

## RESOLUTION No. 2025-41-L

### BOARD OF COUNTY COMMISSIONERS LABETTE COUNTY, KANSAS

#### APPROVING A CONDITIONAL USE FOR CERTAIN PROPERTY LOCATED IN THE UNINCORPORATED AREA OF LABETTE COUNTY, KANSAS

WHEREAS:

- The owner(s) of a certain property located in the unincorporated area of Labette County submitted an application to the County Zoning Administrator for a conditional use on that property, as provided for in Article 8, Section 101 of the County Zoning Regulations. The application was designated Labette County conditional use Case ZCU-001-8.25.
- The subject property of Case ZCU-001-8.25 is 75'X75' in size and is located at the SW corner of Lyon Road and 13,000 Road in Mt. Pleasant Township, Labette County, Kansas.
- The subject property of Case ZCU-001-8.25 is legally described as: NE ¼ of Section 16, Township 33, Range 19, Labette County, Kansas.
- The subject property of Case ZCU-001-8.25 is in the A-1 Agricultural Zoning District.
- The requested conditional use would permit the establishment of a new 415' guyed communication tower with a 10' lightning rod for a total height of 425' on the subject property, which is listed in the County Zoning Regulations as an allowable conditional use in the A-1 Agricultural Zoning District.
- Under the authority and subject to the provisions of the Labette County Zoning Regulations, the Labette County Planning Board held a public hearing on September 20, 2025, to consider conditional use Case ZCU-001-8.25.
- Public Notice of the hearing was published in the official county newspaper on August 21, 2025, so that at least 20 days elapsed between the publication date and the date of the public hearing. As required by K.S.A. 12-757(b), written notice was also mailed to all owners of record of real property within the Notification Area, so that at least 20 days elapsed between the date of mailing and the date of the public hearing.
- During the public hearing, the Labette County Planning Board heard all comments and remarks relating to Case ZCU-001-8.25 and gave consideration to all statements. The Planning Board made specific findings of fact, and recommended conditions to ensure that the property with the conditional use will continue to comply with the standards set out in Article 8, Section 101 of the County Zoning Regulations.

On September 10, 2025, the Labette County Planning Board voted to make a recommendation to the Board of County Commissioners that the application for a conditional use of the subject property be approved.

TAKING ALL OF THESE FACTS INTO CONSIDERATION, THE BOARD OF COUNTY COMMISSIONERS OF LABETTE COUNTY, KANSAS, NOW HEREBY RESOLVES:

SECTION 1. A conditional use for the property described in this Resolution is hereby approved for a COMMUNICATION TOWER subject to the following condition(s):

(List the conditions contained in the County Zoning Administrator Conditional Use Case Report (as amended) for Case ZCU-001-8.25.

1. Construction Route: State Hwy 160 from the east or west to Lyon Road, south to 13,000 Road West to tower site located at the NE ¼ of Section 16, Township 33, Range 19, Labette County, Kansas.
2. Liability: Tillman Infrastructure and their subcontractors will provide evidence of a \$5,000,000.00 Certificate of Liability Insurance that shall indemnify and hold Labette County harmless from any and all costs, liabilities, expenses, suits, judgements or damages to persons, property or claims, in connection with the construction or the operation of the communication tower. Evidence of the Certificate of Liability Insurance shall be on file with the County Clerk's Office.

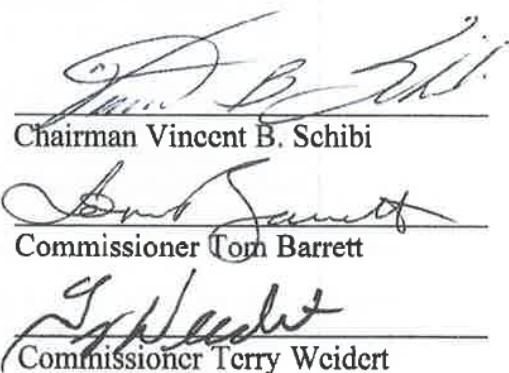
3. County Roads: Tillman Infrastructure will be responsible for the reasonable cost of repairing county roads used by the applicant during construction including public roads, bridges, culverts, box culverts, and road drainage ditches. The applicant will provide a bond in the amount of \$250,000.00 to Labette County for road repair. Labette County Road and Bridge will review road route before and after as well as take pictures. Any damage incurred will be paid through said bond to return the road to previous condition or better. Labette County Road and Bridge will do said work.
4. Landscaping: In lieu of landscaping as shown on Tillman Infrastructure site plans ZD-3, ZD-4 and ZD-5, applicant will maintain the site and access road by spraying for weed control twice a year.
5. Decommissioning Agreement: Applicant will provide evidence of decommissioning in lease agreement with lessor. Decommissioning begins 120 days from the date of discontinued use with removal of tower, associated equipment/structure and concrete removal three feet below ground.

SECTION 2. This conditional use is valid for one year from the publication date of the effectuating Resolution. The Planning Board may grant extensions not exceeding one year each, without further notice of hearing, provided that a written application for an extension is submitted within a valid one-year period. A zoning permit must be obtained, and the requested conditional use must be started within a valid one-year period, or the permit for this conditional use becomes invalid.

SECTION 3. The Labette County Official Zoning District Map, as previously adopted by reference, must be revised to show this conditional use. The Labette County Zoning Regulations are hereby amended to incorporate the revised Official Zoning District Map by reference.

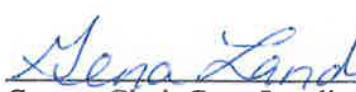
SECTION 4. This resolution becomes effective upon its passage and publication once in the official county newspaper. Publication is the 9<sup>th</sup> day of October 2025.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS ON this 6th day of October 2025.



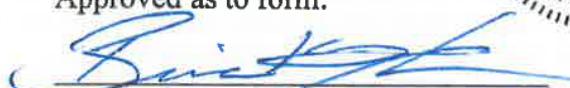
Chairman Vincent B. Schibi  
Commissioner Tom Barrett  
Commissioner Terry Weidert

Attest:

  
County Clerk Gena Landis



Approved as to form:

  
County Counselor Brian K. Johnson