

Minutes of the Linn County Planning Commission & Ad Hoc Committee

January 3, 2024

Richard Morrell called workshop to order at 7:00 PM

Explained that this meeting was a workshop and no motions and no votes he will do his best to take the room through all the stuff that they need to do. He mentioned the new member of the Planning & Zoning Commission Morgan Brown and allowed him to introduce himself. Morgan Brown lives in Pleasanton, retired from the energy industry he is a family man and has 160 acres a mile off of State Line and when approached with this opportunity he agrees that it will be worthwhile of his time.

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Elizabeth Staton, Ed Anderson, Mark Briggs, Emily Thies, Jeff Hines, Dave Fisher, Morgan Brown, Daniel Earnest, Charlene Sims

Also, in attendance was Planning & Zoning Director Darin Wilson

Rich recapped the meeting schedule of 5 Wednesdays in January at 6:30 he hopes that this can be completed within those 5 sessions and move on. Rich then said that tonight the 2 sections we will go over are 14-101 and 14-102 and then 14-201. They seem to be straight forward, but he didn't want to make that assumption. Rich wanted to read through those sections then discuss them or maybe possibly table them because sometimes they can bring up questions that will have interaction to or will be answered or explained later in the article. Jeff Hines then said his notes show that they would be discussing sections 4 and 5 tonight because 1 through 3 are mundane. Rich agreed and said he just saw his note on that.

Rich then read section 14-4 and asked for comments and concerns, there were no comments or concerns from anyone. Rich said we will mark this one reviewed. Should we need to come back to it we can.

Rich read -14-401 Concentrating Solar Thermal Devices and 14-402 Ground Cover -then asked any questions, concerns. Jeff said he wasn't sure how detailed we wanted to get but he would like to see the inclusions of cool season grasses, warm season grasses and flowers. He thinks it's too specific to say native grasses. That fescue is one of the hardiest in our county and would need the least amount of care. Dave disagrees with Jeff's statement. Dave says nothing does well in fescue. It is an issue he has been fighting for 15 years, it smothers quail and is not good for wildlife or native species. He can't understand wanting to do a cool season or native grass when we have hay meadows all over the county that are in good shape. Jeff countered with we can look at an existing fescue pasture with a solar panel site and say that it wouldn't be suitable to continue with it on it. He told Dave that he heard his consideration, but he thinks it should be left up to the landowner. If the goal is that we are trying to control erosion and storm water runoff, then a cool season grass would certainly meet that need. Dave said he understands what Jeff is saying he would hate to see cool season grasses encouraged. Dave said putting fescue in a field where it already exists is one thing but adding to a field where it has never been before is concern.

Rich asked if there were any other concerns or questions or questions about this issue. Elizabeth asked if a clause could be put in saying where the areas are disturbed those areas needed to be replaced with native grasses instead of saying you must have native grasses entirely? Replace areas just where they had removed or tilled the dirt? Then she asked if the fescue take over that area? Dave answered, yes eventually it would. Charlene asked if this would be the place, they would discuss herbicides. Jeff answered that in his opinion item (b) having it maintained is where they would have that discussion. Rich agreed. Danielle opinion on item (b) is that everyone probably has

a different opinion of it and that is a very broad statement. He isn't sure if he has a suggestion on what it should say as he reads through it he thinks if you ask 5 different people you may get 5 different answers and it may not be what we are intending to get with it. Jeff said that as he read through it he wrote down the definition of maintenance. Because they could think it just needs to be mowed when at the same time it is to control erosion, storm water runoff so it may need to be worded that way. Mark Briggs then said as far as seeding goes, some of the projects he has worked on in the past, for example it would read, would be seeded with a mix of native grasses and flowers and maintained until 80% of growth was reached. Something so its just not seeded and left. Danielle said that their permit will require that they maintain vegetation under the strict requirements of whatever we tell them they must do. Rich said that 4-9 talks about the Maintenance plan specifically so they can go into detail there and Mark agreed. Charlene asked where in our discussion do bring in the Solar company for their opinion. Rich confirmed that there was one solar company representative there tonight. Josh Framel. Rich asked Josh if he had anything to say. Josh said in regard to the operations maintenance plan that they would bring out they would answer any questions and ask if anything needed to be expanded on. He also mentioned in reference to the native grasses and flowers they do include pollinators. Jeff then asked Ed about the nice complimentary comments he made about the Solar Farm he had visited that Heartland had set up and wanted to know more about the setup and how he noticed it was being maintained. Ed said that it was tall grass, possibly fescue, Rich disagreed and thought it was a native grass. Rich then asked what do we want to do with (b)? Daniel then said that he thinks section 9 will detail that out. If we are going to add any detail to it, then section 9 is where it can be added. Rich then said can we add "refer" to section 9 and it was agreed. Rich then went back to (a) and asked if that wording needed to be changed. Jeff said that Fescue is just an example but if the primary goal is to minimize erosion cool season grass most establish themselves at a quicker. If you plant CRP, you are probably 3yrs out whereas with a cool season grass you are looking 3-6 months to establish. They give you more flexibility. Rich then said we could also say "other types of vegetation can be used" Then asked if that was too open for comfort and the committee felt it was. Dave then said if the concerns are erosion control, he asked if he could plant wheat for the first year until the CRP has time to come in. Jeff said what you are describing is particularly not used but doesn't mean that it can't.

Paul brought the discussion back to 14-401. He is asking for a definition in the definition list for Concentrating Solar. Emily agreed, saying she had to look it up also. Paul then read the definition. They agreed that would be the definition they will use. Paul will give it to Darin. Daniel asked if someone could explain 14-401. Darin explained why it read that way based on the regulations. Paul, Rich, and Charlene explained domestic concentrated solar use. They decided it was confusing and Change 14-401 to Commercial concentrating solar thermal devices (CST's) are prohibited in all zoning districts. Rich then moved on.

Rich read 14-403 Underground Installation of Lines. Dave proposed that they only allow above ground when there are existing poles in place. Not allowing any additional poles to be added. Charlene stated that she disagrees with Dave, however they need to follow what the commissioners requested and asked Darin to explain. Darin explained that the poles cannot be in the rights-of-way or easement. Daniel stated that we are telling them that is where we want them to put them. Dave said I also don't want any additional allowed. Daniel said he would agree with that, and Charlene stated that she would disagree with that. Jeff said there is a bit of a safety concern with putting utilities underground, they can be hidden issues he agrees he does not look at poles either. Jeff explained that both may be needed due to terrain or location. So, keeping both options are needed. Mark said he thinks it should be outside the public right away. Jeff pointed out that it is not fair to make decisions on policy on who is sitting on the commission now. This needs to be

approached as a holistic approach. Daniel said he agrees however he still thinks they need to strike (b) completely and say the plan needs to be go underground if for some reason you are unable to then write and exception for review. Rich recapped and said remove (b) and just go with (c) the way it reads. Daniel asked Josh about the interconnecting wires between each panel if they were just exposed, Josh said yes, they will sit in a tray between the panels. Mark asked if there were regulations for transmission lines. Rich asked Darin and they would look into it. Mark thinks that he remembers Andy Mayhue saying something about general regulation utility lines that need to be followed. Jeff said he liked the suggestion of striking (b) and adding the words Transmission lines to (a) strike (b) make (c)- (b) and add the words Transmission lines to it. Rich asked if all agreed. Mark went back to 14-401 Ground Cover saying that Andy brought up “What is the Circumstance for failure to maintain” Darin explained that it would be a violation of the Zoning Regulations and a Violation of the CUP. They would have so many days to rectify, if not they would be fined, court, ect. Mark found Andy’s suggestion and it is to follow the guidelines of the Public Works Department. Darin said he would have to get with Shaun West to find out what those are, and he will make a note to do so. Emily asked if the wires that go from solar panel to solar panel have protective conduit on them Josh Framel confirmed, yes into a three-sided tray. She then asked who would be responsible for going onto the properties to make sure everything is in line. Darin answered that it will be him, but he is also recommending that they hire an outside inspector to inspect the project to completion and do inspections periodically as its being built. Darin can do inspect the grounds and surface of the panels or exposed wires but will need a trained solar technician to inspect and repair when needed. This is a condition that will be added to a conditional use permit and the expense with be charged to the solar company. Mark wanted this added to the Regulations because he thinks there may be a problem if we add it to one company but not another. Daniel explained that he is familiar with this process, and it would be good to add Rich and Emily agreed. Rich asked where they should add it, Emily thinks it should be its own section. They discussed it and Jeff said looks like 14-6 Construction Management Plan would be the best place and Rich agreed. He then asked Darin if he would work on verbiage for that section for the Inspection/inspector. Rich then moved on to 14-404 Height of Solar Panels Dave suggested wind measured at maximum vertical position. Emily stated that this is the way it is worded in the proposed “Bill” and if it ever passes it will be good that some of our verbiage matches. Rich asked how is this different than the way we have it worder. Dave said let’s ask Josh Framel. Josh said no different, 15’ is the maximum height, even at a tilt. That is how I read this. Emily then asked what is the average height that you usually install? Josh replied below 15’. Rich said when they went to the Evergy sight he thinks it was 12ft. Paul asked why one would be 10ft and another be 12 or 15 Josh explained possibly a flood plain. Rich then read 14-405 Power Purchase Agreement. Emily asked why 2 Options of providing non confidential information. Charlene explained that it was at their discretion, its reading either/or. Emily asked if the Power purchase agreement was where the power was going to go. Rich asked Josh Framel for the interpretation of a Power purchase agreement. And Josh explained. Rich stated now that we understand it we can leave this section the way it is and everyone agreed. Rich moved on and read 14-406 Dave asked how the number of acres got from 4,000 to 8,000. Rich explained how the Commission came to that decision with Charlene’s input, Emily asked for confirmation that it would never go above 8,000 and Rich said yes. Jeff suggested to allow 4000 with the opportunity to go up to 8000. Emily said she liked that idea. Mark said he needed to bring some notes in that may help this situation. 0-160 acres domestic and above Utility. Mark spoke about the location and Jeff explained until we have a project completed for evaluation we won’t know what to expect or how to proceed. Daniele suggested setting a date 2-3 years after completion of the first project, so we have a better understanding. Jeff agreed. Mark thinks 4000 is

