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**BUCHANAN COUNTY PLANNING AND ZONING**

**PUBLIC HEARING**

**WEDNESDAY, SEPTEMBER 11, 2019**

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**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
Johnaphine Fenton Secretary	Rush Township
Glen Frakes	Lake Township
Rodney Fry	Bloomington Township
Fred Corkins	Platte Township
Patrick E. McLearn	Jackson Township
Rosan C. Bowers	Washington Township

BUCHANAN COUNTY COMMISSION

Lee Sawyer  
Scott Burnham

LEGAL COUNSEL

Chad Gaddie

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Page

CONDITIONAL USE PERMIT . . . . . 4  
Blake Peterson

CONDITIONAL USE PERMIT . . . . . 7  
F&F Renovations  
Brandon Ferbert and Dustin Frieden

CONDITIONAL USE PERMIT . . . . . 9  
James Cave

REVIEW BY BLACK & VEATCH OF DRAFT ORDINANCE. . . 10  
REGARDING THE COMMERCIAL WIND ENERGY  
CONVERSIONS SYSTEMS

Doug Timpe  
Dusty Miller

1 PROCEEDINGS

2 PUBLIC HEARING -- WEDNESDAY, SEPTEMBER 11, 2019

3 MR. WHITSON: I will call the meeting to order and  
4 call for roll.

5 MS. EMBREY: Johnaphine Fenton.

6 MS. FENTON: Here.

7 MS. EMBREY: Rosan Bowers.

8 MS. BOWERS: Present.

9 MS. EMBREY: Wayne Dale Barnett.

10 (Wayne Dale Barnett not present.)

11 MS. EMBREY: Fred Corkins.

12 MR. CORKINS: Here.

13 MS. EMBREY: Scotty Paul Sharp.

14 (Scotty Paul Sharp not present.)

15 MS. EMBREY: Glen Frakes.

16 MR. FRAKES: Here.

17 MS. EMBREY: Shirley Day.

18 (Shirley Day not present.)

19 MS. EMBREY: Rodney Fry.

20 MR. FRY: Here.

21 MS. EMBREY: Pat McLear.

22 MR. McLEAR: Here.

23 MS. EMBREY: Al Purcell.

24 (Al Purcell not present.)

25 MS. EMBREY: Steve Reardon.

1 MR. REARDON: Here.

2 MS. EMBREY: Jim Whitson.

3 MR. WHITSON: Here.

4 MS. EMBREY: Chad Gaddie.

5 MR. GADDIE: Present.

6 MS. EMBREY: Lee Sawyer.

7 MR. SAWYEER: Here.

8 MS. EMBREY: Ron Hook.

9 (Ron Hook not present.)

10 MS. EMBREY: Scott Burnham.

11 MR. BURNHAM: Here.

12 MR. WHITSON: Okay. You all got your minutes from  
13 the August meeting. Are there any additions or  
14 corrections? If not, they'll stand approved as  
15 presented.

16 **Item #1: Conditional Use Permit request**

17 **by Blake Peterson**

18 MR. WHITSON: Moving on to the first item on the  
19 agenda is a Conditional Use Permit request by Blake  
20 Peterson to place one single family dwelling on a  
21 seven-acre, more or less, parcel located at 10231  
22 S.E. Kemmer Road in Easton, Missouri. Is there anyone  
23 here representing this request?

24 MR. PETERSON: Yes.

25 MR. WHITSON: Give your name and address for the

1 record, please.

2 MR. PETERSON: My name is Blake Peterson, 3806  
3 Corinth Drive, 64506.

4 MR. WHITSON: Okay. You want to tell what your  
5 plans are for this?

6 MR. PETERSON: I plan on building a single-family  
7 dwelling on some land that we have a quit claim deed  
8 over from my grandparents to myself, my wife and I.

9 MR. WHITSON: Are you going to live in it, or is  
10 this just --

11 MR. PETERSON: Yes.

12 MR. WHITSON: Just for your use?

13 MR. PETERSON: Yes.

14 MR. WHITSON: How big a house are you going to  
15 build?

16 MR. PETERSON: Still trying to determine that.

17 MR. WHITSON: What?

18 MR. PETERSON: Still trying to determine that. It  
19 will be a house that's big enough for my family and I.

20 MR. WHITSON: Will it be a stick-built?

21 MR. PETERSON: Yes.

22 MR. WHITSON: Any questions from the Commission on  
23 this?

24 MR. FRAKES: Is most of that ground timber?

25 MR. PETERSON: Yes, mostly timber, a little bit of

1 clearing. Just grass and timber.

2 MR. McLEAR: Jim, you asked him, didn't you? He's  
3 going to live there, right?

4 MR. WHITSON: Yes.

5 MR. McLEAR: That's what I thought.

6 MR. WHITSON: Any other questions? Does anyone  
7 have any opposition to this request? Seeing no  
8 opposition and hearing no other questions, I'll call the  
9 hearing closed and call for roll.

10 MS. EMBREY: Rosan Bowers.

11 MS. BOWERS: Best use, yes.

12 MS. EMBREY: Fred Corkins.

13 MR. CORKINS: Yes, best use.

14 MS. EMBREY: Glen Frakes.

15 MR. FRAKES: Yes, best use.

16 MS. EMBREY: Rodney Fry.

17 MR. FRY: Yes, best use.

18 MS. EMBREY: Pat McLearn.

19 MR. McLEAR: Yes, best use.

20 MS. EMBREY: Steve Reardon.

21 MR. REARDON: Yes, best use.

22 MS. EMBREY: Jim Whitson.

23 MR. WHITSON: Yes, best use. Okay, that did pass.  
24 There is a 30-day appeal period. Denise will tell you  
25 what you need to do next.

1 MR. PETERSON: Thank you guys very much.

2 **Item #2: Conditional Use Permit request**  
3 **by F&F Renovations**

4 MR. WHITSON: Moving on to Item #2 on the agenda.  
5 It's a Conditional Use request by F&F Renovations, 12950  
6 S.E. 43rd Service Road, Faucett, Missouri, to renovate  
7 and operate a Community Event/Recreation Center at 103  
8 S.E. Grand DD in Faucett, Missouri. Is there anyone  
9 here representing this request?

10 MR. FERBERT: Yes.

11 MR. WHITSON: Name and address for the record,  
12 please?

13 MR. FERBERT: Brandon Ferbert, 12950 S.E. 43rd  
14 Service Road, Faucett, Missouri.

15 MR. FRIEDEN: And Dustin Frieden, 13301 S.E. State  
16 Route 371.

17 MR. WHITSON: Okay. Explain what you're going to  
18 do here.

19 MR. FERBERT: We purchased Doug Crockett's -- the  
20 school building in Faucett. And the game plan is to  
21 renovate and fix up the basketball court so we can  
22 hold -- virtually kind of what the Agency Community  
23 Center serves to Agency. We felt we needed something in  
24 Faucett, so we decided to purchase it. I hope that you  
25 guys think that's a good idea too.

1 MR. WHITSON: You did purchase the old firehouse?

2 MR. FERBERT: We know that's not for sale yet.  
3 They're still working on the details.

4 MR. WHITSON: Okay. Any questions from the  
5 Commission? (No response.) Any opposition to this  
6 request? Seeing no opposition, hearing no other  
7 questions, I will call the hearing closed and call for  
8 roll.

