

RESOLUTION NO. 2021 - 35

(Scott/BHS Properties Quarry CUP |Renewal of Resolution 2018-18, Recorded in Wabaunsee County Register of Deeds Office on July 9, 2018, record 234, page 98))

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 Keith Scott agent for BHS Properties, LLC, for a conditional use permit for the quarrying of a ledge rock on the following property:

Tract 1:

West Half of the West Half of the South Half and the West 300 feet of the East Half of the West half of the South Half of the Northwest Quarter of Section 22, Township 13 South, Range 12 East of the 6th P.M., LESS AND EXCEPT the following described land: A strip of land conveyed to Mission Creek Township in Warranty Deed recorded in Vol. 23 Page 44, described as follows: A strip of land 30 feet wide lying along the North line of the South half Northwest Quarter of Section 22, Township 13 South Range 12 East of the 6th P.M., Wabaunsee County, Kansas at a crossing of Mission Creek, not now occupied by the Frank Tufts road, the above landed dedeed to straighten the road.

Tract2:

A tract of land located in the Southeast Quarter of the Northeast Quarter of Section 21, Township 13 South, Range 12 East of the 6th P.M., Wabaunsee County, described as follows: Beginning at the Southeast corner of the Southeast Quarter of said Northeast Quarter; thence South 88 degrees 45minutes 16 seconds West assumed bearing, along the South line said of said Southeast Quarter of the Northeast Quarter 350.75 feet; thence North 01 degrees 25 minutes 11 seconds West parallel with the East line of said Southeast Quarter of the Northeast Quarter 1346.84 feet to the North line of said Southeast Quarter of the Northeast Quarter; thence North 88 degrees 19 minutes 56 seconds East along said North line 350.75 feet to the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 01 degrees 25 minutes 11 seconds East along the East line of said Southeast Quarter of the Northeast Quarter 1349.42 feet to the

Point of Beginning.
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, grant said Conditional Use.

WHEREAS, the Board of County Commissioners of Wabaunsee County, Kansas, in due and regular session, met on the 2nd day of August, 2021, in the Wabaunsee County Courthouse at Alma, Kansas, and after public discussion voted to approve the conditional use permit with the following conditions:

1. Loaded trucks and equipment will travel from the site via Green Ash Rd to and through the Vlander property and then on to K4.
2. 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.
3. The Conditional Use Permit shall be valid for 24 months from the date of permit approval by the Board of County Commissioners.
4. Maximum depth of quarrying shall not exceed 12 feet from the surface.
5. The rock will not be stockpiled closer than 200 feet from road and not less than 30 horizontal feet from all other property lines.
6. 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.
7. 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.
8. Roads shall be monitored for excessive dust and methods to control dust shall be implemented by the contractor.
9. All mining related waste and machinery incompatible with reclamation shall be removed from the site upon completion of quarrying.
10. All topsoil shall be stockpiled and remain on site to be replaced prior to seeding at an equivalent depth from which it was removed.
11. Re-seeding shall occur with reclamation in a time frame which is practical and under the guidance of the Zoning Administrator.

12. 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.
13. Any erosion problem occurring due to the quarrying of rock or reclamation shall promptly be corrected and controlled.
14. The Zoning Administrator shall be notified upon completion of reclamation for compliance with this permit.
15. 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.
16. 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.
17. There will be no blasting.
18. 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.
19. Must show proof of application from KDHE to the Zoning Administrator before opening the quarry.
20. The location of the entrance to the quarry shall be at a location that is satisfactory to the Zoning Administrator.
21. Provisions of the Kansas Surface Mining Land Conservation and Reclamation Act shall be followed.
22. Hours of operation 8:00A.M.-4:00P.M.

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 Hier
Nancy Hier, Commissioner

Rodney Allen
Rodney Allen, Commissioner

Attested by:



Abby Amick
Abby Amick, County Clerk