



**Agenda
Harper County
Board Of County Commissioners
Harper County Courthouse**

A. Call To Order

B. Pledge Of Allegiance

C. Public Comment

Citizens are encouraged to speak to items on the agenda when recognized by the Chairman. Citizen desiring to speak to matters not on the agenda may do so at this time. Comments are limited to five (5) minutes and the Commission will take no action on items not on the agenda. Items introduced under Public Comment may be come agenda items at a later date.

D. Approval Of Minutes

E. Payment Of Vouchers

F. Items Of Business

1. Shirley McCartney - Dept On Aging - 9:15 A.m.

- Senior Center Meals

Documents:

[NOV 2016.DOC](#)

2. Tracy Chance And Janis Knox - 9:30 A.m.

- Juvenile Housing Costs

3. Ruth Elliott - County Clerk - 10:00 A.m.

- Canvas General Election Results

4. Public Hearing - Case No Z-01-2016 - 10:15 A.m.

- Proposed change of zoning classification from A-2 Agricultural District to A-1 Agricultural District.

Documents:

[MINUTES OCT 25 ,2016.DOC](#)
[BCC CHECKLIST REZONING.DOCX](#)
[BCC REZONING REPORT.DOCX](#)
[CURRENT ZONING MAP.PDF](#)

[RESOLUTION 2016-12.PDF](#)

5. Public Hearing - Case No CU-01-2016 - 10:30 A.m.

- Conditional use request to establish a transmission line associated with a permitted conditional wind energy project located in Kingman County in the A-1 Agricultural District.

Documents:

[2\)CHECKLIST CONDITIONAL USE.DOCX](#)
[2\)CONDITIONAL REPORT - TRANS LINE.DOC](#)
[RESOLUTION 2016-13.DOCX](#)

6. Public Hearing - Case No CU-2-2016 - 10:45 A.m.

- Conditional Use to request to establish a Commercial Wind Energy Project (CWEP) in property zoned as the A-1 Agricultural District.

Documents:

[3\)CHECKLIST CONDITIONAL USE.PDF](#)
[3\)CONDITIONAL REPORT - CWEP.PDF](#)
[CWEP MAPS.PDF](#)

7. Lori Reedy - Appraiser - 11:15 A.m.

- Imaging Proposal

8. Melinda McCurley - Community Econ Development - 11:30 A.m

- Set Public Hearing for EDX Application

9. Lunch Break - 12:00 Pm To 1:00 Pm

10. John McClure, Road And Bridge - 1:00 P.m.

- Department Update

Documents:

[COPY OF MAP 10 31 11 4 2016.PDF](#)
[10 31- 11 4 2016.PDF](#)

11. Joanna Kenney - EMS - 1:15 P.m.

- Department Update

12. Ami DeLacerda - HR - 1:30 P.m.

- Department Update

13. Unfinished Business - 1:45 P.m.

G. Correspondence

H. Adjourn

HARPER COUNTY



REQUEST FOR COUNTY BOARD ACTION

Items *must* be received in the Administrator's Office by 12:00 Noon on the Thursday prior to the scheduled meeting to be considered.

Item #: _____
(Assigned by Administrator)

Meeting Date: November 14, 2016

Department: Aging Dept.

Item Requested: Harper Sr. Center Meals for FY 2017

Summary of the Issue: Attached the copy of Harper Hospital bid for the Harper Sr. Center meals for FY 2017

Background:

Funding:

Recommendation:

Harper County Planning Board
And Board of Zoning Appeals
Minutes of Meeting October 25, 2016

Agenda #1 Matthew Booker called the meeting to order at 7:00 p.m. at the Harper Senior Center, Harper, Kansas.

Agenda #2 Roll call of the Planning Commission was taken by Recording Secretary, Jackie Keim. Matthew Booker, Steve Bellesine, and Ernie Schmidt were present. Teresa Goetz was absent. Recording Secretary, Jackie Keim and Zoning Administrator, Lori Reedy, and Melinda McCurley were in attendance. (Attendance list on file.)

Agenda #3 Schmidt made a motion to approve the agenda. Bellesine seconded it. Motion passed 3-0. (Agenda on file.)

Agenda #4 Schmidt made a motion to approve the minutes of September 20, 2016. Booker seconded it. Motion passed 3-0. (Minutes on file.)

Agenda #5 At 7:03, Chairperson Booker called for a public hearing on Case No. Z-01-2016 requesting a change from the present A-2 Agricultural District to A-1 Agricultural District. Booker welcomed the public and read the ground rules for the hearing. No members disqualified themselves from the hearing. A quorum of 3 was present. Proper notification was made in The Attica Independent on September 29, 2016, and 219 real property owners were notified. No ex parte communications were received. Zoning Administrator, Lori Reedy presented a background report for this case, along with the 17 factors and findings in the Zoning Report. Richard Chandler, Agent for Sempra Inc., along with Rich Nerzig and Josh Svaty were in attendance to give a power point presentation about the CWEP Project 4 that they are proposing for Kingman and Harper County area. They showed a completed project in Broken Bow, NE. about the finished project and how they interact with the community. Mr. Nerzig went on to show a power point presentation of the proposed Flat Ridge 4 project. He highlighted the history of the company, Sempra Energy. Flat Ridge 4 would be a natural outgrowth of Flat Ridge 2 & 3. There will be possibly 60 – 70 turbines in this project. This project will produce approximately 14 permanent jobs. Flat Ridge 4 will produce 120-140 megawatts of energy. It will use the existing transmission lines from Flat Ridge 2. A Power Purchase Agreement,

decommissioning plan and Security Bond Agreement will be in place before the project proceeds in being built. Wildlife and environmental studies will be ongoing. Land use, as in Flat Ridge 2 will be minimally changed. 911 coordinates will be assigned at each turbine. Public comments were made. Diana Quinn asked what the setbacks were for residential dwellings. In the CWEP regulations they are 1000 ft. She expressed concerns about having them that close and would like to have the turbines further away. Rod Yoder asked why specifications were not in place before the zoning is being changed. McCurley stated that the final location is not determined yet. Ron Steele asked how long the County Commission has known about the project. The application was received in the Zoning Office on September 2, 2016. The public notification was at least 20 days before the set meeting date. The income from this project will be between the County Commissioners and Sempra. Bruce Bell asked if this rezoning would affect his taxes and make a change. Lori Reedy replied that the primary use of the land would not change. Levies are set by each taxing district. Rezoning has no bearing on the taxes and values of the land. Cody Bergman asked if the leasing of the property in the area would affect the likelihood of future leasing to oil & gas companies. Mr. Nerzig replied that there are limited rights to wind leasing but it is not inclusive of other uses such as oil & gas. Mr. Bergman also asked about how they would be handling fencing of the pastures, especially in the construction phase. He was concerned about cattle getting out & gates left opened. He also asked if the landowner had a say in where they would go across their land. Mr. Nerzig explained that they would be working closely with the landowners as to where the best roads placements would be and different accesses using gates or cattle guards. Glen Bell of Wichita commented that he had no problem to the building of the turbines. Birds learn where and how to avoid the turbines. He also asked how they came about the 30 year life of the turbines. It is basically the life of the machine and mechanisms since they are out in the elements. Booker closed public comments. Two letters were received as written communications. One letter was in opposition of the project and the other letter requested a different setback from residential dwellings. It was suggested of making it a half mile. Booker closed the Hearing. The 17 factors and findings were reviewed again. Schmidt made a motion of recommendation for Case No. Z-01-2016 to the Governing Body that the zoning be changed from A-2 Agricultural District to A-1 Agricultural District on November 14, 2016 at 10:15 a.m. at the County Courthouse. Bellesine seconded it. Passed 3-0.

The meeting recessed for 5 minutes.

Agenda #6 At 8:22, Chairperson Booker called for Case No. CU-01-2016 to permit a Conditional Use to establish a Transmission Line associated with a permitted CWEP to be located in

Kingman County. A notice for this hearing was published in The Attica Independent on September 29, 2016, and 5 real property owners were properly notified. No ex parte communications were received. Zoning Administrator, Lori Reedy provided a background report of the location of the proposed line. Rich Nerzig requested a GenTie Line to aid in Flat Ridge 3 in Kingman County. Metal poles will be used like in previous lines. It will be from a substation already established and run north for approximately 1 - 1.5 miles into Kingman County. No public comments were made. No written communications were received. The 17 factors and findings were reviewed and discussed. Bellesine made a motion to recommend to the Governing Body that Case No. CU-01-2016 modified and approved for the establishment of a transmission line in the A-1 Agricultural District based on the findings of the Planning Commission. It will be forwarded to Board of County Commissioners on November 14, 2016 at 10:15 a.m. at the Harper County Courthouse. Schmidt seconded it. Motion passed 3-0.