9 MS. EMBREY: Rosan Bowers.

10 MS. BOWERS: Yes, best use.

11 MS. EMBREY: Fred Corkins.

12 MR. CORKINS: Yes, best use.

13 MS. EMBREY: Glen Frakes.

14 MR. FRAKES: Yes, best use.

15 MS. EMBREY: Rodney Fry.

16 MR. FRY: Yes, best use.

17 MS. EMBREY: Pat McLear.

18 MR. McLEAR: Yes, best use.

19 MS. EMBREY: Steve Reardon.

20 MR. REARDON: Yes, best use.

21 MS. EMBREY: Jim Whitson.

22 MR. WHITSON: Yes, best use. Okay, that did pass.  
23 Same thing, you have a 30-day appeal period.

24 MR. FERBERT: Okay, thank you.

25 MR. WHITSON: Thank you.



1 MR. CORKINS: Yes, best use.

2 MS. EMBREY: Glen Frakes.

3 MR. FRAKES: 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: Steve Reardon.

9 MR. REARDON: Yes, best use.

10 MS. EMBREY: Jim Whitson.

11 MR. WHITSON: Yes, best use. Okay, that did pass.

12 So you have the same 30-day waiting period. Denise will  
13 be in touch with you.

14 MR. CAVE: Thank you for your time.

15 **Item #4: Review of Draft Ordinance regarding the**  
16 **Commercial Wind Energy Conversion Systems regulations**

17 MR. WHITSON: Moving on to the fourth item on the  
18 agenda is a review of Draft Ordinance regarding the  
19 Commercial Wind Energy Conservation System regulations.  
20 At this time I'm going to turn the floor over to our  
21 County Legal, Chad Gaddie.

22 MR. GADDIE: Just briefly, what I thought I would  
23 do is put this into context of where we are tonight and  
24 then explain to you the steps of where we will go from  
25 here so you can understand a little bit about kind of

1           what this process will look like and better understand  
2           the purpose for why we're here tonight and the purpose  
3           of why we'll do different things in the future.

4           As you know, the County hired Black & Veatch. And  
5           Black & Veatch is an engineering firm that was tasked  
6           with providing the County and your Commission with some  
7           background information regarding wind energy, and to  
8           design some proposed -- a proposed ordinance. When they  
9           were here last time, they gave us their original  
10          presentation. In the course of that presentation, a  
11          number of questions popped up, and we tasked Black &  
12          Veatch with going back and providing some answers to  
13          those questions that came up. So that will be their  
14          purpose tonight is to provide some additional  
15          information on some follow-up questions that arose.

16          After tonight, what we'll do is, we'll schedule at  
17          some point in the future -- and we have to provide  
18          plenty of notice, but public hearings. And when we have  
19          those public hearings, that will be a chance for the  
20          public to weigh in on their beliefs and their knowledge  
21          regarding wind energy and any opinions that they might  
22          have. And that will be the opportunity for you as a  
23          Commission to learn what the community thinks of this.

24          After we move into that, then we will have some  
25          work sessions, and those work sessions will be your

1 opportunity to debate amongst yourselves as a Commission  
2 the proposal by Black & Veatch. You have the  
3 opportunity at that time to -- you can accept it in  
4 full. You can amend it. You can deny it. You can then  
5 as a Commission decide how you want to proceed from  
6 there.

7 But in this phase right now, we are still in the  
8 educational phase. And we'll move into more of the  
9 debate and legislative phase down the road.

10 MR. WHITSON: Thank you. At this time I'll turn  
11 the floor over to Black & Veatch, please. First of all,  
12 did everybody on the Commission get their new  
13 regulations?

14 MR. TIMPE: Okay, thank you.

15 MR. GADDIE: There was one point that it was  
16 important for me to make that I skipped out on. What I  
17 will mention to the committee is that NextEra has  
18 offered to allow the committee -- the Commission to go  
19 out and do an on-site visit to one of their wind  
20 projects, I believe that in Osborn. You need to decide  
21 as a Commission if that's something that you desire to  
22 do. I've told NextEra that in the event that you decide  
23 that that would be appropriate to do to get more of a  
24 hands-on experience, you certainly can. But that visit  
25 will have to be a visit with advanced notice,

1 publicized, and that further, in all fairness, that the  
2 public would also need to be invited to attend and have  
3 a similar visit. So you don't have to make that  
4 decision now. But if you make that decision, that is  
5 something that will be set up down the road. But I want  
6 to make it clear that not only can you visit, but also  
7 the public will be invited to visit also.

8 MR. WHITSON: Okay, thank you.

9 MR. TIMPE: Thank you. At our last meeting, we  
10 went over the draft ordinance that we had developed at  
11 that time. And there were about a dozen questions that  
12 came up. So what we've done is we have gone back and  
13 put together responses to those questions. Some of them  
14 are more for your information. Others actually  
15 triggered some modifications that we put into the draft  
16 ordinance. And we sent the questions and the responses  
17 to the County last week, as well as an update to the  
18 ordinance to reflect that information. So at this point  
19 I'm going to turn it over to Dusty so she can kind of  
20 walk through each one of these questions and give you  
21 responses to those information requests.

22 MS. MILLER: All right. The first question that I  
23 have that you had asked last time was what was the range  
24 of the wind application fees across the United States.  
25 And I did some research, kind of a random sampling of

1 different states and jurisdictions, and noted that most  
2 of them were in the low hundreds. They range from \$100  
3 up to over \$5,000 for these applications. Some of them  
4 charge per turbine, and some charged a total application  
5 fee. But I did note that one county in Indiana had a  
6 similar goal as what you had expressed with their note  
7 that their \$2,500 per turbine application fee was to  
8 defray the cost of professional services and review  
9 expenses. So I think that's consistent with what you  
10 had wanted.

11 We also wanted to note that the charge for the WECS  
12 application is just one part of the revenue that the  
13 County will get from the various applications that the  
14 wind developer will need to submit, because there will  
15 usually be building permit applications also, and those  
16 can have a different fee structures that adds to the  
17 amount of revenue that you would get from all the  
18 applications combined for a project.

19 So as a result, we changed the application fee in  
20 the ordinance draft that we have currently to \$5,000 per  
21 turbine as you had suggested at the last meeting.

22 MR. WHITSON: Any questions regarding this?

23 MS. MILLER: All right. The next question was,  
24 What would be the specific decommissioning cost of a  
25 wind project? And what I found through my research was

1           some examples from Minnesota where it had been  
2           determined that it was about \$25,000 per turbine. We  
3           noted that a lot of the developers try to rely on  
4           salvage value of the metal and other materials from the  
5           turbines to cover the decommissioning costs. But I  
6           think you want to make sure that we actually have the  
7           funds in place and don't rely on something like salvage  
8           value and sale. So we just wanted to provide that for  
9           you.

