



STUDY SESSION

Ron Sellers
District 1
Vice-Chair

Ron Hirst
District 2
Member

Daniel P. Friesen
District 3
Chair

Courthouse
206 W. 1st Avenue
Hutchinson, KS 67501

AGENDA

Reno County Annex Conference Room
125 W. 1st Avenue, Hutchinson
Tuesday, March 22, 2022
Directly following the regular session

1. Fire Mitigation

EMAIL

In a County Commission meeting in May, the Board of County Commissioners instructed the Emergency Management Office to coordinate with various organizations to come up with recommendations to better coordinate/mitigate the fire risk in the county. The focus would be on the higher risk areas of the county and the Commission wanted to know how they could help.

On August 4, 2021, Reno County Emergency Management met with the Kansas Forest Service, a USDA Rangeland Management Specialist, Reno County Agriculture Extension Agent, the County Planner, and the Hutchinson Fire Department to discuss ideas to mitigate wildfire activity in the county.

At that meeting, we discussed several ideas that include zoning, education, tax incentives, fuel breaks, and enforcement of the county's current burn resolution. To fully explore each one of these topics, the group planned to meet with various organizations on the first Wednesday of the month in October, November, and December. The group's findings will be put into one document that will be ready for the Commission in January 2022.

A memo was created and sent to the Board of County Commissioners on August 19, 2021, outlining the plan.

HISTORY

In 2009, the Kansas Forest Service Fire Prevention Specialist completed a "Community Wildfire Hazard Assessment Report" for Reno County. That report was specifically designed to provide the status of Wildland Urban Interface Issues that impact the safety of citizens and property in Reno County. In that report, 26 Communities were surveyed, ten communities were given a low hazard rating, seven communities a moderate, and nine communities a high rating.

Low hazard rated communities:

1. South Hutchinson and the developed areas nearby.
2. Buhler
3. Haven
4. Pretty Prairie—it is noted in the report that if the surrounding fuel loads gain intensity, then a problem could be created.
5. Turon—it is noted that if the area of hardwood timber on the south end of town accumulates a large amount of dead trees or limbs, it could be a threat in years to come
6. Sylvia
7. Abbyville
8. Partridge
9. Yoder
10. Willowbrook

Moderate hazard rated communities:

1. Medora
2. Pony Acres community
3. Caselton
4. Langdon
5. Plevna
6. Nickerson
7. Arlington

High hazard rated communities:

1. East of Kent Road, South of 4th street
2. 4th street from Obee to Mayfield
3. 30th street near Sand Dunes Drive
4. Prairie Dunes area
5. Woodlands community
6. 30th and Inverness area
7. Blue Spruce
8. Rolling Hills
9. Highlands

This report was done in 2009 and there are several areas that are now at risk that weren't discussed in the document. Data from USDA-NRCS shows that Reno County is losing a battle against woody plant encroachment, causing high fire danger. While there are many ways to mitigate the risk of wildfire, the most successful would be the prioritization of fuel reduction. Emergency Management has submitted a request to the Kansas Forest Service for an updated report.

ZONING

Zoning was discussed in detail with County Planner Mark Vonachen and the City of Hutchinson Planner Ryan Hvitlok. The real issues are the 2–3-acre parcels. When someone purchases less than 10 acres, often they do not have the ability to maintain it, or may not know how to properly care for their property. Current regulations will allow property owners to split their land one time without platting the land into a subdivision, we are almost 6 years (regulations were adopted in April of 2016) into regulations that require that.

If there is a violation of the zoning regulations, the homeowner will get a letter in the mail and the county can take them to district court. This process has been successful two times in the past with junk or debris on the property. This is a very long and cumbersome process to get to district court. An alternative such as a codes court could be looked at. Any enforcement of zoning or codes could be a very costly approach.

The county recently established a new zoning district for wind regulations. The county could include building envelopes with parcels that are smaller than 10 acres. These envelopes would have a determined area where structures can be built. This would only apply to newly created parcels; it would not apply to those properties that are already developed and established.

The county could also seek to reduce density by increasing the number of acres required to build. Right now, there is a three-acre minimum requirement for new construction on a parcel in the current zoned area of the county. A three-acre parcel is too small to place a structure and have an adequate amount of defensible space.

In the City of Hutchinson, there are not requirements for a subdivided property to put infrastructure in place until the property is developed. Often the property owner will allow their property to become overgrown. There could be a revision clause put into the regulations that would require the developer to put in roads, water, or at a minimum have a fire hydrant and electrical ran once the platting process is completed.

Another option would be Extra Territorial Zoning Jurisdiction (ETJ) which can grant a city up to three miles from the city limits that the property owners would be required to abide by the city's zoning regulations. Currently South Hutchinson and Nickerson have a 3-mile ETJ, while the cities of Buhler and Haven have 1 mile. This would be a key recommendation to the city of Hutchinson.

Since zoning cannot go back in time and force someone to comply with a current regulation, a large focus should also be put on education and potential Fire Wise Communities.

EDUCATION

In the past few years there have been public meetings about caring for the landscape, green space, proper burning techniques, and how to handle a volatile fuel. These meetings have been poorly attended. Approximately one month after the Highlands Fire, which threatened hundreds of residences, approximately 25 people showed up one of these meetings. To date, this has best attendance.

