

APPLICATION  
FOR  
CONDITIONAL US PERMIT  
MARION COUNTY, KS  
February 2013

FOR  
K & S LAND LLC.

## INTRODUCTION

The applicant and owner, K&S Land LLC with residency here in Marion County, KS, is applying for a Conditional Use Permit for a tract of land described as the N ½ of N ½ of the SW ¼, Sec. 28, 19 S, 4E; Marion County, Kansas. This tract consists of a 40 acre parcel of open pasture land located and adjoining the south side of the rock quarry. The Conditional Use Permit is for commercial extraction of limestone. We believe:

1. The proposed C.U.P. area is important and appropriate for continuation of the quarry operation.
2. Continued quarry activity will benefit the general welfare of the community and county.
3. Approval of the requested permit will allow Harshman Construction LLC to continue to contribute to the economy of Marion County.
4. Limestone is an important natural resource, used for public and private construction and agricultural purposes. This resource can only be quarried where it is found in sufficient quantities, and where conditions allow it to be mined in an economical manner.
5. Crushed rock is a high bulk, low unit value product which must be produced as close as possible to the market area, as the cost of haul rapidly exceeds the price of the product.

In general, land use in this area is predominately agricultural. There are no residences within 1500' of the application area. Approval of this C.U.P will not significantly change the operations at the facility. Extraction and crushing operations will be conducted in the C.U.P. area.

Harshman Construction will mitigate environmental and aesthetic concerns; comply with all applicable Federal, State, and Local regulations and apply appropriate techniques and technology to ensure the general welfare and protect the legitimate interests of nearby property owners. A variety of State and Federal permits are required to operate our existing facility.

Based on variety of factors the application site is well suited for use as a limestone quarry. The local geology, transportation system, market factors and surrounding land use patterns are consistent with continuation of the quarry activities. Existing infrastructure, utilities, and services are adequate to support the proposed C.U.P. and no public funds will be required as a result of this application.

Continuation of the quarrying activity means that Harshman Construction LLC will continue to contribute to the economy of Marion County. These contributions include payroll money, tax dollars and providing the residents a local source of construction materials. As Marion County

continues to develop, it will become increasingly difficult to locate, permit, and develop reserves of suitable raw material. By granting the C.U.P., the county will be investing in its future by preserving the economic contributions of the facility.

#### BACKGROUND INFORMATION AND HISTORY

Harshman Construction LLC produces aggregate for use by public agencies, private businesses, contractors and individuals. Limestone products are primarily used in the construction of asphalt, concrete, and rock surface roads as well as commercial structures and residential housing.

The North Marion Quarry was opened by Martin Marietta in the early 90's. Harshman Construction LLC started crushing in this location in 2009 and took over operations of the quarry in 2010. Rock crushing equipment is moved into this location on an as needed basis. When the aggregate inventory is running low, the equipment is moved into this location to replenish the stockpiles. After the stockpiles of aggregate are replenished, the equipment is relocated to a different quarry. The crew and equipment returns when the aggregate inventory is low.

At the present time this quarry has several hundred customers with accounts. We currently supply rock to six (6) counties and numerous cities, townships and contractors. We supply thousands of tons of Ag Lime to area farmers every year.

The quarry has been a great benefit to a large number of people, and has provided a much needed service to the community at large. Because of the quarry at this location and cheaper rock prices due to competition, a number of government agencies, contractors, businesses and farmers have had the opportunity to save a lot of money. A quarry at this location has helped reduce haulage costs greatly, especially for the most local users.

#### GENERAL DESCRIPTION OF THE SITE AND SURROUNDINGS

The quarry property is typical of much of Marion County. It consists of rolling grassy uplands. To the south, east and west the rolling uplands continue. The Marion Rock Quarry joins the property to the north. There are no unique, physical features on the property.

This is a lightly populated rural area with no residences within 1,500 ft. of the Conditional Use Permit area. Pizza Hut is over 1,500 ft from the proposed C.U.P.

## THE BLASTING PROGRAM

Quarrying limestone requires the use of blasting procedures. The quarry operation will use only employees or agents licensed for blasting by the State of Kansas, and will follow all required standards set by the state and/or federal government. The requirements include: storage, transportation, record keeping, training, licensing and mine safety.

The blasting program will include the following:

1. Blasting will be Monday through Friday.
2. Blasting time – daylight hours only 7:00 a.m. to 5:00 p.m.
3. Blasting shall be by delay only using independent hole detonation, in accordance with all Federal and State Regulations.

Operations at the quarry will be from 7:00 a.m. to 5:30 p.m. Monday through Saturday. Hours for reloading and selling rock will normally be the same as for crushing, but additional hours may be needed for emergencies.

## CONTROLS

Dust – Fugitive dust will be controlled by the operator to comply with all requirements of the Air Quality Standards and Regulations of the Kansas Department of Health and Environment.

The operator shall also comply with the New Source Performance Standards applicable to non-metallic mining as set forth by the Federal Environmental Protection Agency.

Noise – The equipment manufacturers are basically responsible for selling equipment to comply with noise pollution standards. The quarry operator's responsibility is to keep their mufflers and noise suppressors in good repair.

Permits – The operator shall apply for all necessary permits and regulations required by the Federal Environmental Protection Agency; Kansas Department of Agriculture- Water Resources Division; Kansas Department of Health and Environment; Mine Safety Health Administration, Bureau of Alcohol, Tobacco and Firearms, Kansas Fire Marshall; and any other applicable agency.

Truck Traffic – The quarry operator sets speed limits and other such controls as deemed necessary for all owned trucks, in keeping with Kansas laws. Trucks not owned by the quarry operator must comply with all state laws re: weights, speed, etc.