10           And I also got a little bit more detail from Huron  
11           County's Zoning Administrator and the structure that  
12           they had set up for their applicants, which was that  
13           they require a corporate bond and a surety bond. And  
14           then for private developers, they also require another  
15           kind of financing that has a provision where only the  
16           County can withdraw the money so that you would have the  
17           cumulative funds necessary to do the decommissioning at  
18           the end of the project life.

19           MR. WHITSON: Anything on that?

20           MS. MILLER: All right. The next question was -- I  
21           kind of already covered this. How did Huron County  
22           protect itself from the financial assurance for the  
23           decommissioning? I did also look into the nuclear  
24           decommissioning requirements and what nuclear projects  
25           had done as Al had requested last time. And I found

1           that often those decommissioning funds fall short of  
2           what's needed. They do contribute as they go along in  
3           the project life, but then at the end, often it's not  
4           enough to cover the actual cost of the decommissioning,  
5           which run into the billions of dollars for those  
6           projects.

7                     And so something like Huron County has enacted with  
8           the county-only ability to withdraw the funds would  
9           probably be the best option for you guys. We also  
10          identified a little bit of extra wording that we could  
11          add into the ordinance if you desire, and we outlined  
12          that here in the responses to the questions. Questions?

13                    All right. The next item that you brought up was  
14          whether you could generate a formula or an algorithm for  
15          the application fee based on the County's costs. And I  
16          found some counties that have done that, and they have a  
17          fee calculator on their website where you can kind of  
18          estimate the costs, some of those for building permits,  
19          some for WECS permits. But generally they base that on  
20          a percentage of the overall project valuation. So based  
21          on the test runs that I did, it might come out to less  
22          than the \$5,000 per turbine application fee that you  
23          guys would like to have. So it may be more  
24          straightforward and generally easier to just stick with  
25          a base fee per turbine. And that would be -- you would

1 invoice any extra amounts that it costs the County  
2 directly to the applicant above that cost so that you  
3 would definitely be able to cover your expenses. Any  
4 comments?

5 All right. Next question was, What was the  
6 potential tax revenue for the County that would be  
7 generated by a wind project, and especially for schools?  
8 And what would be the average across the United States?  
9 What would the financial impact be to the County?

10 I found through an article in the Columbia  
11 Missourian that the Rock Creek Wind Farm up here in  
12 Atchison County generally provides about 1.5 million  
13 dollars per year to the county. And about \$650,000 of  
14 that goes to the schools, which comprises about 10  
15 percent of their operating budget. But the county  
16 should be able to dictate where they want that revenue  
17 to go, whether to schools or other priorities.

18 I also found some case studies in Nebraska that  
19 provided similar amounts, wind farms that generate about  
20 1.3 million dollars per year for the county, and about  
21 \$6,600 per megawatt per year goes to the county, with  
22 about two thirds of that going to the school system.

23 And then the Department of Energy had some  
24 statistics that there's about \$7,000 per megawatt of  
25 installed capacity is the average annual payment to a

1 county from a wind project.

2 Any comments or questions?

3 MR. WHITSON: I don't think so.

4 MS. MILLER: Okay. The next one was, What was the  
5 average, or typical, lease payment to the participating  
6 landowners in a wind project across the United States?  
7 There's a wind group called Windustry, which keeps some  
8 statistics on this, and they found that it ranges from  
9 about 3,000 to 12,000 per turbine per year depending on  
10 the size of the turbine, the wind resource and the  
11 amount of land required for the construction. Some  
12 developers pay a fixed amount, \$2,500 to \$4,000 per  
13 installed megawatt. That can increase over a year based  
14 on the Consumer Price Index. And landowner payments can  
15 also be a percentage of the production revenue from the  
16 project. So you can structure it different ways.

17 Some of the recent Iowa wind projects that I've  
18 worked on have offered in the neighborhood of \$10,000  
19 for lease payments per year, plus signing bonuses if  
20 it's a parcel that they really would like to sign up.

21 And then collection lines or other non-turbine  
22 infrastructure usually pays a lower amount per year.  
23 And then if you did good neighbor agreements, that would  
24 pay a lower amount also.

25 All right. And then these next couple items were

1 just following up on some general discussion that we had  
2 last time as far as the heights of the turbine. I  
3 didn't change that yet in the ordinance. It still says  
4 500 feet. But our wind experts believe that 699 feet is  
5 probably the most flexible to account for the turbine  
6 technology that will develop over the next 10 years. So  
7 we can increase the height limit to 699 feet unless that  
8 would create substantial opposition in the community.  
9 And we also noted that that height is the tallest you  
10 could get before the FAA requires you to lightbulb the  
11 middle of the turbine and the top of the turbine. So  
12 there would be more lighting with those really tall  
13 turbines.

14 All right. And then there was a question asked  
15 about noise sensitivity and the potential for testing  
16 people for noise sensitivity in the vicinity of the  
17 project, especially nonparticipants. Our noise  
18 specialist looked at that and found that generally 45  
19 dBA would be the level that would come closest to being  
20 a good compromise for everybody, where the noise  
21 complaint rate would be around two percent. So it would  
22 be very small, but it would also allow wind development  
23 to take place.

24 So we could add something that would require the  
25 wind developer to conduct the noise sensitivity testing

1 on nonparticipants within a certain distance, as you  
2 said, maybe half a mile or something similar, if you  
3 wanted to include that. We don't have that in there  
4 right now, but that's something to think about.

5 All right. And then we just had a general look at  
6 what surrounding counties have done, and I'm sure you  
7 are very familiar with some of these, DeKalb County and  
8 Clinton County, especially with the Osborn Wind Project.  
9 That project did get developed in DeKalb County, but  
10 Clinton County ended up banning industrial wind after  
11 working with NextEra, which was the developer on that  
12 project. NextEra ended up taking them to court. So  
13 that didn't bode well for wind in Clinton County.

14 The other surrounding counties, Holt County has one  
15 200-megawatt project at Mill Creek, had that proposed in  
16 2014, but it was denied because it was too close to  
17 Loess Hills National Wildlife Refuge.

18 Andrew County, Clay County and Platte County don't  
19 appear to have any wind ordinances or ongoing projects.  
20 Some of the lessons learned from DeKalb County were that  
21 it's important to have setbacks from wildlife areas in  
22 your ordinance. And then also you will want to have a  
23 good stakeholder outreach program, and make sure that  
24 people are aware of the transportation plan and what  
25 routes that the heavy construction equipment is going to

1 be taking so it doesn't impact their daily travel and  
2 their farm work.

3 Any questions?

4 And then we had a question about whether the  
5 manufacturers of the turbines have a different safety  
6 distance than what we have as the setback for  
7 residences. We found that they do not generally.  
8 GE and Vestas are some of the most common turbines that  
9 we look at. So GE's older documents reference a 1.5  
10 times the hub height plus rotor diameter distance for  
11 ice throw safety. But they don't recommend that any  
12 longer. Vestas doesn't have any current setback  
13 guidance. They formerly recommended 500 meters of the  
14 setback for safety in emergency conditions. But that  
15 appeared to be taken out of context, and people thought  
16 that that needed to be for all conditions at all times.  
17 So that was maybe what you might have heard as far as a  
18 larger setback than what we're requiring for residences.  
19 But that was really only intended for emergency  
20 conditions. So our setbacks of 1,320 feet and 1,000  
21 feet are really a compromise between the safety and the  
22 noise impacts and the general perceptions and a good  
23 compromise for all issues.

