

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

BOOK 286 PAGE 30

RESOLUTION NO. 18- 21

A RESOLUTION APPROVING SPECIAL USE PERMIT #1803-1572 (MID-STATE MATERIALS, LLC.) FOR THE OPERATION OF A ROCK QUARRY IN AN "A-1" 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 March 27, 2018 that a public hearing would be held to consider Special Use Permit application #1803-1572 (Mid-State Materials, LLC.) 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 April 19, 2018 hold a public hearing for the consideration of Special Use Permit application #1803-1572 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, approve 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 #1803-1572 (Mid-State Materials, LLC.) as follows:

Section 1: Special Use Permit #1803-1572 (Mid-State Materials, LLC.) is granted for the following described property:

Beginning at the Northeast Corner of the Northeast Quarter of Section 23, Township 18 South, Range 19 East; THENCE South 2680.05 feet along the East line of said Section to the Southeast Corner of said Quarter Section; THENCE West 1001.33 feet along the South line of said Quarter Section; THENCE North 2673.55 feet to the North line of said Quarter Section; THENCE East along said North line 1001.34 feet to the Point of Beginning; EXCEPT Beginning at the Northeast Corner of said Section 23; THENCE South 02 degrees 25 minutes East 1212.2 feet along the East line of said Quarter Section; THENCE South 87 degrees 34 minutes West 20 feet; THENCE North 11 degrees 26 minutes West 618.4 feet; THENCE North 05 degrees 45 minutes West to a point on the North line 152 feet West of the Place of Beginning; THENCE North 88 degrees 27 minutes East along the North line of said Quarter Section to the Place of Beginning, containing 2.26 acres, more or less, and EXCEPT Commencing at a point on the South line of the Northeast Quarter of said Section 23 950 feet West of the Southeast Corner of said Northeast Quarter; THENCE North parallel with the East section line 300 feet; THENCE East parallel with said South Quarter Section line 300 feet; THENCE South parallel with the East Section line 300 feet, more or less, to said South Quarter Section line; THENCE West to Point of Beginning, said exception containing 2.07 acres, more or less, all in Franklin County Kansas, AND ALSO EXCEPT Beginning at the Southeast Corner of the Northeast Quarter of Section 23, Township 18 South, Range 19 East; THENCE North 89 degrees 29 minutes 30 seconds West for a distance of 950.00 feet along the South line of said Northeast Quarter to the True Point of Beginning; THENCE North 89 degrees 29 minutes 30 seconds West for a distance of 51.33 feet along said South line; THENCE North 00 degrees 27 minutes 25 seconds East for a distance of 300.00 feet; THENCE South 89 degrees 29 minutes 30 seconds East for a distance of 51.33 feet; THENCE South

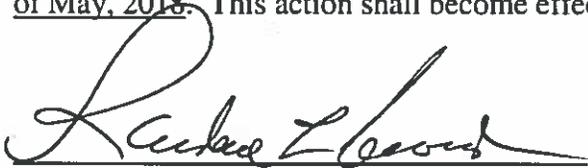
00 degrees 27 minutes 25 seconds West for a distance of 300.00 feet to the True Point of Beginning, containing 0.35 acres, more or less, Franklin County Kansas.

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 shall be limited to the 46 acres so noted in the lease agreement and must comply with the 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. The area to be utilized for stock piling of materials, scales, offices and related uses shall be limited to the Southeastern area of the East Half (E ½) of the Northeast Quarter (NE ¼) of Section 23, Township 18 South, Range 19 East as shown on the site plan.
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 specific mitigations such as berms and landscaping along the common boundary with residential developments and US-59 Highway 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 operation, 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 one (1) driveway from Ellis Terrace near the Missouri Road intersection subject to the approval of the Public Works Director. The Operator shall post a sign at the driveway exit advising truck traffic to exit East only onto Ellis Terrace to reduce dust and prevent heavy truck traffic from using the 15 ton bridge near the Westerly boundary of the site. Operator shall maintain dust control on the driveway and that portion of Ellis Terrace located Easterly of the entrance driveway to U.S.-59 Highway.
9. Fencing shall be installed and maintained along all property boundaries. 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 property lines.
12. The rock quarry operation may use portable toilet facilities for sanitation provided that the operator contracts with an independent third party toilet service and that monthly reports be filed with the Franklin County Environmental Health Department.

- 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. Signage shall be installed pursuant to K.S.A. 49-607-7C including "No Trespassing Quarry Area" at sufficient locations around the perimeter adjoining Ellis Terrace and U.S. 59 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 9th day of May, 2018. This action shall become effective upon publication in the official county newspaper.



Randall L. Renoud
Chairman

Received and recorded this the 9th day of May, 2018.


Janet Paddock
County Clerk

FILED FOR RECORD
TIME 9:15 A.M.

(Original compared with record)

Misc. MAY 16 2018
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REGISTER OF DEEDS, FRANKLIN CO. KS
INSTRUMENT # 1573

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