

# BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Amended Agenda 09-30-09

## WEDNESDAY, SEPTEMBER 30, 2009

6:35 p.m. – County Commission Meeting

-Convene

-Consider approval of the minutes of August 19 (tabled from 09-16-09) and September 9, 2009 (tabled from 09-23-09).

## CONSENT AGENDA

- (1)(a) Consider approval of Commission Orders; and
- (b) Consider approval of resolution establishing a 45 MPH speed limit on Route 1057 (E 1900 Road) from the north side of K-10 Highway to Route 442 (Keith Browning)

## REGULAR AGENDA

- (2) Reconsideration of the motion on Item 6 on the September 23, 2009 agenda, Z-11-19-09. (Commissioner Flory) **postponed**
- (3) Consider a request to create public road right-of-way for N 1675 Road, to the west of the terminus of E 350 Road, in section 29-12-18. Request submitted by John Solbach on behalf of the property owners of record, Fred and Judy Vermette.” (John Solbach)
- (4) Consider the appropriate range of variation for Mid-States Material’s detailed reclamation plans for Phases 1A, 2, 3 and 4 of the Big Springs Quarry, 2 North 1700 Road. Submitted by Professional Engineering Consultants for Mid-States Ventures, L.L.C., property owner of record. (Mary Miller is the Planner) **postponed**
- (5) Other Business
  - (a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments
  - (c) Miscellaneous
  - (d) Public Comment
- (6) Adjourn

## FRIDAY, OCTOBER 2, 2009

-11:30 a.m. – Douglas County Water Festival Lunch at KU Field Station, 1217 Biltmore Drive. (Two or more Commissioners may attend.)

## MONDAY, OCTOBER 5, 2009

-11:00 a.m. –Bio Science Ground Breaking on the KU West Campus across the street from the Structural Biology Center. (Two or more Commissioners may attend.) No Commission meeting will be held.

## TUESDAY, OCTOBER 6, 2009

-4:30 p.m. Study Session with City Commission regarding KDOT projects in Lawrence and Douglas County. Two or more County Commissioners may attend. No County Commission meeting will be held.

-6:30 p.m. Park and Green Space Master Plan for Baldwin City Public Meeting at American Legion Hall in Baldwin City

## WEDNESDAY, OCTOBER 7, 2009

Swearing in of County Treasurer, Paula Gilchrist for a 2<sup>nd</sup> term (Judge Robert Fairchild)  
Proclamation -October 10, 2009 as "Put the Brakes on Fatalities Day."  
-Consider approval of Interlocal Agreement between the City of Lawrence and Douglas County for the Sustainability Coordinator position (Craig Weinaug)

**WEDNESDAY, OCTOBER 14, 2009**

-KEMA Awards presentation to Emergency Management

**WEDNESDAY, OCTOBER 21, 2009**

**WEDNESDAY, OCTOBER 28, 2009**

**WEDNESDAY, NOVEMBER 4, 2009**

-Lone Star Weed Discussion

**FRIDAY, NOVEMBER 6, 2009**

9:00 a.m. -Canvass for Baldwin Special Election

**WEDNESDAY, NOVEMBER 11, 2009**

**WEDNESDAY, NOVEMBER 18, 2009**

-Notice to Township for Cereal Malt Beverage Licenses  
-Recognize volunteers for Emergency Management (Jillian Blair) (At approx. 7:00 p.m.)

**WEDNESDAY, NOVEMBER 25, 2009**

**WEDNESDAY, DECEMBER 2, 2009**

- Approve Cereal Malt Beverage Licenses

*Note: The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*



## DOUGLAS COUNTY PUBLIC WORKS

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**Keith A. Browning, P.E.**  
Director of Public Works/County Engineer

1(b)

### MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KB*

Date : September 22, 2009

Re : Consent Agenda approval of 45-mph speed limit  
Route 1057 from Route 442 to K-10 highway

You will recall we recently reconstructed the pavement on Route 1057 from the north side of K-10 highway to Route 442. In preparing the project plans, the issue of proper speed limit was investigated for this portion of Route 1057.

This section of Route 1057 has two curves. One of the curves has a smaller radius than appropriate for 55-mph. It would meet the radius requirements for 50-mph if it was superelevated at 4%. However the curve is not superelevated, and this department feels 45-mph is a more appropriate speed.

Traffic speeds were measured in November 2008, and the 85<sup>th</sup>-percentile speed was 50 mph. In April 2008, we measured the 85<sup>th</sup>-percentile speed at 49 mph.

There is a STOP sign for northbound traffic on Route 1057 at Route 442, approximately ½-mile north of K-10.

Given measured speeds and roadway geometry, this department recommends establishing a 45-mph speed limit for Route 1057 between K-10 highway and Route 442. Temporary 45-mph speed limit signs were installed upon completion of the resurfacing project last month. We have received no feedback from the public on the 45-mph posted speed limit.

Action Required: Consent Agenda approval of the attached resolution establishing a 45-mph speed limit on Route 1057 (E 1900 Road) from the north side of K-10 highway to Route 442.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ESTABLISHING A 45 MILES PER HOUR  
MAXIMUM SPEED LIMIT ON A PORTION OF COUNTY ROUTE 1057  
(E 1900 ROAD) IN EUDORA TOWNSHIP

WHEREAS, pursuant to K.S.A. 8-1560, local authorities may determine and declare a reasonable and safe maximum speed limit for roads under their jurisdiction; and

WHEREAS, on the basis of an engineering and traffic investigation performed by the Douglas County Public Works Department the maximum speed limit for the following described county road or highway, to-wit:

a portion of E 1900 Road, also known as County Route 1057, beginning at the intersection of N 1400 Road (County Route 442), thence south along the centerline of E 1900 Road a distance of approximately one half mile to the intersection of the north entrance/exit ramps for Kansas Highway 10 with E 1900 Road, and terminating at said point;

as set by K.S.A. 8-1558, is greater than is reasonable or safe under the conditions found to exist on the above described road under the jurisdiction of this Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS that a speed limit of 45 miles per hour is hereby determined and declared to be a reasonable and safe speed limit for the above described road.

This speed limit shall become effective when appropriate signs giving notice thereof are erected upon the road above described.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, KANSAS

\_\_\_\_\_  
Nancy Thellman, Chair

ATTEST:

\_\_\_\_\_  
Jim Flory, Member

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Mike Gaughan, Member

## **ARTICLE 19A SITE PLAN APPROVAL**

### **SECTION 19A-1.PURPOSE AND INTENT**

The purpose and intent of requiring site plan approval is to encourage the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, and drainage on the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.

### **SECTION 19A-2.WHEN REQUIRED**

The conditions and requirements of this section shall be in full force and effect in each and all of the following instances:

1. Whenever an area is designated as a B-1 (Neighborhood Business), B-2 (General Business), B-3 (Limited Business), or I-1 (Limited Industrial), I-2 (Light Industrial), I-3 (Heavy Industrial), I-4 (Heavy Industrial) District or, is a non-conforming use.
2. Whenever a use is altered, changed or intensified in a manner that increases parking, or outside storage requirements; or,
3. Whenever a specific reference is made to this article in any other part of the zoning regulations.

No building permit shall be issued in any of the other noted instances for the erection or alteration of a structure or building until a site plan has been submitted and approved as set forth herein.

Single-family and duplex units are hereby expressly exempted from the provisions of this article.

### **SECTION 19A-3.PROCEDURE**

A site plan application, ten (10) copies of the site plans, and a fifty dollar (\$50.00) review fee shall be submitted by the property owner, or his certified agent, to the Planning Office eleven (11) days prior to a scheduled Board of County Commissioners meeting. No part of the review fee shall be refunded. (Prior consultation with the Planning Staff is encouraged so that the possibility of a delay in approval is minimized.) The Planning Staff shall review the site plan for conformance with the zoning regulations of the County, and shall make a report, with recommendations, to the Board of County Commissioners. After receiving the report of the Planning Staff, the Board of County Commissioners shall approve the site plan, with or without conditions, deny it, or defer it for further study.

### **SECTION 19A-4.SITE PLAN CONTENTS**

A site plan shall:

1. Be prepared by an architect, engineer, landscape architect, or other qualified individual at a scale of one inch (1") equals 50 feet or larger;
2. Be arranged so that the top, or the left, of the plan represents north, and have

- directional arrows clearly shown;
3. Show boundaries and dimensions graphically, and contain a written legal description of the property;
  4. Show the present and proposed topography of the area by contour lines at an interval of not more than five feet (5');
  5. Show, by use of directional arrow, the proposed flow of storm drainage from the site;
  6. Show the location of existing and proposed structures and indicate the number of stories, gross floor area, and entrances to all structures;
  7. Show the location and dimensions of existing and proposed curb cuts, access aisles, off-street parking, loading zones and walkways;
  8. Indicate location, height, materials for screening walls and fences;
  9. List the type of surfacing and base course proposed for all parking, loading and walkway areas;
  10. Show the location and size, and provide a landscape schedule of all perimeter and interior landscaping including grass, ground cover, trees and shrubs. The schedule must show that landscape materials will be no smaller or less dense than the following standards:

Ground cover:	2" Pots on 6 - 8 " centers, or 6" pots on 10 - 12" centers
Shrubs:	18 - 24", 2 gallon size (spreading evergreens - 5 gallon container size or Balled & Burlapped)
Ornamental trees:	1 1/2 - 1 3/4" ca. (smaller ornamental trees are to be 5 - 6 ' in height)
Shade trees:	2 - 2 1/2" ca
Coniferous trees:	6 - 8', (Balled & Burlapped)

11. Describe the proposed use of the site and list the number of required off-street parking spaces. If the exact use is not known at the time a site plan is submitted for review, off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use group;
12. Show the proposed location, indicate direction, and list amount of illumination of proposed lighting. Provide information on screening proposed for the lighting and steps taken to prevent glare.
13. Show location of each outdoor storage area.
14. A note shall be required to appear on the site plan indicating that the site plan for a public or governmental building(s) and facility(ies) has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities, appendix A to 28 CFR part 36. If the site plan is for a multiple-family structure containing at least four dwelling units, a note shall appear on the site plan indicating it has been designed to comply with the minimum provisions of the Final Fair Housing Accessibility Guidelines, 24 CFR, Subchapter A, Appendix 2, as required by the Fair Housing Act of 1968, as amended.

**SECTION 19A-5.CONDITIONS OF APPROVAL**

Before making a report to the Board of County Commissioners, the planning staff shall first find that the following conditions have been met;

1. That the proposed use is a permitted use in the district in which the property is located;
2. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;
3. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient, and convenient movement of traffic not only within the site but on adjacent roadways as well;
4. That the site plan provides for the safe movement of pedestrians within the site;
5. That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for building, structures, parking or access ways shall be landscaped with a mixture of grass, trees, and shrubs; and;
6. That all outdoor trash areas are screened.

#### **SECTION 19A-6 ASSURANCE OF PERFORMANCE**

The Board of County Commissioners may require the applicant to file with the planning office a performance bond as a condition of approval, to insure completion of approved landscaping, fencing, off-street parking, and loading, drainage and other specific items of the site plan. The amount of the performance bond shall be recommended by the planning staff, based upon current costs, and set by the Board of County Commissioners. If upon inspection of the completed project by the zoning enforcement officer, it is found that the conditions of the site plan have been met, the performance bond shall be released to the applicant. If the applicant does not comply within a reasonable time with the conditions of the site plan, the zoning enforcement officer shall give written notice to the applicant and the bonding company. (Reasonable time shall be determined by the life of the performance bond as stated thereupon, less sixty (60) days.) If the conditions of the site plan have not been met thirty (30) days prior to the expiration of the performance bond, the county shall bring such action as is necessary to insure completion of the site plan conditions. However, if the applicant can show that he has tried to the utmost of his ability to meet the conditions of the site plan within the time period allotted, but that adversities not of his making have been the cause of his failures to meet the site plan conditions, the Board of County Commissioners may require that he extend the performance bond for a specified period of time. In general, no initiation of commercial, or office activity shall take place before all of the conditions of the site plan and other provisions of the zoning regulations have been satisfied, except;

1. That in planned unit developments and planned shopping centers, approved for phase development by the Board of County Commissioners, such activity may commence as each phase or portion is completed if the conditions of the site plan relating to the particular conditions shall be considered to mean off-street parking and loading areas, screening, drainage, lighting, and trash storage facilities.)
2. That consideration shall be given to seasons of the year and adverse weather

conditions in requiring completion of landscaping plans before initiation of such activity: Provided, that landscaping shall be completed within six (6) months following commencing of such activity.

Such conduct of an activity on a parcel of ground having an approved site plan without completion of site plan conditions, except as noted above, and/or zoning regulation provisions shall be considered a violation of the zoning regulations.

#### **SECTION 19A-7. APPROVED SITE PLAN CHANGE**

An applicant who wishes to change an approved site plan must contact the Planning Office. If the proposed changes are of a nature that the revised site plan will be substantially similar to the approved site, the Lawrence-Douglas County Planning Director may approve the revised site plan. If the proposed changes substantially rearrange use grouped types, parking, landscaping, drainage, lighting, etc., the applicant must apply for approval of the revised plan in the manner set forth in Section 19A-3 of this article.

#### **SECTION 19A-8. TIME LIMITATIONS**

If no building permit is issued for the site within two (2) years from the date of the site plan approval by the Board of County Commissioners, the site plan shall be and become null and void.





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**Keith A. Browning, P.E.**  
Director of Public Works/County Engineer

### MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KB*

Date : September 23, 2009

Re : Consider request to create road right-of-way in Kanwaka Township  
N 1675 Road west of E 350 Road

John Solbach, on behalf of property owners Judy & Fred Vermette, is requesting the BOCC create additional road right-of-way in Kanwaka Township. The proposed road would be N 1675 Road, and would extend west from the current terminus of E 350 Road ¼-mile south of N 1700 Road. They are interested in creating this right-of-way to allow another buildable lot for the 25-acre parcel immediately southwest of the terminus of E 350 Road. In order to allow another buildable lot, at least 500 feet of right-of-way must be created. We would require a road to be constructed to the proposed entrance of the second buildable lot, so the full 500-foot length may not need to be constructed.

Home Rule Resolution No. 08-5-2 (attached) stipulates evaluation and review criteria when extending or creating a public road. In addition to Economic considerations, the home rule resolution lists certain Road Network considerations and Safety and Environmental considerations.

In my opinion, a road connection between E 318 Road in Fox Run subdivision and E 350 Road would be an improvement to the road network since it would provide connectivity between Route 442 (Stull Road) and N 1700 Road. It would provide another means to access properties in the area. This would be particularly beneficial to properties along E 350 Road lying south of an existing culvert approximately 480 feet south of N 1700 Road. Those properties are currently inaccessible during a 1%-chance flood (100-year flood).

The road creation requested by Mr. Solbach would not complete such a connection between E 318 Road and E 350 Road, but it would be a small step towards a connection. My current opinion is that such a connection should follow E 350 Road alignment south to the quarter-section line, then continue west to E 318 Road. I feel the topography is more favorable along that route.