Agenda #7 At 8:40 p.m., Booker called for Case NO. CU-02-2016 to establish a CWEP located in the A-1 Agricultural District. The Applicant was aware of the ground rules. NO members disqualified themselves and there was a quorum of 3 present. Proper notification of this hearing was published in The Attica Independent on September 29, 2016 and 219 notices were mailed to the property owners. No ex parte communications were received. Zoning Administrator, Lori Reedy stated that this CWEP would be a continuation of the current CWEP established in the County. Mr. Nerzig showed a power point previously. No public comment was made. Jackie Keim, Recording Secretary mentioned the two letters, mentioned in Case No. Z-01-2016, pertained to this case also. One letter was asking for a larger setback from residential dwellings. The other letter was in opposition, highlighting detrimental findings of wind farms. Mr. Nerzig said that the project would start in 2018 and take about a year to complete. They will use existing transmission lines for the energy. There will be a total of 60 – 70 turbines, with 30 – 35 of them in Harper County. This project would make around 14 permanent jobs within the two County area. Bellesine asked if there were any vocational schools in the area that offered wind technicians. Cloud County and possibly Hutchinson were thought of offering a degree. Lori Reedy read the 17 factors and findings for the case. Schmidt made a motion to recommend to the Governing Body Case No. CU-02-2016 approved for the establishment of a CWEP in the A-1 Agricultural District. The Governing Body will hear the case on November 14, 2016 at 10:15 a.m. at the Harper County Courthouse. Bellesine seconded it. Motion passed 3-0.

Agenda #8 There was no unfinished business.

Agenda #9 There was no new business.

Agenda #9 There was no activity report.

Agenda #10 Bellesine made a motion to adjourn the meeting. Schmidt seconded it.
Passed 3-0.

Respectfully submitted:

Approved by the

Planning Commission:

_____ Date _____

_____ Date _____

Jackie M. Keim
Recording Secretary

Matthew A. Booker
Chairperson

CC: County Commissioners, County Administrator, Planning Commission Members, Zoning Administrator, County Clerk, Planning Consultant, County Sanitarian, City Clerk Liaison Representatives, County Attorney, Economic Development Coordinator,

unapproved

HARPER COUNTY BOARD OF COUNTY COMMISSIONERS

**CHECK LIST FOR CONSIDERATION
OF A REZONING CASE**

PURPOSE:

This check list is to assist: (1) the Chairman in conducting the discussion and decision on a rezoning case; (2) the County Clerk in an orderly process of minute taking; (3) the Applicant in presenting any new information; and (4) any persons who have new information or wish to know their rights in the matter. Although the order of the outline should be followed, the material will need to be modified to relate to the particular case. This check list is in keeping with the procedures in K.S.A. 12-757(c), (d) and (e) and the decision in Houston v. Board of (Wichita) City Commissioners, 218 Kan. 323 (1975). The latter determined that:

"Where the statutory requirements are fully met (Ed: Notice and public hearing) and a full and complete record of the substance of the planning commission proceedings is before the governing body, due process does not require the governing body to conduct a second public hearing on the advisability of the proposed change." (Syllabus)

CALL AGENDA ITEM:

I call Agenda item # ___ which is on Case No. Z-01-2016. This is for a rezoning amendment requesting a change from the present A-2 Agricultural District to the A-1 Agricultural District.

DISQUALIFICATION DECLARED AND QUORUM DETERMINED:

Before we proceed, I'll ask the Board if any of them intend to disqualify themselves from participating in this case because they have conflict of interest. (Please let the minutes show that has disqualified himself/herself because

_____ and has temporarily disassociated himself/herself from our Board.) We have a quorum of ___ present for the consideration of the case.

PROTEST PETITIONS:

Has the County Clerk received any protest petitions on the case? (If **no**, proceed to next item.) (If **yes**) Do they constitute the statutory required 20% necessitating a 3/4 vote of the Board to approve the case? (If **yes**) Having determined that a valid protest petition has been submitted to the Clerk, I would remind the Board that a unanimous vote is necessary to approve the case.

COMMUNICATIONS:

Did the Planning Commission receive any comments from a city on this case? (If **no**, proceed to next item.) (If **yes**, discuss as deemed desirable.) Are there any other communications to consider on this matter other than from our Planning Commission? (Read and discuss as deemed desirable.)

SUMMARY OF HEARING:

I ask the Board members if they have all received copies of the unapproved Minutes of the Planning Commission for October 25, 2016 which summarizes their hearing on this case. (If **no**, consider a motion to continue the agenda item until the minutes will be available.) (If **yes**) Having determined that the members have received the required information, I am going to call on the Zoning Administrator for a report and then ask the Applicant and any members of the public who wish to speak on this case to confine their presentation to new information not otherwise presented at the hearing. The Board may also want to direct questions to the Applicant, the staff or other persons present.

ZONING ADMINISTRATOR'S REPORT:

I call on our Zoning Administrator, Lori Reedy to provide us with a report on the case and recommendation of the Planning Commission. (See Rezoning Report.)

Thank you for your presentation. Are there any questions for the Zoning Administrator from the Board members?

APPLICANT'S PRESENTATION:

Does the Applicant wish to present any new information?

Thank you for your information. Are there any questions to the Applicant from Board members?

PUBLIC COMMENTS:

Does anyone from the public wish to respond to the Applicant's information or provide any new information? Please come to the podium and give your name and address.

Do any of the Board members have a question for the public presenter?

APPLICANT'S RESPONSE:

Does the Applicant have any further responses to the public comments?
Are there any Board questions?

BOARD DELIBERATION:

Assuming the Board has received all the information they need on this case, you have received an outline of choices provided under the state statutes for Board action: (K.S.A. 12-757[c]) How do you wish to act?

(Recommendation to approve.)

- (1) Move to adopt the findings and factors and recommendation of the Planning Commission on Case No. Z-01-2016 and to **approve** Resolution No. 2016-12 (Majority vote needed.) *

(Recommendation to disapprove.)

- (2) Move to adopt the findings and factors and recommendation of the Planning Commission to **disapprove** Case No. Z-01-2016. (Majority vote needed.)

(Recommendation to approve.)

- (3) Move to **override** the Planning Commission's recommendation, **approve** Case No. Z-01-2016., **amend** in detail the findings and factors supporting the motion in the Rezoning Report, **attach appropriate conditions**, if any, and approve Resolution No. 2016-12. (2/3 Majority vote needed.)*

(Recommendation to disapprove.)

- (4) Move to **override** the Planning Commission's recommendation, **disapprove** Case No. Z-01-2016 and amend in detail the findings and factors supporting the motion in the Rezoning Report. (2/3 Majority vote needed.) *

- (5) Move to **return the recommendation** to the Planning Commission on Case No. Z-01-2016 **for further consideration** at its next regular meeting with a statement specifying the basis for the Board's concerns whether to approve or disapprove the recommendation. **

- (6) Move to **table** Case No. Z-01-2016 until _____, 20____ at ____: (a.m., p.m.) in this same meeting room for more (information) (and) (study) in regard to
(Majority vote needed.)

* (Note: If a valid protest petition is determined, a unanimous vote will be needed to approve the case.)

** (Note: If the Board returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the Board, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by resolution, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Board following the Planning Commission's next regular meeting after receipt of the Board's report, the Board shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. In either circumstance, the Board may take any action they desire by majority vote unless legal protest petitions are received which would necessitate a 3/4 vote, i.e., a unanimous vote to approve the case.)

CLOSING REMARKS:

(For approval)

Persons aggrieved by the final decision of the Board on this matter have 30 days after the effectuating resolution is published within which to appeal to District Court.

(For disapproval)

Persons aggrieved by the final decision of the Board on this matter have 30 days after today's action within which to appeal to District Court.

Thank you for participating in this matter.

I call for Agenda item # ____.

REZONING REPORT *

CASE NUMBER: Z-01-2016

APPLICANT: SGS Development, LLC

AGENT: Richard Chandler

REQUEST: Proposed change of zoning district classification from the A-2 Agricultural District to the A-1 Agricultural District to accommodate a CWEP.

CASE HISTORY:

LOCATION: Northeast rural Harper County, Kansas. Approximately 9 sections east-to-west and 4 ½ sections north-to-south.

SITE SIZE: 11,937 acres more or less.

PROPOSED USE: Construction of a Commercial Wind Energy Project

ADJACENT ZONING AND EXISTING LAND USE:

North: Kingman County – Farmland with residence

South: A-2 Agricultural Transition District – Farmland with residence

East: A-2 Agricultural Transition District – Farmland with residence

West: A-1 Agricultural District – Farmland, Duquoin

* **NOTE:** This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission’s considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

BACKGROUND INFORMATION:

This site is east of Duquoin, along the North county line between Kingman and Harper, traveling east approximately 6 miles and south 4 ½ miles. It will be an extension of the previous Flat Ridge Energy Projects.

(See attached aerial photo.)

FACTORS AND FINDINGS:**

1. What are the existing uses of property and their character and condition on the subject property and in the surrounding neighborhood? *(See existing land use on page 1 of 4.)*

This area primarily consists of agricultural use for crops and pastures for livestock, with sporadic rural residences.

