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

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

Board Members Absent: Tate West, and Melanie Staton

Also Present: Andy Mayhugh, Planning & Zoning Director, Jackie D Messer, Public Works Administrator.

Pledge of Allegiance led by Fred Kautt.

Minutes were discussed. After discussion, motion by Ed Andersen to approve the minutes of the January 8, 2019 meeting as written. Seconded by Richard Morrell. Motion passed 5 - 0. Secretary and Chairman signed.

David Berglund addressed the crowd of approximately 60 people:

There are no current wind turbine applications. We have researched other counties. We have addressed the setbacks. We have addressed every conceivable regulation. We will have a public meeting to adopt Planning and Zoning regulations for Wind Turbines in the future.

Anyone wishing to speak will be given 5 minutes as the committee has an agenda and people who are waiting to resolve zoning applications.

• The following Linn County citizens spoke about their concerns regarding wind turbines:

Robert Tyson: Expressed his concerns about the hardships and discord wind turbines create in communities and informed the committee that Linn County land owners have been approached to sign land lease contracts with EON.

Deanna Fisher: Expressed her concerns as an individual that owns a second home in Linn County. She discussed how the quality of rural living would be adversely affected by wind turbines as well as create community division.

Chad Krull: Has generated a petition against wind mill farms that's been signed by 130 People in Linn County. He requested that each commissioner to visit a windmill farm and decide if they would want to build homes there.

Barbara Duncan: Relator with Crown Realty. Expressed her concerns about disclosure to potential buyers in Linn County with the potential for wind farms being evident.

Bill Scott: Presented a copy of the developer's lease agreement for wind turbines that is being offered to land owners in Linn County. Mr. Scott stated the agreement has been reviewed by an attorney. Per Mr. Scott's interpretation, ECNR Development LLC (EON) is making a huge financial investment but also pushing the risks off on landowners and the county. It is a 57-page lease and appears to be a very one-sided agreement. It places unlimited risk on land owners and indemnifies EON. It allows for unlimited easements. They can put in buildings, lines, re-route trees, ditches, etc. and limit the land owner from using their own property. It also can push property tax off on the land owner. The company is domiciled in Delaware because tax breaks and bankruptcy laws. Potentially, when the trade of Carbon Emission Credits expires or sunset, the developers will abandon the farm or bankrupt and leave the county and/or the land owner to decommission turbines.

Matt Carlisle: Distributed a photo of a home near wind turbines in Waverly, KS showing distances in feet. (*See Enclosure 1*) Looking at the photo and comparing them to the proposed setbacks, the turbine that is 2 miles away is the most tolerable. The housing at the top of the turbine is the size of a school bus, which cannot be discerned from the photo.

David Fisher: Requested further changes be made to Appendix A before they are presented for public hearing.

- On Demand Lighting. (Appendix A Page 3, § D ¶ 7) The wording is now "highly encourage on-demand lighting." It needs to be required.
- Construction Requirements (Appendix A Page 7, § S ¶ 1 & 3) Requires the developer to hire inspectors, not the county. Let's have the county hire the inspectors and the developer pay for it.
- There is no mention of fire suppression currently.

Hal Aggers: He would like us to give specific guidelines for the developer so we will know how it will affect us. The Highland Plan has been widely used. He believes not having a proper study on how and where the turbines will be erected will have an adverse effect on home owners.

Mike White: Let the committee know that he took a trip to the Waverly Wind Farm. Shared his experience of driving in and being overwhelmed by what he heard. He stated that he could see and feel the vibrations coming off the 700 ft. turbines. He urged the committee members make a trip to Waverly Wind Farm and experience it for themselves.

Scott Deremus: Clarified that these are *Wind Turbines* with electromagnetic fields – they are not wind mills that are wind driven water pumps. W.H.O. (World Health Organization) deemed the health issues were real in 2014. He discussed many of the adverse side affection to living organisms.

Paul Werkowitch: Discussed the effects on property values and long-term status after property owners with wind turbines are deceased. He commented on the need to have cell towers utilized by multiple companies in order to reduce the number of towers in the county.

Dave Berglund: We are trying to set regulations. We do have people that see it another way. We cannot justify any opinion. We are just trying to protect all 9000 people in the county. We will discuss this more and take these things into consideration. I don't have an answer for you. We can only make recommendations to the commissioners.

New Business:

- 1) Cases # Z1901 and #SD1901 Applications for approval of re-zoning and approval of a Minor Subdivision Plat. Requested by Alliance Management Service LLC.
 - Robert Broyles (Applicant Present): Requesting a 3-acre rezoning.

Committee members discussed the division of the property and if there would be issues with future sales on the property.

Andy Mayhugh: Recommended the split with no conditions listed.

Ed Anderson: Motioned to accept CUP Z1901 and #SD1901. Charlene Sims 2nd. Motion Unanimously passed.

