

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

RESOLUTION NO. 14- 29

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS APPROVING SPECIAL USE PERMIT APPLICATION #1407-1293 (RURAL WATER DISTRICT #5) TO PERMIT THE CONSTRUCTION AND OPERATION OF A 125 FOOT ELEVATED WATER TOWER IN AN "A-1" AGRICULTURE ZONE

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 August 28<sup>th</sup>, 2014 that public hearing would be held to consider Special Use Permit application #1407-1293 (Rural Water District #5) as required by K.S.A. 12-757 and Article 19, Section 19-3.03 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on September 18<sup>th</sup>, 2014 hold a public hearing for the consideration of Special Use Permit application #1407-1293 (Rural Water District #5) to permit the construction and operation of a 125 foot elevated water tower in an "A-1" Agriculture Zoning District; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14<sup>th</sup>, 2002 which included Article 19, Section 19-1 through 19-5 setting out the procedures and basis for review in considering a Special Use Permit, including the following criteria:

- a. Whether the use is in compliance with, and would further enhance, the implementation of the adopted Comprehensive Plan;
- b. Whether the use complies with the purpose and intent of the adopted Zoning Regulations;
- c. Whether the use complies with other adopted standards of the County;
- d. Whether the use fits the character of the neighborhood;
- e. Whether the use would be unduly detrimental to surrounding properties and uses;
- f. The suitability of the subject property for the proposed use;
- g. Approval of mitigation measures to minimize impacts to surrounding properties or services; 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 Special Use Permit finds:

1. That the Special Use Permit is consistent with the County Zoning Regulations
2. That the Special Use Permit is in conformance with, and would further enhance, the County Comprehensive Plan

3. That, as conditioned, the Special Use Permit will not overburden the County roads and other public services
4. That, as conditioned, the Special Use Permit will not unduly affect the character of the surrounding community
5. That, as conditioned, the Special Use Permit will not impact property values of the surrounding properties
6. That, as conditioned, the Special Use Permit will comply with all other County Codes and Regulations
7. That the subject property is suitable for the proposed use.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby approve Special Use Permit Application #1407-1293 (Rural Water District #5) to permit the construction and operation of a 125 foot elevated water tower in an "A-1" Agriculture Zoning District as follows:

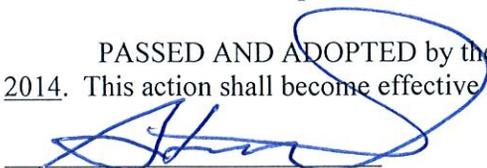
Section 1: Special Use Permit #1407-1293 (Rural Water District #5) is granted for the following described property:

EASEMENT DESCRIPTION: A 150'x150' square adjoining the existing driveway that extends from Riley Road to the Owner's residence on land described as a part of the East Half of the Southeast Half of Section 2, Township 16 South, Range 19 East, Franklin County Kansas.

Section 2: The real property described above shall be authorized for the construction and operation of a 125 foot elevated water tower pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That a sign be placed on the security fence around the tower base to include a telephone number of a responsible party in the event of an emergency.
2. That the enclosed area shall be locked at all times except when being used by company employees.
3. That the access easement be kept free of noxious weeds, litter and debris.
4. That the special use permit shall be null and void by operation of law if the special use permit has not been initiated and utilized by commencing the activity or use at the site specified in said permit within one (1) year of the date of approval.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 8<sup>th</sup> day of October, 2014. This action shall become effective upon publication in the official county newspaper.

  
Steven W. Harris  
Chairman

Received and recorded this the 8<sup>th</sup> day of October, 2014.



  
Janet Paddock  
County Clerk