



# Pottawatomie County Planning Commission

Andrew Klein – Chair  
Doug Kern – Member  
Lynn Schwandt – Member

Armon Bosse Jr. – Vice-Chair  
Norm Stutzman - Member  
Steve Minton – Member  
Travis Ross - Member

Marcie Wood - Secretary  
Robert Busby - Member  
Nathan Henry - Member

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## Meeting Minutes for April 20, 2023

Participation in the meeting by Planning Commission members and the public, was available via Zoom meeting as well.

In Attendance: Andrew Klein (In Person) Location: Sunflower Room  
Doug Kern (In Person) Public Works Bldg.  
Robert Busby (In Person) 612 E. Campbell St.  
Marcie Wood (In Person) Westmoreland, KS  
Lynn Schwandt (In Person)  
Armon Bosse Jr. (In Person)  
Norm Stutzman (In Person)  
Steve Minton (In Person)  
Nathan Henry (In Person)  
Travis Ross (In Person)

Absent: None

County Staff: Gregg Webster – Zoning Administrator  
Stephan Metzger – County Planner  
Nathan Bergman – County Engineer  
Pat Weixelman - County Commissioner  
John Watt – County Counselor

### Others In Attendance:

In person – From Sign-In Sheet  
Rich Eckert Cole Anderson  
Della Sass Vickie Matzke  
Alvin Matzke Lowell Bosse  
Ireta Schwant Dennis Schwant  
Corey Schwant Ginger Biesenthal  
Kaylene Plummer Rodney Biesenthal  
Gene & Wendy Pierson Carrie Ross  
Greg Fief Lawrence Ubel  
James Revell Cody Hartwich  
Michelle Campbell

Zoom – Nobody

### **Call to order**

Andrew Klein – Chair, called the meeting to order at 7:00.

Wood called the roll, with members present as shown.

### **Public Comment – Non-Agenda Items**

The Chair reviewed the items on the agenda.

There were no comments presented.

### **Approval of March 23, 2023 Meeting Minutes**

Bosse made a motion to approve the minutes as shown.

Stutzman seconded the motion and it was approved unanimously.

Wood made a motion to adjourn the meeting no later than 9:30 PM

Bosse seconded the motion and it was approved unanimously.

### **Consent Agenda**

Final Plat – Timber View Subdivision Unit Two

Final Plat Stoneybrick Subdivision Unit Two

Metzger provided a brief report, explaining the location and purpose of the plats.

The Chair briefly talked about the presence of a flood retarding dam upstream from the Stoneybrick plat.

Bosse made a motion to approve the consent agenda as shown.

Wood seconded the motion. The vote was unanimous in favor of approval.

### **Regular Agenda - Conditional Use Permit (CUP) – Rock Quarry – Mid-State Materials Continued from March 16, 2023 Meeting**

The Chair explained where they were at in the public hearing process.

Rich Eckert – Mid-State Materials – addressed the safety concerns expressed at the March meeting.

He had a slide presentation that discussed blasting impacts, dust control, water quality, and state and federal regulations.

The Chair asked for discussion by the Board.

Cole Anderson – Mid-State Materials – explained the water sampling / testing process.

There was discussion about TSS (Total Suspended Solids) and TDS (Total Dissolved Solids)

Mr. Anderson stated the State does not require testing on TDS.

Minton asked if the County can require testing for TDS.

The Chair stated if the County decides to require it, they should consult experts on the matter.

Busby asked if other counties required testing for TDS.

Mr. Anderson stated all of Mid-States quarries test for what is required only.

The Chair stated he was uneasy taking action on this CUP request when action on the previous Mid-State CUP request is being appealed.

Kern felt it was reasonable to take action on this CUP as it is a separate request.

Busby felt the current CUP request should have been an amendment to the existing one, so it's not treated as two different quarries.

Metzger stated those concerns can be addressed in a developer agreement.

Mr. Eckert stated he was fine with language addressing it being included in the agreement.

Minton had concerns about the effect of a quarry on prairie chicken habitat.

Ross discussed other counties regulations and who will set the final conditions concerning the blasting setback and seismic monitoring.

Metzger stated the Board of County Commissioners has final approval.

He noted currently it is 1000' from the nearest off-site residence – not from the property line, and quarrying operations are to be set back 100' from any non-applicant property line.

Mr. Eckert stated he was fine with that.

Schwandt asked about flagging of traffic on Wheaton Road when blasting occurs, notification to the school district to check bus route schedule and what is the proposed water source.

Mr. Eckert stated they do not flag traffic in other counties, that they would notify the school district and the water is from on-site source.

Ross asked what the water source would be if it doesn't rain to fill the ponds.

Mr. Eckert stated they could truck in water if necessary.

Metzger noted that the Planning Commission can require that water from the watershed pond not be used in the quarry operations.

Minton asked for verification of the blasting hours, was it 8:00 AM to 4:00 PM or 9:00 AM to 3:00 PM.

Mr. Eckert stated they are fine with 9:00 to 3:00.

He noted that they can build the ponds prior to beginning the quarry operations, at the same time they are getting other permits.

Ross asked how deep they would be quarrying.

Mr. Eckert stated it would to get the first rock ledge, likely less than 30' from the surface.

The Chair explained the action options and asked for a motion.

Henry made a motion to table the request until a decision is made in District Court on the current appeal to the previous CUP request.

Minton seconded the motion.

Schwandt asked if the Planning Commission can still make changes to the conditions.

Bosse suggested that the members write down their proposed changes.

John Watt stated that action in District Court is likely a month or more away, and if that decision is appealed, it could be much longer.

Stutzman it should be a 2 part CUP or amend the original CUP so that it is treated as one quarry, so as to not have two 40 acre tracts open at the same time.

