

Planning Commission Staff Report

Applicant

TransCanada Keystone Pipeline
Landowner: Dale Klenda
Approx 40 acres at the SE Corner of Quail Creek/ 290th

Application

Application number PC0909. Applicant is requesting a conditional use permit for a temporary pipeline storage on approximately forty (40) acres in an "A" Agricultural Zone District.

Project Description

Dale Klenda owns forty (40) acres in the northwest quarter of Section 13, Township 18 South, Range 3 East. This site is located at the southeast corner of Quail Creek/ 290th.

Planning Issues

The Public Hearing Notice and Adjacent Property Owner Notification have been completed in accordance with the Marion County Zoning Regulations and Kansas State Statutes on October 28, 2009. No public comments have been received as of November 12, 2009.

In approving a conditional use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in the recommendation of the planning commission or the approval of the governing body. The requirements may be made more stringent if there is potentially injurious effect, which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public.

Factors to be considered in a conditional use permit recommendation:

- 1) Whether approval of the conditional use would be consistent with the intent and purpose of the Marion County Zoning Regulations.
- 2) Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood.
- 3) Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided.
- 4) Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected.
- 5) The length of time the subject property has remained vacant or undeveloped as

zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped.

- 6) Whether the applicant's property is suitable for the proposed use.
- 7) The recommendations of permanent or professional staff.
- 8) Whether the proposed conditional use would be in conformance to and further enhance the implementation of the comprehensive plan.
- 9) Whether the relative gain to the public health, safety and general welfare outweighs the hardship impose on the applicant by not upgrading the value of the property by approving the conditional use.
- 10) Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected.
- 11) Such other factors as may be relevant from the facts and evidence presented in the application.

Upon completion of the pipeline construction, this temporary pipe yard will be cleaned up and the property returned to previous use "A" Agricultural land.

A temporary entrance/exit will be installed to county required specifications allowing proper flow in bar ditch and sloping easy entrance/exit purposes.

Contractor will lay down geo-tech fabric and place 6-8" of gravel on top of fabric. These temporary gravel roads will be used for truck traffic on the temporary pipe storage yard and will reduce tracking mud onto public roads.

Staff Recommendation

Approve a recommendation for a conditional use permit on forty (40) acres for a temporary pipe yard for storage of steel pipe, equipment loading, on and off loading of pipe contingent upon conforming with the proposed Development Plan being maintained at all times.