



3521 SW 5th Street, Topeka, Kansas 66606 * 785-357-5256

To: Representative Emil Bergquist, Chairman
and Members of the House Local Government Committee

FROM: Martha Smith, Executive Director

DATE: February 8, 2023

RE: Proponent of HB 2150 - Planning and zoning relating to land located outside of such city

Chairman Bergquist and Members of the House Local Government Committee, my name is Martha Smith and I am the Executive Director of the Kansas Manufactured Housing Association (KMHA). KMHA is a statewide trade association representing all facets of the manufactured and modular housing industries (manufacturers, retail centers, manufactured home community owners and operators, service and supplier companies, finance and insurance companies and transport companies) and I appreciate the opportunity to provide a few comments in support of HB 2150.

Since 1991, K.S.A. 12-749 has allowed cities extraterritorial jurisdiction or the ability to enforce subdivision regulation three miles beyond the city limits. I assume the passage of this statute was in response to a city expanding their limits through annexation but not being able to provide the continuation of streets etc. because of existing development. K.S.A. 12-749 allows cities to control the development of land surrounding the city without annexing the land. It should be noted that while this statute gives cities control over development within the three miles, it does not include taxing authority and not every city enforces the three mile limit.

For landowners within the three mile limit, this can be confusing. They know they are outside the city limits, however some city regulations apply. In our situation, this really only comes to light when the landowner starts thinking about developing their property and applying for a building permit.

KMHA members may experience this because we build a lot of rural housing and it is predominately single lot development. Consequently we see situations where the property owner is thinking about building a new home and discovers that they are within the three mile limit of a city that will require them to follow the city's subdivision requirements which means that they most likely will not be building a home in that location. It can be frustrating for those within the three mile limit that would like to build a home.

KMHA appreciates the Sponsors of the bill bringing this issue forward and while we understand the issues covered by this statute; three miles beyond the city limits can cover a lot of land and can impact a lot of landowners.

Thank you for the opportunity to comment today.