

Members of the public wishing to speak during Public Comment or on Items of Business must register with the County Clerk prior to the beginning of the meeting.

AGENDA

BOARD OF FRANKLIN COUNTY COMMISSIONERS Wednesday, January 4, 2017 | 8:30 a.m.

TO BE HELD IN THE ANNEX COMMISSION CHAMBERS

A. CALL TO ORDER

B. ROLL CALL:

Waymire Howard Dunn Oglesby Renoud

C. PLEDGE OF ALLEGIANCE

D. INVOCATION:

1. Invocation Led By Pastor Leonard Cheasbro, New Life In Christ Church, Ottawa, Kansas.

E. CORRESPONDENCE & ORGANIZATIONAL BUSINESS

F. PUBLIC COMMENT:

A citizen desiring to speak on an item not on the agenda may do so at this time. Discussion is limited to five minutes and the Commission will not take action or discuss items at this time. Discussion should be limited to matters of County Commission business and public comment is not permitted in regard to personnel matters or on pending legal matters. Items introduced under '**Public Comment**' may become agenda items at a later date.

G. CONSENT AGENDA:

Items listed on the '**Consent Agenda**' are considered routine and shall be enacted by one motion of the Board of Commissioners with no separate discussion. If separate discussion is desired by a member of the Governing Body, that item may be removed from the '**Consent Agenda**' and placed on the regular agenda '**Items of Business.**'

1. Consider And Approve Franklin County Commission Meeting Minutes For Dec.28, 2016.
2. Consider And Approve Tax Change Orders.
3. Consider And Approve Emergency Vehicle Permit Applications.

H. ITEMS OF BUSINESS:

1. Consider Motion To Approve The Denial Of Rezoning Application #1606-1406 (McCurdy) To Rezone Approximately 11.00 Acres From An A-1 (Agriculture) Zoning District To An R-E (Residential Estate) Zoning District. Larry Walrod, Planning & Building Director

Documents:

[01042017 1406 mccurdy.pdf](#)

2. Consider A Motion To Approve The Annual Franklin County Comprehensive Plan Review. Larry Walrod, Planning & Building Director

Documents:

[01042017 annualcomplanreview.pdf](#)

I. STAFF REPORTS

J. COMMISSIONER COMMENTS AND BOARD REPORTS

K. ENTER INTO EXECUTIVE SESSION FOR A MATTER REGARDING NON-ELECTED PERSONNEL (60 MINUTES).

L. CONSIDER A MOTION FOR ADJOURNMENT

M. INFORMATION AND ANNOUNCEMENTS:

1. UpComing Events

- Reorganization Meeting on Jan. 9, 2017 at 8:30 A.M.
- Commission Study Session On Jan. 9, 2017 9:30 A.M.
- Commission Meeting on Jan. 11, 2017 at 8:30 A.M.
- Commission Meeting on Jan. 18, 2017 at 8:30 A.M.
- Joint City/County/School Board Luncheon on Jan. 18, 2017 at the USD 290 Board Office at Noon.
- Commission Study Session on Jan. 23, 2017 at 8:30 A.M.
- Commission Meeting on Jan. 25, 2017 at 8:30 A.M.

Franklin County Agenda Cover Sheet



To: Franklin County Board of County Commissioners
From: Larry D. Walrod
Department: Planning & Building
Date: Wednesday, January 4, 2017

AGENDA ITEM NARRATIVE

Denial of Rezoning Application #1606-1406 (McCurdy) to rezone approximately 11.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District.

BACKGROUND

The applicant is requesting to rezone approximately 11.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. The property is located near the intersection of Oregon Road and Kingman Terrace, on the East side of Oregon Road and approximately one-half (1/2) mile North of Kingman Terrace.

One of the requirements at the time of rezoning is to provide proof of an adequate water supply as set forth in policy 6 of the County Comprehensive Plan for "Rural Residential" Development.

At their meeting of July 21, 2016, the Planning Commission approved the applicant's request to continue the application to the September meeting due to conflicts with the hiring of a company to determine and document the presence of water on the property.

At their meeting on September 15th, 2016 the Planning Commission approved the applicant's request to continue the application to the December meeting due to the fact that they could not find water for a well and are now in the process of getting together the cost of installing rural water.

