
BUCHANAN COUNTY PLANNING AND ZONING

PUBLIC HEARING

WEDNESDAY, AUGUST 14, 2019

Location:

**Buchanan County Courthouse
Division No. 3 Courtroom
411 Jules Street
St. Joseph, MO 64501**

**REPORTED BY: Pamela K. Koch, CCR
Official Court Reporter, Division 1
5th Judicial Circuit**

APPEARANCES

PLANNING & ZONING

Denise K. Embrey, Director

BOARD OF PLANNING AND ZONING MEMBERS

James F. Whitson Chairman	Agency Township
Steve W. Reardon Vice-Chairman	Marion Township
Wayne D. Barnett	Center Township
Shirley M. Day	Crawford Township
Glen Frakes	Lake Township
Alfred Purcell	Tremont Township
Scotty Paul Sharp	Wayne Township
Rodney Fry	Bloomington Township
Fred Corkins	Platte Township
Patrick E. McLear	Jackson Township
Rosan C. Bowers	Washington Township

BUCHANAN COUNTY COMMISSION

Lee Sawyer
Scott Burnham
Ron Hook

LEGAL COUNSEL

Chad Gaddie

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Christopher Meyer
Ashley Meyer

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Jerry Jolly
Anita Jolly

DRAFT PRESENTATION BY BLACK AND VEATCH 13
OF THE COMMERCIAL WIND ENERGY CONVERSIONS SYSTEMS

Doug Timpe
Dusty Miller

1 PROCEEDINGS

2 PUBLIC HEARING WEDNESDAY, AUGUST 14, 2019

3 MR. WHITSON: Are you ready, Denise?

4 MS. EMBREY: Yes.

5 MR. WHITSON: I've got 7:00, so I'm going to call
6 the meeting to order. I call for roll.

7 MS. EMBREY: Rosan Bowers?

8 MS. BOWERS: Here.

9 MS. EMBREY: Wayne Dale Barnett?

10 MR. BARNETT: Here.

11 MS. EMBREY: Fred Corkins?

12 MR. CORKINS: Here.

13 MS. EMBREY: Scotty Paul Sharp?

14 MR. SHARP: Here.

15 MS. EMBREY: Glen Frakes?

16 MR. FRAKES: Here.

17 MS. EMBREY: Shirley Day?

18 MS. DAY: Here.

19 MS. EMBREY: Rodney Fry?

20 MR. FRY: Here.

21 MS. EMBREY: Pat McLearn?

22 MR. McLEAR: Here.

23 MS. EMBREY: Alfred Purcell?

24 MR. PURCELL: Here.

25 MS. EMBREY: Steve Reardon?

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MR. REARDON: Here.

MS. EMBREY: Johnaphine Fenton? (not present)

MS. EMBREY: Jim Whitson?

MR. WHITSON: Here.

MS. EMBREY: Chad Gaddie?

MR. GADDIE: Present.

MS. EMBREY: Lee Sawyer?

MR. SAWYER: Here.

MS. EMBREY: Ron Hook?

MR. HOOK: Here.

MS. EMBREY: Scott Burnham?

MR. BURNHAM: Here.

MR. WHITSON: Okay, you've all got your minutes from the June 12th and July 10th meetings. Are there any additions or corrections? If not, they will stand approved as presented.

Conditional Use Permit - Christopher and Ashley Meyer

Item #2 on Agenda

I think we will change the order in which we're going to do things tonight. We're going to do Item #2 on your agenda. It is a Conditional Use Permit request by Christopher and Ashley Meyer to place one single family dwelling on an eight acre parcel of land located at 11371 S.E. 45th Road in Agency. Is there anyone here representing this request? If you would come forward

1 and give your name and address for the record, please?

2 MS. MEYER: Ashley Meyer and Christopher Meyer.

3 MR. WHITSON: What's your address, please?

4 MS. MEYER: 19 Redbird Drive in Agency.

5 MR. WHITSON: Can you kind of explain what you're
6 wanting to do?

7 MS. MEYER: We are just wanting to put up a home, a
8 stick-built home approximately 50 by 100 size on eight
9 acres.

10 MR. WHITSON: Okay. Is this going to be like a
11 barn house, or is it just a regular stick-built house?

12 MS. MEYER: Just a regular stick-built house.

13 MR. WHITSON: Okay. And you said it's 50 by 100?

14 MS. MEYER: Approximately. We don't have plans
15 yet.

16 MR. WHITSON: Are there any questions from the
17 Commission?

18 MR. McLEAR: I have one.

19 MR. WHITSON: Okay.

20 MR. McLEAR: How much agricultural ground is going
21 to be taken out for the house?

22 MS. MEYER: It's just open pasture right now. It's
23 about three acres open and the rest is just timber. And
24 it's not in -- it doesn't have --

25 MR. WHITSON: It's not in cultivation, it's just

1 pasture?

2 MS. MEYER: Right. Yeah.

3 MR. McLEAR: Does somebody put up hay on that
4 ground now?

5 MS. MEYER: My grandpa does.

6 MR. WHITSON: Any other questions for the
7 Commission?

8 MR. BARNETT: Whereabouts will you place the house
9 on that acreage?

10 MS. MEYER: In the southeast quarter.

11 MR. WHITSON: Any other questions?

12 MR. BARNETT: Next to Bart's place there?

13 MS. MEYER: Yeah.

14 MR. BARNETT: How far from his line will you put
15 your driveway?

16 MR. MEYER: Probably about 40 to 50 feet.

17 MR. WHITSON: Anything else from the Commission?

18 MR. FRAKES: Will the remainder of that ground be
19 hayed or are you just going to have a big yard?

20 MR. MEYER: It's going to be a big yard.

21 MS. DAY: You said approximately three acres?

22 MS. MEYER: Yes, the open pasture is approximately
23 three acres on our survey that we got.

24 MR. McLEAR: So most of it is going to be cut for
25 hay anyway, right?

1 MS. MEYER: Yes. It will still be open. And the
2 rest is timber. The pasture will still be there. We'll
3 just have the home in the southeast corner.

4 MR. McLEAR: Okay.

5 MR. WHITSON: Any other questions? Anyone here in
6 opposition of this request? (No response.)

7 Seeing no opposition, hearing no other questions,
8 I'll call the hearing closed and call for roll.

9 MS. EMBREY: Rosan Bowers?

10 MS. BOWERS: Yes, best use.

11 MS. EMBREY: Wayne Dale Barnett?

12 MR. BARNETT: Yes, best use.

13 MS. EMBREY: Fred Corkins?

14 MR. CORKINS: Yes, best use.

15 MS. EMBREY: Scotty Paul Sharp?

16 MR. SHARP: Yes, best use.

17 MS. EMBREY: Glen Frakes?

18 MR. FRAKES: Yes, best use.

19 MS. EMBREY: Shirley Day?

20 MS. DAY: Yes, best use.

21 MS. EMBREY: Rodney Fry?

22 MR. FRY: Yes, best use.

23 MS. EMBREY: Pat McLearn?

24 MR. McLEAR: Yes, best use.

25 MS. EMBREY: Alfred Purcell?

1 MR. PURCELL: Yes, best use.

2 MS. EMBREY: Steve Reardon?

3 MR. REARDON: Yes, best use.

4 MS. EMBREY: Jim Whitson?

5 MR. WHITSON: Yes, best use. Okay, that did pass.
6 There is a 30-day waiting period. So if anybody wants
7 to appeal this, Denise will be in touch with you on what
8 you need to do next.

9 MS. MEYER: Thank you.

10 MR. WHITSON: Thank you.

11 **Conditional Use Permit - Jerry and Anita Jolly**

12 **Item #3 on Agenda**

13 MR. WHITSON: Now moving on to Item No. 3 on the
14 Agenda, a Conditional Use Permit request by Jerry and
15 Anita Jolly to place one single family dwelling for
16 their son on a five-acre tract, split from a 14-acre
17 tract located at 17500 Southeast State Route MM,
18 Dearborn, Missouri. Is someone here representing this
19 request?

20 Your name and address for the record, please?

21 MR. JOLLY: Jerry Jolly, 17500 Southeast MM
22 Highway, Dearborn, Missouri.

23 MS. JOLLY: And I'm Anita Jolly.

24 MR. WHITSON: Okay, what's your plans? I mean, is
25 it a stick-built house?

1 MR. JOLLY: It will be a modular home, prebuilt and
2 brought out on site.

3 MR. WHITSON: Okay. A new modular, then?

4 MR. JOLLY: Yes.

5 MR. WHITSON: Do you know about how big?

6 MR. JOLLY: About 30 by 60.

7 MR. WHITSON: Whereabouts is this going to be? I
8 assume that's your house over to --

9 MR. JOLLY: Yes, over to the west. It will be
10 approximately 30 feet -- 30 to 40 feet off the road
11 setting dead center on that piece of property.

12 MR. WHITSON: Do you have any questions? Yes?

13 MS. DAY: Is it where there's an existing --

14 MR. JOLLY: No, it's just an open field.

15 MS. DAY: Okay, so it's an open field. So I
16 thought it was taking the place of an existing building
17 there, an existing mobile home.

18 MR. JOLLY: No.

19 MS. DAY: No?

20 MS. EMBREY: Weren't you going to remove the mobile
21 home if this is approved?

22 MR. JOLLY: Yes.

23 MR. REARDON: It will be east of the second home,
24 to the right of the mobile home?

25 MR. JOLLY: Yes.

1 MR. REARDON: East of it?

2 MR. JOLLY: Yes.

3 MR. CORKINS: In the open area east of there?

4 MR. JOLLY: Yes, sir.

5 MR. CORKINS: Right on the curve?

6 MR. JOLLY: Yes.

7 MS. DAY: So then what's the plan for where the
8 mobile home is currently?

9 MR. JOLLY: It will be gone eventually. That's
10 where he's living at right now. He sold his house here
11 in St. Joe.

12 MS. DAY: But you're not going to replace that?
13 You're not going to move the modular home back in where
14 the mobile home was?

