

EXCERPT OF THE DRAFT APRIL 20, 2023 PLANNING COMMISSION MINUTES

Consider amending the Franklin County Zoning Regulations to add an addendum granting a temporary moratorium on the planning, establishment, construction, application for or permitting of any Special Use Permits for Commercial Wind Energy Conversion Systems in the unincorporated areas of Franklin County, Kansas until December 31, 2026.

Staff Presentation: The Chair opened Staff Presentation.

P. Toth stated that the Planning Commission held a Public Hearing at the January 19, 2023 meeting to consider Application #2211-2009, Tower Associates, LLC, for a special use permit for the construction and operation of a 197-foot meteorological tower. After receiving public comment and having board discussion the decision was to deny the special use permit application. During public comment there were numerous citizens that requested a moratorium be placed on Commercial Wind Energy Conversion Systems in the unincorporated areas of Franklin County. At their meeting of March 15, 2023, the Board of County Commissioners indicated that they would like to place a moratorium on commercial wind farms. The board stated they would like to have that moratorium until the end of 2026. It is well within the County Commissioners statutory authority to place the moratorium. However, because of the way the statute is written, technically the moratorium needs to go through the Planning Commission, requesting a public hearing be advertised for next month and the Planning Commission would then vote on a moratorium through 2026 on commercial wind farms. The Board of County Commissioners requested the Planning Commission to make a motion directing Staff to publish notice to consider the moratorium next month. Notice was published on March 28th, 2023 that the Franklin County Planning Commission would hold Public Hearing during their regularly scheduled meeting on Thursday, April 20, 2023 at 6:30 p.m. to consider amending the Franklin County Zoning Regulations to add an addendum granting a temporary moratorium on the planning, establishment, construction, application for or permitting of any Special Use Permits for Commercial Wind Energy Conversion Systems in the unincorporated areas of Franklin County, Kansas until December 31, 2026. There have been a lot of requests made by the citizens of Franklin County for a moratorium on commercial wind energy conversion systems at both the Board of County Commissioner and Planning Commission meetings. Due to this the Board of County Commissioners has requested the Planning Commission consider recommending a moratorium on these systems until December 31, 2026. By this time the Planning Commission and Board of County Commissioners will have considered and approved a new County Comprehensive Plan and possibly amendments to the County Zoning Regulations regarding wind energy conversion systems. An affirmative motion in support of this item would read as follows: "I make a motion to recommend the Board of County Commissioners approve an addendum granting a temporary moratorium on the planning, establishment, construction, application for or permitting of any Special Use Permits for Commercial Wind Energy Conversion Systems in the unincorporated areas of Franklin County, Kansas until December 31, 2026". One item he would like to mention is that Staff has received a lot of calls requesting commercial solar energy systems be added to the moratorium. Legally at this time we cannot add commercial solar energy. The Planning Commission is a volunteer board and not an elected board. So, the Planning Commission cannot alter this specific moratorium. The Zoning Regulations do allow the Planning Commission to make amendments or changes to conditions on special use permits or on rezonings. The moratorium was at the request of the Board of County Commissioners specifically for wind energy systems. The request did not include solar energy system so cannot be added to the moratorium.

P. Toth asked anyone from the public that comes up to speak to please be respectful of others, to direct all their comments to the Planning Commission and to please hold all applause to the end of public comment. Holding the applause until the end will assist in moving the meeting along.

P. Toth stated he had nothing further unless the Planning Commission had any questions.

K. Singleton asked why was the date of December 31, 2026 chosen as the end date of the moratorium?

P. Toth stated December 31, 2026 is the date the updated Comprehensive Plan and Zoning Regulations are proposed to be completed.

K. Singleton asked aside from the public notice that was in the County newspaper was notice sent to stakeholders?

P. Toth stated Staff only published notice in the County newspaper.

K. Singleton stated there is no language in the proposed moratorium that allows for any relief to anyone but is a complete ban on any applications.

P. Toth stated that the moratorium is a hold on the acceptance of any applications for commercial wind energy conversion systems, not a ban.

D. Rayson stated that everywhere wind energy conversion systems are mentioned, it only states commercial wind energy. Is there anything besides commercial wind energy systems that would be considered?

P. Toth stated if a landowner came forward to install a small wind energy system on their land, then we would accept that application as long as they aren't proposing to sell the energy that is created and only using it for personal use. The landowner can propose more than one wind turbine if they want, as long as they meet the regulations for that particular zoning district.

The Chair closed Staff Presentation.

Public Comment: The Chair opened Public Comment.

Chair stated everyone from the public that wishes to speak would get the opportunity to come forward and make their comments. Each speaker would be allotted a 3-minute time limit and would only have one opportunity. When you come forward, please state your name and address for the record and direct all comments and concerns directly to the board. K. Singleton would keep time of each speaker and would let you know when your time limit is done.

William S. Nichols, 415 S. Pine St., stated he has lived in the area around 72 years. He provided a handout earlier this evening that the board members should have received a copy of that contains 15 bulleted comments that he has studied for the last 90 days both nationally, regionally, statewide, and locally. His background has allowed him to do this because he spent 36 years in the military and most of those years were spent in the intelligence analysis for war fighter exercises and other military exercises. Everything is just a series of assumptions based on what you see, hear, and feel. As we go through the meeting tonight there are going to be people that are going to verify things that he has as assumptions, so it is verifiable. If he can't get through all 15 points in his 3 minutes, the board has the handout that has the other points that other people will cover when they come up to speak. On a national level, at the end of 2021, projects like the one being proposed in Franklin County, Johnson County and Douglas County there were 8,100 projects that could not be put on the national grid because the grid could not handle it. All these public tax funded projects then became very expensive because there was nothing being generated, and nothing being put on the grid. That is verifiable. Residents supporting this initiative, no matter where they are located, is a revolutionary type of support. The revolutionary support is in the form of commercial, industrial, and utility grade renewable resources. The environmental part of it is the push, but the real reason it is being pushed right now is because of the proceeds and how people individually, and companies, can profit from these initiatives at the expense of the quality of life of others. The average citizens, volunteers and elected officials have not been given a fair chance to evaluate everything that these systems cover. There is no benefit for our rural residents, or local communities, in energy savings with the locally commercial generation of electricity going to the highest bidders from a national power pool. The real answer is to ban, as opposed to a moratorium, and make it an evolution of fossil fuels, nuclear, hydro, and renewable integration. A moratorium will encourage these companies to work harder because they haven't been told no.

