

DR 80-19 - Rose Hill 3-Mile Ring  
Extraterritorial Planning and  
Zoning.

# ACTION

DATE

COMMITTEE \_\_\_\_\_

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

October 1, 1980

TO Board of County Commissioners  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Rose Hill - Extraterritorial Zoning

We have received the attached letter from the Mayor of the City of Rose Hill concerning extraterritorial zoning for the City of Rose Hill. In recent contact with C. Bickley Foster, we have been advised that he has not completed their land use proposals for the area indicated on the attached map. The area involved in the three mile ring from Rose Hill that lies in Sedgwick County is currently covered by existing Metropolitan Area Planning Commission Subdivision Regulations and is covered by County Construction Codes. In addition, it appears that a small portion of the area is currently covered by three mile ring zoning of the Board of County Commissioners based on the current city limit of Derby. As Derby annexes additional lands, of course, the three mile ring will be extended further to the east. It is our judgment that any time that the County three mile ring zoning extends itself based on annexation of any city, that the extraterritorial powers, such as being requested by Rose Hill, would automatically cease for the area involved in the County three mile ring zoning.

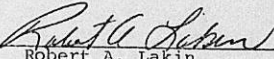
The matter as to whether or not you should concur in Rose Hill three mile ring zoning is a matter of policy for the Board of County Commissioners. Whether or not a city or another county should exercise land use decisions in Sedgwick County would appear to me to be a policy issue.

It would seem to me that inasmuch as the County has now developed countywide construction codes, and has countywide Subdivision Regulations for the unincorporated area, it may be an appropriate time for the County to consider abandoning its three mile ring zoning and going to countywide zoning for the unincorporated area. The use of three mile rings leave serious voids relative to land use regulations as is exemplified by the Furley Hazardous Waste Disposal site. The process of going countywide would not be a substantially cumbersome or lengthy one. However, there would need to be considerable contact work by both County Commissioners and Planning staff to assure the cities that they have a structured and real mechanism to input into the decision making process of the County, the views of that particular locality. Also attached is the map of existing three mile ring zoning in Sedgwick County. You will notice the gray areas that are currently operating under the County resolution, and the striped areas are areas that have extraterritorial zoning being applied by a given city. You also

Board of County Commissioners  
October 1, 1980  
Page 2

can notice the unzoned areas that exist within the County. You are also probably aware of the request from Maize to consider similar three mile ring extraterritorial zoning, and the potential conflicts between their jurisdiction and that you currently hold and that which is held by the City of Colwich. These overlaps and potential conflicts relative to policies of several different governing bodies as opposed to that which may be exercised and desired by the Board of County Commissioners, I believe provide an excellent opportunity to complete the implementation of land use regulations for the unincorporated areas of the County.

I would be pleased to discuss this matter with any of you. You will need to provide a response to the City of Rose Hill in the event that you do not wish them to exercise zoning jurisdiction in Sedgwick County. Such a position, I think, would require that you do proceed to go countywide for the unincorporated area.

  
Robert A. Lakin  
Director of Planning

RAL:rme  
Attachments

cc: Craig Robinson, Assistant County Counselor  
C. Bickley Foster, Planning Consultant, Foster and Associates  
Metropolitan Area Planning Commission

## City of Rose Hill

112 North Rose Hill Road / P. O. Box 175 / Rose Hill, Kansas 67133

Steve Whetstone, Mayor

(316) 776-2712

July 18, 1980

Mr. Robert A. Lakin, Director  
Wichita-Sedgwick County Metropolitan  
Area Planning Department  
455 North Main  
Wichita, Kansas 67202

RECEIVED

JUL 21 1980

METROPOLITAN PLANNING

ROUTE

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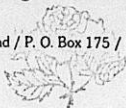
This letter is to request your assistance in determining what steps would be necessary in Sedgwick County to provide the opportunity for the City of Rose Hill to adopt extra-territorial zoning regulations within the three-mile area which extends into Sedgwick County. As you know, this project was first undertaken in 1974 and an ordinance (#63) was adopted by the City on July 29, 1974. It is evident now that all of the proper procedures were not followed and a comprehensive plan as required by K.S.A. 12-7156 was not finalized or approved as required.