Kanwaka Township has indicated they are not in favor of connecting E 318 Road to E 350 Road. They would be concerned if many more houses are constructed along such a connection due to the relatively poor geometry (width and grade) of E 350 Road. They have not indicated, however, they are against the current request for creation of 500 linear feet of N 1675 Road right-of-way.

September 23, 2009  
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Kanwaka Township estimates the annual maintenance cost at \$400 for the requested road.

Charter Resolution No. 07-4-1 (attached) outlines two alternate processes for creating, or "laying out", road right-of-way. Required notice to the public and neighboring property owners is somewhat different depending on by which process the BOCC is creating road right-of-way. If the BOCC desires to pursue creating the requested road right-of-way, the BOCC needs to determine the appropriate process under Charter Resolution No. 07-4-1. We will then ensure appropriate public notice, and schedule a public hearing. A resolution creating the requested road right-of-way will be prepared for BOCC consideration following the public hearing.

Also attached are responses from Linda Finger, Planning Resources Coordinator, to two paragraphs contained in Mr. Solbach's application for right-of-way creation.

Action Required: Consider the request to create road right-of-way for N 1675 Road, to extend 500' west from the current terminus of E 350 Road ¼-mile south of N 1700 Road in Section 29-12-18, and provide direction to staff as appropriate.

Responses from Linda Finger, Planning Resources Coordinator

Response to Economic Conditions 3:

Any parcel of land that existed as a separately described parcel in the Register of Deeds office as of 12-31-2006 has a vested right to a building permit for a residence (if one does not already exist) or to building permits for improvements, additions or renovations to an existing residence. This vested right is lost when a property is divided. If a property division is created in the rural area through the administrative review procedure [Parent Parcel/ Original Tract] established in the Subdivision Regulations for property divisions, an owner may establish new residential development rights for each property division created. [RE: section 11-101(e) (1) (In the city's version of the Subdivision Regulations<sup>1</sup> this is section 20-801(e) (1)]

*"A division created in conformance with this Chapter, or created in conformance with the Exemption section of the previously adopted Subdivision Regulations that were in effect prior to December 20, 2006, and said division was filed and recorded as a plat of survey, deed, or affidavit of equitable interest identifying the division as a separate tract of real estate at the Register of Deeds office (i) on or before June 1, 2005; or (ii) after June 1, 2005, and as of December 31, 2006, provided a division made after June 1, 2005, met the 10 acre requirement and other requirements for a residential building permit pursuant to Douglas County Resolution No 05-6-5 and resolutions extending such Resolution, shall remain lawfully existing, retaining established rights to the issuance of a building permit, subject to additional regulatory authority of the Governing Body. Such legally created Parcel shall not be subject to further review under this Chapter; unless or until it is further divided."*

Response to Safety and Environmental Considerations 4:

Without public road access the parcel has value for agricultural uses but is not an "otherwise developable parcel". The parcel becomes developable for residential purposes when: a) there is road frontage of 250' and an improved road surface to the proposed driveway; and, b) the property division, from the parcel on file at the Register of Deeds office on 12-31-2006, is created through a Certificate of Survey following the administrative procedure in section 11-106 of the Subdivision Regulations (also known as section 20-806 in the city's development code).

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<sup>1</sup> The Lawrence Development Code, which includes the Subdivision Regulations as Article 8, is Chapter 20 in the City Code. In the County Code, the Subdivision Regulations are Chapter XI. This is why two numbers exist for each section of the jointly adopted Subdivision Regulations.

HOME RULE RESOLUTION NO. HR 08-5-2

A HOME RULE RESOLUTION PROVIDING POLICY CONSIDERATIONS WHEN ESTABLISHING OR EXTENDING PUBLIC ROADS BASED UPON LANDOWNER-INITIATED REQUESTS AND REPEALING RESOLUTION HR-07-12-6

WHEREAS, K.S.A. 19-101a, and amendments thereto, authorizes the Board of County Commissioners (hereinafter after the "Board") to transact all County business and perform all powers of local legislation and administration it deems appropriate.

WHEREAS, K.S.A. 68-101 et seq. and Douglas County Charter Resolution 07-4-1 provide for the establishment of new and extension of existing public roads in the unincorporated areas of Douglas County if the Board determines the road will be appropriate and in the public interest or will be of public utility.

WHEREAS, by Resolution HR-07-12-6 the Board imposed a moratorium on establishing or extending public roads based upon the petition or request of one or more landowners, so that the Board could study and develop a policy to guide the Board in determining when the establishment or extension of such roads will be appropriate and in the public interest or of public utility.

WHEREAS, the Board adopts such a policy as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION THIS 21<sup>st</sup> DAY OF May, 2008, AND INTENDING TO EXERCISE THE POWERS OF HOME RULE LEGISLATION PURSUANT TO K.S.A. 19-101a, DOES HEREBY RESOLVE AS FOLLOWS:

**SECTION 1. Policy on Establishing or Extending Public Roads.** The Board hereby adopts the following policy evaluation & review criteria to use in the deliberation to of a petition from one or more landowners to establish a new public road, or to extend an existing public road right-of-way, and in determining whether the new road is appropriate and in the public's interest, or that it will be of public utility.

The criteria for evaluation of such petitions are provided in the following tables. A petition must be accompanied by written responses to the following criteria before it will be placed on a Commission's agenda for public discussion.

CATEGORY	EVALUATION & REVIEW CRITERIA
I. Economic Considerations	Cost benefit analysis prepared by the petitioner that provides the County Commission with the following information for review: <ol style="list-style-type: none"><li>1. an estimate of the cost of road construction;</li><li>2. an estimate of the total maintenance cost to the Township [based on cost figures provided by the County Engineer to the petitioner]; and,</li><li>3. a realistic estimate of the tax appraisal value and the number of additional homes to be built with access from the proposed road over a period of no more than 10 years.</li></ol>

CATEGORY	EVALUATION & REVIEW CRITERIA
II. Road Network Considerations	The proposed road will be an improvement to the current road network in the Township it is located in and the appropriate Township Board and the County Engineer have reviewed and recommended approval.

The County Commission may also consider safety and environmental issues when deliberating on a petition for a new road. The landowners petitioning for a new road may also request review under the safety and/or environmental criteria to lend additional support to and/or justification for the request for a new public road. The safety and environmental criteria are in the following table:

CATEGORY	EVALUATION & REVIEW CRITERIA
III. Safety & Environmental Considerations	<ol style="list-style-type: none"> <li>1. The proposed road will provide a safer way to access existing residential properties than currently exists;</li> <li>2. The proposed road will improve connectivity across a one-mile square grid by the addition of a through road that would improve emergency and/or safety vehicle response time to residences within the one-mile square grid;</li> <li>3. The proposed road would eliminate: a steep slope approach, a low water crossing, a railroad crossing, or other similar safety concern; or,</li> <li>4. The proposed road will create an alternative access to an otherwise developable parcel, which reduces the development impact on environmental features such as FEMA floodplain; jurisdictional wetland; or significant stands of mature trees.</li> </ol>

The foregoing evaluation and review criteria are not exclusive and the Board may consider other factors that it deems important to any individual case. The foregoing policy considerations need not necessarily apply to (1) widening existing public roads, (2) accepting the dedication of roads in platted subdivisions, or (3) establishing new or extending existing public roads at the Board's initiative.

**SECTION 2. *Revocation of Resolution HR-07-6.*** Resolution HR-07-12-6, by which the Board imposed a moratorium on establishing or extending public roads based upon the petition or request of one or more landowners, is revoked.


**SECTION 3. *Severability.*** If any section, clause, sentence, or phrase of this Resolution is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Resolution.

**SECTION 4. *Publication.*** This is a home rule resolution and shall be effective after publication one time in the Official County newspaper.

ADOPTED this 21<sup>st</sup> day of May, 2008.


**BOARD OF COUNTY COMMISSIONERS OF  
DOUGLAS COUNTY, KANSAS:**

  
\_\_\_\_\_  
Bob Johnson, Chair

  
\_\_\_\_\_  
Jere McElhane, Member

  
\_\_\_\_\_  
Charles Jones, Member

ATTEST:

  
\_\_\_\_\_  
Jameson D. Shew, County Clerk

CHARTER RESOLUTION NO. 07-4-1

**A Charter Resolution Exempting Douglas County, Kansas From The Provisions of K.S.A. 68-102 Relating to the Laying Out, Altering or Vacating Roads, and Providing Substitute and Additional Provisions Relating Thereto**

**WHEREAS**, K.S.A. 19-101 *et seq.* provides that counties may exercise home rule powers, including adopting charter resolutions which exempt such counties from the acts of the Kansas Legislature.

**WHEREAS**, the County of Douglas, Kansas ("County") is a county, duly created and organized, under the laws of the State of Kansas.

**WHEREAS**, K.S.A. 68-101 *et seq.* is an enactment of the Kansas Legislature relating to the opening and laying out of roads, which enactment is applicable to the County, but is not uniformly applicable to all counties within the State of Kansas.

**WHEREAS**, the Board of County Commissioners (the "Board") desires, by charter resolution, to exempt the County from the provisions of K.S.A. 68-102, and to provide substitute and additional provision thereof.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, MEETING IN REGULAR SESSION AND INTENDING TO EXERCISE ITS POWERS OF CHARTER HOME RULE PURSUANT TO K.S.A. 19-101b, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Exemption.** The County, by the power vested in it by K.S.A. 19-101b, hereby elects to exempt itself from and make inapplicable to it, the provisions of K.S.A. 68-102.

**Section 2. Substitute Provisions and Additional Provisions.** The County, by the power vested in it by K.S.A. 19-101b, hereby provides substitute and alternate provisions for K.S.A. 68-102 as follows:

**Laying out, altering or vacating roads.** (a) Upon petition of any adjacent landowner, the board of county commissioners may lay out, alter, or vacate a road. The board of county commissioners also may lay out or alter any road when deemed necessary by the board.

(b) The board of county commissioners may vacate any road in the county whenever the board determines such road is not a public utility by reason of neglect, nonuse, or inconvenience or from other cause or causes such road has become practically impassable and the necessity for such road as a public utility does not justify the expenditure of the necessary funds to repair such road or put the same in condition for public travel.

(c) Notice of the laying out, altering or vacating any road shall be given in the manner provided by K.S.A. 68-102a, and amendments thereto.

(d) As a complete alternative to the procedures set forth in subparagraph (a), (b) and (c) of this section and the procedures set in K.S.A. 68-101, *et seq.* and any other applicable law pertaining to laying out, altering, relocating, widening, or vacating any road, the board of county commissioners may, by resolution and without formal viewing, lay out, alter, relocate, widen, extend, or vacate any road or roads, with or without the presentation of a petition, as the board determines appropriate and in the public interest; provided, however, that the simple widening of road right-of-way shall not require a formal resolution of the board of county commissioners. Any resolution vacating a road pursuant to this subsection shall reserve to the county and utilities such rights-of-way and easements as, in the judgment of the board of county commissioners, are necessary or desirable for public service. All land or right-of-way required for the laying out, altering, relocating, widening, or extending of a road shall be acquired by the board of county commissioners by purchase, donation, dedication or, if the owner or owners of the land shall refuse to sell for an amount acceptable to the board of county commissioners, donate, or dedicate said land, by exercise of the right of eminent domain pursuant to article 5 of chapter 26 of Kansas Statutes Annotated, and amendments thereto. The county surveyor shall prepare a plat of survey or similar document for any road laid out, altered, relocated, widened, or vacated pursuant to this subparagraph, and the county engineer shall record in the public road records the location, relocation, extension, change, or vacation of any such road. Notice of the laying out, altering, relocating, widening, or vacating any public road pursuant to this subparagraph, containing a reasonable description of the proposed changes, shall be given to each owner of property adjoining the road, sent by first class mail to the at the address where the owner's property tax statements are sent; provided that such notice need not be given if the owner has previously granted additional right-of-way or signed any other agreement conveying land or right-of-way with respect to the road project.

**Section 3. Severability.** In the event that any provision or section of this Charter Resolution is deemed or ruled unconstitutional or otherwise illegal or invalid by a court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Resolution. In such instance, this Charter Resolution shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**Section 4. Revocation.** Charter Resolution 94-2-1 is hereby revoked.

**Section 5. Effective Date.** The county clerk is directed to cause this Charter Resolution to be published once each week for two consecutive weeks in the official County newspaper. This Charter Resolution shall become effective 60 days after the final publication, unless a petition signed by a number of electors of the Douglas County equal to not less than 2% of the number of electors who voted at the last preceding November general election or 100 electors, whichever is the greater, shall be filed in the office of the county election officer demanding that this Charter Resolution be submitted to a vote of the electors. If such a valid petition is filed, this Charter Resolution shall not take effect until submitted to a referendum and approved by the electors of Douglas County, to be called and held in accordance with K.S.A. 19-101b.

Passed and Approved this 30<sup>th</sup> day of April, 2007, by the Board of County Commissioners of Douglas County, Kansas.



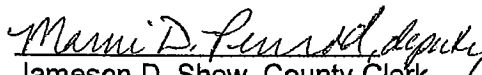
**BOARD OF COUNTY COMMISSIONERS OF  
DOUGLAS COUNTY, KANSAS:**

  
\_\_\_\_\_  
Bob Johnson, Chair

  
\_\_\_\_\_  
Jere McElhaney, Member

\_\_\_\_\_  
Charles Jones, Member

ATTEST:

  
Jameson D. Shew, County Clerk



**John M. Solbach, III**  
**Attorney At Law**

700 Massachusetts, Suite 203  
Lawrence, KS 66044  
(785) 841-3881  
(785) 841-0043 Fax

Craig Weinaug  
County Courthouse  
11<sup>th</sup> and Massachusetts Street

September 23, 2009

Re: Application for establishing or extending a public road to run west 500ft (approved) actually being built 350ft from a point 16.75 miles north of the Franklin County line and 3.5 miles from the Shawnee County line. It would lie to the west of East 350 Road, ¼ mile south of North 1700 Road. It would straddle the land currently owned by Howard Hildenbrand on the north and Judy and Fred Vermette and John and Pat Solbach on the south. Each landowner provided a 35ft easement (total 70 feet), which is already on file with the register of deeds.

UNDER ECONOMIC CONSIDERATIONS

1. The cost of the road would be borne by landowners John and Patricia Solbach and Fred Vermette. The county engineer suggests an 18ft surface within the 70ft easement. It would be a gravel road. The topography is very flat but slopes slightly to the west. Some scrub trees would need to be removed. Contractor Ludd Heine indicates that he could build the road for less than \$2,000 or so plus the cost of material (1 or 2 steel culverts and the rock to surface the road).
2. The township estimates that the total cost of maintaining the road would be no more than a few hundred dollars per year, perhaps less than \$100 per year. They would put rock on the road every three to five years and would maintain it periodically and may involve some snow removal but with almost no traffic on the road, the maintenance cost is very small.
3. Without the approval of this road, the existing house would not be permitted under current county rules to obtain the building permit for remodeling or expansion. That would significantly decrease the fair market value of that house and impede the ability of the current owners to sell the house to someone who would want to remodel or add to the house. We believe that would reduce the county valuation based upon fair market value by 25 to 40,000 dollars, and with a resulting reduction in tax revenues of approximately \$515 per year. If another house with an estimated value of \$200,000 were built within the next ten years, that would produce additional revenue for the two property taxes of \$2,576 per year. Over the course of ten years, this would be tax revenues of approximately \$30,000. The county's share of that would have to be figured from the total as with the townships.

