

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

March 27, 2003

Vice Chairman Bob Unruh called the meeting to order at 7:34 p.m., with a quorum present.

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

Unruh asked for corrections to the Record of Proceedings for the February 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: 6; Opposed: 0; Motion carried.

Unruh asked for Off Agenda items and Brazil said they are in the process of getting an addendum to the comprehensive plan, including zoning regulations. Brazil explained he would work with the county commission on this matter, and then work with the planning commission to suggest changes, and then finalize the format with county commissioners. Brazil said there is some debate about five-acre parcels, and they are reworking and changing points not to include so many soil types, and adding some information relative to open spaces and wind farms. Brazil said there was some talk about rewriting the plan as far as terminology, etc., but we don't need to start over. Unruh asked if a copy of the plan could be made available to members? Brazil explained what they are working on now refers to a page and a paragraph that is in question, and Unruh said never mind unless someone is interested in seeing that. The planning commission does have an option when it comes to you of sending it back, as is, Brazil said. Unruh asked about receiving a copy with the changes and Brazil said yes. I think it would be wise to have a public meeting, again, to give the public one more opportunity to comment, Brazil said. Avery asked if a lot of people have commented and Brazil said as the plan has taken shape the numbers have gone down, but there has been a group that has followed it from the beginning. Main areas of interest seem to be areas of urban influence and five-acre parcels, and a little in building codes and the direction we may go with that, Brazil said.

Item 4: A continued application for Lawrence Winkley, requesting a rezone from agricultural to rural residential, for property in Wilson Township. Brazil said Winkley had some health issues he had to take care of and he wished to continue the application one more month. Mueller made a motion to continue the application to the April meeting and Ediger seconded the motion. In favor: 6; Opposed: 0; Motion carried.

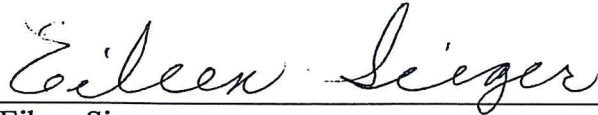
Item 5: Wind farm discussion. Some of the information on wind farms I've been sending out to you as I got it, Brazil told members. I don't know if we need to go through it page by page, but it's nice to know where others are on this, he said. Unruh asked about what's

happening in Butler County. One of two applications was approved, Brazil said. Both applicants had opposition and one was denied and one was approved, Brazil said. Most of these, you are looking at 5,000 to 7,000 acres, he said. You're look at in the neighborhood of one tower per 40 acres, he said. I think it was 60 to 80 towers, he added. I think that would be considered a fairly modest wind farm, Unruh said. Unruh asked if the wind farm near Montezuma is the only active wind farm at this time in Kansas?, but no one knew for sure. I would estimate that farm to be maybe 10 miles long, Unruh said. Maybe a half mile in between rows and they were kind of offset, not just all in line, he said. I would think there were more than 60 or 70 towers, Unruh said. Mueller asked if it seemed to follow the topography?, and Unruh said yes, because the topography is flat out there. When you look at it, you think these turbines can't be too close together, Unruh said. Avery asked if it would be worthwhile to go look at them? How significant is this issue really going to be in Marion County?, Unruh asked. Are we going to have applications presented to us?, Unruh asked and Brazil said yes. Do you think the primary place will be south, by Butler County?, Unruh asked. They're going to be where your heavier transmission lines are, Brazil said. I've been told there are some in the northwest corner of the county, but I don't know, he added. I'd be really surprised if in the next three to five years you don't see an application and there's a possibility one could show up this year, Brazil said. If we put policy into our comprehensive plan, we can use information to make stipulations and it would be good to have it all spelled out, he said. Unruh asked and Brazil said Butler County was not prepared and they had to put a lot of things in place, real fast. There are similar wind generators on home sites, and we need to address those, Brazil said. I think they still need a fall zone because in some places that can create a problem, he said. Mueller explained that a portion of the farm bill is on renewable energy and there is grant money available and wind energy is a major part. That might stimulate some more interest, he said. Brazil said the City of Lawrence is even developing a fleet of bio fuel vehicles. Unruh asked and Mueller said the farm bill would be administered by rural development. There are a lot of economic factors that have to fall into place, Mueller said. Ediger reminded members that a Florida company owns a Kansas wind farm and takes all the proceeds out of state. These are the kinds of projects that come through the USDA, Unruh said. I think a lot of these projects will be set up on a small scale manner, but will we be putting a lot of plans in operation that may not be viable?, Unruh asked. It has created jobs that wouldn't have been the case otherwise, so there are some dollars being created, Unruh said. I don't think we should determine who, but the why and how, Brazil said. Our role is only to put some regs in place and try to see that the project goes through the hoops, Unruh said. These projects are tax exempt at the present, Brazil said. Butler County gives their school district a number of dollars and improves roads, he said. There's some legislation coming that may change that, he added. What do we see as pitfalls that are problematic?, Unruh asked. Close to cities is inappropriate and close to the reservoir, Brazil said. And our virgin prairie, he said. I believe that's what killed one of two projects in Butler County, and you have to be careful because people will put projects in place to make it not a virgin prairie, Brazil said. How important is this to us?, Unruh asked. Pasture and crop ground is one thing, but true virgin prairie is something else, Brazil said. I think when we get to that particular part, we need a consultant, Brazil said. Virgin prairie can be a definition thing, Unruh said. Those are super complex eco systems that are incomparable, Brazil said. I'm

