

NORTHWEST CONSOLIDATED ZONING BOARD
Conducted as an On-Line Zoom Webinar Meeting

MINUTES
April 19, 2021
6:30 p.m.

I. CALL TO ORDER

A meeting of the Northwest Consolidated Zoning Board (conducted as an on-line Zoom meeting), Johnson County, Kansas, was convened at 6:31 p.m. on Monday, April 19, 2021, and was called to order by Acting Chair Mark Crumbaker, with the following members present and participating, to-wit: Mike Fowks, James Neese, Kathleen Willnauer, Brian Luenberg and Melissa Morris. Carol Krska was absent. Also in attendance were Jay Leipzig, Sean Pendley, Leslie Davis and Michelle Leininger with the Planning Department.

Acting Chair Crumbaker:

To reduce the spread of COVID-19, the Northwest Consolidated Zoning Board meeting will be conducted online using Zoom Webinar. The board members will not be physically present in the board meeting room.

*If you are using Zoom, you may participate in the meeting using your computer, phone or other electronic device. If you e-mailed the Planning department in advance of this evening's meeting and signed up to speak at the public hearing cases, your name will be called by the moderator in the order received. If you are unable to sign up in advance and you would like to speak, then prior to the start of the case that you want to speak on, click the "raise hand" function in the Zoom app. By phone, you may raise your hand by dialing *9.*

All speakers will be limited to three minutes, unless the Chair designates a different time period in order to accommodate all the speakers desiring to speak. When your name is called by the moderator, your microphone will be unmuted. Please state your name and address for the record, followed by your comments. For all board members and presenters, please state your name every time you begin talking, so the notes can be transcribed for the record. This is a public hearing. We are presenting live and recording the meeting. Thank you.

II. AGENDA ITEMS

Acting Chair Crumbaker: Does anybody have any additions or deletions to the agenda? [none]

Acting Chair Crumbaker: Are there any conflicts of interest you would like to disclose? [none]

Acting Chair Crumbaker: Do you have any external contacts or discussions that you would like to disclose? [none]

III. APPROVAL OF MINUTES

Acting Chair Crumbaker: We will move to approve the minutes from January 25, 2021. Are there any changes requested? If not, I need a motion to accept and approve the minutes.

Motion by Mr. Luenberg, seconded by Ms. Morris, to approve the minutes of the January 25, 2021.

Motion carried 6-0.

IV. BOARD REPORTS

Acting Chair Crumbaker: I'd like to get our Board of County Commissioners actions and Planning Commission actions.

Mr. Pendley: Thank you, Acting Chair Crumbaker. We would note that the last meeting with the Northwest Consolidated Zoning Board was on January 25th, and at that time there was one application for an ADU Permit at 13801 Walnut View Drive, for Donald Morris Trust. That application was recommended for approval, and that went to the Board of County Commissioners on February 25th. That application was approved.

For Planning Commission actions, I will note that the last Planning Commission and Board of County Commissioners Committee of the Whole meeting on March 11th was held as a study session to consider proposed amendments to the Comprehensive Plan and updates to the Zoning Regulations regarding utility-scale solar energy facilities. There was discussion. We have a consultant that staff has been working with, the Berkley Group. They will be assisting staff in preparing updates to the Comprehensive Plan and Zoning Regulations, and there was a discussion at the Committee of the Whole meeting. There will actually be an update presented at the Planning Commission meeting next Tuesday, on April 28th, regarding this item. There will be a discussion for next steps, and then we anticipate a public hearing this summer to consider those updates to the Comprehensive Plan and Zoning Regulations. That concludes Planning Commission actions.

Ms. Davis: Can I also please let the record reflect that James Neese has joined us?

Acting Chair Crumbaker: Okay.

V. BUSINESS BEFORE THE BOARD

A. Application No. NW 21-117-PP/FP (LE) –Preliminary and Final Plat –40390 W. 135thStreet

Landplan Engineering, LLC, applicant, and Matthew Ferguson, landowner, requesting Preliminary and Final Plat for 3 residential lots (Ferguson Forty) on 40 acres, on property zoned RUR, Rural District, in Section 26, Township 13, Range 21.

