

February 8, 2023

BOARD OF FRANKLIN COUNTY COMMISSIONERS

Meeting Location: Franklin County Annex Building Commission Chambers

Chair Dickinson called the meeting to order at 8:30a.m.

Roll call: Chair Ianne Dickinson absent, Vice Chair Colton Waymire present, Commissioner Donald Stottlemire present, Commissioner Rod Harris present, Commissioner Roy Dunn present.

Vice Chair Waymire asked all in attendance to stand and join him in the Pledge of Allegiance.

Invocation was led by Pastor Leonard Cheasbro.

No Public Comment.

Commissioner Dunn moved and Commissioner Harris seconded to approve the consent agenda as follows: minutes from the meeting on February 1, 2023. All voted "yes".

Pat Toth, Building Official, discussed Special Use Permit Application #2211-2009 to allow for the construction of a 197-foot guy wired meteorological evaluation tower (MET) in an A-1 Agriculture Zoning District. The proposed location is a 137-acre property zoned A-1, and the tower is under 200-foot and will be unlit. The Planning Commission voted 6-2 to deny the Special Use Permit. The Commissioners can take one of three actions today: Accept the Planning Commission recommendation and deny the Special Use Permit, remand back to the Planning Commission with specific instructions to reconsider, or override the Planning Commission recommendation and approve the Special Use Permit.

Allen Anderson, representative for the applicant Tower Associates, addressed the Commission with thoughts regarding the application and concerns about the application from citizens. He said this is not an approval for a wind turbine, just a meteorological tower application. He also noted that the property owner wants to exercise his rights to put this tower up on his property. He said this is an attack on free market capitalism if the tower is not allowed.

Public Comment:

Diane Caryl, 2112 Old Highway 50, Ottawa- let the Commissioners know that they represent the people and the people don't want this in the landscape.

Norman Wooge, 3790 Pawnee Rd, Ottawa- told the Commissioners this is just smoke and mirrors and this company just wants to keep their foot in the door. The utility company will condemn neighboring properties. He said the Commissioners should stand up to this company.

Susan Hughes, 1414 S Olive, Ottawa- said Nextera wants to take the rights of the citizens away and they are interfering with life, liberty, & the pursuit of happiness.

Kevin Evans, 3628 Nevada, Ottawa- discussed that the Commission has turned down items that only effect people in the immediate area and this will impact the whole area. He asked Commissioners to vote against this.

Sabrina Meador, 3404 California Rd, Pomona- asked the Commissioners to uphold the Planning Commission decision to deny the Special Use Permit. She said this is the pre-construction phase of the wind project. We have a good start in our zoning regulations but we need to update the zoning regulations and the comprehensive plan. We need to address setbacks.

Robert Gloschen, 3775 Reno Dr, Ottawa- asked the Commissioners to deny the Special Use Permit. This is an out of state group preying on our citizens. She said the leases placed on the properties by this company will control the land and what an owner can do with it and also limits land divisions and financing of the properties.

Elizabeth Hamit, 2559 Nebraska Rd, Ottawa- asked the Commissioner to deny the MET tower. She said she recently moved here from California and doesn't want these near her house.

Melvin Winstone, 4213 Kentucky Terrace, Ottawa- asked the Commissioners to slow down and put a moratorium in place to access the risk. Evaluate business practices and zoning regulations.

Carl Gardner, 352 Missouri Terr, Richmond- said this is a government funded project and is being pushed by a large corporation. We don't need to bring the outside corporate world in to trash our county.

Darrel McCune, 1428 S. Olive, Ottawa- said there were no objections from the notification area for this tower. He said Franklin County has zoning regulations in place to approve this Special Use Application. We shouldn't be afraid of more information.

Chandy Prouty, 4848 Louisiana Rd, Baldwin City- told the Commissioners that Nextera has acquired leases to get their foot in the door to allow them to file for eminent domain if they have any reasonable cause. She said we want to keep our county our county. We didn't ask for this, and she has 230 citizens petitions stating that. The zoning regulations need to be updated to ban commercial energy, and the setbacks need to be adjusted to 1-mile from nonparticipating properties.

Eileen Spickler, 601 S Burrough St Lot 24, Ottawa- said she supports a moratorium. She said there are pros and cons to all types of energy. We need more transparency in the process.

Loyd McClure, 2007 Iowa Rd, Ottawa- said the Commissioners should put a moratorium on this to study the effects. He said we don't want wind turbines ending up in the landfill.

Sean Torres, 513 E Grant, Ottawa- discussed the negative impacts of wind turbines. The negative impacts included those on people and those on animals. He also discussed negative impact on emergency communications.

Pamela Sahl, 1457 Haskell Rd, Williamsburg- asked if Nextera sues the county for denying the permit, will it be her tax dollars that pay for that. She also said the county should change the codes before they deny the permit.

Judy Hancock, 3469 Tennessee Rd, Ottawa- urged the Commissioners to deny the permit, place a moratorium on this process for 2 years and suggested that the comprehensive plan and the zoning regulations be updated.

Steve Sahl, 1457 Haskell Rd, Williamsburg- suggested completing a study to make a thoughtful and logical decision.

Kendra Titus, 2961 Labette Rd, Ottawa- said it is the Commissioners duty to protect the citizens from people trying to take advantage. She asked the Commissioners to vote against this permit.

Scott Yeargain, 2264 Nevada Rd, Ottawa- discussed how many oil and gas wells are in the county. He said many of them are abandoned or in disrepair causing them to leak possibly causing damage to the environment and the ground water. He said wind turbines aren't pretty, but they aren't as damaging to the environment as oil and gas wells.

