



# Saline Planning and Zoning Minutes



## Saline County Planning & Zoning Meeting, April 20, 2021

The Saline County Planning & Zoning Meeting was called to order by Chairman, Johnny Barta at 7:04 pm on April 20th, 2021, held in the Saline County Courthouse Assembly Room. Chairman Barta noted that we observe the Open Meetings Act which is posted on the east wall of the meeting room. Roll Call was taken by Lyle Weber, Planning & Zoning Administrator. Present were Wayne Havlat, Wayne Miller, Joel Weber, Johnny Barta, Jeff Koll, Keith Muller and Mary Jo Weber. Absent were: Jeff Jansky and Ron Fink. Also, present were Commissioners Marvin Kohout and Phil Hardenburger and ten from the public.

Minutes of the March 16th, 2021 meeting were read, with no corrections. Miller moved and Havlat 2nd to accept. Role Call vote taken by Lyle, Voting yes were MJWeber, Koll, Muller, Havlat, J. Weber, Miller, and Barta, minutes stand approve.

Barta opened Citizens Forum. Mike Matheson of the Milligan III Wind Farm came forward asking the board to consider leaving the Wind Farm Regulations as is. No other comments from the public, Barta closed forum.

Business on the agenda was for Minor subdivision on NE 1/4 14-8-2E for Easley. P&Z administrator Lyle Weber presented as owner could not attend. Discussion was to divide from an 8.81 Acres to 3.087 Acres with house and buildings, balance go with the existing farm ground. J. Weber moved to accept and Havlat 2nd. Voting yes were: Koll, MJWeber, J Weber, Miller, Havlat, Muller and Barta by Roll Call Vote. Absent Fink and Jansky. Moves on to Commissioners.

Barta then asked to move the Wind Farm Application Moratorium to the last of our Business.

Chair Barta moved on to The Proposed Zoning Regulation Changes. Barta asked Lyle Weber if the County Attorneys Office had given him any input on the proposed changes, since the board had seemed concerned on some of the legal matters. They had briefly discussed and had hoped to be in attendance. Board has discussed that we were in agreement with the Lighting change, Section 619 on page 65 end of letter c. At this point, Jeff Koll asked Chairman Barta if he could present his proposed changes to the Saline County Regulation Changes. He allowed and all board present were given copies. After some discussion, J. Weber moved to use the list of changes that we have from Lyle Weber, Planning & Zoning Administrator, second by W. Miller. Roll Call Vote were Havlat yes, Miller yes, JWeber yes, MJWeber yes, Barta yes, Koll no, Muller yes.

Lyle had information from Cindy Whitten of the Kansas City FAA office in regards to lighting. Wayne Miller moved and 2nd by Wayne Havlat leave Section 619 page 65 end of letter c as is. Discussion on Motion if it was retroactive on projects. Amended to add "on new or future projects." Roll Call vote on Amendment: J. Weber, Koll, Havlat, Miller, MJWeber, Muller and Barta all yeas. No other discussion on motion. Voting yes by roll call were: Koll, Muller, Havlat Miller, J. Weber, Barta and MJWeber. Fink and Jansky absent.

Decommissioning plan, Joel Weber moved to keep wording as is. Wayne Havlat 2nd. After discussion by the board, J Weber and Havlat withdrew motion and 2nd. Section 619 page 64 number 8 will not change.

Removal of wording "not in my Backyard" on Section 619 page 63 under c#2. Miller moved and Koll 2nd to remove. Roll Call vote Yeas by MJWeber, Muller, Havlat, JWeber, Miller, Koll and Barta.

For page 64-section 619 Minimum Setbacks. Koll moved to change the Setback on nonparticipating land owners to 2640 feet from property lines, Muller 2nd. Roll Call Vote Muller yes, JWeber no, Havlat yes, MJWeber no, Miller no, Koll yes, Barta no. Motion failed. Miller moved to change setbacks of 1200 feet to 2640 feet on occupied buildings. Muller 2nd. Discussion. Vote was Miller yes, MJWeber yes, Koll yes, Havlat yes, JWeber no, Barta yes, and Muller yes. Motion past. Koll moved to change setback to property lines, utility lines, and public roads to 2x height or greater of the safety zones, specified in safety manual. Second by Muller. Motion failed by voting: Koll yes, Miller yes, Havlat no, JWeber no, Muller yes,



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MJWeber no, Barta no. Havlat moved to change setback to 2X height on nonparticipating property lines and leave 1.1X height on utility lines and public road ways. Miller second. Roll Call vote: JWeber no, Koll no, Muller no, Havlat yes, MJWeber yes, Miller yes, Barta yes. Vote was 4-3.

Koll moved to add line after setback box in Section 619 page 64 that any wind turbine shall not exceed 40 dba using "A"Scale of sound at any dwelling. 2nd by Muller. Discussion. Voting yes Havlat, yes Miller, no JWeber, yes Koll, yes Muller, no MJWeber, no Barta. Vote 4-3.

Barta asked for discussion on Conditional Use Permits for a CAFO changing classes. Joel Weber moved to strike the need for a CUP on changing class I to class II. 2nd by Havlat. Roll call voting yes were: MJWeber, Miller, Muller, Koll, JWeber, Havlat and Barta.

Koll asked Barta to present discussion on Shadow Flicker item #3 on page 64. He moved to strike working "less than 1000 ft from turbine." 2nd was by Miller. Voting yes were: Havlat, Miller, JWeber, Koll, Muller, MJWeber, and Barta. Koll moved to add to Section 619 page 58 "Commencement of Construction" from his page one of changes in regards to timing of CUPs and Extensions of Conditional Use Permits. Muller 2nd. Discussion. Roll Call Vote: Havlat abstained, JWeber no, Koll yes, Muller yes, Miller yes, MJWeber no, Barta no. Failed 3-3-0.

Bylaws and Rules of Procedure for Planning Commission and Board of Adjustments to Commissioner was discussed next. Miller moved to accept as presented last meeting and Muller 2nds motion. Yes votes by all: MJWeber, Miller, Koll, Muller, Havlat, JWeber, and Barta. Jansky and Fink absent.

Existing Wind Tower Application Moratorium discussion. Koll moved to extend the moratorium until June 30, 2021. Miller 2nd. Roll Call Vote yes: Muller, Havlat, Miller, MJWeber, Koll, Barta, JWeber no. 6- 1Vote.

Commissioner Kohout reported Saline County will be receiving 2.7 million dollars in a 4-year term from special accounts. They will be getting more information on when and how it is allowed to be spent.

With no other business or discussion, Joel Weber moved to adjourn and Havlat 2nd. All in favor, Barta announced adjourned at 9:39 pm.

Secretary Mary Jo Weber