24 MR. SAWYER: I have one quick question. You  
25 mentioned GE and then you mentioned another company. I

1           didn't catch what that was.

2           MS. MILLER: Vestas.

3           MR. SAWYER: How do you spell that?

4           MS. MILLER: V-E-S-T-A-S.

5           MR. SAWYER: Thank you.

6           MS. MILLER: Then we had a discussion about the  
7           Federal and Production Tax Credit, which I wanted to  
8           correct, because I answered that a little bit wrong last  
9           time. It does provide a credit for production of wind  
10          during the project life, I guess over the 10-year  
11          period. Congress designed that as kind of a  
12          performance-based incentive as you guys were talking  
13          about last time. That is paid during operation and not  
14          completely before the project goes into operation.

15          MR. REARDON: At the end of the 10 years. I think  
16          that is a big incentive. If at the end of 10 years an  
17          electric utility would buy the wind farm, does that  
18          change the dynamics with eminent domain and things into  
19          what happens in that wind field, or does it really just  
20          stay the same? Have you seen any changes when that  
21          happens?

22          MS. MILLER: It should stay the same if they're  
23          going under the same permits and they just transfer it.  
24          Like, if they develop a wind LLC with the project,  
25          they'll just transfer that LLC to another owner. It

1           should keep the same permit requirements.

2           MR. REARDON: So eminent domain, but will not  
3 affect the operation or anything and the way they  
4 proceeded with business?

5           MS. MILLER: I don't believe so from what I've  
6 seen.

7           And then there was one question, I believe, that  
8 you asked about a statistic for the energy produced in  
9 Missouri from wind. We found out that it was about 3.6  
10 percent in 2018. Overall renewables generation is six  
11 percent in Missouri right now.

12          MR. REARDON: Is there a penalty to the electric  
13 utilities if they don't reach that goal by the set date,  
14 which I think is what, '20 or '21 or something?

15          MS. MILLER: I am not familiar with the penalty, if  
16 there is one.

17          Those are all the items I have unless you guys have  
18 more questions or other items to discuss.

19          MR. WHITSON: Any questions at this point?

20          MR. REARDON: Are we going to look at the  
21 revisions?

22          MR. WHITSON: Yes. At this time I think we would  
23 like to go over the revisions. But thank you for your  
24 work on finding out the questions and the answers to the  
25 questions that we had.

1 MR. TIMPE: Okay. So, really, all of the revisions  
2 that we've got in here are indicated in red, I believe.  
3 So on page 3, we added a definition for project boundary  
4 because there was some question about that during the  
5 discussion last time. Basically the project boundary is  
6 the outermost limit of the area encompassing all of the  
7 participating properties and the elements of a wind  
8 project. So it basically includes anything that's  
9 associated with the wind project.

10 And on page 4 there's several revisions there.  
11 Dusty mentioned that we had changed the fee structure in  
12 Roman Numeral Item IV to "a". So now we have increased  
13 the fee structure to \$5,000 per turbine, and include  
14 language that indicated that the application fee is  
15 non-refundable. And then if anything -- if any expenses  
16 beyond that \$5,000 per turbine is incurred, then that is  
17 directly invoiced to the applicant. So you've got the  
18 up-front payment, but then you can also get additional  
19 costs as well, if there are any.

20 Item "b" there, there was a question about how  
21 changes in the project can affect -- be affected by the  
22 permitting process. So we've included a provision that  
23 says that movements of less than 300 feet don't have to  
24 go through the process again.

25 MR. REARDON: I would take issue with that in the

1           mere fact that we are already letting them overhang  
2           other people. So if you would allow them to move it, I  
3           mean, this is a big issue, I think. When you look at 80  
4           acres in setbacks and everything, you're overhanging  
5           people a lot when you're doing it to non-participating  
6           people. I would like to see it go to something where  
7           you can't overhang somebody. Because you've taken this  
8           ground without payment. I know you suggest later on  
9           that maybe they could be given some kind of fee for  
10          that. But I don't think on these spots you're, in  
11          effect, taking that for your use without giving anybody  
12          anything if you don't stay on property boundaries. I  
13          think allowing them to slip 300 feet could change that  
14          dramatically on the other property owners if they're to  
15          do something like that.

16                 MR. McLEAR: Property values.

17                 MR. REARDON: Well, I mean, yeah. You're in  
18          effect -- this cannot be -- have a habitable dwelling on  
19          it, because it's within the 1,320 feet. So if you're  
20          going to take people's property, it doesn't seem right.  
21          You should stay within property boundaries for those.

22                 MR. TIMPE: Yeah. So maybe we need to add in some  
23          additional language there that either limits the number  
24          of feet they can move it, or have a provision in there  
25          that limits those movements to somewhere within the

1 project boundary itself, and not along the edge. I'm  
2 not sure how we would phrase that yet.

3 MR. REARDON: It gets pretty complicated. That's  
4 why I think these things should stay on the owners --  
5 the guy who's getting paid, they should stay on his  
6 property and not encroach other people's property  
7 rights.

8 MS. MILLER: I think that's part of the reason why  
9 we have this project boundary setback, where it's 1.1  
10 times the turbine height that they're set back from the  
11 project boundary.

12 MR. REARDON: Roads and -- but that's 600 feet.

13 MS. MILLER: And the property line also?

14 MR. REARDON: That's 600 feet. So you're  
15 overhanging them 700 feet with a 1,320 -- if they wanted  
16 to put a house here, they're within the -- if somebody  
17 later on decides, hey, my son wants to build a house  
18 here. He can't do it. He's within 1,320 feet of the  
19 wind turbine. So you've taken that property and reduced  
20 its value because his son can't put a house there. I  
21 think it's totally unfair but, I mean, it's a big issue  
22 for a lot of people.

23 MS. MILLER: Maybe we need to adjust the  
24 non-participating property line setback, then, to a  
25 larger number so we could avoid that.

1           MR. REARDON: I think it's a wise move, because I  
2 think you're really cheating these people here unless  
3 you're going to pay them -- I had a property out in our  
4 neighborhood. It was 10 acres, advertised for a house  
5 on it, and it was advertised at \$16,000, and sold at  
6 \$16,000 an acre. So there could be great value in these  
7 spots that you're not taking, you know. And if you're  
8 going to take somebody's \$16,000-an-acre for somebody  
9 else's overhang on airspace, I think it's totally  
10 inappropriate.

11           MR. TIMPE: We can make some adjustments to that  
12 language.

13           MR. WHITSON: Well, on your non-participating --  
14 Let's talk about this. On your non-participating, how  
15 is that fee going to -- how do they normally do that  
16 fee? I mean, do they meet with each non-participating  
17 landowner and set a price? How does that normally go  
18 about?

19           MS. MILLER: Yeah. They generally meet with every  
20 landowner on the project, of course, and then the  
21 nonparticipants, whether they want to offer the good  
22 neighbor agreement. They may have a set price that they  
23 want to offer everybody, or they may alter it by the  
24 impact of each property.

25           MR. REARDON: The Osborn Wind Farm gave nothing,

1 zero.

