

RESOLUTION NUMBER 2019-19

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A WIRELESS COMMUNICATIONS TOWER ON CERTAIN PROPERTY GENERALLY LOCATED AT 1219 QUAIL CREEK, PEABODY, KANSAS.

WHEREAS, application has been made by Rise Broadband, Troy Held, agent, on behalf of David Tharp, owner, requesting a Conditional Use Permit to establish a wireless communications tower on property zoned "A" Agricultural District, in Section 2, Township 21 South, Range 3 East, Marion County, Kansas; and

WHEREAS, following proper notification in the official County newspaper of a public hearing, on October 2, 2019, the Marion County Planning Commission held a public hearing on Case No. PC-19-06 on October 23, 2019, to consider the above said proposed conditional use, and;

WHEREAS, the Marion County Planning Commission has recommended approval of a conditional use permit for the establishment of a wireless communications tower, subject to certain conditions, and;

WHEREAS, the Board of County Commissioners of Marion County, Kansas, having reviewed the record of such hearing and the recommendation of the Marion County Planning Commission and determining the protest time has expired for such case declares it has proper jurisdiction to act upon said recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS, THAT:

1. The following described property is hereby granted a Conditional Use Permit to establish a wireless communications tower, subject to the conditions and restrictions listed herein:

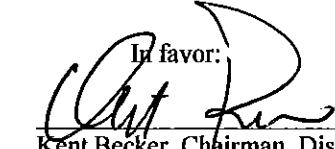
S02, T21, R03, ACRES 79.24, E 80 AC SE/4 LESS ROW Deed Book/Page 357 /197 414 /845 414 /847 420 /724

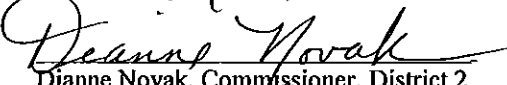
2. The Conditional Use Permit herein granted shall be subject to the following conditions and restrictions:
  - A) If unused for a period of twelve (12) months or more, the structure shall be declared abandoned and the applicant shall be required to remove the tower and appurtenances. Affected ground shall be restored to a use compatible with surrounding use;
  - B) Prior to development of the project, all required local, state and federal permits shall be obtained and copies submitted to the County.
3. This resolution shall be in full force and effect from and after publication in the official county newspaper.

BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

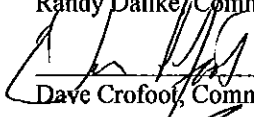
This Resolution is made by the Board of County Commissioners of Marion County, Kansas on this 18<sup>th</sup> day of November, 2019.

In favor:

  
Kent Becker, Chairman, District 1

  
Dianne Novak, Commissioner, District 2

(absent)  
Randy Dallke, Commissioner, District 3

  
Dave Crofoot, Commissioner, District 4

  
Jonah Gehring, Commissioner, District 5

Opposed:

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Kent Becker, Chairman, District 1

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Dianne Novak, Commissioner, District 2

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Randy Dallke, Commissioner, District 3

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Dave Crofoot, Commissioner, District 4

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Jonah Gehring, Commissioner, District 5

ATTEST:

  
Tina D. Spencer, Marion County Clerk

