

**Planning Commission Meeting
February 12, 2019**

Meeting called to order: 7:00 p.m.

Board Members Present: David Berglund, Charlene Sims, Ed Andersen, Richard Morrell, Fred Kautt, George Teagarden and Secretary Courtney Calkins.

Board Members Absent: Tate West, and Melanie Staton

Also Present: Andy Mayhugh, Planning & Zoning Director, Jackie D Messer, Public Works Administrator.

Pledge of Allegiance led by Fred Kautt.

Minutes were discussed. After discussion, motion by Ed Andersen to approve the minutes of the January 8, 2019 meeting as written. Seconded by Richard Morrell. Motion passed 5 - 0. Secretary and Chairman signed.

David Berglund addressed the crowd of approximately 60 people:

There are no current wind turbine applications. We have researched other counties. We have addressed the setbacks. We have addressed every conceivable regulation. We will have a public meeting to adopt Planning and Zoning regulations for Wind Turbines in the future.

Anyone wishing to speak will be given 5 minutes as the committee has an agenda and people who are waiting to resolve zoning applications.

- **The following Linn County citizens spoke about their concerns regarding wind turbines:**

Robert Tyson: Expressed his concerns about the hardships and discord wind turbines create in communities and informed the committee that Linn County land owners have been approached to sign land lease contracts with EON.

Deanna Fisher: Expressed her concerns as an individual that owns a second home in Linn County. She discussed how the quality of rural living would be adversely affected by wind turbines as well as create community division.

Chad Krull: Has generated a petition against wind mill farms that's been signed by 130 People in Linn County. He requested that each commissioner to visit a windmill farm and decide if they would want to build homes there.

Barbara Duncan: Relator with Crown Realty. Expressed her concerns about disclosure to potential buyers in Linn County with the potential for wind farms being evident.

Bill Scott: Presented a copy of the developer's lease agreement for wind turbines that is being offered to land owners in Linn County. Mr. Scott stated the agreement has been reviewed by an attorney. Per Mr. Scott's interpretation, ECNR Development LLC (EON) is making a huge financial investment but also pushing the risks off on landowners and the county. It is a 57-page lease and appears to be a very one-sided agreement. It places unlimited risk on land owners and indemnifies EON. It allows for unlimited easements. They can put in buildings, lines, re-route trees, ditches, etc. and limit the land owner from using their own property. It also can push property tax off on the land owner. The company is domiciled in Delaware because tax breaks and bankruptcy laws. Potentially, when the trade of Carbon Emission Credits expires or sunset, the developers will abandon the farm or bankrupt and leave the county and/or the land owner to decommission turbines.

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Matt Carlisle: Distributed a photo of a home near wind turbines in Waverly, KS showing distances in feet. (See *Enclosure 1*) Looking at the photo and comparing them to the proposed setbacks, the turbine that is 2 miles away is the most tolerable. The housing at the top of the turbine is the size of a school bus, which cannot be discerned from the photo.

David Fisher: Requested further changes be made to Appendix A before they are presented for public hearing.

- On Demand Lighting. (Appendix A Page 3, § D - ¶ 7) The wording is now “highly encourage on-demand lighting.” It needs to be required.
- Construction Requirements (Appendix A Page 7, § S - ¶ 1 & 3) Requires the developer to hire inspectors, not the county. Let’s have the county hire the inspectors and the developer pay for it.
- There is no mention of fire suppression currently.

Hal Aggers: He would like us to give specific guidelines for the developer so we will know how it will affect us. The Highland Plan has been widely used. He believes not having a proper study on how and where the turbines will be erected will have an adverse effect on home owners.

Mike White: Let the committee know that he took a trip to the Waverly Wind Farm. Shared his experience of driving in and being overwhelmed by what he heard. He stated that he could see and feel the vibrations coming off the 700 ft. turbines. He urged the committee members make a trip to Waverly Wind Farm and experience it for themselves.

Scott Deremus: Clarified that these are *Wind Turbines* with electromagnetic fields – they are not wind mills that are wind driven water pumps. W.H.O. (World Health Organization) deemed the health issues were real in 2014. He discussed many of the adverse side affection to living organisms.

Paul Werkowitch: Discussed the effects on property values and long-term status after property owners with wind turbines are deceased. He commented on the need to have cell towers utilized by multiple companies in order to reduce the number of towers in the county.

Dave Berglund: We are trying to set regulations. We do have people that see it another way. We cannot justify any opinion. We are just trying to protect all 9000 people in the county. We will discuss this more and take these things into consideration. I don’t have an answer for you. We can only make recommendations to the commissioners.