- 2) Case #CUP1901 Application for approval of a Conditional Use Permit to construct and operate a Bunkhouse for public accommodation. Maple Ranch Properties property is commonly known as part of the Knox place.
 - Karen Virgillito (Representing Maple Ranch Properties): This is not lodging open to the public. It's for guests only. Guests (family and friends) that are hunting for free.

Committee members discussed ownership with Karen. It was determined that the registered owner is S&G Real Properties, LLC and Clifford W. Illig is the owner of the company. It was clarified that the Architect for the project is Galen Lif of Gould Evans in Kansas City. It was further established that they have not currently started taking bids from builders on the project.

Kenny Boone: Interjected that they've built miles of fencing around the property and it all came from Blue Mound. They are pretty good about trying to use local contractors.

The committee further discussed the issues with Kelly Lane, which by appearances has not been in use since the 1980's. Karen has contacted both Linn County and Mound City about vacating the road as there are other ways to access the lake for emergency services that are more feasible. She believes the Mound City Mayor will recommend vacating the road.

It was further clarified that the house will sit on 80 acres and that Andy Mayhugh recommends it be developed as shown on the plans in a specific location on the 80 acres.

Staff Findings: This organization has been very good to work with. The office received a complete set of plans. There will be one dwelling on a big tract. It conforms to the comprehensive plan. There are no zoning changes. Staff recommends. He will attach staff findings to the motion.

Motion to Approve #CUP1901 made by George Teagarden. Richard Morrell 2nd. Motion passed unanimously.

Old Business:

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

Andy Mayhugh discussed the following:

WECS (*Wind Energy Conversion System*) Setback Comparison by county document was distributed to the committee. (See Enclosure 2).

- Bourbon County has no zoning regulations and they are starting a wind farm that will also merge into Crawford county.
- Neosho county is working with the developer to establish zoning.
- Andy Mayhugh: It is better for us to be prepared in advance, so we know what language we are supposed to be speaking. We are very interested in public comment, but we need to get something in writing. This document allows you the flexibility to still say no or make changes.

Andy re-affirmed that the county has no current application for a wind turbine farm. Also reminded everyone that there are clauses in Appendix A that allow for specific issues which can be address on a specific application. Andy noted that if we weren't comfortable, we could ask for additional specifications on an individual CUP application. The purpose of Appendix A is to have a guide.

Dave Berglund: We've tried to address as many blocks as possible.

Charlene Sims: We don't have a finalized document until we have a public meeting.

Andy Mayhugh: That is correct, once the Planning Commission approves Appendix A then they will open it to the public.

Proposed Amendments to Zoning Regulations.

Page 3 § D - ¶ 7 Turbine Tower Lighting.
 Change Proposed: "On demand lighting will be required to reduce light pollution."

Charlene Sims Motioned to approve the change. Richard Morrell 2nd. Motion passed unanimously.

Dave Fisher: Commented on the foundation of regulations being important because he has information that suggests the county's powerline has the capacity to handle 3 wind farms. He also informed the committee that Anderson county has amended property line setbacks to 1.5x, road setbacks to 1.5x, participating structure setbacks to 1500ft and non-participating structures to 2000ft. He indicated that he would get a copy of the amendment and submit it to Andy Mayhugh.

Charlene Sims: Has questions regarding verbiage on Page 7- § S - \P 1 & 3. Currently, the engineer is selected by the applicant. Is that what we really want to do? Should the Engineer be selected by the county?

Dave Berglund: It should also have the word "Qualified".

- Page 7- § S ¶ 1 Construction Requirements.
 Change Proposed: "A licensed, qualified engineer or engineering firm as specified by the County shall conduct all inspections....".
- Page 7- § S ¶ 3 Construction Requirements.
 Change Proposed: "All expenses of such engineer or engineering firm shall be the responsibility of the County. The Applicant or holder of the Conditional Use Permit will reimburse the County for said Expenses."

Charlene Sims motioned to approve the changes. Fred Kautt 2nd. Motion passed unanimously.

The committee discussed transmission lines, imminent domain and Allen County constructions workers next job site with various members of the community commenting during the discussion.

• Page 7-§ S - ¶ 1 Field Representative. (Project Manager).

Charlene Sims: Who pays for this?

Dave Berglund: Should this be performed by a county employee and reimbursed?

Jackie Messer: What normally will happen is hiring an Engineering firm that specializes in this. We could contract a firm to watch over the project. The applicant needs to have a project manager of sorts that will communicate with the County. If we receive a C.U.P. we can make a provision to have the applicant pay for our independent firm.

Andy Mayhugh: Will work on clarifying this paragraph.

Matt Carlisle: Asked about the provisions for fire suppression. Fire Suppression is address on **Page 5 - § L** and can be addressed on an individual application per Andy Mayhugh.

Mike White: Asked about reserving the right to review scope of work during construction phase.

Richard Morrell: Requested that Andy Mayhugh generate something regarding scope of work.

Andy Mayhugh: Discussed qualifications required for reviewing a scope of work and stated he would make sure proposed construction plans can be reviewed at every phase of construction.

