

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

RESOLUTION NO. 12-05

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1112-1124 (OTTAWA COOPERATIVE ASSOCIATION) TO PERMIT THE PLACEMENT OF TWO (2) STORAGE TANKS FOR THE STORAGE OF ANHYDROUS AMMONIA IN AN "I-1" LIGHT INDUSTRIAL 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 December 27th, 2011 that a public hearing would be held to consider Special Use Permit application #1112-1124 (Ottawa Cooperative Association) as required by K.S.A. 12-757 and Article 17, Section 17-3.03 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on January 19th, 2012 hold a public hearing for the consideration of Special Use Permit Application #1112-1124 for the placement of two (2) 30,000 gallon storage tanks for the storage of anhydrous ammonia in an "I-1" (Light Industrial) 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 #1112-1124 (Ottawa Cooperative Association) to permit the placement of two (2) 30,000 gallon storage tanks for the storage of anhydrous ammonia in an "I-1" Light Industrial Zone as follows:

Section 1: Special Use Permit #1112-1124 (Ottawa Cooperative Association) is granted for the following described property:

The Northeast Corner of the Southeast Quarter of the Southeast Quarter of Section 12, Township 16 South, Range 20 East, Franklin County Kansas being more particularly **described as follows: Commencing at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of Section 12** Southerly for a distance of 625 feet; THENCE Westerly, parallel with the North line of the Southeast Quarter of the Southeast Quarter of Section 12 for a distance of 625 feet; THENCE Northerly, parallel with the East line of the Southeast Quarter of the Southeast Quarter of Section 12 for a distance of 625 feet to the North line of the Southeast Quarter of the Southeast Quarter of Section 12; THENCE Easterly along the North line of the Southeast Quarter of the Southeast Quarter of Section 12 for a distance of 625 feet to the Point of Beginning containing 9.00 acres, more or less, all in Franklin County Kansas.

Section 2: The real property described above shall be authorized for the placement of two (2) 30,000 gallon storage tanks for the storage of anhydrous ammonia pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the Special Use Permit is granted for the storage of anhydrous ammonia. Any additional uses will require approval of an amended Special Use Permit.
2. That a sign be placed on the security fence around the storage tanks to include a telephone number of a responsible party in the event of an emergency.
3. That an eight (8) foot high fence with a twenty-four (24) hour alarm system be installed and maintained.
4. That the enclosed area shall be locked at all times except when being used by the company employees.
5. 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 one (1) year of the date of approval.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 8th day of February 2012. This action shall become effective upon publication in the official county newspaper.

/s/ David J Hood
David J. Hood
Chairman

Received and recorded this the 8th day of February 2012.

/s/ Shari Perry
Shari Perry
County Clerk