

October 24, 2022

Record of Considerations Regarding the High Banks Wind Project Proposal Decision

The below factors are to be the factual basis of the Board of County Commissioners of Republic County (the “Board”) decision regarding the High Banks Wind Project Definitive Agreements. Such potential decisions include (1) voting to sign the proposed contracts as presented, (2) voting to sign the proposed contracts with changes, (3) voting against signing the proposed contracts, and (4) voting against signing any contracts the project might propose.

To prepare in making its decision, the Board reviewed numerous wind project topics, evaluating information that would support approving the Definitive Agreements, as well as information that would support disapproving the Definitive Agreements. Since February 2022, the Board has reviewed the initial proposal of the Definitive Agreements, educated themselves, sought advice, encouraged interested members of the public to also seek education and advice, and invited public comment, including sharing any professional or qualified advice or opinions obtained by any member of the public. Each Board member reviewed and considered all input and information that he received, took phone calls and meetings, responded to emails, read the newspaper, asked many questions of Developer, and over the course of nine months almost every week listened to Public Forum input during weekly Board meetings and many times during Public Forum engaged with attendees and answered questions or obtained requested information from Developer all in an effort to aid the public vetting of the High Banks proposal.

The Board recognizes that commercial wind energy projects have the potential to impact the health, safety, and welfare of citizens in Republic County, particularly those with land or residences in the vicinity of such projects. The Board further recognizes that commercial wind energy projects have the potential to impact ecological and environmentally sensitive resources in Republic County.

The Board, as the governing body for Republic County, has not adopted county-wide zoning regulations but has general police powers and home rule powers pursuant to K.S.A. § 19-101a *et seq.* to determine the local affairs of Republic County and perform all powers of local legislation as it deems appropriate to protect and preserve the interest of Republic County and its citizens and to protect and promote their health, safety, and welfare. The Board now exercises these powers in making its decision regarding the High Banks Wind Project Definitive Agreements, taking into consideration:

Whether the Board’s approval of the High Banks Wind Project Definitive Agreements would be consistent with its general police powers and home rule powers to protect and promote the health, safety, and welfare of the citizens of Republic County:

Yes consistent, because:

- **Welfare:**

- Revenue: The County and High Banks would enter into a Contribution Agreement to directly compensate the County. The County can utilize such funds for public services, such as road construction/maintenance and education. These funds include an initial contribution amount of \$932,201.86 and an amount of \$745,758.14 for Year 1 through Year 10 of the project.
- Tax Break Duration: The Kansas statutorily granted tax break afforded to wind energy projects expires after 10 years. After the expiration of the tax break, the project will pay its assessed and applicable ad valorem and property taxes. According to a KU Economic Impact study, for Years 11-30 of the project, the property taxes will result in \$193 million to Republic County. See Donna K. Ginther, *The Economic Impact of the High Banks Wind Project*, KU Institute for Policy & Social Research (Oct. 4, 2022).
- Education: The County may use the Contribution Agreement funds for education initiatives.
- Jobs: The project will create short-term and long-term jobs in the County, including creating up to 450 construction jobs. See Donna K. Ginther, *The Economic Impact of the High Banks Wind Project*, KU Institute for Policy & Social Research (Oct. 4, 2022).
- Roads: High Banks would ensure that all roads along its transportation routes for construction and installation would be as good or better than the existing roads and as agreed to in the Road Use Agreement. The Board engaged in numerous discussions with Ken Robbins, Republic County Highway Administrator, regarding the Road Use Agreement.
- Property Value: No conclusive evidence of actual sales or consensus of opinion that wind turbines negatively affect property values.
- Private Lease Benefit: Landowners in the County may lease their property to High Banks, and they will benefit financially from such leases.
- Decommissioning: High Banks will enter into a Decommissioning Agreement with the County, securing High Banks's obligation to decommission the project.
- Setbacks: High Banks proposes a 1,500 foot setback from non-participating dwellings, a 1.2 times the Tower height setback from non-participating property lines, and a 1.1 times the Tower height plus 30 feet setback from public roads.
- Coexist: Regarding agricultural land, the proposed wind turbines can coexist with and will not displace any current agricultural uses of the land, such as existing farming or grazing operations.
- Economic Conditions: As the costs to maintain a rural lifestyle and family-owned agricultural operations continue to increase, the proposed project would provide local landowners a new and sustained alternative income stream that would further enable their existing lifestyle.
- County Condition: The County would, in general, benefit from increased revenue associated with the installation and operation of the project and any consequent

contracts. The County could utilize this revenue to fund roads, schools, and other public services to all County residents.

- **Health and Safety:**

- Health, generally: The available scientific evidence suggests that wind turbines are not likely to affect human health. To avoid any unlikely health effects, the project has increased standards on noise level and setback distances, beyond those required for other projects. The Board was provided information on these topics and reviewed terms of wind projects in other counties to inform themselves fully on this topic. *See, e.g.,* Letter from Mark Batasch, P.E., INCE Bd. Cert., *Modeling Sound from Wind Turbines* (Oct. 20, 2022) (providing a summary of how sound from wind turbines is modeled and describing the role sound metrics play in conducting wind turbine assessments); Letter from Christopher Ollson, PhD, *Review of Development Agreement between High Banks Wind LLC and Republic County, Kansas*, Ollson Environmental Health Management (Oct. 21, 2022) (providing input with respect to public health and safety review for the design of the High Banks Wind Project).
- Sound/Noise: Audible noise created by the project shall be equal to or less than 50 dBA Leq at the centerpoint of a non-participating occupied primary residential dwelling in existence as of the date of the Development Agreement or any public schools, hospitals, or public libraries, except when the owners of such dwelling or building consent in writing to a sound level in excess of such level.
- Shadow Flicker: Non-participating residences have no greater than 30 hours per year of shadow flicker.
- Ice Throw: Developer will institute turbine control measures to mitigate ice throw.
- Environmentalism: High Banks has extensively studied wildlife habitat; bird migration; flora, including threatened species and critical habitat and habitat conditions; fauna, including habitat assessment, threatened species, migratory species, critical habitat and habitat conditions; geoconservation; and flood zones and have concluded no adverse effects nor requirement for other permits/approvals.