

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

January 24th, 2023 @ 7:00 Pm

Richard Morrell Called meeting to order at 7:00 Pm

Paul Porter led the Pledge of Allegiance

Board Members Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Ed Anderson, Mike White, Elizabeth Staton

Also in attendance was Planning & Zoning Director Darin Wilson

Richard brings up the election of the Board.

Mike White brings up discussion about the election of chairs.

Darin Wilson says that the discussion was about leaving things the way they were with Richard a Chairman and Paul as the Vice Chair.

Mike makes a motion to elect Richard Morrell for the Planning and Zoning Commission for 2023

Elizabeth seconds that motion. Voted yes 5-0

Ed makes a motion to elect Paul Porter as the Vice-Chairman

Elizabeth seconds the motion. Voted 5-0

Zoning Change Z22-04 Was Presented

Darin Wilson presented the zoning change and his findings to the Planning and Zoning Commission. His recommendation was that it be approved.

Trenton Johnson (realtor for the applicant) represented the applicant to explain why they applied for the Zoning Change.

Richard asked for the commission to go thru the 8 Golden Rules. They agreed with the staff report presented by Darin.

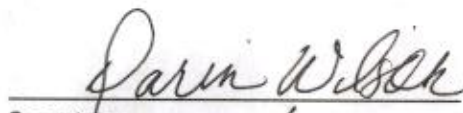
Mike makes a motion to approve the Zoning change based on the 8 Golden Rules.

Elizabeth seconds the motion. Vote 5-0.

Richard adjourns the meeting at 7:15


Chairman

Attest:


Secretary
Date: 2/24/2023

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

February 14, 2023

Richard Morrell called meeting to order at 7:00 Pm

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Ed Anderson, Mike White, Elizabeth Staton, Fred Kautt, Dave Burgland

Also in attendance was Planning & Zoning Director Darin Wilson

Richard asked to approve 2 sets of minutes.

Mike White makes a motion to approve Elizabeth Staton 2nds the motion. Approved by a vote of 8-0
Dec 13 minutes. Ed Anderson Makes a motion to approve Charlene Sims 2nds the motion. Approved by a vote 8-0

Richard calls for case Z23-01 Eastwood re-zoning.

Darin Wilson gives the staff report to the case.

Location:

Located West of Nickel Rd and KS HWY 7 and commonly addressed as: 7434 Ks HWY 7, Mound City, Ks 66056

Analysis:

Applicant has been approved for a lot split of 3 Acres to sale or lease. Under current zoning (A-Agricultural) the parcel is below the minimum (10 Acres) size and requires re-zoning as Ag/Residential.

Staff recommendation and finding:

- 1) The proposed zoning change conforms to the character of the neighborhood by providing the combined usage.
- 2) Neighboring A – Agricultural zoned properties and are of larger size.
- 3) Property is suitable for permitted uses of the proposed AG/ AG Residential zoning and will not negatively affect nearby properties.
- 4) The proposal re-zoning of the land creates no change or effect of surrounding properties and not create any additional infrastructure needs.
- 5) The proposed change conforms to the Comprehensive Plan by allowing more land to be kept in a larger agricultural parcel and not changed to a residential designation.

The standards that should apply is listed in Article 16.05 (4) (A-H) and with proper finding as required in Golden vs. the City of Overland Park and is located upon page 88 and 89 of your book. Staff recommends approval of the application.

Kenneth Eastwood (Mike) came to the podium to speak on his behalf of the zoning change. He let everyone know why he wanted to do the lot split and the zoning change. Not to have to tear down a house.

Dave asked if Mr. Eastwood had an agreement to access the road with KDOT. Mr. Eastwood said he got an entrance permit and that they moved the entrance down the hill from the original location due to safety issues entering HWY 7.

Dave Burgland made a motion to adopt the Zoning change and they went thru the 8 Golden Rules, Charlene asked what Agricultural properties of larger size. Darin explained that the surrounding properties would stay zoned Ag and would not be affected by the zoning change. Dave asked Mr. Eastwood about water meters on the properties. He indicated that there was meters on both properties and that they repaired the water line that went under the highway. Charlene 2nd the Motion to approve the zoning change.

Mike asked about the correction of the zoning. Darin corrected the staff report. Motion passes 8-0

Richard called case #CUP21-07 Revocation of R&B Towing Recovery

Darin gives his report.

Says that they have not met the conditions required to continue. They have not started anything on the property or supplied Jessica Hightower (Economic Development Director) with the proper information that she had asked for.

Dave asked if no work had started on the property.

Darin answered no. Also said that Jessica had reached out to them about the situation.

Jessica said that she had reached out multiple times and received no reply. She also said that the county still owns the property.

Paul asked where for the sure the property was. Jessica said that it was in the county next to FabCon.

Charlene made the motion to revoke the CUP21-07. Dave seconded the motion. It was approved to revoke 8-0

Richard calls case #CUP23-01 Reginia's Rescue

Darin presents staff report.

Location:

Located West of Nickel Rd and KS HWY 7 and commonly addressed as: 7434 Ks HWY 7, Mound City, Ks 66056

Analysis:

Applicant has been approved for a lot split of 3 Acres to sale or lease. Under current zoning (A-Agricultural) the parcel is below the minimum (3 Acres) size and requires re-zoning as R1/Residential

Staff recommendation and finding:

- 1) The proposed zoning change conforms to the character of the neighborhood by providing the combined usage.
- 2) Neighboring A – Agricultural zoned properties and are of larger size.
- 3) Property is suitable for permitted uses of the proposed R1/Residential zoning and will not negatively affect nearby properties.
- 4) The proposal re-zoning of the land creates no change or effect of surrounding properties and not create any additional infrastructure needs.
- 5) The proposed change conforms to the Comprehensive Plan by allowing more land to be kept in a larger agricultural parcel and not changed to a residential designation.

The standards that should apply is listed in Article 16.05 (4) (A-H) and with proper finding as required in Golden vs. the City of Overland Park and is located upon page 88 and 89 of your books. Staff recommends approval of the application.

Charlene asked Regina who says how many dogs you can have. Regina responded and said the state said that she can have that many dogs and also said she has about 55 dogs on the property currently.

Wesley Moore gets up to speak about the rescue. He states he is a volunteer at the rescue. States that he has a problem with Regina saying it is Linn County pound. She has 3 vinyl domes that was donated that are 20x30, 29 Kennels in 3 domes. There are 36 kennels outside that are weather shielded as good as they can be. He also stated that there is a problem in Linn County because of economy and people dumping their animals due to not being able to afford them. Her mission is that every animal is taken care of. She is trying to solve a problem. Having a new facility doesn't mean she is taking on more animals. It is to better serve the ones that she does take.

Charlene asked if she has a veterinarian on call. Regina answered she does have a vet on call.

Wesley states they cannot solve all the problems.

Mike White asked if they terminate any of the animals. Wesley answered there are times for health reasons.

Fred asked when a dog dies are they cremated or how they handle that. Wesley replied that the animal is buried on the property.

Dave asked about state inspections. Regina and Wesley said that it is an annual inspection, and it can be random. Regina said that the inspection was 2 months ago, and the results have not been issued yet.

Dave asked her overview of the next 5-10 years at the property. Regina replied that she will have a new facility and a vet. Also be able to teach people how to take care of their animals.

Dave asked what if you are over loaded with animals. Regina responded that she is friends with another kennel and they help each other out by taking animals if one has too many.

Charlene asked if all of her dogs are in a kennel. Regina responded that yes every dog is in a kennel and has its own heater. Every dog will have access to a run outdoors.

Paul asked what your current population is. She answered that there is 54 dogs. 24 of that are in foster care from a friend's kennel. 12 dogs that cannot be rehomed because of the abuse that the animal has suffered.

Dave said that he thinks it needs to be tabled for further information and the results from the inspection Rich asked for questions from the gallery. Reminded them that all comments need to be addressed to the chair.

Eric Schmit is a neighbor to the west. Informed the Commissioner's that him and his father bought the property last fall. Stated that he has dogs and has nothing against dogs. His main concern is the noise. Voiced that it is extremely noisy. Expressed that current noise level he would not consider building on his property.

Dave asked was the operation set up when he bought the property. Eric answered yes. Dave stated obviously it didn't bother you then if you purchased it. Eric stated the time that they looked at the property that he assumed that the noise was under control, that it was at a time that there was not much noise. Eric has concerns about sanitation. Stated that the runoff going toward his pond. Has safety concerns, because of his children. That his property value is not affected by the kennel.

Fred asked Eric if he spends the nights there. Eric said no he is not and cannot attest to what it sound like at night.

Dave asked what is Eric's primary use of his land. Eric answered hunting.

Reginia commented that if they get their new building the noise level will go down. That all the animals will be inside.

Lester Town came to the podium. Owns the property right across from the kennel (rental property). He doesn't want the kennels built right up to the road that it may effect being able to rent his property.

Tom Kemper came to the podium next to speak. He stated he is the neighbor to the east about 1750 ft. away. Been there 25 years before the rescue. He said he has nothing wrong with the kennels other than the noise. He talked about setback. Feels that setback will not make a difference. He challenged everyone to come to his house and listen to the kennels. Asked is it an expansion or will the others be tore down when the new building is built.

Dennis Barrett spoke. Lives 1 mile north of Reginia's Rescue. Stated he has no problem that there is a kennel but the noise is a problem. Said that it is more often than not that you hear them. Next biggest concern is the waste. Is concerned that if it not handled properly that they will be inviting disease. What will it do to the ground water. Just wants to make sure it is regulated to the fullest.

Michael McClellan (Regina's Husband) talked about the noise. That it is to time to time. That they quiet down at night. No one has called about disturbance. The feces are picked up and composted as of right now and burned off. Feels that it will not go into a septic cause it is mixed with straw.

Craig Healy spoke on behalf of Regina. Stated that he was there as an individual not as a county deputy. Stated he is the part time Chief of Police in Parker Ks. Has a good relationship with Regina. That he uses them all the time with stray dogs in Parker. Said that he has toured the facility and was amazed that there wasn't as much waste as he thought there would be. Craig thinks that it is something that is needed in the county. He also knows that she will turn dogs away because of being over populated at her kennel. Would like to see this worked out that it can be approved.

Charlene said that people have said she is building a building. But wanted to clarify what they were approving. Darin stated that it was for the whole 18 acres. They will have to get a building permit as required by the county.

Mike stated that the state says she can have 100 dogs but the P&Z can also put a number on that. Darin commented yes. Regina said she will probably only want to do 50 cause of the man power to take care of them.

Charlene asked about the sanitation and the compost. Michael stated that it will be burnt. Darin commented he will have to check with KDHE. That he checked on another kennel, but it was up against a Lake and they recommended a holding tank. He also stated he understands that septic is an issue and grates will need to be put over the clean outs of each kennel. Recheck with KDHE.

Fred asked Darin about the sound and noise. Is there anything to be done for the noise. Fred recommended Cedar trees planted close together to block some of that noise. Darin said that there is sound proofing board that can be installed during construction of the building to help with noise. That it will not get rid of all the noise, but it does help. Darin also reinitiated tabling it for the time being cause of all the thought that needs to go into this CUP to get it approved and make the neighbors happy also.

Ed asked Regina about the grant for the building what is the timeline to receive the funds if it is approved. Regina replied that they are hoping to have the money by summer. Ed asked time frame for construction to happen. She said that is the tough part.

Mike asked if a decibel meter could be determined. That they can hear the train from a mile away.

Darin said that if it tabled tonight that he doesn't want people to be discouraged. That it is important that the P&Z commission put a lot of thought into this for everybody involved.

Paul said that a lot of consideration needs to be taken compared to other things that they have heard in the past. Referring to horse stalls.

Rich asked what is the flooring for the runs. Michael said that they have cattle panels buried in the ground to keep the dogs from digging and that some have rubber horse stall mats in them.

Fred asked for pictures of the operation.

Dave re introduced his motion to table the CUP for the future when all the information is available. Elizabeth 2nd the motion. Voted to table 8-0. Motion passes until a time to be determined.

Mike asked what kind of information they needed.

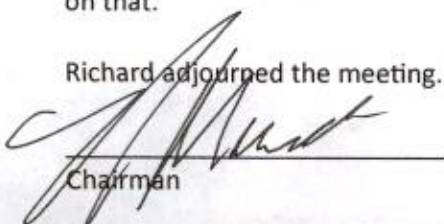
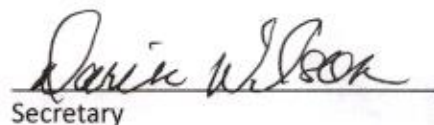
Darin said site plan, setbacks, waste disposal plan. More information from KDHE.

Richard asked about weather shielding. Wesley stated that it is tarped so the wind does not blow directly on the animals.

Other Business

Darin brought up that it was talk about move the regular meeting to 6:00 pm. No decisions were made on that.

Richard adjourned the meeting. 8:16


Chairman
Secretary

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

March 14, 2023

Richard Morrell called meeting to order at 7:00 Pm

Pledge of Alligence

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Mike White, Elizabeth Staton, Fred Kautt, Dave Burgland, Joab Ory, Charlene Sims.

Also in attendance was Planning & Zoning Director Darin Wilson

Richard asked to approve minutes from February 14th, 2023, meeting. Charlene made a motion to approve, Elizabeth seconded the motion. Minutes were approved by a vote of 8-0.

Richard called for Tony Washington from Heartland Rural Electric to speak. Mr. Washington spoke about solar farms. Explaining why they want to put a solar farm in Linn County. Explained that they want to keep their electric cost down by putting in solar farms for their own use. They currently have one in Crawford, Neosho, and finishing one in Bourbon County. They are installing them to help lower customer cost. Told the P&Z Commissioner's that they purchased a property of 7 acres located at 1095 and Nickle Rd.

Joab asked about generator back up. Tony replied that would not work so there would be no back up.

Joab asked about growth projections. Tony answered they are locked into their contracts.

Dave asked about Carbon contracts and Tony answered that is not an option.

Tony said the solar field would have a 6ft chain link fence with barbwire around the top. That would go around the entire project.

Dave asked about voltage. Tony said no wires that everything is up to code. Tony wanted everyone to go look and one of the other ones that they have put in.

Fred asked if solar farm and sub station crossed anyone's property. Tony answered that none of the projects would cross other properties.

Rich Thanked Tony for coming and giving some general information.

Richard called for CUP 23-02

Mr. Barrett gave information why he started Canine Lake Lodge and stated that dogs are hardly ever left unattended. He then stated that he only put 6 dogs on the application because he Could eventually get to that amount. He personally guaranteed that he would stay at 4 dogs to avoid all of this.

Rich asked when he started the Kennel. Michael answered 2019

Dave asked about the animal waste. Mr. Barrett said is scooped out of mulch that is put down.

Joab asked how many you are safely able to house. Mr. Barrett replied that safely the number would be 10

Joab asked how big are the kennels. Mr. Barrett said that he used 4x8 kennels inside.

Joab asked about fencing around the perimeter of his property for safety. Mr. Barrett answered that he has never need that.

Mike asked if he is always at 4 dogs or do you go over that at any point.

Mike asked if he was constantly booked. Michael replied No.

Fred asked if he takes all breeds. Michael said he has a very detailed application.

Charlene asked about if the state was ok with boat rides. Mr. Barrett answered yes.

Darin presented the staff report.

Staff Report

Case # CUP 23-02

Hearing Date:	March 14, 2023
Date Prepared:	February 20, 2023
Applicant:	Michael Barrett 141 W SUGAR LAKE DR. Mound City, Ks. 66056
Requested Action:	Consideration to Operate a Dog Boarding Kennel
Legal:	SUGAR VALLEY LAKES PLAT 6 , BLOCK P6 , Lot 20 , LOT 20 PLAT 6 SECTION 20 TOWNSHIP 22 RANGE 24
Location:	Commonly addressed as: 141 Sugar Lake Dr. Mound City, Ks. 66056 PID(194-20-0-20-01-001.000)
Current Zoning:	R1/Residential
Zoning and Uses Nearby:	Zoning – R1/Residential
Notice:	Notice was properly posted in the Official County Newspaper on February 22, 2023. In addition, notice was sent to owners of all properties within 1000' Pursuant to State Law and the Linn County Zoning Regulation.
Affected Zoning Articles:	Article 4.02 (Page 21- 23) Article 4.03 (Page 23) Article 10.03 (Pages 48 – 49) Article 10.07, § 38 & § 39 (Page 53)

Comp Plan Segments of Note:

Planning Framework Overview (Page 32) and Map (Page 33) of Comp Plan.

Acceptable Land Uses:

- * Residential,
- * Agriculture,
- * Commercial uses,
- * Urban Mix,
- * Mixture of Agriculture and Agri-business,
- * Public/Institutional
- * Parks/Recreation

Comments/Questions received: SEE NOTES ON SEPARATE PAGE(S) AT TIME OF MEETING, IF ANY.

