

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

RESOLUTION NO. 05-34

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0502-451 (DAVIS) TO PERMIT THE OPERATION OF A DOG BREEDING/KENNEL OPERATION IN AN "A-1" AGRICULTURAL 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 February 24, 2005 that a public hearing would be held to consider Special Use Permit application #0502-451 (Davis) as required by K.S.A. 12-757 and Article 17, Section 17-5.03 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on March 17, 2005 hold a public hearing for the consideration of Special Use Permit Application #0502-451 for the operation of a dog breeding/kennel facility in an "A-1" Agricultural 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:

That the Special Use Permit is consistent with the County Zoning Regulations.

That the Special Use Permit is in conformance with and would further enhance the County Comprehensive Plan.

That as conditioned, the Special Use Permit will not overburden the County roads and other public services.

That as conditioned, the Special Use Permit will not unduly affect the character of the surrounding community.

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 #0502-451 (Davis) to permit the operation of a dog breeding/kennel facility in an "A-1" Agricultural Zone as follows:

Section 1:Special Use Permit #0502-451 (Davis) is granted for the following described property:

Tract 1:

The West Half (W ½) of the Northeast Quarter (NE ¼) of Section 33 and the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section 33 all in Township 17 South, Range 21 East containing 120 acres, more or less, all in Franklin County, Kansas. Subject to Oil & Gas Leases and Easements of record.

Section 2:The real property described above shall be authorized to operate a dog breeding/kennel

facility pursuant to the Franklin County Zoning Regulations and the following conditions:  
That the Special Use Permit is granted for the hobby kennel operation. Any additional uses will require approval of an amended Special Use Permit.  
That the kennel operation shall be limited to ten (10) adult dogs.  
That the applicant shall comply with the requirements of the State of Kansas.  
That the kennel shall be maintained in sanitary condition subject to the approval of the County Sanitarian and the Kansas Department of Health and Environment.  
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 (1) one year of the date of approval.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 4th day of April 2005. This action shall become effective upon publication in the official county newspaper.

/s/ Donald E. Waymire 9; /s/ John E. Taylor  
Donald E. Waymire John E. Taylor      Commissioner District 1      Commissioner District 2

/s/ Roy C. Dunn9; /s/ Donald C. Hay  
Roy C. DunnDonald C. Hay  
Commissioner District 3#9;      Commissioner District 4

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

Received and recorded this the 4th day of April 2005.

/s/ Shari Perry  
Shari Perry  
County Clerk