

What is Montgomery County Commission's vision for countywide zoning?



INTRODUCTION

Montgomery County, Kansas, ("County") is seeking proposals from qualified planning and consulting firms to prepare a Comprehensive plan with countywide zoning regulations. The selected firm will provide professional planning, zoning, regulatory drafting, stakeholder engagement, and implementation services consistent with Kansas statutes governing county planning and zoning.

BACKGROUND

Montgomery County currently operates zoning regulations within the 3-mile buffer zone around Independence. The adopted zoning structure includes district classifications such as Agricultural (A), Residential (R-1 through R-4), Business (B-1 through B-3), Industrial (I-1 and I-2), and Public (P-1) as reflected in the adopted land use grid.

The Montgomery County Commission seeks modernization of long-range planning framework, countywide land use strategy, zoning district definitions, permitted, conditional, and accessory uses, variance procedures, and renewable energy and telecommunications regulations. The zoning regulations shall apply to all areas outside incorporated city limits within Montgomery County.

PROJECT OBJECTIVES

The comprehensive plan and zoning regulations shall be established for a long-range vision of the County with a minimum 20-year planning horizon. It should also promote orderly growth and development, protect agricultural land and rural character, provide predictable regulatory standards, and address emerging land uses (i.e., renewables, solar, BESS, and telecom). The comprehensive plan and zoning regulations should also ensure compliance

The Montgomery County Commission has agreed to pursue a policy of countywide zoning regulation. The commission's decision arose due to concerns about the potential of various private industries that are able — without any zoning regulation — to develop an industrial site that could alter or change Montgomery County's agriculturally-dominant landscape. The goal of countywide zoning is to regulate those large-scale industries while preserving the agricultural land and lifestyle in Montgomery County.

The Montgomery County Commission has not agreed to any definitive zoning regulation document. It has merely authorized its

county administrator, Jonathan Booe, and assistant county administrator, Kori White, to seek a professional firm to assist the commission with preparation of zoning regulation policy manual. The parameters of that anticipated zoning manual are shown below.

Once the professional firm is under contract with the county and a set of zoning regulations is proposed, the Montgomery County Commission will hold a series of town hall meetings across Montgomery County to hear citizens' concern or comments. Details of those meetings will be announced through local media and the Montgomery County website (www.mgcountyks.org).

with Kansas statutory authority, modernize and clarify zoning procedures, and strengthen economic development opportunities.

PHASE I - COMPREHENSIVE PLAN DEVELOPMENT

The comprehensive plan shall include:

- Existing conditions analysis
- Population and demographic trends
- Housing analysis
- Agricultural preservation strategy
- Economic development strategy
- Infrastructure assessment
- Environmental considerations
- Future land use map (unincorporated areas)
- Implementation strategy
- Capital improvement coordination recommendations

Public engagement shall include:

- Public workshops
- Stakeholder meetings
- Planning commission workshops
- County commission presentations
- Online engagement tools

PHASE II - COUNTYWIDE ZONING REGULATIONS

The consultant shall draft updated zoning regulations for the unincorporated areas of Montgomery County:

A. ZONING DISTRICT STRUCTURE

Review and update districts including:

- Agricultural (A)
- Rural Residential
- Residential (R-1 through R-4)
- Commercial (B-1 through B-3)
- Industrial (I-1 and I-2)
- Public/Institutional

- Special Overlay Districts (if needed)

Zoning districts shall incorporate use classifications consistent with the existing Land Use Grid and will be updated as necessary.

B. PERMITTED, CONDITIONAL & ACCESSORY USES

Each zoning district shall clearly define:

- Permitted uses (P)
- Conditional uses (C)
- Accessory uses
- Special Exception uses (if applicable)

C. VARIANCE PROCEDURES

The zoning code shall include:

- Clear variance standards
- Criteria for approval (unnecessary hardship, unique circumstances)
- Application process
- Board of zoning appeals authority
- Findings of fact requirements
- Appeals procedures

D. TELECOMMUNICATIONS REGULATIONS

The regulations must include extensive provisions addressing:

- Tower height standards
- Setbacks
- Co-location requirements
- Fall zones
- Camouflage/stealth design
- Lighting restrictions
- FAA compliance
- Removal of abandonment standards
- Decommissioning bonds
- Conditional use standards for rural and industrial areas

