

## **Testimony submitted for Senate Bill 325**

Establishing requirements relating to zoning and recordation of  
wind and solar energy resource easements and leases.

### **Senate Committee on Local Government**

**Hearing held on January 25, 2022 at 9:30 p.m. in Room 142-S**

by Beverly Kavouras of McPherson County

Member of Citizens for Responsible Agricultural Land Use in McPherson County (CRALU)

### **Chairwoman McGinn, members of the Senate Committee on Local Government: Proponent Testimony SB325**

Thank you for inviting and welcoming us to provide testimony on SB325.

I was born and raised on a farm in McPherson County. My parents were farmers, as were the two generations before them. Aside from spending 10 years moving from place to place with my Air Force, fighter pilot husband, I've lived in Kansas all of my life and own several parcels of land. McPherson County is zoned and has a Board of Planning, Zoning and Appeals. We have had five major international companies try to establish commercial industrial wind generation plants in the area that we live in. The companies were from the U.S., France, Spain and Italy. The largest two projects leased roughly 44,000 acres each back in the years of 2016 -2019. Roughly 100,000 acres have been leased in McPherson County over the years. That is 156 SECTIONS of land! All five projects have failed in our county and were never built.

One company alone was planning 208, 600 foot industrial turbines in the northeast quarter of our county. It is the most beautiful part of the county and is home to Kansas Department of Wildlife Parks & Tourism's managed properties; Maxwell State Lake and Game Preserve, Prairie Trail Scenic Byway and the area has many different species of wildlife. One wind company leased land right next to these KDWPT properties, ignoring the three mile setback recommendations by the department. Our county has, as have other counties in our state, major military training routes with classified issues that conflict with 600 foot turbines.

After two years of communication, education, research and action taken by our CRALU group, our Board of County Commissioners implemented a total prohibition or ban of industrial wind projects in December of 2020. As of December 2021, McPherson County has a ban on industrial solar projects for two years.

A special concern that I have is the fact that wind companies prey on unzoned counties and land owners who own land near transmission lines. Often times the companies lease the land, make deals with local officials and are ready to start building before any of the non-participating land owners and citizens of the county are even aware of what is happening in their own county.

After studying this bill I believe it would be a good start to what all counties need in our state in order to protect all land owners.

The following list outlines my questions and possible amendments to this bill.

- Industrial Zoning: Currently, renewable energy companies are building their projects in A-1 Agriculture zoned land. (This is for counties who are currently zoned.) About half of Kansas counties are not zoned. Industrial wind and solar plants are NOT agriculture and requirements are necessary to change the land to industrial before any project can be approved.
- Questions: This bill needs a definition for the following words.
  - What constitutes a "qualified elector"? Would this just be the electors that own land in the township that has changed zoning to industrial? Would the electors who live in the township be the only ones who could vote on the issue? I would NOT want to see a vote go to the entire county.

- What exactly comprises the word “contiguous”? If the area zoned to industrial is only the project area and roads to get to it, the only person who would be able to sign a protest petition would be the person(s) who signed the lease. Or would the entire acreage of the leased area need to be zoned industrial? Then the non-participating land owner or neighbor would have a say in the process, which is the right thing to do. Would the qualified elector have to live in the township where the zoning change was made?

Ultimately, it is the responsibility of all elected officials in the state of Kansas to protect the safety and welfare of its citizens from harm. Right now, that is not being done and citizens are left to their own devices to fight something so big and massive that they do not even know where to start. For most, by the time they find out what has been going on, it is already too late. They’ve already been stormed by savvy, wealthy companies who are used to getting their way. We simply need your help.

The barn door has been left open for nearly 20 years in our state with the exception of the Flint Hills ban. It is time to close and guard the door until there are protections in place for every citizen. SB325 removes some of the very aggressive tactics that companies use to take advantage of uninformed land owners.

We need openness, honesty and integrity! We do not need behind closed door bribes, threats, bullying and intimidation of Kansas landowners and our elected and non-elected officials. **Government should protect people and regulate corporations, not protect corporations and regulate people!**

When I listened to testimony regarding HB 2381 last year, Kimberly Svaty of The Advanced Power Alliance stated that “Kansas wind provided more than 43.3% of Kansas’s electric power needs in 2020”. Why would we want to add more unreliable, unrenovable, unrecycleable, intermittent energy to our Kansas grid in light of what happened in February of 2021 in Texas, Kansas and other parts of the midsection of our country? We need more reliable energy, not more unreliable energy. Also, why are Kansans forced to foot the bill to transmit wind energy from our state to other states across the nation? Every single Kansan is currently suffering from sky rocketing energy costs and this is bound to continue without regulating corporations.

I think the wisest decision would be for our state of Kansas to shut the door for now by imposing a moratorium on all uncommenced construction of industrial wind, solar, and transmission line projects until an energy task force has been formed and has completed its studies and recommendations.

Finally, no reasonable and rational person would conclude that two to four hundred 600 foot turning, noisy, damaging, sleep depriving, commercial industrial wind turbines fit the following description of our zoned A-1 Agricultural district, and yet we’ve suffered from the onslaught of these commercial companies for nearly two decades now. Enough is enough.

### **McPherson County Kansas Zoning District Definition**

#### **A-1 Agriculture District**

***This district is established to:***

- (1) PRESERVE productive farm and ranch land;**
- (2) Permit LIMITED nonagricultural uses and low-density dwellings WHICH WOULD NOT BE INCOMPATIBLE to the rural area and required minimum public services;  
and**
- (3) encourage compact development of urban areas**

I thank you and I give my support to SB325.

Beverly Kavouras  
McPherson County