Ms. Davis: I'm sorry to interrupt. Jim Neese, did you want to say something? I see your hand is up.

Mr. Neese: I'll wait until the end. I had a comment I want to make about something that's going on with the Planning Commission, but I can do that when the business is over.

Ms. Davis: Okay, thank you.

Mr. Neese: Thank you. I'm sorry. Go ahead.

Acting Chair Crumbaker: Would staff like to make a presentation first on the first item?

Ms. Leininger: Yes, good evening. The application before you tonight is for a Preliminary and Final Plat for Ferguson Forty, located at the northeast corner of the intersection of 135th Street and County Line Road. It is the area that is circled on the screen. This is a zoomed-in aerial so you can see the surrounding area. As you can see, it's mainly agricultural fields with a few residences sprinkled in. This is the plat. It contains approximately 40 acres and is proposed to be platted into two ten-acre lots, which are Lot 1 and Lot 2 on the left side of your screen. Lot 3, which is about 17 acres, is on the righthand side of your screen. There currently is a dwelling on Lot 3, and that is proposed to remain. There is a plat exception being requested for the existing house. There is a dashed line that goes through what is noted as "existing house." That would be

the new setback for the current regulations. The plat exception is to allow for the house to continue to exist, even though it does not meet setbacks. Staff does recommend approval of the Preliminary and Final Plat with stipulations, based on the findings and facts outlined in the staff report. Staff also recommends approval of the plat exception to allow for the existing house to be within the front setback. The applicant is here and can speak.

Acting Chair Crumbaker: Do any of the members of the Board have questions for staff about the staff report? Hearing none, I'll move on and ask if the applicant would like to speak with us, please do so now.

Ms. Davis: We have Alex, and Jess as well.

Jess Noll, Landplan Engineering, Lawrence, Kansas, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Noll: If you don't have anything to say, I don't either. Are there any questions for us while we're on?

Acting Chair Crumbaker: There appears to be no questions.

Mr. Noll: Fair enough. I guess we will proceed.

Acting Chair Crumbaker: To the members of the Board, does anybody have any comments, or anything else that they'd like to talk about with regard to this item?

Mr. Neese: If there are no other questions from the Board, which I assume there wasn't, I'd like to go ahead and make a recommendation to approve this application.

Motion by Mr. Neese, seconded by Mr. Fowks, to approve a Preliminary and Final Plat for three residential lots to be known as Ferguson Forty, for the reasons and subject to the stipulations recommended by Staff and listed in the Staff Report; and to approve the Plat Exception allowing for the reduced setback for the current residence on proposed Lot 3, for the reasons recommended by Staff and listed in the Staff Report.

Motion passes, 6-0.

Ms. Leininger: This will go to the County Commission on May 20th. Make sure that at that time I believe the County Commission will have both the options of meeting in person or doing a Zoom meeting, but make sure you double check before the May 20th meeting to check the location.

Acting Chair Crumbaker: Thank you.

B. Application No. NW 21-119-SP (LE) –Special Permit –35960 W. 95thStreet

Every, applicant, and Steve Rieke, landowner, requesting a Special Permit to construct a utility substation, on 21.6acres, on property zoned RUR, Rural District, in Section 31, Township 12, Range 22.

Acting Chair Crumbaker: We would like to hear the staff's report on this item.

Ms. Leininger: This application is for a Special Permit for an electrical substation. The property is located at the northwest corner of the intersection of 95th Street and Sunflower Road. This is an overall roadmap. As you can see, this property also abuts K-10 Highway on the north side. There is, however, not an interchange at the intersection of K-10 and Sunflower Road. You can see, De Soto is to the north and east, and Sunflower Ammunition Plant is to the south. Here is an aerial of the subject property. As you can see, it's a mix of residential, agriculture, and then there is a water tower kitty corner of the intersection of 95th and Sunflower at the southeast corner. There's an abandoned industrial site a little further south.