too much. Emily stated that EDF has stated that they are going to be drilling and she has concerns, Charlene stated she wants to say it again that Evergy put out this RFP for this and if we do not allow this to happen, we stand the chance of being sued, or the State Legislator saying sorry we are taking over this is what you are going to do. Jeff Hines said I think we are mixing two conversations together. I think that the meeting that was so well attended most people didn't know the purpose of the meeting. That was to give comments regarding the zoning regulations. Instead, it turned into a referendum on a project that may or may not be proposed at some point and we can't go by "what if's". Emily said what I am saying is there needs to be stricter regulations. Jeff said then let's put them in here. Emily said she does not disagree with 4,000 acres and stricter regulations. Jeff then explained to Mark that he understands that 4000 acres is a lot but as he listened to Charlene speak if we went too low, we may not get a commercial project. If that happened, we wouldn't know if it was harmful to our way of life and generating tax dollar a fair trade off. Daniel asked if you could limit acres per project area. So, all 4000 acres were being used in one location. Emily said she read a regulation and so did Mark where there were maximums and then minimum distances between each project so one area was not saturated with solar panels. Rich asked Josh what he had seen. Josh explained yes, it is common to have distance requirements and guidelines. He also explained that on 8000 acres there will probably only be 4000 solar panels. Emily asked if the landowner could do anything with their land that was not used, and Josh replied yes. Daniel asked if it made sense for them to build solar anywhere else other than around the plant where they can get to the grid easily. Josh said that the interest in the land is the proximity to the grid. Daniele said it is a double edge sword we limit it where there is no interest anymore because the size is too small, and it doesn't make sense to build anywhere else in the county. Because they do not have the infrastructure and are able to tap the grid, and by way of regulation all the companies all the companies have lost interest, and we haven't even given them a chance. Morgan agreed with Daniel, if we don't give them a little bit of leeway other industries, will not have interest at they will think the regulations are detrimental and will not take the time want to come here. We will lose the opportunity to put up some more commercial business. That is one thing we need more of in the county, that is employment. Daniell said I haven't heard anyone disagree with 4000 acres. Jeff said lets table it for public comment. Emily said you would see how much the county is making, the benefits, the non-benefits. Mark said 4000 acres is a lot of acres to gamble with Paul explained that the regulations are there, the decommissioning plan is there, the bond is there. That all is still in place to cover if something does not work out. Jeff said we see the program in Garnett is flourishing but that could have gone another way let's see how ours goes. Rich recapped where they were at this point with acreage, 4000 with the potential to go to 8000, Charlene said that additional acres could be added after they had been in operation for so many years. Morgan said on completion of the first project and Rich agreed. Paul then said it could be 4000 acres reviewed every 2 years. That way we don't have to figure completion dates of projects. Dave asked if that would give enough time to figure out if it was working and the revenue. Rich said that is a good point however if nothing has changed, we can review in another 2 years. Mark asked if you would know about the pilot program since it is 10yrs. Dave explained to Mark how he thought it worked and needed to be negotiated. He also thought that 2 years may not be long enough to know. Jeff explained why he liked the review process. If after 2 years there is progress then expand, if not extend 2 more years and then after 4 years if no progress we have answers. If Progress, we have answers. Jeff likes to review every 2 years after the approval if the CUP. Emily asked Josh "Hypothetically if you started your project today how long would it take you to finish" Josh said 16-18 months. Ed asked Josh on a 2000-acre project how many employees does that require? Josh answered 5-10. Emily asked if they were local hires. Josh said they would hire people here.

Rich asked Darin to explain the first 10 years tax abatement. During that time the Commissioners will negotiate a price that is paid for those 10 years. After those 10 if the State does not do another 10 then they would start paying property tax. The Money for the first 10 years can be used at the commissioner's discretion it does not have to go certain places. The Solar company can also do things above payment in lieu of taxes. They can make donations to schools, fire departments, ect. There are things they do outside of the pilot program that benefit the county. Emily asked if this was done before the CUP was approved and Jeff said you can negotiate the pilot program before it is approved.

Rich stated that the Power Plant money was not used to benefit the county and he wants to strategically make sure that this money is used to benefit the county.

Josh said, taking the acreage cap into account what's built is not necessarily what's permitted. Paul explains this way just makes it very messy to police. It just would not work. Daniel said I thought this had come up in a commission meeting and referred to Darin. Darin said that he thinks it does say in the regulations that you have 1 year to start construction or open your business to keep your CUP valid. Rich said he remembers setting a time frame because they were getting all of these projects that never got off that ground.

Jeff said we have 2 primary goals for doing this, 1. set the acreage high enough so we don't turn away any potential commercial projects and 2. Make sure it goes well before we expand. So, if we do 3 years that sounds great knowing that there is that 1 year of construction. Mark Briggs said I am Sold. David asked how we will review this. Jeff said let's make it easy It comes for review before the commission, there is public comment, it is discussed to stay where it is at, or expand to 4000, 6000, or even max out to 8,000. Darin said we will do public notification, public comment, public hearing.

Rich then asked if 14-406 was good with all the changes made. Jeff asked Emily and Mark if they were ok with the compromise and they both yes it was a good start.

Rich then read 14-406 C Paul said it didn't state clearly that it needed to restore to its original state. Daniell agreed. Remove structures and restore area to preconstruction condition -Covered in 14-10

Mark asked where environmental sensitive issues in the county would go under. Rich explained that it is covered in the Comprehensive Plan. There are certain areas designated for Solar & Wind, Darin said he was reading today, and it reads for just wind. Mark said if you are talking industrial a lot of this land is farmland so it would have to be rezoned. The discussion went to setbacks for cities and incorporated & unincorporated areas. Rich asked if there were any changes Paul made to cross reference to 141.

Rich moved to 14-407- Elizabeth said she would like the word "may" removed because in what scenario will we have the county being paid for any of these experts. Charlene & Rich agreed then Rich asked what Mr. Kaups explanation for that wording. Rich thought he was giving the commissioners some latitude. They changed the wording to shall only. Emily said she is concerned that when there is a CUP application and there is not a regulation for a condition there will be a lawsuit. Daniel said where I disagree is when you try spelling them all out that's where you are going to miss them & then they are going to say well that's not in there. The way this reads we can make them allow Mickey Mouse to live on the land and they must do it. We can sit here for weeks and not list scenarios that could happen. The specific ones that we think are going to be required but I don't want to sit here and try to dream up every possible scenario and try to put a regulation around it.

Rich moved to 14-47 B Jeff asked if this was part of the Bond Darin responded by saying he was not sure, but he believes it was more than likely a bill from the county to the vendor.

Rich asked about next week's agenda – Lets start 14-408 through 146.

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:  
\* 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 15<sup>th</sup> 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](mailto: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 27<sup>th</sup> of April.

Rich adjourned the meeting at 8:20 PM.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

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

February 13, 2024

Richard Morrell called meeting to order at 7:00 PM

Pledge of Allegiance

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Morgan Brown, Daniel Earnest, Elizabeth Staton, , Charlene Sims.

Also, in attendance was Planning & Zoning Director Darin Wilson

Charlene Sims brings up the discussion of the bylaw's and wanted to get public feedback about members being on zoom. Elizabeth stated it would be for more like emergencies, not for vacations. Daniel says he made the request because he travels so much for work. He doesn't like not being involved and having to watch it on You Tube. Just wanting to be able to have input. Paul said that David Fisher is on the phone because he is out of the country and wants to be able to provide input to the cases. Rich stated he hopes it will be the exception and not the norm.