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change in zoning classification?

> ***A-2 Agricultural Transition District.***

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration for a change in zoning?

> ***No.***

4. Would the requested change in zoning correct an error in the application of these regulations as applied to the subject property?

> ***No.***

5. Is the change in zoning requested because of changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

> ***It will be an extension of the existing Wind Project.***

** **NOTE:** Of those factors considered as relevant to the requested change in zoning district classification or boundary, not all factors need to be given equal consideration by the Commission in deciding upon its recommendation.

6. Do adequate sewage disposal and water supply and all other necessary public facilities including road or street access exist or can they be provided to serve the uses that would be permitted on the subject property if the change in zoning was approved?

> ***On-site sewage disposal and water supply will be necessary for any construction and maintenance buildings meeting the County Sanitary Code. A Road Use and Maintenance Agreement with the County will be necessary for adequate road access during and after development.***

7. Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, access control or building setback lines if the change in zoning was approved?

> ***No, due to the nature of the development and no division of land, platting is not required.***

8. Would a screening plan be necessary for existing and/or potential uses of the subject property if the change in zoning was approved?

> ***Screening would not be feasible for the project; however, setbacks for the turbines from dwellings and roadways provide buffer areas.***

9. Is the general amount of suitable vacant land or buildings available or not available for development that currently has the same zoning district classification as is requested for the subject property?

This is an extension of the initial CWEP to the west which includes over 45 square miles.

10. In the event that the subject property is requested for business or industrial uses, are such uses needed to provide more services or employment opportunities?

> ***This project would continue economic development growth for the area, creating temporary jobs and permanent jobs for the county area. Landowners receive royalties and lease payments.***

11. Is the subject property suitable for the current zoning to which it has been restricted?

> ***Yes, it could continue as agriculture land use.***

12. To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

> ***While there will be considerable traffic and transport of heavy equipment and construction noise during development of the proposed project, the criteria for a CWEP as a conditional use should minimize the on-going environmental effects on the leaseholders and the non-leaseholders.***

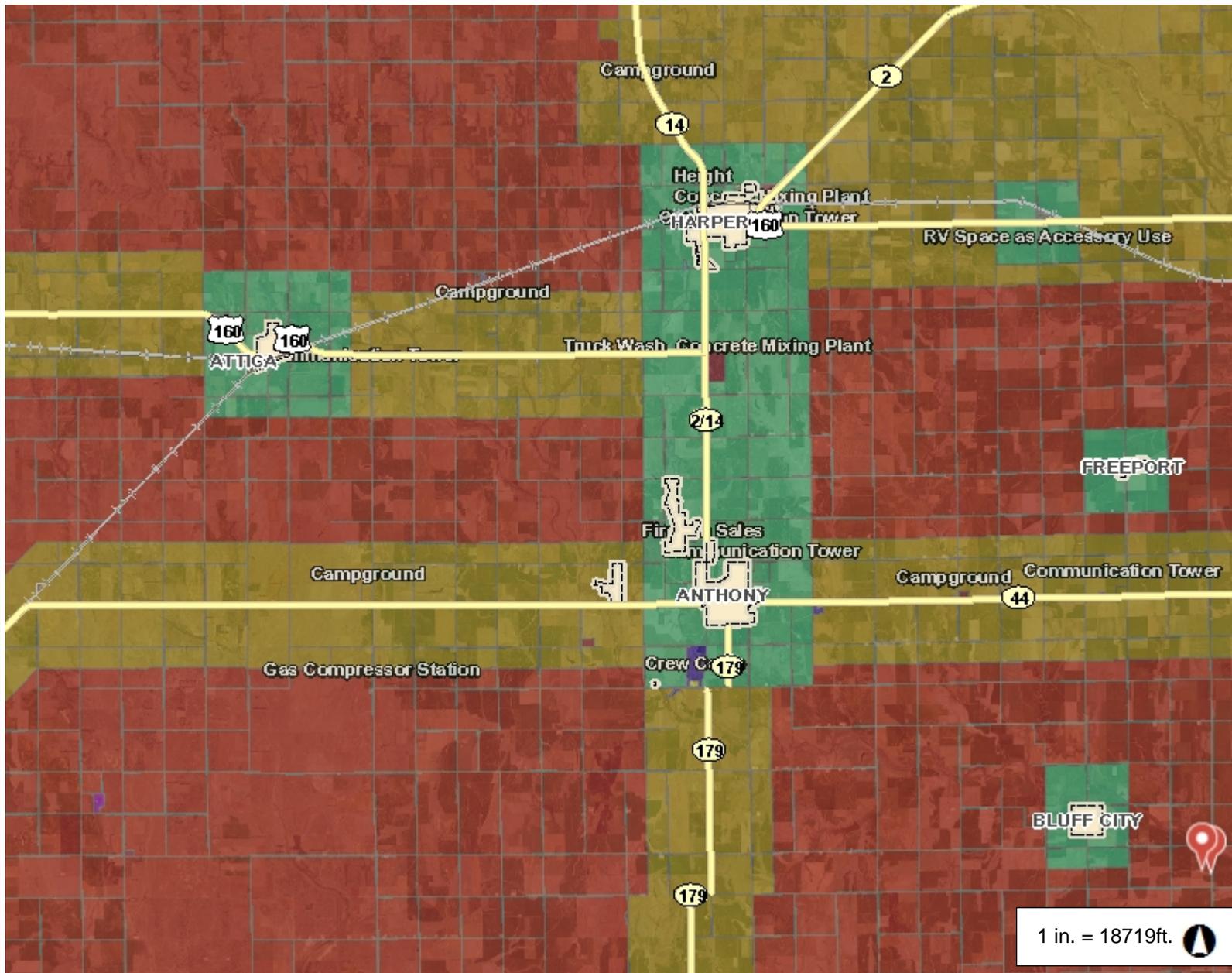
13. Would the change in zoning as requested be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?
- > **Yes, by rezoning to the A-1 Agricultural District, it would permit an application for a CWEP as a conditional use.**
14. Is the request for the zoning change in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?
- > **Rezoning from the A-2 to the A-1 Agricultural District enhances the goods in Chapter 3 and the Future Land Use Policy in Chapter 8 by raising the standards to preserve agricultural land in the Comprehensive Development Plan for the Unincorporated Area of Harper County, Kansas: 2003-2020.**
15. What is the nature of the support or opposition to the requested change in zoning?
- > **One person voiced her concerns of the turbines being in close proximity of residential dwellings. At the Hearing, other public members asked about taxes, and being able to make decisions of changes being made to the land in the construction process. One public member was in favor of the project.**
16. Are there any informational materials or recommendations available from professional persons knowledgeable on this request which would be helpful in its evaluation?
- > **It appears to be a logical extension of the larger CWEP to the west.**
17. Does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the requested change in zoning?
- > **The non-leaseholders outside the subject property area would be environmentally affected in a minimal way after construction is completed, however, the Applicant would experience a severe hardship in locating a comparable extension of their project site.**

CONDITIONS: (Determine conditions, if any, applicable to the case with rewording if necessary and add additional conditions as deemed desirable.)

1.

cc: Applicant
Agent

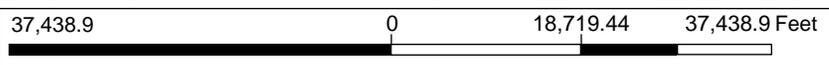
Current Zoning Map



Legend

- Highways
 - Railroad
 - City Boundary
 - County Boundary
- Zoning
- A-1
 - A-2
 - A-3
 - ANTHONY
 - ATTIGA
 - B-1
 - B-2
 - BLUFF CITY
 - FREEPORT
 - I-1
 - I-2
 - MH-1
 - R-1
 - R-2
 - V-1
 - WALDRON

1 in. = 18719ft.



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

(Published once in The Attica independent on November 24, 2016)

RESOLUTION NO. 2016-12

A RESOLUTION CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE UNINCORPORATED AREA OF HARPER COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE COUNTY AS ORIGINALLY APPROVED BY RESOLUTION NO. 2015-06.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HARPER COUNTY, KS:

SECTION 1. That having received a recommendation from the Harper County Planning Commission on Case No. Z-01-2016, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of Harper County of Kansas as originally approved by Resolution No. 2015-06, the zoning district classification of the lands legally described herein are changed as follows:

Change of zoning district classification from the A-2 Agricultural Transition District to the A-1 Agricultural District.