With respect to road network considerations, if the long term plan is to connect Fox Run with East 350 Road, this would move that connection towards that goal. We likely would consent or agree to allow a road to be built over our land to connect to East 350 Road and such a road could be built basically following contour lines.

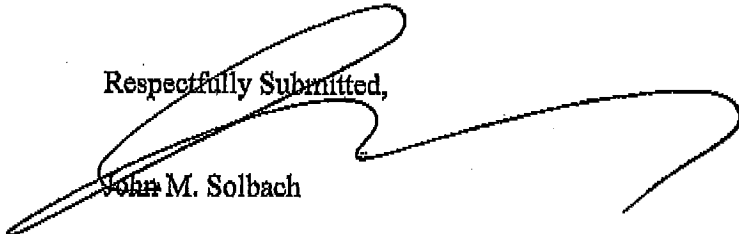
The county engineer suggested the road should go south for a quarter of a mile and then back west for a quarter of a mile, but that would be a longer road. You'd still have to cross the deep ravine where there currently is a pond and if it took 35 feet from each landowner it would place the road too close to the existing house at Fox Run. Following the contour lines would still take us across the deep ravine where that ravine is filled with damn structure at the current time and could easily be further filled and be made wide enough for a public road.

There are no existing easements along the county engineer's proposed route. There is an existing easement where we're proposing to build the road or we could give one.

**SAFETY AND ENVIRONMENTAL CONSIDERATIONS:**

1. The proposed road will provide a safer way to access existing residential properties.
2. There will be some improvement toward connectivity.
3. Not applicable
4. The road will create an alternative access to an otherwise developable parcel. There are trees where the road would be built but they are relatively small trees and not of a particularly desirable species.

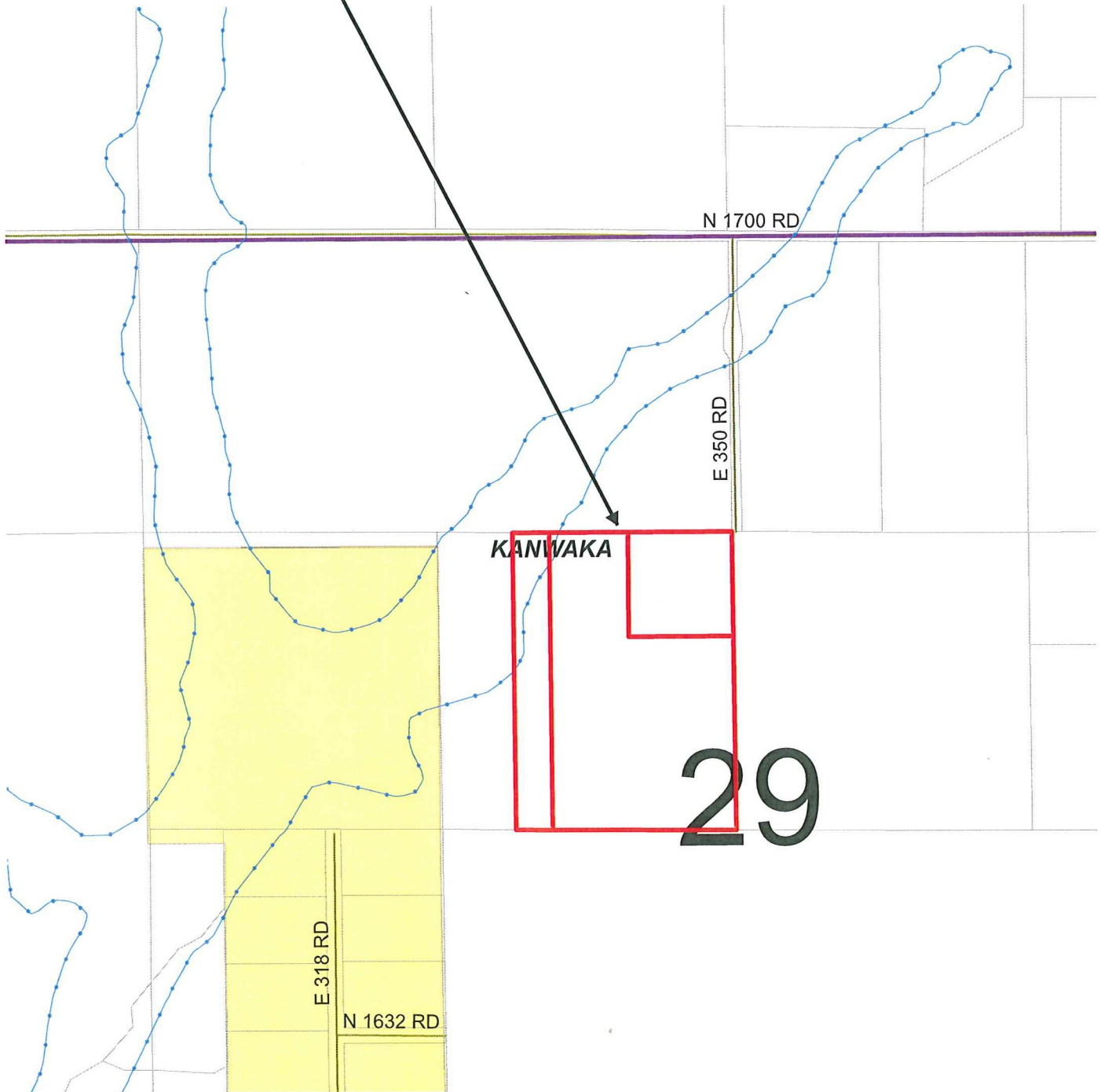
Respectfully Submitted,

  
John M. Solbach

New Road Request for N 1675  
west of E 350 Road  
section 29-12-18



Location of new road right-of-way  
500' dedicated & 350' constructed



**Legend**

**FEMA FLOODPLAIN Ln\_Typ**

<all other values> 500 Year Floodplain

Floodway Fringe

FLOODWAY

**Access Mgmt Classifications**

Hwy or Freeway

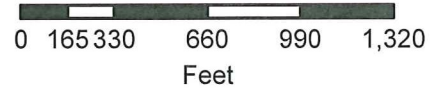
Principal Arterial

Minor Arterial

Major Collector

Minor Collector

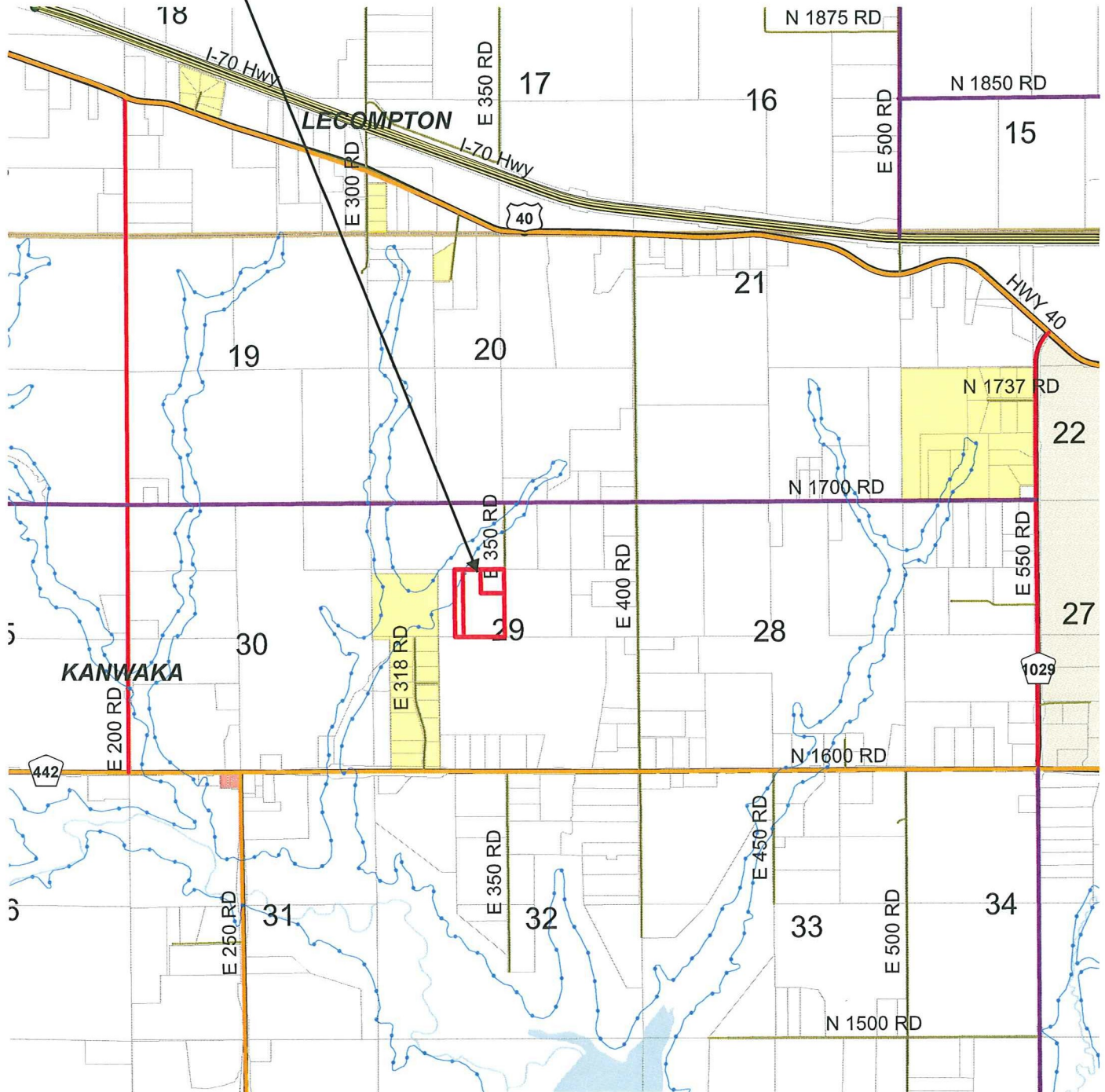
COUNTY ZONING



New Road Request for N 1675  
west of E 350 Road  
in section 29-12-18



Location of new road right-of-way  
500' dedicated & 350' constructed



Legend

- |                                |                                    |                      |  |
|--------------------------------|------------------------------------|----------------------|--|
| <b>FEMA FLOODPLAIN Ln_Type</b> | Floodway Fringe                    | Minor Arterial       |  |
| <all other values>             | FLOODWAY                           | Major Collector      |  |
| 500 Year Floodplain            | <b>Access Mgmt Classifications</b> | Minor Collector      |  |
| Hwy or Freeway                 |                                    |                      |  |
| Principal Arterial             |                                    |                      |  |
|                                |                                    | <b>COUNTY ZONING</b> |  |



# Memorandum

## Lawrence-Douglas County Metropolitan Planning Office

**TO: Board of County Commissioners**  
**FROM: Mary Miller, Planning Staff**  
**CC: Craig Weinaug, County Administrator**  
**Scott McCullough, Director of Planning and Development Services**  
**Date: For September 30, 2009 County Commission Agenda**  
**RE: Appropriate range of variation for Mid-States Material's detailed reclamation plans for Phases 1A, 2, 3 and 4 of the Big Springs Quarry**

The revised reclamation plans and a request to modify the Consent Decree were considered by the County Commission at their September 16, 2009 meeting. The Commission voted to approve the modification from the Consent Decree to permit the natural strata along the north edge of the water feature in Phase 1A to remain. The Commission indicated that the plans of Mid-States Material for reclamation of the quarry were generally acceptable, but did not approve the reclamation plans due to concerns with the amount of variation permitted in General Note 4 on the Cover Sheet. The Commission directed staff to determine an appropriate range of variation for the size of the water features and the finished elevation of the reclaimed land and stated that changes beyond this range would require submittal of revised reclamation plans for staff review and Commission approval.

### **SIZE OF WATER FEATURES**

The goal for the appropriate range of variation for size of water features is to insure that the flow of the adjacent water bodies are not reduced significantly.

The first step in the determination of an appropriate range of variation was an analysis of the drainage area of the stream, a tributary to Deer Creek, which lies east of the quarry to determine the impact of the quarry run-off on the stream-flow. (Attachment A) This graphic compares the drainage area which lies within the areas permitted for the quarry to the total drainage area. Approximately 10% of the stream's drainage area lies within the quarry area; therefore, the impact of the water features on the quarry are limited to 10% of the stream's total flow. A maximum range of 40% of the disturbed area in the drainage area for the water feature(s) in that drainage area provides operational flexibility for the quarry, while insuring that the stream flow reduction is minimal. The County Engineer prepared a graphic showing the drainage areas and the

quarry phases to assist in the determination of the size of the water features. (Attachment B) This will be included as a detail page with the reclamation plans if this range of variation is approved.

### **SHAPE AND LOCATION OF WATER FEATURE**

The shape of the water feature will be determined through the quarrying operations. General Note 4 includes a provision that natural strata with a slope greater than 3:1, where approved, may be retained to stabilize the slopes. Language restricting the height of this natural strata to 8 ft above the established water elevation was added.

The water feature will be located at the terminus of the mining activity. Market conditions determine the limits of mining; therefore the anticipated location is marked on the plan rather than showing the 'exact' location. The plans notes that the water feature will not be located within 300 ft of the quarries exterior property lines.

### **FINISHED ELEVATION**

General Note 4 states than the landforms are general in nature and final elevations are subject to change. Staff originally suggested a range of plus or minus 5 feet; however, the quarry operator explained that if they extracted more limestone than they anticipate a minimum range of 5 ft may require them to import materials to reach that elevation. The County Engineer pointed out that the maximum slope of 3:1 would need to be maintained and the contours within the setbacks would not change; therefore, he felt the minimum range of 10 ft would be acceptable and would have no adverse impact on the surrounding properties.