Richard asked to approve the minutes from Dec 12, 2023 meeting, Charlene makes a motion to approve and Daniel seconded the motion. Minutes approved.

Rich explains that it is time to elect a new chairman and vice chair and moves it to the end of the meeting.

Rich calls for Case Z24-01 David Wakefield. Rich calls Mr. Wakefield to the speak on behalf of the zoning change. Mr. Wakefield says his grand daughter wants to build a house on the property. Rich called for the staff report. Darin gives staff report.

## **Staff Report**

### **Case #: Z24-01**

**Applicant:**

David Wakefield  
16524 KS. HWY 52  
Mound City, Ks. 66056

**Requested Action:**  
Zone

Approval of Re-zoning from the A-Agricultural  
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: 16524 KS. HWY 52

**Analysis:**

Applicant has been approved for a lot split of 3.16 Acres to keep and sell the remaining acreage (55.63) to family. 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 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](mailto:dwilson@linncountyks.com)

Office: 913-785-2422

Cell: 620-238-3201

Daniel makes a motion to approve the zoning change. Elizabeth seconds the motion. Approved with a vote of 6-0

Rich calls case SD23-04 Sunshine Meadows. Mike Page came to speak. Mike said that he came to initiate a sub-division at the corner of Geuria and 1700 Rd. He stated that it was a 40 ac. Tract of land wanting to subdivide into 10 parcels. He explained that there is an existing house being constructed on the 40 ac. Charlene asked him if he owns it now. Mike answered that he does not. The contract is contingent upon the ground being able to be subdivided. Charlene asked if the house under construction would be one of the 10 that is being proposed. Charlene stated that she has 3 concerns. The roads, the water and the sewer. Charlene asked if he has had a percolation test

done. Mike replied per the county code that one is not required. Rich asked why counties most not require a test. Mike replied, the trend have shifted from perk tests to soil testing. Charlene asked about the water test on the water lines that run by the property. Mike explained that they had a hydronics test done by rural water 3. He explained that they would be responsible for phase 2 of the project. Charlene asked about developing. If he was going to develop it all at once. Mike answered however the market would bear it. He said the ones on the frontage roads would be developed first. Charlene brought the concerns of the roads. Mike said 1700 was already paved. Mike said it would offer affordable living outside of the cities. Mike talks about the Comprehensive Plan supporting new development. Charlene asked about the prices of the homes. Mike answered probably mid-grade homes. About 300-400,000-dollar homes. Paul asked about the septic systems. Paul how do we insure ourselves that with the shallow soil its not going to be a problem. Mike said that if they meet the guidelines of the sani regulations. It would be up to the county Sanitarian to pass or deny the system. Mike says that the sanitation code, he feels should be re-worked and looked at. Mike explains how a system works. Charlene talks about not doing a subdivision in a long time. Charlene asked how soon he would have 1 or 2 houses done. He plans on having one on the market in about 120 days. Rich asked for Darin to give the staff report.

## Staff Report

Case# SD 23-04

Applicant:

M&M Adventures LLC

518 S. Walnut

Parker, Ks. 66072

Requested Action:

Approval of Sunshine Meadow Plat.

40 acre tract of land to subdivide into 10 parcels

Legal:

S27, T20, R22, Acres 38.7, SE4 SE4 LESS RD

**Notice:**

Notice was properly posted in the Official  
County Newspaper on December 20, 2023. In

addition,  
within 1000'  
Zoning

notice was sent to owners of all properties  
Pursuant to State Law and the Linn County  
Regulation.

Location: 1700 & Gireau Rd.  
LaCynge, Ks. 66040

Background:

Option 1: This is a 40 Acre parcel that is being divided into 10 parcels of a mix of 2-to-6-acre tracts. With the splitting into 10 separate parcels a Major Plat is required. At this point this is a preliminary plat. The applicant is seeking approval before purchasing the property. The developer will have 1 ingress and egress for access to some of the parcels of property. The applicant has indicated the location on the survey. Each parcel will have a septic system installed. Locations to be determined when parcels are sold. The Plat is being asked for with the intent to sell the parcels.

Option 2: Same as above with the exception of 1 parcel being reserved as Open space.

## SECTION 5-2 DEDICATION AND RESERVATION OF PUBLIC PARKLAND

**5-201. General Requirement.** In subdividing or resubdividing land zoned and intended for residential use, the developer shall, **at the request of the County**, dedicate or reserve land for public park purposes, or pay a fee in lieu of dedication, or select a combination of dedication or reservation and a fee. The method chosen to meet this requirement shall be determined by the developer with consideration given to the standards set out in these regulations and the recommendation of the Planning Commission.

**5-202. Amount of Dedication.** The number of acres of land which may be required to be dedicated or reserved shall be determined as follows, based on the density of development as permitted by the zoning of the property being subdivided. The area required to be dedicated or reserved shall be exclusive of all street rights-of-way and stormwater easements.

Staff Findings:

- 1) The proposed use of the property will be re-zoned to Country Side.
- 2) There are other tracts of land near the proposed location that have been split.
- 3) The proposed change may detrimentally affect nearby properties.

- 4) Property may adversely impact existing infrastructure.
- 5) Proposed use conforms to the Comprehensive Plan.
- 6) Option 1 there are open spaces due to tracts being of larger size than a normal residential lot
- 7) The property is about 5 miles from the town of Parker that has a public lake and school play grounds.

Staff recommends approval of the preliminary plat.

Paul asked the difference between the preliminary plat and a final plat. If the preliminary plat is approved, then Mr. Page can proceed to final plat. Which is Mylar copies and everything else shown on the survey. Rich calls for public comment on the plat.

Sirley Kinder, she stated she lives directly west of the proposed subdivision. She stated that they sold a property in Miami County, and it was contingent on a perk test. When she bought her property in Linn County they got a soil map. She asked the board if that is where they wanted growth in their county. She doesn't feel they would have moved there if there was a subdivision there when they bought their property.

Nathan Howard, he feels that there is a lot more questions than there can actually be answered. How long are the phases of the construction. Possibility of construction going on for 10 yrs. Questioning the cost of the houses being \$300-400,000.00. He doesn't feel that Mr. Page can get that much money out of them, not in Parker, KS. He provided an email. He says revitalize Parker and Mound City that is zoned Residential. He says there is other options for these subdivisions than in the middle of rural Linn County. Rich asked if he was a farmer or rancher. He answered no that his family has owned the property just south of there since 1981.

Larry Kinder, he asked if anyone on the commission has gone out and inspected the property. Elizabeth answered yes that she had been out there. Since no one has been there he asked if anyone has checked the soil types. He explains that in the soil type book there is a section on building on those types of soils. It is broken up into dwelling with basements, dwellings without basements, local roads and streets and shallow excavations. He explained that houses should not be built on this property. Also if you change the zoning the county is opening up to having to do it everywhere. Why not put subdivisions closer to small towns. Rich asked if the rest of the soil in the county was different. Rich also stated about all the building in Miami County, is the soil different there. Mr. Kinder answered that he only looked up the soil type on that property.

Jeff Kinder, He asked if there was going to be lagoons, because on that type of soil lagoons are recommended. He said that lagoons in Missouri that most lagoons fail. They fail because it's up to the landowner to mow them and maintain them and no one polices them. So, if they built 10 lagoons and no one maintained them, it wouldn't be nice to Howard's next door. He talks about the feed lots in the county and what it has done to the neighbors. He talks about the rural water. Talks about how old the water lines are that run to that property. Jeff also talks about the installers of the new water lines how it is a conflict of interest because it is the Page's. Charlene said maybe an Environmental Impact Study. Jeff says its poor soil. Jeff says that there is no ambulance service in Parker.

Barbra Hines, she asks if they are going to be retirement homes built there or will they be residential. She states when you bring city people down here they don't realize how far it is to a doctor or hospital. Gireau Rd. is fine for the people that live on it but if you add that many houses



and traffic on the road it will not be fine. If it is allowed it wont be long before the new people and the existing they will be complaining we got to have better roads.

Rich explains that the discussion is now among the commissions and please keep your comments to yourself.