K.S.A. 12-704 appears to limit the ability of our City Planning Commission to make a plan for an area outside Butler County. Our Comprehensive Development Plan now in process contains a planning area for the City all within Butler County, however, a "Study Area" is identified in Sedgwick County which could be utilized as a plan for that portion of Sedgwick County, if all parties were agreeable. Presumably, references to this study area within the plan document could be recommended for approval by the Sedgwick County Board of Commissioners from either our City Planning Commission or the Metropolitan Area Planning Commission. Preliminary copies of our plan in process has been periodically sent to Mike Huggins on your staff by our consultant and contacts have been made with Bob Young.

The "Study Area" is rectangular and bounded on the west by the centerline of 127th Street East, on the north by the half-section line north of 39th Street South, on the east by the County line and on the south by the centerline of 103rd Street South. Our consultant has delivered a land use map of the area to Bob Young as a matter of information and further delineation of the "Study Area". It is our understanding that this is adjacent to the Planning Area for Derby and is not an area that either Derby nor the County could presently zone except by procedures other than three-mile jurisdictions. We recognize the fact that county-wide zoning in Sedgwick County at some future date could return this jurisdiction to Sedgwick County control. This area, eight and a half by two miles in size, is three-quarters of a mile

## City of Rose Hill

112 North Rose Hill Road / P. O. Box 175 / Rose Hill, Kansas 67133



Steve Whetstine, Mayor

(316) 776-2712

from our City which has doubled in population from 1977 to 1979 and considerable growth is occurring outside the city limits. In the past, there has been problems with salvage yards and a scatteration of mobile homes in the Sedgwick County area.

Our consultant is now in the final phase of completing our Comprehensive Plan and our Planning Commission will be preparing for a public hearing to adopt it. We will appreciate any comments your office may have on it at the time. Sedgwick County would certainly have an opportunity to review the zoning proposed for the area. This could be for a three-mile ring of if preferred, by some squared-off portion within such an area.

By a copy of this letter to the Sedgwick County Board of Commissioners, this will advise them of our desire to zone such an area in the future and provide them with the 60-day notice required by K.S.A. 12-7156. In order to expedite the matter, it would be our desire to be preparing the zoning regulations during the approximate 90-day period it takes to formally adopt our Plan. By copies of this letter to the Butler County Board of Commissioners and the City of Derby, it will indicate our understanding that such action will not supercede Butler County's present zoning of the area around Rose Hill nor is it our intent to overlap the planning and jurisdictional area of Derby.