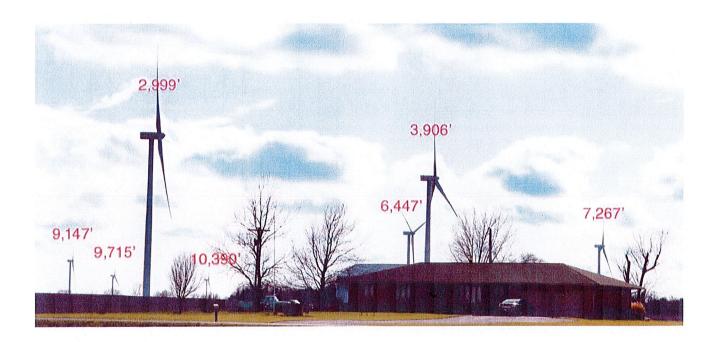
The committee discussed inviting and EON representative to speak and the land leases that have been signed in the county as well as finding those leases through public records. Further discussions about the details of the leases ensued with various public comment. They also discussed the longevity of the power plant and the impact on the county financially.

A motion was made by Ed Andersen to adjourn and George Teagarden 2nd which passed unanimously.

Attes etary – Courtney Calkin

Clc / Enclosures: 2

David Berglund



Enclosure #1

WECS Setback Comparison

By County

	рL	Road		Structure	Nonparticipating Dwelling
Douglas*	110%			1500'	1500'
Reno	500'	500'		Height+ 50'	1000'
Anderson	1.lx	1.2x		1000' or 2x	1000' or 2x
Allen	1.lx	1.lx		2x or 1000'	1400'
Linn (Proposed)	1.5x	1.5x		2x or 1000'	3xor2000'
Bourbon			None		
Crawford			None		
Neosho			None		
*Douglas makes provision for additional distances if deemed necessary.					

Enclosure #2

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.

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

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

<u>Ed Anderson</u> motioned to follow the agenda as written. <u>Richard Morell</u> 2nd. 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 the 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.

Linn County, Kansas Planning Commission Meeting March 12, 2019

- 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 10th 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 2nd. 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.

Linn County, Kansas Planning Commission Meeting March 12, 2019

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." 2nd 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** 2nd which passed unanimously.

Attest:

Chairman – David Berglund

Secretary – Courtney Calkins

clc Enclosures: 3

Linn County, Kansas Planning Commission Meeting <u>May 14, 2019</u>

District 1 Edwin Anderson George Teagarden Tate West District 2 David Berglund Teresa Whitaker Melanie Staton District 3 Fred Kautt Richard Morrell Charlene Sims

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

Board Members Present: George Teagarden, David Berglund, Charlene Sims, Ed Andersen, Richard Morrell, Teresa Whitaker and Fred Kautt.

Board Members Absent: Tate West and Melanie Staton.

Also Present: Andy Mayhugh, Planning & Zoning Director & Courtney Calkins Secretary.

Pledge of Allegiance led by Fred Kautt.

Minutes of March 12, 2019 were discussed. Motion by <u>Ed Anderson</u> to approve the minutes. Seconded by <u>Richard Morrell</u>. Motion passed unanimously.

Andy discussed errors in Staff's presentation paperwork.

NEW BUSINESS

1) Case #CUP1904 - Application for renewal of a Conditional Use Permit for Topsoil/Dirt Sales and Retail Sales Area by Page Enterprises LLC.

Mike Page present for Page Enterprises, LLC. The Linn Valley area is heavily rock, and most projects are in rock. There's a need for black dirt in the area. Chad Page is the owner of the company. Andy Mayhugh determined that a CUP is required to sell dirt and set it up for retail sales in order to build a cabin or some type of retail area. The Page's do not own the land. The land belongs to Gary and Susie Mahon, Wolf and the Ferguson trust.

The discussion was as follows:

1. Charlene Sims: Does Page Enterprises need a different CUP if they decided to make it a service station?

It is anticipated that by the time Page Enterprises gets this developed the county may have a different set of zoning regulations.

- 2. The landowner desires use of 69 Hwy all the way to Ullery Rd. About a ¼ of a mile. In the event Page Enterprises couldn't harvest the amount of material needed they would have more available.
- 3. Where will the entrance be located?

The entrance is on the east side with no tube. Page Enterprises intends to broaden that. Mike anticipates an office or a cabin to be erected there pretty quickly.

4. Dave Berglund: How are they going to control the runoff and silt going toward Linn Valley?

Linn County, Kansas Planning Commission Meeting May 14, 2019

Page Enterprises is only going to use about 2 acres. They spoke with KDHE who sent them to the Corps of Engineers to make sure they were aware of any additional conditions. No special permitting is required per KDHE if they don't break up more than 2 acres at a time. They have imposed no extra measures.

- 5. Charlene Sims: What is the actual section size? 80 acres.
- 6. Dave Berglund: This is not a place we'd want a hodgepodge of different types of retail. What happens if the family decides to sell off a tract? How do we turn loose 160 acres?

As currently proposed the CUP would transfer upon the sale of the land.

