

Marion County Planning Commission & Board of Zoning Appeals

Record of Proceedings

December 5th, 2019

Members (Present)

Derek Belton
Glenn Thiessen
Mel Flaming
Kathy Inlow
William Kroupa
Dwight Flaming

Members (Absent)

Brad Vannocker
Jim Schmidt

Staff (Present)

Sharon Omstead, Secretary
Brandon Meierhoff, R. Secretary
Russ Ewy, Planning Consultant

1. **Call to Order~** Belton called the meeting to order at 7:01p.m. with 6 members and 3 staff present. Duane Bair tendered his resignation from the board prior to this meeting.
2. **Approval of Minutes~** The October 23 and October 24, 2019 Meeting minutes will be considered at the next regular meeting.
3. **Discussion of Article 27 -Wind Energy Conversion Systems Regulations~** Belton states there was a consensus of the board at the last meeting to discuss turbine setbacks and possibly other regulations in Article 27. Belton reminded the board that is only a discussion, there will not be any action on this item today. Ewy states there are different standards on differences across the states. The most popular is 2,500 feet from center of the turbine to the exterior wall of a home. Reno County has discussed making the setback from the property lines. Many small cities want to expand their extra-territorial ring. Most cities would like for counties to handle setbacks for them. There was discussion concerning non-commercial wind turbines. Those would be treated like an accessory structure as outlined in the regulations. Inlow expressed concern that we don't regulate oil pump jacks, but we regulate wind turbines. Ewy reiterates that is because of state law that pump jacks are not locally regulated. Kroupa states that pump jacks and wind turbine are in a completely different league. The turbines are 500 plus feet in the air and for the projects to be plausible you can't just have one. Pump jacks are smaller and can be moved easily. Inlow states she is looking at it from a land use point of view. You can have two neighbors living next to each other. One wants a wind turbine and the other doesn't. We have setbacks in place to help with that. With pump jacks, we don't have that. Ewy states that if the turbine issue is that they are tall and obtrusive; get rid of them. If the issue is shadow flicker, noise, or turbulence; they need different setbacks. Current setbacks are 1,320 feet from turbine to residence. We can change the setback to property lines. Inlow states that could negate people from having them that want them M. Flaming states most negative comments were on looks and not setbacks. I don't think changing the setbacks would change anything. Ewy states in his opinion, changing the setbacks to

the property line would alleviate many issues. That will eliminate people that want turbines, but it will mitigate other issues. Belton states we have heard a lot of public objections to the wind farms, but I have heard from a lot of people that want the opportunity to get a turbine. I don't agree with a moratorium. I think the setbacks from the property line is the direction we need to go. Kroupa states he disagrees. Wind Energy is an ever changing industry. Let's enact a moratorium for a time to see what the industry and the developers are doing, as well as where the state regulators are going. Ewy states that 90% of counties in the state aren't regulated. There is a desire for counties to remain un-zoned and have the state regulate the wind farms. Earlier this year the state started to propose regulations but they failed to pass. Kroupa believes it would be wise to see what the current wind farms do first and then make a decision on whether we should continue allowing wind farms or not. D. Flaming asked if there is a finite date to a moratorium. Ewy states yes, 1 to 2 years is common. It is something we could recommend. The decision for a moratorium would have to come from the Governing Body. Belton states that having a moratorium would be a disservice to the people in the county that would like to have wind turbines. There are pros and cons to everything we do. We have to represent both sides of the spectrum. Ewy states we are here to decide which direction Marion County would like to go. D. Flaming states we made some mistakes when creating the regulations. The setbacks weren't right when we made the regulations. When we first started, we had an overlay district for wind turbines. M. Flaming asked if there were any time constraints to changing the regulations. Ewy states there is no definitive timeline. Omstead states if an application was submitted tomorrow we would have to look at it under the current regulations. D. Flaming asks if the state would ever make any changes to the ten year tax abatement. Ewy states the State of Kansas wants as many wind farms as possible. There isn't anyone at the state fighting against or for stronger setbacks. Board members wonder why the state is so pro wind energy because of the tax abatement. D. Flaming asks about someone submitting an application for solar energy farms. Omstead states they would be processed like a regular conditional use permit (CUP). Ewy states many people see wind turbines and solar panels like apples and oranges. It is up to the board to decide if we should be proactive on alternative energy. Omstead clarifies that alternative energy in general would be a regular CUP. The board would act upon it like the Evergy Substation at the last meeting. Ewy states he can look into alternative energy more to provide the board with some background. D. Flaming asks if there is a general consensus around the state. Ewy states it is very sporadic across the state on conversion and storage systems. If the board feels the need to discuss this further, decide as a board put it on the agenda for the meeting in January. Belton states that today's meeting is for a discussion to give Ewy and Omstead direction. Board members then stated their stance on the setbacks. Belton is in favor of setbacks from the property lines. M. Flaming agrees. Kroupa states we have been very accommodating to the wind industry. Let's put a moratorium on the county for a couple of years and see where everything goes. Inlow states she is in favor of setbacks from the property lines. D. Flaming agrees and clarifies that it would be property lines from non-participating properties. Ewy states he can go back and look at what has worked and what hasn't worked throughout the state. Thiessen states we are better off having a dialogue. We are

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not in a hurry to get these regulations changed. There is nothing pressing us on the decision. We have a few board members missing tonight and would like to hear their opinion. Belton tabled the discussion to the next meeting.

4. **Off Agenda Items~** Omstead states that Bair resigned from the board. The County Commissioners are talking about restructuring the Planning and Zoning Board due to the Commission redistricting. We will have to rewrite bylaws when they restructure the board. Omstead handed out a rough draft of the 2020 Planning Commission/ Board of Zoning Appeals Meeting Schedule and Submittal Deadlines.
5. **Adjournment~** Motion to adjourn made by D. Flaming, seconded by Thiessen. Motion carried (6-0). Belton adjourned the meeting at 8:41 p.m.

Passed and Approved (Date) _____

Derek Belton, Chair

Attest:

Sharon Omstead, Secretary