15 MR. JOLLY: No.

16 MS. DAY: No? Okay.

17 MR. REARDON: And that will not be rented, the
18 house that's there now?

19 MR. WHITSON: The mobile home?

20 MR. JOLLY: No, it won't.

21 MR. FRAKES: How old is the mobile home?

22 MS. JOLLY: It's about 12 years old.

23 MR. FRAKES: What is that, Jim, seven years, seven
24 years old?

25 MR. WHITSON: To be honest with you, Glen, I can't

1 remember.

2 MS. EMBREY: It has to be a 2000 --

3 MR. FRAKES: And 12?

4 MR. WHITSON: Like he said, they're not moving that
5 one over there.

6 MS. EMBREY: No, they're taking it out.

7 MR. FRAKES: They said they're going to move that
8 mobile home.

9 MR. WHITSON: Well, they're moving it out, aren't
10 you?

11 MR. JOLLY: Yes, it will be out.

12 MR. WHITSON: It will be gone?

13 MR. JOLLY: It will be gone.

14 MR. FRAKES: But it will have to go out of the
15 county, though, I mean, it can't be -- if it's more than
16 seven years old.

17 MR. WHITSON: Correct.

18 MR. FRAKES: Yeah.

19 MR. WHITSON: Any other questions for the
20 Commission?

21 MS. DAY: Yes. The property that you're moving
22 into, what's it used for currently?

23 MR. JOLLY: Nothing.

24 MS. JOLLY: Its just an open --

25 MR. JOLLY: It's an open field. We put some --

1 there's a little bit of grain that goes in there once in
2 a while for wildlife and that's it. It's not --

3 MS. DAY: It's not used for pasture?

4 MR. JOLLY: No.

5 MS. DAY: It's not hay?

6 MR. JOLLY: No.

7 MS. DAY: It's not row cropped?

8 MR. JOLLY: No.

9 MS. DAY: And you said there's approximately five
10 acres there? How many acres?

11 MR. JOLLY: 5.01 acres there is what we're going to
12 sell him -- sign over to him.

13 MR. WHITSON: Any other questions?

14 Anyone here in opposition of this request? Seeing
15 no opposition, having no further questions, I'll call
16 the hearing closed and call for roll.

17 MS. EMBREY: Rosan Bowers?

18 MS. BOWERS: Yes, best use.

19 MS. EMBREY: Wayne Dale Barnett?

20 MR. BARNETT: Yes, best use.

21 MS. EMBREY: Fred Corkins?

22 MR. CORKINS: Yes, best use.

23 MS. EMBREY: Scotty Paul Sharp?

24 MR. SHARP: Yes, best use.

25 MS. EMBREY: Glen Frakes?

1 MR. FRAKES: Yes, family member.
2 MS. EMBREY: Shirley Day?
3 MS. DAY: Yes, best use.
4 MS. EMBREY: Rodney Fry?
5 MR. FRY: Yes, best use.
6 MS. EMBREY: Pat McLear?
7 MR. McLEAR: Yes, best use.
8 MS. EMBREY: Alfred Purcell?
9 MR. PURCELL: Yes, best use.
10 MS. EMBREY: Steve Reardon?
11 MR. REARDON: Yes, it's best use.
12 MS. EMBREY: Jim Whitson?
13 MR. WHITSON: Yes, best use. Okay, that did pass.
14 It's got a 30-day appeal period. Denise will be in
15 touch with you on what you need to do next.
16 MS. JOLLY: Thank you.
17 MR. JOLLY: Thank you very much.
18 MR. WHITSON: Thank you.
19 **A Draft presentation by Black and Veatch of the**
20 **Commercial Wind Energy Conversions Systems**
21 **Item #1 on the Agenda**
22 MR. WHITSON: Okay, moving on to Item #1 on the
23 Agenda. It's a Draft presentation by Black and Veatch
24 of the Commercial Wind Energy Conversions Systems. I've
25 got a little thing I'd like to read here. I'd like to

1 thank you all for coming tonight.

2 Buchanan County is well aware that wind energy is a
3 topic that has a great deal of interest and passion. Be
4 prepared, all parties involved, we are engaging in a
5 process to address wind energy, and we want you all to
6 understand the process. Buchanan County has
7 independently hired the engineering firm of Black and
8 Veatch to propose their -- the purpose is to provide the
9 County with information of how other counties are
10 handling the wind energy issues.

11 As engineers, they have the technical expertise to
12 explain the engineering and mechanical side of the wind
13 energy machinery. They have also been tasked to develop
14 proposed regulations in the event that Buchanan County
15 decides to permit wind energy.

16 The purpose of the meeting tonight is for their
17 representatives of Black and Veatch to discuss these
18 potential regulations with the Planning and Zoning
19 Commission, and to explain them further to the members
20 of the Planning and Zoning Commission. There will be an
21 opportunity to question the Black and Veatch officials
22 to better understand the issues of how wind energy might
23 impact our community. These proposed regulations will
24 soon be available online for the community to read. It
25 is important to know that there will be no vote taken

1 tonight on the wind energy issue.

2 Knowing the importance of public input, Buchanan
3 County will conduct private hearings at a later date.
4 At that time, the public will have the opportunity to
5 give their opinion before any decision is reached. We
6 know that the public will want to speak on the topic,
7 but that is not the purpose of the meeting here tonight.
8 This meeting is simply an opportunity for Black and
9 Veatch to provide the information that the County has
10 requested. Buchanan County will soon be publishing an
11 online page to share information about the wind energy
12 issue. This page will contain dates and locations of
13 future public hearings, along with any other available
14 information.

15 Further, Buchanan County expects all wind energy
16 meetings to be held in a fair and orderly manner. As
17 such, outbursts and inappropriate behavior will not be
18 tolerated. Anyone engaged in this activity will be
19 asked to leave. So with that, I will turn it over to
20 Black and Veatch, please.

21 MR. TIMPE: Thank you. I guess what I thought I'd
22 do is kind of walk through this draft zoning ordinance
23 we put together here.

24 My name is Doug Timpe of Black and Veatch. Dusty
25 Miller is my associate. But if you've got a copy of the

1 draft zoning ordinance, we basically broke this into
2 about 10 different parts. The first part has to do with
3 what the purpose of this zoning ordinance is. It
4 basically is to establish a process whereby there's
5 orderly development of wind energy in the county. I
6 don't think there's anything that either favors or
7 disfavors such development, at least in this stated
8 purpose.

9 We've got a couple of different options there that
10 the County may want to look at. The first one is a
11 little bit more general in terms of making sure that
12 it's clear that we want to encourage development without
13 impacting existing resources. The second one is a
14 little bit more specific, so you may want to give that
15 some review, and give us some feedback on which is more
16 appropriate.

17 The second section really has to do with the
18 applicability of this wind zoning ordinance. And in
19 general, it applies to all unincorporated lands within
20 the boundaries of Buchanan County, and pertains to
21 commercial scale wind energy conversion systems. That
22 is, if it's a private individual that's looking to put a
23 wind turbine on their property, that does not -- this
24 does not apply.

25 Again, we've got an option there that actually

1 includes more restrictions in terms of where the
2 development can take place. The second option
3 emphasizes development further east to avoid the
4 sensitive habitat along the river. So again, that is an
5 area that the County should probably take a look at and
6 see which option you're most comfortable with.

7 So any questions at this point on either the
8 applicability or the purpose?

9 MR. WHITSON: I don't believe so.

10 MR. TIMPE: Okay. The third section has to do with
11 definitions that we use in the ordinance. And we've got
12 quite a number of them, and I don't want to walk through
13 all of those. But basically it defines all the various
14 terms that we use in the ordinance. And these are very
15 common to other similar ordinances in other locations
16 where we've worked. So I would encourage you to take a
17 look at those, and if there's anything you wish to add
18 or if there's anything any changes you want to make or
19 any questions you had about any of those items, please
20 let us know.

21 MR. PURCELL: When you were developing these, what
22 process did you utilize? For instance, did you
23 benchmark other counties, cities, states? Did you look
24 at best in class? Or what process did you use to
25 develop these?

1 MR. TIMPE: We've worked in various locations
2 throughout the United States, and particularly Michigan.
3 In Michigan, not only do the counties have wind
4 ordinances, but even down to the township have wind
5 ordinances. So we selected that because I think that's
6 a good model to go from. So that was really the basis
7 for it, the template that we're following here. It's
8 not word for word. We did take some license with the
9 format and some of the information we put in here, but
10 for the most part, we modeled it after other similar
11 county ordinances.

12 MR. PURCELL: So your objective was to look at best
13 in class so we learn from them?

14 MR. TIMPE: Right.

15 MR. PURCELL: Mistakes, positive?

16 MR. TIMPE: Exactly. And I would say, and Dusty
17 can opine on this, but I would say that probably, like I
18 said, of all the locations we have worked in, probably
19 Michigan is probably the most conservative and may be
20 the most organized in terms of governing wind
21 development on a local basis.

22 MR. PURCELL: When you say conservative, you mean
23 against? For?

24 MR. TIMPE: In terms of ensuring that it's clear
25 what the application requirements are and what the

1 standards are that the developers have to apply -- have
2 to adhere to. So a lot of these definitions actually
3 are based on that particular ordinance or those
4 particular ordinances.

5 And now we moved into the general requirements.
6 That's in Section 4 of the document. It basically lays
7 out where the -- what the general requirements are in
8 terms of what the applicant has to do or what the
9 developer has to do. That is, he has to pay attention
10 to the standards that are outlined in this ordinance,
11 but they also have to follow a process in order to get
12 approval from the County for implementing a project. So
13 that's what Section 4 basically outlines.

14 MR. PURCELL: You've identified in this particular
15 section -- in terms of fees, for instance, what would
16 the fees be in an adjoining county?

17 MR. TIMPE: In an adjoining county? Dusty, would
18 you know that?

19 MS. MILLER: I'm sorry, I don't know that
20 specifically.

21 MR. TIMPE: Okay, I guess I'm not sure what --

22 MR. PURCELL: What were the fees in Michigan?

23 MR. TIMPE: Michigan was --

24 MS. MILLER: In Michigan they range from several
25 hundred dollars per turbine to up to \$800 per turbine.

1 MR. PURCELL: What's the cost of the turbine?

2 MS. MILLER: Approximately 1.2 or so million
3 dollars per turbine.

4 MR. PURCELL: 1.2? I don't want to get in the
5 weeds, but we're taking input. I think that fee is very
6 light. If the turbine itself is 1.2 million dollars,
7 the second question is, what tax revenue -- what tax
8 would be generated per annum per tower?