The county could hire a consultant to educate the public about the risk associated with their home. That consultant could do a street assessment and code each property and publish it to a website as an educational tool. Each property would be rated green, yellow, or red. The colors would be based on the risk the property posed to being damaged by a wildfire and give tips or recommendations on what can be done differently to mitigate that risk.

This is not intentional negligence by the property owners, but it is something that is seen repeatedly, forming the belief that this could be a community wide educational gap. The Extension Office and USDA could plan more educational meetings, targeting more diverse topics on a rotating basis such as encourage a shift into growing season burning and/or using patch burning. However, there is not confidence that the property owners will attend.

The Hutchinson Fire Department conducted four sessions with the homeowners and property owners in the 30th-43rd and Lucille area and had limited success. Each homeowner and property owners had the opportunity to have a risk assessment done on their property. From those risk assessments, there has been some brush removal and cleanup completed by those property owners.

ENFORCEMENT

The current burn resolution is 2017-12, here are a few sections that we can look at more in depth:

Section 3 a: “Prior to commencement of Open Burning or Agricultural Open Burning, the party responsible for the burn shall notify Hutchinson/Reno County Emergency Communications Center (HRCECC) by telephone at 694-2800 of his or her intent to burn and shall provide his or her name, address, telephone number, and the location, nature and circumstances of the proposed burn. Failure to provide prior notification of intent to burn as herein provided shall constitute a violation of this resolution and subject the violator upon conviction to the penalties specified at section 6.

HRCECC personnel shall advise the caller of the existence of any burn ban then in effect in Reno County. HRCECC personnel are not expected to otherwise advise the caller with respect to burning eligibility or criteria”

When someone calls into the dispatch center, most are looking for permission to whether they can burn or not. Under this resolution, the dispatchers are telling someone if they are outside the resolution but not telling anyone whether they can burn or not. A simple “yes, burning is allowed today” or “no, burning is prohibited today” would help clear up confusion with the public. Dispatch could advise the public that the Grassland Fire Dager is forecasted to be very high (or above) and burning is prohibited.

Section 5: No District Fire Chief or his designee shall have the authority to waive or contravene the provisions of this regulation; PROVIDED, fire suppression activities supervised by Fire District personnel during an emergency response shall be exempt from the requirements of this regulation.”

It is important that the District Fire Chief or their designee does not have the authority to waive the provisions. However, we should grant the authority to the Fire Chief of that jurisdiction or their designee to tell an individual they can no longer burn that day when that individual’s fire has already gotten out of control. In some cases, a property owner’s controlled burn was out of control. While the fire district is on scene putting out the controlled burn, the property owner is told “shouldn’t” burn the rest of the day. The property owner sometimes doesn’t even wait for the fire district to leave before starting another fire. By allowing the Fire District’s Chief or their designee to tell a property owner, or person responsible for the burn they cannot start another fire that day, it gives the Sheriff’s Office some enforcement capability.

Section 6: “Any person of other entity who violates this resolution, upon conviction be guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars (\$500) or confinement in the Reno County Correctional Facility (Jail) for a period not to exceed thirty (30) days, or both such fine and imprisonment. Further, in the discretion of the presiding Judge, any person convicted for violating this Resolution shall make restitution for costs and expenses incurred by Fire District and other firefighting and emergency personnel responding to the scene of the burn due to the conduct constituting the violation.”

If the resolution is violated, the Sheriff’s Office will make a case and send it to the District Attorney’s Office for prosecution.

OTHER

Over the past few years, the burn resolution has been changed a few times. Each time the resolution is changed, the same property owners continue to follow it while those who are the problem continue to cause problems.

To date, all the large fires in Reno County have not been caused by controlled burning. Controlled burns could help mitigate some of the large wildfires and create a fire break for the firefighters to work from. This comes back to the property owners with small parcels. They do not know how to properly conduct a controlled burn and/or do not have the equipment available to safely conduct one.

The mitigation of volatile fuel needs to be the county’s priority. In recent years, the Hutchinson Fire department has also looked at the past 20 years of fire activity in Hutchinson and District 2. By examining the areas that have burned in past years, they have chosen to burn off rights-of-way that would be hinge points and potentially stop large fires. In the past two years, they have burned over 20 miles of ditches and plan to continue to burn each year. While this is a good starting point, our volunteer districts do not have the time or the manpower to make this an effective strategy through the whole county.

A recommendation is for the county to come up with a funding source or tax incentive to help individual property owners with fuel mitigation. This would allow the residents who own smaller parcels of land to contract with someone to mitigate the fuel load on their property. This could be mechanical removal of brush or trees from their property, controlled burning, or both. By helping these property owners, we will be saving money in comparison to the hundreds of thousands of dollars that has been spent on wildfire response. After the 2017 wildfire, most of the property owners in the northeastern part of the county had the opportunity to make progress on their property and many chose not to. Is there a different recommendation on how to help these property owners who do not have the resources to adequately mitigate the fuel load on their property? How does this apply to absentee landowners who do not live in the area?

EXAMPLES

56th and Plum- The fire department responded to a controlled burn that was out of control. The homeowner was told not to burn unless she got more people. As soon as the fire department left, the homeowner asked the neighbor to help her. The fire got away again and the fire department was called. The homeowner did not violate the resolution because the fire department does not have the authority to tell someone not to burn, even if their controlled burn has already been out of control.