Daniel asked if Mr. Page could come back up. Daniel asked Mike to explain his experience with septic systems. Rich also asked to explain if they are going to be single family residential dwellings. Mike says he knows of no county that does percolation tests. The further south you the less its regulated. Mike stated that these were not sites for lagoons. He also explained if you consult with soils engineer that they would say this part of Kansas and Missouri has terrible soil. Mike stated that him and his sons install systems in a lot of different counties. That they have state certifications and take continuing education on soil types. They install bigger tanks and sometimes multi chambered tanks. They use rock and perforated pipe, or infiltrator chambers. He makes the point that he agrees that the soil is not good in the county, but what are we all going to do is move. Mike makes a point of the COMP plan. That it promotes growth in the county. He pointed out other subdivisions in the county. He points out that growth is coming whether we like it or not and its best to prepare for it. He explains that on the water lines it has to be studied by an engineer before they are installed. Rich asked if Miami county has a different type of soil than here. Mike said they have a different set of sanitary rules. He asked planning and zoning if the sanitary codes need to be changed. He also stated that he would like everyone step up what they were doing. Morgan asked are the lateral field comprised of a modular chamber. Mike said the code does not require infiltrator chambers. He does mostly rock and pipe, but the county does allow them. Rich asked what the purpose of the chambers are. Mike explained they hold more volume and are used in place of pipe so not as much area is required.

Paul asked Darin if there is a soil test. Darin stated that yes they could ask for a soil test. Darin explained how that would work. Darin said that he could call KDHE to see if they would send someone up and look at the property.

Paul talks about the Comp Plan and how the property is just outside of the area that shows for future rural residential. Rich asked why the future map shows rural residential and why it was drawn that way. Darin said he does not know why. The maps were done after he started. Charlene thinks a lot of that was just IBTS decision. Daniel stated that he feels they need to find a way to bring families in and help Linn County grow. He also said that if it checks the boxes for the regulations and the sanitary regulations its not a matter of how strict they are, its that they are in place and they are followed. How will Linn County grow. If we are limiting developers that want to build more desirable houses, then we are limiting the growth of Linn County. Rich refers to the Comp plan and says that they have tough decisions to make.

Mr. Howard got back up and says that it is outside of future land use map. David Fisher asked if they can get a 3<sup>rd</sup> party opinion on the septic systems. Rich asked Darin who that would be. Darin said that he would call KDHE if they would send someone to look at the property. Darin suggested tabling it and find out what KDHE says. Elizabeth made a motion to table the discussion and try and get a 3<sup>rd</sup> party opinion. Morgan seconded the motion. Votes 6-0 to table.

Rich calls case CUP24-01 Mulberry Limestone

Matt owns Mulberry Limestone and he has brought people to speak on behalf of the quarry. Dennis Meyer is a professional engineer and geologist. He owns an environmental consulting firm. With respect to Matt, he owns 7 different quarries in southeast Ks. He has been in business since 1991. Dennis explains there are several different steps. They have to go through local zoning and Conditional Use Permit. Next is an environmental study to make sure that flora and fauna is taken care of, or any endangered species. After that they apply for a mining permit, water permits,

stormwater construction management, air pollution permit, many different agencies to go through to be able to mine. This area was picked because of the quality of the rock. 3 different stages to get to where they are mining rock. Dennis says this is a specific site. Water has to meet certain criteria before it leaves the site. Therefore they may have sediment ponds. There will be berms around the property. They will plant grass and trees. This is for a visual barrier. They have a blasting company to do the blasting. The blasting is not meant to throw rock everywhere. Designed to break the rock up so they can take it out of the ground. It is 123 acre site. The average rate is about 1 acre a year. Matt's intent is to be a good neighbor. Work hours 730 to 5. Not sure how many trucks per day will be going out per day. Dennis explains the reclamation and that they have to put up a bond. Talks about dust abatement. No permanent buildings will be built on the site. Dennis asked that the permit would run the length of the time of the quarry.

Dean Manual with Austin Powder Company. Provided certified blasting for rock quarries. They do blasting all over the world. They are regulated by the ATF, they follow every guidelines. They deal with the fire department. Nothing is stored on site. They bring it in the day they blast. They take responsibility for any damage that is done during one of their blasts. Every blast is monitored with a seismograph. Every blast is videoed, and they have to keep the records on hand for 5 years. Daniel asked if they take responsibility for neighbor's foundations. Dennis says that they all the regulations and they have parameters that they have to meet. If they do a blast that exceeds 2in. They have broken the law. It is not measured in actual inches. It's part of what the seismograph measures. They monitor every blast. They don't want to reach 1 in. If they go over 2 in. They go and talk to every surrounding property owner. Yes, they will take responsibility if there is damage done to a property. Charlene asked if the blast was in the parameters, and something is damaged, will they take responsibility for damage. Dean said that if it is in the guidelines they are not responsible. They can do a pre-blast survey. They would want to verify the blast if someone complained about a crack in their house. Will probably blast 1 time a month. Dean said what most people feel is not the blast itself, it's the air that comes from the blast. On a low ceiling day, it could be felt on the wall because the air has no where to go but out instead of up. Charlene asked about the permitting. They wont go get any of the other permits if the conditional use permit is not issued. The permit is issued by the department of agriculture. Daniel asked how many employees will they have. Dennis said 4-5. Dean said that his company has worked for other quarries in the area. Rich asks for the staff report.

## Staff Report

### Case # CUP 24-01

<b>Hearing Date:</b>	February 13, 2024
<b>Date Prepared:</b>	February 5, 2024
<b>Applicant:</b>	Mulberry Limestone
<b>Requested Action:</b>	Consideration of CUP for Quarry
<b>Legal:</b>	S30 , T19 , R25 , ACRES 122.7 , NE4 EX BEG 1975.24 W NE/C TH S 1010 W TO HWY ROW NLY ALG ROW TO N SEC LN E TO POB & EX BEG NE/C NE4 TH S 1154.96 W *

**Location:** Commonly addressed as: 22779 E. 2400 Rd.  
LaCygne, Ks. 66040

**Current Zoning:** A/Agricultural

**Zoning and Uses Nearby:** Zoning – A/Agriculture

**Notice:** Notice was properly posted in the Official  
County Newspaper on January 24, 2024. 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 5-3 (f)  
Article 20-104  
Article 20-109, 20-110  
Article 20-04

**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 and Country Side. The subject property is currently zoned as A/Agricultural. The property is fronted along 2400 Rd., utilizing a singular ingress/egress. This application for CUP is to permit the applicants’ desire to be authorized 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 and Country Side

3. The property is **suitable for proposed use**.
4. The proposed use (same as across the rd.) does not appear to **detrimentally affect nearby properties**.
5. Property will remain as **currently zoned** as Agricultural and has been vacant
6. With proper conditions the use will not detrimentally affect the **public health, safety, and welfare**, and would benefit public 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 and finding from Golden vs. the City of Overland Park.
  1. Must comply with all state and federal regulations.
  2. Permits be kept on file with Linn County Planning and Zoning office.
  3. Hours of operation 7:00 am to 5:00 pm.
  4. Heavy equipment “hours of operations” shall not include maintenance on equipment loading or unloading of equipment for transport, operations that occur indoors and operations necessitated by emergency situations.
  5. No storage of explosives
  6. Ingress and Egress to 2400 Rd.
  7. CUP permit to be renewed in 5 yrs.

Robert Studentbac speaking on behalf of Linn Valley. No traffic study has been done. Asking for traffic study to be done. No study has been done to see if there will be detriment to the roads. Who will pay for the damage to the roads. No noise study has been done. The citizens for Linn Valley are concerned about noise. No study has been done for the substantial increase in large vehicles. Zac Walker states he is building a house at the corner of 2400 and Valley. He is concerned about noise pollution. Lives right across the street from the existing quarry and concerned that the noise will increase with another quarry in the area. Air pollution from the blasting. The destruction of agricultural land. Traffic is another concern of Zac’s. it got chip and sealed in 2023. He said that the road is already cracking. Zac said there are 6-10 houses that will have to deal with it. He afraid his property being devalued. Concerned about legal blasting parameters. Wants to know who pays for a pre-blast survey.

Jake Wade asked who enforces the road maintenance. Wanting to know if the county goes and looks at it.

Dennis wants to put in something for the county. The other quarries are charging too much money. Thinks they will save the county would save 4-5 dollars a ton.

Darin answered that Shaun would have to answer that question. The roads are checked by road foreman. Daniel asked Jake if he lived in Linn County. Jake does live here.

Stephanie Walker asked how far the setbacks are. Charlene answered 100 ft. Stephanie asked do they live in the county. Dennis said he lives in Crawford County. He wants to open this to create competition and low the county’s prices for rock. Dennis said that the rock passes as class 1 concrete rock. Very few places in the state that have class 1 rock.

Topher Fillgreen sits on the Miami County Planning and Zoning Board. He is representing youth front. He is the executive vice president of youth front. He signed a deal with Wade to take the rock of his land. He is not worried about the quarry. He is worried about the roads.

George Wannamaker talked to Jake and said he didn't have a problem with it until he seen how big it was going to be. He is worried about damage to his home. What is his recourse if there is damage, and it is in the parameters of their blast. Dennis explains a pre-blast survey and the importance of it. Basically if it is in the parameters and the crack was not there they would probably have to go to court. He has concerns about the truck traffic. Trash will increase on the roads.