not sure we have very much virgin prairie in the true sense and I'm not sure we haven't changed the eco system to some extent, Unruh said. Sure, over-grazing changes it, Brazil said. Most of these are in the Flint Hills, lying outside of Marion County, he added. I don't know what my personal position would be on this, but I'm trying to go into this with an open mind, Unruh said. Is it significant that we consider this, I don't know, he added. I think it would be a big problem if our county was more virgin prairie, Brazil said. Little ugly oil wells along the highway from El Dorado to Eureka come to mind, Unruh said. If I owned some of that, I'd rather have a tower than an ugly old oil well, Unruh said. Unless you completely take a plow out there and turn it over, could the eco system survive the pressure of a wind farm?, Unruh asked. We're probably going too far with this, we need to work with a consultant, Brazil said. Do we see other issues?, Unruh asked. The other issues I think we can address pretty quickly, Brazil said. But, they're important because if we don't, there will be a light constantly blinking in the middle of the night, or noise, Brazil said. I would think it would be more and more of an issue for small aircraft, Unruh said. Pilot's have got to know they have to stay away from the blades, and there's a light on top, Ediger said. Do we want to divide the material and then report on it, or do we just want to read it on our own and if something sparks interest we bring it to the table?, Brazil asked. Avery said quality of life is the most important issue. If the money is leaving, is this supporting quality of life in Marion County?, she asked. We want this to be home to us and future generations, she added. These structures are massive, Unruh said. You have to get accustomed to the site, he said. We could go look at it, as a group, Unruh said. I like that idea, Avery said. Eilerts said another place to look is Wichita County. One of the issues I don't think is a strength in Marion County is economic viability and maybe my interpretation of this is different from others, but if we compare ourselves to our surrounding county neighbors, they would just swamp us, Unruh said. If we look at the future to have viability to be economically healthy in the future it doesn't just happen, we have to nurture this, Unruh said. While we need some regulations to make sure these things are done with some purpose and direction, I don't want to over regulate the thing so it can't happen in Marion County, Unruh said. I agree with that, Brazil said. We are a body that has a hand in those things, and whether they happen or don't happen, and there can be some economic value to this depending on the situation, Unruh said. Would it be appropriate to get some meeting planned to see how the people feel about it?, Ensz asked. I don't think we're ready for that, Unruh said. Mueller said one of the legislators that have been key in promoting wind power in Kansas offered to come talk to us. He does strategic planning and he is a facilitator, so he enjoys this kind of thing, Mueller said. Would you like to do the trip fairly soon?, Unruh asked. June 2 is when the moratorium is over, Brazil said. We probably need to do at least one work session, if not two, Brazil said. Unruh asked Mueller to set it up for the legislator to come. Unruh asked if this should be at a special meeting, or a regular meeting? Whatever is the best use of his time, Mueller said. Would it be appropriate to extend an invitation to the county commission to come listen?, Avery asked. Unruh asked if it would be appropriate to invite the public? Not at this point, Mueller said. Unruh asked Mueller to contact him and coordinate it with Brazil. It's probably a work session, Unruh said and Mueller agreed. Eilerts asked about moving the regular meeting time up a half hour earlier, to accommodate the regular agenda plus a work session. We would have to publish that we are starting a half hour early, Brazil said. We could have a work session

from 5 to 7:30 p.m., Avery said. Probably too early for him, Mueller said. If we include the county commission, it's going to be a public forum, Brazil said. On the first meeting, we'd probably get all the people against it, Eilerts said. It's interesting, all the conversations I've had, the people I've thought would be against it are for it, Brazil said. Unruh asked Mueller and Brazil to coordinate and notify members. Unruh will work with Brazil to set up a road trip. It's 200 miles to Montezuma. Do you prefer one vehicle, and we all ride together?, Unruh asked. It would be nice to discuss things in the vehicle to and from, Mueller said. Unruh asked about the open meeting rule, if we all ride together and discuss things. Brazil will find out. Or, maybe invite a reporter to go with you?, Brazil asked. I think that's what's been done in the past, whether they went along, or not, Eilerts said. Can we look at having the speaker in the next month and following with the trip the next month?, Brazil asked. I prefer to do it both next month, Mueller said. Would you like to hear the consultant before you go see it?, Unruh asked. He could answer some questions ahead of time, Mueller said. So, we want to set up the meeting as soon as we can, Unruh said. We need to publish meetings 20 days ahead, Brazil said. Do we need to publish the road trip?, Unruh asked. I need to check it out, Brazil said. Brazil asked Unruh if he has any contacts in Montezuma and Unruh said he will check on it. Ensz made a motion to adjourn and Ediger seconded it. In favor: 6; Opposed: 0; Motion carried and the meeting adjourned at 8:47 p.m.

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Eileen Sieger,
Chairman