

FORD COUNTY ZONING BOARD MINUTES
February 1, 2016 at 7 p.m.
Ford County Commissioners Meeting Room, 1st Floor
Ford County Government Center

Members Present: Grant Powers, John Mullen, Eric Harman, Josie Lix, Ron Reinert,

Member Absent: None,

Roll Call: Five members present, Quorum- Yes

Staff Present: Mark Shriwise

Special Guests: **Matt Martin, Rose Reinert**

Approval of the minutes:

Previous meeting minutes from August 17, 2015 were approved with no changes. A was **made motion to approve with no changes, seconded by, motion carried**

Hearing Procedures:

Mr Grant Powers read the Ford County Zoning Board Hearing Procedures and Open the hearing ZC 2016-02;

Zoning Case 2016-02: Chairman Powers opened the Zoning Case 2016-02

Zoning Case 2016-02, Updated Conditional Use and Development Plan for Capital Power, “CP Bloom Wind LLC”.

Capital Power has petitioned for approval of updated Conditional Use and Development Plan for the purpose of construction and operational of the "CP Bloom Wind LLC". A proposed (up to) 180 Megawatt (MW) Windfarm will be located within the following tracts: **Sections; 14, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, Township 29 South, Range 24 West of the 6th Principal Meridian within Bloom Township of Ford County, Kansas and all of Section 25, Township 29 South, Range 25 West of the 6th Principal Meridian within Wilburn Township (East) in Ford County, Kansas. The general boundaries of the proposed “CP Bloom Wind LLC” are described as north of Zane Road, East of US Hwy 283, West of 117 Road, South of Windy Road and extending south into northern Clark County.**

Chairman Power asks if a representative was present to inform the zoning board about the CP Bloom Wind LLC. Mr. Matthew Martin, Senior Manager of Capital Power plans to construct, develop, and run a 180 MW wind farm- West and South of Bloom, KS. The wind farm plans to use 3.3 MW (54) turbines or different MW rating turbines as outline in the new development plan. Chairman Powers ask for public and board comments. After several board questions and discussion.

Chairman Powers request the staff recommendations read.

Staff Recommendations: Zoning Case 2016-02, Updated Conditional Use and Development Plan for Capital Power, "CP Bloom Wind LLC".

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Township: Bloom Township and one Section in Wilburn Township

COMPREHENSIVE PLAN COMPATABILITY

This development is compatible with the objectives of the Ford County Comprehensive Plan.

SURROUNDING PROPERTY USE

The surrounding property use is Agricultural in nature. The general project boundaries for "CP Bloom Wind LLC" are described as north of Zane, East of US HWY 283, West of 117 Road and South of Windy Road.

STAFF RECOMMENDATIONS

There shall be strict conformance to all performance standards set forth in the Ford County Zoning Regulations, Ford County Environmental Code and Ford County Comprehensive Plan, as well as Federal and State Codes.

The Wind Farm Development shall follow the development plan.

Transfer of the Conditional Use Permit (CUP) from one party to another party must be approved by Ford County Board of County Commissioners (BOCC) and a transfer fee of \$70.

All turbines and supporting equipment must be inspected by a certified structural engineer and/or certified structural firm or by a neutral third party, acceptable to the Ford County Administrative Services at no expense to Ford County or the landowner. Inspections will

include (but not limited to) foundations, structural assemblies, mechanical and electrical equipment.

A Road maintenance agreement must be entered and approved by Wilburn Township, Bloom Township and Ford County Administrative Services before construction begins. Construction transportation routes shall be coordinated with the Wilburn and Bloom Township trustees and Ford County Administrative Services. A preconstruction and post construction road assessment will be conducted by the Consulting County Engineer with the expenses, being

charged to the developer. The roads must be videotaped or digital pictures of existing road conditions taken before construction. All roads shall be restored to original road condition or upgraded by the holder of the CUP. Dust control will be used when necessary. Permanent access roads to the turbines shall be narrow as possible. Applicant is responsible for any damage to county and township roads from tower construction, deconstruction, and/or maintenance activity.

All power lines and communication lines are to be installed underground as described in the development plan. Special above ground installations must be approved by the Ford County BOCC.

Minimum tower setbacks as stated by The Ford County Zoning Regulation **19-104 (47a)** requires the location of every tower must be such that it is at least an equal distance from all property lines as it is in height. Exception: Self collapsing tower.

(Optional)

Tower Setbacks: a. 1000 ft residential structures unless waved by landowner(s)
b. Tip height plus 50 feet for agricultural nonresidential structures unless waved by landowner(s)
c. 1.1 times tip height from public easements, public rows,
and section lines
d. 1.1 times tip height from property lines of non-project properties unless waved by adjacent landowner(s)

All turbines will be GPS and Ford County may be assigned 911 addresses for each turbine.

Building permit fees for the Tower and Generator will determine upon the name capacity of generator/tower times the base fee. The base fee is based upon \$325 per 1.0 MW.

Sanitation: Developer and/or construction developer is responsible for all waste streams created, stored and transported and must follow all state and federal laws.

Personnel: Any county or state requirement other than OSHA 29 CFR 1926 and 1910 and EPA, DOT Requirements.

Turbine Identifications Numbers shall be clearly visible at normal sight level. No logo or advertisement shall be located on the turbine structure unless approved in advance by the Ford County BOCC. Turbine structures shall be painted with neutral colors (grays or whites). No lattice turbine structures.

Ford County Communication:

Developer shall provide studies to the Ford County Communication prepared by the turbine manufacturer or other suitable party that the turbines and other structures will

not unreasonably interfere with wireless communication reception. Procedures shall conform to the Federal Communication Commission (FCC) regulations. Developer shall provide written documentation requesting Ford County Communications to provide all communication sources, frequencies and beam paths (transmitters, repeaters, radio signals, etc. - licensed or unlicensed with FCC and other authorities). The turbines and other structures will not unreasonably interfere with wireless communication reception.

The developer shall supply the necessary special rescue equipment and special training for the Ford County EMS & Fire Department to accommodate high angle rescue.

All tower lighting will comply with FAA requirements as well as any federal and state requirements.

A decommissioning plan must be approved by the Ford County BOCC before construction begins.

Refer to the Wind Farm-Permit Requirement Guidelines document.

This case will be presented to the Ford County BOCC on February 16, 2016 or a later date, along with the recommendations of the Zoning Board. This will be a report only, not a public hearing. If you wish to protest the decision made by the Zoning Board, please contact Mark Shriwise, Zoning Administrator at (620) 227-4739.

After the board discussion and comments from the public, Chairmen Powers closed the open and ask for a motion. The Zoning Board made a motion to recommend approval by Ford County BoCC. Second, Motion carried: Four (4) in favor and none (0) opposed.

Zoning case 2016-02 closed.

Staff informed the Zoning Board about other wind farm development, oil and gas development, and building projects in the County. Meeting adjourned at 08:00 P. M.

Reports: Staff report on wind farm activity, transmission line activity water wells and oil field activity.

Adjournment: With no further business to be conducted before the board; meeting was adjourned about 8:00P.M.

Grant Powers, Jr, Chairman

Mark Shriwise, Secretary

Approved _____