

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

April 24, 2003

Chairman Eileen Sieger called the meeting to order at 7:30 p.m., with all members present. There is still one vacancy.

Roll Call was answered by Sieger, Marquetta Eilerts, David Mueller, Willis Ensz, Ervin Ediger, Bob Unruh, Mary Avery and Glen Unrau. Zoning Administrator David Brazil was present.

Sieger asked for corrections to the Record of Proceedings for the March 27, 2003, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Avery made a motion to accept the Record of Proceedings as written and Mueller seconded the motion. In favor: 8; Opposed: 0; Motion carried.

Sieger asked for off agenda items. Brazil explained that Mr. Pendergraft came in last year and had constructed a carport without approval that is located on a private drive that isn't his. He has obtained that portion of land and I will be working with him, Brazil said.

Mueller introduced Tom Sloan, saying he lives on a small farm by Lawrence and raises sheep and does consulting work. He has also been in the legislature for several years and is serving as chair of the higher education committee, as vice chair of the utilities committee and he is also on the environmental committee. Sloan told members there are essentially two types of wind operations, large and small. He said they are attractive to commercial areas because of the economic benefits. He said Montezuma is making about \$1 million per year, for 20 years, and there are eight to 10 employees. He said wind farms are driven by three things: 1) federal tax credits, which are due to expire at the end of this year, but will be renewed as they have been in the past; 2) the need for power, as this year for the first time we will import more fuel than we export, so there's more demand locally for electricity; and 3) access to transmission lines. Sloan said the other components are the individuals who put up turbines, partly to meet their own needs and partly to sell the surplus. They tend to oversize them and sell the surplus, Sloan said. By state law utilities have to buy the surplus at one and a half times the cost of a kilowatt, he said. But, that has not historically been enough to pay for one of the turbines, he added. Ones put in today are one and a half megawatts, he said. They start at \$20,000 and go up to \$200,000. Sloan said it's cheaper to put up the big ones. Looking at maps I've seen, you're not a prime location, but you're also a possibility, Sloan told members. Sloan explained renewal energy generating cooperatives, saying that several individuals put up turbines and sell on the wholesale market, so there is interest across the state in the form of such coops, because they can be spread around the state. The issues tend to fall under: 1) visual – are they attractive? Sloan gave an example of his rural water district tower by his house and that he noticed it when he bought the property, but 20 years later he doesn't notice it. 2) often discuss noise – they are quiet machines for one thing, as they are 200