Norman Wooge, 3790 Pawnee Road, stated here we go again, we the people speak. Evidently the County Commissioners are swayed by professional salespeople that could sell refrigerators to Eskimos. The other day he visited a person who has windmills in her county on her property. She stated it's not too bad. He figured she would say something positive, good, bad, or not too bad. What happens in 20 years when the windmills wear out? The fat companies recommending the movement will disappear and ride off into the sunset. Will the cities help with the clean-up? In legal wisdom, a contract with the County needs to be written pertaining to the clean-up and no taxes being levied against the landowner that permitted these windmills. Be careful with what you sign. The contract is until death due we part. The bottom line is that we can live without windmills. The County residents don't need to pay for massive clean-up. Other states are having problems just coping with the disposal of the windmill blades. Stay focused on the future. If the landowner doesn't sign a clause, he will resign the power of his land.

Carl Gardner, 352 Missouri Ter, stated he moved to Franklin County in 1998. Earlier in his youth he came to Camp Chippewa for church camp and that was the first time he had seen the City of Ottawa. This is a beautiful County and beautiful town, and he was impressed from the beginning. He has 3 children that live here in this County, and he would like them to make it their home. They consider Franklin County home and quite frankly one of the things about Franklin County is that it is unspoiled. It hasn't been touched by some of the ratifications you see happening in the Kansas City metro area, where he works. He works as a technology director so he is very familiar with how companies work; how federal subsidies work and how corporations take advantage of those subsidies and every other loophole that they can. He would implore the board to consider this very carefully because the people who founded Franklin County deserve better, our families deserve better. He doesn't believe that the citizens want to turn Franklin County into Johnson County or some of the other counties that support the Kansas City metro area. We are a rural community, and we do great as a rural community and there is still a sense of community here this evening.

Beth Hamil, 2559 Nebraska Road, stated she moved here from California about 2-1/2 years ago and owns a small farm on Nebraska Road. She recommends that the moratorium, which she hopes leads to a permanent ban, on commercial wind turbines in Franklin County. A moratorium gives the giant companies a lot more time to fight for these commercial wind farms. She recently read that Albany County, Wyoming, where the commissioners authorized the construction of 120 wind turbines on one farm. 50 local landowners filed two lawsuits against their decision, and it went all the way to the Wyoming Supreme Court. The court found in favor of the wind turbines. This should be a lesson for all of us because we need to pay attention now and make our voices heard. She doesn't think we can give up our landowner heritage to big corporate money, none of whom live near here. Wind turbine developers in the United States are Siemens, a German Company, earn \$77 billion annually in wind turbines only; GE, \$75 billion; Mitsubishi, a Japanese Company, \$33 billion; and, Amazon and Facebook have huge windfarms in the works, which can be looked up on Google. Her opinion, and she has done a lot of research on this subject, and she has worked in environmental sciences for 45 years, these wind turbines are a threat to wildlife, noise and visual pollution, shadow flickers, infrasound create negative health effects; and massive materials that wear-out and are not recyclable so what do we do with it. Has anyone seen a wind turbine blade when it is being hauled to a site? It requires two semi-trailers that can hardly make it around a corner. There are a huge percentage of breakdowns. In California if you go through the Tehachapi Pass, which is West of the Mojave Desert, there are 4,731 wind turbines. Those wind turbines are all you can see for 150 miles in those beautiful mountains and half of them aren't even turning. This is a government scam based on horrible, incorrect, fantasy, man-made climate change because of carbon emissions.

Joshua Knauber, 354 Woodson Road, stated he came here this evening to state that there should be a permanent ban on wind farms. Everybody that states they want to preserve all this land for our kids doesn't know anything about the wind turbines because they take up a lot of that land and kill ground. He recently went on vacation to Colorado with his woman and two adopted kids. He remembers the land out there in Hays being very green and lush when he was growing up and going in that direction. It is no longer that way. Every wind turbine that is out there is some of the oldest ones and they are already leaking oil, killing the grass, and killing everything around it. It is hard to explain to a 6-year-old girl what that cow is doing laying there beside that wind turbine without breaking her heart. These wind turbines are destroying the environment and if you look up any type of mine to get the resources for these, it is bad. It takes away forests and all the good bugs that allow stuff to grow. He implores the board that instead of an addendum, which by definition in the 1958 Britannica Dictionary, is a sidestep to get the real agenda pushed through away from the people, to do a permanent ban. He employs the board to go out and look at how brown and desolate Hays is now before we begin thinking about pushing wind turbines through Franklin County.

Craig Purcell, 1150 Shawnee Road, stated he is 1-mile South and 1-mile West from where they are currently testing the winds. He has lived at this location for 45 years and he has a beautiful view out his front door and he doesn't want to sit there and look at wind turbines spinning. They are going to go directly North of his property if they are approved. He has been around wind turbines that are leaking oil, and it stinks. The oil smells terrible. He has seen what blades can do if they come loose and hit things. He sees no sense in putting up wind turbines that are going to cause more harm than good.

Susan Hughes, 1414 S. Olive Street, stated she is requesting a ban in the end; however, she knows they have to do a moratorium first. When the guidelines were written a few years ago no one knew anything about wind turbines. Green energy and renewable energy all sounded pretty good. But then she found some facts and those facts are not good. It is not green energy because it uses a lot of our assets, natural minerals, and things. It is also not renewable energy. It takes constant care and attention and it only lasts 10 years. The decision to approve these wind turbine farms is a big decision because the leases are for 90 years. She is concerned about the people that are forced to live next to these wind turbines.