Analysis:

Adjoining properties are zoned Residential. The subject property is currently zoned as R1/Residential. It has been operating a Kennel, which has not had a CUP for this property. The property is fronted along W Sugar Lake Dr, utilizing a singular ingress/egress. This application for CUP is to permit the applicants' desire to be authorized to operate a Dog Boarding Kennel. All necessary notification to surrounding landowners has been properly made by United States Postal Service and Publication of Notice of Hearing in the official county newspaper.

Staff Finds:

1. The use does not fit with the **character of the neighborhood** as all nearby properties are R1/Residential. This is a sub-division with most lots that are 70' (frontage)x140' (deep) with 10' easement on property lines. Putting houses very close together.
2. The **zoning of nearby properties** are Residential
3. The property is not **suitable for proposed use**. The property is lake front property. There is Sanitation Concerns.
4. The proposed use does **detrimentally affect nearby properties**. Testimony by email and phone calls has expressed feelings about property values going down if this is allowed.
5. Property will remain as **currently zoned** as Residential and has not been vacant. They Currently lives at property.
6. The proposed use could detrimentally affect the **public health, safety, and welfare**. Neighbors of expressed concerns about being lake front property and what that would do to Lake if sanitation is not required. Also, if an animal gets loose and potentially hurts someone.
7. The requested CUP **conforms to the Linn County Current Zoning Regulation**. The Zoning Regulations are subject to change and not allow this type of CUP.

8. **Staff does not recommend** approval of this CUP without further information, such as site plan, soil samples, copy of Business License, copy of Current State Inspection from owner of property. And with findings from Golden vs. The City of Overland Park.

Staff Recommendations if Considered by the Planning & Zoning Commission

- Soil Sample done where Outdoor Kennels set near Lake.
- Concrete Slab for floor of outdoor Pens
- Floor Drains in concrete floor for sanitation into holding tank
- Sanitation installed for Outdoor Runs
- Screening around fence of Outdoor Pens
- Setbacks of Outdoor Pens. Current setback per SVL is 10' easement on side property line and 10' easement on back property line
- Consideration of what the neighbors in the neighborhood have to say.
- Periodical inspections by county to check if meeting conditions set forth by P&Z Commission

Respectfully submitted,
Darin Wilson
Linn County Ks.
Planning & Zoning Director

Rich opened the meeting up for public comment.

James Cure got up and spoke in the Barrett's behalf, saying they take very good care of his dogs.

Brian Roy owns lots in SVL and is concerned about dogs barking and airhorns. He also stated that dogs are kenneled long than he says they are.

Mike Murray says he lives across the street and has no complaints about the kennel.

Reed Childers says he down every weekend and says he hears no barking and they keep the property clean.

Mark Rector said he is on the SVL Board and that businesses are allowed.

Jolita Park is concerned about animals being loose. That she was not in favor of this being there.

Rich asked Barret how urine and feces is handled on the property. Barrett said that it all goes into mulch. And is professionally picked up by DreamScapes lawn care.

Joab asked what type of insurance Mr. Barrett carries. Mr. Barrett answered insurance. That he was not sure that his wife handles all of that.

Darin and Gay Thompson spoke. Darin took Mr. Barrett aside and spoke with him.

Mr. Barrett came out and said that he was withdrawing his application and agreed to stay within the county guidelines with only 4 dogs and that a county employee could do inspections to make sure he

within the regulations. The county agreed to the terms and accepted the withdraw of the CUP. Voted 8-0

Rich moved the meeting to taking a vote about Wind Regulations what would be presented at public hearing. 1 Prohabition or 2 well written regulation.

Charlene expressed concern about why Rich wanted to vote on this. Mike said there needs to be some discussion about it.

Dave brought up how he had to take down the arts & crafts sign because KDOT made him.

Rich explained that he was just trying to move things along so the regulations could go to a public hearing.

Charlene said that she feels that there should be a set of Regulations in place so there is something to defend if the county every got sued.

Mike said that Wabunsee County has prohibition and it has never been challenged so why wouldn't we just go with prohibition.

Dave made a motion to go with option 2 for Regulation. It was voted 3 yes and 5 no.

Dave-Yes

Charlene-Yes

Fred-No

Mike-No

Richard-Yes

Paul-No

Elizabeth-No

Joab-No

Mike made a motion to go with option 1 prohibition. It was voted 3 no 5 yes.

Dave-No

Charlene-No

Fred-Yes

Mike-Yes

Richard-No


Paul-Yes

Elizabeth-Yes

Joab-Yes

Rich asked if there was any more business to discuss. The answer was no.

Rich adjourned the meeting at 8:35 pm


Chairman
Secertary

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

April 11, 2023

Richard Morrell called meeting to order at 7:00 PM

Pledge of Allegiance

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Mike White, Elizabeth Staton, Fred Kautt, Dave Burgland, Charlene Sims, Ed Anderson.

Also, in attendance was Planning & Zoning Director Darin Wilson

Richard asked to approve the minutes from March 14th, 2023 meeting, Richard made a motion to approve, Paul seconded.

Richard called Josh Framel with Clear Way Energy to speak about Solar Farms. Josh stated his is based out of Denver Colorado and their home office is in San Francisco California. Clear Way is an operator and developer of Solar and Wind farms. They build them to sell to independent owners. Closest project is in Oklahoma. Richard set ground rules for questions. Josh said he had spoken with Darin about a month ago about a solar farm in Linn County. Richard asked Josh how they determine if there is enough sunlight in an area to make the decision on whether they would build a project in a certain area. Most solar projects are located in the south. Because technology has improved, they are able to move further north in the US. Josh explained peak usage is in the middle of the day. And at night there is no consumption due to no sunlight.

Mike White asked if there is a range of ambient temperature that is best for solar use. Josh said there is and that it was deep in the weeds for him to answer and that he would need to get with their engineers for the answer to that. Mike said there is and most of the science to that is most is done outside of the US. Mikes understanding is that Solar Panels are tested between 71- and 59-degrees F. When the temp gets above 71 they start to lose their efficiency, up to 25% as the temperature climbs. There is a max of decreasing efficiency, and it doesn't get any worse when it reaches that point.

Josh explains there is a DC and an AC side of power collected by solar. The panel creates electricity in DC and when it goes through the converter it is transferred to AC.

Dave asked what voltage they put out. Josh answered 1000 volts. Dave asked is that per Solar Panel. The answer was no. Dave asked if the panels get destroyed. Josh said they are monitored all the time and if they have a hailstorm, they turn the panels down, so they don't get damaged. Josh said lifespan of a project and decommissioning of the project. They are decommissioning bonds. Everything is recycled. They restore the land to its original state. On the wind side they repower the project. They leave it up to the landowner if they want to renew the contract to carry on with the lease. Dave asked if wind will look different in 20 years? Josh said that towers will probably get taller and more efficient. Josh said they will have some staff on site to do mowing and general maintenance. Rich said because of time that they needed to move on with the agenda. Josh stated that he will stay and be available after the meeting to answer more questions.

Rich called Case CUP 23-03 Sammantha Mills/Commercial Kitchen

Rich asked if Sammy would come up and talk about her CUP.

Sammy introduced herself. Told how she got started making her candy and the need of a commercial kitchen. She was approached by shop owners that wanted to buy from her and sell her candy in their

stores. Stated she has about a dozen stores that want to buy her candy. Rich asked where the site is located. Sammy answered at 1095 and 1650 Rd. Rich asked for Darin to come up and Present staff report.

Staff Report Case # CUP 23-03

Hearing Date:	April 11, 2023
Date Prepared:	April 5, 2023
Applicant:	Samantha Mill/Commercial Kitchen
Requested Action:	Consideration to Operate a Commercial Kitchen
Legal:	S31 , T20 , R24 , ACRES 38.3 , SW4 OF NE4 EX RD
Location:	Commonly addressed as: 16651 County Rd. 1095 LaCygne Ks. 66040
Current Zoning:	R1/Residential
Zoning and Uses Nearby:	Zoning – A/Agriculture
Notice:	Notice was properly posted in the Official County Newspaper on March 22, 2023. In addition, notice was sent to owners of all properties within 1000’ Pursuant to State Law and the Linn County Zoning Regulation.
Affected Zoning Articles:	Article 4.02 (Page 21- 23) Article 4.03 (Page 23) Article 10.03 (Pages 48 – 49) Article 10.07, § 38 & § 39 (Page 53)
Comp Plan Segments of Note:	Planning Framework Overview (Page 32) and Map (Page 33) of Comp Plan. Acceptable Land Uses: <ul style="list-style-type: none">* Residential,* Agriculture,* Commercial uses,* Urban Mix,

- * Mixture of Agriculture and Agri-business,
- * Public/Institutional
- * Parks/Recreation

Comments/Questions received: SEE NOTES ON SEPARATE PAGE(S) AT TIME OF MEETING, IF ANY.

Analysis:

Adjoining properties are zoned Agricultural. The subject property is currently zoned as A/Agricultural. The property is fronted along County Rd. 1095 utilizing a singular ingress/egress. This application for CUP is to permit the applicants' desire to be authorized to operate a Commercial Kitchen. All necessary notification to surrounding landowners has been properly made by United States Postal Service and Publication of Notice of Hearing in the official county newspaper.

Staff Finds:

1. The use does fit with the **character of the neighborhood** as all nearby properties are Agricultural.
2. The **zoning of nearby properties** are Agricultural.
3. The property is **suitable for proposed use**.
4. The proposed use will not **detrimentally affect nearby properties**.
5. Property will remain as **currently zoned** as Agricultural and has not been vacant. The applicant Currently lives at property.
6. The proposed use would not detrimentally affect the **public health, safety, and welfare**, and would benefit public welfare by providing a boost to local economy.
7. The requested CUP **conforms to the Linn County Current Comprehensive Plan**.
8. **Staff does recommend** approval of this CUP with further information, copy of Business License, copy of Current State Inspection from owner of property, and that as soon as she receives her license, they will provide a copy to the Planning & Zoning Director to show that they have passed and can open for business. She has applied for the state license. They will be out on April 15th for inspection. And with findings from Golden vs. The City of Overland Park.

Respectfully submitted,
 Darin Wilson
 Linn County Ks.
 Planning & Zoning Director

Darin put conditions on the permit if passed. All licensing and inspection be done and reported to the planning and Zoning director. To be completed in 5 Months. Charlene made a motion to approve the CUP with the conditions set by Darin. Dave seconded the motion. Passes with a vote of 8-0.

Rich called the Re-Zoning case Z23-03

Joy Compton got up to speak on Mrs. Tibbets behalf. They want to do a lot spit of 5 acres. Mrs. Tibbets want the 5 acres for her 2 daughters.

Paul asks about the road frontage left on the remaining lot. Darin clarified this.

Rich calls for Darin to present the Zoning Case Z23-02 Staff Report.

Staff Report

Case #: Z23-02

Applicant:

Teresa Tibbets
142 CR 433
Berryville, Ar. 72616

Requested Action:

Approval of Re-zoning from the A-Agricultural Zone
To the AR/Ag Residential Zone for lot-split
purposes.

Legal:

S36 , T21 , R22 , ACRES 29.5 , BEG 922.87
S NE/C NE4 TH S 132 0 W 1320 N 1320 E
TO POB EX 590.61 OF N 737.54 LESS RD

Location:

Located North of W. 1000 Rd on Gwynn Rd. and
commonly addressed as: 0000 Gwynn Rd. Blue Mound,
Ks. 66010

Analysis:

Applicant has been approved for a lot split of 5 Acres to sale or lease. Under current zoning (A-Agricultural) the parcel is below the minimum (5 Acres) size and requires re-zoning as AR-Agricultural/Residential

Staff recommendation and finding:

- 1) The proposed zoning change conforms to the character of the neighborhood by providing the combined usage.
- 2) Neighboring A and AR – Agricultural and Agricultural/Residential zoned properties and are of larger size.
- 3) Property is suitable for permitted uses of the proposed AR/Ag-Residential zoning and will not negatively affect nearby properties.
- 4) The proposal re-zoning of the land creates no change or effect of surrounding properties and not create any additional infrastructure needs.
- 5) The proposed change conforms to the Comprehensive Plan by allowing more land to be kept in a larger agricultural parcel and not changed to a residential designation.

The standards that should apply is listed in Article 16.05 (4) (A-H) and with proper finding as required in Golden vs. the City of Overland Park and is located upon page 88 and 89 of your book. Staff recommends approval of the application.

Darin Wilson
Planning and Zoning Director
dwilson@linncountyks.com
Office: 913-785-2422
Cell: 620-238-3201

Mike asked if they were building 2 houses on the 5 acres since it is shared between the 2 sisters. Joy said they will probably end up buying the 5 acres at a later date.

Mike made a motion to approve zoning change Z23-02. Elizabeth seconded the motion. There was no further discussion. Passes with a vote of 8-0.

Mike wanted to talk about the public hearing. Mike asked how long people could talk. Do we want to have the community send in their concerns in advance. Rich said that Mr. Kaup said he would handle all questions. Do they want to have an action meeting or a no action meeting? They want a no action meeting. Mike wants the discussion to be about the draft not about ifs ands and buts. Let Mr. Kaup set the pattern of the meeting.

More questions for Josh Framel.

Ed asked how long does a project take to build. Josh said 3 to 5 years. That is from conception with engineers and impact studies. To final completion at the project. Includes securing land rights and

leases. Permitting and meeting the County requirements. There will be nothing done until the contracts are signed with landowners, Purchasing contracts.

Rich talks about property taxes and how it would affect property values and property taxes. Stated how important the Power Plant is to the county. It provides 2/3 of the revenue to the county. Josh said he will get some ranges on revenue for the county. Said that the Solar Farm will not replace the Power Plant. That it produces 98% of the time, whereas solar would only produce 50% of the time. Rich asked what the future in 10 yrs. looks like for the wind and solar. Josh explained that there is always technology changing. Colorado would like to be 50% fossil fuel and 50% renewable energy by a certain time. Josh said he works 60% solar and only 40% wind. Charlene asked if it is necessary for the Power Plant to be there for the solar farm. Josh said no but they will need the transmission lines to move the power. Josh said he would stay in touch with Darin. He said that he would like to be here for the public hearing on the 27th of April.

Rich adjourned the meeting at 8:20 PM.

Chairman

Secretary

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

April 27, 2023

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Mike White, Elizabeth Staton, Fred Kautt, Dave Burgland, Charlene Sims, Ed Anderson, Jobe Ore.

Also, In attendance was Planning & Zoning Director Darin Wilson, and Mr. Jim Kaup.

Rich opened the meeting talking about the process of adopting the Comprehensive Plan. Which led to redoing the zoning regulations. Rich also explained the process of how the new zoning regulations will be adopted. That the Planning and Zoning Commission makes a recommendation to the County Commissioner's and that they are the final say and vote to adopt them.

Rich introduced all the Planning and Zoning Commissions and what district they are from.

Rich turned the meeting over to Darin Wilson, the planning and zoning director. Darin explained the rules of the public comment. That a person could speak one time and for 2 min. That there is a timer up on the screen. Stay at your seat and Jessica and Darin will walk to them with a microphone for them to speak. Darin turns the meeting over to Mr. Kaup.

Mr. Kaup gave a brief explanation of who he is and where he is from and some background of his experience in writing Zoning Regulations.

Mr. Kaup explains that the regulations are a draft form and that they are not set in stone yet. Explains that a public hearing is exactly what it is. For the public to come and be heard about their concerns or comments on the draft regulations so they can be considered for change by the planning and zoning commission before going to the County Commissioner's. He also explained that the regulations and zoning map was posted 3 weeks ago on the County website for viewing. Also placed in the County Clerk's office and in Darin's office, for public viewing.

Mr. Kaup explained to state your name and where you're from. Because it is part of the public record. Mr. Kaup explained the new zoning districts. Highway Retail will go away. It will become a commercial district. New Re-Zoning classification in the Lake Communities, Changing from Residential. It doesn't change what you can do with the property. AG/Residential will change to Countryside District. Uses are basically the same as before. Unincorporated communities will be Mixed use. Which allows the properties to have residential or commercial side by side.

Talks about nonconforming. Basically, if it was like it was before the new zoning regs it will be allowed. Conditional use permits. Will be different in the districts.

Mr. Kaup addressed. The summary. Article 16. Accessory dwelling units. The mother in law's quarter. This will allow you to build an accessory dwelling without splitting the property. Will cut down on lot splits.

Mr. Kaup refers to the summary article 14. Solar energy. 3 types of solar energy systems. Domestic system. And Commercial. Domestic is that they consume all the energy on its own property. Commercial is that it can be sold off site. Utility solar. Can only be in Industrial zoned areas and requires a Conditional Use Permit. Must go through a stringent set of regulations to get the Conditional Use Permit. Everything to protect the beauty of the county.