Due to the fact Staff has not received any new information regarding proof of a potable water supply nor a request to continue or withdraw the application from further consideration Staff recommended that the Planning Commission deny rezoning application #1606-1406 based on the findings that they did not meet the requirements of the County Comprehensive Plan, Zoning or Subdivision Regulations.

SPECIFIC ACTION REQUESTED

Staff recommends that the County Commissioners accept the Planning Commission's recommendation and adopt the attached resolution for the denial of Rezoning Application #1606-1406 (McCurdy) to rezone approximately 11.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District.

ATTACHMENTS

Resolution

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 17- _____

A RESOLUTION DENYING REZONING APPLICATION #1606-1406 (McCURDY) TO REZONE APPROXIMATELY 11.00 ACRES FROM “A-1” AGRICULTURE ZONING DISTRICT TO “R-E” RESIDENTIAL ESTATE ZONING DISTRICT

WHEREAS, Franklin County, Kansas is a county municipal government, organized pursuant to K.S.A. 19-101; and

WHEREAS, The Franklin County Board of County Commissioners did adopt Resolution # 23-91 creating the Franklin County Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, the Franklin County Planning Commission did publish notice on June 21, 2016 that a public hearing would be held to consider zone change application #1606-1406 (McCurdy) as required by K.S.A. 12-757 and Article 23, Section 23-5.02 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on December 15th, 2016 hold a public hearing for the consideration of zone change #1606-1406 (McCurdy) to rezone approximately 11.00 acres from an “A-1” Agriculture District to an “R-E” Residential Estate District; and

WHEREAS, the Planning Commission, after reviewing and considering all reports and testimonies did, by a majority vote of those present, deny said Rezoning Application based on certain findings; and

WHEREAS, the Board of County Commissioners of Franklin County, after duly reviewing the recommendation of the Planning Commission together with all public comments for and against said Rezoning Application finds:

1. That the rezoning from “A-1” to “R-E” is not consistent with the County Zoning Regulations.
2. That the rezoning from “A-1” to “R-E” is not in conformance with and would not further enhance the County Comprehensive Plan.
3. That the rezoning from “A-1” to “R-E” will unduly affect the character of the surrounding community.
4. That the rezoning from “A-1” to “R-E” will impact property values of surrounding properties.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby deny Rezoning Application #1606-1406 (McCurdy) to rezone approximately 11.00 acres from an “A-1” Agriculture District to an “R-E” Residential Estate District.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 4th day of January, 2017. This action shall become effective upon publication in the official county newspaper.

Richard A. Howard
Chairman

Received and recorded this the 4th day of January, 2017.

Janet Paddock
County Clerk

Franklin County Agenda Cover Sheet



To: Franklin County Board of County Commissioners
From: Larry D. Walrod
Department: Planning & Building Department
Date: Wednesday, January 4th, 2017

AGENDA ITEM NARRATIVE

Annual Franklin County Comprehensive Plan review.

BACKGROUND

At their meeting of December 15th, 2016, the Planning Commission reviewed the policies, goals, objectives and land use map of the current County Comprehensive Plan pursuant to State law. After reviewing the existing plan, together with the Staff report and public comments, the Planning Commission determined that there weren't any amendments nor required modifications necessary or recommend at this time.

DISCUSSION: K.S.A. 12-747(d) requires that at least once per year the Planning Commission shall review the Comprehensive Plan to ensure that the objectives set forth in the plan are still effective and consistent with the overall goals of the County.

Staff has reviewed the 2016 legislation enacted by the State affecting Planning and Land use related issues. None of the laws adopted for this session have addressed any modifications or changes that would impact the County Comprehensive Plan.

In addition, Staff has reviewed the "Franklin County Strategic Plan" prepared by Ottawa/Franklin County Economic Development and other economic and land use related reports, including State Highway improvements projects proposed for K-68 Highway and finds that none of the programs or issues raised in the plans would warrant changing the County Comprehensive Plan at this time.

SPECIFIC ACTION REQUESTED

After reviewing current changes to the State laws, economic development plans, future growth plans for the cities and local community needs, the Planning Commission determined that it would not be necessary to amend the County Comprehensive Plan and have forwarded a letter to the County Commissioners noting that the Planning Commission has reviewed the County Comprehensive Plan as required by K.S.A. 12-747(d) and have determined that modifications or changes would not be warranted at this time.

ATTACHMENTS

Letter from Planning Commission