

Marion County Planning Commission & Board of Zoning Appeals

Record of Proceedings

October 23rd, 2019

Members (Present)

Derek Belton
Glenn Thiessen
Jim Schmidt
Mel Flaming
Kathy Inlow
William Kroupa
Dwight Flaming
Brad Vannocker
Duane Bair

Members (Absent)

Staff (Present)

Sharon Omstead, Secretary
Brandon Meierhoff, Recording
Secretary
Russ Ewy, Planning Consultant

1. **Call to Order**~ Belton called the meeting to order at 7:00p.m. with 9 members and 3 staff present.
2. **Approval of Minutes**~ D. Flaming made a motion to approve the June 3, 4, and 10, 2019 Record of Proceedings as presented. Inlow seconded, motion carried (9-0). Vannocker made a motion to approve the July 25, 2019 Record of Proceedings as presented. D. Flaming seconded, motion carried (9-0).
3. **Case No. PC-19-03 Application for a Conditional Use Permit, filed by Evergy, Inc. (Westar Energy), on behalf of the Mennonite Brethren Foundation, to construct a new electrical substation on the NW corner of the SW Quarter of Section 35, Township 19 South, Range 2 East, approximately ½ mile South of US Highway 56, on the East side of Jade, near Hillsboro, Ks.** ~ Omstead states notice of the public hearing was published on October 2, 2019, and notices to surrounding property owners were mailed on October 2, 2019. Chris Meyer, with Evergy, stated their goals were to increase the reliability of the service in Marion County, increase serviceability with substation equipment, and reduce any unplanned service outages. Meyer showed a map of the location. The size of the tract in question is 7.30 acres. They chose the location because of the proximity to existing transmission lines and there was a willing seller. There will be a 230-foot by 310-foot chain-link fence as well as a gravel pad. Out of the 7.30 acres, 1.64 acres will be inside the fence. They will have a 24-foot wide access drive that is 140 feet long. It will be sloped so that the storm water will drain to the South. Meyer then showed the development plan and the land survey. Bair asked if we were experiencing any brown outs. Zoe Drury, Evergy, stated yes, about a month ago there were some issues. Bair asked if the transmission lines would be going through the substation or going around it. Drury states the plans are to have the transmission lines turned into the substation and used as the main source of power for the city of Hillsboro. Drury states, most people in Hillsboro are served by Rural Electric, but we are the ones that provide the power they distribute. The current substation located in Hillsboro is old and needs to be replaced. It was

installed in the 1940's. There are two substations inside of Hillsboro. They will be removing their substation and replacing it with the one being proposed tonight. The other is rural electric, and it will stay. Thiessen asked if they would be putting in new distribution lines. Drury states part of the lines will be. Belton opens the floor to public comment. Michelle Butts asked what the purpose of the substation is. Meyer states that the current substation is old and needs to be replaced. (No other comments) Belton closes the floor for public comment. Omstead presented the staff report. Bryce Goebel, Marion County Road and Bridge Engineer, stated that he just wanted them to be aware of the heavy loads on haul routes. Drury states that before construction begins, they will video the roads. Once the construction is finished, they will video them again and compare the videos (road inventory). If the roads need to be fixed, they will come in and make the repairs. D. Flaming moves that item PC-19-03, the application filed by Evergy Inc. (Westar Energy), on behalf of the Mennonite Brethren Foundation, to construct a new electrical substation on the Northwest corner of the Southwest Quarter of Section 35, Township 19 South, Range 2 East of the 6th P.M., Marion County, KS, approximately ½ mile South of US Highway 56, on the East side of Jade, the proposed Conditional Use Permit with the conditions as presented, be recommended for approval. Schmidt seconded, and the motion passed 9-0. Omstead states the Board of County Commissioners will hear the case on November 12th, 2019.

4. **Case No. PC-19-05 Application for a Conditional Use Permit, filed by Rise Broadband, on behalf of Arlen D. and Brenda J. Penner, to establish a communications tower at 1485 Kanza, Hillsboro, Ks.** ~ Omstead states the notice of public hearing was published on October 2, 2019, and notices to surrounding property owners were mailed on October 2, 2019. Shawn, from Rise Broadband, stated they are looking to build an 84-foot tower. This will help to expand their footprint and get people faster internet. The site will have a 12-foot by 12-foot footprint. The plans are not final; the engineer is waiting to get the soil samples. M. Flaming asked if there would be a fence around the tower. Shawn stated there would be. Bair asked if there would be any issues with the potential windfarm in the area. Omstead stated it is up to the two parties to determine interference. Belton opens the floor to public comment. Charles Loewen expressed concern about the proposed tower being within half a mile from a church and four houses close by. He would like to see it as far back from the Church as possible. M. Flaming asked what the setbacks would be. Omstead stated the height of the tower plus fifty feet. (No other comments) Belton closed the public comment. Omstead presented the staff report. Bair asked about the timeline necessary for construction to be completed. Shawn stated it takes two weeks to build and thirty days for the concrete to dry before we can build. There was discussion on pin pointing where the tower will go on the parcel. Ewy states that you can make a condition that they provide the site plan to the County Commissioners and they can make the decision. The County Commissioners can approve, deny, or send back to the Planning Commission for more information. D. Flaming motions that item No. PC-19-05, the Application for a Conditional Use Permit, filed by Rise Broadband, on behalf of Arlen D. and Brenda J. Penner, to establish a communications tower at 1485 Kanza, Hillsboro, KS, be recommended for approval with the conditions presented, adding that a site plan be developed and presented to the County Commissioners prior to their final determination. Bair seconded, and the vote passed 9-0. Omstead states the Board of County Commissioners will hear the case on November 12th, 2019.
5. **Case No. PC-19-06 Application for a Conditional Use Permit, filed by Rise Broadband, on behalf of David Tharp, to establish a communications tower at 1219 Quail Creek, Peabody, Ks.** ~ Omstead states the notice of public hearing was published on October 2, 2019

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and notices to surrounding property owners were mailed on October 2, 2019. Shawn, with Rise Broadband, stated that this application was similar to the previous case. Belton opened the floor to public comment. Nancy Tharp states that right now the internet is so poor, they can't research anything. Whether it be for our kids school work or for our use. There are a lot of dead spots. We would be thrilled to have internet. M. Flaming asked how the abandoned towers are handled. Omstead states that is specified with the lease agreement. If Rise Broadband doesn't remove an abandoned tower, it reverts to the land owner. If they refuse to remove it, the county can pursue that. (No other comments) Belton closes public comment. D. Flaming recommends item No. PC-19-06, the application for a Conditional Use Permit, filed by Rise Broadband, on behalf of David Tharp, to establish a communications tower at 1219 Quail Creek, Peabody, KS, be recommended for approval with the conditions presented, adding that a site plan be developed and presented to the County Commissioners before final determination. Bair seconded, and the vote passed 9-0. Omstead states the Board of County Commissioners will hear the case on November 12th, 2019.

6. **Off Agenda Items~** There were no off agenda items.
7. **Adjournment~** Motion to adjourn made by Bair, seconded by Vannocker. Motion carried (9-0). Belton adjourned the meeting at 7:52 p.m.

Passed and Approved (Date) _____

Derek Belton, Chair

Attest:

Sharon Omstead, Secretary