

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

**Monday, November 18, 2019
7:30 pm**

**Courthouse Plaza East
Commission Meeting Room
115 North 4th Street**

Members Present: Dr. Tom Taul, Chair
Diane Hoobler, Vice-Chair
John Wienck
Joe Gelroth
Nathan Larson

Members Absent: None

Staff Present: Bob Isaac – Planner; Monty Wedel – Director of Planning and Development; Leon Hobson – Director of Public Works

Others Present: Angela Marden, Janet Bailey, Kent and Kari Cool, Judy Kimball, Frank and Karolyn Harrison, Mel and Cindy Jones, Harold Bailey, Scott Quinn, Dalton McCoy, Kelly Briggs, Sharon Eckoff, Brian Nixon, Tony Akin, Kendall Worrel, Rick Maike, Kory Cool, Duane McCoy, Angela Rudy, Regina McCoy, Scott Dinger.

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the October 21, 2019 meeting were presented. The Report of Fees for the month of October (\$4,130.00) was presented.

Nathan Larson moved to approve the consent agenda as presented.

John Wienck seconded. Carried 5-0.

Chairman Taul asked the Board that due to a potentially longer public hearing scheduled for the Board of Zoning Appeals, would it be okay to reconvene as the Riley County Planning Board first, then the Board of Zoning Appeals second.

John Wienck moved to switch the meeting order of the agenda to allow the Board to reconvene as the Riley County Planning Board first and the Board of Zoning Appeals second.

Nathan Larson seconded. Carried 5-0.

John Wienck moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and reconvene as the Riley County Planning Board.

Joe Gelroth seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Jones – Replat & Rezone

Chairman Taul opened the public hearing at the request of Mel A. & Cynthia L. Jones, petitioners and owners, to rezone Lots 26, 27, 28, 29 and 30, Block 6, Town of Keats, from “AG” (Agricultural District) to “R-PUD” (Residential Planned Unit Development) and replat the lots into a single lot in Wildcat Township, Section 36, Township 9 South, Range 6 East, in Riley County, Kansas.

Mr. Isaac presented the request and described the background, location and physical characteristics of the subject property. Mr. Isaac explained that one of the reasons for the request to replat and rezone the property to a Residential Planned Unit Development (R-PUD) was to avoid being assessed two connections and associated fees when the proposed Keats sewer benefit district was completed, as the applicants expressed no desire to build an additional house on the lots. Mr. Isaac stated that the subject site is also located within the Noise Zone II and as recommended by the Flint Hills/Fort Riley Joint Land Use Study Update (JLUS), the use of land in this zone should be limited to activities that are not noise-sensitive – such as industry, manufacturing, transportation and agriculture, not residential. Mr. Isaac explained the R-PUD will further that recommendation by restricting further residential development of the property.

Staff recommended the Planning Board forward a recommendation to the Board of County Commissioners of Riley County to approve the request to rezone the proposed property based on reasons listed in the staff report.

Staff also recommended the Planning Board approve the Final Plat of Jones Addition, as it was determined that all requirements of the Riley County Subdivision Regulations, Riley County Zoning Regulations and Sanitary Code have been met.

Chairman Taul opened the public hearing.

The applicants did not wish to speak.

There were no proponents or opponents.

John Wienck moved to close the public hearing. Joe Gelroth seconded. Carried 5-0.

John Wienck moved to forward a recommendation of approval of the request to the Board of County Commissioners to rezone the subject property from "AG" (Agricultural District) to "R-PUD" (Residential Planned Unit Development) for reasons listed in the staff report. Diane Hoobler seconded. Carried 5-0.

John Wienck moved to approve the Final Plat of Jones Addition, as it was determined it met the minimum requirements of the Riley County Subdivision Regulations, Riley County Zoning Regulations and Sanitary Code. Diane Hoobler seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on December 5, 2019, at 10:00 am, in the County Commission Chambers.

Update on Zoning and Subdivision Regulations re-write

Monty Wedel stated there was no update at this time.

Joe Gelroth moved to adjourn the Riley County Planning Board meeting and reconvene as the Board of Zoning Appeals. John Wienck seconded. Carried 5-0.

BOARD OF ZONING APPEALS

McCoy Landscape LLC - Conditional Use

Chairman Taul opened the public hearing at the request of McCoy Landscape LLC, petitioner, and Raw Ventures LLC, owner, for a conditional use authorization to allow a multi-phased limestone quarry in Zeandale Township, Section 16, Township 11, Range 9 East in Riley County, Kansas.

Bob Isaac presented the request and described the background, location and physical characteristics of the subject property. Mr. Isaac explained that the applicant wishes to quarry a shelf of a particular type of limestone, which extends along ridgelines meandering throughout the subject site. He said due to the enormity of the site, the duration for the quarry mostly likely will take several years to complete. He said the applicant has divided the site into two distinct phases of quarrying to allow for reclamation efforts to be implemented more timely. Mr. Isaac reviewed the conditions proposed for the authorization.