feet in the air, Sloan said. He said he took his wife to see Montezuma and they could hear the whoosh, but they heard the birds over the whoosh. 3) access – you're going to have to have access. The towers come in sections. How you define pristine or native or whatever terms you are using...also how do you get to them? In Montezuma they used an auger that had been used to drill minutemen silos, Sloan said. 4) 20-30 year life expectancy, but you may want to consider addresses this if you want them removed, etc. Sieger asked if they could be replaced after 20 or 30 years? I would expect that wind turbines maintained could be used longer than 20 to 30 years, Sloan said. Sieger asked about access roads. In many ways it'd be like a farm field road, Sloan said. They service them periodically, but you know whether they're working or not from a removed site, he explained. People ask what about big storms?, Sloan said. If winds get over 56 mph in Montezuma, the blades feather and turn so they don't get knocked off, Sloan explained. Unruh asked and Sloan said they could make the blades automatically adjust back in. They expected 33 percent of the time for Montezuma turbines to produce electricity, but in reality it's over 40 percent of the time, Sloan said. Are the towers made to withstand tornado winds?, Sieger asked and Sloan said yes, they are supported by 160 cubic feet of concrete. They have 170 turbines on 2,000 acres, but the actual footprint is 7 acres, Sloan said. The towers are 200 feet tall, with 70-foot blades, so there is no problem driving a tractor under them, he said. Sloan said in Montezuma the turbines are a big deal and they had to construct a kiosk with information for tourists to view, and he has been told it's their largest attraction. What impact with the coops have?, Unruh asked. It's probably not a significant thing, as at \$1 million per tower or turbine, that's a lot of money someone's going to have to put up, Sloan said. I think there are 50 sites in Iowa where people have put up turbines, and I expect there will be a number of coops formed, but it will not be a significant factor, he said. If it's not a significant amount, why would the government sign it into law?, Unruh asked. Anything to help the rural economy, Sloan said. The least I've heard they pay are \$2,000 to \$2,500 per year for the smaller ones and \$3,000 to \$3,500 per year for the larger ones. We understand large wind farms are tax exempt, but what if the two were married?, Brazil asked. He could only sell on the wholesale market, he couldn't sell to his neighbors, Sloan said. What kind of guarantees have been made?, Brazil asked. There are several things, Sloan said, like trying to get you to sign a lease, but certainly since your county is zoned they have to come in for permits and you can make it easy or hard to get a permit. Put the responsibility of closure on the individual, Sloan said. The landowner?, Brazil asked. No, it's similar to any other business where you require them to restore the land to its previous contours and such, Sloan said. Fall zones aren't nearly as important as cell towers, Brazil said. They're anchored below the structure, Sloan said. There were problems with birds in the beginning, but it's not an issue, anymore, he added. With the FFA lighting on towers, do they have a requirement for each to be lighted, or does the perimeter need to be lighted?, Brazil asked. Each one is lighted, Unruh said. It sounds like the lights are on the tips of the rotors, but it's hard to picture that and I didn't question what the gal in Montezuma said, but she indicated they have FFA requirements on each tower, Unruh said. Sieger questioned the problems in Butler County and how this has split their county more than the landfill issue ever did and they have a lawsuit going on over one. As an outsider, whether it's there, or a proposed one by an offshore company in Massachusetts, change is difficult for people and there are scenic concerns, Sloan said. An example is the power lines going across the Flint Hills, to me

that is no different than a turbine, Sloan said. Tourists are stopping at the Montezuma site, and as far as Butler County, the one turned down was going to be in virgin prairie, he added. Naturally, the largest number of objections comes from people who think they're not attractive, Sloan said. An overwhelming number of people say they're in favor of renewable energy, but not in my backyard, he added. The other thing is about wildlife, Sieger said. You said birds are not a problem, but across from where I live is a brome pasture, which is a big breeding ground for prairie chickens, Sieger, said. Have there been studies on this?, she asked. To my knowledge, there have not been studies, Sloan said. But, I tell people if you know this is a breeding ground, don't go there, he said. I think you address it that way, he added. It comes down to you know the economy and politics in your county and you try to avoid fights and controversy, he said. Sieger asked if the project in Montezuma has been effective, but Sloan said there is no data on this. On land with the turbines, kids see there's a future, Sloan said, and he gave an example of one business he knows that is operating due to a wind farm. Avery asked who negotiates? It's however you want to set it up, Sloan said. Unruh asked and was told Wolf Creek generates 1.1 cent per kilowatt and the wind averages 2.1 cent. If the wind blew all the time, wind would be the cheapest, Sloan said. Coal plants generate all the time, and it's now competitive with natural gas, he said. Avery asked about Sloan mentioning that Marion County is a prime location. I will get David Brazil access to the national map, Sloan said. There are five classes of wind, with five being the most steady, Sloan said. You're about a three, he added. Most development is focusing on fours and fives, he said. Sieger asked if the map shows corridors in the county, or is it that specific?, and Sloan said no. They are testing it in a variety of places and trying to fill in the holes, he explained. The KCC has to come up with rules by September, he said. In Montezuma they have gone from a full 110 megawatts to zero in 10 minutes, Sloan said. Ediger asked and Sloan said there is one in Lawrence negotiating and one in Kansas City. I'd like to see the profits stay in the state, Ediger said. Unruh asked why we have not seen this take off, and asked if maybe a 500 head dairy, for example, would one turbine produce sufficient energy for such? Yes, a 500-cow dairy is probably equivalent to five homes, Sloan said. The largest manufacturer is out of Oklahoma, he said. There is a National Energy Renewal Lab in Boulder and they have a composite blade and they were doing tests on it, and they have done tests in Alaska and plan to put one or two turbines in Antarctica, Sloan said. There is a feedlot in western Kansas that had a turbine for 20 years, but tax credits were given in the 70's and then the tax credits went away, Sloan said. If you have questions later, David Mueller can contact me and if I don't have the answer, I'll find out where to get the answer, Sloan told members. Sieger thanked Sloan.