Just to go over some of the details of the project, on the left hand side you can see, this is a clip of the overall parcel. Sunflower Road is on the east, and then on the very bottom is West 95th Street. It contains approximately 21 acres. The substation is proposed in the area outlined in red. The remainder of the site will continue to be farmed for agricultural needs. There are also three existing agricultural buildings on the southern portion of the property. On the right is just a diagram. This is actually the landscape plan, but it shows you what the proposed site will look like in relation to what is on the left hand side. You can see the equipment on the gravel pad. You can see some proposed landscaping on the north and east, the driveway access. The remainder will be planted with different grasses to make sure that the soil stays in place.

Here are some existing facilities in Johnson County for Evergy that are very similar to this site. This gives us kind of a snippet of what it's going to look like. The Special Permit requires that a fence at least 75 percent solid be provided. The elevations in the plans are shown. On the bottom right, the picture, this is another substation. This is something similar to what the wall would look like. Here is the proposed gate. It's proposed aluminum type of gate. Again, there is an example on the bottom right of a similar substation. Some other examples in the area. This is one of Evergy's sites at the southeast corner of West Santa Fe and Hedge Lane. Here is another one in Shawnee at the northwest corner of McCoy Street and 183rd Street.

Back to the site plan. The proposed Special Permit meets all of the required minimum infrastructure requirements, and development and performance standards. In the Special Permit section, it allows for some give and take with tall structures. We noted in the staff report, you have structure for the electrical lines ranging anywhere from 15 feet to 75 feet, depending on the need in the facility. This is really more of a built-out facility that you see in front of you. This allows for Evergy to put in what is necessary now, and then when the area grows, to increase the capacity depending on the development. The northern section, you'll notice boxes. Those are structures for equipment that needs protection from the elements. The remainder of the site is wire and transfer structures that you saw in the other pictures.

This is something I want to clarify from the staff report. I had stated that there were the incorrect number of lights proposed. There are actually six lights proposed. I just want to make sure that it clear. They are stated to be at five feet, downward directional, and only really for emergencies or for security reasons. This is an unmanned site. The only time there will be people on the site is for maintenance or if there is some sort of emergency. You won't see a lot of activity onsite.

The Special Permit does not have an expiration, as long as it is constructed, operated and maintained in accordance with the Regulations. Staff does recommend approval of this Special Permit for an electrical substation with the stipulations and based on the findings and facts outlined in the report. I know there are Evergy representatives on tonight, along with their engineer from Bartlett and West.

Acting Chair Crumbaker: Okay. Thank you. Does anyone have questions for the staff about the report?

Mr. Pendley: It looks like Jim Neese has his hand raised.

Mr. Neese: I have one question. I didn't see any response from the City of De Soto because we're right next to their line. I'm assuming that there was no comment from them. Did we get any input from them? I didn't anticipate any, but...

Ms. Leininger: We did. That was noted in the staff report. The only thing that they noted was to make sure that any of the landscaping that is put in is maintained, and if it does die, that it should be replaced. That was their only comment.

Mr. Neese: And are you aware of any objections or questions or things in your staff comments or requirements that the applicant is not wanting to do? Is he going to go along with everything? Is the company going along with everything?

Ms. Leininger: I have not heard that they are not in agreement. That's something that you can ask the applicant, but there has been no discussion.

Mr. Neese: Okay, thank you.

Acting Chair Crumbaker: Okay, do we have anyone in the public, or anybody else that chooses or would like to ask any questions at this point?

Mr. Pendley: I believe there are possibly some from the public attending. However, we also do have the applicants available if there are any questions, or to see if they have any requests. I think we have at least two or three applicants from Evergy as well.

Acting Chair Crumbaker: Does Evergy wish to make statements?

Ms. Davis: Casey Colbern with Bartlett and West, as well as Chris Carey. Also, Zoe with Evergy, you are also able to speak as well, and Chris Meyer.