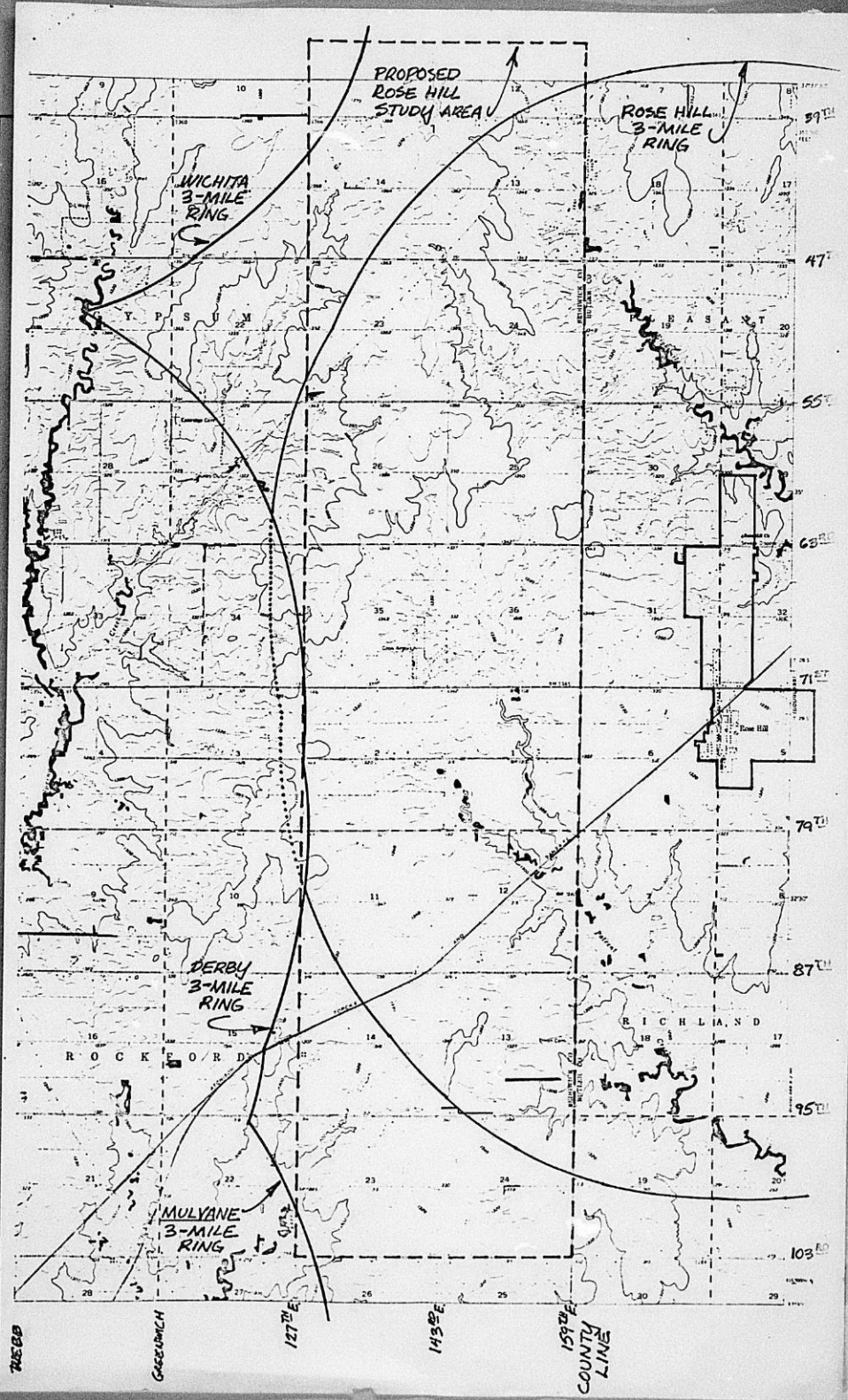
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Sincerely yours,












Steve Whetstine  
Mayor

SW/ajs

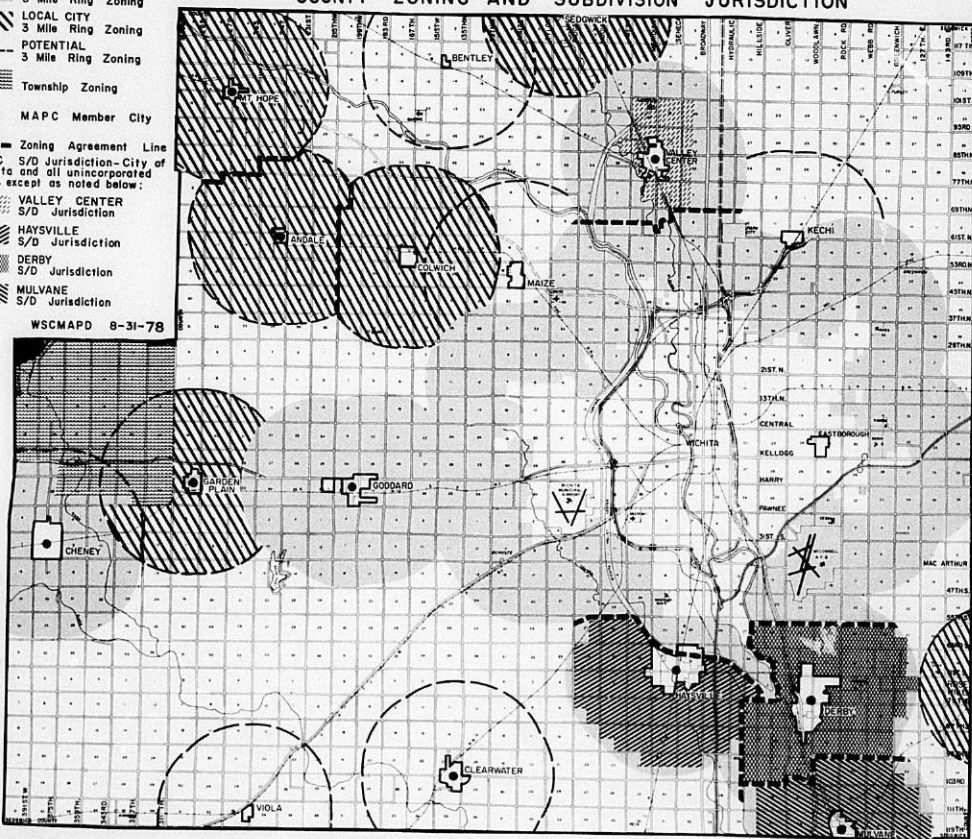
cc: Everett Patrick, Chairman, Sedgwick County Board of Commissioners  
John Cameron, Chairman, Butler County Board of Commissioners  
L. O. Payne, Chairman, Derby City Planning Commission  
John Tipton, Secretary, Butler County Planning Board  
Don Sumner, Chairman, Rose Hill City Planning Commission  
C. Bickley Foster, Planning Consultant, Foster and Associates



