

BUTLER COUNTY PLANNING COMMISSION

Scheduled Meeting

April 6th, 2021

Butler County Courthouse-4th Floor

205 W. Central

El Dorado, Kansas 67042

MINUTES

The scheduled meeting of the Butler County Planning Commission began at 7:00 p.m. on Tuesday, April 6th, 2021 on the 4th Floor of the Butler County Courthouse located at 205 W. Central in El Dorado, Kansas.

Chairman: Jeff Varner

Members Present: Kermit Frey, David Greene Jr., Andy Jones, Jim Ralston, Jeremy Sundgren

Members Absent: Kristy Sullivan, Bryce Flaming

Guests: George Mattern, Leonard Kurtz, Terry Riebel, Larry Dossier, Sarah Dickhout, Roger Cutsinger, Lyle Dossier, Fred and Kathy Lassman, Kelly and Sherry Taylor, Aaron Barkus, Morgan Koon, Zach Hettenbach, Gary Nace, Gerald Dixon, Robert Wedman, Peggy Powell, Dorothy Wedman, Dave Powell, John and Casie Tullis.

The meeting was called to order and a quorum was declared

Approval of the April 6th, 2021 Planning Commission Agenda (amended since Case RZ-21-08 and PL 21-03 were removed from the agenda for April 6th, 2021)

Motion: Jim Ralston

Second: Andy Jones

Approved – amended agenda

Approval of the March 2nd, 2021 Planning Commission Meeting Minutes

Motion: David Greene Jr.

Second: Jim Ralston

Approved

Old Business:

None

New Business:

PL 21-02

Request for a Homestead Split with APO Provisions

Applicant/Owner: Kenneth and Becky Wiebe

Agent: Roger Cutsinger, Savoy Company P.A.

Location: 13113 NW 130th St., Whitewater, KS

Discussion: Staff recommends approval

Staff: This is a request for a Homestead Lot Split. The applicant owns 79 +/- acres and the current zoning is AG 80; proposing to split a 5 +/- acres tract of land and placing a 75 +/- acre APO on the remaining property. The property is primarily used for farming activities and Staff feels the request meets the criteria for such a split and that it is appropriate to place a 75 +/- acre APO.

No further questions or comments were made

Motion: Jim Ralston

Second: Andy Jones

Action: 5-0

To be heard before the BOCC on April 27th, 2021 @ 9:00am

RZ 21-07 – This item was tabled to May 4th, 2021 P&Z meeting

Request for a Zoning Change from AG 80 to RE Zoning Classification

Applicant/Owner: Zac Fleming

Agent: N/A.

Location: SW 140th and SW Haverhill, Augusta, KS

Discussion: Staff recommends approval

Staff: This is a request for a Zoning Change from an AG 80 to RE Zoning Classification. The applicant owns 437 +/- acres and is requesting to rezone 80 +/- acres which would allow him to potentially split the 80 +/- acres tract of land and making a small plat out of it. The surrounding area consists of mainly AG 80 and AG 40. The property is located outside of the Urban Growth Area. RE zoning would allow for more development than there would be allowed under the current zoning.

Board: There are 5 parcels there at the intersection. What is going on with those?

Staff: Those were created prior to adoption of zoning which is why they don't fit the legal requirement of 80 acres and is considered grandfathered in.

Board: Are those 5 separate owners?

Staff: Yes

Larry Dosser: I own the property to the left of the property that is making the request. My concern is as to what will happen if that is opened up to being cut into smaller parcels. How will that affect the direct access to Haverhill and 140th Street. I am a little bit concerned because the plan as presented leaves it open ended saying he can break it up into smaller parcels but that he is not doing it right now.

Staff: If he does decide to split it up into more than 2 tracts, the applicant is then required to present a plat to the Planning Commission. They will then review it and make a recommendation for either denial or approval and will then go in front of the Butler County Commission. The zoning today gives him the right to do but if he actually wants to split more than 2 tracts, he has to go through the process which will require a public hearing similar to what we are doing here today.