9 MR. TIMPE: Yeah, I guess I'm not certain of that.
10 Dusty, do you have the --

11 MS. MILLER: I'd have to do some specific
12 calculations.

13 MR. TIMPE: We'd have to look into that.

14 MR. PURCELL: I look at this as we're building
15 these specs, that \$1,000 is, in my opinion, woefully
16 inadequate.

17 MS. EMBREY: In our table, that's the fee for a
18 smaller one. The commercial one is 5,000.

19 MR. WHITSON: What I wondered is if the \$1,000
20 would actually cover the County's expenses for all the
21 permitting and the going out and inspecting as far as
22 where they're at with the permitting process. I didn't
23 know if \$1,000 would cover that expense to the County or
24 not.

25 MS. EMBREY: That's more or less for a personal

1 use, not the commercial.

2 MR. REARDON: My concern, I thought, would it be
3 appropriate to require them to pay for us to hire an
4 inspector that had some engineering knowledge to observe
5 this project and be our eyes? Because we don't have
6 that kind of talent here.

7 MR. TIMPE: Right, yeah. And I think we kind of
8 talked about that before. But I think it would be -- it
9 would be advisable to have somebody review -- we're
10 going to talk about the application process, but review
11 their application because there's -- what we're asking
12 for in the application, we're asking for engineering
13 information and environmental information, things like
14 that. And some of that engineering information is going
15 to be fairly specific. So I think that you need to have
16 the expertise. If you don't have it in-house, it would
17 be advisable to go to an outside party to have a
18 professional opinion on that.

19 MR. REARDON: And could we charge them to pay that?

20 MR. TIMPE: I would do that.

21 MR. WHITSON: You could charge, like, \$1,000 per
22 tower plus whatever expenses and fees that go along with
23 the building of that tower?

24 MR. TIMPE: Yes. I would think you would want an
25 adjustable fee schedule, because it's going to change

1 every year because your consulting fees are going to go
2 up every year. So you've got to have some flexibility
3 to account for all that.

4 MR. McLEAR: Yeah, I've got a question for you. On
5 the bottom of page 4 and top of page 5, you're talking
6 about that Buchanan County requires performance bond,
7 surety bond, escrow account, letter of credit or other
8 financial assurance to the County. To my knowledge,
9 they're talking in terms of deconstruction of these, one
10 at a time?

11 MR. TIMPE: Right.

12 MR. McLEAR: Okay. My understanding is it costs
13 150,000 to 200,000 to deconstruct them. How much of
14 that is going to be supplied by this surety bond or
15 letter of credit?

16 MR. TIMPE: Yeah, I'm not sure.

17 MS. MILLER: I believe that typically --

18 MR. McLEAR: And the problem is this. If, in fact,
19 multiple numbers of these cease to function, and say we
20 only have 25 percent -- some bank or some lending
21 institution is backing these up at 25 percent, these
22 companies are going to declare bankruptcy and walk.
23 Okay, so who's going to pay for the deconstruction of
24 these? You can't get blood out of a turnip. So, in
25 other words, I'm trying to get from you, if you wrote

1 this in here, you must have some idea. How much money
2 are they going to have to have with regard to a letter
3 of credit?

4 MR. TIMPE: Do we have a basis for that?

5 MS. MILLER: It's been my experience from other
6 wind farms lately that they generally require the entire
7 amount for decommissioning of the whole project.

8 MR. McLEAR: I'm sorry. Did I hear a number?

9 MS. EMBREY: The entire amount.

10 MR. REARDON: She said the entire amount, but she
11 didn't give you a specific number.

12 MR. McLEAR: Yes, the entire amount, yeah. I was
13 thinking the letter of credit needs to be for 200 grand.
14 All right? Because this whole thing rides, quite
15 frankly, on our production tax credit. And if Congress
16 takes that away, these things will cease to function and
17 we're going to be stuck with a bunch of these. I don't
18 want the taxpayers of Buchanan County to be stuck with
19 the deconstruction costs.

20 MR. TIMPE: Right, uh-huh.

21 MS. DAY: I think it would be so important to have
22 some idea of what that deconstruction cost would be, you
23 know, before we --

24 MR. McLEAR: I don't even know if I'm in the
25 ballpark or not at 150 or 200,000. High? Low?

1 MR. TIMPE: I mean -- and that may be something
2 that we ask for as part of the application process.
3 Have the developer provide an estimate as to what that
4 decommissioning process would be, and project that for X
5 number of years.

6 MR. REARDON: On something I had where they bonded,
7 is that like buying an insurance policy every year? You
8 make a payment to it every year?

9 MR. TIMPE: I believe so. Correct?

10 MS. MILLER: I believe so, yes.

11 MR. REARDON: Well, then, I think that ought -- I
12 mean, if someone messed up and didn't pay it every year,
13 I think the County ought to be notified when that
14 payment is made.

15 MR. WHITSON: You would be automatically.

16 MR. REARDON: It would come to --

17 MR. WHITSON: The insurance company would
18 automatically notify anybody listed on the policy
19 as a --

20 MR. REARDON: They couldn't miss a payment.

21 MR. WHITSON: It would be to Buchanan County.

22 MR. PURCELL: The county you benchmarked with, what
23 did the county in Michigan do?

24 MR. TIMPE: Huron County, right? It was Huron
25 County?

1 MR. PURCELL: I agree with you. I'd like to know
2 what they did, how they protected themselves.

3 MR. TIMPE: Okay. We can look into that.

4 MS. MILLER: We do have that on page 16, the
5 decommissioning plan. That's part of the requirements
6 too.

7 MS. DAY: Yes. It does say removal of all wind
8 turbines, above-ground improvements, all foundation, all
9 hazardous materials, but it doesn't give any kind of
10 estimated cost associated with that, with those
11 removals.

12 MR. PURCELL: Back on the fee, what I suggest we do
13 is we use some type of algorithm. Here's the cost of
14 the turbine, 1.2, 1.3 million dollars.

15 That second piece is what type of tax revenue does
16 it generate per annum?

17 And then work out some kind of a formula in terms
18 of what the fee process -- and it makes sense going
19 through that.

20 I've already stated my thought that \$1,000 pales
21 when we're talking about something that costs 1.3
22 million, and gives off millions of dollars in tax
23 revenue over a period of time. If the landowner that
24 has one of these on it gets 8,500 bucks, I'm thinking
25 \$1,000 has got to be soft.

1 MR. TIMPE: I agree.

2 MR. WHITSON: Go ahead.

3 MR. TIMPE: Okay. So Section 5 is the permit
4 application process. This is put in there so that there
5 is an orderly process that the developer has to go
6 through in order to submit the information that the
7 County will need to be able to assess the project, and
8 also have an idea as to what the impacts of that project
9 will be.

10 So basically the process starts out with -- and we
11 base this on our experience, not only with wind
12 projects, but in permitting in general. We always
13 advise that it's wise to have a pre-application meeting
14 with the developer. That enables the developer to come
15 in, talk to you, give you an idea as to what the plan
16 is, what the plan they have in place and answer any
17 preliminary questions you may have. So that kind of
18 starts the communication process.

19 MR. REARDON: Who would you invite to that meeting?

20 MR. TIMPE: Well, you'd have representatives of the
21 County, whoever that may be.

22 MR. REARDON: I think as early as possible you want
23 to make at least some effort to include public -- if
24 it's not a small group or some representative, it would
25 seem -- it keeps it more light, keeps things, you know,

1 less hidden, I think.

2 MR. TIMPE: Yes.

3 MR. WHITSON: I presume we could do just like we do
4 now, put a footage of 1,000 feet -- anybody within --

5 MR. REARDON: Even before you had any for that.
6 This is a predevelopment hearing you're talking about,
7 right?

8 MR. TIMPE: Yes. I'm also actually talking about
9 something -- what I have in mind is something that's --
10 actually, it's just between the developer and the
11 County. And the reason is, is that it may be that once
12 that initial discussion takes place, maybe it's not
13 going to work.

14 MR. PURCELL: In terms of the process, do you -- is
15 the footprint where these -- where this wind farm is, or
16 do you expand the territory? Is it outside of that
17 area?

18 MR. TIMPE: In terms of the people that would --

19 MR. PURCELL: Input.

20 MR. TIMPE: Well, yeah, I mean, not only the
21 footprint, but I would open it up to people in
22 adjacent -- at least in adjacent properties as well.

23 MR. PURCELL: Yes. For instance, would it be
24 another county? This would be Buchanan County. Would
25 this be Buchanan County and that township or surrounding

1 townships?

2 MR. TIMPE: In my mind, if you have a -- if you
3 have a public opportunity for input, that means anybody
4 who reads that paper and wants to come to that meeting
5 has an opportunity to do that. Because, you know, there
6 may be impacts to people over in the next county that
7 we're not even thinking of. That gives them the
8 opportunity to come in and opine. So that's what I
9 would say.

10 MR. PURCELL: When I look at the totality of the
11 document that you have done, and reading various
12 articles about -- let's say NextEra -- let's say Florida
13 Power & Light, that they enter into an agreement and it
14 moves through. And over time -- and those tax revenues
15 go specifically to that area. And in the event that
16 that is sold to another party, then that revenue, then,
17 is diffused over a broader -- is there something that we
18 can do in terms of our regs. as we enter into this that
19 protects this, so this doesn't get sold to a third or
20 fourth party and the revenues are amortized over a far
21 broader base?

22 MR. TIMPE: Well, I guess the short answer is yes.
23 I would think that there are provisions you could put in
24 the regulations to account for that. How exactly that
25 would be worded, I guess I'm not sure. We'd have to

1 look into that.

2 MR. PURCELL: Do others do this?

3 MR. WHITSON: I think the State already -- didn't
4 the State Legislature already take care of that?

5 MR. PURCELL: I don't know the answer to that.

6 MR. WHITSON: I think they have, Al.

7 MR. REARDON: You're talking about tax revenue?

8 MR. WHITSON: Yes. Tax revenue can't go to any
9 other county than where it's --

10 MR. PURCELL: To the extent it gets -- let's say
11 that Florida Power & Light owns this. And 20 years down
12 the stream, Florida Power & Light decides they don't no
13 longer want to, for whatever reason, and now they sell
14 it to you, whomever. That tax revenue -- you say at the
15 State level we've already locked that in? I don't know
16 that, I guess.