Legal Description: Township 31 South - Range 6 West

Section 05: E2NW4, W2SE4, E2SW4, W2SW4, W2NW4

Section 06: SW4, W2NW4, W2SE4, SW4NE4, E2SE4, E2NE4, NW4NE4, E2NW4

Section 07: NE4, W2

Section 08: SW4, SE4, p/oE2NW4, NE4

Section 09: SW4, NW4

Section 10: SW4

Section 15: E2SW4, W2SW4

Section 16: W2, NE4, SE4

Section 17: W2, SE4, p/oNE4

Section 18: W2, p/oS2SE4, p/oE2

Section 19: SW4, S2NW4, SE4, NE4

Section 20: NW4, p/oSW4, NE4, p/oSE4

Section 21: NW4, SW4, N2SE4, S2SE4, NE4

Section 30: NE4

Township 31 South - Range 7 West

Section 01: NE4, NW4

Section 02: NE4

Section 03: E2, p/oSW4, p/oNW4

Section 10: p/oNW4, p/oE2, N2NE4, S2SE4

Section 11: NE4, NW4SE4

Section 12: SE4, NE4

Section 13: SE4, W2SW4

Section 14: SE4, N2SW4, S2SW4

Section 15: NW4, p/oSW4, NE4, SE4

Section 19: NE4, E2SE4

Section 20: E2SW4, SE4, W2SW4
Section 21: W2, SE4, S2NE4
Section 22: NW4, SW4, p/oNE4, p/oSE4
Section 23: SE4SW4, NE4SW4
Section 24: NW4, SE4, NE4
Section 28: NE4
Section 30: NE4

All lying west of the 6th Principal Meridian. Approximately 11,937 acres
Project encompasses portions of approximately 9 Sections east-to-west and 4 1/2 sections north to south. Overall dimensions are approximately 47,520 feet by 23,760 feet, Rural Harper County, Kansas

General Location: Central and Northeast Harper County adjacent to Kingman County

Such change of zoning is subject to the following conditions:

1.

SECTION 2. That upon the taking effect of this Resolution, the above zoning change shall be entered and shown on the Official Zoning Map as previously adopted by reference and said map is hereby reincorporated as a part of the Zoning Regulations as amended.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption and publication once in the official county newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF HARPER COUNTY,
KANSAS ON June 10, 2014

ATTEST: (Seal) /s/ _____
Carla Pence, Chairman

/s/ _____
Lee Adams, Commissioner

/s/ _____
Ruth A. Elliott, County Clerk

/s/ _____
Brian Waldschmidt, Commissioner

HARPER COUNTY PLANNING COMMISSION

CHECKLIST FOR CONDUCTING A PUBLIC HEARING ON A CONDITIONAL USE CASE

PURPOSE:

This checklist is to assist: (1) the Chairperson in conducting the hearing; (2) the Recording Secretary in an orderly process of minute taking; (3) the Applicant in presenting their request; and (4) any property owners or the persons who have questions or concerns or wish to know their rights in the matter. Although the order of the outline should be followed, the material will need to be modified to relate to the nature and extent of the particular case and the number of persons to be heard.

CALL AGENDA ITEM(S):

It is ____:____ p.m. and I now call Agenda item # 6 which is a public hearing on Cases No. CU-01-2016. This is for an application for a Conditional Use to permit overhead communication & power collection lines for a Commercial Wind Energy Project in the A-1 Agricultural District.

We would like to welcome everyone interested in this hearing and lay out a few ground rules:

1. It is important that you present any facts or views you have as evidence at this hearing so that an informed recommendation can be made by the Planning Commission to the Governing Body for their final decision.
2. The Governing Body does not have to hold another public hearing on the matter, although they may listen to whomever they wish. You will be asked if there is any new information which was not heard at this hearing. It is to everyone's advantage if you present all the necessary information at this hearing.
3. After our Zoning Administrator provides us with some information, I will call upon the Applicant and then we will hear from other interested parties. After all have been heard, the Applicant will have an opportunity for final comments. The Planning Commission will close the hearing to public comments and will then consider the 17 factors on which to base their recommendation. During this time they may direct questions to the Applicant, the public, the staff or our consultant.
4. You should be aware that any uses permitted outright in a district by the regulations can receive a zoning permit, not just the use(s) being proposed now by the Applicant. Furthermore, if the Applicant chooses to describe various features of their development plans, the County can only enforce those provisions which are covered in zoning and other County codes.

5. Please write your name and address on the sign-up sheet being circulated so we will have record of who is present and for any future communications if necessary. Anyone wishing to speak must be recognized by the Chairperson and give their name and address. Please come forward and speak clearly so that your comments may be (picked up by the tape recorder to be) summarized for the minutes by our Recording Secretary.

DISQUALIFICATION DECLARED AND QUORUM DETERMINED:

Before we proceed with the hearing, I'll ask the Planning Commission members if any of them intend to disqualify themselves from hearing, discussing and voting on this case because they or a relative own property in the notification area or have conflicts of interest. (Let the minutes show that _____ has disqualified himself/herself because _____ and has temporarily disassociated himself/herself from our assembled Commission.) (According to our Bylaws, those members who abstain from voting are still part of the quorum.) I declare that we have a quorum of _____ present for the hearing.

NOTIFICATION:

According to the Recording Secretary, a notice for this hearing was published in The Attica Independent on September 29, 2016 and notices were mailed to the Applicant, Agent and 5 real property owners in the area of notification on September 28, 2016. The record shows that at least 20 days elapsed between the publication and mailing date(s) and the hearing date. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given.

EX PARTE COMMUNICATIONS:

Although we don't encourage such communications, I will ask the Commission if any of them have received any ex parte verbal or written communications prior to this hearing which they would like to share with all the members.

ZONING ADMINISTRATOR'S REPORT:

I call on our Zoning Administrator, Lori Reedy, to provide us with a background report on the case. (See Conditional Use Report.)

Thank you for your presentation. Are there any questions from the Commission, staff or consultant?

APPLICANT'S REQUEST:

I call upon the Applicant to make his/her presentation on the request and any response to the Zoning Administrator's report.

Thank you for your presentation. Are there any questions for the Applicant from Commission, the staff or consultant?

PUBLIC COMMENTS:

Are there any members of the public who wish to speak on this case? (Recognize first come, first served: obtain name and address: and continue until all public comments are completed. People can also be asked not to repeat what has already been said, but to indicate that they hold similar views.)

WRITTEN COMMUNICATIONS:

Are there any written communications? (Recording Secretary could be asked to read them.)

APPLICANT'S FINAL COMMENTS:

Does the applicant wish to present any final comments?

CLOSE THE HEARING:

Hearing no further comments, I hereby close the public portion of the hearing. There will be no further public comments unless the Commission wishes to ask questions to clarify information.

PLANNING COMMISSION DELIBERATIONS:

The Planning Commission will now deliberate the request. There are 17 factors which the Commission must consider in order to make findings on the factors and a recommendation. They are found beginning on page 2 in the Conditional Use Report. Each factor will be considered and our collective opinion will be summarized based on the evidence presented. (Determine if the Commission agrees with the wording provided for the 17 factors or whether rewording is needed.)

RECOMMENDATION:

Having discussed and reached conclusions on our findings on the factors, I would remind the Commission that a proper motion should reflect the factors on which it is based and if approval is recommended, then consideration should be given to conditions that might be attached. Is there a motion to either recommend approval, modification and approval, disapproval or to table the decision?

SAMPLE MOTIONS:

To Table Application

Having considered the evidence at the hearing and the factors to evaluate the conditional use application, I (_____) move that Case No. CU-01-2016 be deferred until _____, 2016 at ____:____ p.m. in this same meeting room for more (information)

(and) (study) in regard to _____.

Conditional Use Application

Having considered the evidence at the hearing and the factors to evaluate the conditional use application, I (_____) move that we recommend to the Governing Body that Case No. CU-01-2016 be (approved) (modified and approved) (disapproved) for the establishment of a communication and power collection lines in the A-1 Agricultural District based on the findings of the Planning Commission as recorded in the Conditional Use Report (as amended), (and that such approval be subject to the condition(s) listed therein.)

Having heard the motion by _____, is there a second? Having been seconded by _____, is there any discussion of the motion? Is the Commission ready to vote on the motion? All those in favor say, "Aye." All those opposed say, "Nay." (If divided vote, ask for a show of hands and Recording Secretary will record a roll-call vote.) The motion (passes) (fails) by a (unanimous) vote of _____ to _____. (An affirmative vote must be at least a majority of the members present and voting. Except in the case of a tie vote, abstentions are counted as part of the majority vote. If the Commission fails to make a recommendation such as may occur with a tie vote, it is forwarded to the Governing Body as recommendation of disapproval. See Bylaws to settle other voting procedures including abstentions, disqualifications and Chairperson voting.)

CLOSING REMARKS AND PROTEST PETITIONS:

This case will be forwarded to the Governing body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of November 14, 2016 which begins at 9:00 a.m. at the Harper County Courthouse. The tape recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.

Protest petitions against the change in special use, but not directed at the Commission's recommendation as such, may be received by the County Clerk for 14 days after tonight, i.e. until November 8, 2016 at 5:00 p.m. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property within the official area of notification not counting public street right of way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all the members of the Governing Body.

We want to thank all of you for participating in this hearing and you are welcome to stay for the remainder of our meeting. I call for Agenda item # 7.