Larry Dosser: SO what is being proposed today then is that it will be at least 2-40 acre tracts.

Staff: Potentially

Larry Dosser: What does that do to me as a land owner? I am stuck at being zoned for AG so I have to have at least 40 +/- acres to build a house.

Staff: You are currently zoned AG 80 so you would have to have 80 acres.

Larry Dosser: I was in Montana at the time I bought this so probably about 2006 or 2007 and I was told I would split that into 2 tracts.

Board: It could be possible during that time but zoning codes have changed since then. When we adopted a comprehensive plan during the 2000's, a lot of the AG rules changes.

Larry Dosser: I am not wanting to make any changes to my tract of land; what I am concerned about is what this, if approved, will do for the future of the area. Right now, what is keeping someone else from doing the same thing and before you know it, we have a boom in the number of population.

Staff: This is exactly why we have this process. It is so surrounding land owners can come to express their concerns to the board which they do take into consideration. The board here will then make a recommendation to the Butler County Commission who will then have the final decision.

Lyle Dosser: I live straight of this property and my concern is similar. We moved to the Country for a reason; we have our acreage for a reason. With the possibility of that getting split up later on, we are looking at how many lagoons will go in possibly; an access road from Haverhill, will Haverhill need to be paved? These are just some of the concerns I have. We love our property as it is and do not want all that traffic around.

Kelly Taylor: My property is directly across. I've lived here 31 years and that property has been zoned that way ever since back then and we do not want this at all. There is already too much out there as it is. Infrastructure, water, the traffic; we have a bad enough dust problem already. You allowed for an Event Center down there which has already created a tremendous amount of traffic and now you possibly want to add another housing district in there. Nobody out there wants this. We would like to file a protest petition.

Board: That will have to go through the County Clerk's Office, they can explain to you how it works.

Kelly Taylor: That piece of property has been this way forever. It is an excellent Ag property with native grass and is suites perfectly for what it is now. We have laws to prevent things like this from popping up, to preserve the area. All the parcels you are talking about that we split up, that was done years and years ago. The people bought this knowing it was AG 80 and it should be no less.

Board: So your lot is 40 acres?

Kelly Taylor: Yes when we bought it was 80 acres but it was already zoned back in the 70's for 2-40's. We didn't sell it for profit, my son moved in and he lives on one and I live on the other.

Sarah Dickhout: We like our country living. I lived in southern California for 45 years or better and I moved back out here to be near my family. Several own property close by and live in the area. I would like all of to stay in a rural community which is what we are.

Board: I think it may be an appropriate to delay this to the next meeting so the owner can be here to speak on his behalf and answer questions.

Board: So this will go through the process again?

Staff: Yes we will notify everyone within a 1000 feet radius again to announce the Public Hearing on May 4th, 2021 at 7pm.

Board: I do want to add that we have heard to comments. I am not telling anyone not to come again but we have heard the comments.

No further questions or comments were made

Motion: Jim Ralston
Second: Kermit Frey
Action: 3-2

To be heard before the Planning and Zoning Commission on May 4th, 2021 @ 7pm

RZ 21-06 - This item was tabled to May 4th, 2021 P&Z meeting
Request for a Zoning Change from AG 40 to RR Zoning Classification

Applicant/Owner: Rod Biggs
Agent: N/A.
Location: 13510 SW 220th St., Douglass, KS
Discussion: Staff recommends approval

Staff: This is a request for a Zoning Change from an AG 40 to RR Zoning Classification. The applicant owns 66 acres and is requesting to rezone all 66 +/- acres which would allow him to potentially develop a small Sub-Division. The applicant's property is located inside the Urban Growth Area. SW 220th is an unpaved township road. The RR classification would allow for lots ranging from 3-10 acres. The surrounding area consist of AG, RR and RE zoning classifications. I do not see the applicant present for comments or questions.