# COUNTY ZONING AND SUBDIVISION JURISDICTION

-  SEDGWICK COUNTY  
3 Mile Ring Zoning
-  LOCAL CITY  
3 Mile Ring Zoning
-  POTENTIAL  
3 Mile Ring Zoning
-  Township Zoning
-  MAPC Member City
-  Zoning Agreement Line
-  MAPC S/D Jurisdiction - City of  
Wichita and all unincorporated  
areas except as noted below:
-  VALLEY CENTER  
S/D Jurisdiction
-  HAYSVILLE  
S/D Jurisdiction
-  DERBY  
S/D Jurisdiction
-  MULVANE  
S/D Jurisdiction

WSCMAPD 8-31-78



October 1, 1980

Board of County Commissioners

Robert A. Lakin, Director of Planning

Rose Hill - Extraterritorial Zoning

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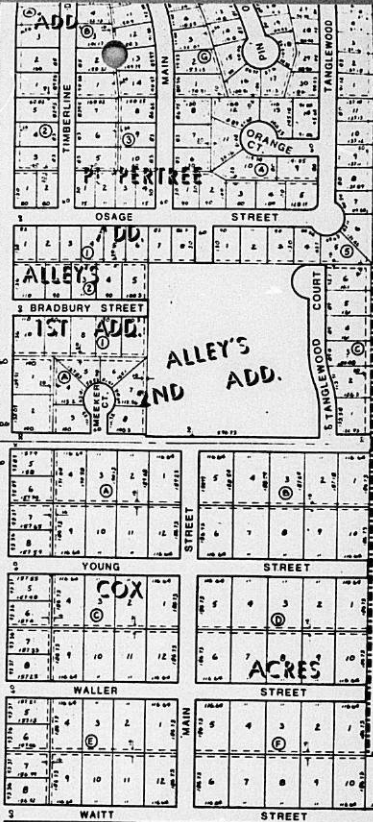
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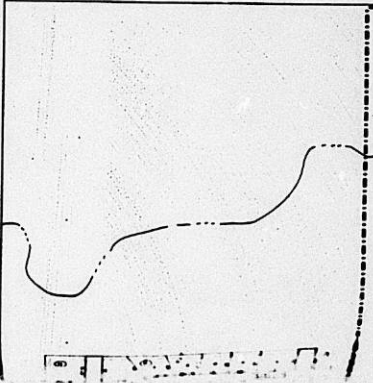
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C. Bickley Foster, Planning Consultant, Foster and Associates 2818  
Metropolitan Area Planning Commission N. Edwards  
67204

These are  
only 2 annexations  
that we are aware of.  
Rose Hill, Ks.

In City  
Limits  
proug →  
→  
Rosebery  
Add.