They have to put up with flickering shadows, noise, and infrasound which all contribute to epileptic seizures and migraines. The blades fall down and throw ice. She recently read a story about a farmer in England that lost 400 cows over a years' time, that were all killed by the infrasound of these wind turbines. So, if these wind turbines are killing cows, what are they doing to humans. These people have no say in the matter if their neighbor signs a lease. There is also a financial loss. The power generated by these wind turbines would go to the lowest out-of-state bidder that would install transmission lines that we will pay for on our electric bills. The trucks that haul these wind turbines and equipment to the site tear up the County roads. These trucks fill in the ditches when they go around the corners. They are supposed to come back and fix those ditches, but they don't so that is another item our tax dollars will have to pay for. These wind turbines leak chemicals and oil that contaminates our water. If she was doing something that was keeping her neighbors up with flashing lights, loud noises and polluting the ground water there would be people after her real fast. But no one is after these energy companies because they have a lot of money. But they are not we the people and that is who matters to us. We don't want these big companies to come and ruin our County to their benefit when we don't get any benefit from it.

Judith Hancock, 12612 Pawnee Lane, Leawood Kansas, stated she owns a family farm located at 3469 Tennessee Road, which has been in her family since 1915 and her family has resided in Peoria Township since 1855. She comes here this evening to urge the Planning Commission to recommend the County Commission grant the moratorium. She would also prefer an outright ban however she is a warrior, and you take the wins that you can get so you can fight another day. There is a little ambiguity because the definition of the commercial wind energy conversion system in the regulations talks about generating electricity for commercial purposes. She would want to make sure that when the moratorium is imposed that it includes wind turbines, the transmission lines to the wind turbines and meteorological towers, including portable testing equipment. She wants to make sure that all of these have a moratorium on them going forward through December 31, 2026. The thought is that during the moratorium period there will be robust and sustained public participation as the County reviews the Comprehensive Plan and the consideration of appropriate amendments to the County Zoning Regulations. She isn't going to go through all the reasons against wind farms and so on because she recognizes there is climate change, and we need to do something about it. She wants to talk to the board as a lawyer about something. She thinks that if the County were to decide to allow wind farms there needs to be tougher regulations, not just the regulations in the permit as to how they design, build, operate and decommission. She is talking about tough regulations as to how they interact with landowners in Franklin County because over the last several months she has been appalled in talking with farmers and landowners in Franklin, Douglas, Johnson, and other Counties in Eastern Kansas. She believes there are very questionable activities going on with respect to how these companies are interacting with the landowners. For example, Franklin County could learn from other areas of law, such as securities law and franchise law. Did you know if McDonalds wants to offer a franchise to someone, they must provide a huge disclosure document that explains everything about the company, all their affiliates, all their subsidiaries and their litigation history? So, unlike somebody she was talking to recently in the lobby of the Eldridge Hotel, who told her that Nextera came and told them they are a great company with an unblemished record. Nextera should have been able to hand them a disclosure document that would have included information about how a year ago they plead guilty in Federal Court to violating Federal law and agreed to pay \$8 million in fines and restitution up to \$27 zillion in remedial and 5 years' probation. She thinks that as Nextera sat there and told those old people that they are an unblemished company, they should have been able to provide them with a disclosure document about how somebody plead guilty in that company for violating federal law. Maybe that landowner wouldn't have thought they were so unblemished. This is why she believes Franklin County needs time, if we are going to do this, we must impose a very tough set of regulations and not just on the operation, but on the dealings with the landowners from the front end.

Levi Russell, 1046 S. Pine Street, stated he wanted to share some information that is convincing to people in his field. He earned a PhD from Kansas State University in Economics 10 years ago and has been an Economics and Finance Professor since then. He wanted to share some results of a paper titled "Levelized Full System Costs of Electricity" published in the journal Energy in November of last year. This paper examines the full system costs of electricity by generation method. In previous, less realistic ways of calculating these costs, pegged wind at \$0.04 per kw hour to generate. This paper, which is much more realistic, includes the problems of intermittency, in other words the electricity isn't always available, and non-dispatchability, which is a bigger problem, means that you can't use it when you need to use it, only comes on when it wants to come on. Accounting for those costs and the costs that are imposed on the grid itself, whether the company sells that power or however that all works, those costs are baked into integrating these things into the grid. That cost goes from \$0.04 per kw hour to \$0.483 per kw hour, which is a lot more than what he pays on his bill. By comparison, biomass and nuclear, under this better cost accounting system, are roughly \$0.10 per kw hour; natural gas comes in between \$0.03 and \$0.04 per kw hour and coal comes in at under \$0.08 per kw hour. So, wind, again \$0.483 per kw hour, versus these other

generating methods at or below \$0.10 per kw hour. To him that is a substantial cost that we would all bear, because again this difference between \$0.04 and \$0.48 per kw hour is largely a factor in integrating this stuff into the grid. He isn't saying everyone would pay \$0.48 per kw hour. The point is, the higher cost would be factored in.

Carlsie Boardman, 2479 Idaho Road, stated she believes she represents the majority of the audience tonight in urging the Planning Commission to recommend the Board of County Commissioners grant a moratorium as a short-term goal with the long-term goal of a permanent ban, which is why a lot of the people are attending this evening.

Greg Bohannon, 3104 Tennessee Road, stated he would like to speak in favor of at least a moratorium and would definitely be in favor of a total ban of the commercial wind turbines in Franklin County for the following reasons. In referring to the currently adopted Comprehensive Plan, even though commercial renewable energy is addressed within the plan, the current promotion of commercial wind turbines contradicts the main theme of the Comprehensive Plan in addressing the rural areas of Franklin County. The first chapter, when addressing the growth of Franklin County, talks about priorities of a rural environment. One of the quotes states to expect there to be a continued desire of homeowners to build homes in the unincorporated areas of Franklin County. How County Officials accommodate the demand for rural non-farmed housing with the need to protect environmental resources, agricultural production is a key concern. In another paragraph it states that the intent of the Franklin County Future Land Use Plan is not to regulate agricultural land uses but to support and preserve opportunities for sustainable farming companies. It states that the preservation of the environment begins with the individual, but government institutions can play a key role in protecting, conserving, and restoring natural resources in the county. In serving the county's rural areas it is integral to the continuation of farming, protection of the environment, quality of life, wildlife habitat, and maintaining a link to Franklin County heritage. He believes that in no way does this renewable energy take into account any of the priorities envisioned in the rural areas of Franklin County as stated within the chapters of the Comprehensive Plan by the County leaders. In fact, it contradicts or ignores the goal of the county. Under the Promote Balanced Growth it states to promote balanced growth throughout the county by integrating new development in a way that respects the environment, supports community values, and considers the long-term sustainability of agriculture. It supports a zoning scheme that accommodates a wide range of low intensity rural housing opportunities which do not require a high level of public services. Then under Goal #6 it addresses commercial renewable energy by stating to evaluate and approve commercial renewable energy system developments based on the best available technology. Technology changes year to year. The question is, are they using the best technology today or is it just what is considered to be acceptable. We develop and implement specific rules, regulations and procedures that protect people and property from negative impacts associated with Commercial Renewable Energy Systems while providing opportunities for citizens and communities economic and individual benefits from Commercial Renewable Energy Systems.

