

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

RESOLUTION NO. 07-072

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0709-792 (McVAY) TO PERMIT THE INSTALLATION AND OPERATION OF A 33.5 FOOT HIGH WIND ENERGY CONVERSION SYSTEM IN AN "R-E" RESIDENTIAL ESTATE 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 September 25th, 2007 that a public hearing would be held to consider Special Use Permit application #0709-792 (McVay) as required by K.S.A. 12-757 and Article 17, Section 17-3 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on October 18th, 2007 hold a public hearing for the consideration of Special Use Permit Application #0709-792 for the installation and operation of a 33.5 foot high wind energy conversion system in an "R-E" (Residential Estate) Zone; and

WHEREAS, the Planning Commission, after reviewing and considering all reports and testimonies did, by a unanimous vote of those present, approved said Special Use Permit based on certain findings and subject to certain conditions; 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 surrounding properties.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners

does hereby approve Special Use Permit Application #0709-792 (McVay) to permit the installation and operation of a wind energy conversion system in an "R-E" Residential Estate Zone as follows:

Section 1: Special Use Permit #0709-792 (McVay) is granted for the following described property:

Tract 1:

Beginning at the Northwest Corner of the Northeast Quarter of Section 5, Township 16 South, Range 18 East; THENCE East 660 feet; THENCE South 990 feet; THENCE West 660 feet; THENCE North 990 feet to the Place of Beginning, in Franklin County Kansas.

Section 2: The real property described above shall be authorized to place additional staff housing pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the wind energy conversion system shall comply with all requirements of the Kansas Corporation Commission.
2. That the wind energy conversion system shall comply with all requirements of the Franklin County Building Code.
3. That the wind energy conversion system shall maintain a minimum setback of 100 feet from any property line.
4. That the wind energy conversion system shall not exceed 33.5 feet in height and rotor blades shall be a minimum of 20 feet above the surrounding grade.
5. That the wind energy conversion system shall be limited to one (1) unit.
6. That the Special Use Permit shall be null and void by operation of law if said 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 28th day of November 2007. This action shall become effective upon publication in the official county newspaper.

/s/ Karen S Farrell
Karen S. Farrell
Commissioner District 1

/s/ John E Taylor
John E. Taylor
Commissioner District 2

/s/ Roy C Dunn
Roy C. Dunn
Commissioner District 3

/s/ Donald C Hay
Donald C. Hay
Commissioner District 4

/s/ Donald R Stottlemire
Donald R. Stottlemire
Commissioner District 5

Received and recorded this the 28th day of November 2007.

Shari Perry

/s/ Shari Perry

County Clerk