

HARPER COUNTY, KANSAS

Agenda Item No. ___
for February 24, 2020

AMENDED REVISED SPECIAL USE REPORT *

CASE NUMBER: **SU-02-2019**

APPLICANT: **Gerald Wolff, Trustee of the Charley Wolff Trust #1**
AGENT: **Jeff Maddox, Saddlehorn Pipeline Co., LLC**

REQUEST: **Special Use requested to establish a pipeline pump station in the A-2 Agricultural District.**

CASE HISTORY:

APPROX. LOCATION: **A tract of land in SW 4 of Section 24, Township 33, Range 6 , ½ mile north of the intersection of Hwy KS 44 and NE 60 Ave.**

SITE SIZE: **4.5 acres more or less**

PROPOSED USE: **To establish a pipeline pump station**

ADJACENT ZONING AND EXISTING LAND USE:

North: **A-2 Agricultural District – Agricultural land**

South: **A-2 Agricultural District and I-1 Industrial District– Agricultural land and 1 residence to the SW a ½ mile**

East: **A-2 Agricultural District – Agricultural land**

West: **A-2 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 at an area that has an established pump station and pipeline.

(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 with one dwelling to the southwest, a half of a mile away. The property is a half of a mile North of KS Highway 44.*
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-2 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 expansion of the oil & gas pipelines in the area has created the demand for such a station.*

** **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.

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?
 - > ***NE 60 Avenue is a graveled road and water supply and sewage disposal facilities are not needed.***

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?
 - > ***Yes. The land will need to be platted since it is being divided.***

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?
 - > ***Screening for this property will be determined by the site plan committee.***

9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?
 - > ***There are no vacant properties specifically zoned for this special use in the rural area of the County.***

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 station to provide pumping service for the gas and oil production companies.***

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?

> ***The station will be an electrically powered pumping station. The station will have electric motors and HVAC equipment. It will be remotely monitored through the control center in Tulsa. After completion, traffic will consist of 1-2 semi-trucks and 3-4 work trucks a week. The noise level and traffic should be minimal.***

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

> ***Yes. Such pumping stations are listed as a special use in the A-2 District.***

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

> ***The Comprehensive Plan for the Unincorporated Area of Harper County, Kansas: 2003-2020 in Chapter 8 does not currently address gas production for the "Oil Boom" era.***

15. What is the nature of the support or opposition to the request?

> ***No public was present.***

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?

> ***Oil & Gas pumping stations are obviously needed in the County with the current expansion of oil & gas drilling and the question is where can they be located in as compatible a setting as possible.***

The Public Works Director has concerns for the new access to the station.

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?

> *There would be substantial environmental benefits to the surrounding properties as a relative gain to the public health, safety, or general welfare if the special use were approved, and the overall gain to the County at-large outweighs the nearby affects since such stations are needed for the gas industry and the Applicant has certain limitations in finding a site due to pipeline locations.*

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

1. That a site plan be submitted to the County Site Plan Review Committee for approval prior to application and approval of a Zoning Permit by the Zoning Administrator.
2. That the subject property be platted prior to the application & approval of a Zoning Permit by the Zoning Administrator.
3. After completion of the facility, there will be 8” of aggregate added to NE 60 Ave., beginning at KS Hwy 44 going North, to NE 10 Rd. Application will be completed by Harper County Public Works Department. Owners of the facility will be responsible for the one-time cost of the aggregate material, in an amount not to exceed \$125,000.
4. A written letter from the Public Works Director approving the access from NE 60th Ave. onto the property of the Harper Station.

cc: Applicant

Agent