Mr. Kaup Summary Article 15. Wind Energy. Pretty short. No wind farms. Prohibition. Will allow domestic use. 20-acre min. and other regulations. We are here to hear what your concerns are.

The gentleman Robert Tyson. Refers to the survey done 2 yrs. ago. There was a letter written and published in the Linn County News.

Bill Scopp 19502 E. 1650 Rd. Pleasanton, Ks. 66075 Thanked the Planning & Zoning Commission for their work and decision to go with a prohibition on Wind Farms. He talked about animal habitat, land use, how roads get destroyed. Gave a copy of his letter to the P&Z Director

Glen Arthur-Prescot Concerned about Solar Farms. What they do to the soil underneath them. Kills grass underneath them. Also concerned about the size of batteries that will need to store the energy. Does not want solar farms.

Mr. Kaup addressed Glen Arthur's concerns. He says solar energy is legal to operate in this country. If you have private property, you should be able to do so as long as it is permitted. Mr. Kaup also explained the 4000 ac. Cap on solar. That is not a 4000-ac solar farm. That it is a 4000 cap across the county. He also explained how they came up with the 4000 ac. That is about 1 percent of the total county acres. Explained that there is rules to have vegetation of the life time of the solar farm.

Jay Green- Mound City Ks. Also, in agreement with no solar farms. 14-401 Concentrating solar devices are prohibited. Explains that csts have a long history of killing birds. Opened the door by allowing for accessory uses. He feels that they need to go back and look at some of the regulations of solar. Mr. Green would like that to be taken out as an accessory use. He says that Linn County has a huge concentration of migratory birds. Mr. Kaup asked if anyone agrees with him about thermal devices. There were statements from the crowd. Darin asked by a show of hands who agrees. It was about a split in the room.

Eva Macky-LaCygne agrees with Mr. Green. She Wants a couple of clarifications. Zoning to the lakes. Mr. Kaup explains that the lake communities are already zoned. They are zoned right now R1. Do not have public infrastructure. No public roads. Not the same as most residential. Its not a traditional sub-division. Eva says she doesn't understand why the change then. Kaup says that land use will not change.

Mr. Macky-LaCygne Asked if we are saying that the roads that was dedicated to the public. They were not dedicated to the public. They are dedicated to the public of the HOA. Darin says that the roads are private per the bi-laws of the lake communities.

Kate Brenner- Lake Chapperal Has question about the RV use. RV use will be allowed year-round as grandfathered in. But once the RV is moved, they will not be allowed to move one back in. She also asked about an Airbnb and a bed and breakfast. Mr. Kaup explains that an Airbnb is like a regular house and cannot be treated with a CUP. Bed and Breakfast is treated with a CUP but not in Residential Lake Communities.

Mark Isbell – Parker His question is about zoning for country side district. What about scrapyards. 10 ac. What will the commission do if someone want to open a scrap yard on 8 acres. Can they apply for rezoning. Will neighbors be informed if that occurs. Mr. Kaup explains everyone is entitled to ask for rezoning. But they may not get it. Due to the surrounding property.

Mark w/Heartland- Asked about solar amount of land use. He is asking for a smaller commercial site with less regulation as a larger commercial site.

Mrs. McPherson- Centerville Talks about feed lots, wants to know about regulations on them. Mr. Kaup says the state regulates that and not much a county can do except for CUPS.

David Fisher- Centerville Thanked the P&Z Commissioners for prohibition on Wind Farms. Talked about the beautification of the county.

Josh Framel-Clearway energy. Expressed some changes for the solar regs and will send an email of those changes to be considered by the P&Z Commission.

Hal Aggers- Blue Mound. Will attach letter given to P&Z Administrator.

Darin tells the crowd he has cards and his information so if they had more questions that he could be reached. Darin Thank everyone for their input. Darin turned it over to Rich Morell.

Rich adjourned the meeting at 8:25 pm.


Chairman
Secretary

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

May 9 , 2023

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Mike White, Elizabeth Staton, Fred Kautt, Dave Burgland, Charlene Sims, Ed Anderson.

Also, In attendance was Planning & Zoning Director Darin Wilson.

Rich opened the meeting. Approval of last April Minutes. Rich also explained that if any decisions are made about the Zoning and Subdivision Regulations that it has to be a Majority vote of ones in attendance.

Darin explains about the last workshop and that Mr. Kaup is available by phone if needed for questions. One question about bed and breakfast as a CUP in the Agricultural District. Mr. Kaup added that to the regulations. Article 5.

Revisions to Article 14. They decided to make no revisions to that article based on public from public comment.

Notifications for Cell towers to make it 10 times the height of the tower. State regulation is 1000 ft. and Mr. Kaup said not to go against the state regulations.

Campers in the Residential Lake Communities. They are allowed to live there year-round as long as the lake community has designated an area for that. Darin explained that Sugar Valley is the only one that has a designated area.

Darin Explains Certificate of Completion. That it is not to inspect the property. It is to verify they have built what was on the building permit. Square Footage, basement, number of bedrooms. Kaup recommends no changes to that regulation.

Feed Lots. Not to put the state regulation in the county regulation cause then you will have 20 pages that is not needed. Mr. Kaup recommends not doing that and leaving it the way that it is.

Paul asked what Gary thought about the Certificate of Completion. Darin answered yes that Gary agrees with Mr. Kaup. Dave asked if that included sanitation. Charlene asked to make sure that the inspection included going in the building to check number of bedrooms etc.. Darin said yes to both questions and said that the county has sanitation code and that gets inspected separately.

Rich asked if they were ready to vote. Dave says let's vote. Rich reminds that the vote must be the majority of the number in attendance.

Charlene asked if Darin was still going to try to get more building codes. Darin answered yes. But the purpose of this being in the zoning regulations is that it is part of the Building Regulations. Building Codes is a separate issue. That a code can be adopted later. Darin explained that building codes would be by resolution and with the commissioners.

Dave make the motion to adopt the Zoning and Sub-division Regulations and to be passed to the County Commissioner's. Mike seconded the motion. Rich asked if they should open the meeting up for public comment. Darin explained that it is a regular meeting and should be open.

Dave Fisher from Centerville, KS. States that he fully supports everything the P&Z Commission has done.

Lee Greenwald and attorney out of Omaha. They represent energy companies across the US. He feels that the regulations are well written. Specifically, about the land cap. Feels that the 4000 acers and the 50 percent is arbitrary. Feels that it will make it a race to be the first to file the Conditional Use Permit. It should be controlled by a vote for the Conditional Use Permit. It could also be changed by a future board.

Rich reminds that there is a motion on the floor, and it has been seconded. Paul says that they represent the will of the people. Mike explains that a lot of the decisions were made based on the Comprehensive Plan. That it was not arbitrary. Dave also explains that in the future it can be changed as time changes and the county.

Rich asked for the vote. The motion passes 8-0 Unanimously.

Rich adjourns the meeting.

A stylized, handwritten signature in black ink, appearing to be 'A. M. M.', written over a horizontal line.

Chairman

A handwritten signature in black ink, appearing to be 'Darin Wilson', written over a horizontal line.

Secretary

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

June 13th, 2023

Richard Morrell called meeting to order at 7:00 PM

Pledge of Allegiance

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Mike White, Fred Kautt, Dave Burglund, Charlene Sims, Ed Anderson.

Also, in attendance was Planning & Zoning Director Darin Wilson

Richard asked to approve the minutes from, 4/27 & 5/9 2023 meeting, Richard made a motion to approve

No old Business

New Business CUP 18005 & 8006 Hamm Renewal

Rich asked if anyone was here on behalf of Hamm to speak for them or if Darin wanted to speak first. Darin stated that they could go first. Rich instructed that they introduce themselves. Bob Ralls from Olathe, KS Director of Genealogy at Hamm spoke that he is here to renew 2 CUP's. They had acquired the business from Mid States in 2021 where they took over the Cadmus Quarry and LaCygne Quarry. Mid States had existing CUP's at that time and are expiring in the coming months and that is why we are here. They would like to renew. Hammond South has been around since 1954 with headquarters in Perry KS. We have several locations over Southeast KS as well as sister companies in Wichita. The operations here are well suited for the area, they have good rock, located close to the highway, no neighbors close by, and a lot of our rock is purchased by Linn and Miami County. Those Quarries only crush a few months a year. There are 2 Properties 18005 & 18006. We did add 24 acres to 18005 on the south side. From 50 to 74 acres. As for regulations, we do meet all County and State regulations and permits and are up to date and have the data to support. Bob asked if there were any questions for the Board of Commissioners. Fred asked where exactly Perry is. Bob explained NE of Lawrence, KS near Clinton Lake. Rich asked if Bethany was good rock. Bob explained that in Kansas it drills well. It is used for gravel, asphalt, and concrete. Rich asked what the normal depth is of digging Bob says normal is 20-30ft and 30-50ft is where you will find Bethany rock. Paul asked what are your plans for the foreseeable future? Bob stated that sales are growing and strong at over \$100,000 a year. Especially with the obvious growth coming down the highway. Fred asked for his phone number 913-209-9914. Charlene asked to confirm all regulations are State not federal. He confirmed yes State.

Darin gave his findings for 18005 & 18006

Staff Report
Case # Renewal CUP18005

Hearing Date: June 13, 2023

Date Prepared: June 1, 2023

Applicant: Hamm Construction Inc.

Requested Action: Consideration of Renewal of Existing CUP for Quarry

Legal: S32 , T19 , R23 , ACRES 153.8 , SW4 EX BEG
105'N SW/C TH E 181 .5 N 641 NWLY TO W LN
SW4 S TO POB LESS RD

Location: Commonly addressed as: 11238 W. 2200 Rd. Fontanna
Ks. 66026

Current Zoning: A/Agricultural

Zoning and Uses Nearby: Zoning – A/Agriculture

Notice: Notice was properly posted in the Official County
Newspaper on May 24, 2023. In addition, notice
was sent to owners of all properties within 1000'
Pursuant to State Law and the Linn County Zoning
Regulation.

Affected Zoning Articles: Article 4.02 (Page 21- 23)
Article 4.03 (Page 23)
Article 10.03 (Pages 48 – 49)
Article 10.07, § 38 & § 39 (Page 53)

Comp Plan Segments of Note: Planning Framework Overview (Page 32) and Map
(Page 33) of Comp Plan.
Acceptable Land Uses:
* Residential,
* Agriculture,
* Commercial uses,
* Urban Mix,
* Mixture of Agriculture and Agri-business,
* Public/Institutional
* Parks/Recreation

Comments/Questions received: SEE NOTES ON SEPARATE PAGE(S) AT TIME OF MEETING, IF ANY.

Analysis:

Adjoining properties are zoned Agricultural. The subject property is currently zoned as A/Agricultural. The property is fronted along KS 7 HWY, utilizing a singular ingress/egress. This application for CUP is to permit the applicants' desire to be authorized to continue to operate a Rock Quarry. All necessary notification to surrounding landowners has been properly made by

United States Postal Service and Publication of Notice of Hearing in the official county newspaper.

Staff Finds:

1. The use does fit with the **character of the neighborhood** as all nearby properties are Agricultural.
2. The **zoning of nearby properties** are Agricultural.
3. The property is **suitable for proposed use**.
4. The proposed use will not **detrimentally affect nearby properties**.
5. Property will remain as **currently zoned** as Agricultural and has not been vacant. The applicant Currently lives at property.
6. The proposed use would not detrimentally affect the **public health, safety, and welfare**, and would benefit public welfare by providing a boost to local economy.
7. The requested CUP **conforms to the Linn County Current Comprehensive Plan**.
8. **Staff does recommend** approval of this CUP with recommendations of
 1. Property shall be used as a quarry, asphalt and concrete plant
 2. Conditional Use permit shall be valid for a period of ten (10) years. And with findings from Golden vs. The City of Overland Park.

Respectfully submitted,
Darin Wilson
Linn County Ks.
Planning & Zoning Director

Charlene made a motion to approve with 5 year because of the change of hands. The conditions that they maintain all State regulations. Fred asked if went with Darin's Recommendation Rich clarified for Fred no 5 years. Then asked Charlene if her recommendation was in line with Darin's and she stated no for 5. She Because it changes hands and we do not know what the next company will be like and this way we can kind of regulate it. Rich stated the motion is for 5 years. Dave second the motion. Rich called for Discussion; Paul said just for sake of discussion there was another quarry we did this with similar circumstances we approved for 10. Dave said 10 years is a long time for people to be upset. Mike asked do we have the right to revoke a CPU at any time. If they are breaking a condition. Rich said if they are breaking conditions. We would have to put the conditions on there. Dave explained, we have been there, we have been there with this quarry with previous owners. Dave gave examples of what happened in the past with those quarries and how many unhappy people there were. Rich made a motion for 5 years. Passed unanimously.

Rich asked Darin what was next on the agenda.

Rich then backed up and called Z23-03 Mr. Campbell: Cole Campbell
Mr. Campbell inherited this house and land and would like to sell 3 acres of his land. Dave asked about entrances. Rich clarified the location for Mike. Rich asked any more questions, no questions.
Rich asked for Darin findings.

Darin gives his Staff report.

Staff Report

Case #: Z23-03

Applicant:	Cole & Hope Campbell 7771 SW. County Rd. 8007 Rich Hill, Mo. 64779
Requested Action:	Approval of Re-zoning from the A-Agricultural Zone To the AG/Ag Residential Zone for lot-split purposes.
Legal:	S30, T22, R25, ACRES 39.6, BEG 714.66 S NE/C NE4 TH S 135 5.02 W 980.53 N 419.74 W 511.5 N 882.24 E 867.5 N 71.97 E 617 .8 TO POB LESS RD
Location:	commonly addressed as: 5820 Ungeheuer Rd. Prescott Ks. 66767

Analysis:

The applicant has been approved for a lot split of 3 Acres to sale or lease. Under current zoning (A-Agricultural) the parcel is below the minimum (10 Ac) size and requires re-zoning as AR-Agricultural/Residential

Staff recommendation and finding:

- 1) The proposed zoning change conforms to the character of the neighborhood by providing the combined usage.
- 2) Neighboring A and AR – Agricultural and Agricultural/Residential zoned properties and are of larger size.
- 3) Property is suitable for permitted uses of the proposed AR/Ag-Residential zoning and will not negatively affect nearby properties.
- 4) The proposal for re-zoning of the land creates no change or effect of surrounding properties and not create any additional infrastructure needs.
- 5) The proposed change conforms to the Comprehensive Plan by allowing more land to be kept in a larger agricultural parcel and not changed to a residential designation.

The standards that should apply is listed in Article 16.05 (4) (A-H) and with proper finding as required in Golden vs. the City of Overland Park and is located upon page 88 and 89 of your book. Staff recommends approval of the application.

Darin Wilson
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Mike made a motion to accept Z23-03 for the Zoning passed unanimously.

Richa called Z23-04 Thies. Ms. Thies would like 2.5 acres for split so her son to build a home on. Rich asked the placement of the driveway and if anyone had any more questions.

Darin gave his report.

Staff Report

Case #: Z23-04

Applicant:

Eric Thies
16349 Young Rd.
Pleasanton, Ks. 66075

Requested Action:

Approval of Re-zoning from the A-Agricultural Zone To the R1/Residential Zone for lot-split purposes.

Legal:

S35 , T20 , R25 , ACRES 21.9 , BEG NW/C
SW4 TH N 412.5 E 1333 .6 S 766.63 W
1333.41 N 353.43 TO POB LESS RD

Location:

commonly addressed as: 0000 Young Rd. Located South of E. 1750 Rd on Young Rd. Pleasanton Ks. 66075

Analysis:

Applicant has been approved for a lot split of 2.25 Acres to sale or lease. Under current zoning (A-Agricultural) the parcel is below the minimum (10 Acres) size and requires re-zoning as R1/Residential

Staff recommendation and finding:

- 1) The proposed zoning change conforms to the character of the neighborhood by providing the combined usage.
- 2) Neighboring A and AR – Agricultural and Agricultural/Residential zoned properties and are of larger size.
- 3) Property is suitable for permitted uses of the proposed AR/Ag-Residential zoning and will not negatively affect nearby properties.
- 4) The proposal re-zoning of the land creates no change or effect of surrounding properties and not create any additional infrastructure needs.
- 5) The proposed change conforms to the Comprehensive Plan by allowing more land to be kept in a larger agricultural parcel and not changed to a residential designation.

The standards that should apply is listed in Article 16.05 (4) (A-H) and with proper finding as required in Golden vs. the City of Overland Park and is located upon page 88 and 89 of your book. Staff recommends approval of the application.

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Rich asked if anyone questions for Darin

Paul asked for clarification on the pond placement to make sure there wasn't a possibility of cutting any future owners' water supply off. Ms. Ties and Darin both explained that the map he was looking at was not very clear, but the water source in on the 2.5 acres.

Rich made a motion to pass, passed unanimously.

