

MINUTES

RILEY COUNTY PLANNING BOARD

**Monday, January 11, 2010
7:30 pm**

**Courthouse Plaza East
Commission Meeting Room
115 North 4th Street**

Members Present: Lorn Clement, Vice Chair
Tom Taul
Diane Hoobler
Julie Henton

Members Absent: Jon Larson

Staff Present: Monty Wedel - Director, Bob Isaac – Planner; Lisa Ruthstrom –
Administrative Assistant; Rod Meredith- Assistant Public Works Director

Others Present: Joe Ryan, Norma Benton, Duane Benton, Tom & Pat Orazem

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the December 14, 2009 meeting were presented and approved. The Report of Fees for the month of December (\$675.00) were presented and approved.

Board of County Commissioners of Riley County, KS – Special Use Authorization

Lorn Clement opened the public hearing at the request of the Board of County Commissioners of Riley County, KS, petitioner and owner, for a Special Use Authorization to permit construction and operation of seven (7) various types of non-commercial wind energy conversion systems.

Bob Isaac presented the staff report. Mr. Isaac indicated that the subject site consists of three tracts which are zoned G-1 (General Agricultural). Mr. Isaac stated the proposed installation of the towers is the result of a partnership between the County and Kansas State University. It is proposed that the various types of wind turbines will generate enough electricity to power the county shops. He explained that funding for the project will be provided by a grant through Kansas State University Engineering department. Mr. Isaac pointed out that there are neighboring properties that are residentially zoned and could be sensitive to this request. Mr. Isaac indicated the maximum height for a non-commercial tower is 150 feet. Mr. Isaac indicated that the Ft. Riley public works personnel are reviewing the request at this time to determine if the

towers will interfere with radar. Mr. Isaac said that, at this time, he has not received any feedback from them.

Staff recommended that the Planning Board forward a tentative recommendation of approval to the Board of County Commissioners of a Special Use Permit to allow the construction and operation of seven (7) various types of non-commercial wind energy conversion systems. Staff recommendation is contingent upon a report from Fort Riley officials stating that the request will not interfere with the installation's radar and is based on the following findings:

- The proposed zoning and existing uses of the subject property are compatible with those of surrounding properties;
- The subject site is located in an area that has existing industrial type uses;
- Surrounding development should not be negatively impacted by the request;
- It has been determined that the request meets the requirements of the Riley County Zoning Regulations and the Riley County Sanitary Code; and
- The request conforms to the 2003 Manhattan Urban Area Comprehensive Plan.

Julie Henton asked if there is a reasonable distance between the large power lines and the towers.

Rod Meredith indicated that KSU and Westar did the layout of the towers.

Diane Hoobler asked if there is a reason why the towers are located out front.

Rod Meredith indicated that there will be a small kiosk and parking. Mr. Meredith explained there will be a classroom in the basement of the office building for training and introductions to the systems. Mr. Meredith stated the kiosk, which will be similar to a small shelter, will have monitors inside of all the systems.

Diane Hoobler indicated that this land is within the "heart" of the Flinthills, designated by the Governor that discouraged wind towers.

Rod Meredith indicated that Highway 24 is the line. Mr. Meredith explained the issue has to do with commercial wind turbines. He further explained that the agreement was between the state and major utilities in Kansas with the concern of large wind farms covering the Flinthills. Mr. Meredith stated the agreement does not address small non-commercial turbines.

Diane Hoobler asked what the height difference between commercial and non-commercial.

Rod Meredith indicated that the approximate height of a commercial turbine is 300 feet. Mr. Meredith indicated these turbines are primarily for demonstration and education.

Rod Meredith stated the plan includes solar street lighting, hot water solar panels, and infilm solar panels that sit in the channel of the roofing material. Mr. Meredith explained the southern most turbine is the largest and may not be installed, depending on the funding.

Lorn Clement stated there were concerns expressed about heavy duty concrete construction of foundations and the impact on water resources. Mr. Clement asked what scale of foundation is being anticipated.

Rod Meredith stated he did not know the exact details and there is really no ground water (elevated water table) at this site.

Lorn Clement stated he is concerned in the findings that surrounding areas should not be adversely impacted by this request. He is concerned for the homes south of this property. Mr. Clement suggested a noise study be completed, as the largest tower is the closest to these homes.

Rod Meredith indicated that the turbine site in question may be eliminated due to funding.