Dave Berglund: They are probably not going to buy the entire quarter. How will that all look in the end? We don't want to drive by in 5 years and be sad.

Andy Mayhugh: I have tried to address that in the conditions. You have a captive audience in Linn Valley. The city can't grow to the West due to floodplain. The primary focus for retail is going to be up and down Ullery Road.

7. Dave Berglund: Does Linn Valley have something to say about things around their city limit?

Andy Mayhugh: No, this is Linn County's jurisdiction unless the land is annexed.

8. Charlene Sims: I would be more comfortable if the retail sales were more specific.

Dave Berglund: Chad Page is working out a lease agreement with the landowners. When things start happening is the whole 80 acres under Page Enterprise's control or the family?

Andy Mayhugh: If someone else decided they wanted to build roads and buildings.

Dave Berglund: Those people submitted a plan with streets names and utilities. This is an open book. We can't go back later and take it away. I'm trying to look at years down the road and leave something wide open.

Andy Mayhugh: Here are my recommended conditions, you can by all means make your own with proper findings. I know we will be working with an updated zoning regulation soon and then this CUP could be evaluated for better zoning district designation. All weather surface could be gravel. The entrance must meet the requirements of the Public Works Department.

Charlene Sims: It seems like it should be more specific because we don't know what could be done in the future. Can we just give it a 2-year permit or something?

Dave Berglund: If he builds a lumber yard in the 1st year you can't make him take it down a year later. I'm not against it, just trying to figure out how many wrecks we can have down the road. We are turning 80 acres loose and the owners are not here to make any commitments.

Andy Mayhugh: Mike, can you share what the term of the lease is?

Mike Page: It is in negotiations; it is an ongoing yearly lease.

Linn County, Kansas Planning Commission Meeting <u>May 14, 2019</u>

Where my storage building is (the front half) was zoned for retail sales. Is this similar? We rezoned it from AG to Highway retail sales.

Andy Mayhugh: That is way more open than this one. You could put anything from a bowling alley to a taxidermy shop there if you wanted.

Charlene Sims: I want to talk about that too because Highway Retail is way too broad as it is.

Dave Berglund: Will the comprehensive plan supersede what we decide today?

Charlene Sims: The book says you must have a conceptual plan, so where is the conceptual plan?

Dave Berglund: I would be more comfortable with 10 acres. If we open up the whole 80, are there limits to how many entrances?

Andy Mayhugh: Entrances are determined by the Public Works department.

Dave Berglund: If they decide to sell off lots to build micro homes, then what are we going to do?

Mike Page: This isn't Highway Retail and we are not platting the property.

Andy Mayhugh: I didn't ask the applicant to apply for Highway Retail Zoning, I asked him to limit to dirt and retail sales.

Charlene Sims: Highway Retail is limited to 100 sales things. CUP isn't limited to any type of sales.

Mike Page: What would be intrusive? We've decided we will probably sell some cabin kits and warehouse and lumber there. We have also discussed building materials. What is the fear of what you consider intrusive?

Dave Berglund: The unknown.

Charlene Sims: You can have an adult products store.

Mike Page: If I put in lumber and decide to add bolts, do I need to come back?

Charlene Sims: No, I just think we need to specify where on the property the sales area will be.

Mike Page: Are you looking for a layout, design or drawing?

Dave Berglund: I would feel better with a layout, design or drawing because I can't see what's in your mind's eye.

Mike Page: The Lease Condition is that we are not going to put permanent structures on the property. There will be peers and anchors for the structures but no permanent structures. I spoke with the appraiser, if it's subject for resale it's merchandise.

Dave Berglund: You'll have to have some type of office structure. I don't want it to be a shipping container. You're negotiating for 6 other people.

Linn County, Kansas Planning Commission Meeting <u>May 14, 2019</u>

Mike Page: I'm receptive to any type of reasonable expectations. Non-permanent structures, OK, 3-year term, OK. Do we need a drawing or to reduce the acreage?

Charlene Sims: I want a conceptual plan, it's what you need to have to get a CUP.

Fred Kautt: We need to do everything we can to help someone that's going to be an entrepreneur and bring work to the area. I agree with the conceptual plan. All parties involved should be here so they can intercede.

Dave Berglund: Can you start with 10 acres?

Mike Page: Yes, to start.

Dave Berglund: I don't want to leave it open to something that might come along.

Mike Page: The property is swampy. They want Page's to reclaim the soil and bring it back into a narrow bottom. We can't relocate the arterial streamlines. I can only do 2 acres at a time. We looked at putting up a model kit cabin. We have built 12-20 cabin type structures in Linn Valley. We're developing with insulated floors and the plumbing is in the deck before they leave. Mike is going to be an exhibitor at the tiny home fest on June 7th. That is his interest in retailing that. I can give you a drawing of the cabin, but it will be set on concrete peers. We are going to build the lumber storage building on concrete peers so it can be picked up and moved. I'm just here representing Chad Page because he had two other municipal meetings this evening.