Metzger stated that can be addressed in the developer agreement.

The Chair noted the Planning Commission is to address the impact of the request on the County.

The Chair asked if there was further discussion on the motion at hand.

The vote was taken and the motion was approved by a vote of 6 – 3.

### **Preliminary Plat of Tahoe Ridge Subdivision**

Metzger presented the staff's report.

He discussed the location, acreage, proposed number of lots and lot types – single-family and duplexes.

He noted the current zoning, and that it will be served by rural water and central sewer.

He described the features of the tract and explained the preliminary plat procedure.

He stated the plat conforms to the subdivision regulations stated in the Unified Development Regulations (UDR) and had been review by staff and recommended approval.

He noted the action options for the Planning Commission.

Nathan Bergman stated he had reviewed the traffic and drainage studies and approved both of them.

Minton asked about dedication of more road right-of-way along Moody Road and what the setbacks were from the road.

Bergman confirmed extra right-of-way is being dedicated.

Metzger explained the setbacks.

Minton asked if a school has to be on a paved road.

Metzger stated if the tract is zoned, it would have to be on a paved road, but a school might be a permitted use in the A1 zoning district.

Minton asked about the proposed detention pond, if the road acts as the dam and if a house below the dam is considered to be in the breach area.

Bergman confirmed the road would be the dam.

Greg Fief – Schwab-Eaton, P.A. – stated the height of the dam will be less than 25' and it will be a dry pond.

Busby asked about Tract C.

Mr. Fief stated it will be Common Area, as it is a low area, probably not suitable for construction.

Minton asked if the streets shown on the south end are narrower than other streets shown.

Bergman stated the right-of-way is the same size.

He explained the street layout and the connection to the adjoining tract to the south.

Minton asked if road connections between subdivisions count as another paved entrance.

Metzger explained the future Excel Road extension and the connection to the south tract.

He reviewed the proposed platting phases shown on the preliminary plat.

Busby stated that when the Planning Commission held the hearing for the zoning change, they had concerns with traffic and the impact on existing roads. He feels the Excel Road extension should be built.

Wood had concerns with infrastructure planning. She felt the area should be a municipality, that the County shouldn't be running a city.

Metzger briefly explained the incorporation process.

Busby stated that if a city was formed, development would stop until the city could handle that development.

Kern made a motion to approve the preliminary plat.

The Chair called for a second to the motion.

The motion died for lack of a second.

The Chair felt the Planning Commission needs to spend more time on planning.

Metzger reviewed the platting process.

Busby felt infrastructure improvements lag behind the development and felt denial should have been made during the rezoning request.

He stated that developers should help with road improvements.

Metzger explained the developer participation in the improvements made to Junietta and Moody roads.

Busby stated that one of those developers was against incorporation of the area.

There was general discussion about growth in the area and the proposed sales tax for road improvements.

Metzger stated if the Planning Commission has issues with growth, then maybe they should suggest a moratorium on new development until the issues are addressed.

Commissioner Weixelman stated the Planning Commission are the ones who makes the recommendation to the County Commissioners.

Watt felt this was not an appropriate conversation.

Busby made a motion to move on to the next agenda item and come back to the preliminary plat if there is time left in the meeting.

He felt the Planning Commission has concerns with continued growth without infrastructure planning and construction.

He withdrew his original motion.

He then made a motion to table this item for one month to study platting procedures in the UDR.

Kern made a motion to approve the preliminary plat as presented.

Henry seconded the motion.

Stutzman had concerns with the Planning Commission not being on the same page as the County Commission.

He felt there needs to be more review and planning, and better communication between the Board and the County Commission.

There was discussion on road improvements and infrastructure planning, Green Valley Road and the bridge on Elbo Creek, and the UDR and the Comp Plan.

The Chair called for any final discussion.

Vote on Kern's motion was 8 in favor and 1 against, with Busby stating he needs more information.

Kern made a motion to make a recommendation to the BOCC, calling for a moratorium on all new residential developments, preliminary plats and rezoning requests in Blue Township for a period of one year.

Henry seconded the motion.

Kern felt the Planning Commission has concerns about needed road improvements in Blue Township and would like to discuss that topic with the County Commission.

Watt stated the biggest issue is how to pay for those improvements.

He discussed how the sales tax question on the ballot at the last election failed and the County Commission may suggest putting it on the ballot for a future election.

Vote on Kern's motion was 8 in favor and 1 against.

### **Preliminary Plat - Scenic Woods**

Metzger explained the location, proposed number of lots, access, proposed road improvements and the developer agreement.

Kern felt there were benefits to paving of Rockenham Road all the way to Hwy 24.

Metzger stated that option was discuss as was alternate routes and future development of the area.

He explained the proposed road improvement had been discussed with the County Commission.

Bergman further explained road improvements needed to Rockenham Road, to get to Hwy 24.

He discussed the traffic patterns to Hwy 24 and to the south into the City of St. George.

Metzger explained the cost share to the road improvement between the developer and the County.

Minton asked if the County puts that out for bids.

Bergman explained the paving can be included in the County's annual paving projects and then is paid by the developer when the actual cost is arrived at.

Stutzman questioned whether it made sense for this development to be on a paved road for only the number lots being proposed. He asked about the drainage study.

Bergman stated he had reviewed and approved the drainage study.

Kern made a motion to approve the preliminary plat as presented.

The motion was seconded by Busby, and was approved by a unanimous vote.

### **New Business**

Kern stated he went to the annual meeting of Rural Water District #1 and discussed the proceedings.

There was discussion about the review of the UDR and Comprehensive Plan.

Metzger provided an update as to what action the County Commission took on the amendment to the Willow Glen PUD, and explained the changes made.

Meeting was adjourned.

