

RESOLUTION 2017 - 19

A RESOLUTION AUTHORIZING A MORATORIUM ON CHANGES IN THE LAND USE, ZONING AND SUBDIVISION DEVELOPMENT WITHIN A DESIGNATED CORRIDOR AROUND COUNTY ROAD 1 IN LEAVENWORTH COUNTY

WHEREAS, it is hereby found that the Board of County Commission of Leavenworth County, has committed to a partnership with the Kansas Turnpike Authority (KTA) to invest substantial public funds toward then the creation of a new interchange on Interstate 70 where it intersects County Road 1 (222ND Street); and,

WHEREAS, it is hereby found that a substantial investment of public funds into infrastructure improvements should reasonably be accompanied by detailed land use planning in order to ensure the public health safety and welfare, and provide a reasonable increase in the tax base of the county proportionate to the investment of taxpayer's funds; and,

WHEREAS, the Board of County Commission of Leavenworth County, are currently developing policy guidelines and regulatory standards and are also pursuing a separate investigation into the Board's options for guiding the County's future growth; and,

WHEREAS, the Board of County Commission of Leavenworth County agree that the development of land in the designated corridor would have the greatest chance of returning the substantial public investment if the area were developed with provisions for proper sewer, public water, storm water management and fire protection improvements; and,

WHEREAS, the Board of County Commission, with the advice and counsel of staff, has determined an appropriate area to be designated as subject to its moratorium ("district") based upon the need for appropriate land use within and the likelihood of development with the area.

WHEREAS, sufficient sewer, public water, storm water management and fire protection infrastructure does not now exist in the designated district sufficient to allow property development; and,

WHEREAS, sufficient legal mechanisms for the creation of County sewer district, storm water management district, and Transportation Development Districts are envisioned within the district, and necessary to quality development; and,

WHEREAS, the premature development of land in the district risks substantial and irreparable damage to the highest and best possible development of the district; and,

WHEREAS, the Board of Commissioners is concerned that existing development regulations and construction standards may not be sufficient to ensure public benefit; and the highest and best use of the land within the district; and,

WHEREAS, the Board of County Commission of Leavenworth County, does not wish to impede any land owner's reasonable exercise of their property rights for longer than necessary;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that based upon the findings of fact adopted by the Board of County Commissioners in regular session on the 13th Day of April, 2017, that the following amendment is approved:

1. A moratorium on all building permits, subdivision development, entrance permits, lot and tract splits, rezoning, special use permits is hereby enacted in an area of land in Leavenworth County, Kansas more fully described as follows:

A strip of land 3 miles wide, 1.5 miles either side of 222nd Street as now established, from the Southeast corner of Section 20, Township 11 South, Range 21 East, thence North 2 miles to the Northeast Corner of Section 17, Township 11 South, Range 21 East, except that part that lies within the incorporated city limits of Tonganoxie, Kansas.

2. This moratorium shall not apply to building permits for additions to existing single family homes within the district, wastewater system repair permits, or building permits for agricultural purposes.

3. The moratorium created herein shall apply to all uses subject to control under the utility accommodation policy of the county.

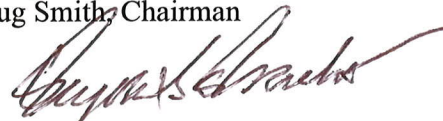
4. This moratorium shall be in effect until April 30, 2018 from this date and shall be allowed further extension of its expiration date by a simple majority vote of the Board of County Commission of Leavenworth County.

5. Any person wishing to be granted relief from this moratorium presented herein, may request such relief from this board and the board shall grant a hearing on such request.

Adopted this 13th Day of April, 2017
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman

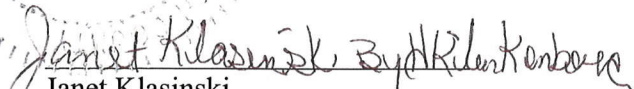


Clyde D. Graeber, Member



Robert W. Holland, Member





Janet Klasinski