Item 5: Continuation of an application for Lawrence Winkley, requesting a rezone from agricultural to rural residential for property located in Wilson Township. Winkley was present and told members he wondered if he can get an extension for six or eight months, until he gets to feeling better and he's also trying to get his property cleaned up and also since they are talking about five acres being a possibility. I've talked to Collett and Hein and they think in six or eight months it would be a possibility for five acres, Winkley said. There's quite a ways to go, Sieger said. I think six or eight months is optimistic, she added, and you don't know for sure how regulations are going to change. I met with Lawrence at the site and went over what we discussed at the meeting, Brazil said.

Lawrence brought up continuing this and I told him I would not recommend continuing it that long, especially to wait for regulations, Brazil said. I wasn't satisfied with the way we drew it out before and you wasn't satisfied with the way I drew it out, Winkley said. We're glad you see the need to clean up the property and we understand your concerns, Sieger told Winkley. It's too nice a place to just not halfway keep it up, or something, Winkley said. I think it would seem appropriate that Lawrence would just withdraw the application and then some day when you're ready to reapply, you could do so, Unruh said. If you're not ready to move forward on this project and you need six to eight months to be ready, I would agree with David, Unruh said. If a decision were made this evening, you would need to wait a year to reapply, but if you withdraw you could reapply anytime, Brazil told Winkley. Will I have to pay the fee, again, to reapply?, Winkley asked and Brazil said yes, sir. If you wait you could see what regulations are in place and see what suits your place best, Sieger told Winkley. I'll open it up to discussion of his request and if you want to think about if you want to withdraw we could grant a continuance, but when we've granted a continuance before there was always a reason, which your health could be a reason, Sieger said. It would have to be republished if the applicant wants to move it back to five acres, Unruh said. It seems like the best thing for him to do would be to withdraw, so then he's not held to the year, Eilerts said. Can I withdraw tonight?, Winkley asked. Does it need to be in writing?, Sieger asked and Brazil said yes. Unruh made a motion to deny the request for a continuance and Mueller seconded the motion. In favor: 8; Opposed: 0; Motion carried.

So, the options are either to vote or decide on it now, or you withdraw, Sieger said, and Winkley agreed to withdraw. So, we need some kind of statement in writing and sign your name, just so we have it in writing, Sieger told Winkley. Brazil will call Winkley and help him get something signed.

Item 6: An application for Howard and Norma Schmidt, requesting a rezone from agricultural to rural residential for property located in Menno Township. This application was published in the April 2, 2003, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Howard explained they built a house for their daughter on 40 acres of crop ground and she'd like to buy 10 acres with the house. We took six acres of crop out at the time we built the house, Norma said. We did have a problem with the address, Brazil said. They own two 40-acre parcels and they gave us the address for their home, but it shouldn't be a problem because they own both, he said. Brazil showed members on a map where the two homes are located. So, they would have 70 acres with one house and 10 acres with the other house, he explained. I know the lagoon is compliant because I issued a permit, recently, Brazil said. Just to the west of this property is the old motorcycle property we addressed, Brazil told members. So, the remaining 70 acres would still be all ag?, Sieger asked and Norma said yes. So, for your daughter's house, is there just a house there, or are there other buildings?, Sieger asked and Norma said no, just the house. Sieger asked and Norma said it is square dimensions. We're going to leave an access road to get to the north side, Howard said. You haven't had it surveyed yet?, Sieger asked and Howard said no. We have to get a permit from you before we can go to the ag office to get the CRP surveyed, Howard said. We make a recommendation and then when it goes to the county commission you will need a survey by then, Sieger explained. Sieger asked if there was anything further, or any other

information. Sieger asked if both the homes are serviced by rural water, and Norma said yes. Norma said their daughter's home is two years old. Sieger closed the public hearing for this application.