HARPER COUNTY, KANSAS

**Agenda Item No. 6
for October 25, 2016**

CONDITIONAL USE REPORT *

CASE NUMBER: CU-01-2016

APPLICANT: SGS Flat Ridge 3 Wind Energy, LLC
AGENT: Richard Chandler

REQUEST: Conditional Use requested to establish a Transmission Line associated with a permitted Commercial Wind Energy Project to be located in Kingman County.

CASE HISTORY:

APPROX. LOCATION: Starting in the NW quarter of Section 8, Township 31, Range 9, running North, along western edge of Section 5, Township 31, Range 9 into Kingman County,

SITE SIZE: 12 -18 acres more or less

PROPOSED USE: To establish a Transmission Line from the existing substation

ADJACENT ZONING AND EXISTING LAND USE:

North: **Kingman County, A-1 Agricultural District – Agricultural land**

South: **A-1 Agricultural District – Agricultural land**

East: **A-1 Agricultural District – Agricultural land**

West: **A-1 Agricultural District – Agricultural land**

* **NOTE:** This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission's considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the

statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

BACKGROUND INFORMATION:

This property is located in an area that has multiple wind turbines and gas and oil wells. A substation is already established.

(See attached aerial photo with drawing.)

FACTORS AND FINDINGS: **

1. What are the existing uses and their character and condition on the subject property and the surrounding neighborhood? (See Adjacent Existing Land Use on page 1 of 4.)
> ***The property is surrounded by agricultural land.***
2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the request? (See Adjacent Zoning on page 1 of 4.)
> ***The property is zoned as the A-1 Agricultural District.***
3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?
> ***No.***
4. Would the request correct an error in the application of these regulations?
> ***No.***
5. Is the request caused by change or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?
> ***The proposed expansion of the CWEP in the area has created the demand for such a project.***
6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?
> ***On-site sewage disposal and water supply will be necessary for construction and maintenance buildings meeting the County Sanitary Code.***

** **NOTE:** Of those factors considered as relevant to the requested change in zoning district classification or boundary, not all factors need to be given equal consideration by the Board in deciding upon its recommendation.

7. Would the subject property need to be platted or replatted or in lieu of dedications made for rights of way, easements, and access control or building setback lines?

> ***Due to the nature of the development and no division of land, platting is not required.***

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

> ***No.***

9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?

> ***There is an established substation in the area where this transmission line is being fed from.***

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

> ***There is a need for the transmission lines to provide additional service for the CWEP.***

11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?

> ***Yes. The property could continue to be used for agricultural uses.***

12. To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

> ***While there will be considerable traffic and transport of heavy equipment and construction noise during development of the proposed project, the criteria for CWEP as a conditional use should minimize the on-going environmental effects on the leaseholders and the non-leaseholders.***

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

- > ***The proposed conditional use would be consistent with the zoning district classification and the intent and purpose of the zoning regulations by adhering to the criteria specified for a CWEF.***

- 14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?
 - > ***The Future Land Use section of Chapter 8 in the Comprehensive Development Plan for the Unincorporated Area of Harper County:2003-2020 indicates for the rural area that “Wind energy projects in the form of so-called “wind farms” may be feasible in certain locations if environmental concerns can be satisfactorily addressed and the necessary power grids can be established.”***

- 15. What is the nature of the support or opposition to the request?
 - > ***(To be determined at the hearing.)***

- 16. Is there any information or are there recommendations on this request available from professional persons or persons with related expertise which would be helpful in its evaluation?
 - > ***This location would have minimal effect on the general development of the County as it is an extension of the substation already there.***

- 17. By comparison, does the relative gain to the public health, safety or general welfare by not approving the request outweigh the loss in property value or the hardship imposed upon the applicant?
 - > ***The non-leaseholders outside the subject property area would be environmentally affected in a minimal way after construction is completed, however, the Applicant would experience a severe hardship in locating a comparable site.***

CONDITIONS: (Determine conditions, if any, applicable to the case with rewording if necessary and add additional conditions as deemed desirable.)

1.

cc: Applicant
Agent

(Published once in The Attica Independent on November 24, 2016.)

RESOLUTION NO. 2016-13

A RESOLUTION APPROVING A CONDITIONAL USE TO ESTABLISH A TRANSMISSION LINE ASSOCIATED WITH A PERMITTED COMMERCIAL WIND ENERGY PROJECT LOCATED IN KINGMAN COUNTY IN THE A-1 AGRICULTURAL DISTRICT ON CERTAIN LANDS LOCATED IN HARPER COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE COUNTY AS ORIGINALLY APPROVED BY RESOLUTION NO. 2015-06.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HARPER COUNTY, KANSAS:

SECTION 1. Having received a recommendation from the Harper County Planning Commission on Case No. CU-01-2016, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of Harper County, Kansas as originally approved by Resolution No. 2015-06, a Conditional Use is hereby approved to establish a transmission line associated with a permitted Commercial Wind Energy Project in the A-1 Agricultural District on property legally described herein as follows:

Legal Description: A tract located in the West Half of Section 5, Township 31 South, Range 9 West of the 6th P.M., Harper County, Kansas.

General Location: Corner of NW 160 Ave and NW 150 Rd, Rural Harper County, Kansas

Conditions:

1. The need of following all aspects, as applicable, of the CWEP Regulations.

SECTION 2. That upon the taking effect of this Resolution, a notation of such conditional use case shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption and publication once in the official county newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF HARPER COUNTY, KANSAS ON November 14, 2016.

Carla Pence, Chairman

ATTEST: (S E A L)

Lee Adams, Commissioner

Brian Waldschmidt, Commissioner

Ruth A. Elliott, County Clerk

HARPER COUNTY PLANNING COMMISSION

CHECKLIST FOR CONDUCTING A PUBLIC HEARING ON A CONDITIONAL USE CASE

PURPOSE:

This checklist is to assist: (1) the Chairperson in conducting the hearing; (2) the Recording Secretary in an orderly process of minute taking; (3) the Applicant in presenting their request; and (4) any property owners or the persons who have questions or concerns or wish to know their rights in the matter. Although the order of the outline should be followed, the material will need to be modified to relate to the nature and extent of the particular case and the number of persons to be heard.

CALL AGENDA ITEM(S):

It is ____:____ p.m. and I now call Agenda item # 7 which is a public hearing on Cases No. CU-02-2016. This is for an application for a Conditional Use to permit a Commercial Wind Energy Project in the A-1 Agricultural District.

We would like to welcome everyone interested in this hearing and lay out a few ground rules:

1. It is important that you present any facts or views you have as evidence at this hearing so that an informed recommendation can be made by the Planning Commission to the Governing Body for their final decision.
2. The Governing Body does not have to hold another public hearing on the matter, although they may listen to whomever they wish. You will be asked if there is any new information which was not heard at this hearing. It is to everyone=s advantage if you present all the necessary information at this hearing.
3. After our Zoning Administrator provides us with some information, I will call upon the Applicant and then we will hear from other interested parties. After all have been heard, the Applicant will have an opportunity for final comments. The Planning Commission will close the hearing to public comments and will then consider the 17 factors on which to base their recommendation. During this time they may direct questions to the Applicant, the public, the staff or our consultant.
4. You should be aware that any uses permitted outright in a district by the regulations can receive a zoning permit, not just the use(s) being proposed now by the Applicant. Furthermore, if the Applicant chooses to describe various features of their development plans, the County can only enforce those provisions which are covered in zoning and other County codes.

5. Please write your name and address on the sign-up sheet being circulated so we will have record of who is present and for any future communications if necessary. Anyone wishing to speak must be recognized by the Chairperson and give their name and address. Please come forward and speak clearly so that your comments may be (picked up by the tape recorder to be) summarized for the minutes by our Recording Secretary.

DISQUALIFICATION DECLARED AND QUORUM DETERMINED:

Before we proceed with the hearing, I'll ask the Planning Commission members if any of them intend to disqualify themselves from hearing, discussing and voting on this case because they or a relative own property in the notification area or have conflicts of interest. (Let the minutes show that _____has disqualified himself/herself because _____and has temporarily disassociated himself/herself from our assembled Commission.) (According to our Bylaws, those members who abstain from voting are still part of the quorum.) I declare that we have a quorum of _____present for the hearing.

NOTIFICATION:

According to the Recording Secretary, a notice for this hearing was published in The Attica Independent on September 29, 2016 and notices were mailed to the Applicant, Agent and 219 real property owners in the area of notification on September 28, 2016. The record shows that at least 20 days elapsed between the publication and mailing date(s) and the hearing date. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given.

EX PARTE COMMUNICATIONS:

Although we don't encourage such communications, I will ask the Commission if any of them have received any ex parte verbal or written communications prior to this hearing which they would like to share with all the members.

ZONING ADMINISTRATOR'S REPORT:

I call on our Zoning Administrator, Lori Reedy, to provide us with a background report on the case. (See Conditional Use Report.)