Amy Lumus talks about the berm that is on 2400 rd. It has no grass on. She asked why. The land has not been maintained.

Dennis talks about a Z curve. They can design a blast that could be 1.5 in. The blast is highly calculated.

Rich asked about the setbacks. 100 ft. Rich asked the commission what their thoughts were. Daniel talks about not detouring business and protecting the citizens. He thinks there is a solution to make everyone happy. Morgan asked if there is a road agreement with the coal company. They are a Missouri company. Rich agrees with Daniel with proper conditions it could be a go. Rich suggested tabling it. Charlene makes a motion to table and Elizebeth seconds the motion. Passes 6-0

Rich proposes tabling the Comprehensive Plan and the Bi-Laws. Charlene made a motion to elect Paul as the Chair. Motion Passes. Charlene nominates Elizabeth. They voted 6-0 for both. Darin wanted to talk about a secretary. Daniel suggests an app to take minutes. Paul explains the app. Darin said an app will have to go to the commissioners for approval.

Daniel makes a motion to adjourn. Rich seconds the motion. Motion passes unanimous.

Rich adjourns the meeting

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

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

March 12, 2024

Richard Morrell called meeting to order at 7:00 PM

Pledge of Allegiance

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

Also, in attendance was Planning & Zoning Director Darin Wilson

Approval of February minutes. Rich make a motion to approve. Elizabeth 2<sup>nd</sup> the motion. Passes 9-0.

Paul call case Z24-02 Kenneth Sloan

Kenneth Sloan represents himself. Kenneth says he owns 156 acres and is splitting off 5 acres for his grandchild to build a house.

Paul asks Darin for the staff report

### **Staff Report**

#### **Case #: Z24-02**

**Applicant:**

Kenneth Sloan  
8486 1525 Rd.  
Centerville, KS. 66014

**Requested Action:**  
Zone

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

**Legal:**

S26, T20, R21, ACRES 159.3, NW4 LESS  
RD

**Location:**

1800 Rd. and Wyandott Rd.

**Analysis:**

Applicant has been approved for a lot split of 5 Acres to keep and sell the remaining acreage (154.35) to family. 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 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 with a unanimous vote.

Paul asks if any one was there to talk about this project. Paul asks for discussion. Daniel makes a motion to approve the rezoning. Joab 2nds the motion. Passes 9-0

Paul calls Mark Briggs to talk to the Commission.

Mark Briggs lives at 24577 E. 2000 Rd, LaCygne, Ks. He is speaking about the overwhelming response from the public forum. He states that there was 470 opinions collected that night. Written response had 256 testimonies. 7 proponents, 3 neutral, and 246 opponents. 96% were against. Public testimony at the forum. 11 Proponents, 26 neutral, 177 Opponents. 82% were against. Mark states where do we go from here. He also stated that now there is data to update the Comprehensive Plan. He says that people didn't understand the questions that were asked in the survey of the comp plan. Marks says there are things that should be taken notice of in the Comp Plan. Protect and enhance the rural character of the county. Manage and minimize diverse effects on intrusive developments and land uses. Maximize the economic impacts of Heritage tourism and outdoor recreation. Expand the options for amenities, entertainment, and opportunities for the public to enjoy the County's parks and open spaces. Encourage the conservation of existing natural and agricultural areas. He states here are the top five things listed as the most important attributes of Linn County. The lakes, rivers, waterways among the communities, with the potential for future promotion and growth. The natural beauty, scenery wildlife for he outdoor recreation enjoyment. The history and heritage County. Agricultural and farms throughout the county and safe rural and small-town atmosphere for peace and quiet country living and freedom. He can go on all night how the comp plan does not support industrial solar. Currently there are 212 counties across the

country and four counties that have a Prohibition on Industrial Solar in Kansas. Many other counties are in a moratorium, and they have been following our meetings closely over the past several months. Linn County would be the fifth county in Kansas to place a Prohibition on Industrial Solar. You can see from the tonight's attendance that the citizens are here to support you in voting for a Prohibition on solar. Mark would love to see you vote tonight and take these findings to your commissioners on Monday morning, but he understands if legally they cannot be he understands. There needs to be a plan moving forward to find the facts and move forward with the prohibition. Mark would like to see workshops starting this week and schedule a special meeting in the next few weeks. Following with a recommendation sent to the BOCC. The P&Z is very educated on this topic now. They have worked on it for over two years. Mark believes there will be no problem finding the facts from Linn Counties Comp Plan. Mark says he appreciates all the work that has been done and will be done in the future. He thinks everyone on the board is very open minded and are deep thinkers. He will continue to follow the meetings until it is resolved because he has learned that every citizen needs to be part their county.

Paul asks for questions for Mr. Briggs.

David Fisher asks if he suggests if the ad hoc committee be wrapped up. Mark says that he thinks its best for P&Z to meet and start discussions. Mark feels that the citizens have spoke and the comp plan supports prohibition and in there is a very good finding of facts.

Paul agrees that there needs to be a plan moving forward. Paul also states that he is not sure that P&Z is in a position tonight to start developing that plan. Because of timing and in this particular meeting. Paul agrees with what Mark is asking for as far as P&Z needs steps moving forward to make it more concrete. Finishing out the ad hoc meeting is a bit of a necessity even if it appears from Marks perspective as technicality. Because the BOCC have passed P&Z with that after multiple requests have continued to task P&Z with that to make a definitive decision regarding the regulations prior to winding that down appropriately to make sure I's are dotted and T's are crossed in respecting what they have requested P&Z to do. Mark states that the BOCC is not sure what they have asked P&Z to do. Paul says if P&Z want to open up discussion tonight for a meeting dedicated to reviewing the regulations as far as doing what Mark is talking about. They could start that discussion. Paul says the problem is ending the ad hoc and the timing of that for P&Z to review what they have done. Daniel says he hears what Paul is saying. Daniel states that there has been an enormous amount of time on the and will continue to spend enormous amounts of time if they don't start getting a better feel of where they are at. Daniel states that where they are right now he is for putting a prohibition on and he feels like he doesn't want to waste a whole bunch more of his time on doing it until there is a group consensus. If everyone disagrees with him, he is fine to continue to work on the regulations. Daniel makes a motion to put a Prohibition on Industrial Solar. Joab seconds the motion. David asks if they could have some discussion on that before. Paul says he thinks there should be. David says he is in line with Daniel. Paul asks them to hold on. Paul thanks Mark for speaking. Paul states that they will discuss it together. Paul recognizes someone from the gallery that wanted to speak. Paul explained that Mark was on the agenda and was not going to take public comment. David says he is in step with what Daniel said. David says if they go ahead with Prohibition, they need to have a rock-solid plan and he doesn't think they are at the point where they can develop that. The frustration is also apparent at these ad hoc meetings. They have come to consensus on several things. There has been other things that they have not been able to come to consensus on. David points out that Rich has had a heck of a job trying to come to consensus when you can't vote. David's suggestion would be to have one more ad hoc and identify what they have come to consensus on the identify the deltas they have on the other regulations that they cant come to consensus on and get it to the P&Z so they can vote. Daniel state that they have come to consensus on things. Daniel feel he has come to consensus on if we don't put a Prohibition



is where they need to be. He is telling them that he will be the first to vote for Prohibition. He states we can continue to work through all the regulations and if we were going to come to a consensus there is a Prohibition and maybe they never will. He feels they are spinning their wheels on regulations. Charlene says she would like to see it postponed till after the ad hoc is complete, because they need finish the ad hoc. Rich says he agrees with David and finishes the task. There is a possibility that it could be wrapped up in more meeting. Paul's states that they work for the BOCC and do what they have asked them to do. Paul thinks the process should be finished out, if nothing else but for integrity sake worth one more meeting. Paul states that the BOCC are trying to deal with the lack of a county counselor. It is one of the biggest decisions we're going to have to make in decades. It definitely needs its own meeting. It definitely needs the full attention of the Commissioners. No matter what they decide no matter what we pass on to the Commission it will need significant legal review because of the tension on both sides. There is money and lawyers happening and Paul don't want to put them in a vulnerable position of next Monday this decades significant issue dumped in their lap when they are just trying to ask the lawyer whether or not what they did in their meeting was the right thing. Paul feels like that does a disservice to them. Paul says he doesn't want to be rushed. It needs to be a solid decision, it needs to have as much of a strong consensus as we can offer. If there is any gray area is only going to leave doubt. It is only going to leave somebody else saying yeah but what about this. Time is our friend not our enemy. A vote tonight would be unnecessary pressure on the different gears of this car that is simple just a what able if we took another month. At their next regular meeting would be set the date for the solar meeting. Paul states that there are rules. Just because there is a motion and a second they do not have to vote. There are alternatives to not voting. Paul explains there are 3 options. 1 they can vote. 2 the motion can be withdrawn. 3 A motion of postponing that fits this situation where they need to gather more information before before they are prepared to vote. David makes a motion to delay discussion until the next meeting and that meeting be a special meeting before the next regular meeting. Daniel says he is out of town April 1 to April 5 and he has a hard time believing since our commissioners have been working for six months on getting a zoom approved that is going to happen within the next 3 weeks. Daniel prefers to be in this meeting. Paul says he agrees. David asks can the do the ad hoc next week and do the special meeting in 10 days. They would only need to sort that out with Jeff Heins and Dustin Coffel that is part of the ad hoc committee. David makes a motion to delay discussion until the next regular meeting on April 9. Rich seconds the motion. The vote 6-3 to postpone until the next regular meeting.

