

**Franklin**

COUNTY KANSAS

EST. 1855

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, KANSASRESOLUTION NO. 21- 13**A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #2101-1826
(JUDD RANCH, INC.) TO PERMIT 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 January 26, 2021 that public hearing would be held to consider Special Use Permit application #2101-1826 (Judd Ranch, Inc.) as required by K.S.A. 12-757 and Article 23, Section 23-5.02 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on February 18, 2021 hold a public hearing for the consideration of Special Use Permit application #2101-1826 to permit the Operation of a Rock Quarry; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14th, 2002 which included Article 23, Section 23-1 through 23-5 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; and

WHEREAS, the Planning Commission, after due consideration of the criteria set forth in Article 23, Section 23-5.04 of the County Zoning Regulations, the relative factors of the Supreme Court case of Golden vs. City of Overland Park, together with all written reports and public testimony, the Planning Commission, by majority of its membership did find the following:

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 #2101-1826 (Judd Ranch, Inc.) as follows:

Section 1: Special Use Permit #2101-1826 (Judd Ranch, Inc.) is granted for the following described property:

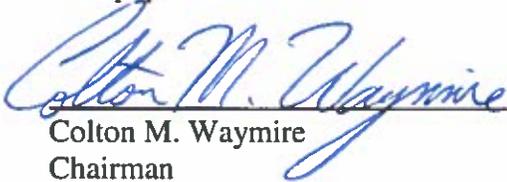
The East Fractional Half of the Southwest Quarter of Section 26, Township 16 South, Range 17 East, Franklin County Kansas.

Section 2: The Special Use Permit for the real property described above shall be authorized for the operation of a rock quarry pursuant to the Franklin County Zoning Regulations and 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 Osborne 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 from Osborne Road and subject to any specific location and improvements required by the Franklin County Public Works Director.
9. Fencing shall be installed and maintained along Osborne Road.
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 all property lines.
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 Osborne Road 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 March, 2021. This action shall become effective upon publication in the official county newspaper.


 Colton M. Waymire
 Chairman

FILED FOR RECORD
 TIME 10:40 A.M.

MWD
 MAR 11 2021
 Book 298 Page 360 Fee _____
Janet Paddock
 REGISTER OF DEEDS, FRANKLIN CO., KS
 INSTRUMENT # 1060

Received and recorded this the 10th day of March, 2021.



(Original compared with record)


 Janet Paddock
 County Clerk