Rich adjourned the meeting


Chairman


Secretary

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

June 26, 2023

Richard Morrell called meeting to order at 7:00 PM

Pledge of Allegiance

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Mike White, Elizabeth Staton, Fred Kautt, Dave Burgland, Charlene Sims, Ed Anderson, Joab Ory

Also, in attendance was Planning & Zoning Director Darin Wilson and Jim Kaup

Richard explains that this is a Special Meeting, and that action can be taken. Richard also acknowledges that there will be no public comment. Richard explains that they are in the home stretch of finishing the zoning regulations. Richard explains that this is to go over findings that were sent back from the County Commissioners. Rich said that there is 6 issues that they are looking for clarification on.

Rich asks for a motion whether to except public comment. Dave Burgland makes a motion to not to except public comment. Mike White seconds the motion. Rich asked for a vote it was unanimously not to accept public comment.

Rich turns the meeting over to Mr. Kaup. Mr. Kaup explains the process to get where they are at. It was presented to the County Commissioners, and they have sent a few items back for further review. 6 items with solar regulations and 1 with wind. Mr. Kaup explains that it is not an issue of law if they want to discuss other things that they may want to change and present to the commissioner. Mr. Kaup sent drafts out to the Planning and Zoning Commission for their review before the meeting. Mr. Kaup asked to go through the changes and then vote. Mike White asked if he was correct that Article 14 about solar regulations were to change somethings. Article 15 was to just do findings for wind regulation.

Solar Regulations. 14-406 The cap on acreage.

He asked if they are comfortable with raising the cap from 4000 to 8000 acres. Mr. Kaup asked for feedback because he is presenting the regs to the commissions and wants to make sure he has the answers if they ask. Mr. Kaup explains that the county commission could come back and ask that the cap be raised or lowered in the future. Mr. Kaup explains that is only 2 percent of the total acreage of the county. Dave Burgland agrees with Mr. Kaup on that figure. Everyone is comfortable with making that change. Mr. Kaup explains that there is no way of knowing how many companies could possibly come in and apply for a conditional use permit. Dave explains that only one company has said something about doing something for the county. If the companies step on the toes of the people with property may not want anymore. Mike White says the largest solar farm in Kansas is 144 acres. Rich asked Mr. Kaup if he wanted P&Z to adopt his words into their words. Mr. Kaup explains that it becomes their words after a vote. Rich asked if there is any changes that anyone would like to be made. Rich calls for a vote. Charlene makes a motion to except the changes. Dave seconds the motion. The vote passes unanimously.

Solar Regulations 14-405

Change the Power Purchase agreement. Mr. Kaup proposes some different language. If there is an agreement at the time of the application that they may at their discretion provide that. Dave says that P&Z should not be in their financial business. Mike asked if the word Shall can be substituted for the word Must. Mr. Kaup explained that the word shall is consistent with the rest of the regulation. Richard

calls for a vote. Mike makes a motion to except the change in the Power Purchase Agreement. Elizabeth second the motion. The motion passed unanimously.

Article 14-409 Prime Ag Land

Mr. Kaup says that he has said that it is common to preserve prime ag land. He also said that seen the Douglas Counties Regulations. The commissioners have asked for specific findings for the purpose of keeping the prime ag land in the regulation and at 50 percent. The original draft says 50 acres of prime ag land. There was no feedback at the Public hearing. Finding 1 that there is some limitation on how much prime ag land can be used which fits into the goals of the Comprehensive Plan. The road on the site could have minimal impact on the ag land consumption. Prime Ag Land is being taken out of production. Look at grading plans and impact on prime ag land, storm water runoff. Mr. Kaup says 75 Percent. Dave Burgland makes a commitment about a solar farm that he does not have the same outlook that he had on a solar farm as he did after being taken to one. Points out the land is not disturbed. He is more comfortable that the land can be put back into production after a solar farm is moved out. Dave says he changed his mind on setbacks also. He says that it doesn't look as bad as people would think. They are not a trashy operation. Charlene asks who is going to determine what is a prime ag land. Paul points out that the usda has a way to tell it. Who is responsible to find out what is prime ag land. Mike and Mr. Kaup say it's up to the applicant. Mr. Kaup says 75 percent is a good number. Mike asked Mr. Kaup what his reasoning was to make the change to 75 percent at 160 acres. He answered that it is better for a larger tract of land. No restrictions under 160. 75% above 160 acres. Mike says that he wants to stay with the 50%. Joab asked if there would be a snowball effect. Mike says that even though they can be taken out without damaging the ground. There is still time lost of production of food. Rich added that he appreciates Mikes concerns. Mr. Kaup says they are just numbers and that can be amended in the future with the approval of the county commission. Rich asks for a motion. Dave makes a motion for less that 160 acres there is no need for a percentage of prime ag land to come into play. Anything over 160 acres will be 75%. Ed seconds the motion. Fred adds more discuss, and says he agrees with Mike. Charlene says that it would benefit Heartland Electric with their CUP. Paul explains the USDA's point on Prime Ag land. Paul wants to stay close to the Comprehensive Plan and the 8 Golden Rules. Paul feels it should be tight on the Prime Land because of those reasons. Paul would like to keep it at 50%. Charlene comments that's why we must find findings to support the decision. Rich asked to spit the vote on acreage and percentage. Rich asked for motion on 160 acres and under. Charlene makes the motion. Dave seconds it. Motion passes 6 to 3. Motion to keep prime land at 75%. Dave makes motion and Charlene seconds it. Motion does not pass. Mr. Kaup said that he would make the changes to findings.

14-410 Wildlife Corridors

Rich said that they were ok with doing away with them. Mr. Kaup asked to look at the proposed findings to back that decision. Dave flagged down a game warden at the game preserve. They said that it is not that big of deal to have them. Wildlife and parks said that if you funnel them the predators will adjust and make it easy for predators. Motion to strike wildlife corridors from the regulations. Dave makes the motion and Rich seconds it. Motion passes 8-1.

14-701 Buffer Plan

Would like to change the setbacks. Darin said standard setbacks are 65 ft on front 35 on sides and 35 on back. Charlene asked about the vegetation in the setback. Dave says vegetation is not that bad. Charlene talks about if it is too much it can affect the solar farm itself. Mr. Kaup says the max height is 15ft. and a 65ft setback. Dave says they cannot do that but we're saying they don't have to. Mr. Kaup asked to do away with vegetation. Rich answered yes. Fred said who said they must be trees. Rich says to divide buffer and setback distances. Motion to do away with vegetation buffer zone. Rich makes that motion

and Dave seconds it. Motion fails. 4-5. Darin said that the planning commission has the authority to adjust the setback and the buffer zone. Paul says that no one wants to look at solar panels that are in an industrial area and their residential area must look at them. Mr. Kaup explains that there is still regulation from houses. Setbacks and vegetation on public roads apply to public roads.

Mr. Kaup explains that there must be 500 ft. from a dwelling on domestic. Dave asked if this could be discussed per site. Is the view for the people driving down the road or is it for the neighbor living there. Mr. Kaup explains the rest of the regulation with the setbacks and the vegetative cover. Paul asked Dave if he was ok with the planning and zoning having the authority. He says he is ok with that. Charlene asks what the point is to have different setbacks for different areas. Mike said the reason they came up with that cause of the density of the solar farms. Elizabeth says she likes how it reads and wants to go with that. Mike agrees. Elizabeth makes a motion to reduce the setbacks. Jobe seconds the motion. Passes unanimously.

15 Prohibition

Mr. Kaup said that the consensus was to adopt the prohibition on commercial wind. Dave spoke up and said that is not the consensus that he is for landowner rights and is against prohibition. Dave thinks landowners should be able to use their land the way they want with regulations not to abuse the neighbor's property. Charlene thinks Linn County need strict regulations to protect the county verses prohibition. Dave does not want to take rights from other people nor want his rights to be taken away. Rich explains that the opposing side of that was set out in the Comprehensive Plan, by taking surveys and people voicing how they feel about wind energy. Charlene says the survey is not accurate because the whole county didn't vote. She said that only about 500 people voted with a population of about 9000 registered voters. Charlene makes a point of the legislature makes it like cell towers. Mr. Kaup explains that the BOCC are asking for findings to support the recommendation of the prohibition. He says that he doesn't think they are asking to change what they presented. Mike points out that what Gary Thompson has asked them to do, is to find findings to support their recommendation. Mike says he is ready to move forward with the findings as is. Rich asked Darin if this is what the BOCC wants. Darin explained the the BOCC had asked for the regulations that was written originally on the Wind Energy. Darin had sent them to the Commissioners, and this is what they had sent back for the Planning & Zoning to consider changing. Darin said they asked for finding to support the prohibition. Rich asked Mike to make a motion in support Mr. Kaup finding for prohibition on Commercial Wind Energy in Linn County. Job seconds the motion. Passes 7-2

Mr. Kaup said he wants to talk to Gary Thompson about the changes and how he wants to distribute them to the Commissions. Rich said let the record show how appreciative the P&Z are of the work Mr. Kaup has performed on the regulation.

Rich adjourned the meeting.

Chairman



Secretary



Minutes of the Linn County Planning Commission and Board of Zoning Appeals

July 11, 2023

Richard Morrell called meeting to order at 7:00 PM

Pledge of Allegiance

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Mike White, Elizabeth Staton, Fred Kautt, Dave Burgland, Charlene Sims, Ed Anderson.

Also, in attendance was Planning & Zoning Director Darin Wilson

Rich call for Hawbaker CUP21-09

Darin gives his staff report. Mr. Hawbaker came in 2021 and he never got started on the storage units within a year of the time the CUP was issued. I reached out to him to find out what the delay was. Mr. Hawbaker explained what had happened and Darin asked him to come in and explain to the Planning & Zoning Commission so he could possibly get another year to start. Without it being revoked. Rich asks Mr. Hawbaker to come and speak. Mr. Hawbaker explained that he quit his job and had no income. Now he is self-employed. Now that he has been in business for himself after a year he is prepared to move forward with his project. He says that there is no plan to change anything. Dave asked if he got an entrance from the state on KS HWY 7. Mr. Hawbaker said that the state came out and widened his drive and he can use a common drive for both. Rich asked for comments from the gallery. Charlene asked about the findings that deal with the public safety and welfare. Darin answered that hit had been taken care of by widening the entrance to the property off of HWY 7. Dave makes a motion to give Mr. Hawbaker a year extension on his CUP. Ed seconds the motion. Passes unanimous.

Rich calls for Case CUP 23-01 Regina's Rescue

Darin gives his staff report. Darin explains that it had been tabled for the reason of waiting on inspections from the state. Darin says that he got the inspections and that had talked to the State Inspector that inspected the property. Darin also explains that the staff findings are still the same from when it was originally heard on February 14, 2023. Darin explains that he has been to the site and the kennels are well maintained and clean. He also said that he sat out on the road for about 20 min to listen to how loud the dogs were. Darin said for that amount of time he heard minimal noise for a short time. When he first got there the dogs barked a lot and then calmed down and didn't make any sound after about 10 min. of being there. Darin also went out on 7/8/2023 at 7:30 pm and sat on the road for about 20 min. He said that there was no barking that he could hear. After speaking with the state inspector, they said that she has not been in compliance with the state, and they were taking action to revoke her license. They had here signed an affidavit to come into compliance with them and she has not met those requirements. Staff does not recommend approval of this CUP. Dave someone from Regina's Rescue to come up and speak. Wes Moore, a volunteer from the rescue got up and spoke. He said that the information was news to him that the state was looking to revoke the license. He explains that they provide a service for the County to get stray animals from roaming around. He explains that if they had a building that they could control noise and atmosphere for the animals. It's not about expanding, its about having a better environment for the animals. Right now, they are feeding a 100 lbs of food a day. He also said that the cupboards are bare because they have not received any help. People being negligent with their animals does not help the county. Dave asked him if they are working to solve the problem with the state. He thinks one problem is that they didn't have roofs on some of the kennels. Chain link fence is wired back together that is not in compliance with the state. Wes explains that they

make a stainless-steel zip tie to fix the fence that the state will except. Charlene asked him what was on the affidavit. Regina said that if they fail another inspection that they could close the rescue down. She also said that they did not fail another inspection, that they just got an unsatisfactory. Regina says that there are complaints filed about them constantly. Charlene also asked if they got the drainage fixed. They explained that a building would solve a lot of the problems. Regina said that she spoke with the inspector the day before the meeting. Charlene asked Darin when he spoke with the inspector. Darin said this morning. (Morning of the meeting). Kim with Regina's spoke. She said that they found out information about dog food. A place out of Kansas City was going to donate a trailer of dog food to them. She also explains that its about \$100 for shots to vaccinate the animals when they get them. They are trying to do the best they can do. She explained that a building will help them keep up with the sanitation and keep cleaner. She said that there is a lot of community support. But there is a lot that is not in support of this and its mostly neighbors. Ed asked what they do with the feces. They take it out back and burn it. It is mixed with straw and ag lime. It gets cleaned up every day. Ed asked if they would have a septic tank with the new building. They said yes. Ed asked what the time frame would be. Regina said it would take about a year. That they have the funds to do it. They have money in savings, and they had a RV donated to them to sell and use that money toward the building. They have sold the RV. Regina said that a builder is hard to find. Rich asked when if a year it would be done or started. They said that it would be complete and that they do have the funding to do the entire thing. Paul asked about a current license. Regina said it is in the packet that they handed out. Paul says it expires September 30 of 2023. Rich asked if anyone else would like to speak. Mr. Cody came forward and said he has property in the same area as Regina's. He says the noise is constantly a problem. He asked if the funding is there for a building and why they have not moved forward. He asked where the funding was coming from. Where is the dog food coming from. Charlene asked if the rescue was there before he bought his place. He said yes. Charlene commented that there had been false reports about Regina's. Charlene tells a story about her place. Here neighbor raised hogs. Charlene done everything she made every effort to get along with that neighbor because they were there first, and she should have checked into the place better before they bought their property. Tom Kemper came and said he lives about a half mile away from Regina's. His concern is the noise. He said there were several people there to talk about the noise. More dogs mean more noise. He wants less dogs. He wants everyone to come to his house and listen. Charlene said Darin was out there and he didn't hear them barking. Mr. Kemper told the Planning and Zoning Commission that they have a duty to respect his interest as well as Regina's. Charlene asked how long Mr. Kemper had lived there. Mr. Kemper said that he has never talked to the state. Tina Cody asked about how many animals they will have in this new building. Regina answered 40 and a space for cats. There was a question if there was a noise ordinance in the county. Darin answered no. Patty Fisher from the rescue states that they are not the only dogs in the area. There is a breeder in the area. Dennis Barrett has no issues with what she is trying to do. She says that he agrees that the building would help. He wants a limitation on dogs from Linn County. He is commenting on the cost of the building. Says that he lives up on a hill and has never seen burning feces. His main issue is the limitation of animals. Charlene asked Darin about the building. Darin explained that the building was part of the CUP. Regina said that they have gotten grants for the building. Dave asked Darin if there is people applying human waste to fields, Darin answered yes. Dave asked if there were kennels operating a lagoon in Linn County. Darin answered yes. There is no code on what type of feces can go into a lagoon. Dave said he can also hear cows bawling in the mornings and he hears Walter's kennel during the day, also hears Burlington Northern going down the tracks. Dave said with civilization it brings problems. Dave says people should work more with each other to resolve problems. Another citizen came forward and said that he must take his hearing aids out when he goes outside due to the level of the dogs barking. Said without his hearing aids he three quarters deaf and can still hear the dogs barking. Can they prove they have the money to build this facility. He feels bad that the people that live around the area must deal with the problem. Darin

gave the Planning Commission three options. They could vote yes or vote no or table it again until further information comes from the state about the revocation of Regina's license. Darin explains that in his conversation with the state, that if they were not a licensed rescuer how many dogs could they have. The state says they can have 19 personal dogs and not have to have a license. Darin explains the problem with that is that the county regulation allows 4 dogs. If they have more than 4 dogs they must get a CUP. If they get the CUP for more than 4 dogs and stay under what the state says of 19 personal dogs, they cannot adopt any dogs out because that puts them in violation with the state as being a rescue. Mike says their hands are tied until P&Z hears what the state decides. Darin's recommendation is table it until Sept. 30., to see if they renew the license or revoke it, or if something is done with the state before then. Paul was confused about the date it was printed. It shows the date it was printed not the day it was issued. Charlene does not want to vote on the issue. Everyone agrees that it should be tabled. Paul feels the building needs to be built. He states that the cart got put before the horse. Charlene makes a motion to table until Oct. 10, 2023. Fred seconds the motion. Vote unanimous to table.

Darin speaks about the terms of the P&Z Board. He explains that Dave and Fred term was up and the BOCC have made there appointments for replacement.

Rich adjourns meeting 8:05 Pm.