Staff recommended approval of the request, as it was determined that the request meets the minimum requirements of the Riley County Zoning Regulations. Staff stated that, if approved, the request should be held to the criteria listed in the Conditional Use Authorization.

Chairman Taul asked the Board if there were any questions for Mr. Isaac.

Diane Hoobler noted that the \$1500 per acre reclamation bond was not included on the list of conditions for the authorization.

Mr. Isaac stated that the reclamation bond amount is set by the requirements of the State permitting requirements.

Mrs. Hoobler asked if the Reclamation Plan form provided in the packet was the actual reclamation plan. She said it doesn't include any of the information it's asking for.

Mr. Isaac stated anything specific that's required to be included with the form, will need to be submitted as part of the permit.

John Wienck questioned the Reclamation Plan form as well. He noted that if it were the final iteration of the Reclamation Plan, there were signatures missing from the document.

Mr. Isaac stated that he did not believe that the submitted form was the final Reclamation Plan. He said when it comes time for the permitting process, the form and associated information will need to be submitted. Mr. Isaac stated that the form was to show the Board what would be required as part of the Reclamation Plan.

John Wienck asked where does the Vision 2025 Comprehensive Plan come into play regarding preserving agriculture. He stated a lot of people worked a lot of years on the Plan to preserve

agriculture and the site is pasture. He said it appears we're not doing what we said we would do and we're going to start another rock quarry.

John Wienck asked where does the LESA (Land Evaluation Site Assessment) come in.

Mr. Isaac clarified that the LESA is generated when property is being rezoned from agricultural to something else, such as residential. He said the property is not being rezoned, thus, a LESA was not generated.

Mr. Isaac clarified that quarries and resource extraction are mentioned in the comprehensive plan. He said the Plan points out that there are limited resources and locations in Riley County. He said the thing about resource extraction is you have to go to where the resource is.

Janet Bailey submitted a copy of Chapter 6 of the Plan to Mr. Isaac.

Mr. Isaac confirmed the chapter of the Plan where the information regarding resource extraction was located.

John Wienck stated he was good with that as long as the language is in the Plan.

Mr. Isaac mentioned that once the site is reclaimed from quarrying operations doesn't mean agricultural uses can never occur there. He said there are other quarry locations that have been reclaimed which are pasture ground now.

Mr. Isaac asked if there were any questions on the general requirements of the zoning regulations.

John Wienck asked when should we talk about the list of conditions.

Mr. Isaac asked the Board if there was anything on the list of conditions that was objectionable or needs to be added.

John Wienck said condition #7, \$5,000 performance bond for roads was chicken feed. He said it should take four times that amount to return a road to its original condition. He said a load of rock costs \$400. He said he thinks that (the performance bond) should be much higher.

Mr. Isaac stated that the \$5,000 calculation was not arbitrarily made up, rather it was based on discussions with the County Engineer and his calculations.

John Wienck asked wouldn't it be better to set it higher in case it's needed?

Mr. Isaac explained that the applicant has to set aside a certain amount of money and have it ready to go throughout the duration of the quarrying, just in case. He said that it comes down to assessing the future needs without overburdening the applicant. He said Leon Hobson is in attendance to explain how the amount was calculated.

Chairman Taul asked Mr. Hobson to clarify.

Mr. Hobson stated that he came up with that amount primarily from the standpoint that the road (Tabor Lane) is being improved before they even start. He explained that all the regulations require is for the road to be returned to its original condition or better. He said the road currently is not 16-feet wide, doesn't have ditches, and needs rock on it. He said the road needs to at least be at a certain level to get their trucks in and out. He stated that the Board was correct in that if

Tabor Lane was already at an acceptable level of quality, a higher bond may be necessary to cover the costs of bringing the road back to original condition.

John Wienck asked Mr. Hobson if he was the one making the recommendations as to what quality level the road needs to be.

Mr. Hobson said it was a township road so it will be up to the Township Board to make those decisions.

Nathan Larson asked Mr. Hobson once the road is brought up to a standard, will it be the Township's responsibility to maintain it.

Mr. Hobson affirmed.

Nathan Larson asked Mr. Hobson who makes the determination that the road damage is not normal wear and tear.

Mr. Hobson said the Township will make that determination.

Mr. Hobson clarified that the \$5,000 performance bond is for the end of the quarry operation.

Diane Hoobler asked about the rest of the roads that go up to Zeandale. She said there is already a lot of truck traffic on those roads already. She said the additional trucks will be just as heavy as those already driving on those roads.

Mr. Hobson agreed that the additional trucks will take life out of the road, however, it is a public road and it's hard to restrict who can or cannot use it. He said the County uses it, there are private haulers that use it, and there's another quarry down the road that depends on it.

