kansas is waiting on a law firm in Kansas City to decide how to proceed with a interlocal agreement that the county had backed out of.

Meanwhile, our county zoning board members in Lyon County are slowly trying to incrementally restore property rights to the individuals living in unincorporated Lyon County. Please help them in this effort by voting **yes** for HB2150.

Sincerely,



Angel Cushing  
Allen, KS