Chairman



Secretary



Minutes of the Linn County Planning Commission and Board of Zoning Appeals

August 15, 2023

Richard Morrell called meeting to order at 7:00 PM

Pledge of Allegiance

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Mike White, Elizabeth Staton, Daniel Earnest, David Fisher, Charlene Sims, Ed Anderson

Richard talks about the Planning and Zoning Commission and introduces the new members. Daniel Earnest and David Fisher. Richard says he Really enjoyed this this committee because of this Commission testing Commission because we're diverse group when we're young and we're old we're working with a lot of different areas and that we have a lot of different interests and I think that diversity really helps us along and makes us strong Commission and it's we're doing that in this scenario being part of that.

They accepted the minutes from the last meeting. Mike makes a motion to approve the minutes. Elizabeth seconds the motion. Motion passes 8-0

Rich calls case SD23-01 Boley Plat

Christopher Boley came to explain why he wants to re-plat. It is to make another 15-acre lot to sell to his daughter and son-in-law.

Richard asked Darin for staff report.

Staff Report
Case# SD 23-01

Applicant:

Christopher Boley
24505 Query Rd.
LaCygne, Ks. 66040

Requested Action:

Approval of a RE-Plat of BD Ranch 11 to add
A 15ac parcel.and adjust a parcel line back. It will
create 3 parcels as shown on the Final Plat Map.

Legal:

BD RANCH, S21, T19, R24, Lot A, ACRES 35.5, LOT A BD
RANCH SECTION 21 TOWNSHIP 19 RANGE 24

Location:

24505 Query RD.
LaCynge, Ks. 66040

Background:

This has been Platted before, into a 35.5-acre tract of land and a 10.01 tract of land. The

Request now is to split the 35.5-acre tract into a 15 acre and a 18.02 acre and add 2 acres to the 10.01 tract. With the original lot split it required the properties to be platted. With the request now requires the properties to be RE-Platted for the intended split. The added tract is for the purpose. of Mr. Boley's daughter to build a house.

Staff Findings:

- 1) The proposed use of the property is agricultural in nature and conforms to the Neighborhood.
- 2) There are other similar tracts of land near the proposed location.
- 3) The proposed change will not detrimentally affect nearby properties.
- 4) Property will not adversely impact existing infrastructure.
- 5) Proposed use conforms to the Comprehensive Plan.

Staff recommends approval of the RE-Plat of the BD Ranch 11.

Richard asks if the gallery had any comments. Then he asked if anyone had a motion. Daniel made a motion to accept the recommendation. Charlene seconded the motion. Motion passes 8-0

Rich calls for case Z23-05 Hays

Mark Hays came forward and explained he wants to do a lot split, but the one parcel has to change zoning.

Rich asks Darin for staff report.

Staff Report

Case #: Z23-05

Applicant:

Mark Hays
24830 County Rd. 1077
Parker, Ks. 66072

Requested Action:

Approval of Re-zoning from the A-Agricultural Zone
To the CS/Country Side Zone for lot-split
purposes.

Legal:

S22 , T19 , R22 , ACRES 25.4 , S2 N2 NE4
LYG E OF CREEK LESS ROW

Location:

commonly addressed as: 24830 County Rd. 1077

Analysis:

Applicant has been approved for a lot split of 4 Acres to sale or lease. Under current zoning (A-Agricultural) the parcel is below the minimum (10 Acres) size and requires re-zoning as CS/Country Side

Staff recommendation and finding:

- 1) The proposed zoning change conforms to the character of the neighborhood by providing the combined usage.
- 2) Neighboring A – Agricultural zoned properties and are of larger size.
- 3) Property is suitable for permitted uses of the proposed CS/Country Side zoning and will not negatively affect nearby properties.
- 4) The proposal for re-zoning of the land creates no change or effect of surrounding properties and not create any additional infrastructure needs.
- 5) The proposed change conforms to the Comprehensive Plan by allowing more land to be kept in a larger agricultural parcel and not changed to a residential designation.

The standards that should apply are listed in Article 20 and with proper finding as required in Golden vs. the City of Overland Park. Staff recommends approval of the application.

Rich asks for question for Darin. Ed asked Darin if a new driveway had to be put in. Yes, a new driveway has to be installed, replied Darin.

Rich asked if there was a motion. Charlene makes a motion to approve. Mike seconds the motion. Passes 8-0

Richard calls CUP23-04 Tillman

Patrick Erwin comes forward and speaks. He explains the purpose of the application is for a 405 ft guyed tower in a 75x75 ft compound. Explains that it does meet the County requirements for the setbacks. The first thing Mr. Erwin does when tasked to build a new tower is to check if there is any towers in the area that would meet the needs of his client. The closest one is American Tower which is about 1 mile away. He said that Verizon and American Tower could not reach an agreement. Verizon said that they were not reasonable to work with. Other tracks of land would not work in the area because with a 405 ft tower they need a bigger parcel of land so it could meet the setback requirements. They found one at the location described in the staff report. The FAA has approved this location. Patrick talked about the road Perry Lane. Perry Lane is not a county-maintained road. The McVicker's built that road to have access to their home that they built. Patrick said that he contacted McVicker's and worked out an agreement with them to maintain the road and repairs. Patrick said that he would suggest a condition be put with the CUP that the tower company will maintain and repair the road. They will video the road before and after to show they maintained it too as good if not better. Mike asked the McVicker's if this was the only access to their house. Mr. McVicker said yes, it is. Patrick explained the first thing they do is build the road so they can get their heavy equipment into the construction site. Mike asked where the county road ends. Darin explained that location and who maintains what. Daniel asked if the road agreement was in writing. Mr. McVicker's said that he wanted it on record. Charlene asked if the tower will have contact information posted. Patrick answered yes, there will be contact information onsite for emergency information. David asked about lighting. Patrick explained there will be 4 locations of lighting

installed on it. David said that the FAA only requires 2 elevations of lighting. Patrick said if that is the case, they will only put lights in 2 elevations. Charlene asked how soon they would get out to make emergency calls, like for lighting. Patrick said maybe 5 to 7 days, depending on parts and tower climbers. Mike asked about on demand lighting. Patrick said that it was not cost prohibitive. David said that the cost is coming down on the lighting. David asked if Verizon did a search ring on the location. Patrick said yes, they did. David asked for that to be shared with Darin. Patrick explained they do a 1-mile ring around the tower location. David asked what will happen to the old American Tower. Charlene asked what kind of conditions is usually put on towers in other counties. Patrick said that usually if it is not used for a year it has to be tore down. Daniel asked legally, what is the tower companies' responsibility of that road. Patrick answered nothing by law but wants to have a good relationship with the property owners in the area. Charlene said that we can make that a condition as part of the CUP. Mike asked does the agreement say how the road will be maintained. Rich said that if there is a video of the road before and agreed to make it as good if not better there should be no question of how well it was maintained.

Rich asked For the Staff Report

Staff Report Case # CUP23-04

Date Prepared:	August 4 th , 2023
Hearing Date:	August 15 th , 2022
Applicant:	Skyward Land Services Inc. c/o: Patrick Erwin PO Box 25783 Overland Park, Ks. 66225 913-626-4440
Requested Action:	Consideration of a Conditional Use Permit for the construction and operation of a 405' guyed tower, and 75x75 foot lease area.
Property Owner:	Loma Land and Cattle LTD Attn: Robert Thayer 8001 College Blvd. Overland Park, Ks. 66210
Location:	Generally addressed as: Scott Road LaCygne, Kansas 66040 (PID#: 094-17-0-00-00-007.000) Sec 17, Twn 20, Rng 24

Legal: A 75 Foot X 75 Foot Compound located S17 , T20 , R24
ACRES 38.9 , NE4 OF SW4 EX E 30'

Current Zoning: A - Agricultural

Notice: Notice was properly posted in the Official County
Newspaper on July 26th, 2022. In addition, notice
was sent to owners of all properties within 1000'
Pursuant to State Law and the Linn County Zoning
Regulation.

Property Uses Nearby: Nearby properties are A/Agricultural

Affected Zoning Articles: Article 5-3 Zoning Regulations
Article 16 16-201

Comp Plan Segments of Note: Planning Framework Overview (Page 32) and Map
(Page 33) of Comp Plan.
Acceptable Land Uses:
* Residential,
* Agriculture,
* Commercial uses,
* Urban Mix,
* Mixture of Agriculture and Agri-business,
* Public/Institutional
* Parks/Recreation

Zoning and Uses Nearby: Zoning - Agricultural, Agricultural/Residential,
Residential, & Heavy Industrial

Comments/Questions received:

Analysis:

Most adjoining properties is Agricultural. The subject property is currently zoned as Agricultural and used for that purpose. Proposed use could be defined as a service utility or commercial use of the current plan and allows for them to be placed in the rural area of the county, after careful review of potential impacts on existing road and infrastructure. The proposed tower would sit within a 75-foot by 75-foot leased area and is a guyed tower. It would therefore take little land out of agricultural use. The applicant states that this is in cooperation with multiple carriers. The applicant can meet the setback requirements of equal distance from the property line as it is in height. All necessary notification to

surrounding landowners has been properly made by United States Postal Service and Publication of Notice of Hearing in the official county newspaper.

Staff Finds:

1. The use does conform with the **character of the neighborhood** as most nearby properties are Agriculture and Agriculture with residences, Industrial.
2. The **zoning of nearby properties** is Agricultural
3. The property is **suitable for proposed use**.
4. The proposed use does not appear to **detrimentally affect nearby properties**. Spoke with Tillman about the private road. They have worked out with the landowner that they will repair the private road leading to the properties.
5. Property will remain as **currently zoned**.
6. The installation of this tower will enhance cellular service in the area so there is a gain to the **public health, safety, and welfare**.
7. The requested CUP conforms to the **Linn County Comp Plan**.
8. At this time **Staff recommend** approval of this CUP,. With proper finding as required in Golden vs. the City of Overland Park.

Micheal McVicker asked how the guides for the tower will lay. From the road it will be 0, 90, 180. Mr. McVicker asked how far the setback is. Elizabeth said it's 250 ft from the road the closest guyed. Rich asked if there was any more discussion from the gallery. Mike said he thinks the stuff should be submitted to Darin before they approve the permit. Charlene said she doesn't think it should be. Her suggestion is that Darin won't issue a building permit until everything is submitted to him. Mr. McVicker said he was ok with that. Since the building of the tower can be controlled until the road agreement is signed and submitted to Darin. Rich asked if there was a motion to accept the CUP. Conditions: Meet the FAA requirements. Aeronautical study meets 2023-ACE-2203-OE Meet the signed road agreement and Maintenance. The road is maintained to the entrance of the tower. 1 year to have constructed. Emergency contacts information. Rich asked for a motion to pass with all the conditions set forth. Rich asked for a motion. Charlene makes a motion with the findings of the staff report and the condition listed above. Passes 7-1. Paul disagrees that it is not detrimental to the neighboring properties. That it is not needed when there is one in the area already built. Darin said he will look at the condition on the American Tower.

Richard adjourns the meeting.

Chairman



Secretary



Minutes of the Linn County Planning Commission and Board of Zoning Appeals

September 12, 2023

Richard Morrell called meeting to order at 7:00 PM

Pledge of Allegiance

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Mike White, Elizabeth Staton,, Dave Fisher, Charlene Sims, Ed Anderson.

Also, in attendance was Planning & Zoning Director Darin Wilson

Rich asked for approval of the minutes from the previous meeting. Charlene made a motion to approve the minutes. Mike White seconded the motion. Approval passed 7-0

Darin asked for 10 minutes of executive session with the planning and zoning commission and Gary Thompson. Charlene made a motion to go to executive session. Mike White seconded the motion. Passed 7-0

Rich brought the meeting back to order. Rich reads:

A Citizen has requested to be on tonight's agenda to discuss solar development. We have granted the request. However, first we need to make several things clear.

The Planning and Zoning Board currently has no active cases on its schedule relating to solar development. Therefore, any discussion of solar development at this time must be general in nature. With no application made or pending, it would not be appropriate for the Board to make any comment about any specific possible application. Therefore, the Board will not be responding to any of tonight's presentations on solar development.

Let us stress that this meeting is NOT a public hearing or a public forum. Speakers on the agenda are there at the sufferance or invitation of the Board. There is no other option to address the Board. This is the Board's meeting. It occurs in public, but it is NOT a meeting OF the public.

The Citizen who has requested a spot on the agenda will be allowed 10 minutes to make her presentation. In addition, we have invited representatives of two solar development companies to make 10-minute presentations. There will be no ther presentations on this topic tonight.

The Planning and Zoning Board welcomes further input on solar development. We prefer that such input be presented in written form. All input will be collected for the Board's later review at the appropriate time during any solar development conditional use application process. Until received as public record. Input may be delivered to Planning and Zoning Director Darin Wilson. Until that appropriate later date, the Planning and Zoning Board will not spend further time in its meetings dealing with this subject.

Gary Thompson asked Rich if he wanted him to explain the process of the meeting. Gary says 2 to 2 ½ years ago they started the process of the comprehensive plan. Then a year or so later the county started the process to revise the zoning regulations. With both the Comp Plan and the Zoning regulations there were public hearings for both. Once the zoning regulations were put together there was a public hearing on April 27th, 2023. At that time of the public hearing that is when the citizens can come and voice their concerns. After the public hearing the Planning Commission with take the public feedback and discuss any changes that they would like to make. Then they take it the Board of County Commissioners. They were approved in July. At that time there were 2 chances to make appeals. 1-is between the Planning Commissioner and taking it to the County Commissioners there is a 21-day protest petition. At that time

the public has a chance to enter the petition and make comments about the regulations. After the regulations were approved in July by the County Commission there is another 30-day period the public has the opportunity to file a petition in district court about the regulations. Once the 30-day period is gone, then the regulations have been approved then they are in place. The only way they can be changed is by the Commissioners to ask for them to be changed. After that at some point we will get a conditional use permit application. The application will come into the planning and zoning office. There will be a review of the application and reports and studies done. At some point it will come to the planning and zoning commission. At that time there will be a public hearing on specific applications and at a specific location. At the public hearing the public will have the opportunity to come and voice concerns. Gary explained that it could take multiple meetings during the process. Once that is concluded, the Planning and Zoning will act on the application and make a recommendation to the Board of County Commissioners, either to accept or to reject the application. At this point there is nothing that the planning and zoning commission can do. Rich interrupts and explains that the only people that will be allowed to speak are the 3 on the agenda. Alison asked Rich how long he had known that he was going to say that tonight. She said that it was not sent to her in an email from Rich or Darin. Gary explained that it is the practice of the board on what they allow, and it usually 10 mins. Alison says that she has multiple people that want to speak. Rich said Alison you have 10 min starting now.

Alison explains that she would say what she was going to say, but there were others to speak. They brought in a Biologist. She lives in rural Linn County, and she has brought her concerns about Industrial scale solar farms and the lack of citizen input to Article 14. She said she is going to focus on their ultimate goal and what they would like to move forward. Over the last several years the focus on wind turbines has overshadowed solar. They are looking for the planning and zoning committee to reconsider the adopted regulations on solar farms. To take back to the County Commission that solar farms should be prohibited. Along with wind, solar farms are not compatible with the rural character of the county. That prohibition is consistent with the goals of preserving agricultural land and the natural resources that was set out in the current comprehensive plan. She states that there are multiple solar companies in the area signing contracts with landowners. There is currently a solar test site behind her home. She also states that they understand that letters will go out to residents that live within a 1000 ft radius of the project, and that would give them the chance to come back to speak at a public hearing. All of that is irrelevant cause they are here to ask the Planning and Zoning to amend Article 14 to send back to the commissioners to pass a temporary moratorium. She states that they can stop solar farms. The County has stopped a pig farm, landfills and most recently wind turbines. They cannot look at the possibility of the power plan closing. This is about our lives now. Alison said that there should be a better way to inform the public. Live Streams, and she finds it funny that this is the first time to do a live stream, updated county website, accurate minutes located online. Feels that the county has failed numerous times to deliver mass communication. She pointed out that they brought a map of the area where conditional use permit applications will be brought in very soon. She stated that not one property owner was reached in the process. Alison also says that the people that have signed contracts are millionaires and billionaires that have no respect for anyone. They do not live here, we live here. State that Darin sent one email with one Public Hearing on it. She says that there is over 800 signatures on the petition online and in person. She feels that there could have been better communication about time and who could speak. She asked how much time she had left. Rich said 4 minutes left. Alison brings up KDWP that identified 8 species of animals that live in the area. Utility scale solar can negatively impact the primary food sources. Alison stated that milk weed is in eastern Kansas and western Missouri. It is a food source for butterflies. 2 minutes left. Mr. Kaup was there that the finding would be brought back to planning and zoning. That there was 5 points brought back. She stated that it did not go back to planning and zoning. Alison wanted to know why it did not go back. She brings up one of the points being the Power

Purchase agreement. They should have to tell where the energy is going. Alison has a problem with that. She feels that it should be known where it is going. She stated it could go to China or anywhere. Also, the increase from 2000 acres to 4000 acres. Now they have increased it to 8000 acres. They eliminated any buffers and wildlife corridors. It was 500 ft. and now it is less.

