FRANKLIN COUNTY PLANNING COMMISSION

PUBLIC MEETING MINUTES

6:30 P.M., MARCH 17th, 2016 AT THE COUNTY COMMISSIONERS MEETING ROOM
FRANKLIN COUNTY ANNEX

ATTENDANCE:

MEMBERS: J. Peckham, Chair; S. Valencia, R. Welton, D. Stottlemire, L. Spencer, and R. Bowers were present. L. Thurston, L. Stewart and K. Jones were excused.

STAFF: Larry D. Walrod, Planning Director and Deann Farrell were present

COMMISSIONERS: None were present.

ADMINISTRATOR: None were present.

CO COUNSELOR: None were present.

PUBLIC: Three (3) people signed in. Sign-in list is part of the official file copy located in the Planning Office.

NOTES: Chair called the meeting to order at 6:30 p.m.

GENERAL BUSINESS:

ADOPTION OF THE AGENDA: Chair asked if there were any amendments to the March 17th, 2016 Agenda. Staff stated there were none. Chair asked for a motion. L. Spencer made a motion to accept the agenda of March 17th, 2016 as presented. The motion was seconded by R. Welton. The Chair called for voice vote. All voted in favor. The agenda was approved 6-0 as presented.

APPROVAL OF MINUTES: February 18th, 2016 Public Meeting

NOTES: Chair asked if there were any corrections to the February 18th, 2016 Public Meeting Minutes. There were none. Chair asked for a motion. R. Welton made a motion to approve the minutes of the February 18th, 2016 Public Meeting as written. The motion was seconded by R. Bowers. The Chair called for voice vote. The minutes were approved 6-0 as written.

COMMUNICATIONS: There were none.

EX PARTE COMMUNICATIONS: There were none.

PUBLIC MEETING ITEMS:

1. *Application # 1602-1380 (Goodwin) requesting to rezone approximately 37.03 acres from an A-1 (Agriculture) Zoning District to an A-2 (Transitional Agriculture) Zoning District and 3.01 acres from an A-1 (Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District. Said property is located at the intersection of Virginia Road and Vermont Terrace, on the north side of Virginia Road and on the east side of Vermont Terrace, in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 28, Township 18 South, Range 21 East.*

Staff Presentation: The Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 37.03 acres from an A-1 (Agriculture) District to an A-2 (Transitional Agriculture) District and to rezone approximately 3.01 acres from an A-1 (Agriculture) District to an R-3A (Single Family Residential Three Acre) District. The property is located at the intersection of Virginia Road and Vermont Terrace, on the North side of Virginia Road and on the east side of Vermont Terrace in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 28, Township 18 South, Range 21 East. The purpose for the rezoning is to allow the applicant to split the approximately 3.01 acres, with the existing residence, in order to build a second residence on the remaining 37.03 acres. The existing residence is already served with on-site water and sanitation. There is a letter on file from Franklin County Rural Water District #6 that they would be able to provide potable on-site water for the second residence. Staff finds that the rezoning request is substantially in compliance with the goals and objectives of the County Comprehensive Plan and the County Zoning Regulations. In consideration of the rezoning, the Planning Commission should look at the thirteen (13) findings of fact based on the guidelines that are listed in your Staff Report along with the factors from the Golden Case. Notice was sent to six (6) surrounding property owners. The Planning Department did not receive any comments for or against the proposed rezoning request. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #1602-1380 to rezone approximately 37.03 acres from an A-1 (Agriculture) Zoning District to an A-2 (Transitional Agriculture) Zoning District and to rezone approximately 3.01 acres from an A-1 (Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District based on the findings as set forth in the resolution and forward a recommendation to the County Commissioners to rezone the property and to amend the County Zoning Map accordingly. The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation. Mr. and Mrs. Goodwin were present but had nothing further to add unless the Planning Commission had any questions. The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. There were none. The Chair closed Public Comment.

Board Discussion. The Chair opened Board Discussion. There were none. The Chair closed Board Discussion.

The Chair asked for a motion. R. Welton made a motion to recommend approval of application #1602-1380 (Goodwin) requesting to rezone approximately 37.03 acres from an A-1 (Agriculture) Zoning District to an A-2 (Transitional Agriculture) Zoning District and to rezone approximately 3.01 acres from an A-1 (Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District. Said property is located at the intersection of Virginia Road and Vermont Terrace, on the North side of Virginia Road and on the east side of Vermont Terrace in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 28, Township 18 South, Range 21 East, based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by S. Valencia. Chair called for a roll call vote.

Welton	Yes	Spencer	Yes	Peckham	Yes
Thurston	Excused	Stewart	Excused	Jones	Excused
Valencia	Yes	Bowers	Yes	Stottlemire	Yes

Motion carried 6-0.

Staff stated that this matter will go forward to the Board of County Commissioners for final consideration in approximately three (3) weeks. There is a fourteen (14) day protest period that is provided by State Law. The County Commissioners cannot act on this matter until that fourteen (14) day time period has expired

NON-PUBLIC MEETING ITEMS: The Chair opened Non-Public Meeting Items. There were none. The Chair closed Non-Public Meeting Items.