17 MR. WHITSON: Yes.

18 MR. PURCELL: Okay.

19 MR. WHITSON: They addressed that earlier in the
20 spring. They actually had that happen in the northern
21 part of the state, up farther north than us, so they
22 addressed that in the spring legislature.

23 MR. REARDON: On Number 4, it limits residents. I
24 think it should be property owners and residents?
25 Because there are a lot of property owners that don't

1 live here that should have a site.

2 MR. TIMPE: Yes, that's exactly right. Keep in
3 mind, this is our draft, you know. So this is where
4 we're looking for comments. So pre-application meeting,
5 and then what we also call for is a -- and I think this
6 maybe kind of gets back to what you're saying is that
7 you have the pre-application meeting, and then you put
8 out for public notice at least a site plan and general
9 description of what the applicant is doing. That way
10 the general public is informed, but it has to make it
11 past the first pre-application meeting first.

12 And now we get into the actual application process
13 where the developer has to submit an application, the
14 County reviews it -- you have an opportunity to review
15 it. Make sure that it -- and first things you do a
16 completeness review, make sure all the pieces are there.
17 Because we have a specific list of what they're supposed
18 to be submitting. So you get an opportunity to review
19 that. We would recommend that you at least allow
20 yourself 30 days to do that. But then once you get
21 through the completeness review, then you can go into
22 the -- actually the public hearing process where you
23 actually hold a hearing in order to allow the developer
24 to present their project and answer questions and so
25 forth.

1 MR. WHITSON: Just for clarification, when you talk
2 about a project, are you talking about a developer
3 coming in with multiple towers, maybe on multiple
4 landowners? Are you talking about individual towers
5 with individual landowners -- I mean, coming in one at a
6 time? Or are you looking at a whole project where maybe
7 you're talking 10 towers and 10 different landowners all
8 at once?

9 MR. TIMPE: Yeah, more the latter. Because, as I
10 say that, what I've got in mind is a commercial-level
11 development. And typically that includes multiple
12 towers, multiple landowners, even multiple counties for
13 that matter.

14 MR. REARDON: Is there a point when you can object
15 to certain individual ones, or is that all or none
16 generally?

17 MR. TIMPE: When you say that, are you talking
18 about in these regulations?

19 MR. REARDON: I'm thinking there should be some
20 point where we can say -- you're showing 10 towers, 20
21 towers. This one is inappropriate, we think, for some
22 reason.

23 MR. TIMPE: Right, yes.

24 MR. REARDON: Is there a process for that, or is it
25 generally just they come in and say you take 20 or

1 leave it?

2 MR. TIMPE: No. That would be the intent of the
3 review by the County.

4 MR. REARDON: At what stage? At this stage?

5 MR. FRAKES: The application stage.

6 MR. TIMPE: At this stage. You get the
7 application. One thing you're asking for -- one thing
8 you're doing is determining if you've got enough
9 information -- all the information you need in order to
10 assess. But then you could also provide some input as
11 to, Well, you know what? We really think that this
12 turbine should be over here, or maybe we only want to
13 develop 10 instead of 20, and that type of thing.

14 MR. REARDON: Like --

15 MS. DAY: There is a comment in here on Section 5,
16 No. 5 that says the County will include conditions on
17 the permit approval. So I think that would be -- could
18 be raised where you could say, okay, yeah. We might
19 approve this, but this is not ever going to happen over
20 here, contingent upon this happening or that not
21 happening.

22 MR. PURCELL: And that could be based upon a
23 consultant that we have hired that, you know, helps
24 guide us.

25 MR. TIMPE: Right, exactly.

1 MR. REARDON: Another instance I've read on the
2 Internet which can be tricky, are instances where a
3 family had an autistic child and had to move because one
4 was situated too close to their home. I'm just
5 wondering, how do you deal with stuff like that?

6 MR. TIMPE: Well, that's a pretty specific instance
7 that would really be hard to address that. To me,
8 that's an opportunity for someone to come in and voice
9 that during this public hearing process, come in and
10 voice their concerns to you, the County. So then you've
11 got to make a decision as to whether you're going to
12 require the developer to make some adjustments to
13 accommodate that concern. That's what I would say.

14 MR. REARDON: Hard choices.

15 MR. TIMPE: Yes. So this does include the County
16 where you -- plus it includes a public review as well.
17 Overall we're looking at probably, if things go well, I
18 would say that you could probably complete this process
19 from the time that they apply until you actually issue a
20 permit, I would say that you could complete it in three
21 months. I would almost be thinking that that might be a
22 little bit optimistic, because I think you're going to
23 have a lot of information that you're going to have to
24 review. And I think you're going to get a lot of public
25 input you're going to have to address. That all takes

1 time.

2 MR. McLEAR: Well, let me ask you a question. I
3 read the generalities of this. And I don't want to be
4 negative here or anything, but these are overly generous
5 boundaries. So I think what would be appropriate with
6 this is a wind flow map so we have some -- I mean,
7 certainly, whoever is going to certify this for Buchanan
8 County would have some idea whether this is a marginal
9 area or a positive area. Okay? And not only that, the
10 division, you were talking about the wildlife and all
11 that -- but overlaid on that Buchanan County map ought
12 to be the line so that there isn't any litigation that
13 comes out of this with regard to what was on this side
14 of the line or that side of the line. You know, we're
15 talking here in generalities, and we don't have a very
16 good field to operate in.

17 MR. TIMPE: And when you're talking about the line,
18 you're talking about the line between good wind area
19 versus not good wind area.

20 MR. McLEAR: Well, I mean, I've got a map here. I
21 went to the library and got a wind flow map for
22 Missouri. And I just think everybody ought to have a
23 copy. Since it's color and mine cost me \$91, I didn't
24 feel generous enough to print a stack of these. But,
25 you know, this is a very informative map. I don't want

1 any he said, she said thing. I want to see something
2 specific out of this thing when it's done that this is
3 where it is and this is where it isn't. Right? And
4 there's got to be a minimum. The wind doesn't flow
5 evenly all the time. That's why you have to have
6 coal-fired operations backing them up. It makes it all
7 very expensive. So you don't want to put any of these
8 on marginal wind areas.

9 MR. WHITSON: And I see what you're saying, Pat,
10 but no company is going to spend \$1.2 million to put up
11 a wind tower if it's not going to generate wind.

12 MR. McLEAR: Well, here's the problem, Jim. For
13 the last 30 years --

14 MR. FRAKES: They're getting subsidized.

15 MR. McLEAR: Before 2014, the federal government
16 shelled out 30 billion dollars plus, so there's money to
17 be made whether you generate any power or not.

18 MS. MILLER: Something else to keep in mind is that
19 the turbine technology continues to evolve so that they
20 can get more energy out of lower wind speeds. So if you
21 limit them out too much, that might limit them from
22 certain development areas where they might otherwise be
23 able to build if somebody wanted to have them on their
24 land.

25 MR. REARDON: Isn't there a generation subsidy too?

1 Don't they get paid for kilowatts generated after these
2 are built?

3 MS. MILLER: Not to my knowledge.

4 MR. REARDON: No, there isn't?

5 MS. MILLER: That's just for building them before
6 2020. They got a hundred percent productive tax credit
7 and then it goes to 80 percent after that.

8 MR. REARDON: Okay.

9 MS. DAY: It's kind of hard to imagine what kind of
10 property is going to be left by the time you take out
11 the Missouri River and the inhabitants around the
12 Missouri River, and all of the natural resource areas
13 that are part of Buchanan County, all of the, you know,
14 Pigeon Hills and everything that -- conservation areas
15 that are located here. By the time you take all of
16 those out of the equation, what is left anyway? And
17 that would be interesting to see.

18 MR. REARDON: Well, to me it seems kind of unfair
19 if you're going to just limit to the five townships on
20 the east side. You have seven on the other side. I
21 mean, I think everybody ought to have skin in the game
22 if they're going to play it. I mean, you're going to
23 have seven voting against five when you come to approve
24 these things. They have no issues, no problems with it
25 because it's not in their territory. So it seems unfair

1 to limit it to the five townships in the east.

2 MR. TIMPE: Well, again, we can --

3 MR. WHITSON: We can open it up to the whole
4 county.

5 MR. TIMPE: Yeah, you an open it up.

6 MR. WHITSON: That's not an issue.

7 MR. TIMPE: But, I guess, one thing too, that
8 somebody who's looking to develop it, if they're looking
9 at -- they're going to probably avoid certain areas,
10 lake, close to the river because you've got bats there.
11 You've got eagles there. You've got other stuff there
12 that -- ecological resources that can be problematic for
13 them from a permitting standpoint.

14 MR. REARDON: I don't think that stretches all the
15 way across the other four townships that are off the
16 river.

17 MR. PURCELL: I think we've charged you with
18 helping us with the criteria going through this whole
19 process. We haven't charged you with what the wind is
20 in certain areas. So I think we're being unfair as to
21 what we asked this firm to do. If we want to expand
22 that, then I think that we then talk to somebody else
23 that deals with wind and -- we're already talking about
24 a process that we need to go through.

25 MR. WHITSON: Yes.

1 MS. DAY: Fair enough.

2 MR. TIMPE: Okay. Any further questions on the
3 process at this point?

4 Section 6 of the ordinance includes the
5 application, permit application contents and basically
6 what it calls for. It calls for certain engineering
7 information, the locations of turbines, a plot map
8 showing locations of turbines, roads.

9 MR. PURCELL: Is there any reason why you wouldn't
10 include wind in this section?

11 MR. TIMPE: A wind resource map?

12 MR. PURCELL: Yes.

13 MR. TIMPE: You could do that.

14 MR. PURCELL: I think that that starts to get after
15 some of the itches that some of us have, that it
16 actually gets into that. Because I know that they spend
17 a lot of time on that.

18 MR. TIMPE: Oh, yeah. Well, like Jim's saying is
19 that they've done it. So the information is there. So
20 it's not a problem to include that.

21 MR. WHITSON: Does the State have any permitting
22 applications? I assume they do. Do they run parallel
23 with what we're doing? More restrictive? Less
24 restrictive?