Leif Clark with EDF. If they come to the county with a project. They will make site plans and make them available to the public. Address the main concerns that Ms. Hamilton brought forward. EDF will negotiate what they call good neighbor agreements. They have leases with land because they want them there. He stresses that they want to be a member of the community. They want to be involved with community organizations and schools. He makes the point that the land has already been disrupted by planting crops on it. It's not wetlands and forests. He talks about the decommissioning plan that will be in place before the project even starts. The financing for the decommissioning will be funded before the project even starts. Solar farms inject money into the economy. There is not a lot of other development that does that. Solar also helps reestablish habitat for birds and small animals. Can plant pollinator seeds for growth under the panels, many different options. Reiterate that EDF does not have a project here. Leif said he would be in town the next day and is available for further discussion and would be happy to sit down and talk with anyone.

Josh Framel with Clearway Energy. Just want to complement the Planning and Zoning Commission and the County Commissioner for the work that they have put into the regulations. There is a lot of things that was said that he feels the P&Z put a lot of thought and effort into and when a CUP is applied for there will be certain topics that can be drilled down on and discussed like wildlife corridors. Josh says he is available for questions and comments to the public after the meeting. Rich said that it concludes the agenda.

Mike asked if there was an update for Regina's Rescue. Darin said he went and met with the state inspector while he was conducting his inspection last week. Darin said that he was waiting for the inspection results. Dave as if Darin had found out anything on the Evergy microwave tower west of Centerville. Darin said that he had not gotten to that. Mike asked if she applied for a building permit.

Mike made a motion to adjourn the meeting. Elizabeth seconded the motion.
7-0 vote
Meeting adjourned. 7:44 PM.


Chairman
Secretary

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

October 10, 2023

Richard Morrell called meeting to order at 7:00 PM

Pledge of Allegiance

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Elizabeth Staton, Charlene Sims, Ed Anderson, and Daniel Earnest.

Also, in attendance was Planning & Zoning Director Darin Wilson

Richard asked to approve the minutes from September 12, 2023, meeting, Charlene had a change to correct Josh Framel's name. Elizabeth made a motion to approve the minutes. Daniel seconded the motion. Approved 6-0

Rich calls for new business. 1st on the agenda discussion on a time and place for a public forum to discuss solar. For board members that have not been following the county meetings. There is a group that has concerns about solar energy. Rich explains that the County Commissioners have asked the Planning Commission to listen to the people that oppose solar energy. Rich states that he does not want it to turn into an argument. Rich asks the board when a suitable time would be. Rich states that November 14, 2023, would be a good time, that there is not anything on the agenda as of yet. Daniel Ernst says November 14 is fine. He also says stated that he wants to make sure that the rules are the rules in place for speaking. Rich explains that The Commission can make up the rules of what is expected as far as time for speaking. Generally, they give the public time to speak, and the Commission does not get into dialog with them. Then have a workshop to talk about the questions and then make a decision. It will be open to the public. Ed asked what the BOCC would like to see since it was sent back the planning and zoning. Rich asked Darin to comment on Ed's question. Darin explained that there was not anything specific, that they just wanted them to evaluate Article 14 as a whole and that if they were satisfied with the Article. Rich thinks that limiting people to a certain duration of time. Dave Fisher sent ahead due to him not being able to attend the meeting, thinks that the speakers need to register to speak so the Planning Commission knows how many there are. Daniel says that he would like to have the information ahead of time to be able to study the information before the meeting and hearing the speaker. Charlene stated that Gary or the Commissioners said to have the questions ready ahead of time, so that P&Z had time to think about them. Ed agrees with this. Paul says that a time limit needs to be set per person and included in that time the P&Z be able to ask questions. The board needs to be addressed not to people in the audience. Charlene thinks 5 minutes and 5 minutes to ask questions. Daniel asked Ali Hamilton if she agreed. She stated that 5 minutes are fine with the 5 minutes of q and a. Ali said roughly 6 people is an hour. Charlene states that she would like to start at 6 pm instead of 7. Rich confirms 6 o'clock, 5 minutes per person and 5 min for Q&A, material ahead of time, which should be delivered to Darin. Emily Theis asked if there are 150 people that want to come. Charlene asked if the board wanted to have it someplace else. Charlene suggested the court room. Emily suggested the 4H building. Darin said he would have to check with the IT department because he wasn't sure if live stream could be done from there. Rich thinks it would be beneficial to get ahold of Darin ahead of time to be put on the agenda but doesn't want to make it a requirement. Celest Porter came to the podium and said that a concern from the beginning was not understood from when the planning from the beginning of the regulations. She just wanted to make sure that there was a way that the county residents knew about this opportunity.

Rich asked her, so they were clear. How are they going to make sure people know about the meeting? Elizabeth suggests putting it on the county Facebook page.

Rich calls Case Triple C Hookups INC.

Corey Merteza and CC Stephenson got up to speak on behalf of Triple C Hookups INC. Corey explains the business plan. That they would like to get 4 campsites with water and electric hookups at the intersection of 1150 and Scott Rd. Want to have 2 egress and ingress points. One off of Scott Rd. and another off of 1150 Rd. She explains that this is all on gravel rd. With 4 to 6 horse stalls. It will be a place for people to stay overnight to rest their horses. Corey explains that CC lives adjacent to the property that they are applying for the CUP. Ed asked if they have talked about RR2 about getting water to the hook ups. Daniel asked about sanitation dumps. CC answered no, not for just overnight stays. Elizabeth asked about the size of trailers.

Rich asked Darin to give the staff report. Darin explains that there is rezoning involved and the CUP.

Staff Report

Case #: Z23-06

Applicant:

Triple C
20266 1150 Rd.
Pleasanton, Ks. 66075

Requested Action:

Approval of Re-zoning from the R/Residential Zone
To the C/Commercial Zone for purpose of
Conditional Use Permit

Legal:

20018 E 1150 RD, Pleasanton, KS 66075

S25, T21, R24 , S 208 OF W 208 NW4
LESS ROW

Location:

commonly addressed as: 20018 E. 1150 Rd. Pleasanton
Ks. 66075

Analysis:

Applicant has asked for Re-Zoning of 2 Acres for purpose of Conditional Use Permit. Under current zoning (R/Residential) the parcel requires re-zoning to (C/Commercial). A

boundary line adjustment has been done to increase the property to approximately 2 acres and was taken out of the adjoining property that they already own.

Staff recommendation and finding:

- 1) The proposed zoning change conforms to the character of the neighborhood by providing the combined usage.
- 2) Neighboring A – Agricultural zoned properties and are of larger size.
- 3) Property is suitable for permitted uses of the proposed Commercial zoning and will not negatively affect nearby properties.
- 4) The proposal for re-zoning of the land creates no change or effect of surrounding properties and not create any additional infrastructure needs.
- 5) The proposed change conforms to the Comprehensive Plan by allowing more land to be kept in a larger agricultural parcel and not changed to a residential designation.

The standards that should apply are listed in Article 20 and with proper finding as required in Golden vs. the City of Overland Park. Staff recommends approval of the application.

Darin Wilson
Planning and Zoning Director
dwilson@linncountyks.com
Office: 913-785-2422
Cell: 620-238-3201

**Staff Report
Case # CUP23-05**

Date Prepared:	October 2, ²⁰²³
Hearing Date:	October 10, 2022
Applicant:	Triple C
Requested Action:	Recreation Area/Campground

Property Owner:	Triple C Country Hook-ups Inc.
Location:	Generally addressed as: 20018 E. 1150 Rd. Pleasanton, Ks. 66075 PID: (127-25-0-00-00-005.000)
Legal:	Recreation Area/Campground
Current Zoning:	R/Residential
Notice:	Notice was properly posted in the Official County Newspaper on September 20, 2023. In addition, notice was sent to owners of all properties within 1000' Pursuant to State Law and the Linn County Zoning Regulation.
Property Uses Nearby:	Nearby properties are A/Agricultural
Affected Zoning Articles:	Article 5-3 Zoning Regulations Article 16 16-201
Comp Plan Segments of Note:	Planning Framework Overview (Page 32) and Map (Page 33) of Comp Plan. Acceptable Land Uses: <ul style="list-style-type: none">* Residential,* Agriculture,* Commercial uses,* Urban Mix,* Mixture of Agriculture and Agri-business,* Public/Institutional* Parks/Recreation
Zoning and Uses Nearby:	Zoning - Agricultural, Agricultural/Residential, Residential, & Heavy Industrial
Comments/Questions received: There are many things that are going on with this proposal. Staff can give better details to CUP during the meeting. Involved is a Boundary Line Adjustment, Re-zoning for the purpose of CUP and the CUP itself.	
Analysis:	

Most adjoining properties are Agricultural. The subject property is currently zoned as Residential and used for grazing ground. Proposed use could be defined as a service or commercial use of the current plan and allows for them to be placed in the rural area of the county, after careful review of potential impacts on existing road and infrastructure. The proposed area is suitable for the purpose of the application. It would therefore take little land out of agricultural use. The applicant can meet the setback requirements. All necessary notification to surrounding landowners has been properly made by United States Postal Service and Publication of Notice of Hearing in the official county newspaper.

The applicant has increased the property to 2 acres by an approved boundary line adjustment. The property of increased with property that they already own that surrounds it. They are asking for a conditional use permit to operate a campsite area with a building with horse stalls and the ability to store hay. The applicant is putting in power hook-up for (up to 6) so that campers and horse trailers could stay overnight. The applicant has said on the application that the stays would be 1-2 nights. With the short stays they would rather not put in a sanitation system. Campers have black water tanks installed on them. Staff are ok with no sanitation requirements. If it was to become a problem code enforcement will step in and resolve the problem. In an actual RV park the regulation says that there can be 20 parking spots in 5 acres. That is 4 slots per acre. This is a reduction of that and would be 3 slots per acre.

Staff Finds:

1. The use does conform with the **character of the neighborhood** as most nearby properties are Agriculture and Agriculture with residences, Industrial.
2. The **zoning of nearby properties** is Agricultural
3. The property is **suitable for proposed use**.
4. The proposed use does not appear to **detrimentally affect nearby properties**.
5. Property will be rezoned as commercial property.
6. The proposed use would not detrimentally affect the **public health, safety, and welfare**, and would benefit public welfare by providing a boost to the local economy.
7. The requested CUP conforms to the **Linn County Comp Plan**.
8. At this time **Staff recommend** approval of this CUP, With proper finding as required in Golden vs. the City of Overland Park.

Paul asked why it has to be rezoned. Charlene states that it would be rezoned as commercial. Darin confirms yes to the question. Daniel makes a motion in favor of the rezoning. Elizabeth seconds the motion. Approved 6-0

Charlene makes a motion with the conditions set forth. Paul seconds the motion. Passes 6-0

Recommended Conditions:

Lighting – Entrance and the exit. Lighting to illuminate the property. Lighting on the horse corral.
Quiet time. During the weekdays it is from 10pm to 6am. Weekend (being Friday and Saturday Nights) 6am to 11pm.
Fencing around the entire property.

Respectfully submitted,
Darin Wilson
Linn County
Planning & Zoning Director

Old Business – Reginas Rescue

Rich asks Darin to give update and staff report

Darin states that the CUP has been tabled since February 14, 2023, waiting for a reply from the state on the status of her license. The license expired at the end of September. Darin gives new staff report based on the current status of the application.

Regina came in and got a building permit and sanitation permit. She has started construction on the building. The permits have been included in the file that you received. She has stated that it should be done at the end of October or the first of November. Mr. Lancaster stated that the building would have to be climate controlled and have exhaust fans in the facility. He also stated that a concrete floor was NOT necessary as long as they had proper waste management. I feel that if you allow this CUP that a concrete floor should be required with proper drains for each stall connected to properly installed sanitation.

I went out with Ben Lancaster the state inspector, in the first part of September when the State done their inspection. He made several comments about feces piled up outside of kennels. He stated that wind block on the outdoor pens was unsatisfactory. Mr. Lancaster said that these are recurring items that he finds every time he comes out. I had to leave before he was done with inspection due to another meeting I had to attend.

On October 10/5/2023 I spoke with Ben Lancaster about the inspection at Regina's Rescue. She received an unsatisfactory again on the inspection. They have not revoked the license yet because they are waiting for their legal team to make some decisions. Mr. Lancaster stated that the legal team was way behind in their work. She is still able to operate until the legal team makes their decision. Mr. Lancaster said that they would probably make a limit on the number of animals she could have if they decided not to revoke the license. He also said that they would take into consideration recommendations by Linn County if the CUP was approved. Staff feel that they are waiting to see what the county decision is.

Staff recommendation: Based on the inability to pass inspections, staff feels that at this time it cannot be passed until the state has made a determination on the status of her license. There have been too many failed inspections with the state and the same recurring failed inspections. The staff would recommend that she come back after the state makes their decision. The state also said that if they revoke her license, she can reapply with them in the future if she has the new facility set up to their standards. At that point she can come back and re-apply with Linn County.

Paul makes the comment that it sounds like a catch 22 that the state is waiting on us and we are waiting on the state. Daniel asked why does one dictate on to the other. Darin explains that it is based on the number of dogs to a parcel. The County allows 4 dogs per parcel and the state allows 19 dogs. If the County allows of the 4 dogs that is considered a kennel by the county and that requires her to get a state license. Charlene explains that our conditional use permits if a state license is required that they have to have one. Rich makes the comment that they always have the licensing in place before they come get a

CUP. Rich asked if Regina wanted to come to the podium to speak. Regina and Jennifer. Jennifer is the founder and director of Always and forever animal sanctuary in Miami county. She stated that she had helped Regina with her rescue. She states that when they don't have a shelter to house the animals their hands are truly tied. Regina explains that the state came out October 9, and done an inspection. They stated that she has a new license that expires 2024. Regina stated that she passed inspection. Except for 2 things. Rusty wire and sharp edges. Charlene asked Darin when he spoke with Ben Lancaster. Darin stated that it was Thursday October 5. Regina said that Mr. Lancaster came out October 9th because someone complained. Elizabeth commented that our sticking point was whether she had a license or not. Regina said she would like no more than 50 animals. Regina stated that does not include her personal dogs. Rich asked Darin if that changed his recommendation. Darin states that he wants to talk to Mr. Lancaster about the last inspection. He also said that his original recommendation was to approve the permit with conditions set by the P&Z Commission. Darin stated that the P&Z commission could put harder restrictions on the CUP.

Rich calls for public comment.

Shelia Schultz got up to speak. She states that she is an attorney and has a firm in Paola Ks. She represents Mr. Kemper. She begins by stating that her inspection was unsatisfactory and questions if that is a pass. Mrs. Schultz commented on what Regina said, that she knew the inspector was going to show up that day. But still had feces piled up. This is a residential area and asking to do this in that area. She believes that she is about heart and soul. Mrs. Schultz says the landowners in the area can do nothing with their property until this is done. Saying that this started in February and another meeting in July. Does not understand why this is going on for so long. Charlene commented that the only thing they have heard negatively was about the noise. Mrs. Schultz said she would get to that. If you were a neighbor, would you want to hear that after they got disturbed and started barking and calmed down. She stated a salesperson went to Mr. Kempers and asked what that noise was. Mrs. Schultz hands out paperwork to the P&Z Commissioners. She mentions a letter that was presented at the July meeting. There letter was from Regina, and it claims that Mr. Kemper is making complaints to the KDHE. Mrs. Schultz said that Mr. Kemper did not make those complaints. She called KDHE and asked if Mr. Kemper had called and made reports to them about Regina. KDHE said that all reports are confidential. Mrs. Schultz refers to a Facebook post that there were 90 animals on the property. She asked why there are that many animals if the state only allows 50. Paul asks if it was KDHE or If it was the department of Agricultural. Regina was asked about financial records at both meetings. They were never produced. Daniel asked who asked for the financial records. Charlene said she doesn't remember that. Elizabeth commented that she thinks it was a public question. Charlene said that the commission does not ask it from other people. Has there been any proof that they can support this many animals? Mrs. Schultz stated that Regina said they hope to get the money to do the things they want. She then said that business plans aren't built on hope. Mrs. Schultz commented on the setbacks from property lines. She also stated that no one wants to build a hunting business. Then she went on to comment that she would think while the CUP was being heard for this time that the property would be at its cleanest. But they continue to fail inspections. Rich asks her to wrap up her time to allow others to speak. Mrs. Schultz states that property value would go down. Talks about policing of the property if the permit is issued.

Rich asks for the gallery for comment.

Regina's husband, Mike McCellen got up to speak. He stated that he does the cleanup. When they clean out kennels that people are there, they clean up the feces and pile it outside the kennels and someone goes around and picks it up with a wagon. That it all gets cleaned up by the end of the day. One of the complaints was that there were sick dogs on the property. That inspection was unfounded by the inspection. He commented that they are completely a no kill place. If the animals cannot be re-homed, then they will keep them. Charlene asked if the State requires exhaust fans and other things, will you be able to do that? Mr. McCellen explains that the building is going up. Paul asked how long they had been in operation. Mr. McCellen answered 8 yrs. He stated that no one has come to them with complaints.