Charlene Sims: If you showed where the buildings are and sell the dirt from the rest and not retail sales.

Dave Berglund: 10 acres could be a good or bad decision. But 80 acres is a bunch of bad decisions.

Mike Page: We'll put up a model cabin. The owners have expressed that they are not willing to break up the property and sell it. We don't know what the children will do. I try and think outside the box.

Dave Berglund: I'm not trying to stop this, just not wanting to rip 80 acres open, just deal with these tracts one at a time.

Mike Page: The first 10 acres is mostly red rock. This will limit the retail sales area and that's fine, but don't limit where the dirt can be harvested.

Dave Berglund: So, you won't be storing lumber in box trailers?

Charlene Sims: Can we keep retail sales to 5 or ten acres?

Dave Berglund: I would like to see retail sales limited to 10 acres, as it expands, we will have some overview of what's going to happen there. Dirt is dirt, I'm not personally concerned about the dirt.

Mike Page: Just define what you need. We can't work in the bottom of the streams.

Dave Berglund: Is there a reclamation plan for when you're done? How will it be left if the business fails. I'm just concerned for the people of Linn Valley.

Teresa Whitaker: Topsoil is on page 64.

Andy Mayhugh: I wouldn't go less than 20 acres. I think 5-10 acres is nit-picking.

Linn County, Kansas Planning Commission Meeting May 14, 2019

Fred Kautt: I agree. It's not very big.

Mike Page: A lot of the land area is waste.

Richard Morrell: 1st condition, when the new zoning regulation is adopted, what is the time frame?

Andy Mayhugh: 6-8 months.

Richard Morrell: "This Use" means the entire operation?

Andy Mayhugh: Yes.

Teresa Whitaker: If you're willing to re-negotiate one CUP do you have to renegotiate all of them? I'm not sure how fair that is.

Mike Page: This is the only way this property would be available. We've tried to buy the property several times. He went outside the box with a new lease that was other than farming and made the lease attractive enough, so they agreed to lease the property. I did my homework so that we wouldn't get held up to pursue the business.

Richard Morrell: Is this 160 acres?

Mike Page: No, it's just the 80 in the corner. There's so many issues and unmarketable dirt that will make it difficult.

Dave Berglund: I don't want to see a whole bunch of rubble left out there.

Charlene Sims: 10 acers for retail?

Dave Berglund: Ok, total of 20 acres 10 to harvest.

Andy Mayhugh: I sent notice relevant to the entire 80. We can do part of it.

Charlene Sims moved to recommend to the Commission approve 10 acres for retail sales that will be specified in drawing and add another adjoining 10 acres for dirt removal. (Adjoining 10 acres to also be presented in the drawing.)

This includes Staff Findings:

1) Property is suitable for proposed use.

2) Use will not detrimentally affect nearby properties.

3) The proposed use is in conformance with the adopted Comprehensive Plan.

4) Staff recommends approval of the application.

5) Property has been vacant for a long time.

6) The proposed use conforms to the character of the neighborhood.

Linn County, Kansas Planning Commission Meeting May 14, 2019

Conditions are:

1) All outdoor sales areas shall be covered with an all-weather surface.

2) Any entrance to the property shall meet the requirements of the Linn County Public Works Department.

3) A 5-year time limit for this CUP.

4) The property will be restored to a drainable seeded condition.

Motion Passed unanimous. Addendum with drawing included.

Mike Page: Everything will be reseeded when we're done with it. The CUP follows the land correct?

Andy Mayhugh: Yes.

Mike Page: We have signs at the Linn Valley exit. I can make it the retail area. (Northwest Corner). Site Drawing presented. (Enclosed).

Richard Morrell: Linn county has a few opportunities on 69 Hwy where we have an opportunity on the highway corridor. But this is for the people of Linn Valley, not building highway retail. We need to keep the 69 corridor open for development.

Andy Mayhugh: Recommended CUP and limit to just the uses he wants.

Richard Morrell: When the new regulations come out, he may not meet new regulations.

Andy Mayhugh: But he would be grandfathered in. At that time, he may wish to re-zone to a zoning District which could be a better fit for the location and the uses.

Teresa Whitaker: Will there be a sign on 69 Hwy?

Dave Berglund: It must be zoned commercial.

Courtney Calkins: Will the entrance affect traffic entering and leaving Linn Valley Lakes?

Mike Page: That's doubtful, we're only looking at 150 loads of dirt per year.

OLD BUSINESS

1) Tiny House symposium invitation for June 7th. Taking general public transportation. Aimed at City, County and State officials. Miami County and Franklin county are having codes issues. Same with container homes. Andy has issued a permit for a container home. They spray formaldehyde and insecticide in them prior to shipping.

Linn County, Kansas Planning Commission Meeting <u>May 14, 2019</u>

2) Triad Environmental Services mailed the newest map. They are in the seeding stage and Endangered Species pond. They are near Foster now and will go East of Prescott next. As you can see, most of the impoundments are there. There isn't much more for them to do there. Their bond will be released in 2020. Andy was asked the Planning Commission to end Triad's reporting requirement for the Lucky Strike Mine.