PUBLIC COMMENT SECTION: The Chair opened Public Comment. There were none. The Chair closed Public Comment.

GENERAL BOARD DISCUSSION: The Chair opened General Board Discussion.

Staff stated that the Camp Chippewa Special Use Permit was approved by the County Commissioners earlier this month. None of the surrounding property owners appeared at the County Commissioners meeting in objection to the Special Use Permit that had appeared at the Planning Commission meeting last month.

R. Welton asked if applications like the one on the agenda this evening, which are about 85% of what comes before the Planning Commission, could be proxy voted since the Planning Commission is only an advisory board? Especially like tonight where there was only one item on the agenda and it is a straightforward application.

Staff stated that State law sets the procedures for these types of applications and in order to follow the statutes we have to conduct these applications with the various steps required by law. Staff would like to be in a position where he could approve these and wouldn't have to come before the full Planning Commission. However, we can't treat one rezoning any differently that another. He has made these same comments to the Board of Zoning Appeals because a lot of those applications are very frivolous, but Staff can't approve them and they have to go before the Board of Zoning Appeals.

D. Stottlemire stated that about every 4 years, when they change Commissioners, this same subject comes up. This matter also comes up when they have changed County Counselors.

Chair stated that if one of the Planning Commission members weren't able to attend the meeting but was available by phone, could they call in and be part of the meeting as long as the Board and Staff could hear them talk.

Staff stated that the Planning Commission bylaws may have to be amended to allow for those types of calls.

Chair stated she thought that was stated in the open meetings law.

Staff stated that he doesn't believe that those types of calls follows the open meetings law, but he would check with legal counsel. The Planning Commission bylaws would still have to be amended to allow two-way conversations so that everything was being placed on record.

Chair stated that every other board that she has been on has allowed proxy votes on occasions. She has done this many times on school boards.

Staff stated that he is of the understanding that school boards are under different provisions.

D. Stottlemire stated that the County Commissioners have had proxy votes also.

Chair requested Staff to look into whether proxy votes would be allowed. She knows it isn't stated that they are allowed in our bylaws right now so those would have to be amended.

Staff stated that there are no provisions for proxy votes in our bylaws and they would have to be amended.

Chair asked if there was anything else Staff had for the Planning Commission.

Staff stated not at this time, however prior to the June 30th date Staff would be bringing a consideration for certain rezonings that are currently within the urban growth area for the City of Ottawa to rezone those in accordance with the County Zoning Regulations. This is an issue that will be addressed in the near future. The meeting cannot be conducted until the July meeting, which is after the expiration date of the interlocal agreement. It will involve a lot of properties and it will result in some properties being rezoned to a classification it wasn't previously zoned with the County. Most properties will revert back to the zoning classification that was previously there.

Chair asked about properties that were taken out of County Agricultural Zoning District and put into the City's Countryside Zoning.

Staff stated that if the property meets the County's requirements for the Agricultural Zoning District it will revert back to that classification. If it doesn't meet the lot size then it may have to go to a different classification such as the R-E, Residential Estate Zoning District. Where the City specifically zoned a property for Industrial or Commercial, the County would have to do an evaluation for compliance with the Comprehensive Plan. The Planning Commission may want to hold a Study Session prior to the July meeting. Staff will need to get some information together for the next meeting to show what the previous County Zoning was, what the City's Zoning currently is and what Staff proposes to rezone it to. That way the Planning Commission can decide if you want to hold a Study Session or not.

D. Stottlemire asked if the City of Ottawa had already rezoned the new industrial park.

Staff stated that the City of Ottawa has annexed the industrial park but had not zoned it.

Chair asked if the City of Ottawa was spot annexing that area like they did for the airport or did they annex everything up to and including the new industrial park.

Staff stated that the only part that the City of Ottawa didn't annex was a 10-acre tract, with an existing residence, that is located on the west side of Montana Road, because it has not been purchased yet. All of the other properties that have been purchased, with the joint agreement between the City of Ottawa and Franklin County, have been annexed.

Chair asked if the Love's site, the property next to it that has the fireworks stand, and all the property behind it now has the City of Ottawa Zoning.

Staff stated that there is still one little piece of the fireworks stand property that hasn't been annexed yet. The Fogle property, Love's property and all of the properties clear over to Montana Road and down to Kingman Road have been annexed, South of I-35, including the small triangular piece, which isn't a part of the industrial park. The one piece that wasn't annexed is because they don't have ownership to that tract as of yet and they didn't want to interfere with the negotiations that are going on for the purchase of that particular tract. The Chair closed General Board Discussion.

CALENDAR: The next Planning Commission Public Meeting will be held **Thursday, April 21st, 2016, at 6:30 p.m.** in the **COUNTY COMMISSIONERS MEETING ROOM IN THE ANNEX BUILDING**.

ADJOURNMENT: With no further business to discuss, R. Bowers made a motion to adjourn. L. Spencer seconded the motion. All voted in favor 6-0. The meeting was adjourned at 6:49 p.m.

Juanita Peckham

J. Peckham, Chair

Attest:

Larry D. Walrod

Larry D. Walrod, Planning Director