Lorn Clement expressed his concern of the possible visual and audio impacts that could occur on the adjacent property values, the fairness to the homeowners and the resale ability of the property. Mr. Clement asked if there will be a timer set on the parking lot lighting.

Rod Meredith indicated that the lighting would be on all night for security reasons.

Lorn Clement indicated this too will have an impact on surrounding properties.

Rod Meredith stated the lighting is designed to shine down and should not be intrusive.

Lorn Clement asked if there any opponents or proponents.

Tom Orazem stated he is not an opponent but would like more information on the noise generated by the turbines.

Joe Ryan indicated that the largest turbine being discussed is a direct drive turbine, so there would not be gear box noise typical of the larger turbines.

Norma Benton indicated there is a property west of the shop site that has a home on it and the County needs to be careful how far west to place the turbines.

Tom Taul motioned to close the public hearing.

The motion was seconded by Diane Hoobler. The motion carried 4-0.

Monty Wedel asked for clarification on what information the Board would need concerning the noise issue, a study or a manufacturer's statement.

Lorn Clement indicated he thought a manufacturer's statement would be sufficient.

Julie Henton questioned if the noise would increase the faster the turbine moved.

Lorn Clement stated he thought that information would be in the manufacturer's statement.

Tom Taul questioned the setback requirements.

Monty Wedel stated he believed it was equal to the height of the tower.

Diane Hoobler stated she was concerned about the precedent the county will be setting with reference to individuals putting up wind turbines.

Monty Wedel stated that currently wind turbines 150 feet and under is a permitted use in zone "G-1" (General Agricultural). Mr. Wedel indicated approving this special use authorization would not be setting a precedent as it is already permitted.

Tom Taul moved that the Board forward a recommendation of approval to the Board of County Commissioners, with a recommendation that tower EG (as indicated on the site plan) be moved further north in a cluster formation and the height of tower NW (as indicated on the site plan), be lowered six (6) feet to meet maximum height requirements of the zoning regulations.

Julie Henton seconded. Motion carried 4-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on January 25, 2010 at 9:15 AM.

Joe Ryan – NexGen Energy Partners LLC and Discussion of amending Section 20-Board of Zoning Appeals

Joe Ryan stated that his company is working with the Riley County High School to place two Northwind 100 turbines on campus. Mr. Ryan stated the tower height of each tower is 155 feet. Mr. Ryan explained that he has been informed that the maximum height for a non-commercial wind turbine is 150 feet. Mr. Ryan explained that, although a smaller, 100-foot tower could be used, they would lose 12-15% of power which possibly would not appeal to the school district.

Julie Henton asked where turbines would be located.

Mr. Ryan stated south and west of the football field.

Lorn Clement expressed concern regarding shadow flicker on the football stadium.

Bob Isaac reminded the Board that Mr. Ryan's presentation was to be used as the basis for the discussion regarding a possible amendment to Section 20- Board of Zoning Appeals, not the actual proposal. Mr. Isaac explained that research has revealed the maximum height for non-commercial towers in many jurisdictions is set at 200 feet. Mr. Isaac stated that, rather than change the existing maximum height requirement for a non-commercial wind tower, the zoning regulations should be amended, giving the Board of Zoning Appeals the authority to increase the maximum height of non-commercial towers by 33%, which would keep the maximum tower height under 200 feet.

Tom Taul moved that the Board instruct staff to proceed with the proposed amendment of Section 20 – Board of Zoning Appeals.

Julie Henton seconded. Motion carried 4-0.

Monty Wedel –Zoning and Subdivision Regulation Status Report

Monty Wedel indicated the project is still in phase one with the consulting group. Mr. Wedel indicated that the consultant (Clarion Assoc.) has held many discussion groups. Mr. Wedel said one of the things that came out of the discussion was consolidating the Planning Board and the Board of Zoning Appeals. Mr. Wedel stated that Jon Larson was in on those discussions and has given his approval for the consolidation. Mr. Wedel explained that the Planning Board would assume the responsibilities of the Board of Zoning Appeals (variances, conditional uses and appeals) and the existing Board of Zoning Appeals would be eliminated.

The Board agreed with the consolidation.

Election of Officers

Diane Hoobler nominated Jon Larson for the position of Chairman. Tom Taul seconded. Motion carried 4-0.

Diane Hoobler nominated Lorn Clement for the position of Vice-Chairman. Tom Taul seconded. Motion carried 4-0.

The Riley County Planning Board nominated Bob Isaac for the position of Secretary. Motion carried 4-0.

The meeting was adjourned at 9:18 P.M.