Thank you for your presentation. Are there any questions from the Commission, staff or consultant?

APPLICANT'S REQUEST:

I call upon the Applicant to make his/her presentation on the request and any response to the Zoning Administrator's report.

Thank you for your presentation. Are there any questions for the Applicant from Commission, the staff or consultant?

PUBLIC COMMENTS:

Are there any members of the public who wish to speak on this case? (Recognize first come, first served: obtain name and address: and continue until all public comments are completed. People can also be asked not to repeat what has already been said, but to indicate that they hold similar views.)

WRITTEN COMMUNICATIONS:

Are there any written communications? (Recording Secretary could be asked to read them.)

APPLICANT'S FINAL COMMENTS:

Does the applicant wish to present any final comments?

CLOSE THE HEARING:

Hearing no further comments, I hereby close the public portion of the hearing. There will be no further public comments unless the Commission wishes to ask questions to clarify information.

PLANNING COMMISSION DELIBERATIONS:

The Planning Commission will now deliberate the request. There are 17 factors which the Commission must consider in order to make findings on the factors and a recommendation. They are found beginning on page 2 in the Conditional Use Report. Each factor will be considered and our collective opinion will be summarized based on the evidence presented. (Determine if the Commission agrees with the wording provided for the 17 factors or whether rewording is needed.)

RECOMMENDATION:

Having discussed and reached conclusions on our findings on the factors, I would remind the Commission that a proper motion should reflect the factors on which it is based and if approval is recommended, then consideration should be given to conditions that might be attached. Is there a motion to either recommend approval, modification and approval, disapproval or to table the decision?

SAMPLE MOTIONS:

To Table Application

Having considered the evidence at the hearing and the factors to evaluate the conditional use application, I (_____) move that Case No. CU-02-2016 be deferred until _____, 2016 at ____:____ p.m. in this same meeting room for more (information) (and) (study) in regard to _____.

Conditional Use Application

Having considered the evidence at the hearing and the factors to evaluate the conditional use application, I (_____) move that we recommend to the Governing Body that Case No. CU-02-2016 be (approved) (modified and approved) (disapproved) for the establishment of a CWEP in the A-1 Agricultural District based on the findings of the Planning Commission as recorded in the Conditional Use Report (as amended), (and that such approval be subject to the condition(s) listed therein.)

Having heard the motion by _____, is there a second? Having been seconded by _____, is there any discussion of the motion? Is the Commission ready to vote on the motion? All those in favor say, "Aye." All those opposed say, "Nay." (If divided vote, ask for a show of hands and Recording Secretary will record a roll-call vote.) The motion (passes) (fails) by a (unanimous) vote of _____ to _____. (An affirmative vote must be at least a majority of the members present and voting. Except in the case of a tie vote, abstentions are counted as part of the majority vote. If the Commission fails to make a recommendation such as may occur with a tie vote, it is forwarded to the Governing Body as recommendation of disapproval. See Bylaws to settle other voting procedures including abstentions, disqualifications and Chairperson voting.)

CLOSING REMARKS AND PROTEST PETITIONS:

This case will be forwarded to the Governing body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of November 14, 2016 which begins at 9:00 a.m. at the Harper County Courthouse. The tape recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.

Protest petitions against the change in special use, but not directed at the Commission's recommendation as such, may be received by the County Clerk for 14 days after tonight, i.e. until November 8, 2016 at 5:00 p.m. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property within the official area of notification not counting public street right of way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all the members of the Governing Body.

We want to thank all of you for participating in this hearing and you are welcome to stay for the remainder of our meeting. I call for Agenda item # 8.

HARPER COUNTY, KANSAS

**Agenda Item No. 7
for October 25, 2016**

CONDITIONAL USE REPORT *

CASE NUMBER: CU-02-2016

APPLICANT: SGS Development, LLC
AGENT: Richard Chandler

REQUEST: Conditional Use requested to establish a Commercial Wind Energy Project to be located in the A-1 Agricultural District in the NE part of the County.

CASE HISTORY: This project is a continuation of the current CWEP already established in the County.

APPROX. LOCATION: Project encompasses portions of approximately 9 Sections East to West and 4.5 Sections North to South in 31-6 & 31-7

SITE SIZE: 11,937 acres more or less

PROPOSED USE: To establish a CWEP

ADJACENT ZONING AND EXISTING LAND USE:

North: **Kingman County, A-1 Agricultural District – Agricultural land**

South: **A-1 Agricultural District – Agricultural land**

East: **A-1 Agricultural District – Agricultural land**

West: **A-1 Agricultural District – Agricultural land**

* **NOTE:** This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission's considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the

statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

BACKGROUND INFORMATION:

This property is located in an area that has multiple wind turbines and gas and oil wells. A CWEP is already in place to the west of the area.

(See attached aerial photo with drawing.)

FACTORS AND FINDINGS: **

1. What are the existing uses and their character and condition on the subject property and the surrounding neighborhood? (See Adjacent Existing Land Use on page 1 of 4.)
> ***The property is surrounded by agricultural land and scattered rural dwellings.***
2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the request? (See Adjacent Zoning on page 1 of 4.)
> ***The property is zoned as the A-1 Agricultural District.***
3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?
> ***No.***
4. Would the request correct an error in the application of these regulations?
> ***No.***
5. Is the request caused by change or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?
> ***The favorable results of the wind data from the MET (Meteorological) towers and the willingness of land owners to be leaseholders have significantly changed the area.***
6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?

> ***On-site sewage disposal and water supply will be necessary for construction and maintenance buildings meeting the County Sanitary Code.***

** **NOTE:** Of those factors considered as relevant to the requested change in zoning district classification or boundary, not all factors need to be given equal consideration by the Board in deciding upon its recommendation.

7. Would the subject property need to be platted or replatted or in lieu of dedications made for rights of way, easements, and access control or building setback lines?

> ***Due to the nature of the development and no division of land, platting is not required.***

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

> ***No.***

9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?

> ***This is an extension of the established CWEP to the West which includes over 45 square miles.***

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

> ***For economic development in the County, this project will create temporary jobs and some permanent jobs. Land owners royalties are an added income.***

11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?

> ***Yes. The property could continue to be used for agricultural uses.***

12. To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

> ***While there will be considerable traffic and transport of heavy equipment and construction noise during development of the proposed project, the criteria for CWEP as a conditional use should minimize the on-going environmental effects on the leaseholders and the non-leaseholders.***

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

- > ***The proposed conditional use would be consistent with the zoning district classification and the intent and purpose of the zoning regulations by adhering to the criteria specified for a CWEP.***
14. is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?
- > ***The Future Land Use section of Chapter 8 in the Comprehensive Development Plan for the Unincorporated Area of Harper County:2003-2020 indicates for the rural area that “Wind energy projects in the form of so-called “wind farms” may be feasible in certain locations if environmental concerns can be satisfactorily addressed and the necessary power grids can be established.”***
15. What is the nature of the support or opposition to the request?
- > ***(To be determined at the hearing.)***
16. Is there any information or are there recommendations on this request available from professional persons or persons with related expertise which would be helpful in its evaluation?
- > ***The proposed location in the County minimizes its effect on the overall general development of the County.***
17. By comparison, does the relative gain to the public health, safety or general welfare by not approving the request outweigh the loss in property value or the hardship imposed upon the applicant?
- > ***The non-leaseholders outside the subject property area would be environmentally affected in a minimal way after construction is completed, however, the Applicant would experience a severe hardship in locating a comparable site.***

CONDITIONS: (Determine conditions, if any, applicable to the case with rewording if necessary and add additional conditions as deemed desirable.)

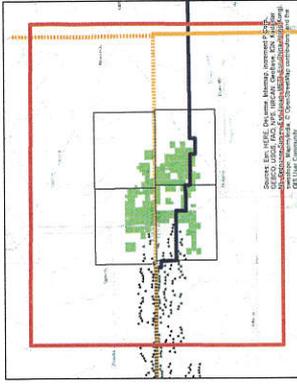
1.

cc: Applicant
Agent

Flat Ridge 4

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 Units: Degree
 Date: 9/12/2016