### **REVISIONS TO THE PLANS**

The Commission indicated the plans should be revised to address the conditions noted in the September 16<sup>th</sup> Staff Report. The applicant made the revisions as noted below:

1. Provision of a detail sheet for the County Engineer's approval, showing the erosion control method which will be used for the removal of the overburden pile in Phase 1A. The detail should show the erosion control method to be used, the location, and which phase of the reclamation they will be installed in. ***The applicant provided a copy of their SWP3 (Stormwater Pollution Prevention Plan) to meet this condition.***
2. A modification from the Consent Decree has been requested by the operator to permit the natural strata along the north edge of the water feature in Phase 1A to remain. If the modification is not approved, the north slope of the water feature in Phase 1A shall be revised on the reclamation plan to a 3:1 slope or less. ***A note indicating that the Board of County Commissioners approved the modification to permit the natural strata to remain on the north shore of the Phase 1A water feature has been added to Sheet 7.***
3. The applicant shall make the following revisions to the reclamation plans:
  - a. General Note 3 on the Title Page should be revised to clarify that reclamation in these phases will be conducted per requirements of the Consent Decree and will not be concurrent with mining activity in those phases. ***This clarification was added to the sequencing note on Sheet 7.***



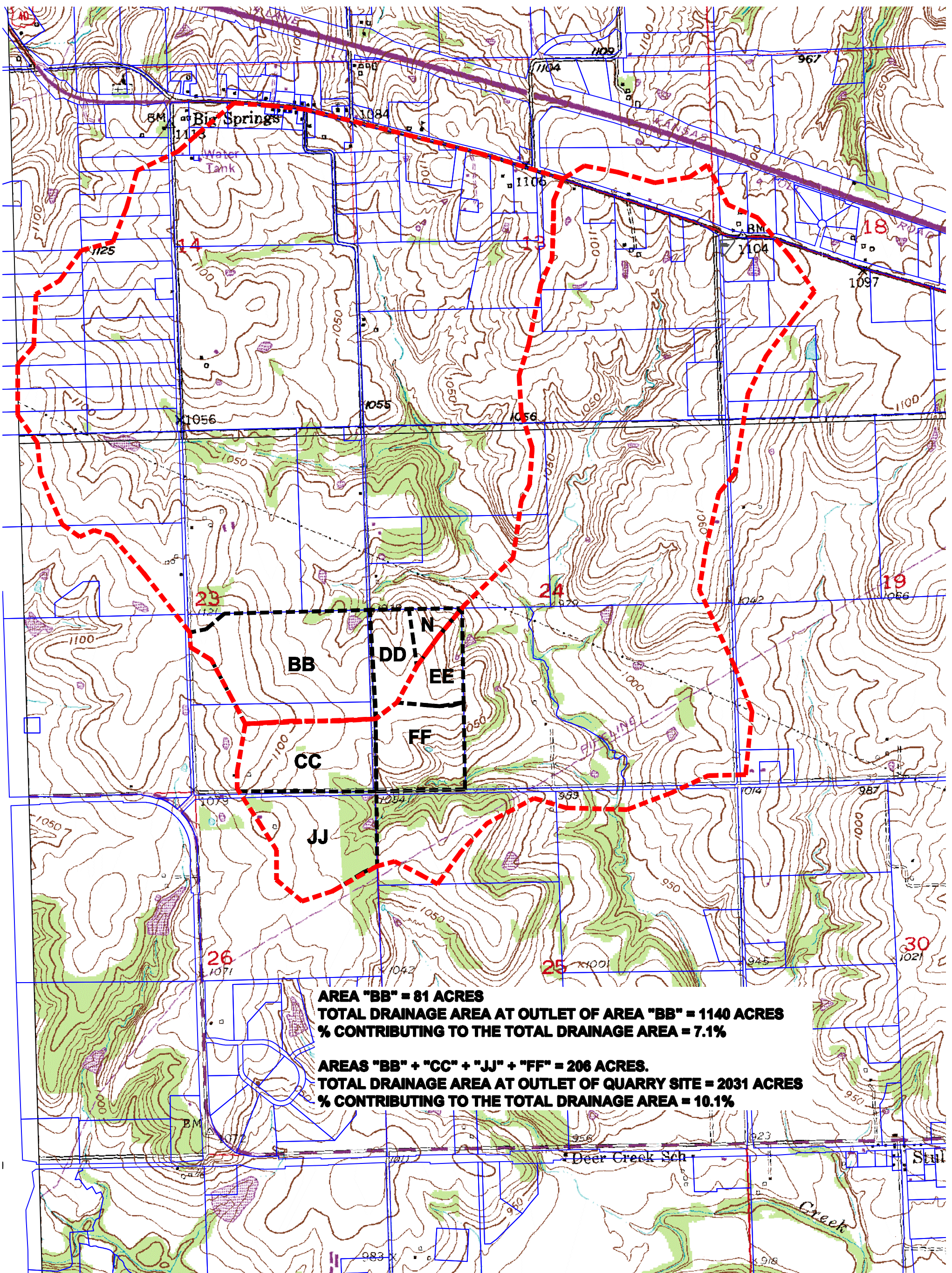
- b. General Note 4 on the Title Page shall be revised to reflect the appropriate range of variations as determined by the County Engineer. The water features shall be shown to reflect the anticipated size on the plan and the anticipated surface area of the water features shall be noted on the plan. The Note shall also indicate that any variation beyond the approved range would require administrative review by the Planning Staff and approval by the County Engineer. ***This note has been revised on the plan to include the range of variations as approved by the County Engineer. The note retained the language that any variations beyond this range will require the submittal of revised reclamation plans and clarified that the reclamation plans shall be reviewed by staff and approved by the County Commission.***
- c. Note 3 on the General Sequencing Plan shall be revised to indicate that the utilization of natural strata rather than the 3:1 or less slope above the established water surface elevation shall require notification to the Planning Office and approval by the County Engineer. ***Note 3 refers to natural strata which is at a 3:1 slope so the revision was not necessary.***
- d. Sequencing Note 1 on Plan Sheet 7 shall also state that the erosion control measures will be 'maintained' as required in the Stormwater Pollution Protection Plan. ***This change has been made.***
- e. The sentence in the first paragraph under the heading 'Sequencing Plan' on Plan Sheet 7 shall be revised: "Reclamation of each quarried area within a phase is planned to occur concurrently with mining operations and will be completed as soon as practical after quarrying is complete; however Phase 1-A is an exception as quarrying is complete but reclamation is occurring to resolve a pre-existing condition and portions of Phase 1-A and Phase 2 will be disturbed to facilitate this reclamation." ***Wording has been added to this note to clarify that reclamation in Phases 1A and 2 are not occurring concurrently with mining.***
- f. Revise the reclamation plan shown on Plan Sheet 5 to remove the grading change over the Mid-American Pipeline. **Sheet 5 has been revised to remove the contour over the setback.**
- g. Sheet 5 shall be revised to show accurately the 160 ft setback along the western property line. **Sheet 5 has been revised to show the 160 ft setback accurately.**
- h. The plan should note that each pond will have an 'outflow' and indicate the approximate location. **The plan notes that each pond will have an outflow spillway that matches the elevation of the existing waterway to allow the existing drainage pattern to be maintained (General Note 4)**

**Staff Recommendation:**

Staff recommends approval of the revised reclamation plans with the following range of variations as noted in General Note 4:

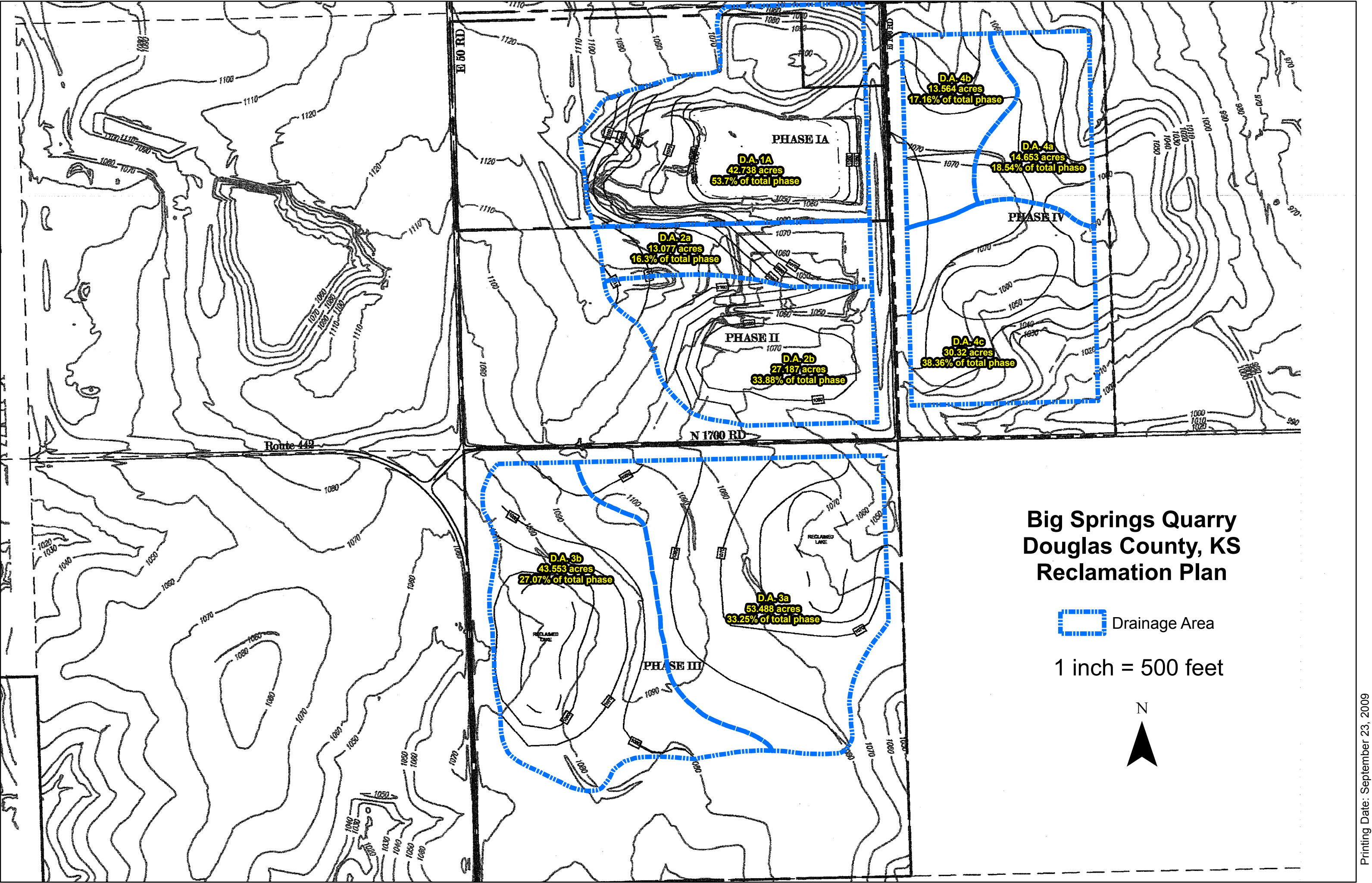
- 1) Finished elevation: + 5 feet or – 10 feet
- 2) Size of water feature(s)—up to 40% of the drainage area for the water feature(s)
- 3) Location of water features—300 ft separation from perimeter noted

- 4) Shape of water features—8 ft maximum height noted for any natural strata with a slope greater than 3:1 which is approved to be retained for stabilization of the bank



**AREA "BB" = 81 ACRES**  
**TOTAL DRAINAGE AREA AT OUTLET OF AREA "BB" = 1140 ACRES**  
**% CONTRIBUTING TO THE TOTAL DRAINAGE AREA = 7.1%**

**AREAS "BB" + "CC" + "JJ" + "FF" = 206 ACRES.**  
**TOTAL DRAINAGE AREA AT OUTLET OF QUARRY SITE = 2031 ACRES**  
**% CONTRIBUTING TO THE TOTAL DRAINAGE AREA = 10.1%**



# Big Springs Quarry Douglas County, KS Reclamation Plan

 Drainage Area

1 inch = 500 feet



**PHASE IA**  
D.A. 1A  
42.738 acres  
53.7% of total phase

D.A. 2a  
13.077 acres  
16.3% of total phase

**PHASE II**  
D.A. 2b  
27.187 acres  
33.88% of total phase

D.A. 4b  
13.564 acres  
17.16% of total phase

D.A. 4a  
14.653 acres  
18.54% of total phase

**PHASE IV**

D.A. 4c  
30.32 acres  
38.36% of total phase

D.A. 3b  
43.553 acres  
27.07% of total phase

D.A. 3a  
53.488 acres  
33.25% of total phase

**PHASE III**

E 60 RD

E 80 RD

N 1700 RD

Route 449

# BIG SPRINGS QUARRY

## DETAILED RECLAMATION PLAN

### PHASE 1A, 2, 3, AND 4

## DOUGLAS COUNTY, KANSAS

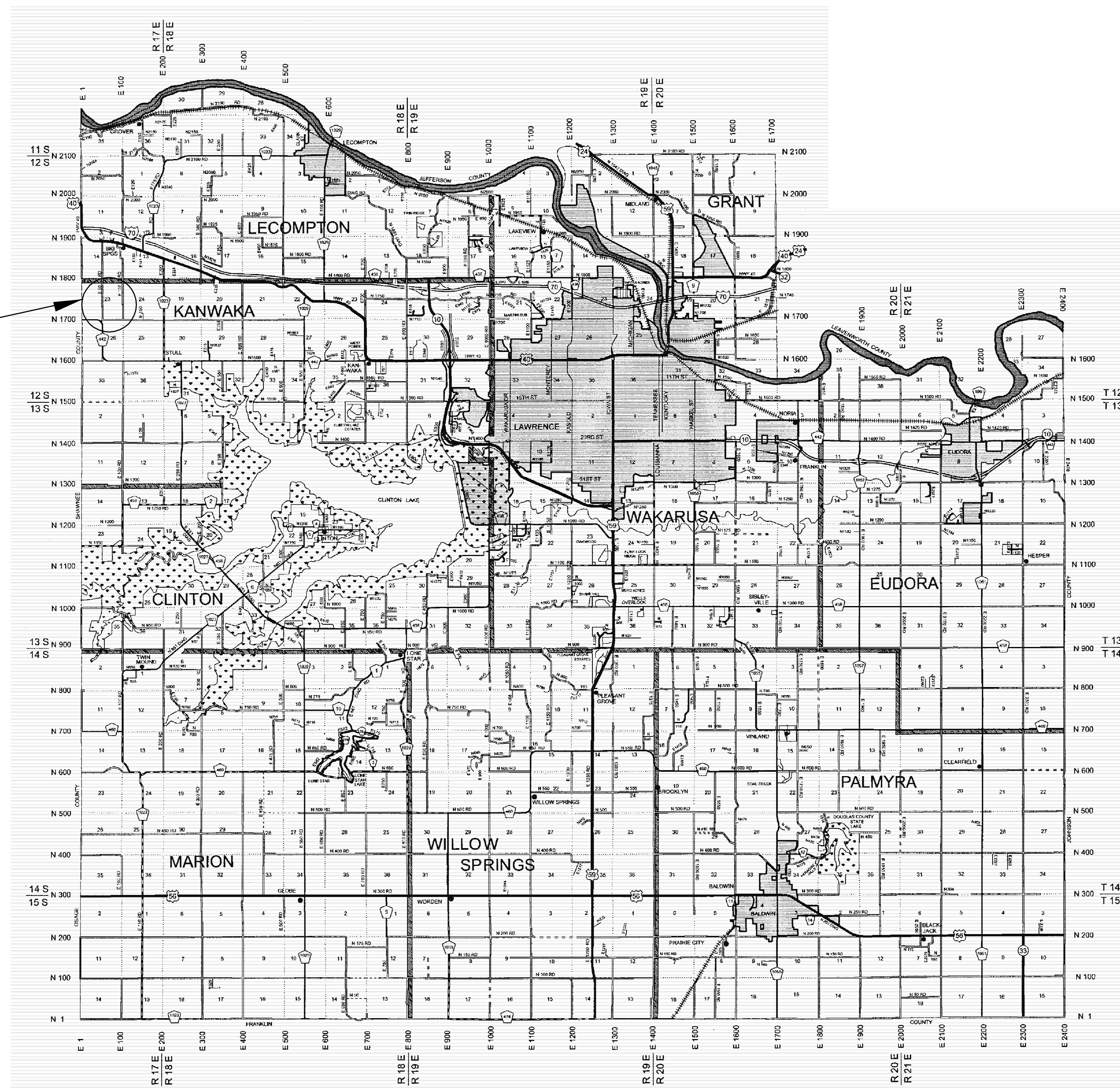
#### INDEX OF DRAWINGS

- 1 TITLE SHEET
- 2 OVERALL GEOLOGY MAP
- 3 COMPOSITE DETAILED RECLAMATION PLAN
- 4-6 DETAILED RECLAMATION PLANS
- 7 PHASE 1A RECLAMATION PLAN FOR OVERBURDEN PILE
- 8-9 PHASE 1A OVERBURDEN PILE CROSS SECTIONS
- 10 DRAINAGE PLAN FOR PHASE 1A, 2, 3, AND 4
- 11 GENERALIZED QUARRY CROSS SECTION

QUARRY LOCATION

#### LEGAL DESCRIPTION

All of Section 23, Township 12 South, Range 17 East of the Sixth Principal Meridian, in Douglas County, Kansas except the North 12 rods of East 16 rods of the Northeast Quarter of said Section 23;  
 TOGETHER WITH:  
 The Northwest Quarter and the Northeast Quarter of Section 26, Township 12 South, Range 17 East of the Sixth Principal Meridian, in Douglas County, Kansas  
 AND TOGETHER WITH:  
 The West Half of the Southwest Quarter of Section 24, Township 12 South, Range 17 East of the Sixth Principal Meridian, in Douglas County, Kansas.