E. SOLAR ENERGY REGULATIONS

Include detailed standards for:

- Utility-scale solar farms
- Community solar facilities
- Accessory rooftop solar
- Setbacks and buffering
- Screening requirements
- Glare mitigation
- Agricultural compatibility
- Decommissioning and restoration requirements
- Financial assurance requirements
- Conditional use procedures

F. WIND ENERGY REGULATIONS

Include detailed standards for:

- Turbine height restrictions
- Setbacks from property lines and dwellings
- Noise standards
- Flicker limitations
- FAA and aviation review
- Shadow flicker modeling
- Decommissioning plans
- Bond requirements
- Road use agreements
- Conditional use standards

G. BATTERY ENERGY STORAGE SYSTEMS (BESS)

Include comprehensive standards for:

- Siting criteria
- Safety Standards (NFPA Compliance)
- Fire suppression requirements
- Emergency response coordination
- Hazard mitigation plans
- Setbacks
- Screening
- Conditional use requirements
- Decommissioning and reclamation standards
- Financial assurance

ADMINISTRATIVE PROVISIONS

- Zoning map procedures
- Amendments
- Enforcement
- Nonconforming uses
- Appeals
- Planning commission authority
- Board of County Commissioners authority
- Penalties

PROCESS:

- Draft comprehensive plan
- Final comprehensive plan
- Draft zoning regulations
- Final zoning regulations
- Zoning Map (GIS compatible)
- Public engagement summary
- Implementation guide
- Editable digital copies

PROPOSAL REQUIREMENTS FOR ZONING PLANNING FIRM

FIRM QUALIFICATIONS:

- Experience with Kansas counties
- Experience drafting renewable energy ordinances
- Telecommunications regulation expertise
- Zoning modernization projects

PROJECT APPROACH:

- Methodology
- Public engagement plan
- Legal compliance strategy

PROJECT TEAM:

- Lead planner
- Legal consultant (if applicable)
- Renewable energy expertise

Zoning: process begins to create countywide land-use manual

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considerable electrical and water demands. If allowed to be built without regulation, those industries could become an obstacle as it competes with existing customers for their share of power and water, he said.

"When I drive from my home in Independence each day, I drive past more acres of soybeans and wheat, as well as lots of cattle pastures than I do data centers and wind farms," he said. "I believe most people want to

keep it that way."

All three commissioners said they had been contacted by local citizens ever since news about the commission's first plans for countywide zoning were openly discussed at their March 23 meeting. The commissioners said they were surprised to hear positive comments from those citizens about adopting a countywide zoning plan.

Commissioners were quick to reiterate their initial parameters about adopting a countywide zoning plan: it must include feedback from local stakeholders. This

would include private landowners and industry owners.

"We anticipate having town hall meetings once the planning firm we select is about to design a zoning manual for us to consider," said Commissioner Robert Bever. "Once we have it in hand, we'll present it to the public and await their feedback."

Countywide zoning also said it would not usurp the existing zoning laws in effect within the cities of Caney, Cherryvale, Coffeyville and Independence. Each of those city governments will continue to oper-

ate their own zoning laws and land-use permitting systems.

The parameters

In issuing their RFQs to interested planning firms, county commissioners set the parameters for how they envision a countywide zoning program.

The objective of the countywide zoning program is to work in tandem with a long-range vision for land development and preservation for the next 20 years.

Working in tandem with an anticipated zoning manual will be a comprehensive

plan that targets Montgomery County's growth for the next several decades.

A countywide zoning program will adhere to conventional zoning districts (Agricultural, Residential, Rural Residential, Commercial, Industrial, Public-Institutional, or Special Overlat Districts. Each zoning district will be defined by its permitted uses, conditional uses, accessory uses, and special exception uses.

The manual will also include procedures for adopting or rejecting variances and authorizing a Board of

Zoning Appeals to hear those matters.

As for regulated industries, the RFQ parameters call for the zoning manual to provide provisions for telecommunications towers, solar energy farms, wind energy developments, battery energy storage systems and data centers. Among those regulations are setbacks, screenings, conditional use permits, fire suppression requirements, safety standards, decommissioning and reclamation standards, and financial assurances.