Board: I am a little apprehensive because we don't know what his intent is. I say we table this for 30 days and get the story.

Staff: There are people here tonight to comment in this case which will become part of the record and will be shared with you in the minutes as well next month.

Board: It's just that we don't know what the applicant will say or how he will respond and neither do they. Like on the last case, if he was just going to say that he will just do 2 lots, the people that were here had 40 acre lots. In this case, does he understand that he will have to do an internal road, the least a sketch plat, we have nothing to go by.

Staff: I do want to add that the applicant did mention that he was going to initiate 3 acres so it will be a small plat.

Board: Let's make a motion to table this for 30 days.

Staff: We would send out a new notice to everyone within a 1000 feet radius.

Board: Not trying to tell anyone what to do but if this is going to be how we do things, then we need to tell the applicants that they need to be here.

Staff: I always tell applicants that it is good idea to be here for questioning, that's about all I can do.

Board: The thing is that if it was important enough, they would be here.

No further questions or comments were made

Motion: Jim Ralston
Second: David Greene Jr.
Action:

To be heard before the Planning and Zoning Commission on May 4, 2021 @ 7PM

RZ 21-05

Request for a Zoning Change from AG 40 to RR Zoning Classification

Applicant/Owner: John and Casie Tullis

Agent: N/A.

Location: 1929 SW 110th St., Augusta, KS

Discussion: Staff recommends approval

Staff: This is a request for a Zoning Change from an AG 40 to RR Zoning Classification. The applicant owns 28+/- acres and is requesting to rezone all 28 +/- acres which would allow him to potentially split the property to construct an arena with living quarters. Surrounding area consists of a mix of AG 40 and RR. Comp plan would consider this a rural area that sits outside but within close proximity to the Urban Growth Area.

John Tullis: So the original intent is to split 5 acres with the existing home. We have rented it out over the years but the renters now would like to buy it. We are wanting to build an arena but for the now, the plan is to rezone it so we can then split it to sell the house with 5 acres.

Staff: This would also bring the property into the correct zoning classification.

Board: So it would still make it a legal and buildable lot correct?

Staff: Yes that is correct.

{INAUDIBLE}

John Tullis: The question was if we could then build an AG building on the remaining property and the answer was yes, if we put residential quarters in it. I think that is how we got there.

No further questions or comments were made

Motion: Jim Ralston

Second: Jeremy Sundgren

Action: 5-0

To be heard before the BOCC on April 27th, 2021 @ 9:00am

CU 21-02

Request for a Conditional Use Permit for a Rock Quarry

Applicant/Owner: Cornejo and Sons LLC

Agent: Pat Short

Location: 12078 SW 70th St., Augusta, KS

Discussion: Staff recommends approval

Staff: It is important to know that when this report was put together by staff, the agent was Pat Short but that has since changed to Morgan Coon, whom is also a member of the same Company.

This is a request for a Conditional Use Permit for a Rock Quarry. Applicant is proposing to fully utilize the 116+/- acres to extract material within the identified boundary. Property is currently zoned AG 40 and is approximately 2 ¾ miles NW of the City of Augusta. The CUP would allow for the operation of a once fully active quarry supporting a large customer base including Butler

County Works. This area does have several homes on the eastern side but as you can see, the applicant is willing to take measures to make sure the neighboring properties will not be affected by the operation. The Operator will monitor and operate a seismograph near the closest residences to monitor the effects of blasting at the quarry. Those readings shall then be reported to the Office of the County Zoning Administrator on a quarterly basis.

The Planning Commission may recommend approval of a Conditional Use and the Board of County Commissioners may approve such Conditional Use using the following factors as guidelines:

- 1) Whether approval of the Conditional Use would be consistent with the intent and purpose of these regulations:

Staff: The property is zoned AG-40. The intent and purpose of the zoning regulations as they apply to AG-40 zoning classification is to maintain agricultural lands and lessen development in some parts of the Urban Growth Area (UGA). It is suitable in rural locations inside the UGA where adequate public roads and public serves are available.