Chris Meyer, Evergy, Topeka, Kansas, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Meyer: I thought Michelle did a great job of explaining our position and the reason and the whole layout. Yeah, we're willing to answer any questions. We think that we've covered everything requested of us. There are a couple things I don't know. The wall height – we show a nine-foot wall. It depends on the contractor because they vary between their suppliers or their vendors. It might be nine. It might be ten. I'm not sure of the number of lights. We show six, but that is not my call. I think six is probably the adequate or correct number, and like Michelle said, those would only be illuminated during an emergency, either a switch-operated or a motion sensor for security. We're available for any other questions.

Casey Colbern, Bartlett and West, 5544 Columbia Drive, Lawrence, Kansas, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Colbern: One thing that we noted was we did meet all the BMP requirements for stormwater. There is an extended dry detention basin native vegetation, so even though it's a gravel pad, we still are providing all the BMP requirements that any other development would be needed, and actually the stormwater detention is even over-sized for that area, just to help with some cut fill numbers and things like that. I believe one of the requirements was Planning asked for additional landscaping on the north and east sides of the site, and we did provide that. No additional landscaping was provided on the south side of the pad because that is where the transmission lines will be coming into the pad, and Evergy has a strict policy of not planting vegetation under brand new lines, because it will be torn out, or it's harder to maintain. And then, on the west side, there was no additional landscaping from the standpoint of we have a large swale going around the site to take stormwater. Almost everything from the south runs to the north, so we have a big diversion channel around the site to help with erosion. That's why there's no additional landscaping, but the main focus is the roadside and then the highway side that we provide the additional landscaping on.

Acting Chair Crumbaker: Any members of the Board have questions for these folks?

Mr. Luenberg: The main purpose of this is there's just more customers in the area, so that's why you need this?

Mr. Meyer: Yeah, we're looking at potential low growth to the west. They anticipate that by 2023 the current substation won't be able to handle that load, so increasing low growth and preparing for maybe some growth to the west, too. Plus removing some older line and equipment, too.

Mr. Fowks: I have a question about the remainder of the site. I know this substation is only going to take about a third of the property. Are you going to leave the existing buildings, or is that just going to be an open field? How is the rest of the site going to be maintained and addressed?

Mr. Meyer: I think there's at least three buildings. I know one of them is about to come down. One will come down for sure. I think two for sure, and then I think that one is going to remain for a while. It's a barn and the current landowner wanted use of that for some time. It will remain in place at least until that time expires.

Mr. Colbern: It was noted in the submittal that the plan is not for Evergy to subdivide this property. They like to maintain control of the property but allow the current landowner to continue to use it for agriculture use outside of the native vegetation that is being planted for BMP purposes.

Mr. Fowks: Okay. Also, I have a question about the wall. Is it going to be white like the ones that are closer to the city areas? Or is there a chance that that might be more of an earth tone and maybe blend a little better? Do you know?

Mr. Colbern: Our spec is that it's painted to that specific color. It's a stone cast concrete wall, and then we have them paint it. I guess we've never considered other colors before.

Zoe Drury, Evergy, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Drury: The color on there is called Evergy Beige, and it does have a slight earth tone to it, but at a distance, they kind of look white, like you mentioned, but we spec out beige.

Mr. Fowks: I just wondered if that was an option. Okay, thank you.

Acting Chair Crumbaker: Any other questions from members of the Board? [None] Okay, do we have anybody in the public that would like to ask some questions perhaps?

Ms. Davis: I do, sir. Kameron Klein, you are now able to speak.

Kameron Klein, 35276 W. 95th Street, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Klein: We live just to the east of the proposed substation on 95th Street. One of the questions that several of the neighbors have had is will the transmission lines. It looked like they were making it so that those could be replaced, and the question really comes down to if a substation is put in, will those lines be replaced with larger lines? Either higher, from an elevation perspective, lines? Or are they going to stay the same? What's the plan with that aspect? And I guess one other piece of this, I'm curious what the reasoning is for this particular location potentially, versus these same transmission lines continue and go over to Edgerton. So, in theory, it seems anyway, you could put the substation closer to Edgerton and maybe even 103rd, where they're crossing on Old K-10 or that area. Those would be my two questions.