#### GENERAL NOTES

1. All quarry operations will be performed in accordance with the Storm Water Pollution Prevention Plan (SWPPP) on file with the Kansas Department of Health And Environment, as it may be amended from time to time.
2. Materials used to complete the reclamation of Phase 2 may be excavated and obtained from the mining operations in the area of Phase 3. In a likewise manner, materials used to complete the reclamation of the land in each phase may be taken from the mining operations in the subsequent phase. The area which may be disturbed in the subsequent phase prior to completion of reclamation in a previous phase is limited to the acreage specified in the CUP.
3. Reclamation of each quarried area within a phase is planned to occur concurrently with mining operations and will be completed as soon as practical after quarrying is complete. Material will be borrowed from the subsequent phase to finish reclamation in a completed phase where necessary. Reclamation activities, for the purpose of determining when quarrying in the subsequent phase may proceed beyond the acreage restriction in the CUP are considered complete when final grading, seeding, and mulching operations are completed.
4. The detailed reclamation plans presented herein are subject to change based on variable field conditions relative to soil and rock volumes, soil and rock characteristics and field conditions which may be encountered during the mining and reclamation processes. Landforms indicated are general in nature and final elevations may vary as much as 5 ft higher or 10 ft lower than shown on the plan. Water bodies may change relative to size, location, shape and elevation as field conditions dictate. The surface area of any water body or bodies will not exceed 40% of the disturbed area in the watershed contributing to that water body or bodies. There is no minimum range for the surface area of the water body. Each water body shall have an outflow spillway that matches the elevation of the existing waterway to allow the existing drainage pattern to be maintained. The surface area of the water body is measured at spillway elevation. No water body shall extend to a depth below elevation 1042. No water body shall be located within 300 feet of an exterior property line. Depth and surface area of water bodies will vary based on climatic conditions. Any other variations or variations beyond the ranges specified in this note will require a revision to the reclamation plan. The revised reclamation plan shall be submitted to the Planning Office for review and the Board of County Commissioners for approval. Provided however, no man-made earth slope, with the exception of the slope of the water feature below the established water level, shall exceed 3:1, and provided that where approved, natural strata with a stable slope steeper than 3:1, and 8' feet high or less in height above the established water surface elevation, may be retained for any water feature and provided that the overburden pile located in Phase 1 A will not exceed elevation 1070 after reclamation is complete.

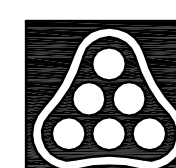
#### GENERAL SEQUENCING PLAN

The intent of reclamation is to return the land to be suitable for use for agriculture (hay and ranching activities), recreation, wildlife habitat, or other uses. Water features will be incorporated into the reclaimed land to support ranching and fishing, as well as to support wildlife. Reclamation of each quarried area within a phase is planned to occur concurrently with mining operations and will be completed as soon as practical after quarrying is complete. Material will be borrowed from the subsequent phase to finish reclamation in a completed phase where necessary. Reclamation activities, for the purpose of determining when quarrying in the subsequent phase may proceed beyond the acreage restriction in the CUP are considered complete when final grading, seeding, and mulching operations are completed.

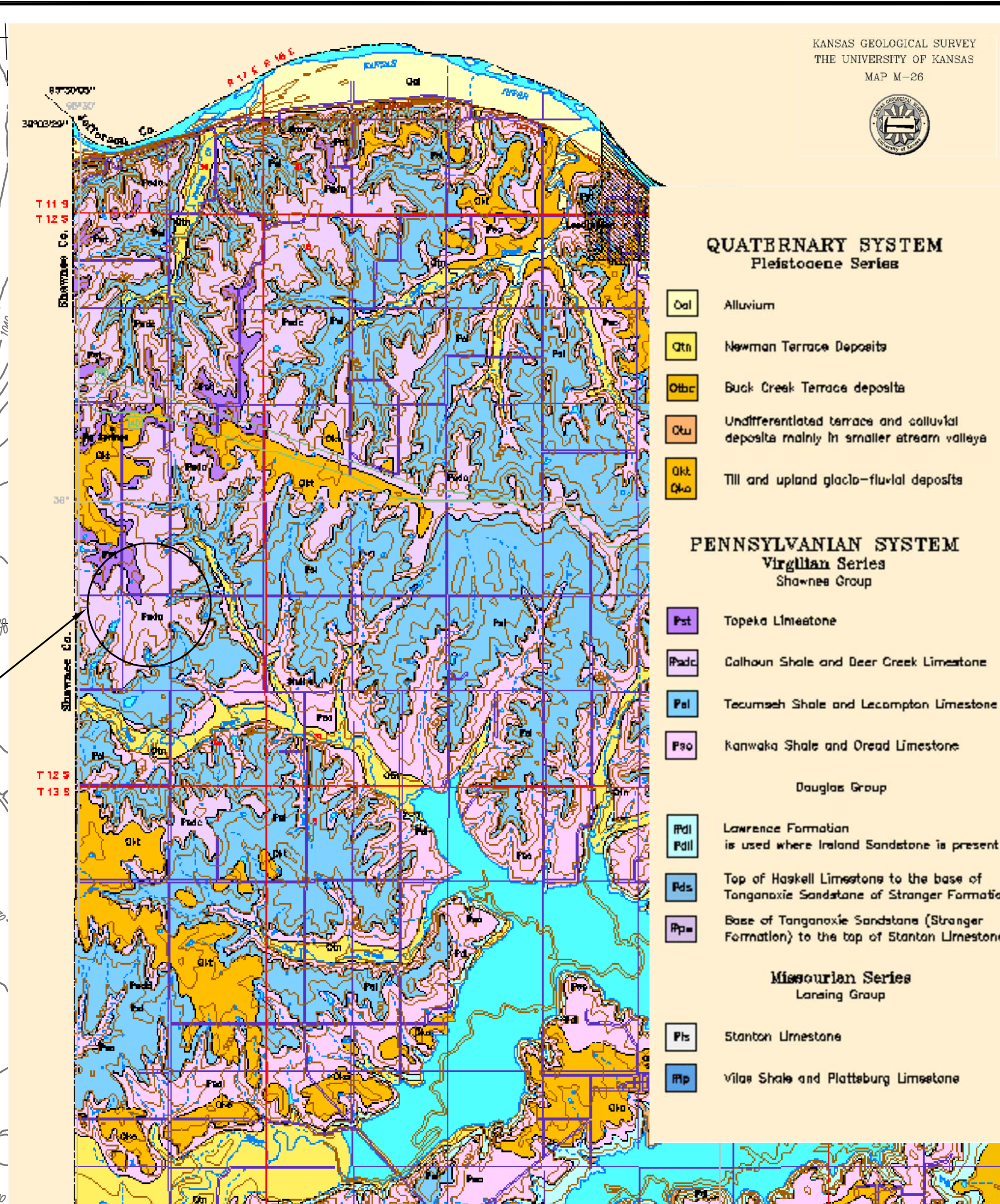
Reclamation will occur in the following sequence:

1. Place erosion control sediment barriers on down gradient side of earthmoving operations.
2. Fill excavated area with overburden material taken from active mining processes or available stockpiles.
3. Where water bodies are to be created, the slope above the planned water's edge will be shaped to a gradient of 3:1 or flatter. Natural strata along the water body may be retained in place for bank stabilization, or stone may be placed at the planned water's edge to stabilize the bank.
4. All man-made slopes will be graded to have slopes 3:1 or flatter, with the exception of the slope of the water feature below the planned water level, and provided that where approved, natural strata with a slope steeper than 3:1 may be retained for stabilization of the bank of any water feature. Where appropriate, terraces will be installed to minimize erosion.
5. After finish grading, the surface shall be disked to a depth of six inches. A thickness of four inches of topsoil shall be placed on all areas to be vegetated. Topsoil material to be taken from topsoil stockpile(s) on site.
6. All disturbed non-water body areas shall be seeded and mulched. Seeding shall be prairie grass/wildflower mix for the District 1 area in accordance with the standards of the Kansas Department of Transportation, or wildlife habitat mix in accordance with the standards of Quail Unlimited. Prairie hay or wheat straw mulch shall be applied at a rate of two tons per acre and tacked down. In areas seeded for erosion control, mowed lawns, and berms, seeding shall be K-31 fescue at 300 pounds per acre and annual rye at 50 pounds per acre.

**SEPTEMBER 2009**  
 PEC PROJECT No. 08A39-000



Professional Engineering Consultants, P.A.  
 1263 SVV. TOPEKA BLVD. • TOPEKA, KANSAS 66612  
 785-233-8300 • FAX 785-233-8855



Generalized east-west geologic cross section across central Douglas County showing major rock units

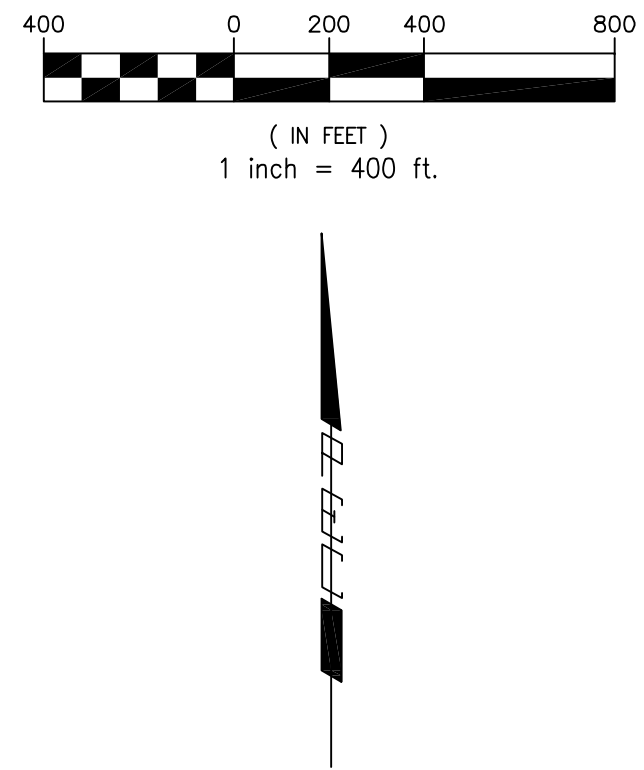


**LEGEND**

- OB OVERBURDEN
- EC ERVINE CREEK LIMESTONE MEMBER
- HF HARTFORD LIMESTONE MEMBER

No.	Revision	By	Date
<b>BIG SPRINGS QUARRY</b> DOUGLAS COUNTY, KANSAS <b>OVERALL GEOLOGY MAP</b>			
<b>Professional Engineering Consultants, P.A.</b> 1263 SW TOPEKA BLVD. • TOPEKA, KANSAS 66612 785-233-8300 • FAX 785-233-8855			
Designed by	TC/MWB	Job No.	08A39
Drawn by	TCC	Date	JUNE 2009
			Sht. 2 of 11

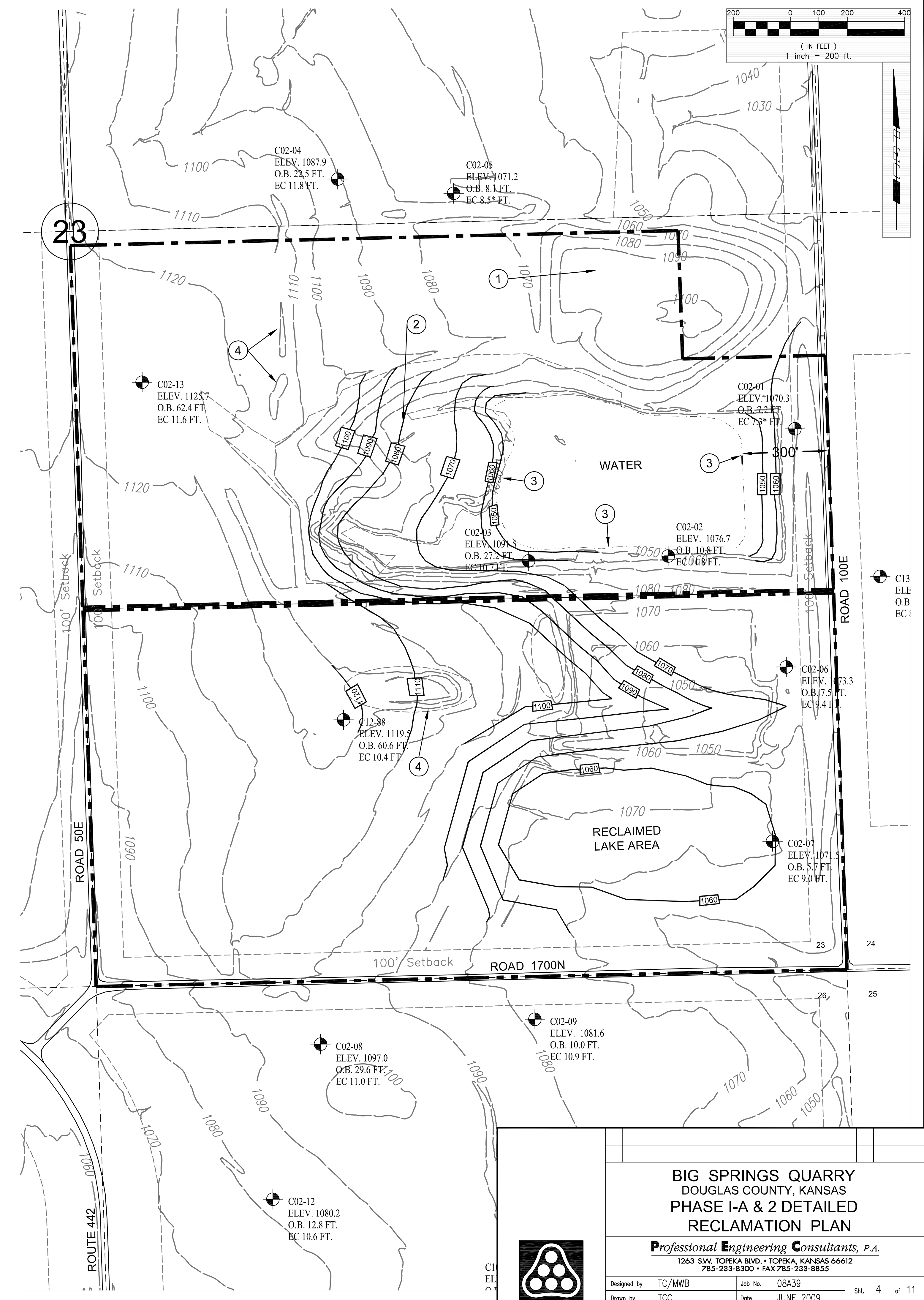
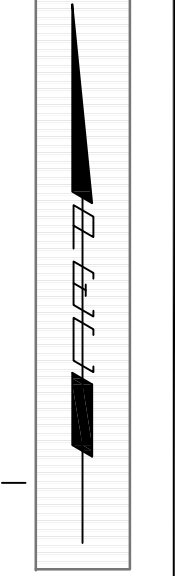
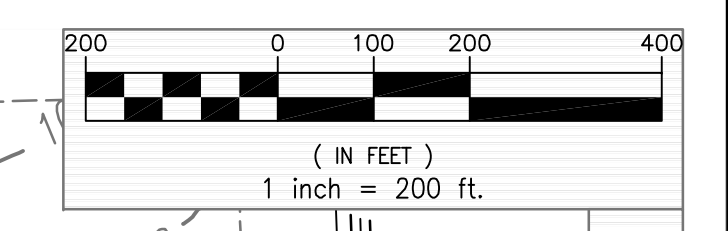
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 E:\2008\08A39\DWG\Plans\RECLAMATION SITE 06-15-09\08A39-000-SHT 3-Composite Reclmed Plan-NEW