It is not necessarily whether the proposed use is consistent with the intent and purpose of the zoning regulations because it has been determined that such facilities are consistent; but rather, whether the proposed use is appropriate for the area in which it is located.

In this instance, staff feels the use proposed would not necessarily be consistent with the intent and purpose of the regulations but since the project is located off SW 70th St., which is a paved road, and proposing to re-open an area that was once used as a Rock Quarry, it may not be a detriment to the area.

The property is located inside the Urban Growth Area of the County.

- 2) Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood:

Staff: Based upon the type of use proposed it may not be compatible with the current use in the surrounding area but if operated in the manner proposed by the applicant, and if operated in accordance with State and Federal Regulations and any other conditions that might be placed upon it, its impact upon the surrounding properties could be minimal.

The land was once used as a Rock Quarry and the proposed re-opening of the quarry could have some negative impact upon the surrounding properties.

- 3) Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided:

Staff: As mentioned the property is located in an AG-40 area and the road serving the area, SW 70th, is a paved road. There will be traffic to and from the site but it should not impact the neighbors accessing their property.

- 4) Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected:

Staff: There are no changed or changing conditions in the area. The applicant is merely proposing to re-open the site for commercial quarrying activities.

- 5) The length of time the subject property has remained vacant or undeveloped as zoned; (the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped):

Staff: The land currently has no structures built upon the property.

- 6) Whether the applicant's property is suitable for the proposed use:

Staff: It is felt the property is suitable for the proposed use. The nature of the use of the land will not change and may not negatively affect the area if operated in accordance with Local, State and Federal Regulations.

- 7) The recommendations of professional staff:

Staff: Staff feels the proposed use would be appropriate if certain conditions are met and recommends approval.

- 8) Whether the proposed Conditional Use would be in conformance to and further enhance the implementation of the county's Comprehensive Plan:

Staff: This particular site is inside the Urban Growth Area of the County as noted in the Butler County Comprehensive Plan.

The Comprehensive Plan stipulates that the property is inside the UGA and within an agricultural area. Many of the uses associated with agricultural operations would be considered a commercial use therefore staff feels the use proposed could be considered to be in conformance with the Comprehensive Plan.

- 9) Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed Conditional Use:

Staff: Staff feels the hardship issue is irrelevant in this case. Zoning Regulations have been upheld in Courts for a long period of time. The very nature of zoning regulations implies that the public good is served by not allowing certain uses in certain locations. To imply that they serve as a hardship by not allowing a certain use on any particular property is incorrect. When a person buys property, he/she is not guaranteed a use of that property other than what is allowed at the time they buy it.

- 10) Whether the proposed Conditional Use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area:

Staff: It is felt the proposed use could adversely affect the property in the surrounding area and is therefore proposing the following Conditions be placed on the Project:

- 1) Noise Control Measures: On all boundaries of the quarry that join residentially occupied land, or a road r-o-w, operator will provide screening within a 100' setback, berms to reduce noise and sight distractions.
- 2) Blasting Control Measures: Blasting operations shall be performed in compliance with applicable regulations of the Federal Bureau of Mines. Blasting shall only be conducted between 7a.m. and 5p.m. Monday thru Friday. No blasting shall be conducted on Saturday or Sunday.
No blasting will be allowed within a 400' radius of any residential structures.