Mrs. Hoobler asked if the County would maintain it.

Mr. Hobson said the County maintains all county roads.

Chairman Taul asked the Board if they had any other questions for Mr. Hobson.

There were none.

Mrs. Hoobler stated to Mr. Isaac that the regulations require that a detailed site plan be submitted describing the proposed use, pointing out that a map depicting the more specific areas to be quarried was not included in their packets.

Mr. Isaac showed the Board (slideshow) the site plan submitted. He said the site plan is the extent of what is required for any other quarry. Mr. Isaac explained that he asked the applicant to submit a much more detailed map depicting the precise areas to be quarried, though the site plan met the minimum submittal requirements of the regulations.

Mr. Isaac also explained that there are times when items are submitted for a petition after the agenda packets are sent out to the Board members. He said that although it is preferred to have all the information available for the agenda packets, it was not some attempt to withhold information from the Board. He said the information is before the Board now and thus on time for the hearing.

Mrs. Hoobler clarified that the map included in the packet appeared to be very misleading as to the size of the area and the specific areas to be quarried, as compared to the more detailed map provided at the meeting.

Mr. Isaac agreed.

Monty Wedel referred to a question asked earlier regarding the completion of the reclamation plan and stated that there are several maps missing and, in his opinion, it isn't a complete reclamation plan. He said the Board could have the applicant bring that information back for final approval.

Joe Gelroth referred to proposed condition #6. He stated that the language in that condition required the reclamation plan to come back to the Board for final approval, prior to commencing any excavation.

Monty Wedel stated that he doesn't think the reclamation plan is complete yet.

John Wienck asked if the Board could end the meeting at this point and await the completed reclamation plan.

Mr. Wedel clarified that the Board could still go forward and approve the request, but the reclamation plan would have to come back to the Board for final approval.

Chairman Taul asked Mr. Isaac, referring to condition #8, what constitutes abandoned or discontinued. He asked who determines that.

Mr. Isaac said that the State will need to make that determination because they will be responsible for the reclamation of the site. He said the County can work in tandem with them and report if the site appears to be abandoned or the activity discontinued.

Chairman Taul asked if there is a time frame of inactivity that determines if a quarry is abandoned.

Mr. Isaac stated that he did not know what timeframe the State uses in determining when a quarry is abandoned or discontinued.

Chairman Taul stated that the condition seems too open-ended.

Chairman Taul asked if there were any more questions for staff.

There were none.

Chairman Taul opened the public hearing and asked those who wished to speak to please come to the podium and state their names for the record.

Chairman Taul asked if the petitioner was present and if he wanted to speak.

Duane McCoy, applicant, introduced himself, Scott Quinn and Dalton McCoy. He stated that they were asked by the Maike family (property owner) to quarry the property. He explained they have been in the quarry business for over twelve years in Wabaunsee County. He explained the specific limestone to be quarried is a 13 to 14-inch seam of the Dover Limestone. He explained that the map showing the ledge is a bit misleading in that it implies the whole area will be one big quarry. He stated that they are surgical in their extraction of the resource. He explained that due to topography, steepness,

equipment limitations, and the ability to successfully reclaim the land, they only quarry those areas that are practical to do so. He also explained that they reclaim as they go; not waiting until the quarrying is finished.

Scott Quinn, McCoy Landscaping LLC, spoke. He clarified that before they can begin operations, the State mandates they do a very thoughtful reclamation plan with them. He said Scott Carson is the contact person for the permitting, Department of Agriculture. Mr. Quinn explained that the property is bonded, \$1500 per acre for the purposes of reclamation. He stated that the Board will receive a complete reclamation plan, but the form submitted was just to show the Board they are aware of what needs to occur at the State level and that there will be maps, pictures and other details submitted. He said that the State is very stringent and check the property and equipment. He also explained that the reclamation bond doesn't get released until they have done an inspection of the entire site. He said at that time, those funds are transferred to another phase of the quarry until the quarrying is completed. He stated that whether the conditional use is approved or not, they can't commence quarrying until they fulfill the State's permitting requirements.

Nathan Larson asked Mr. Quinn if a particular limestone seam is being taking out, what is done with the rock layer above the seam.

Duane McCoy explained how the seam is extracted.

Diane Hoobler stated she was familiar with their reclamation efforts in Wabaunsee County and said those sites looked very nice.

Diane Hoobler stated the seam to be quarried is located at bench #5, and asked if the top of the hill would be left undisturbed.

Duane McCoy affirmed.

Diane Hoobler stated that her greatest concern for this proposal is there will be rock showing unable to be reclaimed.

Duane McCoy stated that is why this needs to be explained.

Dalton McCoy stated that the reclamation methods used will make it so no one would ever suspect a rock ledge was ever pulled out.