2 MS. MILLER: I think that's a fairly recent  
3 development that a lot of developers are starting to  
4 offer that because of the problems they've had in the  
5 past.

6 MR. TIMPE: I guess moving down further on page 4,  
7 we include a provision indicating that if the permit  
8 is -- if there are changes because of repowering or  
9 maintenance, routine maintenance, that that doesn't  
10 necessarily result in relocation of the permit. I think  
11 there was some discussion on that in previous meetings.

12 On page 5, on Roman Numeral Section V, there was  
13 some discussion about how much the County wanted to be  
14 involved as a resource in establishing and maintaining  
15 relationships with developers. And there appear to be  
16 some reservation that you probably did not want to get  
17 involved in every project or with every participant,  
18 which is understandable. So it includes some language  
19 there that gives the County basically some discretion  
20 there as to which projects and to the extent you want to  
21 be involved.

22 MR. REARDON: In number 4, I had mentioned this  
23 before, it talks about residents and participating  
24 landowners. But it should be any landowner, I think,  
25 rather than just participating. Because you're leaving

1 out people who aren't residents, but yet own property  
2 here, in the way those are worded.

3 MS. MILLER: Do you mean V, number 4?

4 MR. REARDON: Yes.

5 MS. MILLER: We added the wording, Members of the  
6 public who are residents of Buchanan County or who are  
7 participating landowners in the project will be offered  
8 the opportunity to provide verbal comments and/or  
9 written comments on the application.

10 MR. REARDON: But there may be landowners who  
11 aren't participants who would want to speak. If they  
12 are landowners, I think they should be allowed to speak.  
13 They may not live here, but they own property here. I  
14 don't think that just participating landowners are  
15 included.

16 MS. MILLER: Okay.

17 MR. TIMPE: So then moving on to Section VI, Roman  
18 Numeral VI, we provide some additional language there  
19 regarding the permit application contents. One was an  
20 optional wind resource study, which we had talked about  
21 previously. And then the other one, there was a  
22 question about condition of roads and maintaining roads.  
23 And so we included a provision on that in  
24 item 4.

25 Then in item number 11 in Roman Numeral Section VI,

1 again, we include \$5,000 per turbine for an application  
2 fee.

3 MR. REARDON: On number 13 or 14, when you're  
4 asking for written consent from a property owner, how do  
5 they discern what -- I mean, how are they going to know  
6 what the effect is, I guess, unless they go visit some  
7 other wind farm or something? I mean, we're all kind of  
8 newbies to this. I mean, you can sign away your life, I  
9 suspect. I don't know, what would the outcome be? Have  
10 you seen that used?

11 MS. MILLER: Those are just in the event that a  
12 landowner thinks that's okay for the setback to be less  
13 in certain situations. If it's okay with them, then  
14 they can sign a waiver saying that the developer can put  
15 a turbine closer to their house or closer to a certain  
16 setback. Those are only where applicable. That's not  
17 for the whole project.

18 MR. REARDON: And this one place, I had mentioned  
19 last time that if you have special needs children or  
20 something in an area of a project, are we going to add  
21 anything in here where if you had an autistic child or  
22 something that was in a zone of one of these, I think  
23 they should be considered. I mean, I don't think --

24 MR. TIMPE: Remember, this is your ordinance. So  
25 if you want to put that in there, we could certainly do

1           that.

2           MR. REARDON: I think you're going to have special  
3 situations, and I don't think people ought to be  
4 wholesaley (sic.) moving because some wind farm company  
5 made a choice for them.

6           MR. TIMPE: We totally agree. We totally agree.

7           MR. REARDON: I think those are instances that do  
8 happen.

9           MR. TIMPE: If that is a provision you want to  
10 include here, we can do that. Just tell us.

11          MR. REARDON: I think it's a consideration, special  
12 circumstances like that.

13          MR. TIMPE: I absolutely agree. I absolutely  
14 agree.

15          MR. GADDIE: If I might interrupt here for a  
16 second. I think what we talked about after we have the  
17 public comments and then we move into the work sessions,  
18 that's the perfect opportunity for you to debate and  
19 include other provisions that you might want to think --  
20 that you think are necessary at that time. So you'll  
21 have a full opportunity if you think that there needs to  
22 be changes other than what they have discussed, you can  
23 throw that in.

24          MR. REARDON: Why don't we add these things and  
25 then take them out later if we decide we don't want

1           them?

2           MR. GADDIE:  If that's what you decide to do during  
3 these work sessions, you certainly can.

4           MS. MILLER:  I think we were kind of relying on the  
5 public comment process if there's a special situation  
6 like that where the parents of a child maybe would come  
7 to the hearing and make sure that we knew there was a  
8 child in a certain area, and you could avoid impacting  
9 them.

10          MR. REARDON:  I guess, you mean, when they actually  
11 come with a proposal?  Or are you talking -- I mean,  
12 most people are not tuned into this.  We have a very  
13 small segment of the population that's tuned into the  
14 prospects at this time.

15          MS. MILLER:  Right.  And I guess it would depend on  
16 whether you decide to do the, kind of the review of the  
17 footprint of the area, do a public review on that first,  
18 and then do the public review of the actual proposal  
19 later, or if you just have one of those steps.  It's up  
20 to you how much you want to include there.

21          MR. WHITSON:  Well, I think what we're doing here  
22 is we're just going over these proposed revisions so we  
23 can get to the public hearing and find out exactly what  
24 the public wants, and then put it in and then have a  
25 final vote on it once we know exactly what the public

1 wants. We can put in some provision like that at that  
2 time.

3 MR. REARDON: I don't think the public studies this  
4 issue. And we have a few people here, but not many. I  
5 think you're asking an awful lot of the public to come  
6 with uneducated and propose things. I mean, we're  
7 sitting with this and doing it. Now is the time to come  
8 up with something, and then if we want to throw them  
9 out, throw them out. I think the public is not going to  
10 be able to write the proper zoning order.

11 MR. WHITSON: Well, I agree with that. That's why  
12 we hired these people to do it.

13 MR. REARDON: Right. But that's why we're here  
14 today in some ways. I don't know that waiting -- if you  
15 want things in here, I think now's the time to have  
16 them. Then we can subtract them or delete them if they  
17 are aggrieved by someone.

18 MR. WHITSON: I think the purpose of tonight is to  
19 go through these and try to get something to the public.  
20 Go ahead.

21 MR. TIMPE: Okay. So I guess moving on to Roman  
22 Numeral Section VII, there were some changes we made in  
23 Table 1 in the setback requirements in habitable  
24 structures on page 8. We had a setback of 1,320 feet  
25 for habitable structures, and we modified that to

1 include rural schools as well as other structures.

2 MR. BURNHAM: I have a question about that.

3 MR. TIMPE: Yes.

4 MR. BURNHAM: When we talked about increasing the  
5 height limit from 500 to -- I thought it was 600, but I  
6 know you mentioned --

7 MS. MILLER: 699.

8 MR. BURNHAM: -- 699, that that would alter the  
9 setback as well. And what I recall, we were looking at  
10 an 1,800-foot setback from structures with the increase  
11 in the height. Maybe that was just another discussion I  
12 had. I thought we talked about that.