Scott Yeargain, 2263 Nevada Road, stated he would like to know the specific features of the County Comprehensive Plan that need to be remediated. The County Commissioners requested that the Planning Commission recommend approval of a moratorium. The County does have a Comprehensive Plan in place, which was voted on and approved by the County Commissioners. He would like to know what is wrong with the current Comprehensive Plan? The public should know what is wrong with the current plan before the board votes for the approval of a moratorium. There are 4 objectives under the 1st goal in the Comprehensive Plan which is the preservation of agricultural land. In that context he would like to know how many votes this Planning Commission has taken in favor of changing A-1 agricultural land to the R-E residential estate land? He thinks he heard two votes this evening for changing land to residential. He doesn't think any of those votes that the board took preserves agricultural land so the history of voting for rezonings is not consistent with the Comprehensive Plan and does not preserve agricultural land. In its context wind turbines might do a better job in preserving agricultural land because the largest land holder of agricultural land, David Judd, spoke to the County Commissioners in March when they voted against the meteorological tower. He is not convinced that the County Commissioners nor the Planning Commission is acting consistently with the documents of the County, namely the preservation of agricultural land. He would suggest before the board votes for a moratorium that you make a public statement about how the current Comprehensive Plan fails the people and fails the County.

Sabrina Meador, 3404 California Road, handed out copies of a document to the Planning Commission. She stated she is going to give examples of what is wrong with the County Comprehensive Plan and Zoning Regulations. First, she wanted to start with the January 19, 2023 meeting where this all started. In that meeting staff stated that the Planning Commission held public hearings on Zoning Regulations when the Comprehensive Plan was adopted that is in effect right now. Those meetings were open to the public and were advertised in the paper to take the public feelings into consideration when we were adopting all of these changes. After that meeting, she went and looked at the current plan that was updated in 2019

and under the plan preparation process it says that 117 people attended 4 workshops that averages out to 29 people at each session. Through more research she noticed that in the 2015 edition of the Comprehensive Plan it stated the exact same thing. Also, she found the original 2006 Comprehensive Plan, which also stated the exact same thing. She doesn't think it was the intention of the staff, but she thought that in 2019 all these people were notified to say come to these meetings and shame on me because I didn't go, and they put all of this information out there. And, needless to say it was all the same information from 2006. She scoured the 2019 Ottawa Herald and the only mention during 2019 regarding adding renewable commercial energy was on Tuesday, September 24th in the small public hearing section. That public hearing was held on October 17th, 2019 during which there were only 18 people that signed and only 8 spoke and only spoke on solar. The January 19th meeting that was held a few months ago had 81 people that signed in and 22 people spoke. Discussion on adding wind and solar energy to the Comprehensive Plan and Zoning Regulations started in June of 2019 and every planning meeting after that discussed solar and wind but there were no notifications of those meetings in the paper or even on Facebook because there wasn't a Franklin County Facebook page. Out of those five months, 95% of the discussion was on solar and not on wind. That is why she is in favor of granting the moratorium on wind. Also, most of the information that was given out as those meetings was after the County Commissioners voted when the Ottawa Herald posted an article on December 14th. In that article, one of the County Officials was quoted saying "The officials attempted to put together regulations that were good for the companies and landowners." Her thought on that comment was the landowners that signed leases and not the non-participating landowners. This brings her to the document that she handed out. On the first page, this was part of a packet that was handed out to the Planning Commission and if you notice this is the Waverly Wind Farm. There are no people in all of the pictures. The next page shows a non-participating landowner in Coffey County, and how far away the wind turbine is and this is in the zoning regulations. They say that a non-participating landowner must be 2,000 feet away to have a wind turbine. She doesn't want a wind turbine that close because that is what it looks like. That is a 400-foot wind turbine, and they are wanting to put 600-foot ones here in Franklin County. Next page is another house in Waverly, and you can see how far away they are. She believes these turbines need to be at least 1 mile away from a non-participating landowner unless the company wants to pay that landowner. The next page is another picture of one in Waverly with the oil. When you put water through a fan, what does it do with the oil? The next page is in Allen County depicting there are no houses in these pictures that EVP Renewables wanted to send to everybody. The next page, this is what a lot of places look like. Every house has wind turbines that you can see. She thinks Franklin County is too populated and that they could only place 3 wind turbines where you could have the pictures like EVP Renewables posted. She recommends that the board require this moratorium. She would prefer to ban wind turbines to get it over with and she would like the regulations on why the motion can't be amended legally.

Diane Caryl, 2112 Old US-50 Highway, stated one of the gentlemen earlier spoke somewhat about the fact that he spoke to one of the landowners that lived close by the wind turbines, and they stated they weren't too bad. If you look at the leases that the landowners themselves must sign, they have a non-disclosure and can't say much about the wind turbines on their property. She personally would hope for a permanent ban rather than just a moratorium. The landowners that sign leases lose control of some of their land, but their neighbors also lose control of their land. If that wind turbine is within 1,000 feet or so, she personally would be ticked off to find out that her neighbors put a wind turbine up and she can't use her land as she chooses because it is too close. Properties for industrial grade energy generation are not agricultural cash properties. Now we have people leasing their land in rural areas and that is not right. The renewable energy push is driven by how much it will benefit a few at the cost of many.