Duane McCoy explained regarding the roads, about every three years, they have an independent rock crusher come out to the site and crush some rubble on-site, then use that for the roads. He said that Tabor Lane will be so much better than what you see now.

Duane McCoy mentioned that they have purchased magnesium chloride in order to combat fugitive dust, if needed.

Nathan Larson asked how many loads are anticipated on coming out of the site.

Duane McCoy stated 4 to 5 loads until it the operation gets going, but explained that it will remain a relatively small operation.

Diane Hoobler asked when the rock is being quarried, how high is it from the bottom. She asked if the tops of the hills would be disturbed.

Duane McCoy said no.

Diane Hoobler expressed concern about increased stormwater drainage caused by the quarry operation.

Duane McCoy explained that due to their precision/surgical method of extraction, it won't be like a great big rock canyon. He said the extraction areas will be 50 – 100 feet in length at a time. He said there won't be a large volume of acreage exposed at any given time making it vulnerable to erosion and sediment run-off.

Chairman Taul asked if the type of quarry would be extracting blocks of limestone.

Duane McCoy affirmed and gave examples of how the blocks of limestone are typically used. He confirmed that this would not be a quarry for gravel.

Chairman Taul asked if there were any questions from the audience and stated that, if so, to please come to the podium and speak into the mic.

Monty Wedel added that questions should be directed to the Board.

Karolyn Harrison stated that being the only home on Tabor Lane, she felt very impacted by the proposed project. She said she was under the impression that there were to be two roads serving the project site and it appears that Tabor Lane will be the only road. She asked if that was correct.

Duane McCoy said that was not correct.

Mrs. Harrison asked about how long Phase I will last. She also expressed concern about the hours of operation being limited to daylight hours. She said that in the summer, daylight can be from 6:00 o'clock in the morning to 9:00 o'clock at night and she found that objectionable. She said such hours of operation will impact her family outdoor summertime activities. She asked if the applicant could restrict their hours of operation during the summer. Mrs. Harrison said that she was glad to hear there won't be explosives used for quarrying. She also stated that dust control is needed because the dust storms make driving extremely dangerous on Tabor Valley Road.

Chairman Taul asked if anyone else had any questions for the Board.

Janet Bailey stepped to the podium and provided copies of her questions to the Board. She said her family owns property adjacent to the proposed quarry site. She expressed concerns about the possible "taking" or condemnation of property for the purposes of widening Tabor Lane. She said that once Tabor Lane is improved, enlarged, widened, the Township will still be the ones who have to maintain it. She asked where the funds for such maintenance will come from and asked if there will be an enhanced assessment to the property owners to help the Township pay for it.

Ms. Bailey expressed concern on how trucks would access Tabor Lane for Phase II, as shown on the site plan. She asked if there was going to be the same consideration for roads other than Tabor Lane that may be used as part of the project, such as Smith Hills Lane.

Ms. Bailey asked what the input from the Riley County Conservation District has been. She also stated that Bob Isaac mentioned KDHE (Kansas Department of Health & Environment) having a role in the permitting. She asked the Board for clarification as she stated that she was aware that KDA (Kansas Department of Agriculture) had a role in these types of projects, but would like to know what purpose KDHE served.

Ms. Bailey asked the Board to address how a conditional use would impact land valuation. She asked if there are changes to how a property is assessed following the approval of a conditional use.

Ms. Bailey asked the Board what would happen if the land were to revert back to the federal government pursuant to case #4:17CV-11-JHM (aka #4:15-cv-00011-JHM-LLK) forfeiture of property against the current property owner (Maiké), which is next before the court on June 8, 2020. Ms. Bailey asked if the government is successful in seizing the property, what happens to the quarry project.

Ms. Bailey noted that one of the recommendations of the Vision 2025 Comprehensive Plan was to increase the notification of public hearing distance from 1000' to 2000'. She suggested the Board consider this recommendation going forward.

John Wienck recommended to Chairman Taul that the Board recess and meet in executive session. Mr. Wienck asked Monty Wedel if the Board could do that.

Monty Wedel said the Board would have to have certain reasons why they needed to do that.

John Wienck stated that Ms. Bailey submitted a lot of information and suggested that maybe there needs to be some fact finding. He said he didn't feel comfortable regarding the pending federal court case involving the property owner. Mr. Wienck said he felt like he needed legal counsel.

Chairman Taul suggested that since there were a lot of questions to take some time to answer them, beginning with Leon Hobson to address some issues with the roads.

John Wienck asked Mr. Hobson to also explain the difference in road width specifications between county and township roads.

Leon Hobson explained that the improvements of Tabor Lane, including widening the roadbed, creating ditches, surfacing, will occur within the existing 40-ft. right-of-way. He said no additional right-of-way would be needed to do that. He explained that most township road widths are 18-20 feet. He said we are asking for a 16-ft. width on Tabor Lane because it's more of a single lane road and it's an improvement over what is there now. He said that 16 feet is generally the county standard for a minimum maintenance road and when they met with the township, they were in agreement of the 16-ft. width improvement. He said county roadbeds are 24-ft. wide.