Paul Calls next agenda item. Sunshine Meadows SD23-04

Paul states that this is old business that was tabled from the prior meeting. Paul states that Mr. Page is out of town. And will be calling in. Paul asked Mr. Page if he had any new information regarding his plat. Mike states that he feels that they have met all the requirements for the plat. David asked if he had a study done. Mike answered this is all information they should have received before. David asked Darin if he had checked with some group about the sanitation on the plat. Rich asked Mike when they did the Comprehensive Plan they had designated an area in Northern Linn County that was set up for this type of development. Why didn't he try to buy land in that designated area. Mike explains that a developer is looking for existing infrastructure. Water availability, paved road. As far as being the growth zone around Goodrich he believes that is a recommendation per the comp plan. Charlene asks Mike if he is going to finish the one house and then do a second and then a third. The first house is for sale. And the lots are for sale. Then they would take the funds to develop the West half. At this time Mike feels a final and not a minor plat is best right now to just develop the whole 40 acres.

Paul asks for Darin to share his updated finding with them.

Darin states I have spoken with the county legal counsel, and they said that the above regulation that is

highlighted does not give instructions on what to do if a soil analysis fails. Therefore, they said to go to the sanitation code and follow it.

Darin stated he has spoken to KDHE they will not come and look at the property and give an assessment. Doug Cole the district supervisor said that the county has an adopted sanitation code that should be followed. The state does require a Storm Water Pollution Prevention Plan that is turned in to the state.

Staff would like to remind the P&Z Commission that this is a preliminary plat. If this is approved, it would give Mr. Page permission to move forward with the final plat. This plat is accompanied by engineering studies or drawing that address issues such as stormwater. The final plat is the instrument of survey, right of ways and easements, and special notations required as a condition of platting by the planning commission. The final plat is where the planning commission can influence the development of the subdivision. I would like to say that this property is not in a floodplain according to the state floodplain map.

Staff also spoke with a few people about the comprehensive plan and how they came up with the future land use map and the rural residential places. It was determined by IBTS and went through a committee and then P&Z also the BOCC. It was mapped as an idea for the future.

Paul asked for any citizen that has not spoken on the subject that wished to speak to come to the podium and state their name.

Jan Longnecker said that his property is 800 yrds south of the proposed plat. He also stated that people moved to the country for a reason. He talked about the planning of the comp plan. Without this being an emergency, he doesn't see how P&Z could approve such a development. If they approve this then where does it stop.

Charlie Singer-he has the land to the north of the proposed site. He stated he worked on a development like this in Drexel Mo. He said that one turned into looking like a ghetto. He also stated its solid rock and would be a good place for a rock quarry.

Kate Howard- Lives at 16934 Gireau Rd. Her home is directly south of this property. Her uncle from Iowa is down from Iowa and has dedicated a lot of time. She said she just wanted to say her piece and thanked the P&Z for listening.

Jeff Whitehour- From Lamar Iowa. He owns property southeast of the proposed subdivision. His family is in Linn County. He says they need to follow the guidelines that are in place. They are there for a reason.

Jason Cahill- He says it's a different subject same scenario. He says the P&Z can't pay attention. That they live around a bunch of country folks that have moved here for a reason. He says subdivisions and solar farms aren't agriculture. The county is pushing back, and the P&Z needs to wake up.

Shirley Kinder- She has a map for the P&Z that she would like to pass out. She directs them to look at the map and says the orange that is on there is the property that is being proposed for the subdivision. If you look to the left of that square that is Shirley's house. She states that she looks out her kitchen window and she sees one house on that 40 acres. She expected that house. But did not expect 9 more houses to be there. What she would really love to see there is cows. They use to be there. They haven't moved them back in yet. Very nice quiet neighborhood. There is no one that lives there. This is not her ideal of Linn County with 10 houses next to hers.

Nathan Howard- He spoke at the last meeting and said that he sent a detailed email to P&Z. He said that it is pretty clear that he is an opponent of this so called subdivision. He says that he owns 66 acres that is zoned urban mixed. He doesn't want it next to his house. The county deemed that this is agricultural land and will always be. This is a sole purpose of Mr. Page to make money. There are other options. This is the most cost-effective way for him to do it and make money.

Paul says they are going to talk between themselves.

Elizabeth- She doesn't think anywhere in the comp plan says there is to gentrify neighborhoods and turn them into fancy neighborhoods that most of Linn County residents probably can't afford. That is well above the property price for a home. She doesn't think anywhere in the comprehensive plan says that this is what we should be doing. That is another opinion on top of everything else.

Paul clarified that it is just a preliminary plat.

Charlene asks Darin to explain a preliminary plat again.

Darin says it is an idea what he wants to do so he can move forward with the final plat. The final plat will have the actual survey. It will show the easements, the road, the infrastructure. This is approving that he can move to the next step because of the expense of having the final plat done.

Charlene asked Mr. Page if they had purchased the land yet. Mike answered no they have not purchased the property yet.

Elizabeth stated that if they are not for this it is better to deny now before he purchased the property.

Elizabeth makes a motion to deny the plat. Daniel 2nds the motion. Paul asks for discussion. Rich thinks Mike is trying to be a businessman. He wants to seize an opportunity to make money and to pursue his business. Rich doesn't hear anybody here thinking that is a good idea. Rich states that he has not heard anything from the public that supports this. In the comp plan they made allocations for that, just doesn't happen to be where Mike is at. But there was no opposition to that. Given that lack of people that didn't come and speak in favor of it.

Ed said going by the people in the gallery and what they have said that it is nothing but a pile of rock there, how did you get your house in there. Someone said she bought her house that was already there.

Charlene said like Rich said she thinks Linn County needs housing, but she also has not seen the support for the subdivision. Paul calls for a vote. It was 8-1. The one being Morgan Brown.

Paul calls for the next case.

Case CUP24-01 Mulberry Limestone. That was tabled from the last meeting. Paul asked if there was any new information. Paul asked to share updated staff findings.

## Staff Report

### Case # CUP 24-01

**Hearing Date:** February 13, 2024

**Date Prepared:** February 5, 2024

**Applicant:** Mulberry Limestone

**Requested Action:** Consideration of CUP for Quarry

**Legal:** S30 , T19 , R25 , ACRES 122.7 , NE4 EX BEG  
1975.24 W NE/C TH S 1010 W TO HWY ROW NLY

ALG ROW TO N SEC LN E TO POB & EX BEG  
NE/C NE4 TH S 1154.96 W \*

**Location:** Commonly addressed as: 22779 E. 2400 Rd.  
LaCygne, Ks. 66040

**Current Zoning:** A/Agricultural

**Zoning and Uses Nearby:** Zoning – A/Agriculture

**Notice:** Notice was properly posted in the Official  
County Newspaper on January 24, 2024. 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 5-3 (f)  
Article 20-104  
Article 20-109, 20-110  
Article 20-04

**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 and Country Side. The subject property is currently zoned as A/Agricultural. The property is fronted along 2400 Rd., utilizing a singular ingress/egress. This application for CUP is to permit the applicants' desire to be authorized 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 and Country Side
3. The property is **suitable for proposed use**.
4. The proposed use (same as across the rd.) does not appear to **detrimentally affect nearby properties**.
5. Property will remain as **currently zoned** as Agricultural and has been vacant
6. With proper conditions the use will not detrimentally affect the **public health, safety, and welfare**, and would benefit public 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 and finding from Golden vs. the City of Overland Park.
  1. Must comply with all state and federal regulations.
  2. Permits be kept on file with Linn County Planning and Zoning office.
  3. Hours of operation 7:00 am to 5:00 pm.
  4. Heavy equipment “hours of operations” shall not include maintenance on equipment loading or unloading of equipment for transport, operations that occur indoors and operations necessitated by emergency situations.
  5. No storage of explosives
  6. Ingress and Egress to 2400 Rd.
  7. CUP permit to be renewed in 5 yrs.

**IN ADDITION**

- Set truck routes.
- Dust abatement.
- Berms and Buffers to be seed with grass.
- Pre-blast survey
- Road Maintenance agreement

Darin also stated that they had asked him to look at other quarries in the county. He said that he did and the only things that he found on any of them were meet state and local guidelines and to renew in 10 yrs.