Chandy Prouty, 4848 Louisiana Road, stated we know that wind turbines are not green energy. When you have 80 concrete trucks that are putting these up and have oil all over the place, that's not green energy. She has spoken to people in Coffey County with leases and without leases, it is important to speak to both. With the leases they haven't always been paid. Without the leases they say the wind turbines are too close and ruin their lives. Both groups have said the wind turbines destroy the community, which is very important. We have been gathering petitions because citizens do not want wind turbines in Franklin County. Franklin County people are very smart, many might be farmers, but they are smart. Families have said that this item is the only thing everyone has agreed on in a very long time. When these leases are signed, we know through Waverly those leases are resold a year or two later. Are we really going to let multi-national companies come into Franklin County and run us over? We looked at the appraised property tax values of all of the signed petitions that we currently have signed. It represents 10 times the leased wind turbine holders' land value. Mr. Yeargain stated he wanted to know what is wrong with the currently adopted Comprehensive Plan. What is wrong is that the Orion Energy Company helped the County create that plan. Orion Energy is the company that has solar leases in the Southeast portion of the County. That is what is wrong with the current plan, and it is also a conflict of interest. When the weather is bad coal makes up 51% of the energy that we pull from, natural gas is 35%, hydrogen is 5%, nuclear is 5%, wind is 1% and solar is

.19%. Mr. Yeargain also mentioned David Judd and he is right that Mr. Judd spoke at the County Commissioners meeting, but he also said he wanted to preserve the wildlife and also the natural beauty of Kansas. Is that what wind turbines do? Please recommend the moratorium and she hopes the County completely bans commercial wind turbines.

Diane Denham, 12170 S. Topeka Blvd., Carbondale, stated she is here this evening because this item affects everyone. She is going to ask the board to please save Franklin County and implement a ban on industrial wind complexes. Regarding property rights, all property owners have the right to use their land the way they want unless it damages their neighbors or the community as a whole. There are many dangers from industrial wind complexes for both neighbors and the community. The infrasound from turbines creates very serious health issues for wildlife, farm animals and humans. The pulsations from that infrasound can disrupt the body's biorhythms, create cardiovascular disease and a multitude of other health issues. Those pulsations can travel up to 32 miles through buildings and house walls and affect all creatures. Reproductive issues, along with deformities and death, have been reported in cows, chickens, horses, and goats living near the wind turbines. The coating on the wind turbines erode and shed microplastics, known as forever chemicals, which contaminate the soil and ground water forever. Turbine fires cannot be fought safely putting anything nearby in danger and possibly starting wildfires. The property resale values will be dramatically reduced and will become unsaleable because no one wants to live near these wind turbines. Some mortgage companies consider the turbines to be health hazards and decline loans for nearby properties. Many people have said to expect a mass exodus of residents if these industrial complexes are allowed to invade and destroy this County. These industrial wind turbine complexes would not be beneficial to Franklin County's economic development regardless of how much money the wind companies say they are going to give the County. What good is the money if there are very few residents left and no one will come here to live or even visit. There goes your tax base. It sounds like economic disaster and could make the County look like a ghost town. This is a lose lose situation for the residents in Franklin County. They lose by having their property values destroyed, their health and that of their animals damaged, their peaceful rural environment ruined, getting no benefit from any energy created, and having their land stolen by eminent domain for the transmission lines to take any energy created out-of-state. So, there is no benefit for the residents, only hardships. Again, please save Franklin County and implement a ban on these industrial wind complexes.

Roger Newton, 1530 Thomas Road, stated the board has heard countless reasons why the board should agree to recommend granting the moratorium, but a ban would be preferred. He is not sure how much more ground the energy company can gain or how much more influence they could have in 2-1/2 years but if that is the best we can get out of the board and the County Commissioners then that is what we are asking for. He is moving into the County just like everyone else in the room. Granting a wind turbine farm would be a dumb move and we aren't dumb people. There are a lot of good reasons why wind turbines should be banned or at least a moratorium approved. If you don't agree, then let's have another meeting and we can explain it again. He wants to be a Franklin County resident and he gets to close on his property on May 18th and he is extremely excited. His family gets to live on a farm with a neighbor that has signed a contract, after they agreed to purchase the farm.

Tim Johnson, 2696 Xeric Road, Waverly, stated he is 1 mile from Franklin County and 1 mile from Osage County. When Osage County started talking about wind farms, he spent the time going to Osage City and Lyndon. He lives 1-1/2 miles from the wind turbines. He bought his house 9 years ago before the wind turbines were built. He assured the board that if he had to do it again, he would never have bought the property. He invited any of the board members that wanted to come out, there was an open invitation to come and listen to the turbines. Coffey County, he knows for a fact, when the wind turbines were built had a \$20 million decommissioning bond. He did a little investigating and Nextera doesn't put a dime into the decommissioning bond until after 10 years of continuous operation. Do some investigating before you get the County into someplace and upset a lot of citizens.

Therese Laughlin, 4896 Nevada Road, stated she lost her voice and asked if Chandy Prouty could read her statements on her behalf. The board stated yes Chandy Prouty could read her statements on her behalf. She found the following positive statements on the County's website. The preservation of Franklin County's agricultural land uses, and rural way of life is a goal of the Franklin County Comprehensive Plan. Wind turbines rob agricultural land. To minimize adverse impacts of non-agricultural development in farming areas and preserve Franklin County's rural lifestyle, character, and natural beauty. Characteristics that make Franklin County a desirable place for people to seek a rural lifestyle is open space, peace and quiet, farm heritage and rural character, healthy sense of community, natural beauty of rural lands, ability to farm, raise animals and livestock, and availability of wildlife. She supports solar and wind when it is for on-site use only, meaning residential use. She does not support commercial/industrial solar or wind. She believes commercial/industrial solar and wind would negatively impact animals and people, those living in the area and those visiting, and the rural character of the

County. There would be a decrease in agricultural land, loss of crop land, loss of hay ground, loss of pastureland, loss of wildlife, loss of the rural character, decreased land values, and physical and mental health problems. Substation and transmission lines add to the problem. Even more loss of agricultural land and damage to the natural beauty of rural lands. Imminent domain would be forced on people who are not given a choice. They will have ground taken from them and will suffer the loss of land, wildlife, decreased land value and the beauty and enjoyment of their land. We cannot afford to lose valuable agricultural land, lose our rural way of life, the addition of potential health problems including mental health, and decrease land values. She is asking the board to help protect the citizens livelihood, our property, and our right to enjoy our land for ourselves, our children, and grandchildren by banning commercial/industrial solar and wind.