DATEBOOK

THURSDAY APRIL 2

- "Lil' Spikers," a non-competitive beginners program that teaches fundamentals of volleyball, will be held at the Coffeyville Rec Center from 5:30 to 7 p.m. Fee is \$20 for in-district or \$25 for out of district; this is kids kindergarten through 2nd grade. Deadline to register was March 23.
- Independence Friends of the Library meeting, 5:15 p.m., at the Independence Public Library.
- Every Thursday, community coffee at Caney City Library, 8 to 10 a.m., stop by for a visit and a cup of coffee.
- Weekly bulky items drop off, Independence Sanitation Yard, 21st & Maple, 8 a.m. to noon (Thursdays and Fridays); recycling day at the Independence Sanitation Yard, 11 a.m. to 1 p.m.; brush and limb drop-off at the City Brush Yard, half mile south of College Ave. on CR 4100 each Thursday, Friday and Saturday, 8 a.m. to noon.
- Every Thursday, two mile walk, 9:30 a.m., Coffeyville Senior Citizens Activity Center, 601 Walnut St.
- Every Thursday, Independence Girls BSA Troop 1049 meets at 7 p.m. in the First Christian Church 319 W. Laurel.
- Every Friday, Alcoholics Anonymous (AA) closed meeting is held at 7 p.m., 213 W. Oak, Independence.

FRIDAY APRIL 3

- Good Friday - the day Jesus Christ was crucified on the cross.
- See the listing for area Easter egg, found elsewhere in this issue, for Easter egg hunts at various venues in Montgomery County, April 3, 4 and 5.
- Every Friday, the Cherryvale Historical Museum is open 1 to 3 p.m.
- Every Friday, sitting or standing exercise class at the Elk City First Chris-

tian Church, 8 to 9 a.m. The public is invited to attend.

- Every Friday, chair aerobics exercise class, 9 to 10 a.m., Coffeyville Senior Citizens Activity Center, 601 Walnut St.

SATURDAY APRIL 4

- Story-time at Caney City Library, 10 a.m., Parents' Cafe, 10:30 a.m., enjoy a cup of coffee while the kids play in the Learning Center.
- Independence Poultry & Small Animal Swap, 2900 W. Main, 9 a.m. to noon, meets first Saturday of the month.
- Abba's Apparel, a free clothing giveaway - all sizes, is held every Saturday at the First Southern Baptist Church in Cherryvale, 717 E. 6th St., from 9 a.m. to noon.
- Every Saturday, open AA meeting, noon, 213 W. Oak, Independence.
- Every Saturday, the IGC-Sporting Heritage Center, 212 N. Penn Ave., Independence, is open from 10 a.m. to 2 p.m. A \$5 donation is suggested for tours.

SUNDAY APRIL 5

- Easter Resurrection Sunday — attend a church of your choice.
- Every Sunday, open AA meetings, noon and 6 p.m., 213 W. Oak, Independence.
- Square dance lessons every Sunday, 2 p.m. at the Coffeyville Senior Activities Center, 601 Walnut.
- Beginner line dance classes, 18 years and up, no experience necessary, Coffeyville VFW Post 1022, 1714 W. 8th Street, Coffeyville, 1:30-3 p.m. each Sunday, donations only, Bonnie Brown, experience instructor. Open to the public, bring friends, make new ones,

MONDAY APRIL 6

- Caney City Council regular meeting, 6:30 p.m., in the council meeting room, City Hall.
- Cherryvale, City Council regular meeting, 6 p.m., council meeting room at City Hall.
- Independence High School Academic Awards & Senior Scholarship Night, Memorial Hall, 410 N. Penn Ave., 6 p.m.
- Montgomery County Commission meeting, 9 a.m., in the lower level of the Montgomery County Judicial Center, Independence.
- The Cherryvale Senior Citizens bingo event will be held at 1 p.m., 107 E. Main.
- Every Monday, VFW Bingo Night, Independence VFW - 113 E. Myrtle, doors open a 4 p.m., sales start at 5, Early Bird at 6:15 and regular games at 7 p.m.
- Every Monday at Caney City Library, chair yoga, 1 p.m.; Book Club meets at 6 p.m.
- The Independence BSA Scouts meet every Monday at 7 p.m. in the Independence First Christian Church, 319 W. Laurel St.
- Every Monday, chair aerobics, 9 to 10 a.m., Coffeyville Senior Citizens Activity Center, 601 Walnut St.; at 10 a.m., line dance class.

