



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Aimee Nassif, Chief Planning and Development Officer; Shelby Ferguson, Planning Consultant

SUBJECT: Consideration of Ordinance No. 19-26 regarding amendments to Chapters 18.30 and 18.50 of the *Unified Development Ordinance* (UDO18-0002B)

ITEM DESCRIPTION:

Consideration of Ordinance No. 19-26 regarding amendments to Chapter 18.30 and 18.50 of the *Unified Development Ordinance* (UDO18-0002B)

SUMMARY:

This item was presented to Council as a discussion item on June 4, 2019. Staff has prepared draft Ordinance 19-26 (Attachment A) which contains changes to Chapters 18.30 and 18.50 of the Unified Development Ordinance (UDO). On June 4, 2019, staff presented proposed updates to Chapter 18.50. pertaining to blasting activity at quarries and mines as well as chapter updates for non-blasting vibration standards at industrial sites in Chapter 18.30. Recommended language for consideration is as follows:

1. Chapter 18.30 Development Standards

Section 18.30.190 Performance Standards (non-blasting)

- i. Subsection C.1: clarify which zoning districts and uses are subject to subsection C.
- ii. Subsection C.1: include a duration of time for how long ground vibration can be transmitted.
- iii. Subsection C.2: include a provision that the city may request the owner or operator to install a measuring system if necessary.
- iv. Subsection C.3: clarify the standards for non-blasting vibration.
- v. Subsection C.3: remove formula for computing vibration.
- vi. Subsection C.4: remove unnecessary verbiage.
- vii. Subsection C.5: update and move exception language to new subsection C.4.

2. Chapter 18.50 Supplemental Use Regulations
Section 18.50.160 Quarries and Mines

- i. Subsection B: add language referencing the Title 16 of Municipal Code (NFPA) as the required standard. Also explain that if a stricter standard exists such as in a special use permit, the stricter standard applies.
- ii. Subsection D.1.b: clarify setback requirements for above ground operations.
- iii. Subsection D.4: remove unnecessary verbiage.
- iv. New subsection D.5: add and clarify setback requirements removed from subsection D.4.
- v. Subsection F: remove existing vibration standards for consistency with Title 16 of the Municipal Code.

These recommended updates are a result of several months of work, research and collaboration with various stakeholders. We believe this work has resulted in a set of recommendations which reflect best practices, improve consistency between code sections, and ensure the City's goals and direction specific to blasting operations and vibration standards.

While staff did not receive full consensus on every proposed update, it does align with feedback and comments from the group majority. Comments shared by Mr. Randy Kriesel at the June 4, 2019 meeting are consistent with prior comments made by Mr. Kriesel at earlier Council meetings and in emails sent to staff. Mr. Kriesel did send an email dated June 5, 2019 regarding the three-consecutive-minute limit for vibration from non-blasting events.

Our research uncovered that cities which do identify a specified time period in their code, many times use a three (3) minute duration. Cities such as Fridley, Minnesota and Orangetown, New York do implement the three (3) minutes as a consecutive three (3) minute duration. Johnson County requires a three (3) minute duration and does not specify in its zoning code whether the three-minute limit for a non-blasting event is a period of consecutive three (3) minutes or not. When we inquired, Johnson County advised that they have no record of having to enforce this section of Code so they would determine whether it is consecutive minutes on a case-by-case basis. Local municipalities such as Bonner Springs, Overland Park, Shawnee, and Lenexa do not have any time period identified and are either unsure of how they would address a complaint or stated it would be on a case-by-case

MEETING DATE: 6/18/2019

basis. To provide transparency in our regulations and standards, staff recommends a three (3) consecutive minute standard. To our knowledge, there have not been any complaints received by the City pertaining to non-blasting vibrations. We will continue to monitor this and if an issue arises with this time duration, staff will prepare any necessary amendments for your consideration.

Attachment A is a draft ordinance with the proposed updates to Chapters 18.30 and 18.50 of the UDO. Attachment B is a copy of the previous CAI prepared for the June 4, 2019 meeting. The Planning Commission recommended approval of all proposed UDO updates associated with Chapter 18.50.160 on November 26, 2018, by a vote of 7-0.

FINANCIAL IMPACT:

None

ACTION NEEDED:

Adopt Ordinance No. 19-26 (UDO-0002B) regarding amendments to Chapters 18.30 and 18.50 of the *Unified Development Ordinance*.

ATTACHMENT(S):

- A. Ordinance No. 19-26 (UDO-0002B)
- B. June 4, 2019 CAI for UDO18-0002B with attachments