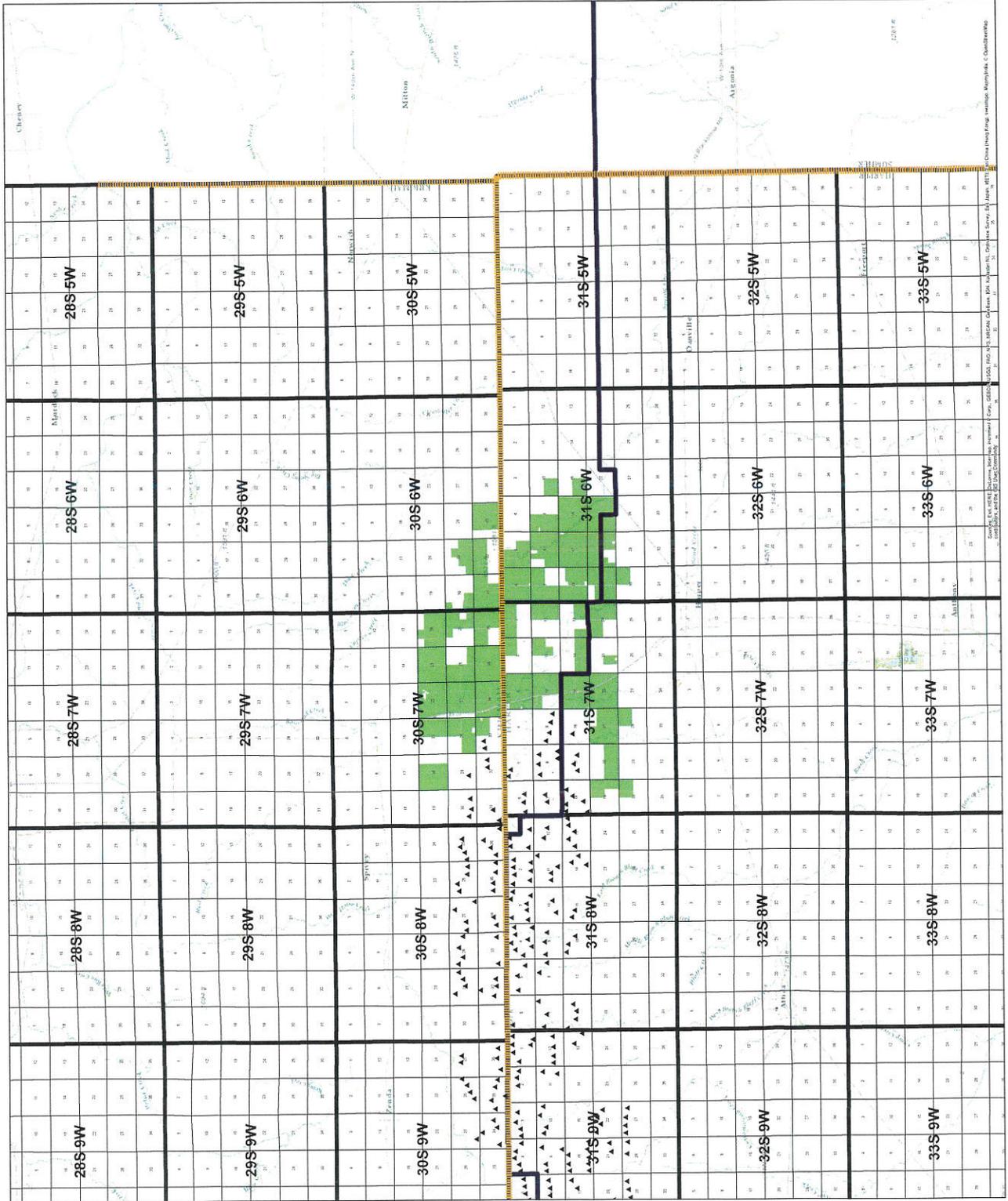
Overview



Scale

1:100,000

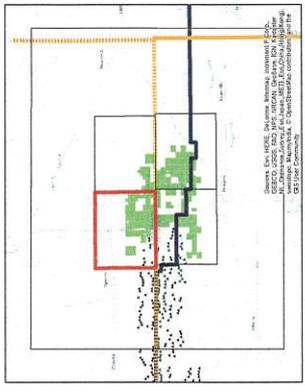
Confidential Data
 Do not share with any unauthorized people



Flat Ridge 4

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 Coordinate System: GCS NAD83 1984
 Units: Meters
 Date: 8/10/2016

Page 1



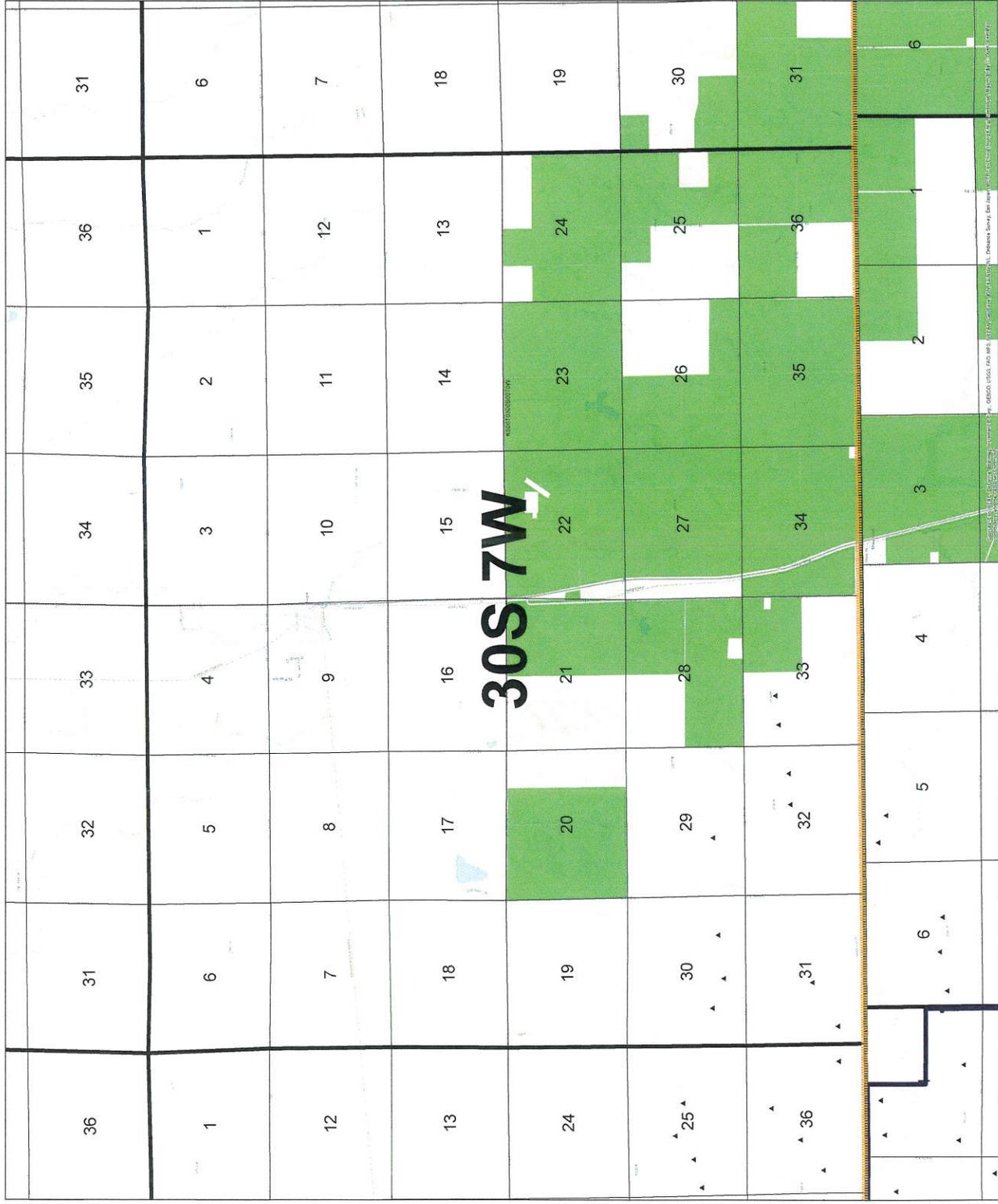
Legend

- ▲ "Existing Flat Ridge 2 Turbines"
- ▭ County Line
- ▬ Flat Ridge_GenTe_45mi
- Project Site

Scale

1:24,000

Confidential Data
 Do not share with any unauthorized people



October 31-
November 4,
2016

NW 170 AVE	NW 160 AVE	NW 150 AVE	NW 140 AVE	NW 130 AVE	NW 120 AVE	NW 110 AVE	NW 100 AVE	NW 90 AVE	NW 80 AVE	NW 70 AVE	NW 60 AVE	NW 50 AVE	NW 40 AVE	NW 30 AVE	NW 20 AVE	NW 10 AVE	N HP CO AVE	NE 10 AVE	NE 20 AVE	NE 30 AVE	NE 40 AVE	NE 50 AVE	NE 60 AVE	NE 70 AVE	NE 80 AVE	NE 90 AVE	NE 100 AVE	NE 110 AVE	NE 120 AVE	NE 130 AVE
709	711	713	715	717	719	721	723	725	727	729	731	733	735	737	739	741	743	745	747	749	751	753	755	757	759	761	763	765	767	769