Charlene said that she would like to see an environmental study done by a third party.

The consultant for the rock quarry said that in the application there is various things to show the environmental impact study. The flora, fauna, the flood zones, ground water, blasting, noise. He stated that it was done and provided to P&Z in the application. He explains how that study is done and all the people that are involved with that. He also explains that they can't submit these other agencies until P&Z approves the CUP.

Charlene said she always felt that it would be a third party to do the study. Daniel said that he is a third party and that was clarified. He is an Environmental Engineer. Elizabeth asks what the requirement for the study is. Charlene said she didn't know because one has never been done.

Morgan said who would do it. Rich says there is checks and balances all the way up to make sure they are doing what they are supposed to do. Rich also said the comp plan supports economic growth.

Daniel says he feels that there is a rock quarry right across the road and doesn't see the benefit of having another one in the county. If this was his he wouldn't want a rock quarry approved to go in by him. Daniel says there is plenty throughout the county.

Charles Rynerson lives at LaCygne on 2000 rd. He said he has never had a problem with the existing rock quarry. He also doesn't see any problem with another rock quarry to give them some competition. Charles stated that the existing rock quarry has been sold twice and the prices keep going up and the quality of rock keeps going down. The county keeps buying that stuff and and slag runs of his vehicle in the garage.

George Nanamaker lives in front of youth front camp. He said they did not have a good answer to what happens if there is damage to his home. He has serious concerns about the noise for personal reasons.

Stephanie Walker lives at 23420 Valley Rd. She refers to comp plan about noise and detriment to the neighbors.

Dean Manuel with Austin Powder Company- he is here on behalf of the quarry. He reminds P&Z that they are a global company and do work across North America. They are governed by the International Society of Explosive Engineers. They follow every state and county guideline for setting of explosives. They use software that designs their shot power. They will not do anything that will cause damage. He confirmed that the quarry will provide pre-blast surveys for anyone around that wants one. Dean explained to Charlene what all is involved with a pre-blast survey. They video everything within the home and outside the home. If they show reading outside the parameters. If they have a blast that the seismograph shows outside the blast parameter, then they will go sit down with the homeowner that has had damage. Dean talks about the Z curve. It is a step above the 2in blast limit. They are known all over world and they take ever precautions with there blasts. Joab asked how far Dean lives from a rock quarry. Dean said the last quarry that was operational is about 2 miles from his house.

Zack Walker, he built a house at 23953 Valley Rd. The existing quarry blasts and runs a crusher similar to any other rock quarry. Just wanted P&Z to see how many homes there are. Zack stated that each person has a nice quiet slice of heaven out there. A Rock quarry across the road and an existing rock quarry across the other road will take away some of the peace away when you go out and sit on your porch.

Charlene asked how many of those houses came in after the existing quarry was built. Zack said the existing quarry started in 1967. Charlene said then almost all the houses. Zack responded Im not sure. Paul asked, "can you feel the crusher. Zack answered not necessarily. But you for sure know what is going on. Paul says that a quarry was already there was not an apples-to-apples comparison was not fair to say.

Daniel states he is concerned about the roads. Wondering if there is an existing road use agreement in place. If there is it is not being implemented. And every week we listen to the BOCC how they don't have money to fix roads as it is. Elizabeth brings up the Bible Youth Camp about a quarter mile away and she went there many years as a child, and you can hear it from there. She feels that people come there to enjoy Linn County as it is, which is our big point to preserve the nature. Elizabeth thinks it should not be disturbed by a rock quarry. Rich comments that he lives at Sugar Valley lakes and on the west side of 7 HWY there is a rock quarry. He states that he can hear the quarry when it is open, but it is not a troublesome sound. Elizabeth said that this quarry is in a valley, and it might echo. David has one comment, he drove around there and says it does not fit the character of the neighborhood. The character of the existing quarry is that there is no homes. Here

there is 10 homes around this quarry. 5 of them are within 500 ft of the property line. As far as the map illustrates, that neighborhood is not the same as the other quarry. Joab likes to add that he is all about economic development in an appropriate setting. If each of us considers owning a piece of property that close to something, would you really support it. Would you genuinely support it if you lived on one of those pink dots. I am 100% for economic development for our community. He is not against another rock quarry and Joab thinks it would be fantastic to have another one because we don't have a lot of competition to hold the pricing down. Morgan said that the location was chosen because of the quality of the rock.

Jacob Wade came up and explained the quality of the rock on this site. He said it is class 1 concrete rock. Mulberry does not have a site in Kansas that has that type of rock. Joab asked Jacob what the capacity of harvestable rock is. Jacob said that it would be about 30 yrs. Jacob said he went to the house at the end of 2400 and Valley and looked at the foundation that has been there for 45 yrs. It has one small crack in it. Jacob points out that at 167<sup>th</sup> and Switzer in Overland Park that the population density there is way more than what is here and they are building million dollar homes right next to a quarry.

Elizabeth asks about the pre=blast survey. If it would be done yearly. The survey cost is covered by the quarry, and it is done by a third party. Normally it is an annual thing to be looked at year to year. Charlene asks how often they would pay for it. Morgan said they said annually. Dean with the blast company says that after blasting to get the whole open then they would only blast 1 or 2 times a month.

Morgan makes a motion to approve Mulberry Limestone quarry. Rich seconds the motion to approve. Rich comments that it is a highly regulated industry, and it gets regulated the higher the it goes up the chain to the state and federal. Elizabeth clarifies that the motion includes all of the conditions set by staff. Amended hours of operation 7 to 5 Monday-Friday. The vote was 6-3 opposed were David, Daniel and Joab.

Paul adjourns the meeting at 9:09 Pm.

## Minutes of the Linn County Planning Commission

April 9, 2024

Paul Porter called Meeting to order at 7:00 PM

Present, Paul Porter (Chairman), Elizabeth Staton ( Vice Chair), Ed Anderson, Rich Morrell, Dave Fisher, Morgan Brown, Daniel Earnest, Charlene Sims

Also, in attendance was Planning & Zoning Director Darin Wilson

Paul call Darin Wilson to brief the P&Z on a re-consideration for the Sunshine Meadows Plat. Explained that they had workshop for the Sunshine Meadows about the findings for denial that was in adequate. Darin asked for a motion to reconsider hearing the Plat. Charlene makes a motion to hear Sunshine Meadows Plat. Elizabeth 2nds the motion. Daniel asks what the finding for them are to re-consider. Darin explains that the findings were opinion based. Darin gives examples. The water line would not hold that many houses. There was a feasibility study showing what had to be done to meet that many houses. Darin explains the preliminary plat vs. the final plat. Paul calls for a vote. It passes 7-1. Daniel voted against it.

Paul calls new business. Paul brings up the motion that is on the table for prohibition on utility scale solar. Paul says they pushed pause on are going to take it up this meeting. Paul stated that there will be no public input at this time.

Paul asked Daniel to restate his motion. Daniel stated that he made a motion to put a ban on industrial solar for Linn County. Paul said that had been moved and 2<sup>nd</sup>. Charlene asked what Daniel's finding for that are. Daniel said they all are servants of the public and that the survey done in the comprehensive plan is inaccurate. That the public has been very vocal about not wanting and if there had been accurate information with the comprehensive plan the county would not be in the situation it is in now. Charlene asked why the survey was not accurate and pointed out that David Fisher and Richard Morrell were on the committee for the comprehensive plan. David said that the question was misunderstood. Charlene stated the question was for commercial or industrial. David said at the time wind was on the for front and people were not aware of the solar. David said the comp plan is clear that it wants to maintain the open spaces and the rural beauty of the county. Rich read the question and the results from the comp plan. Rich said that he feels that its not saying they didn't want it, that they want more information. Morgan stated that there is a difference between commercial and industrial. Daniel said he does not know the definition of the two. But as an example, if a commercial company wants to put solar on their building, he doesn't have a problem with that. If a company wants to take 8000 acres of land that is totally different. Daniel thinks that maybe his motion needs to be rephrased. David asked what he is saying is rooftop solar is ok. Elizabeth explained domestic solar regulation. Paul read the regulation for commercial. Paul is saying offsite use or power sales. Daniel agreed with that. Morgan says that the companies are foreign owned. Charlene says that Clearway are not.