Edie Freund, 15836 S. Adams Ter., Carbondale, stated she wanted to tell the board a little different perspective when you look at the commercial wind industry as a whole and at Kansas. She looks at it like a puzzle. There are all of these Counties that have different regulations because home rule allows the Counties to do that in Kansas. If you look at this project proposed by Nextera, they want to cover the entire Eastern side of Kansas. So, it is not just about Franklin County, but if you look at Osage County, Franklin County, Miami County, Anderson County, and Douglas County and look at it like a puzzle, Osage County is off the board currently because there is a ban. Miami County has a moratorium currently. Anderson County has kept them out, so Franklin County and Douglas County are important to these companies. She would like to see Franklin County ban wind farms just like Osage County did. If you can do a moratorium, fine, but she would recommend a ban. In Osage County they were going to put over 200 wind turbines in the North side of the County where they have the most population and the most potential for growth and business opportunities and they want to do that all the way across the state to the Missouri State line. If you also look at Nextera's granted public utility status by the KCC for the transmission line from Wolf Creek to Missouri for the Blackberry Transmission Line. They are already gaining that and have already attempted to purchase Evergy a couple times. If they can get public utility status, then that would allow imminent domain. If you allow wind turbines in the County, you need to consider imminent domain which means more landowners get their land taken away or don't have a say. She would request the board recommend a ban on wind turbines but if not able to do a ban at least the granting of a moratorium would allow the County time.

Deb Winstone, 4213 Kentucky Terrace, stated a few of the reasons she doesn't want industrial wind turbines in her county. She chose to move away from Johnson County, Olathe, almost 3 years ago and chose Franklin County because of its beauty and there were no wind turbines. She had seen them around the State, and they are terrible. One of her favorite things to do is sit on the hill and her pasture and enjoy the beautiful landscape out to the West. She doesn't want the view ruined with wind turbines. There are many city folks who are looking for their piece of paradise when they retire. These people bring money and if there are wind turbines dotting the landscape, they will take all that money to another county, like Osage County, that has a ban on wind turbines. The wind turbines they want to put up are over 600 feet tall. That is twice the height of the Statue of Liberty, taller than the Washington Monument, and nearly as tall as the St. Louis Arch. Imagine the West side of our county dotted with those monstrosities. There are health reasons too. She would probably be far enough away that flickering would not be an issue for them, however the infrasound can travel quite far and can go through walls. She is concerned that those infrasounds would cause health issues to them and their animals. All of these wind turbines will affect the safety of pilots. If a citizen needs to be life flighted out, it will affect where life flight can fly and land. She would like wind turbines banned in Franklin County but would settle for a 3-year moratorium.

Rosemary Pratt, 612 East 15th Street, stated she has lived in the area for 47 years. She remembers a few years ago that John Coen had a dairy farm and wanted to make it larger, a lot larger. It was voted that the dairy farm would negatively impact his neighbors, so it was denied. It seems like these wind turbines are the same thing. These turbines would negatively impact the neighbors. We are a community, and we live together and need to consider impacts on our neighbors. She hopes the board will ban commercial/industrial wind and solar farms. If someone wants to put residential solar or wind on their property, she has no issues. They have solar panels on their property, and it helps them out a lot on the electrical bill. As far as the industrial farms she doesn't see how they would improve Franklin County, and the entire country. It is very inefficient if we are going to do something efficient and use our brains because it doesn't make any sense. The only reason it makes sense right now is because they are being subsidized too highly. She is concerned about the peace and quiet, the nature, and land values will go down a lot if you live next to a wind farm.

Brenda Bazil, 2139 Iowa Terrace, stated her and her husband Butch are not only landowners in Franklin County but are also landowners in Coffey County where they have a farm that has been in the family for 140 years. The people around them, fortunately, did not lease their land for wind farms, which they are very thankful for, but they do travel that highway. She encourages everyone to travel that highway and even pull over, stop and go down any of those roads. These wind

turbines changed the character of that portion of Coffey County tremendously. They didn't realize until this year, when they visited people who have homes close to the wind turbines, that they were noisy. She had no idea that you could stand at their home, which has a wind turbine that is not on their property and could hear the wind turbine that is 600 feet from their property. Everyone should make that drive, stop and look at the character and the beautiful farmland that has been changed forever. She hopes the moratorium will be granted and would eventually lead to a ban of wind turbine farms in Franklin County.

Lurenda Walter, 3225 Georgia Road, stated she works with her parents at their farm in the Northwest part of the County right where a bunch of these turbines are proposed to be built. She is sure that the people from Osage and Coffey County can attest to how these wind turbines are going to tear our community apart. Many of us are here to protect landowners and she is requesting that the moratorium be granted and eventually a ban on wind turbine farms. Save our community from being torn apart.

Mel Winstone, 4213 Kentucky Terrace, stated one of the good things about this process is that we have all gotten a lot more acclimated to County government. He appreciates the job the board does, it has been very eye opening for him to come in and see some of the things the board has done. His constituents this evening have shared with you all of the reasons not to allow wind turbines in our county. This is a very emotional topic for everyone in the room. One of the things he has always looked at being in business for 35 years is trading partners. He is always a little bit reluctant or skeptical when he looks at a company, such as Nextera, and they are corporate America. The board looks out for the citizens of Franklin County, and you do a marvelous job at that and how we maintain our County and for the way of life of Franklin County citizens. A company like Nextera is concerned about one thing and that is their profit. He is concerned about their sustainability because they have already filed for bankruptcy once so how much longer can they stay in business. They appear to have very predatory business practices, which are not in the best interest of our citizens. In his mind, he believes Franklin County will eventually come to a ban of wind turbines. There is nothing wrong with the current Comprehensive Plan except that it was put in place several years ago and, as is everything in life, things change and change very rapidly so this decision will have a very long, enduring effect on our families and fellow citizens. There is nothing wrong with doing a 3-year moratorium to take the time to do the research. There are a lot of questions that have been raised regarding wind turbines. He encourages the board to recommend that the County Commissioners grant the moratorium because it is in the best interest of all the citizens of Franklin County and hopefully, we can work towards a ban because that would be best for Franklin County.

Joe Drake, 3409 Oregon Road, stated he wants the moratorium granted and eventually a ban on wind turbines. One thing that nobody else has talked about tonight is that we need time. These wind turbines are starting to fall down all over the world, and no one knows why. So, we need time to see how many are going to fall down.