New Business:

- 1) Cases # Z1901 and #SD1901 – Applications for approval of re-zoning and approval of a Minor Subdivision Plat. Requested by Alliance Management Service LLC.
 - **Robert Broyles (Applicant Present):** Requesting a 3-acre rezoning.

Committee members discussed the division of the property and if there would be issues with future sales on the property.

Andy Mayhugh: Recommended the split with no conditions listed.

Ed Anderson: Motioned to accept CUP Z1901 and #SD1901. Charlene Sims 2nd. Motion Unanimously passed.

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- 2) Case #CUP1901 – Application for approval of a Conditional Use Permit to construct and operate a Bunkhouse for public accommodation. Maple Ranch Properties property is commonly known as part of the Knox place.
- **Karen Virgillito (Representing Maple Ranch Properties):** This is not lodging open to the public. It's for guests only. Guests (family and friends) that are hunting for free.

Committee members discussed ownership with Karen. It was determined that the registered owner is S&G Real Properties, LLC and Clifford W. Illig is the owner of the company. It was clarified that the Architect for the project is Galen Lif of Gould Evans in Kansas City. It was further established that they have not currently started taking bids from builders on the project.

Kenny Boone: Interjected that they've built miles of fencing around the property and it all came from Blue Mound. They are pretty good about trying to use local contractors.

The committee further discussed the issues with Kelly Lane, which by appearances has not been in use since the 1980's. Karen has contacted both Linn County and Mound City about vacating the road as there are other ways to access the lake for emergency services that are more feasible. She believes the Mound City Mayor will recommend vacating the road.

It was further clarified that the house will sit on 80 acres and that Andy Mayhugh recommends it be developed as shown on the plans in a specific location on the 80 acres.

Staff Findings: This organization has been very good to work with. The office received a complete set of plans. There will be one dwelling on a big tract. It conforms to the comprehensive plan. There are no zoning changes. Staff recommends. He will attach staff findings to the motion.

Motion to Approve #CUP1901 made by George Teagarden. Richard Morrell 2nd. Motion passed unanimously.

Old Business:

- 1) Discussion on proposed amendments to the Linn County Zoning Regulations.

Andy Mayhugh discussed the following:

WECS (*Wind Energy Conversion System*) Setback Comparison by county document was distributed to the committee. (*See Enclosure 2*).

- Bourbon County has no zoning regulations and they are starting a wind farm that will also merge into Crawford county.
- Neosho county is working with the developer to establish zoning.
- **Andy Mayhugh:** It is better for us to be prepared in advance, so we know what language we are supposed to be speaking. We are very interested in public comment, but we need to get something in writing. This document allows you the flexibility to still say no or make changes.

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Andy re-affirmed that the county has no current application for a wind turbine farm. Also reminded everyone that there are clauses in Appendix A that allow for specific issues which can be address on a specific application. Andy noted that if we weren't comfortable, we could ask for additional specifications on an individual CUP application. The purpose of Appendix A is to have a guide.

Dave Berglund: We've tried to address as many blocks as possible.

Charlene Sims: We don't have a finalized document until we have a public meeting.

Andy Mayhugh: That is correct, once the Planning Commission approves Appendix A then they will open it to the public.

Proposed Amendments to Zoning Regulations.

- **Page 3 § D - ¶ 7** Turbine Tower Lighting.
Change Proposed: "*On demand lighting will be required to reduce light pollution.*"

Charlene Sims Motioned to approve the change. Richard Morrell 2nd. Motion passed unanimously.

Dave Fisher: Commented on the foundation of regulations being important because he has information that suggests the county's powerline has the capacity to handle 3 wind farms. He also informed the committee that Anderson county has amended property line setbacks to 1.5x, road setbacks to 1.5x, participating structure setbacks to 1500ft and non-participating structures to 2000ft. He indicated that he would get a copy of the amendment and submit it to Andy Mayhugh.

Charlene Sims: Has questions regarding verbiage on Page 7- § S - ¶ 1 & 3. Currently, the engineer is selected by the applicant. Is that what we really want to do? Should the Engineer be selected by the county?

Dave Berglund: It should also have the word "Qualified".

- **Page 7- § S - ¶ 1** Construction Requirements.
Change Proposed: "*A licensed, qualified engineer or engineering firm as specified by the County shall conduct all inspections....*".
- **Page 7- § S - ¶ 3** Construction Requirements.
Change Proposed: "All expenses of such engineer or engineering firm shall be the responsibility of the *County. The Applicant or holder of the Conditional Use Permit will reimburse the County for said Expenses.*"

Charlene Sims motioned to approve the changes. Fred Kautt 2nd. Motion passed unanimously.

