

Minutes of the Linn County Planning Commission
August 12, 2025

In attendance of meeting: Connie Gore, Daniel Black, David Fisher, Donnie Rhynerson, Hal Aggers

Meeting was called to order by Ben Souza (Planning and Zoning director/Secretary) at 7:00 PM

Ben Souza led the Pledge of Allegiance

Ben Souza opened to nominations. Daniel Black nominated Dave Fisher. Hal Aggers second the nomination. With no other nominations Dave Fisher is now the Chairperson. Dave Fisher opened to nominations for vice chairperson. Dave Fisher nominated Hal Aggers, Donnie Rhynerson second the motion, with no other nominations Hal Aggers is now the Vice Chairperson.

The motion to approve the previous meeting minutes was tabled, do to spelling mistakes and incorrect names in the meeting minutes.

Ben Souza informed the Board that there was no need to discuss the tower regulations any further because it passed during the County Commissioner meeting the day before. The first second was reviewed and looked over by the Zoning Board with corrections and additions to the draft made.

Zoning Board discussed Battery energy storage system draft of regulations to adopted into Linn County zoning Regulations.

Ben Souza stated that any board member can email corrective ideas to him and he can send them out to each member as they come in.

Dave Fisher opened to adjourn. Connie Gore motioned to adjourn, Daniel Black second the motion. 5-0 motion passed meeting was adjourn at 9:06 pm

Planning & Zoning Meeting & Workshop Minutes

Date: October 14, 2025

Time: 7:01 PM

Location: Commissioners Room, Courthouse Annex

Chairman: David Fisher

In Attendance: David Fisher, Hall Aggers, Donnie Rhynerson, Cheryl Carney, Steve Miller, Michael McVicker

Regular Meeting

Call to Order:

The meeting was called to order at 7:01 PM by Chairperson David Fisher.

Minutes:

No previous meeting minutes were available for review.

Old Business:

None.

New Business:

None.

Adjournment:

The regular meeting was adjourned at 7:03 PM.

Workshop Session

Chairperson David Fisher announced the beginning of the workshop session. He noted that no votes would be taken during the workshop, and the focus would be on reviewing and refining the draft regulations concerning Battery Energy Storage Systems (BESS). The objective was to reach a consensus on noise regulations and setbacks. This was the third workshop session on these regulations.

Discussion Topics

Noise Regulations (Section 24-509)

- **Presentation by Hal Aggers:**
 - Provided an overview of decibel levels (DBA), comparing sound levels to common examples (e.g., vacuum cleaner, light traffic).
 - Noted that echo effects may occur in open field areas.

- Discussed uncertainty around whether BESS noise would be consistent or intermittent.
- A company spokesperson stated that operational noise may vary depending on the season and demand.
- **Noise Mitigation:**
 - Sound barriers, including the use of trees and berms, were discussed.
 - Potential effects of noise on cattle and wildlife were considered.
 - Hal Aggers recommended that an acoustic consultant conduct baseline DBA testing, likening the need to a "soil sample" prior to facility construction.
- **Noise Limits:**
 - Discussion around limiting noise to no more than 50 DBA.
 - Measurement methods were briefly discussed.
- **Noise Monitoring:**
 - Proposal to include post-construction noise testing:
 - Initial testing within 6 months of completion.
 - Annual testing thereafter.

Setbacks (Page 5, Section 24-302)

- Hal asked, "How much can you hear at 100 feet?"
- It was agreed that setbacks needed to be revised, particularly for Tier 2 and Tier 3 developments.
- Setbacks from the following areas should be reviewed:
 - Dwellings
 - Public Roads
 - Property Lines

Height Limitations

- Maximum height for structures (excluding power poles and substations) set at:
 - 35 feet

- 20 feet max for storage containers

Wildlife Regulations (Page 6, Section 24-4 B)

- David Fisher proposed adding:

“Must comply with Kansas and Federal Wildlife Setbacks.”