Kelly Statual came up and explained before Regina's opened there were stray dogs and cats everywhere. They have made a difference. She comments about other dogs barking and coyotes how they affect people. She stated that Regina has posted that people need to make an appointment to come out to keep the barking down at any given time. She also compares people that live next to people with cows, horses, goats, that all have smells. It is not an offensive place to go.

Rich said asked the board if they wanted to hear from anyone else. That they have heard it 3 times and heard all angles against and for.

Daniel makes a motion to grant the CUP with conditions set by Darin and the P&Z Commission. Charlene asked if there is a time frame for the concrete floor.

Darin lists the conditions that were talked about in prior meetings.

Building and Project to be completed in 1 yr.

Sanitation for indoor runs

Screening around outdoor kennels. Per County Regulations

Period inspects by county.

Number of cats and dogs- 50 Total including sanctuary, and personal cats and dogs.

Setback 75 ft from property lines per the county regulations

Complete septic system

Concrete flooring

Anything else that the State Requires (exhaust fans in building)

Review in 1 yr.

Keep an up-to-date license with the state.

Charlene seconds the motion. Motion passes 6-0

Charlene and Rich discussed that the P&Z Commission cannot go and discuss what the Planning and Zoning Board is going to do. She says that an individual cannot say they represent the board. Rich said the County Commissions voted to end Mike White's time on the board. Paul asked what point are they in violation by speaking to each other. Paul would like a document that explains the time to speak and what is allowed in a meeting.

Rich makes it clear that they serve at the pleasure of the County Commissioners.

Daniel makes a motion to adjourn Paul seconds the motion.

Meeting adjourned at 9:00 Pm.

Thank you!
Darin Wilson
Linn County Planning & Zoning Director
913-795-2422



Chairman



Secretary

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

November 14, 2023

Richard Morrell called meeting to order at 6:00 PM

Pledge of Allegiance

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Daniel Earnest, Joab Ory, Charlene Sims, Ed Anderson, Elizabeth Staton.

Also, in attendance was Planning & Zoning Director Darin Wilson

Richard asked to approve the minutes from October 10, 2023 meeting, Richard made a motion to approve, Paul seconded.

Rich called for the Plat change. Darin presented

Staff Report
Case# SD 23-02

Applicant:

GTGH LLC
4622 Pennsylvania Ave. Ste 700
Kansas City, Mo. 64112

Requested Action:

Approval of a Plat of GTGH-1 to add.
A 3.69-acre parcel, 10-acre parcel, 60.38 acres, and a 80
acre parcel. It will create 4 parcels as shown on the Final
Plat Map.

Legal:

S18 , T20 , R25 , ACRES 171.7 , NE4 & N2 NE4 NW4 EX
BEG 1965.2 E NW/4 SEC TH E 315 S 484 W 315 N 484 TO
POB EX BE G INTER S LN CO RD & W LN HWY*

Notice:

Notice was properly posted in the Official
County Newspaper on September 20, 2023. In addition,
notice was sent to owners of all properties within 1000'
Pursuant to State Law and the Linn County Zoning
Regulation.

Location:

19892 Vail Rd.
LaCynge, Ks. 66040

Background:

This is a 153 Acre parcel that is being divided into 4 parcels of a 3.69 acrea, 10 acres, a 60.38
acre and a 80 acre. With the splitting into 4 separate parcels a Minor Plat is required. The Plat is.
being asked for with the intent to sell or lease the parcels.

Staff Findings:

- 1) The proposed use of the property is agricultural in nature and conforms to the Neighborhood.
- 2) There are other similar tracts of land near the proposed location.
- 3) The proposed change will not detrimentally affect nearby properties.
- 4) Property will not adversely impact existing infrastructure.
- 5) Proposed use conforms to the Comprehensive Plan.

Staff recommends approval of the Minor Plat of GTGH-1.

Charlene stated that the policy is that if the owner or representative of the people that want the Plat. Planning & Zoning tabled the case until a representative comes to the meeting.

Richard asked to approve the minutes from October 10, 2023, meeting, Daniel made a motion to approve the minutes, Elizabeth seconded the motion. Minutes approved.

Rich gives instructions to how the meeting will run. He says he wants it to be as productive as possible. He explained that there will be no talking from the gallery. You must be at the podium to speak and be recognized by the chair. This is the first warning to the gallery. If there is any comments from the gallery they will be asked to leave by the sheriff. We will entertain new information. Rich explains that if the speakers are repeating themselves, he will ask them to move on. This is not a time for rebuttals. There has been a controversy on which group gets to go first. Rich recommended a coin toss. The people speaking against solar will go last. People that have signed up to be on the agenda will speak first.

Rich calls Andy Mayhew

Andy introduced himself that he is a county taxpayer and property owner. He thanked P&Z for their time and efforts for what they do. 14-402 ground cover section B. He would like to see a maintenance agreement for what is under the panels but what the circumstances would be for failure to maintain. 14-403 above ground transmission lines. Placed in accordance of the county public works department. 14-407 Reimbursement of county expenses. Andy suggests a statement from the company confirming that they are accepting this. 14-501 Section G. Contours of 2ft. contours. Andy recommends it be 5 or 10 so it can be read. 14-601 Section C. Site construction. Built to the requirements per KDHE. Section D Traffic He would like to see dust control measures for egress and ingress measures. Rich says this P&Z turn to ask questions. Joab asked what Andy's primary concern is. Andy stated that they are properly placed in an area that is planned for industrial development and commercial development.

Rich calls Jeff Heins

Jeff stated he lives in Linn County southeast of Parker. He is speaking for solar power. Jeff starts with protecting the rights and property values of landowners. What right does a neighbor have to tell his neighbor what he can and can't do on his property. It could negatively affect property value if there is no consideration given to setbacks and property lines or requirements are addressed. Jeff said he understands that all of that has been addressed by the P&Z and the BOCC. He states the best protection is the requirement of a conditional use permit. It provides individuals with the right to be heard. Using his home place as an example, 260 acres sets in a manner that solar could be constructed to the south, and the east and north. Jeff said that none of those locations would have an impact on his home place. If there was solar built directly west of his farm, he would certainly speak against that. The lay of the land truly matters. Jeff says he has no intent on having solar installed on any of his farms, but there are locations that they could be built up to 40 acres that would never be visible from a roadway or a home.

Jeff stated that the payment in lieu of taxes could possibly generate more tax revenue than the existing power plant. He appreciates the designation of Prime Farmland in the regulations and making sure that only 50% of a parcel can be used for the purpose of solar energy. He said he has kept track of the polls done in Linn County. This is a unique opportunity for the County that has a small and stagnant population. This could diversify the tax base. There is no big factory's wanting to come to Linn County due to being a long distance from a populist. This is the best opportunity to protect Linn County's future. Daniel asked Jeff about his statement on the Pilot Program. Daniel asked if he could explain. Daniels understanding is that is negotiated with the BOCC and the company. Jeff said if that part cannot be agreed upon the Conditional Use Permit would not be approved. Daniel asked based on what could generate more money than the Power Plant. Jeff explained that the 8000 acres, and he could not think of the number, and he didn't bring that number, but it equates to more than the Power Plant.

Rich called Teresa Miller

Teresa stated that she is a Linn County resident. Gives a rendition of a farmer in Iowa that had 160 acres of land. Was about to lose the farm because it was unusable. He called a solar company and asked if they would be installing solar power in his area. The solar company paid him so much to use his land. Also was informed that if he got sheep to graze the land. After 5 yrs. the solar company left. He did not lose his property and made money from raising sheep around them. He had an environmental study done after the solar left and the land was able to use the land again. Teresa stated that she was told that the State of Texas said no more moratoriums or prohibition on wind and solar projects. She does not want the State of Kansas to tell counties that they have no say and companies can do whatever they want. She said she wants the county to make sure they get paid for using the land. She also stated don't mess with historical sites. Teresa thanks the P&Z for allowing this forum to take place.

Rich Calls Berry

Rich Calls Josh Framel

Josh is with Clearway Energy. He stated he was hoping to be able to go last that way he could answer questions that came up during the forum. Leading up to this meeting. He stated that they have had 3 open houses to introduce their project to the county. He commended the P&Z for the work that they did on the regulations. Josh stated there will be ample opportunities to discuss the project when there is a application presented to the P&Z Commission. He feels the zoning regulations were well written and feel that they cover most of the opponents. Charlene asked Josh what Clearways plan for ground cover will be. Josh stated that they don't want to disturb as much as possible. They will have to get a Storm Water Pollution Prevention plan before they can break ground. He explained that they must get this done regardless of anything. They cannot disturb soil without having this done, the State of Kansas requires it. Charlene asked if there would be any herbicide's used. The state will set that out in their recommendation. Josh stated that the goal is ground cover so he doubts there will be any. Paul asked other than the county who else do they have to answer to. Fish and Wildlife, KDHE, Army Corp of Engineers. Clear Way owns and operates their own project and sells the power to a third party. Paul asked about EPA. Josh said they usually differ to the state. They will do a Phase 1 environmental study. That is to see if there is any oil spills on the property, or buried barrels, that way your not creating an environmental hazard. The project will be on a strip mine and was cleared with the Phase 1 review. Daniel asked if Josh had any conversations about the Pilot Program. Josh said there has not been any discussion about that because there is not a specific project to discuss. Josh explained that the pilot is to cover taxes lost from years 1-10 of the project. Starting year 11 the county would start collecting taxes based on property. Josh's calculations were about 20 million dollars for the useful life of the project. That did not include the pilot. Daniel asked if they would be selling power to Evergy or the Southwest Power Pool. Josh said that has not been proposed yet.

Leif Clark is with EDF Renewables. He would like to just give information. Leif gave a link to the project website for the community to get the most information. They are calling it Garnett Solar. He has an open letter to the county. Edf-re.com/project/solar. Leif states that he grew up in a rural community like Linn County. He said he understands that when some of the farm fields start turning into sub-divisions or housing projects it gets a little scary. Leif states that EDF is not there to take that away from the county. He has seen where solar and farming work very well together. From day one there is a decommissioning plan. You don't get that with a sub-division or a commercial building. EDF's would be on less than 1% of the county's land. Charlene asked about herbicides. Leif answered that they would be using a lot less than what a typical farm would be using. They may use it around their substation for like weed control but no insecticides. Leif said that is a bullet in his letter. Charlene asked if there were plans for certain ground cover. He said that they would go off the county regulation. Which calls for native grasses and wildflowers, using something that is a nice pollinator mix. Joab asked what EDF stands for. Electricity DeFrance. The EDF group is a French company. Leif said he works for EDF Renewables that is based in San Diego, California. They have projects in North America. Some in Canada, Mexico and the US. He stated that they are contracted to use panels that are made in the US. The company is from Mesquite TX.

Madison Gray project developer for EDF. She works out of the office in Houston, TX. She stated that she will just offer time if there are any questions from the P&Z Commission. There were no questions from the commission.

Mark Schiebe with Heartland Electric, he is the CEO. He explains that their project is a little different than the large-scale projects. They are looking at a 7-acre solar farm just North of Mound City. He stated that they already own the land that they want to use. They borrow money from USDA to build their project. They have gone through extensive environmental reviews for this project. Background of Heartland. They are a member owned cooperative in the state of Kansas. With the contract from their power supplier, they are allowed to generate some of their own power to the 3000 customers of Linn County. All their electricity that is produced locally is used locally. They want to do this to have a fixed cost to their members. They have 3 other sites that they have built. They can reduce their power cost by 2.5%. They are good with the regulations that are in place. Ed stated that he is impressed with what he seen at the solar farm they had built in Bourbon County. He also stated that there was no heat coming off of the panels and it was extremely hot that day when the P&Z toured the site in Bourbon County. Ed likes the idea of smaller farms. Mark stated that they used a buffalo grass that does not get very tall. They don't want to have to maintain it, so they used a short grass. Rich also said that he agreed with Ed on there was no heat coming off the panels. Also, he got under the panels, and it was the coolest place on the property. There was a breeze and it felt good under the panels. Charlene also stated that it was extremely hot that day, and under the panels it was 10 degrees cooler under them. Daniel asked what the limit is that they can produce. Mark answered they are allowed 10% and 5% just with solar.

Jackie Augustine is the director executive for the Audubon of Kansas. Jackie states she has a PHD in biology. It represents about 3000 people in Kansas and 5 in Linn County. She does not recommend an outright ban on solar because they see that solar is necessary to reduce the effects of climate change. They want to make sure that they are making sure that panels are not being put on what is left of land. She is speaking specifically about wildlife. Wildlife is impacted when solar is greater than 20 acres. She recommends that prairie and wetlands be avoided. Jackie commends the county on having regulation and that they are good regulations. She is also working in Barton County which she says is similar to Linn County because they have the Cheyenne Bottoms that is like The Marais des Cygnes Wildlife area. She hopes that the commission will consider a no build zone in those areas. She recommends that a study for endangered species should be done before any construction is done. Fencing for turtle's foxes and

rabbits can move freely through the area. Transmission lines should be buried if possible. Charlene asked what your no build zone would be. Jackie states that is a hard one to answer. She said that in Barton County they are recommending 5 miles in those areas. Ed asked what she meant by burying the transmission lines. She said she is talking about just between the facility and the sub-station. Ed states that there is already power poles that run through the wildlife area. She just would like for there not to be more transmission lines if it can be kept from it.

Scott Woods is speaking for Lyle White. He is a current resident of Linn County. Mr. White was an engineer for Black n Vetch. He has worked on power jobs for solar and wind. Hazards of solar farms. A study shows that solar farms are seeing a rise in fires. DC power and inverters can pose fire risks. Germany has had 439 solar fires. This implies that the US will have solar fires. In upstate New York there was a solar fire that sent toxic smoke to a nearby community when a battery storage facility caught fire. He recommends that the county consult with an expert that can direct a fire suppression system to mitigate fires. Fire by vegetation. Dry vegetation is a potential fire hazard under solar panels. Vegetation should be the first thing that the county should address in looking at the potential solar farms. The fire in Maui was caused by a down powerline in dry vegetation. There is no benefit in place with the county. Usually, the biggest benefit is jobs. But when the project is completed most of those jobs go away. Clean energy is the future. Most fossil fuel will be gone by 2050. The US pledged net 0 by 2035. The US pledge is almost too aggressive. Being built so close to wildlife areas, there should be more studies done to ensure the benefit. He recommends more transparency and more discussion be done about the potential solar farms.

Stephanie Ferrero is a resident of Linn County and the president of the Central Mountain and Plains Section of the Wildlife Society for professional wildlife biologist and researchers. Her concerns relate to landscape connectivity. She states that waterfowl is subjectable to collision with PV solar panels. Waterfowl mistake these sites for a large watering hole and try to land on them. Deer tries to avoid electromagnetic energy. She would like to see in detail a decommissioning plan, a lot goes into solid waste with that. Restoration does not usually restore the land to its original state. Other concerns are water quality risks due to sedimentation, safety concerns. Has the Linn County rural fire department been consulted about safety concerns, fire management, who will pay for the added additional personnel to cover the risk of fire due to utility scale solar farms. Recommendation for roof top solar. Industrial sites for solar to maintain farmland. Daniel asked for recommendations for setbacks from wildlife areas. Stephanie says she would have to have more details. There is information out there to protect wildlife species. Stephanie said the regulations need more detail. The solar companies will take a mile if they can. If the regulations only give them an inch, they can only take an inch. Elizabeth asked what is the most important thing that needs to be looked at. Stephanie answered the best for the residence would be the safety involved. She asked that another survey be done. That the first survey was not a true answer to what Linn County wants.

Mark Briggs is expressing his concerns as a landowner and a resident of Linn County. Mark stated he worried about the land, the residents, wildlife, and Linn County. Linn County Survey with the comp plan of 2022 there is roughly 9000 residents and 558 total responses 212 were favorable for solar. Mark said they have 7 times that has signed a petition that are against solar. Listed in the Comp plan that was stated over and over was to protect the natural beauty of the county. To promote healthy lifestyles for all residents of all ages. To protect from intrusive land development. 10 most attributes of Linn County were natural scenery, wildlife, outdoor recreation, History and heritage of Linn County, agriculture of farms thought the county, safe rural atmosphere, quiet country living and freedom and affordable land and property. 3 most important takes from Linn County, natural beauty, outdoor lifestyle, and a rural way of

life. Mark stated that allowing solar companies to take 8000 acres out of the county would not be following the comp plan. It would be giving up all the natural beauty of the county. They would be taking farm ground from farmers, and they would be trying to find other land. This would have a huge impact on the local community. One thing that has been talked about is limiting a landowner to what they can do or not do with their property, this is not as simple as building a pond or a barn. This is a huge project that is going to last 30 to 60 years and it should not be taken lightly. Agriculture is the 3rd highest source of employment in Linn County. The power plant and government are first and second. Mark said he lives next to a high-fence farm and it is miserable to watch. He watched deer run along the fence until they rubbed their skin down to the bare bone. Wildlife corridors are a must with the solar farms. What we are doing now will affect the future of others for a long time. Mark asked for solar be ban.