Mr. Pendley: I would note, we're taking any questions that are raised here from the public, and then if you would like, we could have the applicant respond to all of those at once, following all of the questions from the public.

Acting Chair Crumbaker: Okay. Who else has questions?

Ms. Davis: Our next person is Reese Gaultney.

Reese Gaultney, 34860 W. 95th Street, appeared before the Zoning Board via Zoom, and made the following comments:

Ms. Gaultney: Hi. I also live on 95th Street in the same area. My questions are largely the same as Mr. Klein. Again, to further on what he's saying, there is a larger kind of industrial area, or perceived to be, incoming industrial area near the Sunflower Ammunition Plant, and this is largely residential, and I guess just thinking of the location. Is it just based on property that is for sale, or is there a larger grid question that comes into play? My concern is high power lines going through my property. Those are just some items, I guess, that our whole neighborhood would like answered.

Mr. Pendley: We can note that as well and see if the applicant could help answer that question.

Mr. Colbern: Do we have addresses for the people speaking, asking questions?

Ms. Davis: Yes. Kameron and Reese, you should both be able to speak, if you will remind us of your addresses, please.

[addresses provided]

Mr. Pendley: Leslie, do we have anyone else from the public with their hand raised requesting to speak?

Ms. Davis: No, sir. That is all.

Mr. Pendley: Mr. Crumbaker, I'll turn it back over to you if you'd like for the applicant to help respond to these questions.

Acting Chair Crumbaker: Yes. We would like to have the applicant respond to both those questions, and then if our members have any more questions, please bring them up.

Mr. Pendley: So, Casey or Chris, you would be able to speak now.

Mr. Drury: I'll let Chris start, and then I can jump in as needed.

Mr. Meyer: I'll take a stab at this. When we were assigned the task of locating a location for a substation, our priorities are that it should be close to a high voltage line, so the power's got to come in. And of course, we look for a willing seller. That's another option. This one met those criteria, plus the plan, I think, is to run some distribution lines to the north along Sunflower Road. There was already some...I might be stepping out of place. You're asking questions about transmission lines, because it's not my deal, but currently there is a transmission line that runs along 95th and I guess I didn't quite understand the question. Are they asking is that going to be replaced with...? It's going to be upgraded. I would guess that means new structures. I guess if that's what they're asking.

Mr. Klein: I can clarify it if you would like.

Mr. Pendley: Yeah, that would be helpful. Thank you.

Mr. Klein: So, the question today – these are single pole transmission lines, and these double as transmission and distribution lines, so what type of structure going to be put up, or is it going to be a double pole system with significantly larger structure, versus what's there today? Then, the second question, as I mentioned, was related to the location. Given that those same transmission lines continue to Edgerton Road on 95th and then go south to 103rd, so I think Ms. Gaultney and myself have the same question, because that area seems much more industrial-based versus rural and residential. So that's the question really behind that or the premise behind it.

Mr. Drury: The height shouldn't be any different. I believe we're tying into that line. I'm not too sure if we're replacing that line over to Gardner. We are tying into that line, so I don't know if there's going to be new transmission. We can find out. But the initial was tying into that line, not replacing it.

Mr. Klein: Okay, so the reason why we ask that question is they surveyed for replacing the poles last year, so that's the reason why we're questioning whether or not the transmission line is being replaced with a larger structure, or if it's the same structure, just updated.

Mr. Drury: It would be similar. If it does get replaced, it won't be very much larger, if any, than what's there. This is not a big 345 line, and it sounds like there's transmission with distribution under build –

Mr. Klein: Correct.

Mr. Drury: All along. It wouldn't be any taller than what's there. Similar in size. It might be a little taller, but it's not going to be another 50 feet.

