

**Linn County, Kansas**  
**Planning Commission Meeting**  
**March 12, 2019**

**Meeting called to order: 7:00 p.m.**

**Board Members Present:** David Berglund, Charlene Sims, Ed Andersen, Richard Morrell, Fred Kautt, George Teagarden, Tate West, Melanie Staton and Secretary Courtney Calkins.

**Board Members Absent:**

**Also Present:** Andy Mayhugh, Planning & Zoning Director.

Pledge of Allegiance led by Fred Kautt. All Members introduced themselves and the districts they represent.

Minutes were discussed. After discussion, motion by Ed Anderson to approve the minutes of the February 12, 2019 meeting as written. Seconded by Richard Morrell. Motion passed unanimously. Secretary and Chairman signed.

Ed Anderson motioned to follow the agenda as written. Richard Morell 2<sup>nd</sup>. Andy Mayhugh announced that Verizon had withdrawn their CUP application and would not be on the agenda. Motion passed Unanimously.

**New Business:**

- 1) Case # CUP1920R – Application for renewal of a Conditional Use Permit for land application of Septage. Requested by William Shadden.
  - **William Shadden II (Applicant Present):** Applicant is asking for the same permit they've operated on the last 4 years.
  - They stay 50 ft from the fence line per their own standards when the land is too wet. They are not dumping in the ditch. The applicant has never received a call with concerns and the state has not contacted them. They work to keep things picked up in trash bags. The applicant doesn't want people to be afraid of the workers and never had any issues with their employees. Companies can lose their licenses if they are caught illegally dumping. Travis Needham and Tom Kemper have contacted them about getting septage spread on their land.
  - They are also permitted in MO on the Cerner land. They have not had any issues in Missouri.
  - They hire people willing to pick up waste and apologize if their employees have made anyone uncomfortable.
  - They provide a service to pump septic tanks at a lower cost. Linn County residents will see a 3x increase in pumping if they don't have their license renewed. Since the waste is being used for fertilization, it is a benefit to the property owner with an increase of hay production.
  - In MO they gained 25 bales of hay in a year where they land apply.
  - 26 lbs. of hydrated lime are all that is required, and they use more. 50 lbs. is overkill. EPA 503 allows the land owner to disc it within 48 hrs., inject it or spread it which is what they are doing.
  - They just paid Johnson County Waste Water \$6500 because they couldn't spread during the winter. They also dump in Paola for \$120. They have limited ability to dump in Prescott. They send someone to do a walkthrough in the fields every other week during good weather to collect missed trash.

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- They have 43 acres and are allowed approximately 16800 gallons per acre per year and they haven't exceeded that.
- Mr. Shadden sends in his records on the 10<sup>th</sup> of every month to the Planning & Zoning office.

Committee members discussed the Land Application of Septage.

**Tate West:** Asked if we had received any complaints.

**Andy Mayhugh:** Yes, one email complaint received today from Libby Self. (See Enclosure #1). The applicant has not violated any regulations that is evidenced to date.

**Andy Mayhugh:** Provided the Staff report. (See Enclosure #2) and recommended approval of renewal on the condition that the applicant adhere to the EPA 503 Land Application program and file the program reports as required by the Planning and Zoning Department. (See *Land Application of Septage EPA 503 Program forms – Enclosure #3*).

**Charlene Simms:** Motioned to accept CUP 1920R with conditions. Tate West 2<sup>nd</sup>. Motion Unanimously passed. *"1) The use shall be conducted in conformance with State and Federal Guidelines. 2) Land Application shall be limited to the 43 acres as shown on submitted documents. 3) Reports shall be filed with the Linn County Planning & Zoning Office."* This will be heard by the county commissioners on 4-1-19.

### **Public Comment:**

David Berglund addressed the crowd of about 60 people. If anyone here wants to talk about regulations, please save it for the public hearing. We will not give you a yes or no answer. Everyone will have their chance to address issues at the public hearing. The public hearing happens before the planning commission and then it goes before the commissioners.

### **Old Business:**

- 1) Discussion on proposed amendments to the Linn County Zoning Regulations.

Several members of the community voiced their concerns about setbacks and requested a change to 3000ft setback for non-participating land owners. Other community members expressed their growing concerns and questions over the financial and health affects that wind turbines would have on Linn County.

Additional information was provided regarding landowners who have signed leases. Per Kristy Schmitz, the Register of Deeds, 15 Linn County landowners have recorded memorandums on leases. This means the leases have been recorded, but the details of the leases are not public information.

**Tate West:** Left the meeting at 8:18 PM.

**Dave Berglund:** Do you disagree that something needs to be in place that can be tweaked later, so something is in place so the Applicants know they can't have a free run of the county. There's nothing in place now. We need to have something in place. If we get more knowledgeable it doesn't mean, we can't change it later. We are barefooted now. We need to put the brakes on and have some common denominator. How many of you got a solar panel lease in the mail this week? That's something else we will have to deal with. They each have their own negative points.

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**Crowd:** Became disorderly.

**Dave Berglund:** Called for order.

**Charlene Sims:** Asked commission and staff what they think about 3000 ft. from property lines.

**Andy Mayhugh:** Advised on the possibility of having a non-binding advisory election as to whether we would even allow wind turbines. However, what we are working on now is listing submittals and siting guidelines. Andy would need to do more research on 3000 ft. setbacks because he isn't certain that the distance could be justified in court.

**Dave Berglund:** We must consider that we may have to justify 3000 ft. setbacks in court. We can't continue to keep changing what we've agreed on. We can't get any regulations in place if we are constantly dealing with changing issues. We must have something in place that will somewhat work. Whatever we decide, the commissioners can still send it back.

**Crowd:** Majority raised hands to have 3000 ft. from property line for non-participating land owners.

**Charlene Sims** Made a motion to change Appendix A, Page 2, **§ D - ¶ 1. – Sub-§ C.** "All turbines will be set back from any residential structure existing at the time of the application of a non-participating landowner a distance equal to at least three times the height of the system or *3000 ft., measured from the tip of the blade in the horizontal position*, whichever is greater." 2<sup>nd</sup> Motion – **George Teagarden**. Discussion: George - if we want to make some movement, we've got to do it. Discussion with crowd continued. Unanimous Vote to approve change.

Public Comment was closed.

The committee discussed cleaning up other regulations and the process and time line for public hearings. The committee agreed to have Andy Mayhugh remove anything that isn't directly related to wind turbines. The committee will expect to vote at the next scheduled meeting.

A motion was made by **Charlene Sims** to adjourn and **Melanie Staton** 2<sup>nd</sup> which passed unanimously.

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Chairman – David Berglund

Attest:

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Secretary – Courtney Calkins

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*Enclosures: 3*