Mr. Hobson also clarified that Tabor Lane will not be classified as a minimum maintenance road. He said that he understood that the applicant plans on bringing that road to a higher standard than a minimum maintenance road.

Diane Hoobler asked if a semi-truck meets oncoming vehicles, will they be able to pass one another on the proposed improved road.

Mr. Hobson affirmed. He explained that the truck traffic will be around eight loads a day, moving fairly slowly along that route; thus, it will be fairly infrequent that opposing vehicles will be meeting. He said that was also a reason that went into the 16-ft. roadbed width calculation.

Chairman Taul confirmed no additional land would be needed from adjacent landowners to accomplish the improvements to the road.

Mr. Hobson stated that was correct. He said we would try to build the road between the fences that are already there.

Chairman Taul asked Bob Isaac to report on any input received from the Riley County Conservation District and explain KDHE's involvement.

Bob Isaac began to explain the Surface Mining Act and was corrected by Monty Wedel that the permitting was through KDA, not KDHE. Mr. Isaac apologized for the misstatement and stated KDHE is not involved.

Mr. Isaac explained, as with most development requests, a Development Review Memo packet was sent to the Riley County Conservation District, requesting their feedback on the proposed land use. Mr. Isaac confirmed they received it, but stated Planning and Development received no feedback from them.

Nathan Larson stated that he is on the Conservation District Board and they did receive the Development Review memo as stated. Mr. Larson stated that if the applicants go in and quarries a strip of land and immediately reclaims it, seeding it back to grass, he doesn't see much erosion taking place. He said if they do what they say they're going to do, from the perspective of the conservation district, he doesn't have much concern with it.

John Wienck asked Mr. Larson if the rest of the Conservation District Board had any concerns.

Mr. Larson said it was presented to the Board at their last meeting and no one had any concerns.

Chairman Taul asked the applicant to step forward to answer questions regarding access to the site for Phase II.

Rick Maike, property owner, stated that when they move forward with Phase II and the McCoy's are happy with what is happening, they have direct access to Smith Hills Lane, the use of which has been discussed with the Township who had no objections. He said at that time, that road would also need to be improved in order to serve the proposed use. He said that when Phase I is done, they will be done with Tabor Lane.

Mr. Maike pointed out the location of Smith Hills Lane on the map, showing that his property has direct access to that road. He said that they have been in contact with the Smith family and they have been made aware of the proposed quarry and had no

objections. He said that Duane McCoy has spoken to Gordon Smith and Mr. Maike has spoken with Francis Smith.

Mr. Maike state that the timeframe of Phase I is variable. He said it depends on what's accessible. He clarified, by use of the Site Plan/Specific Areas to be Mined map, just where quarrying could take place. He said most of Phase I would be completely out of view because of where it's situated. He said it would be quite a ways south of the Harrison's home.

Mr. Maike stated that if the land couldn't be reclaimed and put back to the condition it was prior to quarrying, he didn't want the quarry either. He said Diane Hoobler's husband was his Ag teacher in high school and he would like to eventually use this site to build a home for his family.

Mr. Maike stated that he has known the applicant for over 30 years and there is a trusting relationship between them.

Mr. Maike explained that he is involved in a dispute with the federal government that started in 2015 and is not resolved. He pointed out that in America, people are innocent until proven guilty. He said the court case has to do with him personally, not the company that owns the property. He said that if he were to lose the property to the government, there would still be an approved conditional use on the property and the applicant would be given sufficient time to reclaim those portions of the quarry, finish up business and exit the site.

Mr. Maike stated they want to be good neighbors. He said they have spoken with the Downey's that border their property for almost a mile on one side and they don't have a problem with the proposed use. He said he's spoken extensively with Mr. Bailey that owns property that borders the site for almost a half mile or so and he had no objections.

Mr. Maike said that to assume he can't do something with the property because of his issue with the federal government is to assume he can't put cattle on it and make an income off of it agriculturally. He said they plan on raising cattle on the property while the quarry is in operation.

Diane Hoobler asked if Mr. Maike was aware that the site has historical significance whereby four soldiers were buried on the site.

Mr. Maike said he was aware of the burials as he had the conversation with the Harrison's. He stated that they think they know where the burial site is on the site. He said they would like to place a monument and a flagpole commemorating the burial.

Monty Wedel stated that, to follow up earlier statements regarding the legal issues, the County requires a Certificate of Title to make sure the person requesting something has the legal authority to do so. He said that beyond this, the focus is on the specific land use and if any impacts are being addressed and so forth.