**LEGEND**

- PHASE 1A BOUNDARY
- PHASE 2 BOUNDARY
- PHASE 3 BOUNDARY
- PHASE 4 BOUNDARY

No.	Revision	By	Date
<b>BIG SPRINGS QUARRY</b> DOUGLAS COUNTY, KANSAS <b>COMPOSITE DETAILED</b> <b>RECLAMATION PLAN</b>			
<b>Professional Engineering Consultants, P.A.</b> 1263 SW TOPEKA BLVD. • TOPEKA, KANSAS 66612 785-233-8300 • FAX 785-233-8855			
Designed by	TC/MWB	Job No.	08A39
Drawn by	TCC	Date	JUNE 2009
			Sht. 3 of 11



**LEGEND**

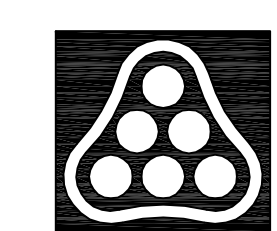
- PHASE 1A BOUNDARY
- PHASE 2 BOUNDARY

NOTE THAT ALL DIMENSIONS ARE TO PROPERTY LINE

**PHASE IA & II**

- ① Remove and reconstruct overburden pile to elevation 1070 or lower. See Sheet No.7.
- ② Place overburden material to provide terraced slope toward water body.
- ③ Reconstruct bank to 3:1 or flatter gradient.
- ④ Topsoil material to be used for topsoil operations in Phase I-A.

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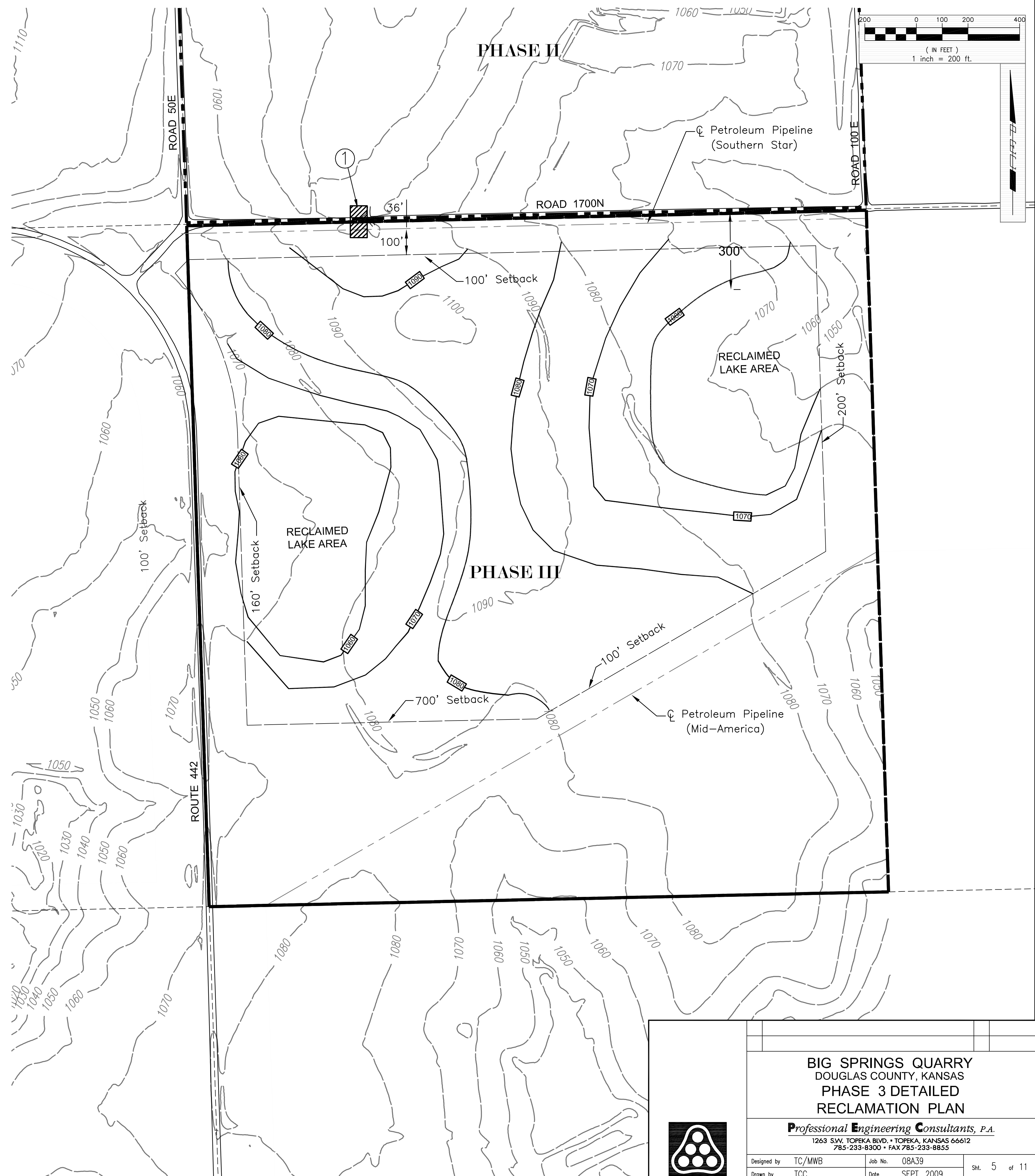
**BIG SPRINGS QUARRY**  
 DOUGLAS COUNTY, KANSAS  
**PHASE I-A & 2 DETAILED**  
**RECLAMATION PLAN**

**Professional Engineering Consultants, P.A.**  
 1263 SW. TOPEKA BLVD. • TOPEKA, KANSAS 66612  
 785-233-8300 • FAX 785-233-8855

Designed by TC/MWB	Job No. 08A39	Sht. 4 of 11
Drawn by TCC	Date JUNE 2009	



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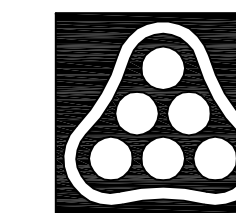


**LEGEND**

- PHASE 2 BOUNDARY
- PHASE 3 BOUNDARY

NOTE THAT ALL DIMENSIONS ARE TO PROPERTY LINE

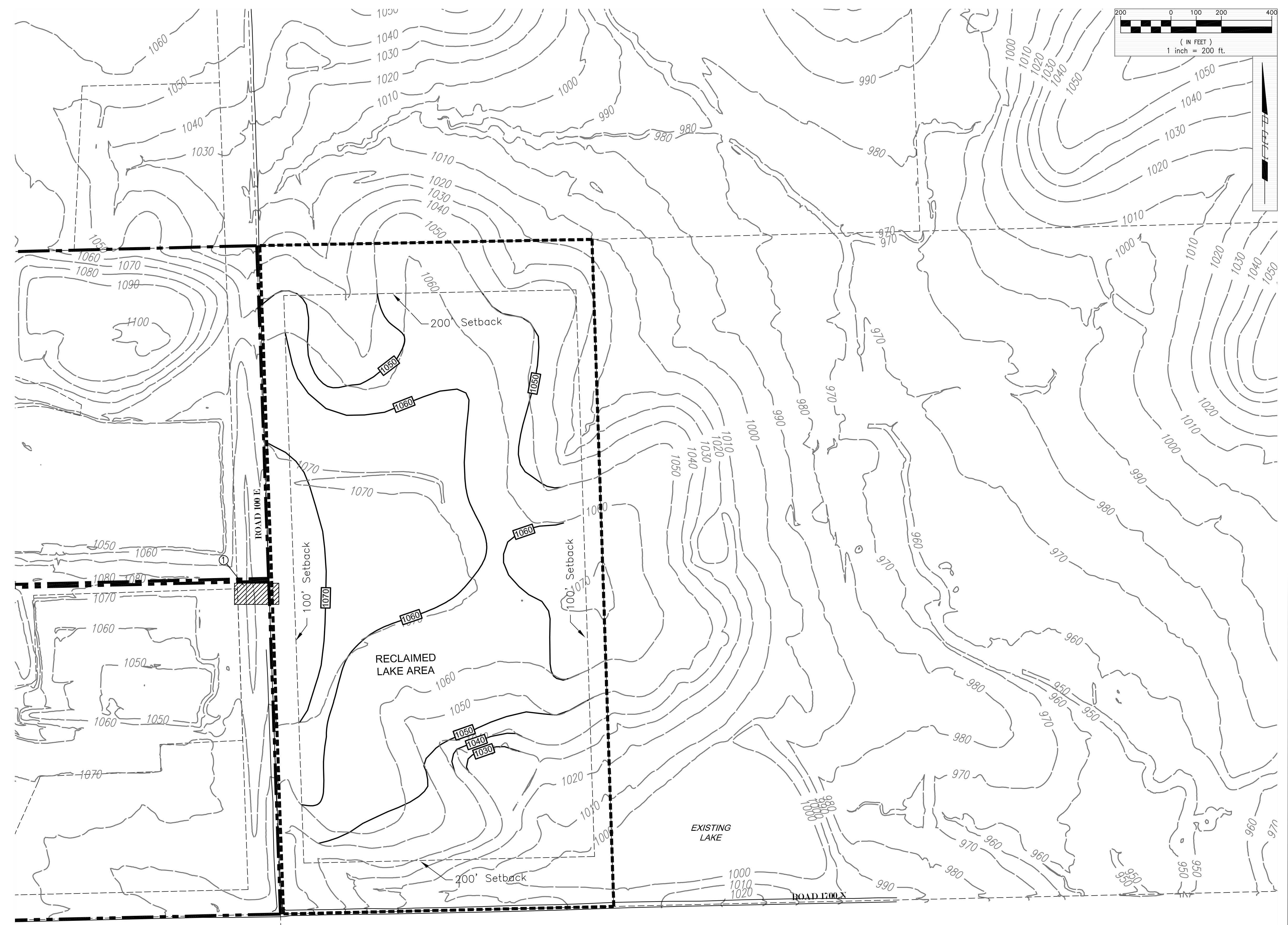
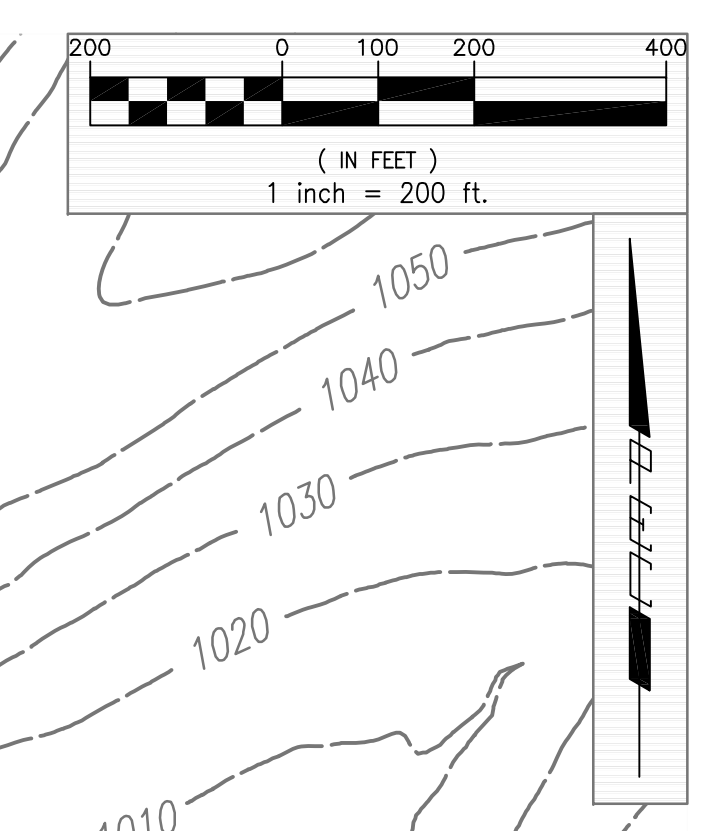
① HAUL ROAD CROSSING, APPROVED BY COUNTY ENGINEER, JUNE, 2009.



**BIG SPRINGS QUARRY  
DOUGLAS COUNTY, KANSAS  
PHASE 3 DETAILED  
RECLAMATION PLAN**

**Professional Engineering Consultants, P.A.**  
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Designed by	TC/MWB	Job No.	08A39	Sht. 5 of 11
Drawn by	TCC	Date	SEPT. 2009	



**LEGEND**

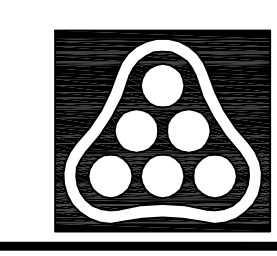
- PHASE 1A BOUNDARY
- - - - -** PHASE 2 BOUNDARY
- .....** PHASE 4 BOUNDARY

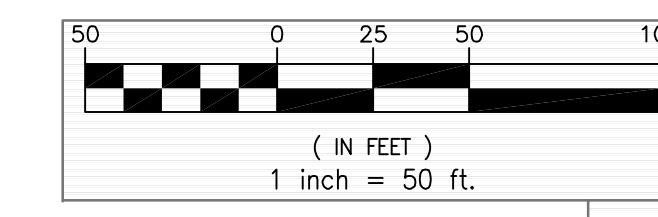
NOTE THAT ALL DIMENSIONS ARE TO PROPERTY LINE

① PROPOSED HAUL ROAD CROSSING TO STANDARD APPROVED BY COUNTY ENGINEER.