-  KENT
-  LAWRENCE
-  BRANDON

NW 160 RD	660	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	A			
NW 150 RD	662	A	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2	1	A		
NW 140 RD	664	B	7	8	9	10	11	12	7	8	9	10	11	12	DUQUOIN		10	11	12	7	8	9	10	11	12	7	8	9	10	11	12	B			
NW 130 RD	666	C	18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14	13	C		
NW 120 RD	668	D	19	20	31-9		23	24	19	20	31-8		23	24	19	20	31-7		23	24	19	20	31-6		23	24	19	20	31-5		23	24	D		
NW 110 RD	670	E	30	29	28	27	26	25	30	29	28	27	26	25	30	29	28	27	26	25	30	29	28	27	26	25	30		28	27	26	25	E		
NW 100 RD	672	F	31	32	33	34	35	36	31	32	33	34	35	36	31	32	33		35	36	31	32	33	34	35	36	31	32	33	34	35	36	F		
NW 90 RD	674	G	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2	1	6		5	4	3	2	1	G	
NW 80 RD	676	H		7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11		11	12	7	8	9	10	11	12	DANVILLE		11	12	H	
NW 70 RD	678	I		18	17	16		14	13	18	17	16	15	14	13	18	17	16	15	14	13	HARMER		17	16	15	14	13	18	17	16	15	14	13	I
NW 60 RD	680	J	19	20	32-9		23	24	19	20	32-8		23	24	19	20	32-7		23	24	19	20	32-6		23	24	19	20	32-5		23	24	J		
NW 50 RD	682	K	30	29	28	27				ATTICA		27	26	25	30	29	28	27	26	25	30	29	28	27	26	25	30	29	28	27	26	25	K		
NW 40 RD	684	L	31	32	33	34	35	36		32	33	34	35	36	31	32	33		35	36	31	32	33	34	35	36	31	32	33	34	35	36	L		
NW 30 RD	686	M	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2	1	6	5		3	2	1	M		
NW 20 RD	688	N	7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11	12	FREEPORT		10	11	12	N			
NW 10 RD	690	O	18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14	13	O		
W STATE RD 2	692	P	19	20	33-9		23	24	19	20	33-8		23	24	19	20	33-7		23	24	19	20	33-6		23	24	19	20	33-5		23	24	P		
SW 10 RD	694	Q	30	29	28	27	26	25	30	29	28	27	26	25	30	29	28	27	26	25	30	29	28	27	26	25	30	29	28	27	26	25	Q		
SW 20 RD	696	R	31	32	33	34	35	36	31	32	33	34	35	36	31		33	34	35	36	ANTHONY		32	33	34	35	36	31	32	33	34		36	R	
SW 30 RD	698	S	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3		1	S		
SW 40 RD	700	T	CORWIN		10	11	12	7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11	12	T			
SW 50 RD	702	U	18	17		14	13	18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14	13	U			
SW 60 RD	704	V	19	20	34-9		23	24	19	20	34-8		23	24	19	20	34-7		23	24	19	20	34-6		23	24	19	20	34-5		23	24	V		
SW 70 RD	706	W	30	29	28	27	26	25	30	29	28	27	26	25	30	29	28	27	26	25	30	29	28	27	26	25	30	29	28	27	26	25	W		
SW 80 RD	708	X	31	32	33	34	35	36	31	32	33		35	36	31	32	33	34	35	36	31	32	33	34	35	36	31	32	33	34	35	36	X		
SW 90 RD	710	Y	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2	1	6			4	3		1	Y	
SW 100 RD	712	Z	7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11	12	Z		
SW 106 RD	714	AA	18	17	35-9		14	13	18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14	13	AA		

660	NE 160 RD
662	NE 150 RD
664	NE 140 RD
666	NE 130 RD
668	NE 120 RD
670	NE 110 RD
672	NE 100 RD
674	NE 90 RD
676	NE 80 RD
678	NE 70 RD
680	NE 60 RD
682	NE 50 RD
684	NE 40 RD
686	NE 30 RD
688	NE 20 RD
690	NE 10 RD
692	E STATE RD 44
694	SE 10 RD
696	SE 20 RD
698	SE 30 RD
700	SE 40 RD
702	SE 50 RD
704	SE 60 RD
706	SE 70 RD
708	SE 80 RD
710	SE 90 RD
712	SE 100 RD
714	SE 106 RD

709	711	713	715	717	719	721	723	725	727	729	731	733	735	737	739	741	743	745	747	749	751	753	755	757	759	761	763	765	767	769
SW 170 AVE	SW 160 AVE	SW 150 AVE	SW 140 AVE	SW 130 AVE	SW 120 AVE	SW 110 AVE	SW 100 AVE	SW 90 AVE	SW 80 AVE	SW 70 AVE	SW 60 AVE	SW 50 AVE	SW 40 AVE	SW 30 AVE	SW 20 AVE	SW 10 AVE	S STATE RD 179	SE 10 AVE	SE 20 AVE	SE 30 AVE	SE 40 AVE	SE 50 AVE	SE 60 AVE	SE 70 AVE	SE 80 AVE	SE 90 AVE	SE 100 AVE	SE 110 AVE	SE 120 AVE	SE 130 AVE

HARPER COUNTY ROAD & BRIDGE

Weekly County Commission Report

October 31-November 4, 2016

KENT STONEBRAKER-EAST FOREMAN

1. Graders 250 & 256 grading ditches along Rd 744-H. Excavator 635 cleaning ditches along Rd 676-19. Mowing Tractor 352 mowing ditches. Dozer 627 pushing up sand at the Oliver Pit. Trucks 310 & 606 hauling shale to Rd's 767-Y, 767-Z & 710-30. Graders patrolling. Grader 257 to Anthony Repair Shop for a service.
2. Grader 250 & 256 grading ditches along Rd 744-H. Mowing Tractor 352 mowing ditches. Dozer 627 pushing up sand at the Oliver Pit. Graders patrolling. Trucks 305, 310 & 606 hauling shale to Rd's 767-AA, 710-29, 714-28 & 765-Z.
3. Excavator 635 cleaning ditch along Rd 676-19. Excavator 635 replacing field entrance along Rd 744-H. Mowing Tractor 352 mowing ditches. Truck 305 to Summit Truck in Wichita for repairs. Dozer 627 pushing up sand at the Oliver Pit. Truck's 216, 310 & 606 hauling shale to Rd's 761-Y, 767-S & 767-R. Graders patrolling. Grader 256 to Anthony Repair for a service.
4. Mowing Tractor 352 mowing ditches. Graders 250 & 256 grading ditches along Rd 761-E. Excavator 635 installing field entrance along Rd 744-H. Excavator 635 removing trees in ditch along Rd 761-E. Excavator 635 removing old x-pipe & reinstalling new x-pipe on Rd 747-R. Trucks 216, 310 & 606 hauling shale to Rd 767-R. Dozer 627 pushing up sand at the Oliver Pit. Graders patrolling.
5. Mowing Tractor 352 mowing ditches. Graders 250 & 256 grading ditches along Rd 761-E. Trucks 216, 310 & 606 hauling shale to x-pipe on Rd 747-R. Loaner Grader from Foley spreading shale on x-pipe & cleaning ditches on Rd 747-R. Trucks 216, 310 & 606 hauling sand to Rd's 744-H & 741-F. Excavator 673 removing trees out of the Romans Cat Site.

JIM THOMPSON-SHOP FOREMAN

1. #257 CAT 120M-2, service job & changed cutting edges @ 487 hours. #217 2006 Sterling Truck, repairs to fan & radiator.
2. #627 CAT Dozer, service call-replaced fan belt. #217 2006 Sterling Truck, radiator repairs.
3. #256 JD 670G, service job @ 2,944 hours. #120 2015 International Truck, service job @ 40,416 miles. Sheriff Department Dodge Pickup, service job @ 6,309 miles.
4. #217 2006 Sterling Truck, finished up repairs @ 183,109 miles. #500 2012 Chevrolet Pickup, service @ 77,968 miles.
5. #627 CAT D6N, service call-checked track pins. #310 2006 Sterling Truck, service job. #682 2004 Chevrolet Pickup, service job. #600 2013 Chevrolet Pickup, service job @ 37,635 miles.

LAWRENCE SMITH-WEST FOREMAN

Called out on Sunday to reset knocked down & pulled out stop, speed limit & curve signs on Rd's 682-6 & 7, 721-J & K, 722-K, 666-2 & 719-B. Excavator 632 cleaning out ends of culverts to drain water on Rd 737-R. Excavator 632 trimming trees hanging over Rd's 729-V & 741-L. Graders patrolling, spreading gravel & some shoulder work. Graveled Rd's 717-I & J, 682-5, 719-J & K, 664-6, 709-H & I, 717-J & 684-7. Excavator 632 backfilling approaches & around wing walls at Bridge 729-X. Blacktopped Bridge 729-X. Mower working dirt roads northwest of Attica

BRANDON HEKEL-BRIDGE FOREMAN

1. Installed flooring at Bridge 729-X.
2. Installed tub around flooring at Bridge 729-X.
3. Finished tub around flooring at Bridge 729-X. Checked for needed repairs at Bridge 710-26.
4. Patched tires on 611. Cleaned up material at Bridge 729-X.
5. Serviced 681. Blacktopped Bridge 729-X.