Roger Newton, 1530 Thomas Rd, Ottawa- said that he hopes to be a Franklin County resident. They plan to move her from Douglas County where they are too close to the Panasonic footprint, He wondered about property values going down and property taxes continuing to rise. He said that he doesn't want to have to move to Anderson County where they have already won this fight.

Trisha Webb, 15549 Retna Rd, Overbrook- asked if the Commissioners have a plan for infrastructure. She said more residences bring more tax revenue and people don't want to build houses by wind turbines.

Malydia Payne, 3553 Oregon Rd, Ottawa- discussed the population density of counties that currently have wind farms and how much denser the population of Franklin County is than those counties. She called on strong leadership and urged the Commissioners to deny this permit.

Joe Prochnow, 2645 Georgia Rd, Ottawa- is concerned about property values going down. He would like to see this application denied.

Jim Kimball, 588 Utah Rd, Lane- said six generations of his family has lived in Franklin County. He is concerned about his grandchildren having to make a decision to move out of Franklin County if this is approved.

Theresa Laughlin, 4896 Nevada Rd, Baldwin City- said she is opposed. She said she doesn't want the MET tower and said if you are aware of a nuisance before it occurs, why would you allow it. She urged Commissioners to deny the permit.

David Judd, 423 Hwy K-68, Pomona- said he wants to keep the natural beauty but wondered how many jobs and dollars it would bring to the community. He said he doesn't currently have any leases, he knows that some landowners may be doing this to add to the bottom line. He said landowners should have a say in what goes on in the farm area.

Lurenda (Eichenberger) Walter, 3225 Georgia Rd, Ottawa- said that the property values could go down and wanted to know how the county is going to recoup those funds. She was also concerned about eminent domain.

Carlsie Boardman, 2479 Idaho, Williamsburg- urged the Commissioners to deny this. She said if the Commissioners have the citizens backs, they will have the Commissioners back later.

Danae Schonberg, 729 Thomas, Ottawa- discussed concerns of being at odds with her neighbors due to leases for wind turbines. She said that she does not want these to be in her area.

Public Comment concluded at 10:29a.m.

Derek Brown, County Counselor, gave his legal perspective and practical perspective. He said legally, this is just a permit for a MET tower and not a wind turbine, and it is just a property owner exercising his rights. Practically speaking, it is just a tool to be used for wind turbines, and if at least three Commissioners do not want wind turbines in Franklin County, there is no need to approve this tower. He said he believes voting this down creates a natural moratorium.

The Commissioners discussed the permit and asked questions regarding the application. Commissioner Waymire said that he doesn't see a path for a MET tower to have a net positive gain in Franklin County. He said that he feels the majority of citizens do not want commercial wind in this county. Commissioner Stottlemire said that he appreciated all the input from citizens on this matter. He said he doesn't see a good path for this to move forward. Commissioner Harris said he didn't know if they were good or bad but he can't support this. Commissioner Dunn said that he doesn't know how a MET tower could benefit the County if it only gives information to the company putting it up. It doesn't seem beneficial. He said he can't support it.

Commissioner Dunn moved and Commissioner Harris seconded to adopt Resolution 23-05 to deny Special Use Permit Application #2211-2009 (Tower Associates) allowing for the construction and operation of a 197-foot guy wired meteorological evaluation tower (MET) in an A-1 (Agriculture) Zoning District. All voted "yes".

The Commission recessed at 10:44a.m. for ten minutes.

The Commission reconvened at 10:54a.m.

Pat Toth, Building Official, discussed rezoning application #2211-2015 to rezone approximately 5.00 acres from the A-1, Agriculture District to the R-E, Residential Estate District and to rezone approximately 34.40 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District. The property is located at the intersection of Jackson and Virginia Roads. No one appeared at the public hearing to oppose this rezoning.

Commissioner Dunn moved and Commissioner Harris seconded to adopt Resolution 23-06 to approve rezoning application #2211-2015 to rezone approximately 5.00 acres from the A-1, Agriculture District to the R-E, Residential Estate District and to rezone approximately 34.40 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District. All voted "yes".

Pat Toth, Building Official, discussed rezoning application #2212-2021 to rezone approximately 10.27 acres from the R-E, Residential Estate District to the A-1, Agriculture District and to rezone 9.91 acres from the A-1, Agriculture District to the R-E, Residential Estate District. The property is located near the intersection of Butler and Colorado Roads. No one appeared at the public hearing to oppose this rezoning.

Commissioner Stottlemire moved and Commissioner Dunn seconded to adopt Resolution 23-07 to approve rezoning application #2212-2021 to rezone approximately 10.27 acres from the R-E, Residential Estate District to the A-1, Agriculture District and to rezone 9.91 acres from the A-1, Agriculture District to the R-E, Residential Estate District. All voted "yes".

Pat Toth, Building Official, discussed rezoning application #2212-2022 to rezone approximately 3.00 acres from the A-1, Agriculture District to the R-E, Residential Estate District. The property is located near the intersection of Riley and Vermont Roads. No one appeared at the public hearing to oppose the rezoning.

Commissioner Harris moved and Commissioner Stottlemire seconded to adopt Resolution 23-08 to approve rezoning application #2212-2022 to rezone approximately 3.00 acres from the A-1, Agriculture District to the R-E, Residential Estate District. All voted "yes".

Staff reports were given by Derek Brown, County Administrator; Jeff Richards, Sheriff; W. David Lee, Public Works Director; and Janet Paddock, County Clerk.

Commissioner Harris moved and Commissioner Stottlemire seconded to adjourn the meeting at 11:13a.m. All voted "yes".

---

Clerk

---

Chair