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No.		Revision		By		Date	
<b>BIG SPRINGS QUARRY</b> DOUGLAS COUNTY, KANSAS <b>PHASE 4 DETAILED</b> <b>RECLAMATION PLAN</b>							
<b>Professional Engineering Consultants, P.A.</b> 1263 S.W. TOPEKA BLVD. • TOPEKA, KANSAS 66612 785-233-8300 • FAX 785-233-8855							
Designed by	MWB	Job No.	08A39	Sht.		6 of 11	
Drawn by	DMS	Date	APRIL 2009				





**RECLAMATION DRAINAGE PLAN NOTES**

- ① CONSTRUCT DITCH PLUG AT ELEV. 1068
- ② REMOVE OVERBURDEN TO ELEVATION 1070. GRADE TOP TO DRAIN TO SOUTH.
- ③ GRADE 10' EARTHEN CHANNEL TO DRAIN SOUTH.
- ④ CONSTRUCT RIPRAP DITCH LINING TO WATERS EDGE.

**SEQUENCING PLAN- PHASE 1A**

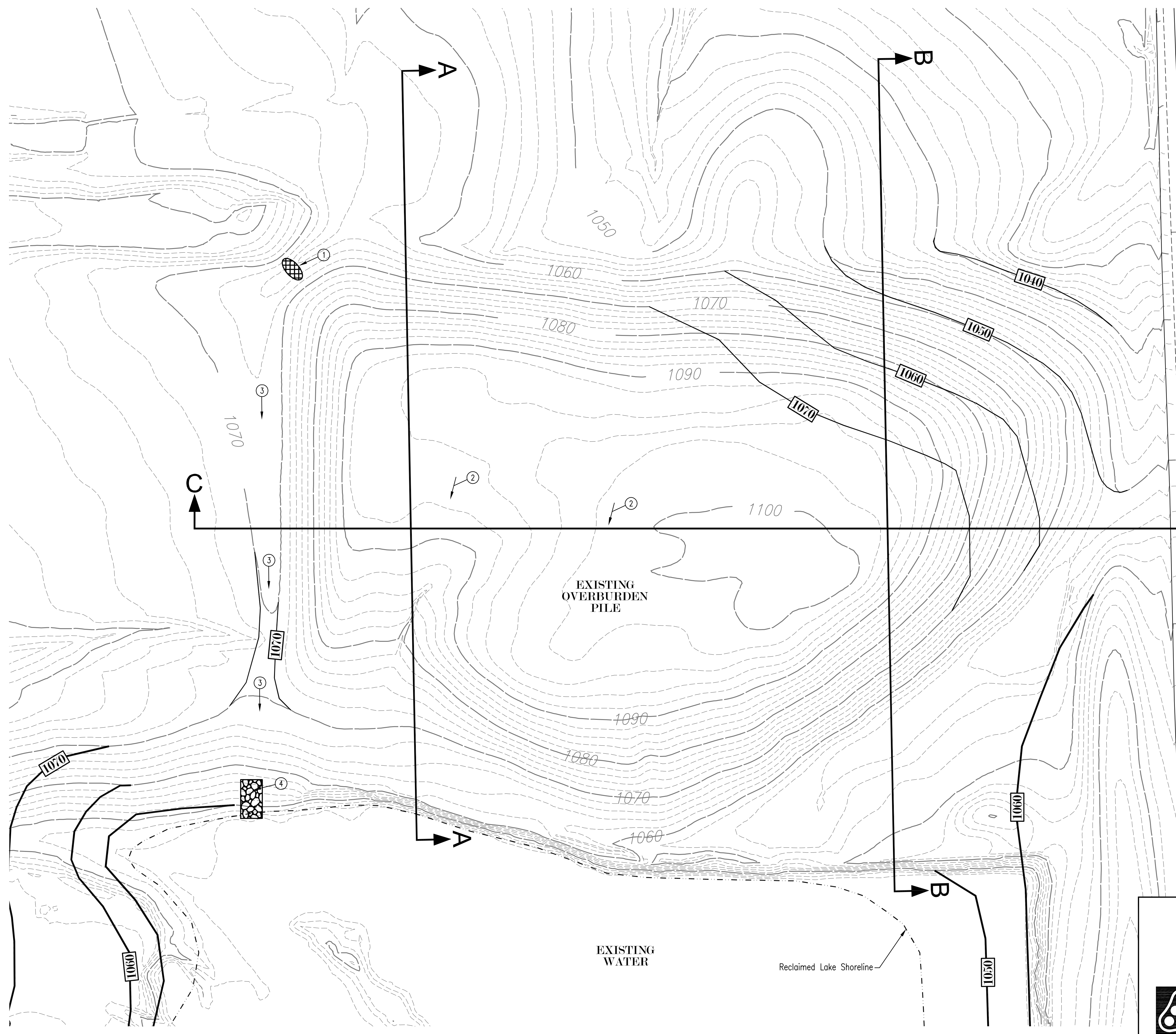
The intent of reclamation is to return the land to be suitable for use for agriculture (hay and ranching activities), recreation, wildlife habitat, or other uses. Water features will be incorporated into the reclaimed land to support ranching and fishing, as well as to support wildlife. Reclamation of each quarried area within a phase is planned to occur concurrently with mining operations and will be completed as soon as practical after quarrying is complete. Material will be borrowed from the subsequent phase to finish reclamation in a completed phase where necessary. Reclamation activities, for the purpose of determining when quarrying in the subsequent phase may proceed beyond the acreage restriction in the CUP are considered complete when final grading, seeding, and mulching operations are completed.

Reclamation of the area designated Phases 1A and 2 will be performed in accordance with the schedule set forth in Section 2 of the Consent Decree executed by the Board of County Commissioners, Douglas County, Kansas and Mid-States Materials, LLC on May 27, 2009.

The Board of County Commissioners approved a modification to the Consent Decree at their September 16, 2009 meeting to allow the rock strata along the north shore of the water feature in Phase 1A to remain. A slope of 3:1 is not necessary in this area.

**Reclamation will occur in the following sequence:**

1. In accordance with Best Management Practices, place and maintain erosion control sediment barriers on down gradient side of earthmoving operations. Refer to the Storm Water Pollution Prevention Plan Dated June 2009.
2. Perform test excavation on overburden pile to determine the limits and extent of topsoil that may be encountered in the pile.
3. If topsoil is present in volumes practical for salvage with conventional powered earthmoving equipment, remove and temporarily stockpile topsoil materials from the overburden pile for later reuse. Temporary stockpiles shall not exceed twelve feet in height and will be seeded in annual rye to prevent wind or water erosion. During these operations, retain existing vegetation on north and east sides of overburden pile as long as practical.
4. Utilizing overburden materials, re-established grades above the water line along the east, south and west sides of the existing water body to a gradient of 3:1 or flatter. Natural strata on the north side of the water body will be retained in place for bank stabilization. Stone may be placed at the planned water's edge to stabilize the bank. Create a terraced slope west of the water body utilizing material from the overburden pile. The remainder of the overburden pile will be graded to have slopes 3:1 or flatter and shall not exceed elevation 1070. During these operations, retain existing vegetation on north and east sides of overburden pile as long as practical.
5. If necessary to facilitate earthmoving operations, existing water levels may be modified. Any waters discharged from modification of water levels shall be disposed of in water bodies located in Phase 1 and/or Phase 2.
6. After finish grading, the surface shall be disked to a depth of six inches. A thickness of four inches of topsoil shall be placed on all areas to be vegetated. Topsoil material to be taken from topsoil stockpile(s) on site.
7. All non-water body areas shall be seeded and mulched. Seeding shall be prairie grass/wildflower mix for the District 1 area in accordance with the standards of the Kansas Department of Transportation, or wildlife habitat mix in accordance with the standards of Quail Unlimited. Prairie hay or wheat straw mulch shall be applied at a rate of two tons per acre and tacked down. In areas seeded for erosion control, mowed lawns, and berms, seeding shall be K-31 fescue at 300 pounds per acre and annual rye at 50 pounds per acre.
8. Install and maintain temporary sediment barriers in accordance with best management practices until vegetation is established.



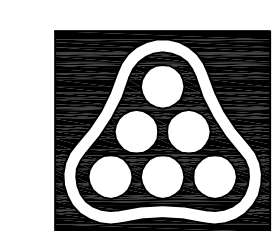
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No.	Revision	By	Date

**BIG SPRINGS QUARRY**  
 DOUGLAS COUNTY, KANSAS  
**PHASE 1A RECLAMATION PLAN FOR OVERBURDEN PILE**

**Professional Engineering Consultants, P.A.**  
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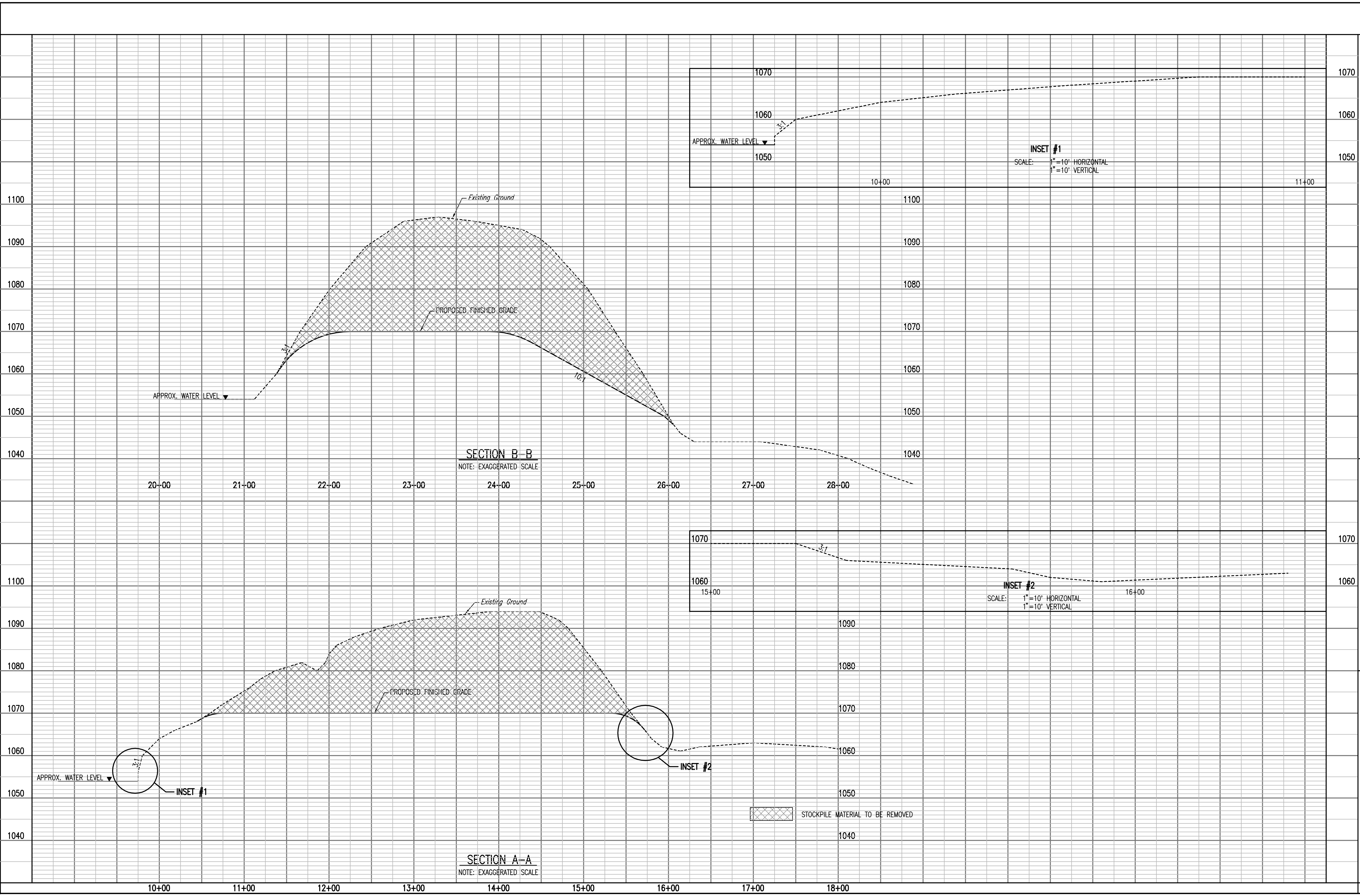
Designed by	MWB	Job No.	08A39	Sht. 7 of 11
Drawn by	DMS	Date	SEPT. 2009	



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Sheet 08-11-2009 8:43:50 AM by JCC  
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 DRAWN BY: JCC  
 CHECKED BY: JCC



**BIG SPRINGS QUARRY**  
DOUGLAS COUNTY, KANSAS  
CROSS SECTIONS  
PHASE 1A OVERBURDEN PILE

Professional Engineering Consultants, P.A.  
 1263 SW TOPEKA BLVD. • TOPEKA, KANSAS 66612  
 785-233-8300 • FAX 785-233-8655