Distance from Tract Boundaries – The quarry operation shall be no closer than one hundred (100) feet to a road right-of-way or property line except where two adjacent properties are part of the land leased for quarry operation.

Exhaust Emission – Manufacturers of equipment are required to sell equipment meeting exhaust emission standards. The quarry operator must keep the equipment in good repair. In addition to stiff penalties for exceeding emission standards, the operators would penalize themselves by not having their equipment operating at maximum efficiency.

Explosive Storage and Transportation – This is controlled by the federal government, specifically methods of storage, transportation and inventory.

Accidents – The quarry operator is required to meet Mine Safety and Health regulations which covers first aid training, inspection, guards, etc.

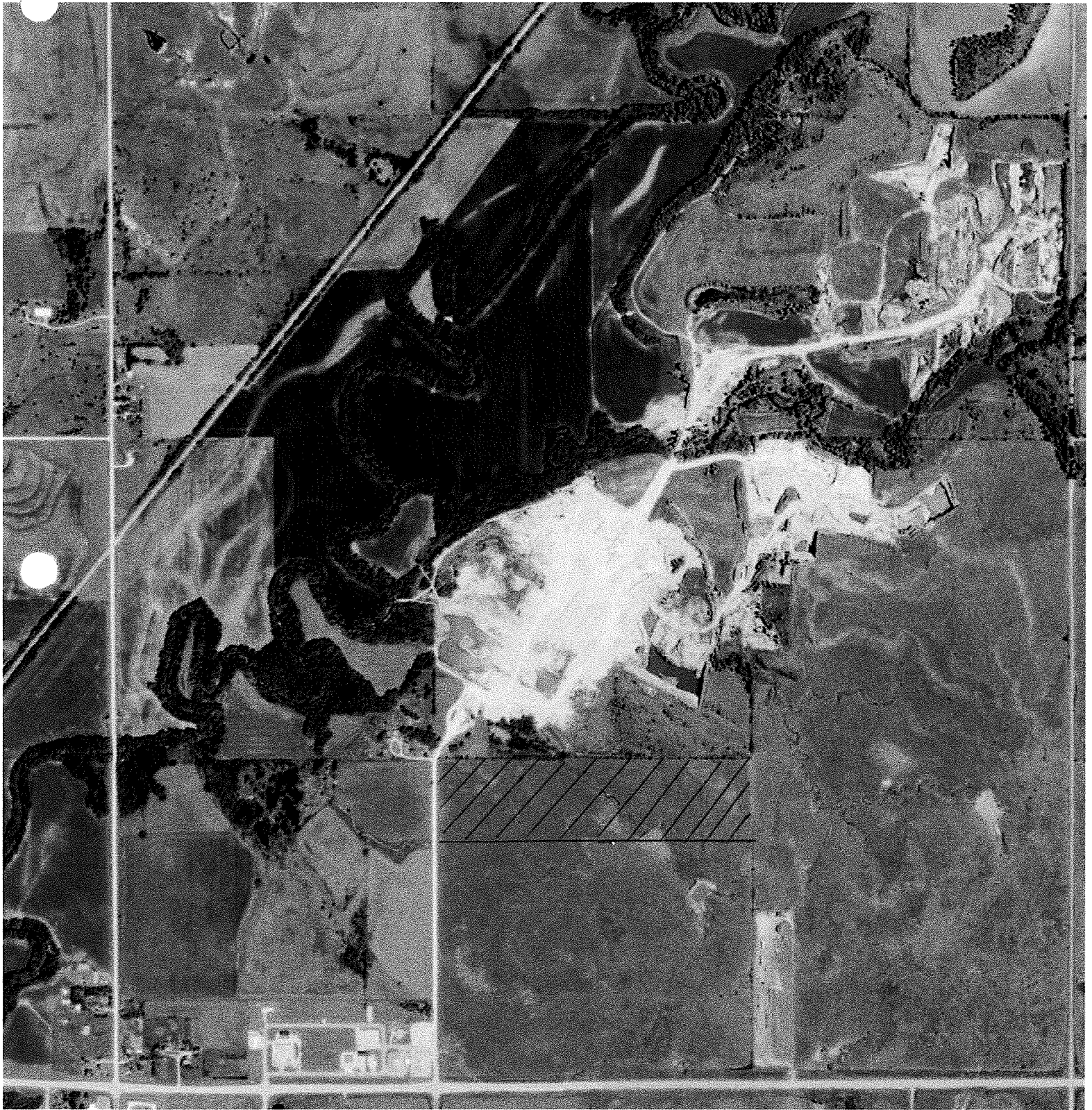
Insurance – The quarry operator shall provide a Certificate of Comprehensive Liability Insurance in the amount of \$2,000,000 to Marion County as part of the CUP request.

### RESTORATION PROCESS

The restoration process as required by the State Conservation Commission is on-going as the quarry is developed, and the landowners after use will determine the restoration process.

The proposed conditional use permit property consists of anywhere from 5' to 25' of overburden. The top soil will be used to build a buffer berm between the roadway and the quarry operation with the proposed conditional use permit boundaries. The remaining overburden will be used to slope the high walls and to back fill low areas to ensure drainage of water from the quarry. When the quarry operation nears completion, the top soil that was used to construct the buffer berms will be spread over the sloped high walls. It will then be seeded to grass to control erosion.

Harshman Construction will perform the reclamation in accordance with applicable Federal and State regulations. A bank CD is used in place of reclamation performance bond to guarantee reclamation on the subject site as required by the SCC.



The proposal is to eliminate the existing definition of “Building Height” and replace it with the language shown below:

**Existing Language:**

36. **BUILDING HEIGHT:** The vertical distance from the established grade to the highest point on the roof or parapet wall.

**Proposed new Language:**

36. **BUILDING HEIGHT:** The vertical distance between the average finished grade along the front of a building and: (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; or (3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.