

Frequently asked questions regarding the Proposed Urban Growth Area Agreement between the City of Basehor and Leavenworth County

(Revised August 9, 2019)

Basehor and Leavenworth County have for many years regulated the use and development of land by means of zoning and subdivision regulations.

The City and County have recently had discussions about entering into an interlocal agreement by which the authority to zone land and to regulate subdivisions of land that is within an area designated as the Urban Growth Area, and which lies outside the City's limits, would be transferred from the County to the City.

The City of Basehor views this agreement as a way to rationally and responsibly plan for the growth and development that is already occurring directly outside of the Basehor city limits and to plan for future development in areas where more growth and development is expected.

Is my property being annexed?

- No, it is not. Annexation is not part of this proposal. If your land is within the UGA it is outside the City's limits.

If this UGA is approved will I be forced to annex into the City of Basehor?

- No, this proposal is being presented so the city can plan for and direct development to areas in which we can service them with adequate infrastructure and to ensure proper right of way and utility easements are in place. It will also ensure that future growth is managed in a way that benefits all residents within the defined area and throughout the city.

Can the City of Basehor unilaterally enact zoning regulations in an area not within its city limits without the approval of Leavenworth County?

- No, the City of Basehor cannot unilaterally zone property outside its city limits. Leavenworth County already has zoning in place for all property within the proposed urban growth area.

Can the City of Basehor unilaterally approve the Interlocal Cooperative Agreement in Resolution 2019-14?

- No, in order for any agreement to be valid, all required parties must approve the agreement.

Why is the City of Basehor considering asking for an Interlocal Cooperative Agreement with Leavenworth County?

- The proposed UGA is an Interlocal Agreement between the City of Basehor and Leavenworth County. A proposal was first submitted to City staff by Leavenworth County on March 29th, 2018. Since that time the City of Basehor has been working with

special legal counsel and Leavenworth County staff to ensure the draft Interlocal agreement met all statutory requirements of the urban growth area.

What about my property taxes? Will I have to pay city taxes?

- No. Only property within the city limits is subject to city property taxes.

Where is the current Urban Growth Boundary?

- The current UGA extends up to 3 miles beyond the Basehor city limits. In some directions the UGA is a mile or less.
- Currently there is an established Urban Growth Management Area, this is defined in the Comprehensive Plan of Leavenworth County as well as the Comprehensive Plan of the City of Basehor.

Where can I see the proposed Urban Growth Area as indicated in the proposed agreement?

- A map of the proposed area is included at the end of this FAQ, one is available for viewing at the Basehor City Hall, 2620 N. 155th Street as well.

Will zoning of property in the UGA change if the agreement is adopted?

- No. All current uses and zoning categories approved by Leavenworth County will be grandfathered unless and until a request to change the zoning is initiated in accordance with Kansas law. In addition, State law, and the County's and the City's regulations, all provide that lawfully existing uses of land are not affected by changes in zoning designation.

The city's current regulations require some things the County's do not, such as concrete driveways. How will this be handled for new construction on acreage, where the house is set way back off the road?

- We have addressed this concern by amending our regulations. The City's new amendment allows homes set back one-hundred (100') feet or more from the primary roadway to have a gravel driveway, where such driveway intersects with a paved street, road or similar, the property owner will be required to pave only the approach. The *approach* is considered to be an area from the existing pavement to the designated right of way line. These regulations only apply to new driveways and not existing drives.

What if the house is on acreage and I want to build a large accessory building, do the current regulations allow this?

- We have addressed this concern by amending our regulations, not only in preparation for county residents but to assist our large parcel Basehor citizens as well. The amended regulations are as follows:

g. Accessory Buildings and Structures: Each accessory building or structure shall not exceed the following maximum sizes:

For lots up to 1 acre: 2.5% of the lot size

Lots over 1 acres to 5 acres in size: 1,000 square feet per acre

Over 5 acres: maximum size 5,000 square feet

(1) Yard regulations (Setbacks)

a. Side Yard: Must maintain same setback as primary structure

b. Rear Yard: Ten (10) feet

No accessory building shall be erected in any required front or side yard, and no accessory building or structure shall be erected closer than five (5) feet to any other building.

What if I run a commercial business from my home, will this be affected?

- Current land uses that are lawful under the County's regulations will not be affected by regulations implemented by this proposed UGA agreement. The objective is to manage future growth, not existing uses of land.

Will any new or amended regulations have to go to Planning Commission and then to City Council for a vote?

- Any amendments or new regulations will follow the same process as currently outlined in our Zoning and Subdivision Regulations. Under Kansas law this requires published notice of the proposed change, a public hearing before the Planning Commission and followed by the Planning Commission's recommendation being sent to the City Council for final action.
- Several amendments have been made in preparation of the Agreement. These amendments not only provide benefits to those living within the UGA area but the citizens of Basehor as well. Some of the amendments are:
 - Amendments to accessory structure size
 - Amendments to the parking regulations regarding hard surface driveways and the placement of bituminous surfaces

If I want to build a swimming pool on my ten (10) acre homestead, will I need a fence surrounding my pool as written in the Building Code?

- Yes, a fence would be required around either the swimming pool or yard. There are many instances where an above ground pool acts as the required barrier and may not require a fence. In-ground pools would require the barrier under the adopted Building Code.

On average 350 children under the age of 5 die each and every year by accidental drowning nationwide and the majority of these children were being watched by their parents

Who will be responsible for maintenance of the roads? The county has proposed to give the city 7.5 mils in tax revenue is this enough to cover road maintenance?

- It is the intent of the city to turn all non-annexed right of way over to the county. The portion of the proposed agreement that states that some county-leveled property taxes would be given to the city by the county was requested to be removed from the agreement. It is the city's opinion to request a different approach, such as a joint maintenance agreement or something similar.

It was asked if more city staff would be needed in order to handle these areas; will more staff be needed?

- The City has added one more staff person to assist with building permits. Since 2017 there have been 33 new permits issued within the proposed Urban Growth Area. No additional staff should be needed to maintain areas located in the proposed Urban Growth Area.

Can I build a home on land zoned as agriculture by the County?

- Currently the County's regulations do not have an Agricultural zoning classification. Most of the County is zoned as RR-5. Under this regulation, residential lots of at least 5 acres and 300 feet of road frontage can be created and a home built upon it.
- The majority of the proposed UGA area carries a zoning classification of RR-2.5 with smaller portions of the proposed area carrying the RR-5 zoning classification. Under the RR-2.5 zoning classification, residential lots of at least 2.5 acres and 200 feet of road frontage can be created and a home built upon it.

Does Leavenworth County have zoning regulations in place throughout the proposed area, if not, does this mean the City can place zoning throughout the area?

- Leavenworth County does have zoning placed throughout the entire County. No zoning changes are planned under this agreement unless requested by a property owner. All zoning changes must go through a Public Hearing process in which all residents within a specified distance are notified and given the opportunity to attend and voice their opinions either for or against said request.
- A copy of the zoning map for Unincorporated Leavenworth County is included at the end of the FAQ's

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