Chairman Taul asked if there was anyone else in the audience that would like to come up and make some statements or ask some questions.

Kent Cool stated that he purchased a small piece of property just north of the subject site for the purpose of building a retirement cabin. He said now he's not sure that's the right spot with all this taking place. Mr. Cool asked if there was any estimate of the timeframe (duration) of the quarry. Mr. Cool stated that staff mentioned that the stormwater drainage issues were taken care of, but he doesn't know what that means. He said they have ponds on their property that are downstream from the site.

Kelly Briggs, 753 Crestline Drive, stated that he's the president of Bayer Construction and they have a quarry down the road from this site. He said he wasn't in favor or against the ledgestone quarry being proposed, but there seems to be some confusion as to who administers the reclamation bond. He said that is the Kansas Department of Agriculture – Division of Conservation administer the reclamation bond. He said Scott Carlson in that office oversees the reclamation work.

Chairman Taul thanked Mr. Briggs for the clarification.

Kari Cool stated that with a quarry, there is a lot of loud "beep, beep, beep, beep, beep" from the trucks; thus, she requested that the hours of operation be scaled back from "daylight hours" to a more appropriate time.

Ms. Cool asked if Tabor Lane was going to be straightened at the intersection of Tabor Lane and Tabor Valley Road. She said she didn't think the current condition of the intersection is conducive to large trucks turning to go to Zeandale. She mentioned that she is also concerned about the Tabor Valley schoolhouse monument that is pretty close to the road and that she didn't want to see it disrupted. She also expressed concern over the aforementioned burial site of the four soldiers.

Chairman Taul asked Leon Hobson to address the concern regarding the intersection of Tabor Lane and Tabor Valley Road.

Leon Hobson said that Tabor Valley Road is a sweeping curve. He explained Tabor Lane connects to Tabor Valley Road at a 90° angle, which is the safest way for two roads to intersect. He stated that trucks will be turning left or right onto Tabor Valley Road, which they should be able to do.

Diane Hoobler stated that she believes that semi-trucks will need to drive very slowly and make their turns onto Tabor Valley Road very slowly.

Bob Isaac asked the Board if Leon Hobson would address questions regarding stormwater drainage.

Leon Hobson stated that he concurred with Board member Nathan Larson that since the quarry operation will be done a little bit at a time, there should be no concerns of substantial run-off. He said that in most cases, if there is good pasture, the land will catch any sediment before it reaches the bottom of the draw. He said it is possible there could be a 10-inch rain and force sediment downstream, but that's is not the norm.

Chairman Taul stated that there have been questions and suggestions regarding the hours of operation, which the Board can address when it enters deliberation mode.

Diane Hoobler asked Chairman Taul if the Board could ask the Bailey's what hours of operation would be acceptable.

Chairman Taul asked the Bailey's to come to the podium.

Karolyn Harrison suggested 9:00 AM to 5:00 PM in the summer.

Dalton McCoy stated that their normal hours of operation in Wabaunsee County is from 8:00 to 5:00, Monday through Friday; employees arrive at the site at approximately 7:30 AM. He said that this schedule is what they would prefer at this site. He said no weekends and they take off for holidays.

Diane Hoobler asked about the same hours in the winter. She stated that Mr. Maike said quarrying could not occur in the winter.

Dalton McCoy stated that they have different methods of extraction in the winter but will still be running equipment. He said the amount of semi-truck activity decreases because demand is lower.

Chairman Taul asked Dalton McCoy to clarify the reclamation process of excavated areas, particularly the tops and sides of hills.

Duane McCoy explained they would not be taking the tops of the hills. He said the aggregate is down on the sides. He explained if they determine an area to be too steep to be successfully reclaimed, they will not attempt excavating. He said on larger hills, such as a 50-foot hill, they would not remove 50 feet of soil to get to the rock. He said that it's just not cost effective to do so.

Chairman Taul confirmed Mr. McCoy's explanation that if they couldn't successfully reclaim an area due to steep slope, they would not excavate.

Mr. McCoy affirmed.

Dalton McCoy stated that at the end of the day, whatever is excavated will look as good as it did prior to excavation.

Chairman Taul stated that there have been questions regarding duration/timetable of the operation. Chairman Taul asked the applicant if they could provide a "ballpark" estimation of the duration of the quarry.

Duane McCoy said approximately three to five years for Phase I.

Diane Hoobler confirmed with Mr. McCoy that Tabor Lane would no longer be used following Phase I.

Duane McCoy affirmed.

Scott Quinn showed the Board via a slideshow map where they are planning to locate their access point to the site from Tabor Lane. He said that it would not be directly across from the Harrison's driveway, but several hundred feet north of it. He also stated that all of Tabor Lane would be improved, regardless of their entrance point.

Mr. Quinn addressed the question of dust control stating that they utilize a water truck as much as possible, and if the dust gets bad enough, a third party company will come out and apply magnesium chloride.