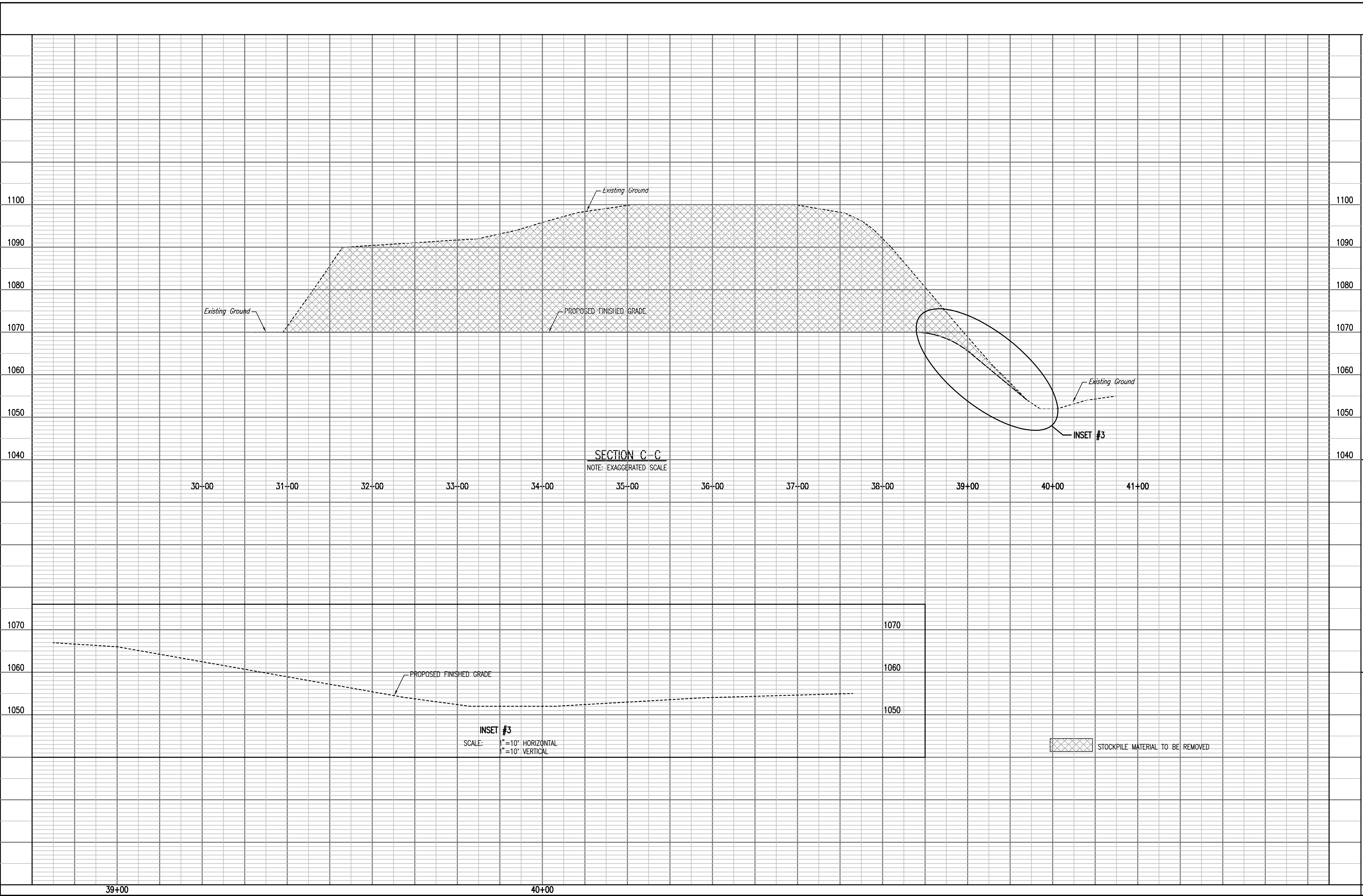
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Job No.: 06A33  
 Date: JULY 2008

PLAN	CHECKED	DATE
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PROFILE	CHECKED	DATE
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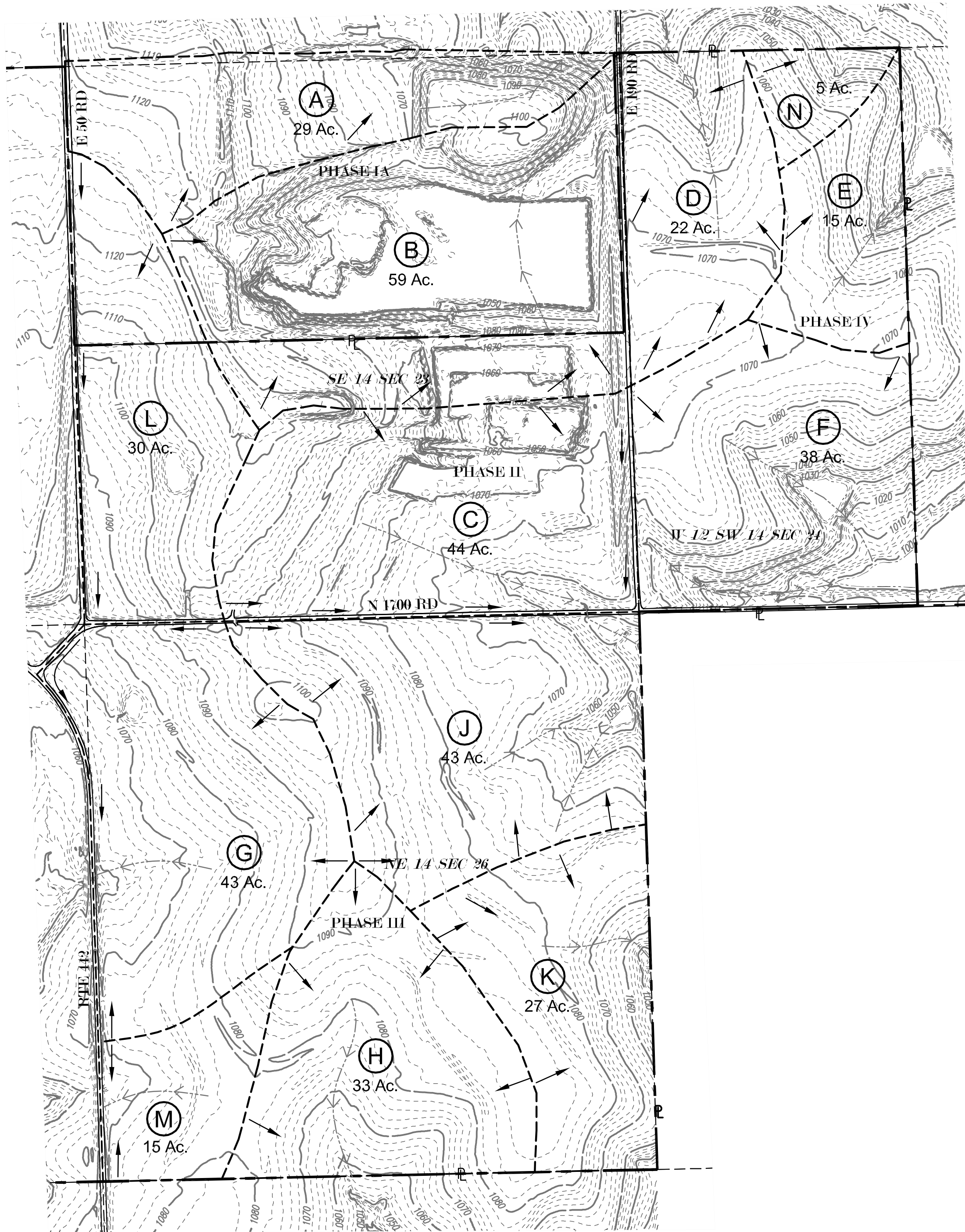
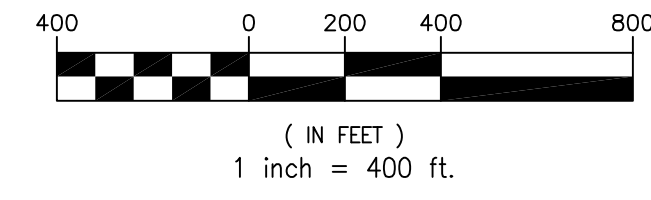


**BIG SPRINGS QUARRY**  
 DOUGLAS COUNTY, KANSAS  
**CROSS SECTIONS**  
 PHASE 1A OVERBURDEN PILE

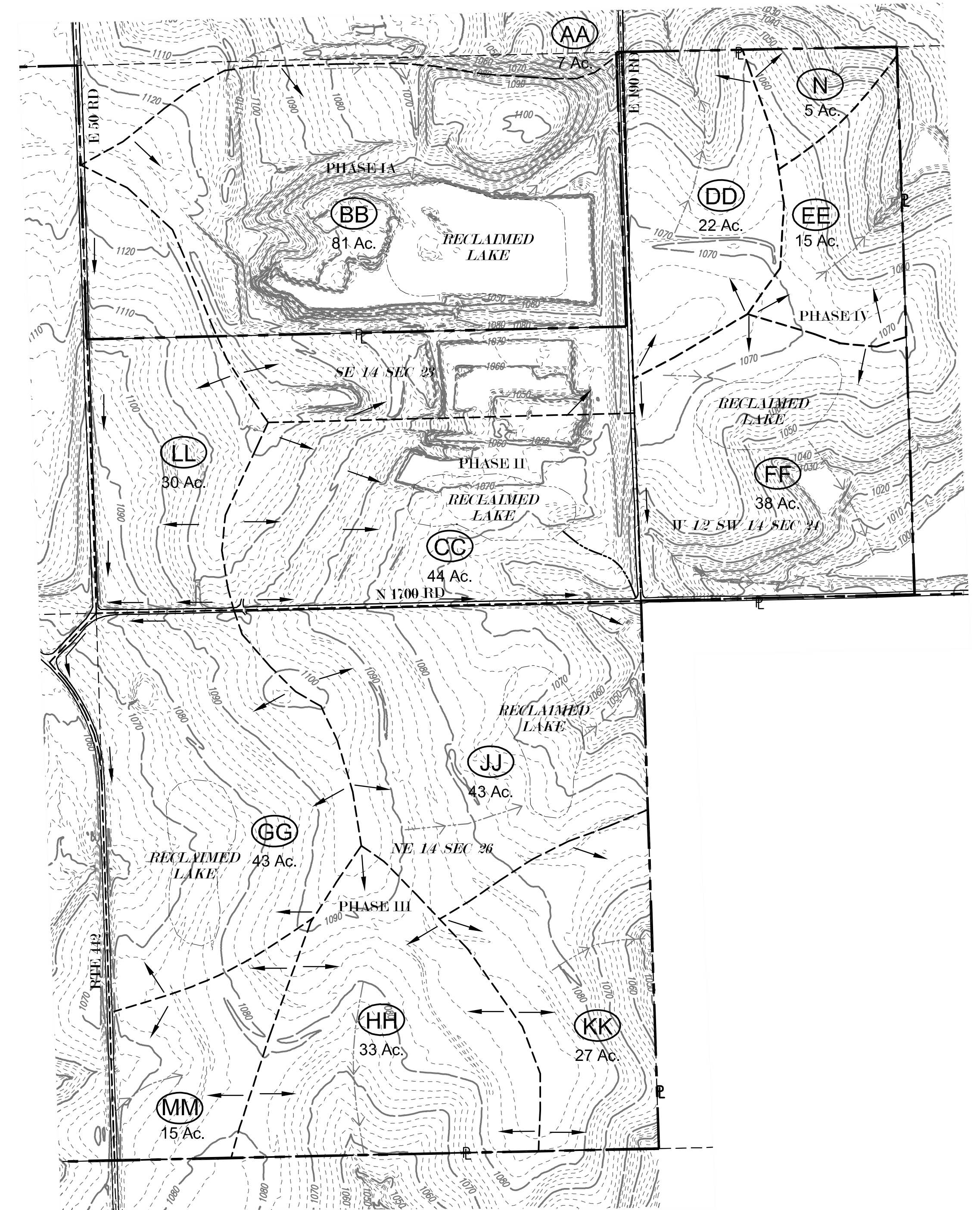
**Professional Engineering Consultants, P.A.**  
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Designed By: MMB  
 Drawn By: DMS

Job No.: 08A39  
 Date: JULY 2008



DRAINAGE MAP - PRE-MINING

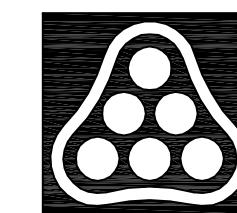


DRAINAGE MAP - POST RECLAMATION

**LEGEND**

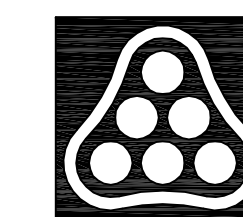
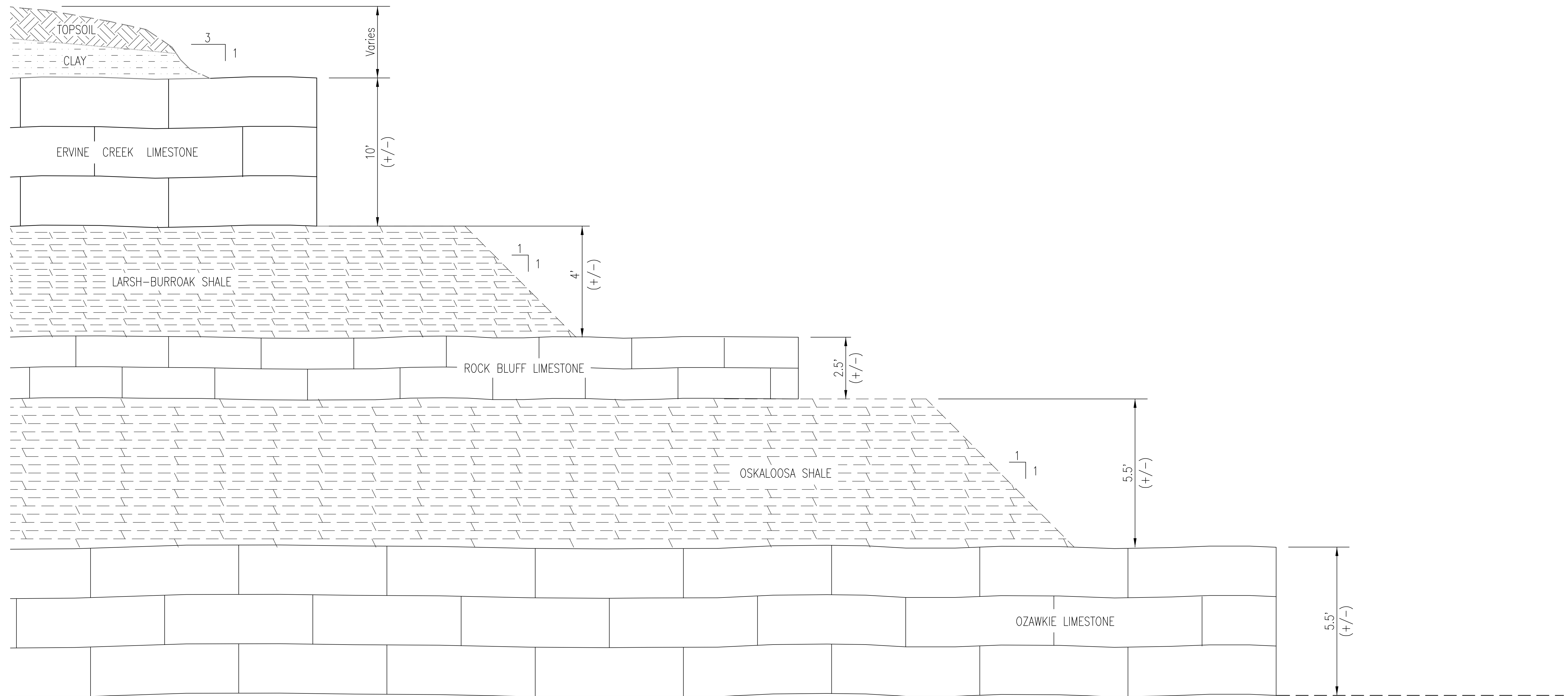
- Watershed Crest
- >->->-> Watercourse / Waterbody
- Flow Direction

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No.	Revision	By	Date
<b>BIG SPRINGS QUARRY</b> DOUGLAS COUNTY, KANSAS DRAINAGE PLAN FOR PHASE 1A, 2, 3, AND 4			
<b>Professional Engineering Consultants, P.A.</b> 1263 SW TOPEKA BLVD • TOPEKA, KANSAS 66612 785-233-8300 • FAX 785-233-8855			
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Drawn by	DMS/TCC	Date	JUNE 2009

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No.	Revision	By	Date

**BIG SPRINGS QUARRY**  
 DOUGLAS COUNTY, KANSAS  
 GENERALIZED QUARRY CROSS SECTION

**Professional Engineering Consultants, P.A.**  
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Drawn by	TCC	Date	JUNE 2009	