25 MR. TIMPE: Not necessarily specific to wind

1 development. But you'll still have to do things like
2 storm water construction permits.

3 MR. WHITSON: Natural resources.

4 MR. TIMPE: Natural resources, wetland permits,
5 things like that.

6 MR. WHITSON: But the State doesn't actually have
7 any wind energy?

8 MR. TIMPE: Not as far as I know.

9 MS. MILLER: No.

10 MR. WHITSON: Okay.

11 MR. REARDON: Should it be of any interest to us
12 for whom this energy is being generated for? Should we
13 have any interest or care?

14 MS. MILLER: It probably doesn't need to be part of
15 your decision.

16 MR. WHITSON: It just goes out on the grid and
17 whoever needs it buys it.

18 MR. TIMPE: Yeah, I would not put that in as a
19 restriction.

20 MR. PURCELL: That may change over time. KCP&L
21 might buy it today based upon subsidies and everything
22 else. And then somebody else comes along and buys it.

23 MR. WHITSON: Once it goes on the grid, you don't
24 know where it's going.

25 MR. TIMPE: Yeah. So also with the permit

1 application materials, like you say, you have
2 engineering data. It should give you an idea as to when
3 they want to start construction on this thing, how long
4 construction is going to take, when they're going to
5 complete construction, give you an assessment of
6 property values impact. Because that sometimes is a
7 concern of landowners. How is that wind farm
8 development going to affect my property value? I think
9 that's something you can have the developer provide.

10 Financial, we're talking about financial assurance
11 information. That needs to be included. We're also
12 suggesting that you include a proof of submittal
13 notification to the Federal Aviation Administration.
14 That is because you want some documentation in the end,
15 I think, that they have gone through the proper channels
16 to authorize air-traffic navigation. Because in the
17 event that there is an accident or something, a plane
18 runs into a turbine, then you want to have some kind of
19 documentation that the federal government has given you
20 clearance for that.

21 I guess some other things that go on the
22 application, consent from the local property owners,
23 particularly any affected by shadow flicker or by noise.
24 And then complaint resolution program, which we kind of
25 talk about later on in the ordinance as to how you put

1 that together. And then a decommissioning and
2 restoration plan, so that when the project comes to the
3 end of its life, there's some plan in place to take it
4 down and restore the same.

5 MR. PURCELL: On page 14, at the bottom you talk
6 about optional recommendations, and this gets into the
7 adjacent property setback where it's identified that
8 this will provide the option for landowners to receive a
9 payment in exchange for these impacts from project
10 components on neighboring land. What is that? I
11 understand the comment. But what is that? Is it a
12 one-time payment? Is it a payment that continues for
13 quite some time? What is that?

14 MS. MILLER: That's usually set up as a yearly
15 payment similar to what the landowners who are
16 participating or who have infrastructure on their land
17 receive. It's just to make sure that these people who
18 are getting the impact but don't have infrastructure on
19 their land also get some kind of payment that goes along
20 with the whole project.

21 MR. PURCELL: Who sets that?

22 MS. MILLER: The developer typically comes up with
23 the amount that they're going to offer.

24 MR. PURCELL: So it's buyer beware?

25 MR. REARDON: It would seem to cause a lot of

1 problems down the road if the property sold. I guess
2 the payment would still continue with the property, I
3 suspect. It would seem logical -- I mean, you're
4 allowing this for nonparticipants to have setbacks to
5 allow -- to be not the 1,320 feet, so you could have
6 part of it on this guy and then part of the setback is
7 on a neighbor. And so you're, in effect, taking his
8 property. If he would ever wanted to build a house or
9 build some other structure on that property, he would
10 not be far enough off to maintain the setback. So it
11 seems like it would create a lot of problems in the
12 future to have -- since we're a county that development
13 does occur, to not have the setback -- keep the setback
14 only on the participant's property rather than take it
15 from part of the neighbor's. It seems like a huge
16 issue, a horrible problem.

17 MR. PURCELL: Well, and that was the one push-back
18 I heard in our adjoining county, not getting involved
19 with shadow flicker or whatever, but actually the
20 contiguous property and the setback. I don't know how
21 they addressed that. I do know that that was, along
22 with other things, but that seemed to be a rather bone
23 of contention that this is impacting my property. I
24 receive no recompense to do this. And I notice we have
25 something identified in there, which is good. I'm not

1 sure what the benchmark is. What is done? So we at
2 least can understand this.

3 MS. MILLER: So in Section 7, we do have the table
4 on the setback requirements. Usually they address the
5 nonparticipating people via property-line setbacks.

6 MR. PURCELL: Yeah.

7 MS. MILLER: And you can adjust that to however --
8 whatever distance you feel comfortable with as the
9 County Commission. This is a recommendation that we see
10 a lot of times in a lot of county ordinances. But it
11 certainly can be adjusted.

12 MR. PURCELL: I didn't hear your last comment.

13 MS. MILLER: I just said it can certainly be
14 adjusted.

15 MR. WHITSON: Setbacks can be adjusted.

16 MS. MILLER: So essentially they get that setback
17 from a nonparticipating property line, plus they get a
18 payment for the impacts that they're getting.

19 MS. GAY: I'm sorry. Nonparticipating properties
20 receive compensation for --

21 MS. MILLER: If the developer chooses to offer
22 that. We wanted to recommend --

23 MR. PURCELL: The setback is 1,320 feet, and you
24 own property that comes up, but you don't have the wind
25 tower on your property. But your land falls inside of

1 that. It does impact your land, but you're not getting
2 revenue because you don't have the tower. So what
3 recompense does that person have, you know, the good
4 neighbor?

5 MR. REARDON: Well, you kind of take it, the use,
6 because you couldn't build on that --

7 MR. PURCELL: My point is, how does the developer
8 recognize that and then --

9 MR. REARDON: Obviously they didn't compensate them
10 there. It would become a big issue.

11 MS. DAY: Wouldn't that be -- wouldn't that kind of
12 be the written consent from the nonparticipating
13 parties?

14 MS. MILLER: Yeah. We've got the project
15 boundaries setback in here plus the nonparticipating
16 setback. So, like the project boundary is set back into
17 the project that far so it would avoid impacting the
18 nonparticipant property owners as much.

19 MR. BARNETT: And these are giving their consent.

20 MR. PURCELL: I mean, like you said, you can
21 regulate this to where it doesn't fall into any
22 contiguous property. I mean, you can solve that one in
23 a New York second. In New York, it's faster. But I
24 just want to make sure that we really understand that so
25 when it comes time to plan and negotiate, that that's

1 fully understood.

2 MR. REARDON: I was also wondering if there should
3 be a -- there's no mention of setbacks from, like,
4 schools. We do have some rural schools. Would there be
5 a special setback for schools?

6 MS. MILLER: That could certainly be added in here.

7 MR. REARDON: Is there a recommendation you would
8 make on something like that?

9 MS. MILLER: Usually we see it similar to a
10 residence or habitable structures that we have in here,
11 like the 1,200 feet or the 1,320 feet. It would be
12 similar.

13 MR. TIMPE: So since this is for unincorporated
14 land, though, or unincorporated properties, do you
15 anticipate there would be schools?

16 MR. REARDON: There are schools out in the middle
17 of the farm country.

18 MR. TIMPE: Okay. I guess the last thing on the
19 application requirements I want to point out is --
20 actually, we've got two. Item 16 there should be an
21 optional. Item 17, the environmental information, that
22 is optional information that you could ask for, for the
23 application. And that would include information on any
24 bats, birds, protected species and other sensitive
25 species or other sensitive resources. And also a sound

1 modeling study to be able to determine what the
2 impacts -- noise impacts will off the turbines. So that
3 would be an optional item you'll need to --

4 MR. PURCELL: Can you repeat what you just said?

5 MR. TIMPE: So the optional item includes
6 environmental information, basically information on
7 bats, birds, other sensitive resources that may be at
8 the site there. And then the other thing is noise.
9 One thing you can ask for is a noise modeling study,
10 which I think that's probably a good practice to
11 determine what the noise impacts will be once those
12 turbines are up and operating, particularly for local
13 nearby residents.

14 MR. REARDON: It seems to be a significant
15 complaint that some people may be more sensitive to
16 noise than other individuals. Has there ever been
17 developed something where if a person happens to be
18 downwind, so let's say from this, that you could somehow
19 develop a model where you could test people to see if
20 they are in a range of hearing that would make this hard
21 for them to accept?

22 MR. TIMPE: A test to be able to determine if
23 somebody is particularly sensitive to --

24 MR. REARDON: I've talked to an audiologist. And
25 there's a guy at the University of Washington --

1 Washington U. in St. Louis that suggests that possibly
2 some people, you know, are more bothered by these
3 noises. And if one was sited someplace, and a person
4 felt that that would be an issue for them, it would be
5 appropriate, maybe, to have them tested rather than, you
6 know, to just say okay.

7 MR. TIMPE: So would you envision that this would
8 be something that somebody would bring to the
9 developer's attention during, say, like the public
10 comment period?

11 MR. REARDON: I would think if someone suggested to
12 someone that they would happen to have an issue with it,
13 that maybe they could go be -- it's going to be within
14 1,300 feet upstream, and go have them tested by an
15 audiologist and see if they're in that range of low
16 range, and see if that's an issue.

17 MR. PURCELL: What would you do as a result of
18 that?

19 MR. REARDON: I don't know. If you see it's going
20 to bother somebody, are you going to let them move? Are
21 you going to pay them to move? I don't know.

22 MR. PURCELL: My question is --

23 MR. REARDON: I mean, it is an issue, apparently,
24 to a lot of people. It hurts, apparently. I don't
25 know. It doesn't bother me, but some people have issues

1 with it. Are you going to force somebody off their
2 property and make them move because they can't stand the
3 sound? I don't know. I'm just asking. I don't know.
4 Is it a true thing and you've heard of it?

5 MR. TIMPE: Well, I think it is true that certain
6 people are more sensitive to different levels of noise,
7 frequencies of noise. You know, what you would do to
8 address that, and by having someone tested, I'm not sure
9 how that would work.