Taylor Easley was with Fish and Wildlife for 10 years. The Wildlife area separate from the National wildlife area hosts about 4-5 million waterfowl stays a year. He stated that about 5,000 hunters a year come to the Marais des Cygne. He agrees that a 5-mile setback would be good from the refuge. He stated that EDF would be right across the street from the Federal refuge. Taylor says right now the refuge has about 30,000 ducks and about 10,000 geese. You can see about a dozen eagles. He feels the high fences will oppose a threat to the eagles and other wildlife in the area. Use stays is about 1 million ducks for 5 days. As he stated before there is about 5,000 waterfowl hunters, about 1,000 deer and other wildlife hunters per year. That does not count the Federal refuge. Rich asked Taylor if the Federal was larger than the state refuge. Taylor said they are about the same. Taylor stated that he has been to several states and their refuges. He says that very few are as special as what Linn County has.

Riley Heins grew up in Linn County and currently serves in the United States Airforce. He stated the research he has done is the corporations behind the solar farm project is based out of France. EDF is owned by the French government. France spoke to the president of China, and they talked about US and Taiwan. France is saying if the US goes to war with China that France will not help the US. Riley stated that where they have built solar farms they have charged their customers 3x more for their electrical needs. If we let these solar companies in Linn County, we will be energy dependent upon the French, who said they want strategic autonomy from the United States. If Linn County lets these in they will have lobbyists lobbying that fits France's needs. Riley stated that you can go to [opensecrets.org](https://www.opensecrets.org) and search any corporation to see where they are sending their money. It shows that they are sending their money to left leaning politicians. Riley does not want to see the solar farms built in Linn County. He feels we will be selling our freedom. Joab thanked Riley for his service.

Emily Theis has been Linn County for 20 years. Emily stated that their property would be surrounded by EDF on 3 sides. She states that in Article 14 about the toxic material is prohibited. It also states that there is exceptions and would be allowed. Emily says it is double speaked and it needs to be addressed. Emily said they want all and any toxic material banned from any solar farm. Cadmium is used to make phosphate fertilizer. 11 states have banned phosphate fertilizer due to run off into water supply. Cadmium can enter your body through your GI tract. She stated that 1 acre could hold up to 20,000 panels. In 8,000 acres it could possibly hold 16 million panels. She read a land lease agreement that has been recorded at the register of deeds. Leases are for 25 to 75 years in some cases. Gross lost her case against KCPL because the state has something called the statute of repose. It states that if something is installed you have 10 yrs to do something if you are harmed. If at year 11 and people start getting sick due to the solar installation, you cannot sue for harm or damages. Emily's thoughts are they will take over agriculture land in Linn County, but they will have liability if people start getting sick. Daniel asked if she has done any research on other county setbacks. She said it could range from a quarter of a mile to a half a mile. She stated that there is no guarantee that the panels would or would not break, there is that

potential that they could and would contaminate the ground. There would be no recourse and people would get sick over a long period of time. Joab asked what she feels is an acceptable distance for a setback. She feels that it should be at least a mile.

Aubin Skipper stated she was born and raised in Linn County. Not only as a threat to her family in the area, she is concerned about the wildlife refuge. She stated over half of the people that responded to the survey on the comp plan are against or need more information. One of her concerns with the survey was people confused about the question on solar. Were they thinking, solar for their homes. Aubin is concerned about the area for solar is so close to what is on the comp plan as open space conservation. Also, is concerned about the setbacks. She stated that the setbacks are less than Johnson County or Douglas County's setbacks. A county in Indiana with a population of 19,000 implemented a 1000 ft setbacks, due to fire hazard. Stated that she hears that people don't want to be told what they can and can't do on their property. She stated that there are 178 pages of regulation that tell people what they can and can't do and Article 14 is a small part of that. Aubin's last concern is most of the people signing leases do not even live in Linn County. They are property owners but have not chosen to reside in Linn County. Give the citizens of Linn County a voice in the matter of solar farms by voting on a ballot. Paul asked what she would propose knowing how the election works to get something on a ballot. She answered to pause everything until it could be put on a ballot.

Alison Hamilton states that over the last few months she has gathered more information on solar plants than she had ever anticipated in her life. There is an overwhelming number of people that want a ban on solar plants. There has been an unwillingness from elected officials to listen to their concerns about the solar plants. She stated the regulation in Article 14 does not protect the citizens of Linn County. She asks that the P&Z recommend a temporary moratorium to the BOCC, that the P&Z could explore changes to Article 14. If not the county will be held accountable for the current articles in place. She stated at one of Clearway meetings that if the CUP is not approved by the county commission Clearway would fight it in a court of law. Asking to re-visit the preservation of prime ag land, the buffer requirements, wildlife corridors, power purchase agreement, county wide acreage cap, and that Mr. Kaup had suggested 1,000 acres for the cap. They are requesting more detailed setbacks for inverter station, which was never mentioned in the regulations. Alison stated she does not see how the county can afford to oversee the industrial power plants. They included Douglas, Johnson, and Spencer County regulations in a binder for review. The CDC recommends 1.2 miles for a setback to residential dwellings. She stated that with Clearway and EDF that goats or sheep was not allowed in any of their plans. Alison stated she reached out to Hearland Rural Electric out of the 7 acres that they would like to lease only .02% saving was passed on to their customers.

Rich explains that as with the other group there is time left and anyone want to speak, he will allow them to.

Steve Keaton is a resident of Linn County. He states that what he is seeing disturbs him. There is a transformation from the rural lifestyle to corporate farms. Most of the people are counting on the P&Z commission to help stop the solar farms. He is worried about the 8000-acre cap, that is 2% of the county. Will it grow as time goes on. Once you allow them in, they all will want to start coming. He does not want to see that. He likes the way the county is now.

Jason Kahill asked each commission if they would like it around their house. He stated that he moved here because of the farming and the ranching way of life. He feels like he was never notified about this happening around him. He restated his question to are they going to build any around any of the

commissioner's houses. Then he asked his original question if it would bother them. Rich stated that he would wait to see what was set out in the Conditional Use Permit. Jason stated he is a red blooded American and they are going to let some foreign companies come in and profit off taking away Linn County Land. Jason states that the county needs more of a voice than what P&Z gave them.

Janet Eldridge asked what the life expectancy of the panels. Rich answered that a Conditional Use Permit would answer that question. She asked if when they were done would they come back and clean the property up and leave it the way it was before. Rich explained there is a decommissioning portion of the regulations to cover that. What if a hailstorm comes in and ruins 75% of the panels? Would they leave them or come in and repair them. Rich also stated that it was in the regulations. Janet asked if her property was leased would she be able to go among them. Rich said that it would be something worked out with the permit. Janet asked why they were not notified of any of the meeting and the public hearing. Rich explained the procedure of notifications, and they realize that there needs to be something done differently for notifying the public and they are working on that.

Teal Briggs. She is married to Mark Briggs and has 4 children in the Prairie View School district. She stated that Mark spoke more on facts, and she wanted to speak from the heart. As a mother she is concerned about her children's future. They lived in the city for awhile and when their oldest started school. Mark said that he did not want his children going to school in the city and they needed to get back to the country, so they moved back to Linn County. She stated that the world we live in today has changed. To approve solar panels will change Linn County residents' way of life. When her kids ride the bus to school will there still be the view of wildlife. Will they be able to catch fireflies and hear the bullfrogs. Are there health risks living so close to a project like that. Will we feel safety for the children in our small towns.

Austin Kellerstrass he did not plan on speaking. Austin stated he came to the meeting with a biased opinion against solar panels. He also stated that he came to the meeting with a lack of knowledge. He does not feel that everyone should have come and spoke, but some are not there to voice their opinions. Austin stated that what is happening right now is scary. He feels that the county is learning. Whether it be good or bad about solar panels. He feels that being in a rush is not a good thing. Would like to see more information. He stated that he came to learn. He feels that there is time for everyone to learn.

Susan Barrett farms in LaCygne. Sent an email to the BOCC. She and her husband has travelled and seen solar farms. She stated that there were many broken panels and poorly maintained. If you travel to the west coast people should go and see them. Susan wonders if there was not subsidies if there would even be farms like this. She asked that people research these companies that are proposing solar farms. A lawsuit in Georgia with a solar company. Stated what weather can do to farms like this. Susan said that the panels are dangerous to make and most of them are made in China, and there is slave labor. If these companies claim bankruptcy who will clean them up.

Leif with EDF answered some questions that arose in the discussion. Panel breakage. EDF signed a contract with Solar Cycle. If any panels are damaged or broken Solar Cycle would recycle them in the USA. Decommissioning does end up in landfills. Toxicity tests are done for when they are taken to a landfill. There is no liquid in a solar panel. Huge concern about Wildlife Corridors. EDF will include them in their plan. Wetlands and wildlife are very important, and they will create a buffer zone around areas like that. Elizabeth asked how long it takes for a broken panel to be repaired. Panels would be replaced quickly. Timeline on disposal he is not sure about that. Rich stated that there probably would be specified in the CUP when that time comes. Daniel asked what is EDF's timeline on submitting an

application. Leif said that he could not speak on that because they are not ready. He feels that it will be sometime next year. Elizabeth asked what the industry standard was on a buffer zone. Leif says it's a regional thing. Joab asked how many projects they do have currently in Kansas. EDF does not have any in Kansas. Leif said that Kansas is a new market for them. Joab asked where most of their solar farms are located. Leif said they have a lot of wind in Texas, projects in California. They have projects across the country.

Rich commented that the forum was productive and appreciates the gallery for their cooperation in the forum. Moving forward the P&Z will have to gather and figure out where they want to do with the information. Rich said they will put workshops and meetings in the official newspaper a social media to inform the public of what is going on.

Mark Briggs came back to the podium and asked the P&Z if they would be willing after hearing everyone to recommend a moratorium to the BOCC. Rich said that they would get together and discuss how to move forward with the information.

Sheri Gentry states that there have been land contracts since 2020. That this has been going on for a long time without anyone being aware.

Rich said that him and his family have had land since the 1800's. Joab asked for a show of hands of people that are against solar. Daniel asked what the plan is to get back together, or can we make a motion to recommend a moratorium. Rich advises against making any motion until they meet again in a work session. Daniel makes a motion to recommend a moratorium for 1 yr. to the BOCC. Joab seconds the motion. Discussion Paul voices his concerns that this is coming back from the BOCC. Typically, when they send something back, they draft a letter stating what the P&Z is supposed to look at. Paul is fine with the motion but there is nothing specific from the BOCC to tell the P&Z what to do. Darin explains what the BOCC asked for and that is to make a recommendation if any changes should be made to Article 14. Sheri Gentry asked what happens if a CUP application comes in the meantime. Darin stated that it would be heard based on the regulations that are in place. Daniel stated that is the reason why he is making the motion for the moratorium. He understands what the Commissioners want but the Commissioners work for the public and the public has spoken to the P&Z. Charlene stated after watching the commission meeting and listened to them that the commission believe that this is just a workshop, and no decision can be made. Darin explained that this is a regular meeting. Charlene says this is jumping into something without contacting the attorney. She also feels that this puts the county at huge risk of being sued. Elizabeth says that it is just a recommendation and P&Z is proposing this be considered. Elizabeth also stated that she personally would like to wait until P&Z has the workshop. Rich asked if there is no binding time frame on a CUP to get it done. Darin explains that it can go as fast as they make. It can be tabled for more information and discussion. Daniels opinion is the public has told them that they should take more time.

Rich asked for a vote: Charlene and Rich vote no. Daniel, Paul, Elizabeth, Ed and Joab vote yes. Motion passes 5-2.

Rich adjourns the meeting 8:53pm.

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

December 12, 2023

Richard Morrell called meeting to order at 7:00 PM

Pledge of Allegiance

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Elizabeth Staton, Charlene Sims, David Fisher.

Also present Planning and Zoning Director Darin Wilson

Rich asked for approval of the last meeting minutes. Paul makes a motion to approve and Elizabeth 2nds the motion. Motion Passes 5-0 for approval

Rich calls for case SD23-02 GTGH-1 Plat

Rich calls Mathew Schultz to speak on behalf of GTGH. Mathew explains they bought a piece of property that consists of 172 acres. They are wanting to sub-divide into smaller parcels to recoup some of the money they spent on buying it. He explains what each parcel would consist of. Rich asks for Darin to give the staff report.

Staff Report
Case# SD 23-02

Applicant:

GTGH LLC
4622 Pennsylvania Ave. Ste 700
Kansas City, Mo. 64112

Requested Action:

Approval of a Plat of GTGH-1 to add.
A 3.69-acre parcel, 10-acre parcel, 60.38 acres, and a 80
acre parcel. It will create 4 parcels as shown on the Final
Plat Map.

Legal:

S18 , T20 , R25 , ACRES 171.7 , NE4 & N2 NE4 NW4 EX
BEG 1965.2 E NW/C SEC TH E 315 S 484 W 315 N 484 TO
POB EX BE G INTER S LN CO RD & W LN HWY*

Notice:

Notice was properly posted in the Official
County Newspaper on September 20, 2023. In addition,
notice was sent to owners of all properties within 1000'
Pursuant to State Law and the Linn County Zoning
Regulation.

Location: 19892 Vail Rd.
LaCynge, Ks. 66040

Background:

This is a 153 Acre parcel that is being divided into 4 parcels of a 3.69 acre, 10 acre, a 60.38 acre and a 80 acre. With the splitting into 4 separate parcels a Minor Plat is required. The Plat is being asked for with the intent to sell or lease the parcels.

Staff Findings:

- 1) The proposed use of the property is agricultural in nature and conforms to the Neighborhood.
- 2) There are other similar tracts of land near the proposed location.
- 3) The proposed change will not detrimentally affect nearby properties.
- 4) Property will not adversely impact existing infrastructure.
- 5) Proposed use conforms to the Comprehensive Plan.

Staff recommends approval of the Minor Plat of GTGH-1.

Rich asks Darin if he covered all the Golden Rules in his staff report. Elizabeth says it is pretty Straight forward. Paul motions that the Plat be approved. Elizabeth seconds the motion. Motion Passes 5-0 for approval of Plat.

Old business CUP 23-01 Regina's Rescue
Review of what BOCC sent back to Planning and Zoning.

TO: Linn County Planning and Zoning Committee

RE: CUP No. 23-01 DATE: November 13, 2023

Thank you for your hard work in reviewing and acting on the above cited CUP application. Pursuant to KSA 12-756 & 757, the Linn County Commissioners herewith return to the Planning and Zoning Committee the recently submitted CUP recommendation, asking the Committee to give the CUP further consideration and, specifically to consider: 1. The advisability of reducing the total number of dogs allowed under the CUP. 2. Requiring all dogs to be located in buildings. 3. Severely limiting the number of dogs allowed until the building is ready for occupation. 4. Requiring dog-proof perimeter fencing. 5. Requiring sound reduction panel around outside dog pens and requiring sound proofing of building(s) housing dogs. 6. Holding further action until the state review of the site's license (which includes the possibility of revocation) is complete. As always, whatever your decision regarding these possible revisions, please make detailed findings as to why or why they should not be adopted.

Thank you.

Linn County Commission:

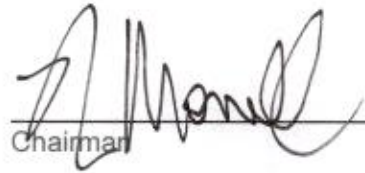
Paul asks what the difference is between 1 and 3. Darin explains P&Z passed 50 dogs and the BOCC discussed it to be 40 dogs and during construction it be limited to a smaller amount of animals due to them not being in a building. Rich says number 6 is the key to this. Darin said he spoke with Ben Lancaster with the state. Ben stated that it is moving up the line with the legal team to make a determination on the license. Darin stated that the building has not been built yet and there is no movement on progress of what Regina had said about the building. Darin recommends going with Number 6 until the state makes a determination on they are going to do about the license. Rich asks if there needs to be a motion to take action. Darin recommends tabling the CUP until word comes from the state.

Darin gives a reminder about the workshop. Darin explains about the AD Hoc committee and the Ad Hoc members. Rich asks if there needs to be a quorum to have workshops.

David asks about classes on P&Z 101. Darin says that he is working on a class and will present to BOCC's permission to move forward. Paul asks if we can go over the bi-laws in the January meeting.

David makes a motion to adjourn the meeting. Charlene seconds the motion. Motion passes 5-0

Rich adjourns the meeting at 7:17 pm.


Chairman


Secretary