TUESDAY APRIL 7

- USD 436-Caney Valley Lincoln Elementary pre-K and kindergarten spring concert, 7 p.m.
- Coffeyville Community College Humanities Project free public concert featuring The Oregon Trail Troubadours, Americana/Singers, 6:30 p.m., in the CCC Spencer/Rounds Theatre.
- Family movie night featuring Disney's "Strange World" by 2026 Inge

Festival honoree Qui Nguyen, at Independence Public Library, 6 p.m.

- Weekly community debris, appliance, furniture and bulky item drop off, Independence Sanitation Yard, 21st & Maple, 8 a.m. to 2 p.m.
- Eagle Rock Shredders Group trail night bike ride, 6 p.m., March - May (times change June through October), at Elk City State Park Outlet Channel parking lot, all riders must wear helmets. Bring a headlight if you plan to ride past sunset.
- Every Tuesday, cardio mix class, 9:30 a.m., Coffeyville Senior Citizens Activity Center, 601 Walnut St.
- Every Tuesday, weekly community recycling collection day, Sanitation Yard, 21st & Maple, Independence, 11 a.m. to 1 p.m.
- Every Tuesday, sitting or standing exercise class at the Elk City First Christian Church, 8 to 9 a.m. The public is invited to attend.
- Every Tuesday at Caney City Library, Tuesday Short Story-times for kids, 3:45-4 p.m.
- Every Tuesday, Al-Anon meeting, 7 p.m., 213 W. Oak, Independence
- Every Tuesday, Story time at the Cherryvale Public Library, 11 a.m., 329 E. Main St.

WEDNESDAY APRIL 8

- Free movie viewing of "Green Book" in commemoration of the 62nd anniversary of the Civil Rights Act, at Independence Public Library, 2 p.m.
- Independence High School Band, Orchestra and Choir concert, grades 6-12, IHS Performing Arts Center, 7 p.m.
- Every Wednesday, chair yoga at Caney City Library, 1 p.m.; senior program, bingo (garden theme).
- Every Wednesday, low impact stand-up exercise class, 9 to 10 a.m.;

balance class at 10 a.m.; Coffeyville Senior Citizens Activity Center, 601 Walnut St.

- The Elk City Library is open every Wednesday from 10 a.m. to 12 p.m., however will be closed during the month of March.
- Every Wednesday, open AA group meetings at noon and closed class at 7 p.m., 213 W. Oak, Independence.
- Exercise class (sitting or standing, your choice) every Wednesday, 8 to 9 a.m., Elk City First Christian Church.
- Bunco will be played at the Coffeyville Senior Citizens Activity Center, 601 Walnut Street., 1 p.m., new players are welcome.

THURSDAY APRIL 9

- Native American Fellowship potluck dinner, 6 p.m., 215 Oklahoma St., South Coffeyville, guest speaker will be Brad Wagnon, director of emergency services for Cherokee Nation.
- Montgomery County Beekeepers Association meeting at ICC West, 2615 W. Main, 6 p.m.
- Bingo at Cedar Bluff Camp, near Coffeyville, 6 p.m., concessions available, fundraiser for camp.
- Every Thursday, community coffee at Caney City Library, 8 to 10 a.m., stop by for a visit and a cup of coffee; Cookbook Club meets and brings miscellaneous recipe and dish for sharing.
- Weekly bulky items drop off, Independence Sanitation Yard, 21st & Maple, 8 a.m. to noon (Thursdays and Fridays); recycling day at the Independence Sanitation Yard, 11 a.m. to 1 p.m.; brush and limb drop-off at the City Brush Yard, half mile south of College Ave. on CR 4100 each Thursday, Friday and Saturday, 8 a.m. to noon.
- Every Thursday, two mile walk, 9:30 a.m., Coffeyville Senior Citizens Activity Center, 601 Walnut St.