

RESOLUTION NO. 2021 - 34
(Arand/Capoun Conditional Use Permit for Quarry Operation [Renewal of Resolution 2018-16, Recorded in Wabaunsee County Register of Deeds Office on June 4, 2018, in Record 233, Page 156])

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 Ronald Arand and Carolyn Arand, with Curtis Capoun as agent, for a conditional use permit for the operation of a quarry. The property affected is 00000 Paxico Rd, Paxico, Kansas with legal description as follows:

The SW ¼ of Section 26, Township 10, Range 11 East of the 6th P.M. 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 on Paxico Rd to I70.
2. There shall be a truck entering sign(s) posted near the entrance of the quarry to provide reasonable awareness to motorists of truck traffic. The sign(s) will be paid for by Mr. Capoun but installed by Wabaunsee County Road and Bridge.
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 effective for 6 months from the date of initial excavation operations. Applicant will be able to renew the permit without an additional application fee after 6 months, but it may be subject to impact fees currently being discussed by the Zoning Board.
5. Maximum depth of quarrying shall not exceed 12 feet from the surface.
6. The rock will not be stockpiled closer than 200 feet from road and not less than 30 horizontal feet from all other property lines.
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 or Cash Bond of \$7500.00 shall be obtained at the discretion of the owner for reclamation purpose to be issued to the county. 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. 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 2nd day of August, 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 2nd day of August, 2021.

absent
Joel Fager, Chairman

Nancy L. Hier
Nancy Hier, Commissioner

Rodney Allen
Rodney Allen, Commissioner

Attested by:

Abby Amick
Abby Amick, County Clerk

