

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

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RESOLUTION NO. 18- 03

**A RESOLUTION APPROVING SPECIAL USE PERMIT #1711-1547 (WHITAKER AGGREGATES)
FOR THE OPERATION OF A ROCK QUARRY IN AN "A-2" TRANSITIONAL AGRICULTURE
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 November 21, 2017 that a public hearing would be held to consider Special Use Permit application #1711-1547 (Whitaker Aggregates) as required by K.S.A. 12-757 and Article 19, Section 19-3.01 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on December 21st, 2017 hold a public hearing for the consideration of Special Use Permit application #1711-1547 to permit the Operation of a Rock Quarry, and after reviewing and considering all reports and testimonies did, by a majority vote of those present, deny said Special Use Permit; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14th, 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;
- h. Recommendation of Professional Staff; 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 #1711-1547 (Whitaker Aggregates) as follows:

Section 1: Special Use Permit #1711-1547 (Whitaker Aggregates) is granted for the following described property:

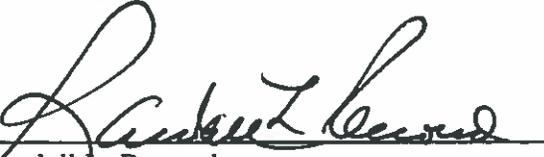
All that part of the Southeast Quarter (SE ¼) of Section 6, Township 17 South, Range 20 East, in Franklin County Kansas, lying South of and adjacent to the South right-of-way line of the Missouri Pacific Railroad right-of-way, as now established and lying West of and adjacent to the West right-of-way line of Interstate Highway 35, as now established, all subject to that part thereof within street right-of-way.

Section 2: The Special Use Permit for the real property described above shall be subject to the following conditions:

1. The area to be quarried must comply with Operation Plan and Reclamation Plan boundaries approved by the Director of Mined Land Reclamation of the State Conservation Commission and the Franklin County Board of County Commissioners.
2. The applicant shall submit a detailed Operation Plan and Reclamation Plan within sixty (60) days from the date of approval of the Special Use Permit.
3. The Operation Plan and Reclamation Plan shall include berms and landscaping along the I-35 Highway and 15th Street (Marshall Road) boundaries subject to the approval of the Franklin County Planning Commission and Board of County Commissioners.

4. The operator shall file a bond of \$1,500 per acre along with a Reclamation Declaration to be filed with the Franklin County Clerk as provided by K.S.A. 49-615(d). The applicant will not be required to post bond with the State if said bond is posted with the County. The bond shall be released by the County upon "Notice of Reclamation Completion" from the Director of Mined Lands Reclamation Program.
5. Operator shall make appropriate application for, and obtain, all Federal, State and County permits associated with the operation of a rock quarry, including requirements for air quality, noise, blasting, water quality and reclamation.
6. Operator shall maintain adequate insurance coverage and shall provide the County with a copy of said coverage.
7. Hour of operation shall be Monday through Saturday from 7:00 a.m. to 6:00 p.m.
8. Access to and from the site shall be limited to the current access driveway from 15th Street (Marshall Road) serving the existing gun club building. Operator shall maintain dust control on the access driveway and shall post a sign at the quarry driveway exit advising truck traffic must exit the site to the East onto 15th Street (Marshall Road) to limit heavy truck traffic through the City of Ottawa.
9. Fencing shall be installed and maintained along 15th Street (Marshall Road). All entrance gates shall be locked except during hours of operation.
10. A five hundred (500) foot blasting setback shall be maintained from all structures.
11. A one hundred (100) foot setback shall be maintained from the North, East and South property lines. There shall be no setback required from the West property boundary providing said property adjoining the proposed quarry site remains under the ownership of Caylor Coal Company, Inc.
12. No asphalt or concrete plant operations shall be permitted by this permit unless an amended Special Use Permit is filed and approved by the Franklin County Planning Commission and Board of County Commissioners
13. Due to the intermittent operations of the quarrying business, the 365 day provision regarding abandonment and expiration as set forth in Section 19-5.02 (c) of the County Zoning Regulations shall apply.
14. Signing shall be installed pursuant to K.S.A. 49.607.7.c including "No Trespassing Quarry Area" at sufficient locations around the perimeter adjoining 15th Street (Marshall Road) and I-35 Highway to provide public notice of quarrying operations.
15. The Special Use Permit shall run with the land and may be transferred subject to all of the conditions set forth above.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 10th day of January, 2018. This action shall become effective upon publication in the official county newspaper.


Randall L. Renoud
Chairman

Received and recorded this the 10th day of January, 2018.


Janet Paddock
County Clerk



FILED FOR RECORD
TIME 12:15 P.M.

MISC

JAN 10 2018

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REGISTER OF DEEDS, FRANKLIN CO., KS
INSTRUMENT # 101

(Original compared with record)

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