

Testimony submitted for Senate Bill No. 279
Senate Utilities Committee hearing held March 22, 2021
Member of Reno County Citizens for Quality of Life, LLC

Chairman Thompson and members of the Senate Utilities Committee
Proponent Testimony SB279

Thank you for the opportunity to share my thoughts in support of SB279.

I am here today as a member of the Reno County Citizens for Quality of Life (RCCQL) For 42 years my wife and I have been living on the family farm where I was raised, and we own 800 acres. We live in the footprint, as non-participating landowners, of the proposed Pretty Prairie Wind Farm which would include 88 turbines, 499 feet tall.

At the time the Conditional Use Permit (CUP) for this wind farm was filed I was serving my 2nd term as one of the 7 members of the Reno County Planning Commission. And, yes, in April of 2019, I sat through and listened to 147 testimonies for our three-day, 14-hour public hearings. Of the 147 people who spoke, 125 were opposed to a wind farm being built in our area of the county. Twenty-three binders containing thorough research by the RCCQL including reports from a sound professional and an out of state real estate appraiser, were presented to the Planning Commission. At the time I was serving on the commission, I was not a member of the RCCQL group, nor did I attend any of their meetings or have outside contact with members. Since I did not serve a 3rd term on the planning commission, I became an active member in the group. I have learned a lot about wind energy in the last 3 ½ years through research of my own and from other professionals and testimonials across the nation. I have also been approached by several landowners who have signed leases for the wind farm. They have asked me, “how do I get out of this contract?” Short answer: I’m sorry you can’t.

Reno County and many other counties in our state need your help. Like other counties, our non-participating landowners in the footprint feel their voice is not important to local elected officials, county staff and hired consultants. Even though public hearings are held, and public comments are allowed at Commission meetings, these seem to fall on deaf ears most of the time. Landowners are lied to

by the developers' salespeople by saying their neighbors signed contracts, so you better hurry up and sign up, too. We are a large county in area and population compared to most other rural Kansas counties. There are many counties in Kansas with a population of 10,000 or less. Smaller counties are usually not equipped to handle the power, money, intimidation, and potential bullying that comes with big wind companies. If the landowners in our county are not being listened to, you can imagine what it is like in smaller counties. The promise of increased revenue from a wind farm seems to be more important than the health, safety and welfare of county citizens.

Two thirds of our county are unzoned. The wind farm proposed would be constructed in a zoned portion, but it is a densely populated area and was one of the fastest growing areas of our county until people heard about the wind farm. Home construction and development came to a screeching halt. County wind energy conversion system regulations are currently minimal. Proposed amended regulations, recommended by the current Planning Commission, lean heavily towards facilitating wind developers. The recommended regulations are now at our County Commission level. Setbacks, shadow flicker, and sound levels are primary concerns with the 87% of landowners opposing these regulations as they are written. Our three County Commissioners now have the decision to amend the regulations or approve them as proposed. Two commissioners have made their decisions known. Our newest Commissioner, who has served basically 3 months, will be the deciding vote and is getting tremendous pressure from both sides. With State regulations in place, that pressure would be taken off not only Planning Commissions but ultimately County Commissioners. By giving the counties some guidelines or a statute to follow, there could also be less lawsuits to fight.

I support Senate Bill 279, but I do have a few suggestions listed below:

Page 2, Line 24 references "Public Building". Is a church, school, pre-school or small business a public building? Public building could be better defined.

Page 2, Line 26: Could airport be changed to airport/air strip/landing strip?
also change federal wildlife refuge to say federal or state managed wildlife property

Page 3, Line 28: After decibels add "at any time".
(The wind industry likes to think in terms of an annualized average noise level)

Other ideas:

Mitigation should be addressed. A third party should be required to gather information, review the facts, set fines or penalties, shut down the turbines, and determine the damages. Wind companies should agree to the procedure before construction begins.

Effects Easement Agreements should be outlawed. These are mitigation contracts with non-participating landowners offered by the wind company, but once signed, it is basically a gag order.

Change in Notification: There is a State of Kansas statute of 1,000 feet for public notification of a CUP. This is designed for buildings less than 30 feet in height. That is a good distance for a structure that has no lights, makes no noise, and has no motion.

A 500' or higher turbine is 16-17 times taller, has flashing lights every 1.5 seconds, makes noise and motion. It seems reasonable to ask for a notification distance of 16,000 – 17,000 feet from the property line of a Commercial Wind Energy Conversion System (CWECS).

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