George Teagarden motioned for no more reports. Ed Anderson 2nd. Unanimously passed.

3) Friday at 10:00 am will meet with 4 firms to talk about zoning modifications. Last time was 1995. The Comp Plan was created in 2006. Andy asks that members research the comprehensive plan. Look for what's important to the residents of the county. This has a transportation element that could reflect on potential road vacations we are considering. There's a lot to do between now and Friday. They want to know what we want from them and what's important to us.

Mike Page: Otherwise you will get cookie cutter plan taken from similar sized counties.

Andy Mayhugh: One of the firms is currently working with Reno county who has one wind farm in and denied the second one based on their comprehensive plan. When we meet on Friday we aren't choosing. The deadline for submission is July 1st, so please remember that. Deadline for submissions is 10:00 am on July 1st, 2019 with their proposals that will be geared toward our needs.

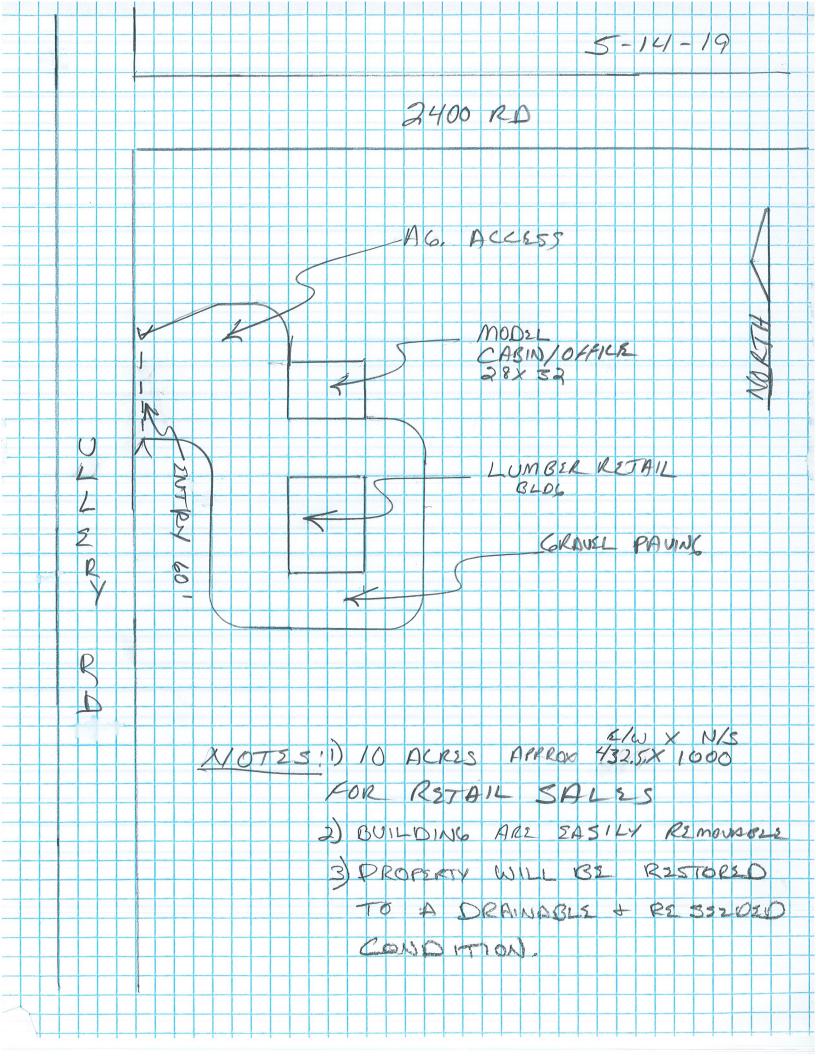
A motion was made by Dave Berglund to adjourn and Richard Morrell 2nd which passed unanimously.

Vice Chairman – Richard Morrell

Attest:

Secretary - Courtney Calkins

Enclosure (1) clc



Linn County, Kansas Planning Commission Meeting October 8, 2019

Meeting called to order: 7:15 p.m.

Board Members Present: Charlene Sims, Ed Andersen, Richard Morrell, Teresa Whitaker and Fred Kautt.

Board Members Absent: David Berglund, Tate West, George Teagarden and Melanie Staton.

Also Present: Andy Mayhugh, Planning & Zoning Director & Courtney Calkins Secretary.

<u>Pledge of Allegiance led by Fred Kautt</u>.

Minutes of May 14, 2019 were discussed. Motion by <u>Ed Andersen</u> to approve the minutes. Seconded by <u>Fred</u> <u>Kautt</u>. Motion passed unanimously.

NEW BUSINESS

1) Case #Z1901 - Application for rezoning from the A - Agricultural District to the A/R District for the creation of a 3-acre lot. Requested by Dale and Joan Avery.

Dale and Joan Avery Present: Their granddaughter and her husband have lived there for several years. The highway had them move the house to 500 Rd. They'd like to deed them that acreage because they have worked on it. The land is not fenced.