The committee discussed transmission lines, eminent domain and Allen County constructions workers next job site with various members of the community commenting during the discussion.

- **Page 7- § S - ¶ 1** Field Representative. (*Project Manager*).

Charlene Sims: Who pays for this?

Dave Berglund: Should this be performed by a county employee and reimbursed?

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Jackie Messer: What normally will happen is hiring an Engineering firm that specializes in this. We could contract a firm to watch over the project. The applicant needs to have a project manager of sorts that will communicate with the County. If we receive a C.U.P. we can make a provision to have the applicant pay for our independent firm.

Andy Mayhugh: Will work on clarifying this paragraph.

Matt Carlisle: Asked about the provisions for fire suppression. Fire Suppression is address on **Page 5 - § L** and can be addressed on an individual application per Andy Mayhugh.

Mike White: Asked about reserving the right to review scope of work during construction phase.

Richard Morrell: Requested that Andy Mayhugh generate something regarding scope of work.

Andy Mayhugh: Discussed qualifications required for reviewing a scope of work and stated he would make sure proposed construction plans can be reviewed at every phase of construction.

The committee discussed inviting and EON representative to speak and the land leases that have been signed in the county as well as finding those leases through public records. Further discussions about the details of the leases ensued with various public comment. They also discussed the longevity of the power plant and the impact on the county financially.

A motion was made by Ed Andersen to adjourn and George Teagarden 2nd which passed unanimously.

Attest.

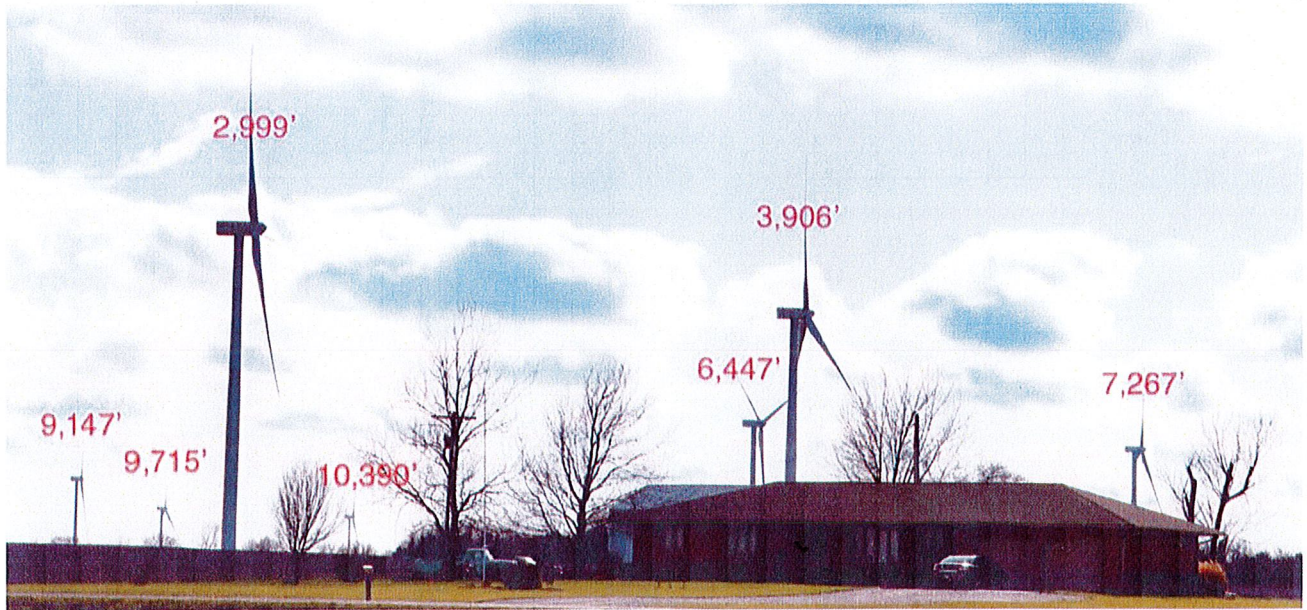

Secretary – Courtney Calkins


Chairman – David Berglund

Clc

Enclosures: 2

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Enclosure #1

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WECS Setback Comparison

By County

	p L	Road	Structure	Nonparticipating Dwelling
Douglas*	110%		1500'	1500'
Reno	500'	500'	Height+ 50'	1000'
Anderson	1.1x	1.2x	1000' or 2x	1000' or 2x
Allen	1.1x	1.1x	2x or 1000'	1400'
Linn (Proposed)	1.5x	1.5x	2x or 1000'	3xor2000'
Bourbon			None	
Crawford			None	
Neosho			None	

*Douglas makes provision for additional distances if deemed necessary.