Sieger referred members to the staff report. Sieger asked about the wastewater not being compliant, and Brazil explained that was the other house and part of the confusion. So, the new home is compliant?, Sieger asked and Brazil said yes. Mueller made a motion to recommend approving a rezone for 10 acres from agricultural to rural residential, as outlined in application number ZPO3.016, and Unruh seconded the motion.

In favor: 8; Opposed: 0; Motion carried.

Brazil got the correct address from Norma. Sieger explained the process.

Sieger asked if anyone wanted to review the Pendergraft issue. Sieger asked about the Montezuma visit. Unruh said he called yesterday and spoke to their economic development council and they directed him to the right lady. She said May was tight because of school children, but members could go either the 7th or 8th of May. Due to security issues, she can no longer take people out to a tower, but we can go out ourselves, Unruh said. They have an information slide show and a kiosk, as Tom indicated, and that we were certainly welcome to walk around, but officially she couldn't take us out to the site because of security reasons, Unruh said. She suggested a timeframe of either 11:00 to 11:30 a.m., or 1:00 to 1:30 p.m., Unruh said. It's a 200 mile drive from my area of the county, which is roughly a three to four hour drive, so maybe the afternoon would be better, Unruh said. She would like for us to have 10, or more, in the group, but I'm not sure why as she's not going to take us out there, anyway, Unruh said. She said they have 170 windmills and she spoke highly of the company, saying they purchased as much locally as far as construction needs, as possible, Unruh said. They employ 10 people, Unruh said. Full time?, Sieger asked and Unruh said he believes so. I asked what a lease is on a mill and she wouldn't say, but I asked if it's close to \$2,000.00 a year and she said yes, Unruh said. Sieger asked if Brazil asked about open meeting rules. I did not get it checked out, but I would think you would at least want to invite the media along, Brazil said. So, how do we want to proceed?, Sieger asked. Avery can go on May 7, but Ensz cannot. Avery asked about the first part of June, but some members have farm issues at that time. Sieger reminded members the moratorium expires June 2. There's a good possibility in the next three weeks the county commission may have worked with the consultant enough to have the comprehensive plan ready to send to you, Brazil said. Are they looking at wind farms?, Sieger asked. I had hopes we'd have the comprehensive plan in place by the time the moratorium ran out, Brazil said. I had no hopes of that, Sieger said. Avery asked if we have to plan with them, since she is not going to take us out there? I took it for granted that we would want to converse with her, Unruh said. If I'm the only one who can't go on May 7, go on without me, Ensz said. Sieger asked what member's wishes are? Ensz added that he works at a funeral home, so another day if there's a funeral he wouldn't be able to go then, either. Unruh said he might drive himself, as he has clients to see in the area. Sieger asked if Brazil will go, and he said he would try to go. The 7th would be better for me, Unruh said. So, shall we try May 7 and I think the 1:00 to 1:30 p.m. slot, due to the distance, Sieger said. Unruh said they should leave at 9 a.m. Sieger asked about transportation, and inviting the press. Brazil said he

would make two phone calls first thing tomorrow morning, to call the county attorney to see if there are any problems and to call the elderly department about using their van. We can set it up, tentatively, and call and confirm the day before, Sieger said. We can go two ways, either McPherson to Great Bend, or McPherson to Hutchinson, Unruh said. I think the distance and time is kind of similar, but if we pick people up in Peabody, we would go the Hutch way, he said. If we can get the elderly department van, we could just meet at the senior center, Brazil said. Sieger reminded members the next meeting is May 22, and there is no meeting in June, then we meet again on July 24. Unrau made a motion to adjourn and Ensz seconded the motion. In favor: 8; Opposed: 0; Motion carried and the meeting adjourned at 9:25 p.m.

MARION COUNTY PLANNING COMMISSON/BOARD OF ZONING APPEALS



Eileen Sieger,
Chairman