- Operator will operate and monitor seismograph to monitor the blasting at the quarry, and operator will operate and monitor a seismograph near the closest residence to monitor the effect of blasting at the quarry. All seismograph readings shall be reported to the County Zoning Administrator on a quarterly basis.
- 3) Interior Roads: Operator will provide dust control measures on interior haul roads in connection with activities associated with the quarry. Operator will comply with applicable rules and regulations of KDHE pertaining to air quality.
 - 4) Reclamation/Development Plan: All quarried walls on the Myers Tract 1 and Tract 2, as depicted on the provided aerial, will be sloped in at a 4:1 slope ratio, ensuring no steep edges. Non-eradicated areas will be re-seeded with native vegetation for pastures.
 - 5) Security: Operator will provide a security system and lock location after daily operations.
 - 6) Lighting: Operator will provide lighting if applicable.
- 11) For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed Conditional Use is consistent with the Comprehensive Solid Waste Management Plan for Butler County, and amendments thereto:
Staff: N/A
- 12) Such other factors as may be relevant from the facts and evidence presented in the application:
Staff: It is important to understand that the location of the proposed use once was an active quarry and with that being said if a Protest Petition were to be filed it would need to come from someone within that 1,000' radius.

Board: Why did the last Quarry close?

Staff: I heard different things, one of them being that they ran out of rock. I heard that there may have been some water issues.

Board: It was owned by Martin Marietta [INAUDIBLE] and that they basically just moved out. [INAUDIBLE]

Morgan Koon with Koon Law Firm: I can answer any questions regarding how we got here from a legal standpoint. Mr. Aaron Barcus is here also, he can answer any questions concerning the operational site of the quarry. This was purchased from Martin Marietta in the late summer/fall of 2020. Looking through all of the Property Information, we found out through the title comments that there was a Conditional Use that was approved by Butler County in 2002. Pat Short, who is a former President of Cornejo and Sons, and I spoke about that. It was in the name of Martin Marietta as the owner/ operator. At that time I instructed Mr. Short to contact David Alfaro and go down this path rather than be, potentially, a horrible neighbor in this situation and start our own operation rather than rest on the 2002 approved Conditional Use.

Terry Riebel: My concern is that I have a water wells on my property. The last 6 months they were mining, they ran into water problems. They had pumps running 24 hours a day and they were loud. They could not pump the water off fast enough and that is the reason they left. They already knocked one of my wells out, what if they knock my other 2 wells out? I cannot go on rural water so if those other 2 go out, my property is worthless. That is my biggest concern. Now

the blasting, there is a driveway right there and there were numerous times I had big rock flying over my head. I've had rock landing within 30 feet of my house. I have grandkids, high dollar horses and cattle out there and that concerns me. [INAUDIBLE] I have no idea what that has done, so all of these are concerns of mine. The question that I have is where are they going to bring rock back out? Are they going to put drives in? But again, the water, is a huge concern of mine. I already extended one of the wells out by 25 feet, I am not sure how much more I can extend it out before it goes dry. So what is my recourse if they knock out my well? Where are they going to load their trucks? Where are they going to come out with their trucks? Are they going to put scales in and where are they going to put them? I haven't even mentioned the dust issue yet. Then, there were times I couldn't see 10 feet out in front of me while they were blasting.

Fred Lassman: There a lot of issues that I wonder how they are going to control all of them. When my dad bought that farm, it had a pond on it. The cattle then eventually were sold and the pond went into disuse. When the Ritchie Brothers then were bringing rock out of there, they were bringing rock back in, eventually reducing the size of the pond. We noticed that there was an area over by the intersection of 70th and Diamond Road, there was a slew of water coming into water to bring that pond back to top level. That water is coming from the area of this proposed project and goes across the road underneath.

George Mattern: The impression I got was that one of the reason the quarry left was because the rock wasn't good enough for the roads they were using it for. [INAUDIBLE]

Leonard Kirk: When they are talking about blasting, I am about a mile away, it rattles the dishes in our cabinets. I am also worried about them bringing trucks out on 70th. Are they going to widen the road to add an additional lane there? When those trucks come out on that highway, they will not have the acceleration so I do see a risk of someone running into the back of one of those trucks if they can't get slowed down quick enough.

Staff: I can actually address this last concern about the road access. County Engineer Daryl Lutz and myself met with, then representative, Mr. Short and we discussed access and the County Engineer was comfortable with what is being proposed.