- Hal Aggers agreed.

Operational Considerations

- Company representative stated BESS discharge takes approx. 4 hours; full charge takes approx. 8 hours.
- Construction Hours:
 - Hal proposed limiting construction hours.
 - David countered, citing the short-term nature of the project.
 - No restrictions were set.

Environmental Assessment

- Concerns raised about the impact on surrounding water and use of berms.
- Discussion on EPA regulations applicable to water impacts.
- It was agreed that no specific regulation could be adopted until the type of battery to be used is known.

Site Definition and Size

- County Attorney Jacklyn Paletta emphasized the need for a clear definition of “site” to avoid ambiguity.
- After discussion, it was agreed:
 - Maximum site area: 30 acres
 - Maximum development footprint: 20 acres

Adjournment:

Workshop session ended at 9:11 PM.

Minutes prepared by: Jennifer Cummings

Date: 10/15/2025

Planning & Zoning Meeting & Workshop Minutes

Date: November 11, 2025

Time: 7:00 PM

Location: Commissioners Room, Courthouse Annex

Chairman: David Fisher

In Attendance: David Fisher, Hal Aggers, Donnie Rhynerson, Steve Miller, Connie Gore

Opening

- Meeting was called to order by Chairman David Fisher.
- Pledge of Allegiance was led by David Fisher.
- Review of August–September minutes reconstruction was mentioned.
- Motion to approve October minutes made by Donnie Rhynerson, seconded by Steve Miller. Motion carried.

Announcements

- David Fisher suggested training on *Planning and Zoning 101* for all members.
- Emphasized importance of avoiding group emails: No “Reply All” and NO GROUP EMAILS.

Old Business

- None.
- Meeting adjourned.

Workshop Session

Topics: BESS (Battery Energy Storage Systems), Data Centers, Cryptocurrency

Public Comment

- A member of the public spoke on the benefits of BESS.
- David Fisher clarified that public comments would be welcome during hearings, but this workshop was for internal preparation.

Zoning Discussion

- David Fisher suggested limiting BESS to Industrial zones under section 24-301.

- Consensus: Restrict BESS to Industrial-zoned land only.
- Discussion followed on definitions of *Commercial* vs. *Industrial*:
 - Steve Miller: Commercial = “any business the public could walk in.”
 - David Fisher and Hal Aggers read aloud definitions of Industrial zoning.

Concerns & Clarifications

- Steve Miller raised concern about companies selling out and leaving undesirable property.
- Clarification: Conditional Use Permits (CUPs) are not transferable.

Data Centers & Cryptocurrency

- David Fisher suggested limiting these facilities to Industrial zones only.
- Discussion of crypto center near Xenia (NW Bourbon County).
- Concerns raised:
 - Noise levels (David Fisher & Hal Aggers).
 - Water consumption (Steve Miller, Hal Aggers, Connie Gore).
- Agreement: Water usage must be addressed in regulations.

Regulation Drafting

- Section 5.7, line 3: “Prohibition in Sensitive Areas” to be removed.
- Options discussed:
 - Combine BESS, crypto, and data centers into one regulation.
 - Create Article 24 for BESS and Article 25 for data centers/cryptocurrency.
- David Fisher recommended consulting County Counselor Jacklyn Poletta for proper legal wording once draft is complete.

Local Hiring & Decommissioning

- Hal Aggers questioned enforceability of requiring local hires.
- David Fisher clarified: regulation only requires companies to have a plan, not a mandate.
- Decommissioning plans reviewed:

- David Fisher read Article 24-8 (BESS).
- Hal Aggers read Section 9 (Data Centers).
- Consensus: Include Data Center decommissioning language in BESS Article.

Next Steps

- Members to send suggestions to Jenny Cummings, Planning & Zoning Director, for corrections.
- David Fisher reiterated: **NO GROUP EMAILS.**
- Workshop concluded 8:14 PM