Mark Barraclough, 1076 Labette Road, asked is it possible that some of the more radical weather patterns are a result of wind turbines disrupting the normal air flow. Europe noticed these phenomena more than 6 years ago and began rationing back on these wind turbines. The news we hear here is not the same as what goes on over there and he knows this because he lived there in 2016 and he was surprised at what we hear and how different the news is over in Europe, France, and Spain. The price of electricity, if you look at your bill, has gone up since the Waverly wind farm was erected about 5 years ago. Another thing he finds interesting is a report he ran across at work, he works for Wolf Creek. The report stated the convention specifically uncovered a plant in Europe and the root cause of a crack on the 1818 rings on the rotor were caused by volt amps reacting to swingings due to the inverter base loading of the plant. These windmills use inverter base loadings to produce electricity. Something similar happened in Salem, New Jersey, which is another nuclear plant. These wind turbines do not produce the amount electricity needed to convert a load to cover their lifecycle cost. The only reason they are produced, or put up, is because of the subsidies. Whenever we can produce more power than what is in demand the price of electricity goes negative. We are paying to produce electricity. There are reasons for that and part of it has to do with the fact that when the wind stops blowing, these wind turbines stop moving. The goes ins must equal the goes outs so you have to have all of these other power producing units on standby and they are continuously using electricity to keep them warm. The reason they must stay warm is because if they are forced to go to full power from a cold state they will be destroyed. These wind turbines also cause grid stability problems. If the wind speeds are too high or too low these wind turbines will shut down. Ice will also kill them. One out of 100 of these blades fall off and these wind turbines are not green energy. \$500 per month at \$1 million for decommissioning per unit, which doesn't include removing all of the concrete, you are looking at 166 years to earn the money just to pay for the decommissioning, which ends up on the landowner.

S. Hornbuckle asked Mr. Barraclough what he does at Wolf Creek? He knows, but the rest of the board and the public don't know.

Mr. Barraclough stated he is an engineer at Wolf Creek. He has a mechanical engineering degree and an associate degree. About 1/3 of the people that work at Wolf Creek live in Coffey County and a number of them expected way more push back on the wind turbines and are disappointed it was approved. They realized later that they got involved too late.

L. Reed asked Mr. Barraclough since he works at Wolf Creek, wind comes and goes, but at Wolf Creek you must keep running, right? Wind energy is being paid twice because we are still producing it at Wolf Creek, and we are paying for the wind.

Mr. Barraclough stated that another part of this is that Wolf Creek has what is called flex power now. That is a new thing as of about 1-1/2 years ago. Flex power opts in when they drop to about 70% power. The plant is set up to run super-efficient at 100% power. So, in the past 1-1/2 they have had some very weird things break that they have never had a problem with before. Two feed rig valves, which are the valves that control the water flow going into the steam generators, stems broke. One broke up at the actuator part and one down inside the valve body. Somehow, when it would run at lower power, weird stuff starts happening that has never happened before. The reason he pointed out the stuff about other nuclear plants is because they are being impacted by wind turbines.

B. Livingston stated he is an engineer also so he can appreciate what Mr. Barraclough stated about the cyclical loading of wind, the cyclical generation capacity, and also solar. When we turn the air conditioner on, or when we need power, it has to be there.

Mr. Barraclough stated in Texas, a number of years ago, the wind stopped blowing and because they didn't have enough backup ready to go it caused a complete blackout. If you don't have the goes ins equaling the goes outs, as soon as you get too much instability everything will shut off.

Lee Bailey, 3 Stubblefield Lane, stated he is also an engineer and worked for KCP&L in the past. He looked at wind turbines like follow the money. The people that make these things want to put them everywhere they possibly can because they make great bucks in doing so. Once they start to make some money, they can turn them over to someone else who can also make money. The government is subsidizing wind, that is the only reason it exists. If you take the government subsidies for wind power away, wind will die. Nuclear power plants, like Wolf Creek, are base load plants. They turn on and the rods are raised or lowered to control how much power is output and it puts out a constant amount of power. The power is then sold to what is called a grid system that can be sold. The big problem with wind and solar is that they are unpredictable. You cannot count on wind and solar to be a base load. Therefore, you have a tremendous cost associated with the device that can only operate a partial amount of the time. The only way you can store any power from wind is to use batteries. Batteries are tremendously expensive and what they are doing is, by selling a lot of these turbines they can here and there pick out little pieces of energy that they can say look at what we are doing. Never mind what the ramifications are. If these things are so great, why wouldn't the people who design and build them put them where they live. Do you think the people that live in Martha's Vineyard would tolerate a bunch of wind turbines in their area? They turn to hicks and hillbillies in the Midwest because they won't care about a bunch of wind turbines. These wind turbines are all about a money-making proposition. Find one person you can pay 1/2 million dollars and get them to put wind turbines on their property and make sure he has a non-disclosure agreement so he can't tell anyone the special deal he has, take over the entire area and now the counties are stuck with these wind turbines for years and years and years. Do we get the power from them? No, we don't. Ban these wind turbines because they aren't worth anything. They are a net cost and there is no gain.

Dennis Pratt, 612 East 15th Street, stated they moved here 47 years ago to get away from the inner-city environment. What we really need to look at on this decision, and so simplify it, is who is getting the short-term benefits and who is paying the long-term price? The clean-up and the loss of their property. They may make a little up front but the cleanup will cost far more than what they gain as a short-term profit.

Carla Griffith, 632 North Hemlock, stated she would like to know if this moratorium is put into place, how do you reach out to the community, the citizens to ask for their participation, our participation, in the decisions that are being made for the planning that the board will be doing?

The Chair closed Public Comment.

Board Discussion. The Chair opened Board Discussion.