Mr. Pendley: I would just note, typically once close the public hearing, we don't usually allow an exchange back and forth with questions. We would be happy to, staff would be happy to answer any additional questions following this meeting and try to provide any updates, and also be able to provide contact information for the applicant, so that any property owners could contact the applicants with Evergy.

Mr. Neese: I'm going to make an assumption that you're not going to be acquiring any more right-of-way, so whatever it is you're going to be doing, you're going to be doing that on your existing right-of-way.

Mr. Meyer: That's correct. That's what I understand, and again, this is a transmission line. I think they are planning on rebuilding that line, and like Zoe said, they would probably replace the current timber poles probably with steel. I don't know that. I guess that's just an assumption on my part because it's out of my realm, but that's kind of been the way they've been doing things recently.

Mr. Colbern: The one thing with that is also these aren't going to be H-frame structures that would go in. They don't go through and replace that. I think that's what Zoe was saying that it's not 345 structure. These will be single pole structures that go through. I think that might have been one of the questions that one of the homeowners was asking. So yeah, it's not going to be an H-frame type of structure that goes through there. Substation and transmission, even though they're all tying in together, Evergy looks at them as kind of separate projects with separate timelines. So that's where if there are some additional questions and contact information that we can provide to help with that, as Chris and Zoe said, we could help out with that part of it.

Mr. Meyer: But with this project there is no adjustment of property lines, adjustment of road right-of-way or anything like that with the substation. It is all being built just on that piece of property.

Acting Chair Crumbaker: Do we have any other questions for either the Evergy folks or any other public comments?

Mr. Pendley: I do not see anyone else from the public requesting to speak.

Acting Chair Crumbaker: All right. Are there any more questions from members of the Zoning Board? [none] Okay, hearing no more questions or comments, I think I would turn this over to our members for discussion and action. Who wants to get started?

Mr. Fowks: I don't necessarily see any major issues with this application. If they're anticipating needing this substation in that area, then I'm sure that for the expense and the trouble it takes to go through them, it's probably a necessary installation.

Acting Chair Crumbaker: Anything else that our members wish to share with each other? And does someone wish to take some action on this matter?

Mr. Fowks: If there's no other comments, I'd like to go ahead and move that we approve this Special Permit for the electric substation for the reasons and subject to the stipulations recommended by staff as listed in the staff report.

Motion by Mr. Fowks, seconded by Ms. Morris, to approve a Special Permit for an electric substation, for the reasons and subject to the stipulations recommended by Staff and listed in the Staff Report.

Motion passes, 6-0.

Mr. Drury: Thank you very much for allowing us the time this evening to speak. If there are other questions, please reach out to Chris or me.

Mr. Pendley: I will note, too, if there are any additional questions from the public of the applicant, you can also contact Johnson County Planning staff, and we would be happy to forward the applicant's contact information and also provide any updates when this returns to the Board of County

Commissioners for final action.

Acting Chair Crumbaker: And what date will they consider this matter at the Commission?

Ms. Leininger: It will be at their May 20th meeting. Again, make sure you check the online agenda to see if they are in person and/or virtual.

Mr. Pendley: I will just note that that meeting, the Board of County Commissioners meets at 9:30 a.m. in the Johnson County Administration Building, 111 South Cherry Street in Olathe. As Michelle noted, please check the Board of County Commissioners website for any updates to the meeting in-person or Zoom option.

VI. OTHER BUSINESS

Acting Chair Crumbaker: Is there any other business?

Mr. Neese: Thank you. I wanted to bring this up real quick. The Planning Commission for the last couple months, the staff has been working to write some regulations for some potential solar panel requests in the county. Some of these could be quite large, as far as two or three thousand acres. The staff, because the County did not have any regulations for these, they're in the process of writing these. Sean, could you give us a quick update? Let me back up just a second. I think this is real important, because we're talking out in our area, and I think the Zoning Board out around Gardner, it has the potential of affecting us. We don't know where, but some people have put some feelers in about having some pretty large solar panel farms out here, and it's going to be, if they have them, it's going to be pretty encompassing, because it takes large amounts of property. Initial building costs which are one by usually people from out of the area, and then once that's the case, for 35 to 40 years, they're going to be, wherever they put them are pretty much self-sustaining with no...It really takes the ground out of any kind of production, because they're managed from afar, and there's no labor going on while this happens.