Gary Nace: My biggest concern is the water. We have 2 wells which one of them sits a little further back and I don't even know if it's still any good, my other one is. Also did you say they reclaimed the land?

Staff: I was not involved in that.

Gary Nace: Well I was and what you are talking about, they did not do. They pay the fines instead of restoring it because it is cheaper to do that so that's exactly what they did and they then auctioned the land off. I am 70 years old, I don't want to have to move.

Aaron Barkus: Our intent is to come off of 70th. It is not our intention to use any other roads creating dust but again, that is something we will have to come to an agreement on. Blasting has come a long way from what it used to be. I can't speak for water well but I know there are people losing water wells all over the County. Our intent is low volume, there won't be high traffic. Water- we require them to put water on discharge points and so forth and we provide the water trucks if needed. Scales, the process Mr. Marietta had, was a very difficult one. We would rather not have it that way. Again, we are looking at low volume.

Board: Is this going to be for anyone to access or will this just be for Cornejo?

Aaron Barkus: It would be open for anyone to place an order or fill an order, project driven. The gates wouldn't be open every day but again, we aren't looking at a high volume, there isn't enough acreage left.

Board: Will you be selling to the Townships?

Aaron Barkus: Absolutely, yes.

Board: Cornejo is construction only so do you guys have any experience with that?

Aaron Barkus: Yes we do. We bought Midwest Minerals out in SE Kansas, we have the Severy Quarry and we have the Moline Quarry. So yes, all in all, we have 20 operations.

Board: All your equipment will be down in the hole I take it?

Aaron Barkus: Our intent is, I understand what they are saying about water. If we get a lot of rain, you're going to have to dewater. We would keep up on that just like we do at the other quarries. What I propose is that we start on the north side in the hole and work our way west and back to the north. We would be working with the blaster, we would put up a berm but really, it is far more advanced than what it was. We really do want to be good neighbors. I can't speak for the operation that was there before as far as the flyrock but I can for ours and how we control it.

Board: Part of the proposal is to put in a seismograph to monitor readings and we have never done anything like that before.

Board: A seismograph would be helpful so that you know that you are not just shaking the earth doing foundation damage. It has nothing to do with the flyrock issue and really, if someone with today's technology has flyrock, something is bad wrong. We were customers of Martin Marietta and I have to say, they were not good operators. They were at others but this one, they got no support from Corporate, it simply wasn't on their radar. I was not surprised to see them leave. Cornejo is very competitive in that sense so I do believe they will do it right. It was operated by so many others and over the years the reclamation laws have changed a lot.

Board: There is a question I do have regarding the water, probably more so on the legal side of it all. There is rural water available but at a cost. Would it be appropriate to guarantee, and heavens forbid, the well should go bad, that you would put up the funds to construct the rural water to the area? I don't believe it will be an issue because there is a difference when we are talking surface water vs groundwater, they are totally different but maybe put your money where your mouth is and alleviate the concerns.

Aaron Barkus: Sir I don't know that I have the authority to bind the Company to anything like that at this point and time. What I can tell you is that at the Moline Quarry, it wasn't drinking water we were dealing with, we were dealing with an Oil and Gas leak at that property. One of the biggest concerns we had was the disposal well and any compromising of that disposal well due to the blasting. We stayed a good distance away from it but there was some concern with the integrity of the well when we got there. I can tell you that the company went ahead and put in a new disposal well without any hesitation. We also have other properties we have wells for the neighbors and with our current technology, we have had no issues at all.

Board: I do want to say that there are areas in the County where rural water just is not available, it is just not there. It is however a different issue when there is rural water in the area and they don't want to pay for it.

Board: In that area it is available, question is, at what cost.

Aaron Barkus: We can look at a study; look at distance; availability with Butler Rural Water. Could we participate and help with that? Absolutely. If we are proven to be the cause of something that has taken place with their wells, then I don't mind taking a look and saying "hey what is it going to take to get there?" Do I think it would be all on us to get there, I think we need to look at that. How old are these wells, casing and so forth. We would have to look at some of that. I understand what they are saying but I am saying we can look at that for our future and what we can do or how we can help with that.