13 MS. MILLER: I don't remember talking about that.

14 MR. BURNHAM: I've had a lot of discussions about  
15 this.

16 MR. REARDON: They may not go to 700 feet. Could  
17 you make it a multiple of its height, and that way  
18 you're covered by setbacks? I mean, it would be  
19 reasonable, because who know what the future holds.

20 MR. TIMPE: I think that's what it is.

21 MS. MILLER: Right now we have a set amount that we  
22 can change it to, something times the turbine height,  
23 however you wanted to structure that.

24 MR. REARDON: And I was wondering, there is a rural  
25 school up there that's in the target area. I think a

1 school would have a lot of children that have special  
2 needs. That quarter-mile doesn't seem very far. You  
3 know, if you've got children with special needs at  
4 recess playing outside and something triggers an episode  
5 of some sort, I don't know. To me that seems thin on  
6 that.

7 MR. TIMPE: I guess I don't know what that figure  
8 would be, if it would be half a mile or a mile, I don't  
9 know.

10 MR. REARDON: I mean, I know the school -- I live  
11 near the school. The ridge behind it would be the  
12 perfect location for turbines. It's going to be very  
13 hard to put them in that mile, I mean, if that's the  
14 case.

15 MR. TIMPE: But I think, too, that that's kind of  
16 part of the application process too. I mean, I don't  
17 think -- in my opinion, I don't think you have to hit  
18 every possible provision in these regulations, because  
19 that's part of the application process. That's why  
20 we've got the application process lined out so that  
21 application comes in and you're able to review it. If  
22 there's something there that's not working that you need  
23 more information on or you simply don't agree with, then  
24 what we're trying to do here is set these regulations up  
25 so that you have the ability to either require changes

1 in that layout, or whatever, or deny the permit  
2 altogether. We kind of talked about that a little bit  
3 before.

4 MR. WHITSON: So you could go in and say, okay,  
5 Tower 2 and 3 won't work because it's too close to a  
6 school or something.

7 MR. TIMPE: Yeah. I mean, if you look at the state  
8 and federal permitting programs, that's exactly what  
9 they do. If there's something that's not working, they  
10 have the opportunity to come back and say, okay, you  
11 make these changes. If you don't, you're not getting  
12 the permit. I mean, we run into that every day.

13 MR. REARDON: But since you said in your setbacks  
14 schools are 1,320 feet, they could just say, well, we'll  
15 take you to court. You said 1,320 feet. So, I mean,  
16 aren't you setting yourself up for a lawsuit?

17 MS. MILLER: Maybe the way to go is to add a note  
18 in here saying that the County has discretion to adjust  
19 the setback as required per project.

20 MR. TIMPE: I'd even go further than that. I mean,  
21 I'm not an attorney. But I would put in there a  
22 statement to the effect that the County has discretion  
23 to require modifications of this project or deny the  
24 permit altogether period, regardless of what we've got  
25 here. These are guidelines.

1           Okay. So what else have we got in here? Page 12  
2 we included a provision for collection lines along --  
3 that are parallel to roads. They are to use the road  
4 right-of-way and not be buried under the road itself.  
5 We had some discussion on that in the previous meeting.

6           Item No. 6, that's on page 13, we've added a line  
7 that indicates that if a project is interfering with  
8 television service, and this interference can't be  
9 mitigated, then the wind project will be responsible for  
10 providing service to that residence.

11           MR. REARDON: I was also wondering about cell phone  
12 service. Because, you know, many people now have cell  
13 phone service that is their only communication. If you  
14 didn't have cell phone service in your house -- and also  
15 I was told that some people have Internet connections  
16 that are point-to-point, and they could lose Internet  
17 connections, you know, if you had -- I don't know how  
18 that's transmitted. So I think cell phone service and  
19 Internet connections, if you disrupt somebody with those  
20 kinds of necessary services, I think they should be  
21 included in there also.

22           MS. MILLER: I know cell phone service usually can  
23 triangulate to other towers. If one is blocked, it will  
24 go to another tower. But the Internet we would probably  
25 have to add something in here.

1           MR. REARDON: One thing back on setbacks I forgot  
2           to mention, we have the cities, towns and villages in  
3           the county, and we have a quarter mile, regular 1,320 on  
4           those. I mean, St. Joe's got two miles. Obviously, I  
5           mean, they must think they're special. Smaller rural  
6           cities have harder times than big cities in being  
7           vibrant and kept alive. If you push this close to  
8           their -- I know they don't have physical boundaries, a  
9           lot of them, but if you push it close to those towns,  
10          you may affect the viability of those smaller towns by  
11          being that close to them. People may not want to locate  
12          a house or other structures in those cities. So if  
13          you're not giving them any room to grow, those smaller  
14          cities, I don't know. I think that's an issue for them,  
15          or would be an issue for them.

16          MR. TIMPE: So are you suggesting some  
17          modifications to this?

18          MR. REARDON: I don't know what would be  
19          appropriate. But, I mean, if you dry those towns up and  
20          you don't give them any room to grow -- because a lot of  
21          those towns kind of sprawl like St. Joe sprawls. If you  
22          don't give them room to breathe or grow, I think you dry  
23          them up and kill them. So I don't know what the answer  
24          is. But I don't think drying them up and killing them  
25          is an answer.

1           MR. TIMPE: Yeah, but again, I guess the way I look  
2 at it is that as someone who's reviewing the  
3 application, that would be one of the things you would  
4 want to consider is, okay, if this is outside of a small  
5 town, then does that project, could that potentially  
6 interfere with any growth that might be on the horizon  
7 for that town either in the next five years or 10 years  
8 or 20 years or whatever?

9           MR. REARDON: Hopefully the public would comment  
10 and voice their thoughts on that. I would hope we would  
11 listen to those kind of issues. We do have it down. I  
12 mean, again, are you opening yourself up for lawsuits if  
13 you say, okay, you can't do it?

14          MR. TIMPE: But, I mean, even if the public does  
15 not voice that opinion, I mean, doesn't the Commission  
16 have the authority to make its own independent decision?

17          MR. REARDON: You're giving us a lot more credit  
18 than we deserve. We don't do this full time. This is  
19 just a part-time job we do out of the goodness of our  
20 heart. So I don't know that it's a -- if the public's  
21 not awake to it, you're giving us a lot of credit.  
22 We're not that foresighted, sorry.

23          MR. TIMPE: It was just a question. Because,  
24 again, I think that we can -- we can try and address  
25 every potential issue, but I can tell you, we're not --

1 in 10 years from now, there's going to be a bunch of  
2 stuff that we didn't see. And now what?

3 MR. REARDON: I agree. And this is a 100-year  
4 project. You're looking at 49 years plus another 50  
5 after that quite possibly.

6 MR. TIMPE: I guess over on Roman Numeral VIII,  
7 item 2, I guess that kind of goes back again to the  
8 complaint resolution and the involvement of the County.  
9 And that gives the -- the way it's worded is that the  
10 County staff will not be involved in complaint  
11 resolution unless the complaint can't be resolved  
12 between the owner/operator and the complainant. So that  
13 gives you some latitude as to which ones you want to get  
14 involved with and which ones you just want to stay out  
15 of.