10 MR. REARDON: We are looking into it. I'll say
11 that they are further looking. But it is an issue that
12 has come up a lot. And I think it's inappropriate to me
13 to force someone out of their home because it drives
14 them crazy. And I don't know how you answer that or
15 develop techniques to determine if it's a problem.

16 MR. TIMPE: That's something that we could talk to
17 our noise group about. And they actually made some
18 modifications to the noise modeling criteria here. So
19 we can talk to them about that.

20 MS. MILLER: It almost seems like that might be a
21 consideration when the developer goes to people and
22 tries to get them to sign a lease, that maybe there
23 would be a provision in the lease that they would offer
24 to get them tested.

25 MR. REARDON: But this necessarily wouldn't be the

1 lessee, it would be downstream.

2 MS. MILLER: Then that would be --

3 MR. REARDON: Someone not involved, probably, in
4 the process. Around here we have a lot of urban housing
5 mixed in with larger farms, and it could be somebody
6 that just is -- you know, has other issues. But it
7 would be nice to quantify it and make sure it's a real
8 problem for them in some way rather than just 20 years
9 of bad feelings, or 40 years, or 100 years, whatever
10 it's going to be.

11 MR. WHITSON: Then you would have to have a limit
12 as to how far downstream.

13 MR. REARDON: I think so, yeah.

14 MR. WHITSON: Yeah, you'd have to have some
15 guidelines.

16 MR. REARDON: I've been told it's probably possible
17 to, you know, at some point quantify that.

18 MR. TIMPE: Well, you know, if you do a noise
19 modeling study to try to determine those impacts, it may
20 be -- you may be able to. Well, I'm pretty sure they
21 can do noise modeling at different levels to determine
22 what the true impact would be. So that might be one way
23 to at least determine what those impacts would be at
24 those different levels. I mean, that could be part of
25 the noise modeling. You could probably design the noise

1 modeling study to accommodate a lot of that, I would
2 think. But that's something we can talk to the noise
3 guys about.

4 Anything else? So Section 7 has to do with the
5 design standards and criteria that the developer would
6 need to implement. And we feature things such as
7 setbacks. We have information or standards for visual
8 appearance, noise levels, shadow flicker, signal
9 interference, structure height and location, and signage
10 and some other things too. And these are basically
11 modeled after other ordinances that we've seen and also
12 really are our own experience.

13 MR. REARDON: I have been told that there is --
14 when these are built, there's a manufacturer rated, I
15 guess, safety distance that they describe. And it is
16 not 1,320 feet, it's something else, you know, that the
17 manufacturer says. Is that true? Is there something
18 the manufacturer of the --

19 MS. MILLER: I am not familiar with that particular
20 part of the turbine manufacturer's specifications.

21 MR. REARDON: So when it says, yes, that they will
22 disclose that number if you ask, and it's some kind
23 of -- I guess for safety in case of a fire or something.

24 MR. TIMPE: Yeah, I mean, that's something that we
25 can check into. But, yeah, fire is one hazard. I mean,

1 the blades flying off, you know, the turbine falling
2 over, those are all issues that --

3 MR. REARDON: In the setbacks there's one issue on
4 project boundary that I didn't find in the definitions.
5 I was kind of -- thought that was maybe a little bit
6 ambivalent, or not clear to me, of what the project
7 boundary would be.

8 MR. TIMPE: You didn't find a definition for
9 project boundary?

10 MR. REARDON: I don't think so.

11 MR. TIMPE: Yeah, typically the project boundary
12 encompasses all the area that is required to operate and
13 maintain the project.

14 MR. REARDON: So that would be that turbine?

15 MR. TIMPE: It would be that turbine plus whatever
16 distance you have for setback.

17 MR. REARDON: Is there a converter buried connected
18 to each one of these from DC to AC? Or is there
19 something buried besides lines underground?

20 MS. MILLER: There's usually an above-ground
21 converter at the base of the turbines, and then just the
22 lines are buried.

23 MR. REARDON: Okay. And in this, this is where I
24 was thinking that the nonparticipating -- that's where I
25 think we should move it back to property lines. Keep

1 the nonparticipating people -- avoid them by this.

2 MR. PURCELL: I think it should include both.
3 Because the land may not -- you know, the footprint of
4 the land may not allow for that. So I think it should
5 be both. It should be, Can it be built on property
6 without the setback? Or if it has to have some that
7 encroaches the other land, there's something in there
8 that's very definitive.

9 MR. REARDON: But you would require them to meet
10 with the other landowners to get their permission.

11 MR. PURCELL: Absolutely.

12 MR. REARDON: Yeah. And make payment.

13 MR. PURCELL: Absolutely.

14 MR. WHITSON: That was addressed earlier that they
15 would have to meet with a nonparticipating landowner to
16 get permission.

17 MR. PURCELL: Yes, sir.

18 MR. REARDON: I don't know that in the past that
19 has been done.

20 MR. WHITSON: Well, I mean --

21 MR. TIMPE: We're talking about the ordinance as it
22 is written here.

23 MR. PURCELL: We can't fix the past too.

24 MR. WHITSON: Well, it addresses the
25 nonparticipating landowner.

1 MR. REARDON: The thing that bothers me about doing
2 something like that is, these lands are only held during
3 your lifetime. At some point you're going to sell it to
4 somebody else and you've encumbered that land to
5 somebody else. I think it's a bad idea. I mean, it's
6 like selling even the oil rights or something else.
7 You've taken something and you've sold it off. I think
8 it's a bad idea to include people that, down the line,
9 you've changed something.

10 MR. WHITSON: But the people that will be buying
11 it, it's there. They know it's there. They don't have
12 to buy it if they don't like it.

13 MR. REARDON: Is that a continuing payment for all
14 the way through? Is it going to be -- I mean, I know
15 you don't have to buy it, but you've changed the
16 character. So in an urban county like we are, those
17 areas are going to be forever off limits to any
18 developer.

19 MR. PURCELL: Steve, I am very interested in what
20 other counties have done, how they have mitigated this,
21 how they've resolved it. And I think that we can take a
22 look at the recommendation and move there. And we take
23 the best input in terms of what --

24 MR. REARDON: I still think it's very unfair to
25 encumber property forever on somebody else's property.

1 MR. PURCELL: I'm not arguing with you.

2 MR. REARDON: Well, if you do, we're taking it.

3 MR. PURCELL: I'm not arguing with you.

4 MR. REARDON: I'm strongly against it, I'll say
5 that.

6 MR. WHITSON: You could say the same thing for a
7 housing development.

8 MR. REARDON: What about it? What do you mean?

9 MR. WHITSON: It encumbers somebody else down the
10 road 50 years from now.

11 MR. REARDON: It isn't going to take their right to
12 build a house on theirs. I mean, it isn't going to take
13 their right to build a house next door.

14 MR. WHITSON: Yeah, I'm not one way or the other.
15 I'm just trying to make the point that whoever is buying
16 this, if they know the turbine will be there and they
17 know the rules -- so if it doesn't meet their criteria,
18 they buy something else.

19 MR. REARDON: I don't think you can sell that
20 present value of that land for what it may be worth in
21 the future to put a house on it in this part of the
22 world for whatever payment you make. Because that isn't
23 going to accelerate. You're taking somebody's -- a good
24 value out and giving them pittance for it, is what I'm
25 thinking. So I just think it's completely unfair.

1 MR. WHITSON: Okay.

2 MR. TIMPE: Any other questions on criteria?
3 You've got quite a number of them in there.

4 MR. PURCELL: What are we missing?

5 MR. TIMPE: What are we missing? I don't know.
6 It's pretty comprehensive based on what we've seen.

7 MR. REARDON: It is, but one other question I have
8 is, is there an alternative to the lights on top? That
9 is an issue. A lot of people do not like a constant
10 blinking light. Is there alternatives to that?

11 MS. MILLER: Yes. The FAA has recently, within the
12 last couple years, authorized this aircraft detection
13 lighting system. It requires some radar on the
14 perimeter of the project, but it detects approaching
15 aircraft, and only turns the lights on at the time when
16 aircraft is flying through the project, and then it
17 stays on for about, I think, 10 minutes afterwards.

18 MR. REARDON: Is it effective for every aircraft?

19 MS. MILLER: It should be. It depends on how it's
20 programmed, but, yes, it should be, any aircraft that's
21 flying near the turbines it would work.

22 MR. REARDON: I think that's definitely something
23 we should have in here.

24 MR. WHITSON: Well, it used to be anything over 300
25 feet had to have a light on it, regardless if it's a

1 cell tower, if it's a radio tower. If it's anything,
2 anything over 300 feet in height had to have a red light
3 on it, because we used to have them on -- down there on
4 South 169 on the towers.

5 MR. CORKINS: That's an FAA deal.

6 MR. WHITSON: That's an FAA deal there. That's a
7 federal reg. there. There's not anything you can do
8 about that.

9 MR. REARDON: On that same section we talked about
10 the electrical collection system. And nowhere in there
11 does it deny them the right to take a power line down
12 the road. I know they have done that in the past in
13 other counties, gone down the middle of the road. I'm
14 not sure I'd be happy with that, going down the middle
15 of the road with the power line underground.

16 MR. TIMPE: Well, that's something that could be
17 incorporated into this.

18 MS. MILLER: I think they try to make a lot of
19 efforts not to disturb farmland whenever possible.

20 MR. REARDON: Sometimes you can't get an easement
21 for the power line, and so they say, well, can we go out
22 in the middle of the road? Like a lot of things, I know
23 they've got water lines going through, and they say,
24 well, we can't get through there, can we go off of your
25 property? And it doesn't happen. I think -- I don't

1 know. It just seems like a bad idea to go down the
2 middle of the road with power lines.

3 MR. WHITSON: Where would you run the line if they
4 can't get an easement?

5 MR. REARDON: The right-of-way, I guess.

6 MR. WHITSON: Kill the project?

7 MR. REARDON: Right-of-way. Not down the middle of
8 the road.

9 MR. CORKINS: They're not running any down the
10 middle the road.

11 MR. REARDON: They are according to what I've been
12 told.

13 MR. CORKINS: I don't think so, because they would
14 have cut all my water lines.

15 MR. REARDON: Out in the middle of the road?

16 MR. CORKINS: No. But we have water lines crossing
17 the roads everywhere. I went down edges of roads where
18 they couldn't get easements, down the right-of-way, not
19 down the middle of the road. I don't think they went
20 down the middle of the road anywhere. But they went
21 down on the right-of-way on some instances, not very
22 many. Most of them are on private property.