Chairman Taul asked if there were any more questions for the Board. There were none.

Joe Gelroth asked about the language of condition #3 regarding “existing entrance”. Mr. Gelroth wanted to know where that was on the map.

Mr. Isaac showed the Board the map and pointed out where the existing entrance was located.

Chairman Taul stated that when the Board goes into their deliberative mode, language needs added to the list of conditions regarding access to Phase II.

Duane McCoy addressed an earlier concern of the “beep, beep, beep” sound the trucks make when they are backing up. He said it’s annoying, but it saves lives and they are required to have it.

Diane Hoobler asked if there would be dust control on Tabor Valley Road.

Leon Hobson stated that the County has a dust control policy and there are criteria, such as when a road reaches a certain traffic count for a certain length of that road, that the County will treat it for dust control. He said the last time he checked, Tabor Valley Road has not reached that threshold, although it is possible with the proposed quarry, it could reach that level. He said dust control would be done without any additional cost to individuals that live along that part of the road.

Diane Hoobler stated there was a time she was traveling on Tabor Valley Road with a combine and a header and met a car going the opposite direction. She said there was so much dust that no one could see the header or the combine after they went by, creating a dangerous situation.

Mr. Hobson said that he respected that. He explained that the County uses magnesium chloride and when it is usually applied. He added that once the quarry is operational, the County can place their traffic counters out there to assess need.

Scott Dinger stated that he is from Wamego and is also in the quarry business. He said he will be quarrying next to Duane (McCoy) in Wabaunsee County after recently receiving Conditional Use Permit approval. He said they intend on requesting a conditional use authorization for a property in Riley County before too long. He apologized to Bob Isaac for the announcement.

Janet Bailey asked if the application of magnesium chloride for dust control would be assessed to the property owners along that road.

Leon Hobson said no.

Scott Dinger suggested that a condition be added to the list stating whenever a semi-truck operator encounters oncoming traffic, the semi-truck needs to pull over, stop and give oncoming traffic the right-of-way, for safety purposes.

Chairman Taul asked the Board if they had any questions for the Township Board.

John Wienck asked the Township Board if there was anything they wanted to talk about.

Tony Akin, Zeandale Township Trustee, explained that the majority of the roads in the township are “glorified driveways” and the Township can’t afford to make all the roads nice. He said if the McCoy’s want to make improvements to the township roads, all the power to them.

Brian Nixon mentioned that this past year there was a lot of rainwater coming down Tabor Lane.

Tony Akin stated that the need for dust control shouldn’t be placed solely on the McCoy’s because there is already dust out there and existing quarries haven’t been dinged for it.

Chairman Taul asked Mr. Akin if he felt the proposed \$5,000 bond for the road was enough.

Mr. Akin stated yes, if the road is improved to begin with. He said that the proposed 16 feet width might be a little on the narrow side.

Chairman Taul asked if there were any more questions and asked for a motion to close the public hearing.

Joe Gelroth move to close the public hearing.

Nathan Larson seconded.

Carried 5-0

Chairman Taul suggested that some of the proposed conditions be modified, and perhaps some additions made.

Joe Gelroth pointed out that the language of condition #3 and condition #4 is inadequate; doesn’t mention the use of a second entrance onto Smith Hills Lane for Phase II.

Chairman Taul stated he was in favor of modifying the condition to reflect entrances for each phase.

Mr. Isaac changed the language of each condition to reflect the suggestions of the Board.

Chairman Taul asked the Township Board if they were comfortable with the quarry operation using Smith Hills Lane for Phase II.

Tony Akin, Zeandale Township Trustee, stated as long as they are willing to make the necessary road improvements for that road too. He said the current condition of the road is worse than a cow trail. Mr. Akin warned that there is a narrow bridge that may need to be improved to handle the truck traffic on Smith Hills Lane.

Chairman Taul asked the Township Board if they were comfortable with just having the applicant improving the surface of Smith Hills Lane by adding rock as part of Phase II.

Chairman Taul asked the applicant if they would be willing to address the road issues of Smith Hills Lane regarding the access proposed for Phase II.

Duane McCoy agreed to provide gravel and tubes (for the bridge) for Smith Hills Lane, as required.

Diane Hoobler ask if it needed to be 16 feet wide.

Rick Maike stated that it's about that wide now and that he had put the last load of gravel down so he could get to his property.

Chairman Taul stated the conditions will reflect what is agreed on.

Bob Isaac asked if the tubes were part of or under the bridge on Smith Hills Lane.

John Wienck stated that it was a box bridge with built-in tubes.

Chairman Taul asked Mr. Isaac to modify the condition to read that Smith Hills Lane doesn't necessarily have to be brought up to township standard, but it has to have rock added to its surface and, if there are any bridge issues, the applicant must address them.

