

January 19, 2021  
Reno County Public Works  
South Hutchinson, Kansas

The Board of Reno County Commissioners held a special Work Study Session on Wind Energy Regulations at 4:00 pm at the Reno County Public Works Facility with Chairman Ron Hirst, Commissioner Ron Sellers, Commissioner Daniel Friesen, County Administrator Randy Partington, County Counselor Joe O'Sullivan, Public Works Director Don Brittain. County Planner Mark Vonachen and County Clerk Donna Patton, present.

At 4:00 pm Commissioner Hirst called the meeting to order and welcomed You Tube viewers. Mr. Hirst then read a statement about Wind Energy and the health, safety and welfare of citizens.

Mr. Vonachen provided dates beginning in December 2019 and the timeline for these regulations. He stated that the Planning Commission was instructed to not restrict wind energy with the regulations. Mr. O'Sullivan asked if they took into consideration written testimony as well and oral testimony. Mr. Vonachen said that from March 2020 to the close of the hearing, people could testify. Written and Oral comments were considered, and the written communication was available to the Board.

Mr. Hirst asked how they wanted to proceed, item by item or start in certain areas. Mr. Sellers said he would like to go page by page and asked Mr. Vonachen and Mr. Brittain to let them know any significant changes from the original regulations from 2 years ago that were made. Mr. Brittain stated that the original regulations were 2 paragraphs long and the new regulations are 14 pages.

Mr. Friesen asked them to tie the CUP process to the new regulations and what the Planning Commission used for the original CUP. Mr. Vonachen said that a lot of sources were comments and documents and he researched what other counties and states were using and doing but kept in mind not to ban wind energy. The Planning Commission used the original current regulations and all the information given to them. He said they could modify the regulations to be more restrictive but not less restrictive. They also took into consideration setbacks and shadow flicker, using a list and factors that are in the regulations. Mr. Friesen asked if this was the correct avenue for this process.

The Board went over several items and issues they were concerned with. Mr. Hirst wanted the Board to have final approval when a 3<sup>rd</sup> party was used for information. Mr. Brittain and Mr. Vonachen would review the 3<sup>rd</sup> party information and bring it to the Board if they had concerns. If the 3<sup>rd</sup> party being used was agreeable with the Public Commission and the BOCC, they would proceed. Mr. Friesen asked if the Board had the right to refuse the 3<sup>rd</sup> party and Mr. O'Sullivan stated that the qualifications would be given to Mr. Partington and if the PC thinks they are qualified, it would be given to the Board getting communication out early.

Mr. Hirst asked for wetland documentation to be included. Mr. O'Sullivan said 23-105 item J addressed wetlands. Mr. Hirst wanted to discuss setbacks and Mr. Sellers said he didn't come prepared to discuss setbacks only to discuss the regulations as they were written and the reasoning they used. Mr. Vonachen stated that the document before you was what will be given to the Board, not the changes you would like to see made. Mr. O'Sullivan is going to research the avenue for making the changes the Board would like to see.

Mr. Hirst asked if blade throw was discussed. Mr. Vonachen said it was presented but he didn't know if they discussed it. Mr. Hirst mentioned wind currents from the turbine can go up to 1500' and wanted to know if the 2-mile buffer was enough.

Mr. Vonachen said on page 23-6 E on the second line, it needed to be changed to D.

Mr. Hirst mentioned Quivira and that the KDWP was looking at a 5-to-7-mile buffer.

Mr. Vonachen mentioned the Extra Territorial Jurisdiction and how it affected smaller cities. A brief discussion took place about how this process works.

Mr. Hirst wanted a word changed on page 23-6 under Section 3 Noise item B, from "should", meaning it could or could not, to "shall", meaning it would be done. Mr. Sellers agreed. Mr. Hirst mentioned the decibels and how they would be different in the daytime and the nighttime. A brief discussion ensued, and it was determined that this could be addressed by a 3<sup>rd</sup> party and Mr. Friesen commented that in the end, it would be a distance issue.

Mr. Sellers asked if the lighting on the turbines was automatic and Mr. Vonachen said yes. When an aircraft approaches a turbine, it automatically turns on the lighting.

Mr. Hirst wanted to add disintegration of blade throw added to the ice throw.

Mr. Friesen asked if an applicant could request a variance. Mr. Vonachen said no, because you can't modify the regulations since this is the minimum, however you can make them more restrictive.

Mr. Hirst asked why there was a discussion on page 23-11 item 2J? Mr. Vonachen said PC Chair French wanted a discussion not just a teardown. Mr. O'Sullivan suggested substituting additional circumstances instead of discussion.

Mr. O'Sullivan and Mr. Vonachen suggested defining the project term life and Mr. Hirst wanted hazardous material added to the fire safety and rescue plan. A brief discussion took place about what happens if a company files for bankruptcy. Mr. Hirst said he would like the regulations applied to the entire county.

Mr. Sellers, Mr. Hirst and Mr. Friesen thanked the Planning Commission for all of their hard work and stated they really appreciated all they did.

Mr. Partington said they will wait a few weeks before this document is taken to the Board so everyone can look over it.

At 6:37 p.m. the meeting adjourned until 9:00 a.m. Tuesday, January 26, 2021.

Approved:

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Chair, Board of Reno County Commissioners

(ATTEST)

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Reno County Clerk  
dp

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Date