23 MR. TIMPE: I think we have seen instances where
24 they actually have gone down the middle of the road.
25 Maybe not on a wind project, but on other projects with

1 a water line or a transmission line they did. And,
2 really, is the concern that there be interruption of
3 traffic flow? Because that's kind of a short-term
4 thing.

5 MR. REARDON: Yeah, I don't think it's traffic
6 flow. I'm not a fan of anybody having an easement on
7 me. So, you know, I don't know what the County would
8 think about having an easement like that. And with
9 maintenance and future projects where they moved
10 culverts and, you know, I don't know whether it's an
11 issue or not. But it seems to me, keep it simple.

12 MR. TIMPE: Any other questions, comments on
13 criteria we've got set here? Again, this is a draft,
14 so --

15 MR. REARDON: On number 6 on page 13, I guess we're
16 close there, aren't we? We're talking about signal
17 interference? I know that's been an issue in other
18 counties where people who are relying on digital TV
19 suddenly had no TV. And they came in and paid for a
20 year of cable, or something like that? I don't think
21 that's fair.

22 MR. PURCELL: What would you recommend?

23 MS. MILLER: I think I've seen it required that
24 they restore basically your access to the TV for the
25 life of the project, not necessarily just for one year.

1 MR. PURCELL: We're writing the specs. So what
2 would you recommend?

3 MR. REARDON: I think for the life of the project.
4 I mean, if you're going to take somebody's digital cable
5 and they don't want to buy cable, and they've never had
6 cable, it seems fair to me to pay for cable for the
7 entirety of the project.

8 MR. PURCELL: Roughly, right. I know we can't go
9 out to a crystal ball, but what would be the impact? Is
10 this five people, 500 people?

11 MR. REARDON: I have no clue. It depends on how
12 strong these -- they're talking about putting bigger --
13 if they go with bigger kilowatts, it will have more
14 electromagnetic -- I assume more electromagnetic power
15 and you'll have probably more --

16 MR. CORKINS: It affected a lot of people in DeKalb
17 County.

18 MR. PURCELL: Did they get cable for a year? Your
19 recommendation is?

20 MR. CORKINS: I don't have a recommendation.

21 MR. REARDON: I think they should. I mean, it's
22 each individual person. I don't have cable. I always
23 did rely on digital TV. If they took mine, I'd have no
24 TV.

25 And the next one on height. On seven? We talked

1 about -- is this 500 feet? Those in DeKalb County are
2 550. I've heard it rumored that they'd like to put
3 bigger units with more power, which would be even taller
4 possibly? Someone suggested to me that if they get more
5 than 550 feet, they can't use metal. They have to go to
6 concrete towers? I didn't believe it, but that's what
7 they told me.

8 MR. TIMPE: I don't know if that's true, because
9 we've talked about 600-foot towers. I don't think
10 they're concrete.

11 MS. MILLER: No. They keep evolving higher as
12 the --

13 MR. REARDON: And they are metal, but they are 600?
14 Are they?

15 MS. MILLER: Yes. There are test turbines up at
16 certain locations that are 700-feet tall, so they're
17 evolving toward that 700-foot level, I think. I talked
18 to one of our technical wind specialists, and he thought
19 maybe over the next 10 years that that's kind of where
20 they're going, to the 700-foot height.

21 MR. REARDON: Would that reduce your noise if they
22 got higher?

23 MS. MILLER: No.

24 MR. REARDON: Or make it worse?

25 MS. MILLER: Usually the bigger the machine, they

1 generate a little more noise. So it would have to be
2 studied.

3 MR. REARDON: I don't think that -- in that same
4 section, I don't think they should be able to ask for a
5 variance after the project has been approved. I think
6 that should be early on if they're going to do that kind
7 of thing, I assume.

8 MS. MILLER: You mean the variance from the sound?

9 MR. REARDON: Height. If they were to come in and
10 put 500s in and they come back and say, We're going to
11 put 600s now.

12 MS. MILLER: There's another option, which is you
13 don't have to put a strict limit on the height in here.
14 You can just say, compliant with FAA regulations, or
15 something like that if you didn't want to put an exact
16 number in there.

17 MR. WHITSON: It would be something you could
18 approve at the permit level. You could permit it for
19 500-foot towers. You could permit it for 550-foot
20 towers, depending on what they came in with.

21 MR. REARDON: That would be fine unless they came
22 back later and said they wanted a variance, you know. I
23 wouldn't give them a variance later if they came back.
24 I wouldn't be for that.

25 MR. WHITSON: The height may be in their permitting

1 deal already. I don't know, be in their permitting
2 package.

3 MR. TIMPE: Yes, you'd have a --

4 MR. WHITSON: Yes, they'd have a height anyway. So
5 what they come in with is what they have to do.

6 MR. PURCELL: You've worked with other -- I'll turn
7 this off of you. What are the unintended consequences?
8 When you've studied these others you've benchmarked,
9 what are some of the lessons learned? Granted, you've
10 laid this process out for us to consider. What were the
11 other things you learned? If they had to do it again,
12 they would have done this, this and this. I'm really
13 interested in those conversations.

14 What are we missing? Are we missing something?
15 We're not thinking about something. Steve's comments
16 about, well, the digital or the setback. Maybe that's
17 something -- in the scheme of things, buying someone
18 television for 30 years is a pittance when it comes to
19 what it causes. But are there other lessons that we
20 need to understand?

21 MR. TIMPE: Well, I guess from my perspective, I
22 guess one of the things that when I started working on
23 wind projects, one of the things that was kind of
24 surprising to me was the importance of access roads.
25 Because, I mean, when you think about a wind farm, you

1 think about -- I mean, the attention is drawn to the
2 turbines and, really, the turbines.

3 But when it comes to environmental impacts and
4 maintenance and construction impacts and things like
5 that, access roads are very important because you've got
6 access roads that are going to every turbine. So if you
7 look at a wind farm from an aerial photograph, it's
8 really amazing how many, not only thousands of feet, but
9 miles of access roads go through these wind farms. So
10 from my perspective, that was always kind of an eye
11 opener to me is that from a permitting perspective, you
12 need to pay attention to that.

13 I don't know, Dusty, what do you -- do you have
14 anything else?

15 MS. MILLER: I think I tried to build it into this
16 draft ordinance, but it's really important to tailor
17 your ordinance to the people who are going to be
18 affected, and really listen to their concerns and try to
19 make it site specific, I guess. And also to recognize
20 that the developers will only do what's required of them
21 in this ordinance, so you want to make sure it's as
22 comprehensive as you want it, and it includes all the
23 areas you want, and any limits you want, because that is
24 what they will work to.

25 MR. REARDON: And number eight, on the annual

1 compliance report. I don't know how you would -- it
2 seems from visits I've had with people on both sides,
3 that they're very -- NextEra's excellent with their
4 lessees, but sometimes maybe less successful at
5 satisfying people who may be habitually complaining. I
6 don't know whether there would be some way in their
7 compliance that the County could be involved in helping
8 maintain a good relationship on both sides. That's why
9 I thought -- I don't know how that reporting requirement
10 could be beefed up so that you hear both sides of the
11 argument, not just one side.

12 MS. MILLER: I think in our complaint resolution
13 process, you could certainly put in that the County
14 would like to be part of that process to be aware and
15 help resolve any complaints. And that you could
16 certainly -- you would be receiving the compliance
17 reports of the County and could help work through any of
18 those issues.

19 MR. REARDON: I think it would be nice to keep good
20 neighbors on both sides of the fence, not just on one
21 side of the fence. And I don't know how we do that
22 effectively, because at some point you become tone deaf
23 to complaints. And it's very difficult.

24 MR. TIMPE: Well, maybe -- you know, maybe if you
25 have the same complaint or if you have the same

1 complainant complaining X number of times, maybe at that
2 point you schedule a meeting between the County and the
3 developer and the complainant to just open some lines of
4 communication there and kind of work through that
5 process. Try to figure out what the root of the issue
6 is. I mean, I think for the most part you want the
7 developer to take care of the issues. You may not want
8 to get involved in every complaint. But when it becomes
9 chronic, that's probably when you want to step in and
10 see that things are taken care of. I don't know if that
11 helps here or not, if it goes to your question.

12 MR. REARDON: I think there needs to be some level
13 of problem resolution. I know it's difficult. I don't
14 know if we're on nine. Are we on nine?

15 MR. TIMPE: Sure, we can go.

16 MR. REARDON: I was just saying there were things I
17 thought maybe were left off if these are decommissioned.
18 It didn't say anything about roads and gravel. I
19 thought that should be added, and maybe restore
20 topography. I've talked to people who have had roads,
21 these access roads put in. And one of the
22 issues, and I guess this is probably on the design
23 phase, is that they put tubes that were too small, there
24 would be terraces coming across. And they put tubes
25 that were too small, and it has caused erosion. I'm not

1 sure they're getting satisfaction on some of those
2 issues as they currently are.

3 MR. TIMPE: It seems to me that would be a
4 complaint resolution.

5 MR. REARDON: Right. Right. But I think that --
6 and I guess the issue that most gets me is
7 decommissioning and the bonding. I just do not trust
8 corporations to live up to their promises 50 years down
9 the road when they're not making tons of money on
10 something. And suddenly the money is gone and there's
11 no way to get these tore down. This is my biggest
12 issue. I have no satisfaction that these things will
13 not remain standing with maybe the blades off and a
14 lovely tower standing there.

15 MR. TIMPE: I understand. Well, we can look into
16 some additional language to put in here.

17 MR. REARDON: And I did show this to another
18 attorney, and then after she looked at it for a while,
19 she shared this opinion. This wasn't very legally
20 tightly written, and that in court with a company with
21 many good lawyers, we would probably be up a creek a
22 little bit. So I don't know how tight this has to be
23 legally. We're all suspicious of the public, of bigger
24 corporations and other entities.

25 MR. TIMPE: Yeah, we're not attorneys. So we look

1 at it from the permitting perspective. So there are
2 probably areas that could be tightened up here.

