

BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS

BOOK 289 PAGE 590

RESOLUTION NO. 19- 09

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1901-1646 (TIM YODER) APPROVING SPECIAL USE PERMIT #1901-1646 (YODER) TO PERMIT THE OPERATION OF A RIFLE RANGE FOR FIREARM SHOOTING COMPETITIONS, FIREARM SAFETY INSTRUCTION AND TRAINING FACILITY 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 February 21, 2019 that public hearing would be held to consider Special Use Permit Application #1901-1646 (Tim Yoder) as required by K.S.A. 12-757 and Article 19, Section 19-3.04 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on March 21, 2019 hold a public hearing for the consideration of Special Use Permit Application #1901-1646 to permit the operation of a rifle range for firearm shooting competitions, firearm safety instruction and training facility; 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 #1901-1646 (Tim Yoder) as follows:

Section 1: Special Use Permit #1901-1646 (Yoder) is granted for the following described property:

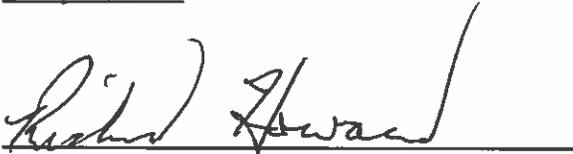
The Southwest Quarter (SW ¼) and all of the Northwest Quarter (NW ¼) lying South of the Marais des Cygnes River in Section 33, Township 16S., Range 19E. Franklin County, KS.

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

1. That the Special Use Permit is granted for operation of a rifle range for firearm shooting competitions, firearm safety instruction and training. Any additional uses will require approval of an amended Special Use Permit.
2. That the applicant shall maintain liability insurance in the amount of at least \$1,000,000.
3. That the parking area and access be improved and maintained with an all-weather surface within six (6) months of the start of any instructional or training activities.
4. That on-site sanitation facilities shall be provided and maintained at all times. Sanitation facilities shall be subject to the approval of the County Sanitarian prior to use.
5. That the applicant shall comply with the Floodplain Development Permit requirements as set forth in Section 16-6 of the County Zoning Regulations and any requirements regarding grading, fill or excavation of material established by the Kansas Department of Agriculture, Division of Water Resources.

- 6. Operation shall be limited to daylight hours.
- 7. Any signs used in conjunction with this Special Use Permit shall conform to the Franklin County Zoning Regulations.
- 8. That the property shall be secured at all times during use of the range.
- 9. The firing range shall be constructed to the standards of the National Rifle Association (NRA) and shall be certified as complying prior to use as an instructional/training facility.
- 10. No overnight camping shall be permitted.
- 11. 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 specified site in said permit within one (1) year of the date of approval.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 10th day of April, 2019. This action shall become effective upon publication in the official county newspaper.


 Richard A. Howard
 Chairman

Received and recorded this the 10th day of April, 2019.




 Janet Paddock
 County Clerk

FILED FOR RECORD
TIME 12:20 P.M.

Misc. APR 19 2019
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 REGISTER OF DEEDS FRANKLIN CO., KS
 INSTRUMENT # 1156