Chairman Taul asked the Board if there was any interest in specifying hours of operation, especially regarding summertime hours.

Nathan Larson said that if we are not requiring limits on hours of operation on other quarries, we shouldn't be requiring limits with this one.

Monty Wedel responded to Mr. Larson that it depends on the organizational factors involved, depending on the neighbors and other issues that come up.

Chairman Taul asked the Board if there was any interest in specifying hours of operation versus leaving it as daylight hours.

Diane Hoobler stated she was interested in specifying hours of operation.

The applicant and the Board agreed to change the hours of operation from daylight hours to 7:00 AM to 6:00 PM, Monday-Friday, closed weekends. Mr. Isaac made the modification to the list of conditions.

Chairman Taul asked the Board if there were any other changes to the conditions.

Nathan Larson suggested modifying the language of the condition pertaining to the reclamation plan.

Monty Wedel suggested changing the text to require the submission of the State approved Reclamation Plan to Planning and Development, prior to the issuance of the license. Mr. Isaac made the suggested modifications.

Scott Dinger reminded the Board that the State doesn't authorize a permit to quarry without an approved Conditional Use first. He said afterward, the State will have to approve a submitted reclamation plan.

Monty Wedel added to Mr. Dinger's comments that following those steps, the applicant will have to submit a copy of the approved reclamation plan for the County's licensing requirements.

Diane Hoobler asked about a grading plan.

Bob Isaac stated that the grading plan will be included as part of the reclamation plan.

Chairman Taul asked Mr. Isaac to read through the list of modified conditions to be listed in the proposed conditional use authorization. They are as follows:

1. This Conditional Use Authorization shall apply to the legally described parent tract and shall be subject to the minimum requirements of the Riley County Zoning Regulations regarding quarrying and mining.
2. As agreed to by the Township Board, Tabor Lane shall be brought up to Township standard, including gravel surfacing, and have a minimum roadbed width of 16 feet, at the applicant's expense, prior to commencing quarrying operations.
3. Smith Hills Lane shall be graveled and any bridge issues shall be addressed as determined by the Township Board, at the applicant's expense, prior to commencing Phase II of the quarrying operations.
4. The subject site shall be served by Tabor Lane for Phase I; the subject site shall be served by Smith Hills Lane for Phase II.
5. Vehicles and equipment involved with the operation shall access the site via the aforementioned entrances.
6. Prior to commencing excavation operations, the applicant shall obtain an Excavation License from Riley County Planning and Development.
7. Prior to commencing excavation operations, a Reclamation Plan shall be submitted as part of the licensing requirements of Section 22A-Resource Extraction of the Riley County Zoning Regulations.
8. Prior to commencing excavation operations the applicant must provide financial assurances through a surety bond, performance bond, escrow deposit or letter of credit in the amount of \$5,000 to cover the cost of repair of any damage to the roads due to ongoing truck traffic resulting from the operation. Such letter of credit shall be made out to and kept by Riley County Planning and Development.
9. When said quarry operation is abandoned or discontinued, the land shall be reclaimed within 30 days, as set forth in the Surface Mining Land Conservation and Reclamation Act (K.S.A. 49-601 through 624).
10. Prior to commencing quarrying operations on Phase II, no less than 80% of Phase I shall be reclaimed, along with a determination by the Riley County Zoning Enforcement Officer, that such reclamation has been completed.
11. The use of explosives shall be strictly prohibited.
12. Hours of operation shall be limited to 7:00 AM - 6:00 PM; Monday through Friday, closed on weekends.

Diane Hoobler noted that the \$5,000 bond for the roads was included and asked if the \$1,500 per acre reclamation bond should be too.

Monty Wedel said no, that's a State requirement.

Chairman Taul asked the Board if there should be any language regarding dust control.

John Wienck said yes. Mr. Wienck asked the applicant if dust control would go to the Harrison's driveway.

Duane McCoy affirmed.

Nathan Larson stated that if the operation will be running 5-6 trucks a day, dust shouldn't be an issue.

Bob Isaac mentioned that prevailing winds will most likely carry any dust to the east, not toward the (Harrison's) house.

Chairman Taul asked the Board if they were comfortable with the list of conditions as written. The Board affirmed.

Diane Hoobler asked if the County would take care of the dust on Tabor Valley Road.

Leon Hobson said if it meets the threshold for dust control.

Chairman Taul asked the Board if anyone would like to make a motion on the request.

Joe Gelroth moved to approve the request for a conditional use authorization to allow a multi-phased limestone quarry pursuant to the conditions listed therein.

Nathan Larson seconded.

Carried 5-0.

Chairman Taul asked the Board if there was any other business and if not, asked for a motion to adjourn.

John Wienck moved to adjourn.

Diane Hoobler seconded. Carried 5-0.

The meeting was adjourned at 10:23 P.M.