

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

RESOLUTION NO. 19- 39

A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AMENDMENTS BY REFERENCE OF RESOLUTION #19-38 AS PROVIDED BY K.S.A. 12-3303 TO THE FRANKLIN COUNTY ZONING REGULATIONS ADDRESSING RENEWABLE COMMERCIAL ENERGY SYSTEMS AS A LAND USE AND ESTABLISHING DEVELOPMENT CRITERIA AND STANDARDS FOR THE UNINCORPORATED AREAS OF THE COUNTY.

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 Board of County Commissioners did adopt the Zoning Regulations of Franklin County Kansas on August 4th, 2002 as provided in K.S.A. 12-757; and

WHEREAS, the Franklin County Planning Commission did publish notice on September 24, 2019 and September 26, 2019 that public hearing would be held to consider an amendment to the Zoning Regulations of Franklin County Kansas as required by K.S.A. 12-757; and

WHEREAS, the Planning Commission did on October 17, 2019 and November 21, 2019 hold a public hearing for the consideration of adopting said amendments to the Zoning Regulations as prescribed by K.S.A. 12-757; and

WHEREAS, the Franklin County Planning Commission did review in detail the amendments to the Franklin County Zoning Regulations addressing renewable commercial energy systems as a land use and establishing development criteria and standards; and

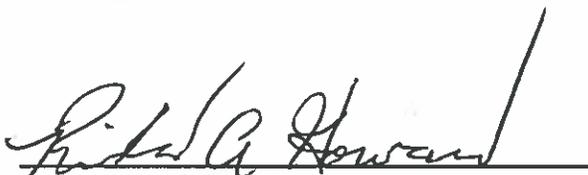
WHEREAS, the Planning Commission, after due consideration of all written reports, public testimony, Kansas Statutes regarding changes to Zoning Regulations and the applicable criteria from the factors set forth in the Golden Case, the Planning Commission, by majority of its membership, did find the following:

1. That the amendments to the County Zoning Regulations are in compliance with the Kansas Statutes; and
2. That the amendments to the County Zoning Regulations are consistent with the County Comprehensive Plan; and
3. That the amendments are consistent with the purpose and intent of the County Zoning Regulations; and
4. That said amendments are in the public interest and will further provide for the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of County Commissioners, after duly reviewing the Planning Commission recommendation, together with written reports and public comments regarding said changes to the County Zoning Regulations does hereby approved such changes as contained in Resolution #19-____ and does hereby adopt by reference such changes as if fully set forth herein as provided by K.S.A. 12-3303.

1. Article 2, Section 2-1.01 Definitions. To add definitions for the following:
 - a. RENEWABLE ENERGY SYSTEMS
 - b. SOLAR ENERGY CONVERSION SYSTEMS (COMMERCIAL)
 - c. SOLAR ENERGY CONVERSION SYSTEMS (PRIVATE)
 - d. WIND ENERGY CONVERSION SYSTEMS (COMMERCIAL)
 - e. WIND ENERGY CONVERSION SYSTEMS (PRIVATE)
2. Article 3 Zoning Districts and General Regulations, Section 3-3.01 Miscellaneous Regulations Governing All Zoning Districts to add a new item U. Wind Energy Conversion Systems (Commercial).
3. Article 3 Zoning Districts and General Regulations, Section 3-3.01 Miscellaneous Regulations Governing All Zoning Districts to add a new item V. Solar Energy Conversion System (Commercial)
4. Article 4 Agricultural District (A-1) amending Section 4-3.01 Special Uses adding items 17. Wind Energy Conversion Systems (Commercial) and 18. Solar Energy Conversion Systems (Commercial)
5. Article 5 Transitional Agriculture District (A-2) amending Section 5-3.01 Special Uses adding item 16. Solar Energy Conversion Systems (Commercial)

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 11th day of December, 2019. This action shall become in full force and effect upon publication in the official county newspaper.


Richard A. Howard
Chairman

Received and recorded this the 11th day of December, 2019.




Janet Paddock
County Clerk