Paul goes back to the survey and asks what we do with the results of the forum. Daniel says that people that live in Linn County should have known about the public forum, or they just didn't come. Charlene talked about landowner rights. Paul says they have hard numbers. Paul's question was what they do with the information. Daniel brought up the scientific survey or put it on a ballot. He also said the BOCC did not want that and has given directions on what to do. So, if they cant use the results of the public forum then he feels they need a scientific survey or put it on the ballot. David said that the Comprehensive Plan needs to be updated every year. Daniel stated that the public



forum was more advertised than the comprehensive plan was. Rich's view is that the people that are against the solar are very well organized and the people that don't care are not organized. He added that did we really hear from all the residents. David said that we went way overboard with advertising this. So the people that were for it had every opportunity to come and voice their opinions. David said the numbers don't lie. Daniel said that at the last meeting on Mike Pages Plat that there was a statement made about they didn't hear anyone there speaking about it. So why wouldn't this same situation apply. Rich explained he was wrong with that finding on Page's Plat and that is why it is being reconsidered.

Charlene was talking about findings about the number of people. She says they may not stand up in court. She also says that the scenic byways. David says that is out of the comp plan and does stand up in court. Daniel says no one at this table is a lawyer and they shouldn't debate what stands up in court. Paul said that he had spoken to Mr. Harding and he was available if needed. Paul's question do they have to flush out the findings with the motion or can they be made at later time after the public hearing. Paul thinks this motion is taking our own pulse in what they can confidently make a recommendation to the BOCC.

David talked about the process if the motion passed tonight. Next would be go to public hearing. Back to P&Z for review of what happens at the public hearing. Then it's taken to the BOCC. Darin explained that is when they would have to have their findings to take to the BOCC with their recommendation. Daniel said that Mark Briggs in a meeting said that they could take all the finding for wind and replace that with solar. Daniel agrees that it would work. Paul said that he has his own opinion. Paul said that he has been studying solar for a long time. A couple of things have convinced him that it is not the best for Linn County. One was the tour of where the solar could be. Paul says he is going to lean hard on the rural character of the county. He asked himself why he is here. Why did he spend his savings to build a house here. It is because of the rural characteristics of Linn County. Paul says you can't put a dollar figure on rural character. Paul said that the comp plan does say that area is designated for future industrial. Charlene says that a lot of people think she is for solar. She says she is not for solar, what she is really for is landowner rights. She says other people have rights, not just the ones against that come and speak out. Charlene when she was watching the quarry at the commission meeting, she was reminded that area over there is industrial. She brought up someone's statement that there were only 2 houses when the quarry was built. Now there is an argument about a second quarry because there is 21 people living there. 19 people chose to move in there when there is already an existing quarry there. Now they don't want another one. Daniel says the stacks from the power plant don't run 5 miles down the road. He says the County wouldn't be what it is without that power plant. He also says the solar is nothing compared to that. Paul agrees that it is slated for industrial development. He doesn't think that means all industrial. His opinion is there is a difference between a warehouse taking up 2 miles versus many miles. Some other industrial would not be the impact that a solar farm would have or take up as much land. Rich states that the owner of the property has a right to do with their property what they want with proper regulations. He stated we have good regulations to protect the neighbor. This is not compared to windmills. The vision of the comp plan is to protect the beauty of the county. Having solar panels does not meet that but using the regulations and the rules can minimize the concern. Pursue multiple ways of revenue to support the county. This is why Rich will vote no on this issue. David says if someone puts up a solar field next to him and reduces his property value, what are his rights. Rich says property values will go down about 2% and then with time go right back up. David said you need to dig into the surveys. Rich says he has. David says you can't tell him that property value will only go down 2%. Rich said that is your opinion. Daniel says no matter how much they talk if they have their minds made up its not going to change anyone's mind. Rich said that from the beginning they talked about a scientific study. Charlene said she agrees.

Daniel was satisfied with the public forum. Morgan said he is fine with scientific study. Ed commented that 1% didn't seem like too much land when they started. He also said that he started asking questions about how many would be employed. He stated the answers that he has gotten is maybe 10 at the most. We have a power plant that employs about 200 people. Ed said he traveled putting up smokestacks for a living. He traveled a few years after he left LaCygne and he got to the age where he needed to do something different. So, he moved back to Linn County because he likes what it has to offer. Peace and quiet and see the stars at night. He was thinking about going along with the solar idea. Went and seen a small solar farm and was impressed with what he saw. He is not against small solar farms. When you get into the big farms and take up all the land. Only supposed to be pastureland not good farmland. Went and took a tour of the land that was being suggested for these solar farms and it will take up a lot of farm ground. Some people say they had strip mining, and they went and cleaned it up and added fishing spots. Solar farms are ok but not when they will only employ 10 people. Charlene asked if we are only supposed to look at the use of the land. Paul said P&Z is look and land use. Paul explains that 2 businesses with the same footprint but 1 only employees this amount and the other employees more should not be a factor in the decision. Charlene asked Ed if the person with crops decided to do this do they have the right. Ed answered a person can do whatever they want with their own property but what about the neighbors Ed says. Charlene says that is where the planning and zoning comes in to put buffers and everything so they can get along. Daniel says he understands landowner rights, but if you don't live on it or have a house on it or have to look at it should not have that right. Paul said this is why we have this discussion. Paul said that land rights are fundamentally flawed. Elizabeth said that she sees both sides. She feels that most of the issues are covered in the regulations. But she doesn't know how to balance landowner rights and neighbors. Does peoples feeling trump finding facts. Paul says remember the discussion with Mr. Kaup. It has to be defensible. It has to have some backbone. How that flushes out Paul doesn't know. Paul says it has to be defensible in court, but it doesn't have to be decided tonight. The question for tonight is are we confident that it will be defensible tonight. Daniel said that his point with wind. At some point they were determined to be defensible. Stick with his statement from earlier to replace wind with solar. How would that not be defensible. Elizabeth said its their job to give the county what it wants. There is a very clear opinion on what the county wants even if some people didn't show up. David said to Elizabeth that they are not out on land by themselves. This is happening all over the country. David said yes, we want to do it right and legal. Daniel said that all they are doing is making a recommendation to the BOCC. The decision is on them. Charlene says if it goes to court, they will look at what P&Z has said. Rich says that he disagrees that wind can't be replaced by solar. Daniel said to use your words against you, that fits your narrative.

David moves to call for a vote. Morgan 2<sup>nd</sup> the motion. The vote 8-0

Paul reads the motion that Daniel made. Making a ban on commercial solar in Linn County. David asked that the word ban be changed to the word prohibition. The motion is Prohibition on Industrial Solar in Linn County. Roll Call vote

Ed-Yes

Rich-No

Elizabeth-Yes

Paul-Yes

Charlene-No

Daniel-yes

Morgan-yes

David-Yes

Motion Passes 6-2

David makes a motion that the Planning & Zoning set a public hearing on the proposed prohibition on Industrial Solar Development in Linn County with the planning committee to take comment on and consider all aspects of the proposed amendment, date and time and place to be voted on and approved by the Linn County Planning Committee. Daniel 2nds the motion. Charlene says if you want to prove your numbers, she thinks a scientific study should be done. This would allow the county to say this is how it is. We had a scientific study done not just a public forum. Daniel said that they should go through the same advertisement. Paul calls for the vote. Vote 8-0 Paul asked Darin if he had anything to add. Darin said that he said the soonest he could publish it would be the 17<sup>th</sup>. Could do a meeting anytime after the 8<sup>th</sup>.

David asked who decides the details of a survey. Rich and Daniel say that the BOCC would probably push it back on P&Z. David asked what the general cost of a survey is. Paul thinks that a scientific survey would help with the comp plan.

Charlene makes a motion to have a scientific study done to better defend the numbers of people for or against solar. She would like it to be done around the public hearing. Rich 2<sup>nd</sup> the motion. Rich says it's a tough decision for the county. Daniel said he is trying to process how this motion works with the motion that has already passed. Daniel thinks the only way it works if they make their recommendations to the BOCC and they don't except it. at that point is when a scientific study would be done. Charlene said that would be part of the public hearing decision. Daniel would rather have a county vote. Because there will be people that felt like it was not fair because they didn't get a call. Rich thinks it would help with the BOCC decision also if it was done before it went to the BOCC. David thinks it complicates the process that they have been working on. He says that the average Joe doesn't trust a survey.

Paul calls for a roll call vote.

Ed-No

Rich-Yes

Elizabeth-Yes

Paul-No

Charlene-Yes

Daniel-No

Morgan-No

David-No

Motion does not pass. 5-3

Paul asks for anymore business. Darin just needs to know when they want to do it. Daniel asks if Prairie View is the place to have it. Darin said he would reach out to Prairie View and get a date and pass that on. Daniel thinks the same guidelines should be followed as the last public forum.

David asked if there was a way to collaborate on a date. Darin said not without a vote, and he would have to give 10 days' notice for a special meeting. Darin asked if David wanted to change his motion. Daniel said that he feels it's going to be whatever Prairie View offers. Paul thinks they are at the mercy of the school if that is the venue that they want. The date will have to be TDB when Prairie View can do it.

Paul said that all 9 of them have the best interest in the county.

Paul adjourned the meeting at 8:40 pm.

---

Chairman

---

Secretary