The discussion was as follows:

- 1. Commission members reviewed the map.
- 2. It was clarified that the property has a proper septic system.
- 3. Andy Mayhugh: Felt that 10 acres was redundant. The house is existing, and it won't change the traffic load.

<u>Ed Anderson</u> moved to recommend to the Commission approve rezoning from the A - Agricultural District to the A/R District for the creation of a 3-acre lot. Motion **2**nd by <u>Teresa Whitaker</u>. Motion Passed Unanimously.

This includes Staff Findings:

- **1.** Approval maintains more of the original tract in Ag. Use and production.
- 2. There is an existing 3-acre lot just across the road, so it therefore conforms to uses nearby.
- 3. The access on 500 road will not be overburdened by the change.
- 4. Staff recommends approval of the application.
- 5. Properties nearby will not be negatively affected.

The case will be heard by the County Commissioners on Oct. 28th, 2019.

Linn County, Kansas Planning Commission Meeting <u>October 8, 2019</u>

OLD BUSINESS

1) Currently, the Planning Commission has interviewed two consultants. IBTS (*Institute for Building Technology and Safety*) was selected almost unanimously. Th Lead Planner is David Knopik. Andy will address this with the County Commissioners next Monday. IBTS is a non-profit organization that is currently assisting 35 communities.

Fred Kautt: Will he (David Knopik) be at all the meetings?

Andy Mayhugh: He will be here to give workshops to public and for various meetings. He needs to sit down with the County Commissioners to formulate a strategy. He has other ideas, like soliciting via social media, etc. I believe he has a pretty good plan.

A motion was made by <u>Ed Andersen</u> to adjourn and 2nd by <u>Charlene Sims</u> which passed unanimously.

Chairman – Dave Berglund

Attest:

Secretary – Courtney Calkins

Enclosure (2) clc

Linn County, Kansas Planning Commission Meeting December 10, 2019

Meeting called to order: 7:01 p.m.

Board Members Present: Ed Andersen, David Berglund, Fred Kautt, Charlene Sims, Melanie Staton, George Teagarden, Tate West, Teresa Whitaker & Courtney Calkins - Secretary.

Board Members Absent: Richard Morrell.

Also Present: Andy Mayhugh, Planning & Zoning Director.

Pledge of Allegiance led by Fred Kautt.

Minutes of October 8, 2019 were discussed. Motion by <u>Ed Andersen</u> to approve the minutes. Seconded by <u>Teresa Whitaker.</u> Motion passed unanimously.

NEW BUSINESS

1) Case #CUP1905 - (Wes' Recycling)-An application for a CUP to operate a metal recycling business, used vehicle and equipment sales and Ag. Product sales.

Patsy Smith, Wes and Jessica Ungeheuer Present: Patty Smith spoke as the representative Wes's Recycling. Patty worked in the Custom Alloy facility for 13 years. She is very happy that Wes's has purchased the building. Patty has been to the property recently seen the fence bordering the lagoon, which used to be hidden.

The discussion was as follows:

- 1. Commission members reviewed the location, which is near the landfill and on a paved road.
- 2. The previous business was smelting aluminum there. Wes' will not be smelting at the facility.
- 3. The bag house still belongs to Custom Alloy and they have 6 months to do something with it.
- 4. Charlene Sims asked about the stored items at their location on the corner of CR 1077 and Wall Street (W 1000 Rd.). Wes confirmed that the Connex boxes will be moved to the new facility. Wes would like to have that location on CR 1077 zoned as a parking lot in the future. It was previously zoned as AG. The hopper trailers will stay there.
- 5. Andy Mayhugh verified that one of the surrounding property owners for the CUP is Linn County.
- 6. The committee reviewed the drawing which shows the locations of the 6 ft fence enclosure. To the East there are trees 10-15 feet high. Fencing is for screening and the trees provide natural screening. The privacy fence will be installed on South and East sides. Commercial sales will be located at the entrance.
- 7. Patty Smith announced that Wes's is joining Dillard's Fencing and closing the Blue Mound location. The fencing business will be relocated to the new location as well.
- 8. Larry Bogan, Lowe Family Trust, Jack and Cheryl Simons are the other neighboring properties. They were notified in writing and did not respond.

Linn County, Kansas Planning Commission Meeting December 10, 2019

- 9. The North end of the building is being repaired as it was an unsafe area. Wes' also inherited trailers and other things with the property. They have already cleared the area for the fencing to be put up.
- 10. Wes' Recycling has projected hiring 8-15 more employees at that location. They have 25 employed right now.
- 11. Patty Smith advised the committee that Wes' will comply with all state regulations; they currently have cameras and are completely computerized. Wes' has no theft issues currently due to the cameras. The company provides pictures and printouts of scrapping records for authorities upon request. Wes' has a state license. The State is building a website so they can upload their data online. This will allow the Sheriff to access all transactions online.
- 12. Fred Kautt inquired about new signage. Wes' is working on getting a sign approved or may rent a billboard. They currently have a "Coming Soon" temporary sign on the property. The goal is to get Bourbon County and Missouri residents to bring scrap since they are right off 69 Hwy. They have recently hit 10,000 customers.