16 MR. REARDON: Is there some neutral organization  
17 that would handle complaints? I've talked to people at  
18 the Osborn Project who -- they'll answer the  
19 participants' phone calls, but a lot of people who are  
20 habitual complainers, they just don't answer anymore.  
21 So if you did have a statistic thing, it wouldn't show  
22 up because they don't answer their calls. So you almost  
23 need a neutral arbiter to decide who's the crank and  
24 who's right on some of that. I don't know who the  
25 process -- who should best serve that process of making

1           sure that they're good citizens.

2           MR. TIMPE: Well, I don't know. I don't know that  
3           there's an arbiter in the permitting world. I don't  
4           know that you've got someone like that other than the  
5           permitting agency itself. I guess you could hire  
6           somebody to play that role. But I don't think there's,  
7           like a state and federal ombudsman that's been assigned  
8           to take care of those types of things in the permitting  
9           world. I don't know that that's answering your  
10          question.

11          MR. REARDON: It seems to be an issue, I think. If  
12          you're going to have a report phone, they're going to  
13          say, well, we've got glowing reports on all the people  
14          that really -- they answered the phone calls. But the  
15          ones they didn't answer won't show up.

16          MR. WHITSON: I don't know if you could form a  
17          committee to hear those complaints.

18          MR. REARDON: It might be a full-time job  
19          sometimes.

20          MR. TIMPE: Well, we have had projects, not wind  
21          projects, but we have had products that have set up  
22          complaint lines or they have a special drop box at the  
23          office that people can drop their complaints in and that  
24          type of thing. It's up to the operator a lot of times  
25          to resolve those kind of things unless there's some kind

1 of a permit violation, and that's a different story.

2 So I think that covers the revisions that we made  
3 to the ordinance and also the responses to the questions  
4 that we had previously. Are there any other questions,  
5 comments, concerns at this point?

6 MR. WHITSON: I guess the next thing the Commission  
7 needs to decide if they want to move forward with this  
8 revised edition right now to the public hearings, get  
9 the comments and then come back for another revision  
10 with what we hear from the public? What's the Board's  
11 pleasure there?

12 MR. CORKINS: I'd like to ask this Board, do we  
13 want these at all? You know, I've talked to a lot of  
14 people in our county that do not want them. I don't  
15 want them. In fact, I've talked to no one that does  
16 want them. Maybe we need to step back and say we don't  
17 want these just like Clinton County has. That's my  
18 question.

19 MR. GADDIE: I think these are all good discussions  
20 to have, and absolutely you should be having this  
21 discussion. But I don't know that this is the time for  
22 the discussion. It probably should be after you have  
23 the public hearing. Then if after having the public  
24 hearing and having the opportunity for the parties to  
25 weigh in, if that's the conclusion you reach, then so be

1           it. I just don't think -- I think that you're premature  
2           to have those big-ticket discussions right now.

3           MR. CORKINS: We're sure spending a lot of money if  
4           we don't go that way.

5           MR. REARDON: I see it as a fallback. If we can't  
6           get that position, then we're going to have to have  
7           regulations. Right?

8           MR. WHITSON: We have to have some sort of  
9           regulations regardless of how we feel about -- as a  
10          general deal. We have to have some sort of regulations  
11          for a guideline.

12          MR. REARDON: Unless we can agree that the  
13          regulation is no wind conversion systems in Buchanan  
14          County. If we agree on that, then we wouldn't -- but we  
15          need a fallback position.

16          MR. CORKINS: I'm not disagreeing with that.

17          MR. WHITSON: And I don't know if this is 100  
18          percent our decision whether to go forward or not,  
19          because the County Commission has the ultimate decision  
20          in the end.

21          MR. CORKINS: I understand that also.

22          MR. WHITSON: So we need some regulations for a  
23          guideline regardless of how we go. Then it's going to  
24          fall into the County Commission's laps whether they  
25          approve it or not.

1           MR. CORKINS: That's fine. We can discuss this  
2           stuff later. Whether we want to admit it sitting here  
3           or not, we are an urban county. We approve houses every  
4           month sitting here. And those are not going to be where  
5           the wind towers are, plain and simple. And I just don't  
6           know that we want to go there. I've seen it in DeKalb  
7           County, neighbors hating neighbors. I've not talked to  
8           anyone that wants these. And I'm not in favor of them.  
9           I don't want them. I'm on a big hill. I could have a  
10          couple. I'll not have them as long as I'm above ground.  
11          So that's where I stand.

12          MS. FENTON: Is there a reason why this cannot be  
13          put to a vote in the next election we have? If we're  
14          going to let the public have their say, isn't that the  
15          way to go instead of giving it to only us and our three  
16          commissioners? Has anybody ever done it on a vote?

17          MR. WHITSON: It could be pretty hard to regulate  
18          through an election. I mean, you see what all we're  
19          going over. This is 16 pages.

20          MR. REARDON: She means up and down, in general.

21          MS. FENTON: Just whether or not you want turbines  
22          period. I was talking to my oldest son, and he said  
23          Kansas -- he was reading an article that Kansas  
24          generates 46 percent of their energy from wind turbines.  
25          We need to think about -- I live close to a coal-powered

1 power plant. I'm not crazy about that. We've got to do  
2 something as a nation, but I don't know that this is it.  
3 But the public should have an input more than just an  
4 informal hearing, I think.

5 MR. WHITSON: I guess, where are we at on this?

6 MR. GADDIE: The issue regarding a public vote  
7 hasn't been researched. If, as your lawyer, you would  
8 like me to research that and provide options at your  
9 next meeting, that's certainly something that I can look  
10 into. But that's new to me. So I couldn't tell you off  
11 the top of my head what the parameters of that would be.

12 MS. FENTON: I was fortunate enough to be able to  
13 vote on the casinos, because we were told that they  
14 would support our schools. Well, it went to the general  
15 fund. It didn't really support our schools. But I just  
16 feel like that if we can vote on casinos, why can't we  
17 vote on wind turbines?

18 MR. GADDIE: Maybe you can. It's not anything that  
19 I would feel comfortable giving you an opinion right now  
20 without researching that.

21 MS. FENTON: Right. Sure, sure.

22 MR. FRAKES: I'd like to see some kind of a chart  
23 or something. They always talk about everything's east  
24 of 29. East of 29 is quite a little bit of Buchanan  
25 County. What part of Buchanan County east of 29 are

1           they recommending putting these in? We don't know. I  
2           don't know.

3           MR. WHITSON: Well, at this point I don't imagine  
4           they know.

5           MR. FRAKES: They said east of 29, so somebody's  
6           got to know something.

7           MR. WHITSON: Well, they know --

8           MR. REARDON: I think they have to follow the  
9           transmission line. The transmission lines go through  
10          the whole south end of the county.

11          MR. CORKINS: I don't want that either.

12          MR. REARDON: If you've got a transmission line,  
13          you've got a source to supply a transmission line.

14          MR. FRAKES: We don't know about wind currents. We  
15          don't have a chart on wind currents.

16          MR. WHITSON: Well, that was addressed in here that  
17          the company would have to supply a wind chart with a  
18          permit.