K. Singleton stated bad law creates bad zoning which creates bad consequences. The reason we have been asked to do the moratorium is that the County Commissioners don't want to get sued for not adopting plans within our codes. This moratorium does not meet legal requirements set forth by the United States Supreme Court about how you are going to do a moratorium. There were a lot of very good points this evening, but we are just opening ourselves up for another different type of lawsuit. As a matter of policy, when you write moratoriums, it is not supposed to last for more than 6 months. It can be extended for maybe 3 months. When you write the moratorium, you must have a very specific plan about the rules and regulations of how you are going to modify them during that 6-month time period. You also have to provide a system of relief for the applicants that met the code requirements that were already passed legally. We are not accomplishing what the goal of the County Commission wants by passing this moratorium. All we are doing is changing the way we are going to lose a lawsuit. A lot of the public said very important things that she agreed with. Judy Hancock was correct; you don't ban something you regulate it. That is what the County needs to do. If you take a look at Sabrina Meador's handout, we need to change our regulations so there is a larger distance from where these wind turbines are built next to where residences are located. There is so much pocket zoning, as Scott Yeargain stated, in the County that if we stated these wind turbines must be at least 1-1/2 miles away from any residence, there isn't a parcel you could find that is that far away from a residence. That alone would result in a ban. If we change the regulations like that tomorrow, that would be it. The things that the public is talking about that these companies do, mandate them within the regulations that we have disclosures. Mandate that they can't sell the project without written authorization from the owner. Mandate that they have to maintain the wind turbines and have to clean them up. All of this needs to be put in the regulations. We are going to have to write good law if we are to achieve what the public wants. You can't just say we don't want it, so we are going to ban it because that is not what the law says, and it won't last. She is going to vote against the moratorium because we have an obligation to follow the law, and we aren't. She finished law school in 2001 and she has done land development and zoning law since 2007.

Chair stated that public comments have been closed and it is now board discussion. The public may sit quietly and listen to our discussion, but are not allowed to ask questions or make comments.

S. Hornbuckle stated the Planning Commission is supposed to review and make any updates to the Comprehensive Plan on a yearly basis and that hasn't been done since 2019. Lawyers take forever in getting things figured out and he agrees that the regulations need to be changed to make it so no one wants to develop wind farms in Franklin County.

K. Singleton stated there are ways to regulate that protect our rural community and the beauty of our land without stating that we are banning something. We can make it appropriate to provide protection for our neighbors. She's not sure but there may be someone in the southwest portion of Franklin County, that owns a bunch of acreage, that could put in a wind farm that wouldn't disturb anyone. That landowner should have the right to do that if the proper protections are in place. She personally thinks the board needs to come up with a plan for how we are going to write regulations that reflect what our community has expressed and needs to do it within the next 6 months, and it needs to be done correctly. She is going to vote no on the moratorium because she is a lawyer, and she doesn't want to approve something that is not legal.

L. Reed stated he agrees with many things that K. Singleton stated because we do need to regulate these wind farms better, but he does agree with having 3 years to come up with that plan. Judy Hancock is an attorney, and she didn't seem to have a problem with a 3-year moratorium.

B. Livingston stated the last time the Comprehensive Plan was updated was in 2006 and it took around 2 to 3 years to complete that process. These things take time, and he does agree with what K. Singleton said and this would pertain to solar as well. These things are going to have an impact on landowners and surrounding neighbors. This is going to have a major impact on development and will determine what our County looks like in the future.

K. Singleton stated the information is out there on how to address these wind farms correctly and it isn't hard to find. Other places are doing it correctly and we need to put together a committee that would rewrite the appropriate section of the regulations. There is nothing pending in front of the board, so we don't need a moratorium. If we do grant a moratorium,

there is no reason we can't get the regulations updated in 6 to 9 months, which is what the courts require. A committee could meet every Thursday afternoon, including some people from the public, to write the regulations properly. She has done it before.

S. Hornbuckle stated meetings like that need to be townhall meetings where more than just a handful of people are making the decisions on anything. That is why it is going to take some time to get these regulations revised.

K. Singleton stated there is a legal process and the process is that a small group works together, which is open to the public. Once all the factors are figured out, we publish it and let the community come and voice their comments. We could publish the meeting 4 months from now because it is not that hard. Wind turbines have been around for a long time. She was in Ellis County when they went up 20 years ago. This isn't a new issue, and we aren't talking about updating the Comprehensive Plan. We are talking about a 5-page section of the Zoning Regulations so it can be done correctly.

R. Pearce stated there is a lot of wisdom to what K. Singleton is discussing and if it could be accomplished in 6 months then the moratorium could be lifted or extended. If it is a 3-year moratorium and we get the revisions made in 6 months, then the remaining 2-1/2 years of the moratorium could be lifted.

K. Singleton stated except the Supreme Court has found that a 3-year moratorium is inherently unreasonable.

R. Pearce stated he can't speak to that because he doesn't have anything to base it on. If we have this moratorium and the problem gets fixed before the moratorium expires, then we can get rid of the moratorium.

S. Hornbuckle asked if we could remove wind energy conversion systems from our regulations and not allow them at all? If we change our regulations to state that wind energy conversion systems aren't allowed, that would be the same as imposing a ban and they can't come into the County. That could be done in 6 months also. If the lawyers really want to come and sue the County, then they are going to no matter what we do. If they are going to sue us for granting a moratorium, then they would sue us for banning them. The State of Iowa has already passed in the state legislature that the county people have no control of their land. They can use eminent domain property to install windmills and solar farms and the farmers have no control. So as far as big money and lawyers, they are going to go way above our heads. We can do what we can to protect our county the best we can, which is the moratorium until the Comprehensive Plan has been updated. Then we will have the chance to do the research to either ban them or change the zoning regulations to make it difficult for them to develop wind farms. This county is too densely populated to have wind farms. There are all sorts of information out there, but it is hard to determine what is real and what isn't. No one even thought wind farms would come to this area because we aren't even in the main wind tunnel of the United States, that's in Western Kansas. Franklin County is barely on the outskirts of where the highest producing wind is located. Why are they coming to a part of Kansas that the government has already put the statistics out there saying the wind isn't available to produce a viable wind source?

The Chair closed Board Discussion.

The Chair asked for a motion. B. Livingston made a motion to recommend the Board of County Commissioners approve an addendum granting a temporary moratorium on the planning, establishment, construction, application for or permitting of any Special Use Permits for Commercial Wind Energy Conversion Systems in the unincorporated areas of Franklin County, Kansas until December 31, 2026. The motion was seconded by S. Hornbuckle. The Chair called for roll call vote.

Reed	Yes	Livingston	Yes	Pearce	Yes
Campbell	Yes	Harris	Yes	Stottlemire	Excused
Singleton	No	Hornbuckle	Yes	Rayson	Yes

Motion carried 7-1.