<u>Charlene Sims</u> moved to recommend to the Commission approve #CUP1905. Motion 2nd by <u>Tate West</u>. Motion Passed Unanimously.

This includes Staff Findings:

- **1.** Proposal conforms to the adopted Comprehensive Plan.
- 2. Proposed use conforms to the character of the neighborhood,
- 3. Use will not negatively affect nearby properties.
- 4. The property is suitable for the proposed use.
- 5. Staff recommends approval.

Proposed Conditions:

• Property to be developed as shown on submitted plans and drawings. (See Enclosures 1-3)

The case will be heard by the County Commissioners on Dec. 30th, 2019.

Other Business

- Election of Officers: Table Until January 2020.
- Verify members contact information.
- Annual Commission Mileage Reimbursement Vouchers, review and sign.
- Teresa Whitaker questioned the meeting time of 7:00 pm. Committee members advised that many people in the county work out of the county or in the city. The 7:00 pm meeting time makes it easier for citizens to attend.

Linn County, Kansas Planning Commission Meeting December 10, 2019

OLD BUSINESS

Regarding the Comprehensive Plan: Mr. Knopik was going to communicate with the Counselor to discuss schedule and billing.

A motion was made by <u>George Teagarden</u> to adjourn and 2nd by <u>Ed Andersen</u> which passed unanimously.

Chairman – David Berglund

Attest: Untry RA

Secretary – Courtney Calkins

Enclosure (3) clc

Page **3** of **3**

WES' RECYCLING, INC. APPLICATION FOR CONDITIONAL USE PERMIT 4008 VERNON ROAD, PRESCOTT KS 66767

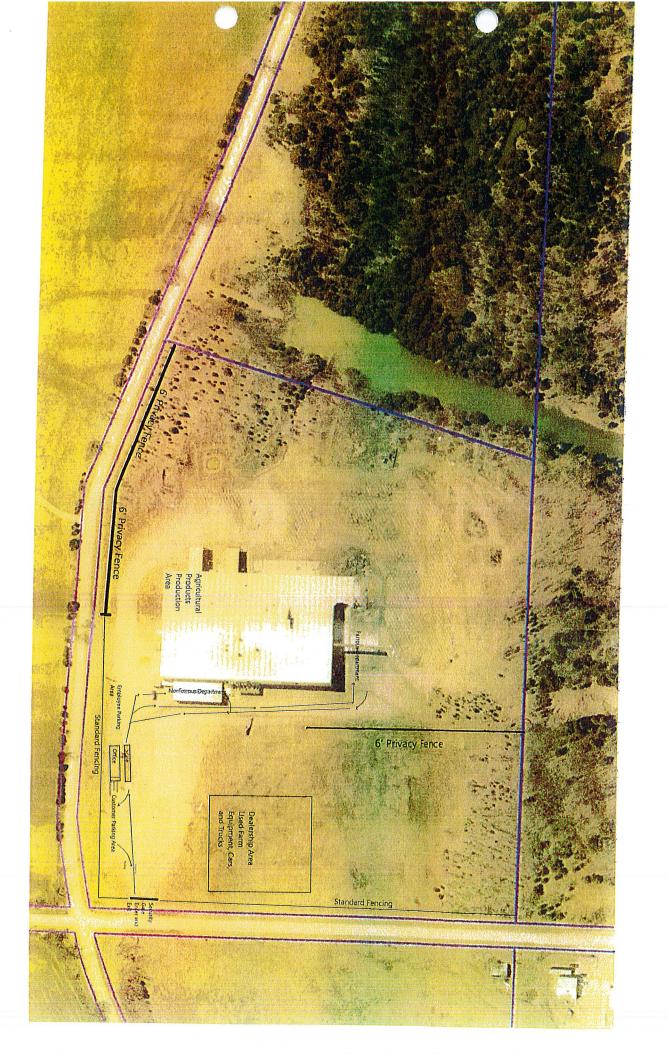
Wes' Recycling, Inc. is requesting a Conditional Use Permit for 4008 Vernon Road, Prescott KS to have a second location in Linn County for our scrap recycling, used vehicle and equipment sales and agricultural products production.

Scrap recycling will include the areas marked on the plan for ferrous (steel/tin) and non-ferrous (aluminum, copper, brass, etc.) scrap material. We will install an operating scale and put a modular office beside the scale which will have a customer area and customer parking as well as employee parking. We will remove the existing trailer house office that is currently on the property.

Dealership area marked on the plan is for sales of used vehicles, farm and construction equipment. As well as other agricultural products.

Agricultural products production area will be for the manufacture of fencing, gates, corrals, etc.

There will be 6' privacy fencing as marked on the map and standard rail /pipe fencing as well. We will have a security gate across the entrance/exit to the property.



Linn County

NA