So, it hasn't come to us yet, but it's going to be real important. I think you might keep your eyes open as members, kind of the ear for the folks in our area, because I think it's really going to be an important issue. My thought is if you allow one, or write the Regulations so liberal that one group comes in and takes up two or three thousand acres, another group could come in and do this. Apparently, they are so profitable that they can buy ground in Johnson County, at least they're talking about it. It hasn't happened, but they're writing the rules because there have been some inquiries. So, could you give us area quick update about the staff on re-writing those stipulations, where they are? I don't mean to take much time, and I'm sorry for bringing this up, but I think it's real important.

Mr. Pendley: No, that's great. Thank you, Jim. I did mention this briefly in the Planning Commission's action at the beginning of the meeting. All I noted was that there was the Committee of the Whole meeting on March 11th. You're correct, Jim. We did have extensive discussion with the Planning Commission and the Board of County Commissioners on that day with the consultant we are working with, the Berkley Group, to assist in updates to the Comprehensive Plan and the Zoning Regulations to address this issue. As Mr. Neese noted, that is something that is potentially a very large operation. These utility scale solar energy facilities are much larger than anything that we may be used to that we currently have in the county, as far as accessory uses on individual properties where they're having just individual solar-powered collectors, whether they're roof-mounted or ground-mounted. This is a much larger utility-scale solar energy facility. They are becoming much more common in terms of an additional energy source for local communities. We haven't seen many yet in Kansas and none in Johnson County. However, there is a private utility

group that is looking at land in the unincorporated area of the county, so that is something that we need to address.

We've been working on that, as Jim noted. We've had an initial discussion with the Planning Commission and the Board of County Commissioners. We will have, actually at the Planning Commission meeting next Tuesday – and I'm glad I got a chance to update this; Leslie reminded me I gave the wrong date at the beginning – it's actually next Tuesday, April 27th, not April 28th. So, April 27th, 5:45 p.m. We have a discussion with the Planning Commission for the next steps as far as what we're going to begin with, we're not ready to present the draft Regulations at this time. What we want to do is have an initial discussion with the Planning Commission to review the key development and performance standards for these types of facilities, looking at the parameters for how large. You would essentially have to set forth the maximum size, setbacks, distance, separation, kind of looking at those development standards. That's the initial discussion we'll have with the Planning Commission.

Then we anticipate, once we get feedback from the Planning Commission, we will come back with some draft Regulations later this summer, and we would have a public hearing. At that time, we would open it up for discussion with potential industry representatives, utility providers and the public in general. We know that there may be concerns from residents in the county that have questions about what this type of development may...the impacts on the county. Definitely a lot going on. We hope to have additional information presented next Tuesday at the Planning Commission meeting and then we'll also be able to provide additional updates going forward. We're happy to answer any other questions at this time.

Acting Chair Crumbaker: I would like to comment. I do believe that those kinds of massive facilities would substantially change the nature of these areas and neighborhoods, so I would have concerns about that.

Mr. Pendley: Certainly. I will note that initially what we'll be discussing with the Planning Commission also, and then eventually, of course, the Board of County Commissioners have to adopt any new Regulations. As part of that discussion, we'll be talking about the process. What will the procedure be for these types of facilities? We would anticipate that it would be a Conditional Use Permit like we have with many other unique uses like this, especially something so large, so the process for when we do get an application for an actual development, it would have to go through the Conditional Use Permit process, so there would be public hearings. We would discuss the details and the impacts for surrounding property owners, because we obviously do anticipate a lot of questions and concerns from neighbors. Absolutely, we understand that there's a large impact and there will be several questions. They would be required to go through a public hearing with each one of these types of applications.

