



COUNTY OF LEAVENWORTH

From the desk of Commissioner Mike Stieben

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County Road 1 Rezoned

The question of zoning along the County Road 1 corridor has been under consideration by Leavenworth County Officials for several years. On Wednesday, December 16, 2020 the Leavenworth Board of County Commissioners made the decision to proceed with zoning along the County Road 1 corridor. The decision to zone the area along CR1 from just south of Tonganoxie to Golden Road was made based upon implementation of the CR1 land use plan established after the CR1 land use study was completed in 2018. The major advantage of this type of rezoning is the ability of developers, builders, and contractors to skip the step of rezoning the property prior to platting and construction. If a property is appropriately zoned for the desired type of development, the developer would simply make application and move forward with the platting of the proposed development. This could provide a competitive advantage to Leavenworth County when trying to attract new businesses to the CR1 corridor. Up to now, the 25 million dollar investment in the CR1 corridor has not seen the anticipated return on investment. The hope is that with these zoning changes and infrastructure updates to the sewer and water line the county will soon find additional business tenants to locate at the Tonganoxie Business Park.

A little historical perspective is in order, following the construction of the turnpike interchange in 2009 the County adopted Resolution 2010-05 which authorized "...a moratorium on changes in the land use, zoning, and subdivision development..." within the corridor. This resolution was intended to create a pause in order for land use planning within the area. The moratorium was reenacted yearly until it was lifted by the Commission in 2019 following the completion of the 2018 land use study and adoption of the land use plan for the CR1 corridor.

Unfortunately, the land use plan specific for the CR1 corridor and the recently adopted Leavenworth Countywide Comprehensive Land Use Plan do not match. The CR1 corridor plan creates new zoning and land use categories that are not currently in use anywhere else in Leavenworth County. Therefore, the new CR1 zoning does not match the Comprehensive Plan zoning on land adjacent to the CR1 corridor. The fact that the land use plans do not match one another was a major issue during the meeting of the Leavenworth County Board of County Commissioners. I made a motion to send the rezoning proposal back to the Planning Commission for revision to match the plans, that motion failed 2-3, and then the Commission voted to adopt the plan as presented, Commissioner Smith and I voted no.

What does this mean? Anyone who purchases property or owns property within the CR1 corridor can use that property in accordance with the zoning as now approved. It is important to be clear that the zoning classification assigned to a parcel does not necessarily affect how the property is used, and that tax rates for

a property are based on the usage of a parcel of land, and not the zoning classification of that parcel. For example, a parcel that is zoned residential 5 acres or 2.5 acres and is being used for agricultural purposes will continue as agricultural land so long as the usage is agricultural, for property tax valuation purposes. Therefore, the change of zoning classification does not necessarily mean tax rates change on that property or parcel.

Another issue that has caused some confusion is how newly zoned classifications are modified or changed. The current zoning categories that were adopted apply to all properties and transfer of ownership. When a property is sold the new owner will be under the zoning at the time of the transfer. Property owners who desire a change in zoning classification will need to make application with the Planning and Zoning office and it will be handled like any other request for a zoning change. The application will be submitted to the Planning and Zoning Committee which will make recommendations based upon the land use plan as adopted for the area in question. In the case of property owners within the CR1 corridor this would mean that decisions for a zoning change will be made based upon the current land use plan within the corridor. The BOCC recently voted to waive application fees for rezoning with the CR1 corridor for 2021.

I held two town hall meetings and conducted a district wide survey on this and other issues. Although we cannot make zoning decisions based upon public opinion, I did find that many citizens were much more comfortable with a more limited rezoning north of Hemphill Road to the south end of Tonganoxie including the industrial park, rather than a wholesale rezoning of County Road 1. I presented such a plan to the BOCC including sending the rezoning proposal back to the Planning Commission to bring the entire plan into conformance with the new county wide comprehensive plan that was adopted last summer. Passing any plan that is not conforming to our comprehensive plan makes no sense. Some of the other commissioners preferred to avoid further delay by moving ahead and addressing any problems in the future. In the end because of these problems with the proposal I voted no, but the rezone passed on a vote of 3-2.

Please contact me with any issues or concerns that you have related to county government. I will try to keep you up to date on what is happening as we move forward on so many issues in the new year.

God Bless and Happy New Year,

Mike Stieben Leavenworth County Commissioner District #5