3 MR. PURCELL: We have Chad. Trust me. I don't
4 know who this lawyer is that you're talking to, but we
5 have Chad.

6 MR. WHITSON: Well, I think the decommissioning
7 deal can always be an issue. We naturally have a
8 distrust. But there's not much way to address that
9 other than the security bond.

10 MR. REARDON: The coal companies in the south part
11 of the state had bonds too. By the time they got around
12 to cleaning up those sites, there was no bond money for
13 it, apparently, in some instances. Many of them didn't
14 have good intentions to clean up their mess. So it
15 happens over and over. But I just -- I don't know if
16 there is a good resolution. Maybe there's a better way.
17 I think we need to flesh it out and see. It's just an
18 issue.

19 MR. WHITSON: Outside of the bonding issue, I can't
20 think of much.

21 MR. REARDON: Yes, I don't know either. I'm not an
22 expert in this, but it is concerning.

23 MR. WHITSON: Yes, I understand, it is concerning.

24 MR. REARDON: These things can be eyesores for the
25 next generation.

1 MR. TIMPE: So does the County have some provision
2 in place right now for this type of issue on other types
3 of structures or developments, decommissioning
4 requirements?

5 MR. PURCELL: Well, there are some things on cell
6 phone towers. I don't know about the bonding or
7 anything. Chad would have to refer to that.

8 MR. REARDON: The landfill would be about the only
9 thing that's got the fund, right, for closing it? The
10 landfill has a fund. But I don't know -- and that's
11 secure, I think. The landfill money is collected and
12 probably put in a bank account. But that would be the
13 best way to do it, collect the money and put it in a
14 bank account and draw the interest.

15 BOARD MEMBER: Have you ever heard of a bank going
16 broke?

17 MR. REARDON: I have.

18 BOARD MEMBER: I'm just playing devil's advocate.

19 MR. REARDON: You don't put it in one bank.

20 MR. PURCELL: Well, I would like to see the best of
21 class, what other counties have done to protect
22 themselves. We learn from them and we utilize what
23 they've done.

24 MR. WHITSON: It can be a combination of bonding
25 and secure money somewhere. It could be a combination

1 of both. We won't just have to be relied on bonding.

2 MR. BURNHAM: The bond company will step in and pay
3 it. When a company buys a bond for a project, okay,
4 that bond is protecting -- meeting the obligations of
5 that contract. And if the company was to go broke, the
6 bonding company, whoever the bonding company is, would
7 step in and have to fulfill that contract. That is the
8 intent of a --

9 MR. REARDON: Is it pretty secure, do you think?

10 MR. BURNHAM: Well, I think the odds of, you
11 know the --

12 MR. REARDON: The company does pay a premium,
13 right?

14 MR. BURNHAM: Yes, the company does pay a premium
15 for that. And I can tell you that, at least my
16 experience has been in the past, that they are highly
17 scrutinized when they go to get any type of bonding.
18 You've got to be very financially secure, because the
19 bonding company knows they're on the hook if this
20 company goes belly up. So it is scrutinized very
21 thoroughly.

22 MR. PURCELL: There are a lot of lessons learned in
23 nuclear power plants. These are called Whoops, Whoops.
24 Those are bonds, Washington State, in terms of the
25 bonding and investment of those bonds. You can research

1 that and figure out what was done. I mean, that's a
2 classic in terms of nuclear power plants and bonds.

3 MR. WHITSON: A bond is basically just insurance
4 that they're going to do what they say they're going to
5 do. One bonding company, I mean, didn't go -- I'm sure
6 you've heard of Lloyd's of London. I mean, they'll just
7 keep buying bonds higher up, higher up, until they get
8 enough to cover.

9 MR. REARDON: It apparently is not a perfect
10 solution. I guess it is a solution.

11 MR. WHITSON: There is no perfect solution, I would
12 say.

13 MR. REARDON: I would go with Al's suggestion that
14 we have cash and mix, have something actually physically
15 in hand somewhere.

16 MR. PURCELL: I'm not sure if I said that, but it
17 sounds nice.

18 MR. REARDON: I have one last question. Does
19 anybody else have any? Is NextEra currently a client
20 of Black and Veatch?

21 MR. TIMPE: We have done work for NextEra. I'm not
22 sure if we're doing anything for them right now.

23 MS. MILLER: We've done a lot of just due diligence
24 reviews of their projects that we're not otherwise
25 involved in, but not that I know of.

1 MR. WHITSON: Anything else from the Commission?
2 Are you through with your presentation?

3 MR. TIMPE: Yes, that's all I've got.

4 MR. WHITSON: Have you got any ideas on what you
5 think we want, or do we need to clarify any questions
6 you have?

7 MR. TIMPE: I think it sounds like the bond issue,
8 or the financial assurance issue is a big thing we need
9 to look at. And there's also some other miscellaneous
10 things.

11 MR. WHITSON: I think the bonding issue and
12 probably the setback for nonparticipating need to be
13 addressed more.

14 MR. PURCELL: The applications fees.

15 MR. WHITSON: The application fees.

16 MR. PURCELL: Way up. And also not just
17 application fees, but if we hire, which we likely will
18 recommend hiring a consultant -- a consulting firm, that
19 those fees are covered.

20 MR. TIMPE: Yes, I would put that on the --

21 MR. PURCELL: As part of the application.

22 MR. WHITSON: I mean, that can be something
23 separate we could do like just -- I'll give this number
24 out of the air, \$1,000 for each one. But then also
25 they're responsible for any fees or expenses the County

1 has to govern over this.

2 MR. TIMPE: Yes. Because you want to cover your
3 internal costs. But you also want to cover the costs of
4 whoever you're hiring.

5 MR. PURCELL: I'd like to know the range throughout
6 the United States. This isn't the only place where
7 they're talking about it. There are many of these
8 across the United States. I'm sure that there's a
9 range, and that's public information. I would like to
10 know that.

11 MR. TIMPE: All right. I'll look into it.

12 MR. REARDON: My biggest issue is still that
13 setback. I do not believe that there's any way that
14 it's right to take -- pay somebody. You can pay them,
15 but I don't think it's right.

16 MR. TIMPE: Okay. Anything else?

17 MR. BURNHAM: Maybe potential tax revenue
18 generated.

19 MR. TIMPE: Okay.

20 MR. BURNHAM: I think the public needs to know in
21 dollars, the possibility of that.

22 MR. PURCELL: Scott, on that, I think the public
23 would like to know what people get paid for these units.
24 That's public information. It should be understood, and
25 the revenue.

1 MR. TIMPE: What do people get paid for these
2 units? You mean, what do they cost to construct?

3 MR. PURCELL: I put one on my property, what do I
4 get paid?

5 MR. TIMPE: I see what you're saying now.

6 MR. CORKINS: I'd like to know average tax revenue
7 to the County school districts, those kinds of things.

8 MR. WHITSON: Positive financial impact for the
9 County, you've got fire department, you've got library,
10 you've got schools. All that stuff it would impact.

11 MR. PURCELL: I think a guiding principle is to do
12 no harm.

13 MR. WHITSON: Anything else from the Zoning
14 Commission? Anything else from you?

15 MR. TIMPE: No, we're good.

16 MR. WHITSON: Denise, do we have something for next
17 month already?

18 MS. EMBREY: Not yet.

19 MS. DAY: Thank you for your presentation. I've
20 learned a lot.

21 MR. TIMPE: Thanks for having us.

22 MR. WHITSON: Do you project maybe next month being
23 back with something? Or are you looking at a longer
24 timeline?

25 MR. TIMPE: We can. We probably have to get back

1 to you on a specific date. What is the next step that
2 you see happening here?

3 MR. WHITSON: I would say that we would need to
4 finalize what the County Commission and what this
5 Commission wants, and then we could start public
6 hearings at that point. Because basically right now
7 there's not much use having public hearings because we
8 don't have any regulations or any stipulations.

9 MR. TIMPE: Right.

10 MR. WHITSON: Because we don't know where we're at
11 right now. Once we get something where we know where
12 we're at, then we can start having public hearings as
13 far as --

14 MR. TIMPE: So it sounds like we need to go back,
15 revise this, get this back to you and take another look
16 at it. And maybe we could get together and talk some
17 more, then maybe revise it one last time and then you
18 put it out for public comment.

19 MR. WHITSON: Yes. That sounds like a
20 reasonable -- at that point we'll take public hearings
21 and public comments.

22 MR. TIMPE: Right.

23 MR. WHITSON: We'll probably even need another
24 revision before we have a vote on it. This is not
25 going -- I'm sure you're well aware of this. This is

1 not going to be a fast process.

2 MR. TIMPE: Yeah, right. And it shouldn't be.

3 MR. WHITSON: Too much to go over, too much to do.

4 MR. BARNETT: Can we have this by the next meeting?

5 MR. TIMPE: When is your next meeting?

6 MS. EMBREY: September 11th.

7 MR. WHITSON: That may be pushing you pretty hard.

8 Do we have something else? I assume we have something

9 else for that meeting?

10 MS. EMBREY: Not yet.

11 MR. WHITSON: Okay.

12 MR. TIMPE: Let me get back to you on that.

13 MR. WHITSON: Okay, get back with us.

14 MS. EMBREY: I would have to know by the 19th.

15 MR. TIMPE: Okay, thank you.

16 MR. WHITSON: Okay, anything else from the

17 Commission? Do I have a motion to adjourn?

18 MR. FRAKES: So moved.

19 MR. WHITSON: Do I have a second?

20 MR. PURCELL: Second.

21 MR. WHITSON: Thanks everybody for coming. Watch

22 online. Everything will be public. When we have

23 another hearing on this, it may be September, it may be

24 October. We'll just have to see how things shake out.

25 (Hearing is adjourned.)

REPORTERS' CERTIFICATE

I, Pamela K. Koch, Certified Court Reporter, certify that I am the official court reporter for Division 1 of the Buchanan County Circuit Court; that on Wednesday, August 14, 2019, I was present and reported all of the proceedings had in the 7:00 PM PUBLIC HEARING of the BUCHANAN COUNTY PLANNING AND ZONING BOARD.

I further certify that the foregoing 76 pages, numbered 1 through 76, contain a true and accurate reproduction of the proceedings transcribed.

/s/ Pamela K. Koch

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