

BOARD OF COUNTY COMMISSIONERS  
OF  
FRANKLIN COUNTY, KANSAS

BOOK 273 PAGE 424

RESOLUTION NO. 15- 10

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1503-1325 (SPILLMAN) TO PERMIT THE HOSTING AND OPERATION OF TRUCK "MUD RUN" EVENTS 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 March 24, 2015 that public hearing would be held on April 16, 2015 to consider Special Use Permit application #1503-1325 (Spillman) 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 April 16, 2015 hold a public hearing for the consideration of Special Use Permit application #1503-1325 to permit the hosting and operation of Truck "Mud Run" Events, and after reviewing and considering all reports and testimonies did, by a majority vote of those present, approve said Special Use Permit; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14<sup>th</sup>, 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; 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 #1503-1325 (Spillman) as follows:

Section 1: Special Use Permit #1503-1325 (Spillman) is granted for the following described property:

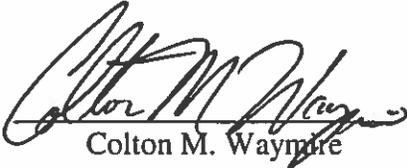
The West Half of the Northeast Fractional Quarter of Section 1, Township 18 South, Range 17 East of the 6<sup>th</sup> P.M.; EXCEPT beginning at the Northwest Corner thereof; THENCE East 700 feet; THENCE South 1245 feet; THENCE West 700 feet; THENCE North 1245 feet to the Point of Beginning, containing 20 acres, more or less, and containing, after deducting the exception noted, 61 acres, more or less, in Franklin County Kansas.

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 hosting and the operation of a truck "mud run" facility. 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 spectator parking area and access be improved with an all-weather surface prior to the start of the operation of the 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. Operation of the event participation shall be limited from 12:00 p.m. (noon) until 6:30 p.m.
6. The number of events shall not exceed two (2) events per calendar year.
7. Any signs used in conjunction with this Special Use Permit shall conform to the Franklin County Zoning Regulations.
8. No parking shall be permitted on the public roadway.
9. No vehicles shall be parked or stored on the property other than the applicants personal vehicles.
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 4<sup>th</sup> day of May, 2015. This action shall become effective upon publication in the official county newspaper.

  
Colton M. Wayne  
Chairman

Received and recorded this the 4<sup>th</sup> day of May, 2015.

  
Janet Paddock  
County Clerk



FILED FOR RECORD  
TIME 3:15 P.M.

*Msi.* MAY 04 2015  
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REGISTER OF DEEDS, FRANKLIN CO., KS  
INSTRUMENT # 1456

⚡ (Original compared with record)