McCaskey Property (In City)



## City of Rose Hill

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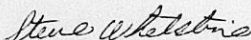
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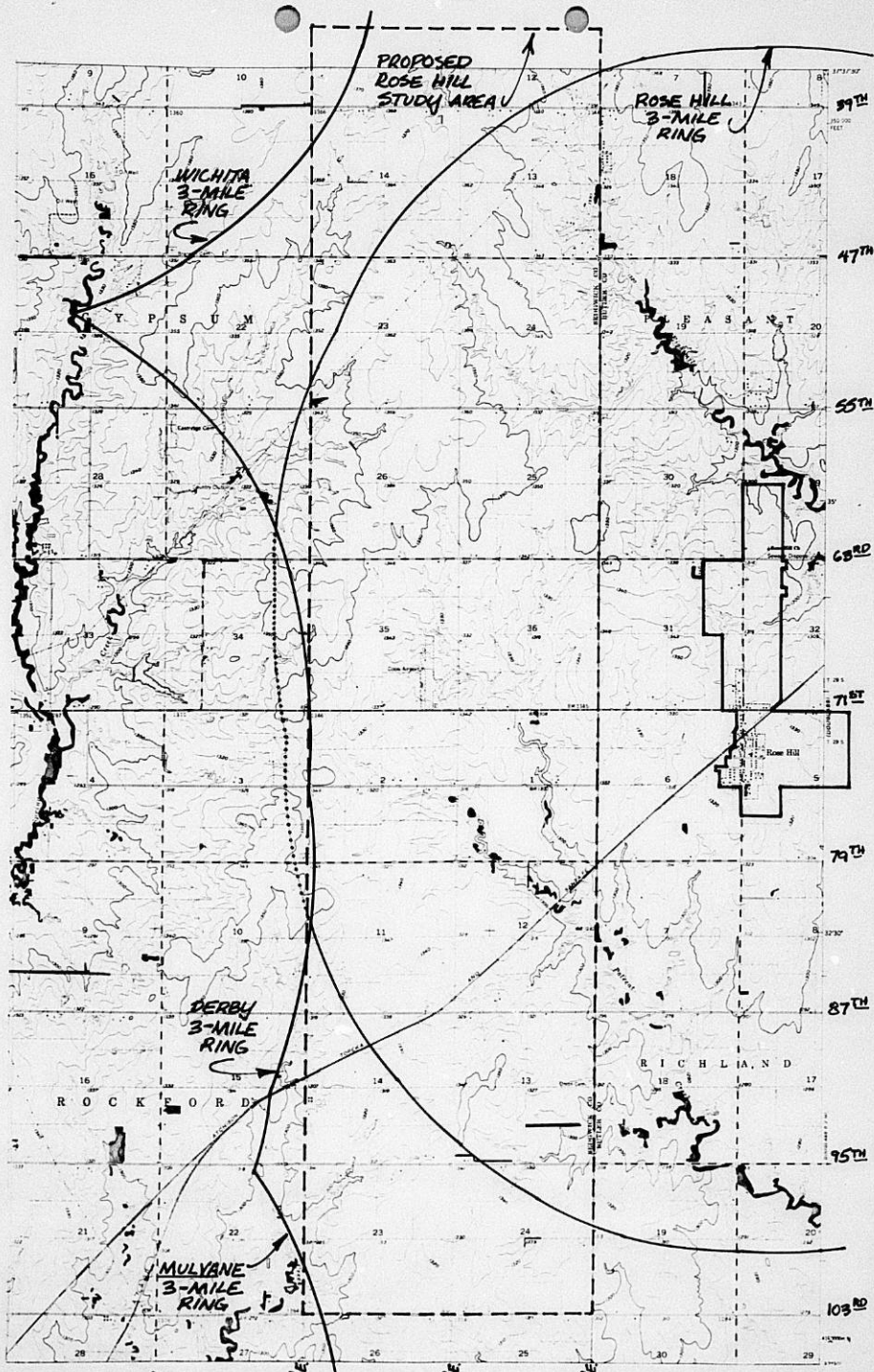
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70000

CAROLINIAN

187th E

145th E

139th E  
COUNTY  
LINE

103rd S

COUNTY ZONING AND SUBDIVISION JURISDICTION

- SEDGWICK COUNTY  
3 Mile Ring Zoning
- LOCAL CITY  
3 Mile Ring Zoning
- POTENTIAL  
3 Mile Ring Zoning
- Township Zoning
- MAPC Member City
- Zoning Agreement Line
- MAPC S/D Jurisdiction-City of  
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S/D Jurisdiction
  - HAYSVILLE  
S/D Jurisdiction
  - DERBY  
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  - MULVANE  
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