

RESOLUTION NO. 2021 - 25
(McCoy Conditional Use Permit for Quarry Operation)

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 Duane McCoy, establishing a limestone Surface mining operation at 32502 Pavillion Rd, Alma, Kansas on described property as follows:

The Northwest Quarter of Section 13, Township 11 South, Range 9 East of the 6th P.M., Wabaunsee County, Kansas, less right of way, containing 154.0 acres, more or less.

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 exit the quarry onto Pavillion Rd and travel east to Wabaunsee Rd. Once reaching Wabaunsee Rd, the trucks will either follow Wabaunsee Rd north to Highway K- 18 and leave the county or follow Wabaunsee Rd south to Interstate 70 and leave the county.
2. CUP holder will adhere to agreement made with Wabaunsee Township regarding road maintenance.
3. 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.

4. The Conditional Use Permit shall be valid for 24 months from the date of permit approval by the Board of County Commissioners.
5. Maximum depth of quarrying shall not exceed 12 feet from the surface.
6. The rock will not be stockpiled closer than 100 feet from road and not less than 30 horizontal feet from all other property lines. Additionally, applicant agrees to not engage in any quarry activities extending from the corner of the intersection of Tallgrass Rd and Pavilion Road, extending 350 feet south of the intersection and 350 ft east of the intersection. At the 350 ft mark on Tallgrass road a line stretching to the east shall meet a line extending to the south 350 ft off of Pavilion road to meet and create a 350 ft x 350 ft square "no quarry" buffer. The fence line currently in place will serve as the north and west property boundaries. Upon approval of the permit, the Zoning Administrator will meet with the permit holder and mark the buffer in such a way as to be easily visible.
7. 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.
8. 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.
9. Roads shall be monitored for excessive dust and methods to control dust shall be implemented by the contractor.
10. All mining related waste and machinery incompatible with reclamation shall be removed from the site upon completion of quarrying.
11. All topsoil shall be stockpiled and remain on site to be replaced prior to seeding at an equivalent depth from which it was removed.
12. Re-seeding shall occur with reclamation in a time frame which is practical and under the guidance of the Zoning Administrator.
13. 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.
14. Any erosion problem occurring due to the quarrying of rock or reclamation shall promptly be corrected and controlled.
15. The Zoning Administrator shall be notified upon completion of reclamation for compliance with this permit.
16. 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.

17. 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.
18. There will be no blasting.
19. 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.
20. Must show proof of application from KDHE to the Zoning Administrator before opening the quarry.
21. The location of the entrance to the quarry shall be at a location that is satisfactory to the Zoning Administrator.
22. Provisions of the Kansas Surface Mining Land Conservation and Reclamation Act shall be followed.
23. 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 7th day of June, 2021 and after public discussion voted to approve the conditional use permit.

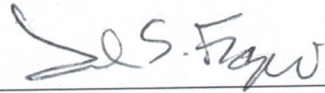
NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WABAUNSEE, COUNTY KANSAS, that:

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

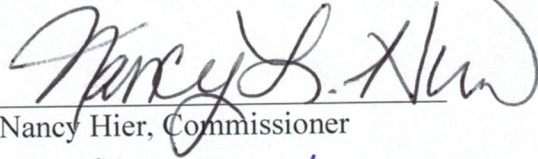
BE IT FINALLY RESOLVED that this resolution shall be effective upon publication in the *Wabaunsee County Signal Enterprise*.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of

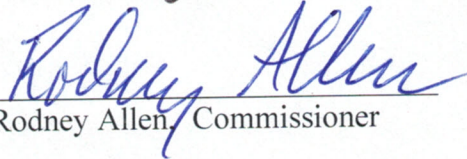
Wabaunsee County, Kansas this 7th day of June, 2021.



Joel Fager, Chairman



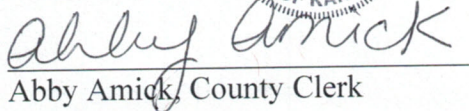
Nancy Hier, Commissioner



Rodney Allen, Commissioner



Attested by:



Abby Amick, County Clerk