Board: The last time we had a quarry come up, the other organization had an attorney that spoke for them and they had an expert that was talking about the underground water and the aquifers and how it diverted the water and if there was any danger of damage to it. I don't know who that guy was, I don't believe it was one of our County guys.

Staff: No it was not.

Board: So what if you do wind up with too much water, do you haul that off or where are you going to pump it to?

Aaron Barkus: The property where they tunneled under the road to the south has a portion of it filled up now. What we would do is pump it to the east, flowing under that tunnel going south.

Board: Is that on someone else's property?

Aaron Barkus: No that is on our property. The south side part of the property is included in the lease, Cornejo has control over it.

Board: Is the Conditional Use Permit still in effect?

Staff: Technically I would say no and the reason why would be that it is no different than cell towers in the sense that after it is no longer in use, it would then be removed.

Morgan Koon: I can tell you that we decided to go through the process rather than potentially fighting to get the old one restored.

Board: I would like to know whether it is or isn't.

Staff: Due to the quarry not being operational for several years, I felt it was appropriate to go through the process to apply for a new CUP. Like Mr. Koon has stated, why fight that fight, let's just go through the process.

Board: We have always said, with a Conditional Use, you don't look at the applicant, you look at the Use because the Use goes with the ground but now you are saying not if they don't use it.

Staff: Yes if there is no activity; it should have been revoked. I also talked to other members of staff and they agreed that this was the right way to go.

Board: I look at it as being a good neighbor by wanting to willingly go through the process again.

Staff: I think it is important to understand that the conditions that I read to you actually came from staff. Cornejo presented that to me and staff was very comfortable with their recommendations.

Board: I am really concerned about light pollution at night. It is really aggravating when go out to the country and there are lights on. The last thing people want to see is a bunch of floodlights being on so you can feel better about your equipment. So with that said, what do you mean by applicable.

Morgan Koon: a lot of times the neighbors want to see, they want the lights. I have no intent to run the lights at night, there is no need for it but if we need to put a light pole out on 70th then we agree to do that but again, I have no intent of having big floodlights or generators running. Again, this is not going to be high volume, we won't be taking rock out at night. If we did have lights out there, it would be security driven to protect the equipment.

Board: So they could be motion sensing lights?

Morgan Koon: yes

Board: How long was the old quarry in operation? I guess my question is, what came first, the quarry or the houses?

Staff: I would say probably the houses on the north side.

No further questions or comments were made

Motion: Jim Ralston
Second: Jeremy Sundgren
Action: Approved 4-1

Staff: If you like, you can request a protest against the recommendation from the board here this evening. You can do so through the County Clerk's Office and I believe there is a 14 day window to submit it back to the County Clerk. She will certify that and it forces a super majority approval from the Board of County Commissioners.

To be heard before the BOCC on April 27th, 2021 @ 9:00am

RZ 21-08 - THIS CASE WAS PULLED FROM THE AGENDA

Request for a Zoning Change from AG 80 to RR Zoning Classification

Applicant/Owner: Zac Fleming
Agent: N/A.
Location: 995 SW 120th St., Augusta, KS
Discussion: Staff recommends approval

Motion: N/A
Second: N/A
Action: N/A

To be heard before the BOCC on April 27th, 2021 @ 9:00am

PL 21-03 - THIS CASE WAS PULLED FROM THE AGENDA

Request for a Homestead Split with APO Provisions

Applicant/Owner: Safe Harbor Eat – VIII LLC
Agent: Gerald Dixon of Goedecke Surveying
Location: 995 SW 120th St., Augusta, KS
Discussion: Staff recommends approval

Motion: N/A
Second: N/A
Action: N/A

To be heard before the BOCC on April 27th, 2021 @ 9:00am

*****Meeting Adjourned*****