

## RESOLUTION 2016- 26

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Tower, Radio, Television, Commercial Satellite Earth Stations and Microwave on the following described property:

A tract of land in the Southwest Quarter of Section 26, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence N90°00'E, 2172.17 feet along the North line of said Quarter; thence S00°00"E, 1036.02 feet for the point of beginning; thence S38°18' 12"E, 435.01 feet; thence S81°41'48"W, 435.01 feet; thence N21°41'48"E, 435.01 feet to the point of beginning. Containing 1.88 acres more or less.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 27<sup>th</sup> day of May, 2016, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 13<sup>th</sup> day of July, 2016; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 28<sup>th</sup> day of July, 2016, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 28<sup>th</sup> day of July, 2016, and incorporated herein by reference;

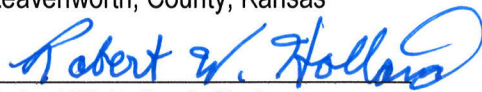
That Case No. DEV-16-067, Special Use Permit for a Cellular Tower is approved subject to the following conditions:

1. The SUP shall be limited to a period of twenty-five (25) years.
2. The SUP shall have no limit on hours of operation.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$3.39.
4. The applicant shall adhere to the following memorandums:
  - a. Chuck Magaha – Emergency Management, July 13, 2016
  - b. Chief Billquist – Stranger Township Fire Department, June 16, 2016
5. If the tower is not operated for a continuous period of two (2) years, it shall be considered abandoned, and the owner shall remove it within ninety (90) days of a receipt of notice from the governing authority notifying the owner of such abandonment. If such tower is not removed within ninety (90) days, the governing authority may remove the tower at the owner's expense.
6. Pad sites shall be surrounded by a minimum six-foot tall chain linked fence that may use screening inserts or other material that block direct view of the site.
7. Vegetation shall be removed and controlled around the pad site if the property is not used for agricultural purposes.
8. The tower shall have a day light to night time light (light is red in color at night on a dimmer).
9. A 24-hour emergency contact number shall be posted at the facility in the event of an emergency.

10. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
11. No on-street parking shall be allowed.
12. This SUP shall be limited to the narrative dated May 27, 2016 submitted with the application.
13. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
14. After an approval of this SUP by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

Located in Section 26, Township 11 South Range 21 East, also known as 20129 Douglas Rd, parcel no. 197-26-0-00-00-012.01 in Leavenworth County, Kansas.

Adopted this 28<sup>th</sup> day of July, 2016  
Board of County Commission  
Leavenworth, County, Kansas



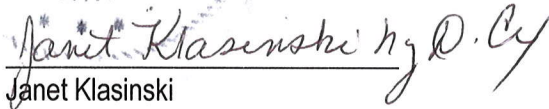
Robert W. Holland, Chairman



Clyde D. Graeber, Member



Dennis Bixby, Member

  
Janet Klasinski