

RESOLUTION NO. 2021 - 06
(Gnadt/Hund Conditional Use Permit for Quarry Operation (Case No. 597))

WHEREAS, pursuant to K.S.A. 12-757, and amendments thereto The Board of County Commissioners of Wabaunsee County, Kansas have considered the following recommendation of the Wabaunsee County Planning and Zoning Commission and;

WHEREAS, the Wabaunsee County Planning and Zoning Commission pursuant to K.S.A. 12-757, as amended, following published notification; and,

WHEREAS, good and proper written notification was provided to all landowners within the prescribed distance set out in the Wabaunsee County Zoning Regulations and K.S.A. 12-757(b) and,

WHEREAS, the Wabaunsee County Planning Commission has conducted a public hearing on the request of George Hund, through Alex Gnadt as agent, for a conditional use permit for the operation of a ledge rock quarry. The property affected is 00000 Correction Rd Paxico, Kansas 66526 on described property as follows:

The South Half (S1/2) of Section Thirty-five(35), Township Ten (10) South, Range Eleven (11) East of the 6th P.M., Wabaunsee County, Kansas.

LESS THE FOLLOWING TRACTS:

Tract 1: A parcel of land situated in the Southwest Quarter of Section 35, Township 10 South, Range 11 East of the Sixth Principal Meridian, Wabaunsee County, Kansas, and more particularly described as follows: Commencing at the Northwest corner of said Southwest Quarter, thence 00 degrees 00 minutes 00 seconds East along the West line of said Southwest Quarter a distance of 416.00 feet to the Southwest corner of a parcel described in Book 117 at page 116 and recorded in the Register of Deeds Office, Wabaunsee County, Kansas, and the Point of Beginning of the parcel to be described; thence South 89 degrees 54 minutes 43 seconds East along the South line of said recorded parcel a distance of 362.92 feet; thence South 00 degrees 00 minutes 00 seconds a distance of 600.23 feet; thence North 89 degrees 54 minutes 43 seconds West a distance of 362.92 feet to a point on said West line; thence North 00 degrees 00 minutes 00 seconds East along said West line a distance of 600.13 feet to the Point of Beginning, embracing 5.00 acres more or less. Subject to a 45 foot county right of way along the West line;

Tract 2: A tract of land in the Southwest Quarter of Section Thirty Five (35), Township

Ten (10) South, Range Eleven (11) East of the Sixth Principal Meridian, Wabaunsee County, Kansas Described as follows: Beginning at a point which is South 89 degrees 54 minutes 43 seconds East 522.72 feet of the Northwest corner of said Southwest Quarter thence South 0 degrees 00 minutes 00 seconds West 250 feet, the point of beginning; thence continuing South 0 degrees 00 minutes 00 seconds West 166.00 feet; thence North 89 degrees 54 minutes 43 seconds West 522.72 feet to the West line of the Southwest Quarter; thence North 00 degrees 00 seconds East along the West line of said Southwest Quarter 168.00 feet; thence South 89 degrees 54 minutes 43 seconds East 522.72 feet to the point of beginning. Said tract containing 1.992 acres more or less; and Tract 3: A tract of land in the Southwest Quarter of Section Thirty Five (35), Township Ten (10) South, Range Eleven (11) East of the Sixth Principal Meridian, Wabaunsee County, Kansas, described as follow: Beginning at the Northwest Corner of said Southwest Quarter; thence South 89 degrees 54 minutes 43 seconds East (assumed bearing) along the North line of said Southwest Quarter, 522.72 feet; thence South 00 degrees 00 minutes 00 seconds West, 250.00 feet; thence North 89 degrees 54 minutes 43 seconds West 522.72 feet to the West line of said Southwest Quarter; thence North 00 degrees 00 minutes 00 seconds East along the West line of said Southwest Quarter, 250.00 feet to the point of beginning. Said tract containing 3.00 acres, more or less All in Wabaunsee County, Kansas

WHEREAS, the Wabaunsee County Planning and Zoning Commission has by a majority vote of a quorum of its membership recommended that the Governing Body of Wabaunsee County, Kansas, approve said Conditional Use permit as proposed subject to the following conditions:

1. Loaded trucks and equipment will travel West on Correction Road from quarry site, then South on Paxico Rd to State Highway 138, then west to I-70, the leave Wabaunsee County on State maintained highways.
2. CUP holder will adhere to agreement made on December 15th 2020 with Kaw Township regarding road maintenance on Correction Rd.
3. CUP holder will fund rehabilitation of County bridge # 160 during the course of the permit such that it can handle a full legal load of 40 tons. Until the bridge is rehabilitated, there will a be a 35 ton weight limit on bridge #160 for this permit.
4. Mining shall occur in no more than 10 acre increments including overburden and topsoil area with only one 10 acre parcel open at a time. The land shall be reclaimed in 10 acre increments and within 12 months after quarrying of any parcel completed.
5. The Conditional Use Permit shall be valid for 24 months from the date of permit approval by the Board of County Commissioners.
6. Maximum depth of quarrying shall not exceed 12 feet from the surface.
7. The rock will not be stockpiled closer than 200 feet from road and not less than 30 horizontal feet from all other property lines.

8. Not more than 10 loads of quarried rock shall be removed from the site on any given day. Recommended maximum speed of 30 miles per hour.
9. No single load of material removed from the quarry shall exceed maximum weight guide lines on road or bridges. The County Road & Bridge Supervisor and / or Township Board where applicable, shall be involved as to the condition of haul roads being used and the Contractor will be responsible for any damage to roads and bridges.
10. Roads shall be monitored for excessive dust and methods to control dust shall be implemented by the contractor.
11. All mining related waste and machinery incompatible with reclamation shall be removed from the site upon completion of quarrying.
12. All topsoil shall be stockpiled and remain on site to be replaced prior to seeding at an equivalent depth from which it was removed.
13. Re-seeding shall occur with reclamation in a time frame which is practical and under the guidance of the Zoning Administrator.
14. Land shall be re-seeded with native grass species recommended by the Natural Resources Conservation Services (NRCS) or with other grasses that may fit the operation of the ranch as may be approved by NRCS.
15. Any erosion problem occurring due to the quarrying of rock or reclamation shall promptly be corrected and controlled.
16. The Zoning Administrator shall be notified upon completion of reclamation for compliance with this permit.
17. Trucks or equipment shall not enter or leave the quarry site during any time a school bus might run on any road or bus route adjacent to the quarry with the intent that truck traffic not conflict with school bus operations. Trucks are not to operate during rainy periods.
18. A Performance Bond, Cash Bond, or irrevocable letter of credit of \$7500.00 shall be obtained by the landowner for reclamation purpose to be issued to the county. The bond or irrevocable letter of credit will be due on file with the County by the earlier of 14 days after the board of commissioners approves the CUP or the beginning of excavation. Satisfaction of reclamation and cleanup of the site shall be at the direction and final determination of the Zoning Administrator.
19. There will be no blasting.
20. Landowner or operator will provide the County Appraiser a map of the detailed area being quarried within five (5) working days of each January 1st.
21. Must show proof of application from KDHE to the Zoning Administrator before opening the quarry.
22. The location of the entrance to the quarry shall be at a location that is satisfactory to the Zoning Administrator.
23. Provisions of the Kansas Surface Mining Land Conservation and Reclamation Act shall be followed.
24. Hours of operation 8:00A.M.-4:00P.M.

WHEREAS, the Board of County Commissioners of Wabaunsee County, Kansas, in due and regular session, met on the 8th day of February, 2021 and after public discussion voted to approve the conditional use permit.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WABAUNSEE, COUNTY KANSAS, that:

The above described property hereafter is granted the conditional use permit requested as described above and on the conditions stated.

BE IT FINALLY RESOLVED that this resolution shall be effective upon publication in the *Wabaunsee County Signal Enterprise*.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Wabaunsee County, Kansas this 8th day of February, 2021.

WABAUNSEE COUNTY KANSAS
FILED FOR RECORD THIS DAY

MAR 04 2021

at 10:20 o'clock A.M. and recorded in
Record 251 Page 161
Marty Nema Reg. of Deeds
Fee: \$72.00



Joel Fager
Joel Fager, Chairman

Nancy Hier
Nancy Hier, Commissioner

Rodney Allen
Rodney Allen, Commissioner

Attested by:

Abby Amick
Abby Amick, County Clerk

