

RESOLUTION 2016- 37

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Communication Tower on the following described property:

A tract of land, All that part of the Southeast Quarter (SE¼), Section Five (5), Township Ten (10), South of Range Twenty-two (22), East of the Sixth Principal Meridian, which lies South of the Delaware Reserve line, less that part taken for road, in Leavenworth County, Kansas.

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 22nd day of July, 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 14th day of September, 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 31st day of October, 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 31st day of October, 2016, and incorporated herein by reference;

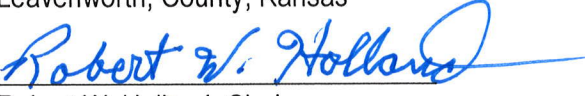
That Case No. DEV-16-086, Special Use Permit for a Communication Tower is approved subject to the following conditions:

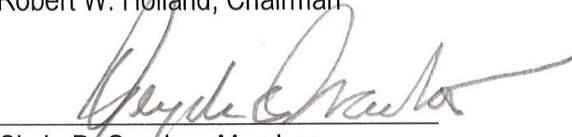
1. The SUP shall be limited to a period of twenty-five (25) years.
2. The SUP shall have no limit on hours of operation.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$3.39.
4. The applicant shall adhere to the following memorandums:
 - a. Rick Huhn – Fire District #1, August 31, 2016
 - b. Tyler Rebel – Westar Energy, August 31, 2016
 - c. Chuck Magaha – Emergency Management, September 20, 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. All proposed towers 150 feet or less, not including lightning rod, shall be designed to accommodate at least one (1) additional PCS/Cellular platform. All proposed towers in excess of 150 feet shall be designed to accommodate at least two (2) additional PCS/Cellular platforms.
7. 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.
8. Vegetation shall be removed and controlled around the pad site if the property is not used for agricultural purposes.
9. Prior to the issuance of a building permit, the applicant must file and receive approval of a site plan.
10. The tower shall have a day light to night time light (light is red in color at night on a dimmer).
11. A 24-hour emergency contact number shall be posted at the facility in the event of an emergency.

12. 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.
13. No on-street parking shall be allowed.
14. This SUP shall be limited to the Narrative dated July 22, 2016 submitted with this application.
15. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
16. After 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.

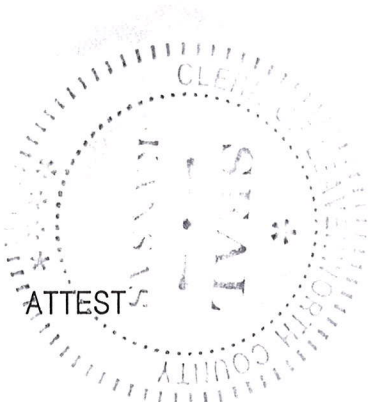
Located in Section 5, Township 10, Range 22, Parcel no. 153-05-0-00-00-015.00 in Leavenworth County, Kansas.

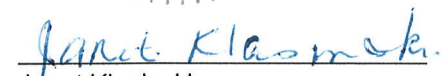
Adopted this 31st day of October, 2016
Board of County Commission
Leavenworth, County, Kansas


Robert W. Holland, Chairman


Clyde D. Graeber, Member


Dennis Bixby, Member




Janet Klasinski