19          MR. McLEAR: Shouldn't that information be public  
20          before a vote is taken, not wait for the wind turbine  
21          companies to provide it? That's after the fact. The  
22          public should know, we should know, the Commissioners  
23          should know, exactly how much wind power is in  
24          Missouri -- in Buchanan County. I know what's in  
25          Missouri because I've got a map. But I haven't got it

1 broken down in Buchanan County. This may be a moot  
2 point. I mean, I don't know.

3 MR. REARDON: I think they come because of the  
4 subsidy and the stuff. It's not necessarily economic,  
5 but there's subsidy and production for subsidies. So it  
6 kind of skews whether it's right or wrong. So they will  
7 probably come because NextEra has a big, big budget and  
8 a lot of money. And if they can make money off of being  
9 close to a transmission line, they will probably come.

10 MR. GADDIE: I would think maybe, as I mentioned  
11 earlier, some of the information that you're seeking,  
12 hopefully that would be provided in some type of public  
13 hearing, you know, the opportunity for both sides to  
14 present their opinions on that. I mean, I think that's  
15 the purpose of a public hearing before you make a  
16 decision.

17 MR. BURNHAM: You know, and I would like to say  
18 that, you know, NextEra has approached us as far as  
19 coming into the county, okay? We know that. But the  
20 way I look at this process and what we're doing today  
21 really is set aside the NextEra project. I think this  
22 goes beyond NextEra potentially with other projects down  
23 the road. So this is really just about setting a set of  
24 ordinance that would apply to whatever the company is or  
25 whatever the project is, wherever it may be throughout

1 the county. That is my opinion. Do we want a set of  
2 ordinance that meets that, and not necessarily tie it to  
3 this one project or any other project, if that makes  
4 sense?

5 MR. SAWYER: And we've been concerned as  
6 Commissioners that we don't have any guidelines  
7 whatsoever. And so, in theory, somebody can come in  
8 with a Conditional Use Permit and put in wind turbines.  
9 And we don't have any -- we don't have anything that  
10 speaks to any restrictions or any guidelines. So we  
11 felt like that we need to get some type of guidelines in  
12 place or else it's kind of the Wild West and anything in  
13 theory could happen. That makes us uncomfortable. So  
14 having nothing is kind of a -- I guess a naive approach  
15 to say we'll wait and see. And that's kind of how we've  
16 been looking at it. And yet, you know, I think Chad's  
17 points about getting public comment and all those kinds  
18 of things is a really important piece of this. But we  
19 feel somewhat uncomfortable not having any guidelines.

20 MR. GADDIE: And following up on that, I know that  
21 he mentioned it earlier, ultimately these proposed  
22 regulations are yours. After you have that public  
23 comment, you have the opportunity to amend this, to  
24 include any provisions that you want. If you want to  
25 make it 300 feet, you can. But that's up to you.

1           You're not limited to this. But I think what Lee is  
2           looking for is that this would at least provide a  
3           framework for the County down the road in the event that  
4           we were hit with some type of a potential wind energy  
5           project. But if you wanted to make these very liberal,  
6           you could do that. If you want to make it very  
7           restrictive, you could also do that. That's the purpose  
8           of discussing this at work sessions down the road. But  
9           ultimately that's your call as to what these ordinances  
10          contain. But I think the Commission is indicating that  
11          we would like to see something out there, some type of  
12          framework.

13                 MR. WHITSON: Let me ask this. Do any of the  
14                 Commission or all the Commission want to go and tour one  
15                 of these facilities to see what -- maybe some of you  
16                 have been close to them, some of you haven't. Some of  
17                 you have seen them. Is that something we want to do?

18                 MS. FENTON: I think we should see them.

19                 MR. WHITSON: To get a better understanding of what  
20                 we're looking at.

21                 MS. FENTON: I think we should be up close and  
22                 personal to hear. Apparently that is one of the main  
23                 issues, is the noise and the vibration. We can't do  
24                 that if we're here.

25                 MR. WHITSON: Okay, is there --

1           MR. FRAKES: I don't know how we can get all this  
2 together.

3           MR. WHITSON: We have different timelines. Do we  
4 have some time when we can do that? I'm sure that they  
5 will meet with us any time we want. We'd need to inform  
6 the public. It will be a public meeting. When -- are  
7 we looking at a week, two weeks? How quick do you want  
8 to try to do it?

9           MS. FENTON: We need to keep the process going.

10          MR. WHITSON: In the afternoon or evening? What  
11 works the best for -- I know probably for Freddy, it  
12 works the best for evening.

13          MR. CORKINS: I've been around a lot of them. I  
14 don't need to tour one. But I'll go.

15          MR. WHITSON: What's your pleasure? You want to  
16 tour one, see it in action?

17          MR. McLEAR: I'm easy. Just whenever you all can  
18 do it.

19          MR. REARDON: Let's see what works for them. It  
20 would be nice to see them while they're operating.

21          MR. FRY: Yes, that would be good.

22          MR. WHITSON: Why don't you set up a meeting as  
23 soon as you can with them. Inform the public in time.  
24 Inform us, and then we'll just go from there.

25          MR. GADDIE: Okay.

1 MR. BURNHAM: Give us two days or something and  
2 then shoot that out and see what works best?

3 MR. GADDIE: Absolutely. And I believe there will  
4 have to be provisions made to be provisions made for,  
5 obviously, safety, and that the public has the  
6 opportunity to see the same things that you will see.  
7 So we will need to make arrangements that we have enough  
8 time for everybody to see it, because I don't believe  
9 that is something that you can just send a mass of  
10 people at one time.

11 MR. WHITSON: Make arrangements with them.

12 MR. GADDIE: If you give me the green light, I'll  
13 start working on the logistics.

14 MR. WHITSON: Okay. Does that work for everybody?  
15 Get us a little better informed of what we're working  
16 with?

17 MR. FRAKES: I'm assuming that turbine will be in  
18 operation.

19 MR. WHITSON: Yes. Is that where we're at at this  
20 point? We're just going to wait and visit the turbines?

21 MR. BURNHAM: Do you want him to research the  
22 referendum to put it on the ballot?

23 MR. WHITSON: Yes. Research the vote so we could  
24 put it on the ballot?

25 MR. GADDIE: I'll research those options of what

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that might look like and then report back to you at the next meeting.

MR. WHITSON: Okay. Any other questions for these people?

MR. TIMPE: I guess I would just add, you know, you're saying that the County doesn't have the background to do views, but that's what the application fee and the additional compensation would be for too. You can hire somebody to do that.

MR. WHITSON: Oh, complaints?

MR. TIMPE: Yes.

MR. WHITSON: All right. Thank you very much for your information. Anything else? Do I have a motion to adjourn then?

MR. FRY: I so move.

MR. REARDON: I second it.

MR. WHITSON: All in favor?

ALL BOARD MEMBERS: (affirmative response)

MR. WHITSON: All right. Thanks for coming out.

(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, September 11, 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 53 pages, numbered 1 through 53, contain a true and accurate reproduction of the proceedings transcribed.

/s/ Pamela K. Koch

Pamela K. Koch, CCR #1220  
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