Acting Chair Crumbaker: Thank you.

VII. BUSINESS FROM THE FLOOR [None.]

IX. NEW BUSINESS [None.]

Mr. Pendley: I would just note, one of the things we did want to talk about is the potential for resuming in-person meetings. At this time, we are meeting with the Zoning Boards on Zoom Webinar and it's been going fairly well. I think all of the board meetings we've had have been just fine. We haven't had any problems. It's been a whole new experience doing all of these meetings

virtually, and I think to some extent it's been helpful for the Zoning Boards and the Planning Commission. They've really appreciated doing this, and it's worked well. Sometimes we do have some questions about whether or not in the future, if we happen to have a very large application, such as a quarry project with a lot of potential impacts or a solar farm, that would warrant maybe much more need for an in-person meeting to handle the public comment.

I will just note that the Board of County Commissioners just recently resumed in-person meetings I believe just last week or the week before, so just recently started back meeting in person, and they're doing the Zoom option, as Michelle noted. We're trying to let applicants know that they need to anticipate, they have the option to appear in person or be on Zoom. We don't know how much longer that will continue. I think eventually the Board of County Commissioners will go back to all in-person. However, for our Zoning Boards at this time, we anticipate continuing on Zoom, but it may be at some point potentially later this summer, we may resume meeting in person. If we did, we would have to just do one or the other. It would either be in-person or Zoom. We wouldn't have the technology available for a hybrid meeting with a zoning board. So, we just wanted to get any questions or comments from any of the Board members if you have any concerns regarding that at some point. What I would envision once we make a decision to resume in-person meetings, we would probably still have some kind of limitations in the number of people in the room and social distancing and potentially masks. I don't know, but I wanted to get any feedback from the Board and see if you had any questions about in-person or Zoom or any questions going forward with that. Seems like so far, so good?

Ms. Morris: I would just say that I'm cool with meeting in person. I just prefer not to wear the masks if possible. I find it's hard for people to read lips and understand, and it's muffled. Plus, they're just annoying and ugly, and I don't think they do anything, so that's my take on the whole mask thing.

Mr. Pendley: Understood. Appreciate that.

Acting Chair Crumbaker: I like in-person meetings. I feel a little bit Zoomed out. I've had so many meetings by Zoom, I'm a little tired of it.

Mr. Pendley: Thank you. I can appreciate that, too. I've said that exact same thing. I'm a little Zoomed out. We've been going on a year now with all of our Zoning Board meetings. We've had one exception. We met with the Southeast Consolidated Zoning Board in person back in June of 2020. We did it one time in person, and it was kind of difficult because at that time we were starting to wear masks and we had to have the separation. And we happened to have that night three cases, one of which was kind of controversial and there were a lot of people, and it was difficult to meet in person. But we've been able to do Zoom, but I will look forward to when we're able to just come back in person and have a little less restrictions.

I appreciate those comments. And I will note at this time, we're going to continue on Zoom for right now, until there's been an update and we know more. What we would envision, too, all of the Zoning Boards will be meeting here. Once we do resume in-person meetings we'll be meeting here. Fortunately, this board has already been used to meeting at the County Administration Building. We have the space available here, and we have a little bit more control over the facility versus some of the other boards that meet in alternate locations, like in Stilwell and Gardner. We don't have as much control on the meeting space in those areas. I appreciate the comments. We'll be happy to give an update to the Board once we know more about future meetings, we'll be able to give everyone an update.

ADJOURNMENT

Motion for adjournment by Mr. Luenberg, seconded by Ms. Morris.

Motion carries, 6-0.

Thereupon, with no further business to come before the Northeast Consolidated Zoning Board, Acting Chair Crumbaker, at 7:33 p.m., declared the meeting to be *Adjourned*.

Mark Crumbaker, Acting Chair

ATTEST:

Secretary to the Board