

LABETTE COUNTY, KANSAS
RESOLUTION 2019-25 - L

**A RESOLUTION ESTABLISHING A MORATORIUM ON COMMERCIAL WIND
ENERGY PROJECTS**

WHEREAS property within Labette County may be leased for the purposes of development with commercial wind energy projects, such projects being electricity generation facilities comprised of multiple wind turbines generating electrical power for sale and off-site use.

WHEREAS commercial wind energy projects have the potential to impact the health, safety and/or welfare of citizens in Labette County, particularly those with land or residences in the vicinity of such projects. They also have the potential to impose upon the county certain substantial burdens with respect to roads, bridges and other infrastructure.

WHEREAS the Board of County Commissioners of Labette County has general police powers and home rule powers pursuant to K.S.A. 19-101a et seq. to determine the local affairs of Labette County and perform all powers of local legislation as it deems appropriate to protect and preserve the interest of Labette County and its citizens and to protect and promote their health, safety and welfare.

WHEREAS the Board of County Commissioners of Labette County, the governing body for Labette County, is also empowered to adopt zoning regulations to regulate the siting and standards for commercial wind energy projects to protect and preserve the interests of Labette County and its citizens and to protect and promote their health, safety and welfare and also to provide clear guidance to potential developers of wind energy projects concerning the conditions under which such projects might be determined to be appropriate in Labette County and the obligations and limitations that may be imposed.

WHEREAS the Board of County Commissioners of Labette County deems it to be appropriate for the regulation of commercial wind energy projects in Labette County to (a) be uniform or imposed through a uniform process as to all potential commercial wind energy projects and (b) to be imposed through the exercise of the police powers and not by virtue of contracts with a developer of a commercial wind energy project.

WHEREAS the Board of County Commissioners of Labette County deems it be appropriate to pursue the adoption of zoning regulation and/or other police-power regulation of commercial wind energy facilities in Labette County with respect to commercial wind energy projects for the protection of the health, safety, and/or welfare of those in Labette County who may otherwise be adversely affected by such projects and to assess whether there are conditions under which commercial wind energy projects would be deemed appropriate or whether, regardless of the

proposed location within the county, such projects, by their nature and the nature of Labette County, should not be permitted.

WHEREAS the Board of County Commissioners of Labette County is required to begin an impact study to determine the zoned area boundaries and conditions, a map of said applicable zoned area(s), and make further resolutions, open to public discussion, for the safety and welfare of Labette County residents. This estimated time frame is one year.

WHEREAS the Board of County Commissioners' powers under K.S.A. 19-101a *et seq.* include the power to impose temporary moratoria on activity within the county while the Board of County Commissioners investigates and develops regulations with respect to that activity.


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Labette County, Kansas:

1. No county resources shall be utilized for the construction of a commercial wind energy project within one year from the adoption of this Resolution.
2. No commercial wind energy project shall be constructed within any unincorporated area of Labette County prior to November 7, 2019. The term "commercial wind energy project" shall encompass all electricity generation facilities comprised of multiple wind turbines generating electrical power for sale and off-site use. This prohibition includes any construction activity to install roads, turbine foundations, or other infrastructure intended to be used for the purposes of a commercial wind energy project. It does not include any soil testing, wind measurement, or other activities in preparation for the commencement of construction of a commercial wind energy project.
3. This moratorium may be extended for additional periods provided that the Labette County Board of County Commissioners has determined (a) to proceed with the development of zoning regulations and/or general police-power regulations with respect to commercial wind energy projects, (b) a plan with respect to the drafting and adoption of such regulations and (c) that additional time is reasonably necessary in order to complete the process.
4. Each violation of this resolution shall be punishable by a fine of up to \$1,000 per day. In addition, Labette County may require the immediate cessation and abatement of any violation.
5. The Labette County Counselor shall enforce this resolution by an action for injunction to prevent or abate any violation or threatened violation.

Adopted by the Board of County Commissioners of Labette County this 31st day of October, 2019. This resolution shall become effective upon publication.



T. Douglas Allen, Chairman

Fred E. Vail, Commissioner


Lonie R. Addis, Commissioner





Peggy Minor, Labette County Clerk

LABETTE COUNTY, KANSAS
RESOLUTION 2019 - 26 - L

**A RESOLUTION ESTABLISHING A MORATORIUM ON COMMERCIAL WIND
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WHEREAS property within Labette County may be leased for the purposes of development with commercial wind energy projects, such projects being electricity generation facilities comprised of multiple wind turbines generating electrical power for sale and off-site use.

WHEREAS commercial wind energy projects have the potential to impact the health, safety and/or welfare of citizens in Labette County, particularly those with land or residences in the vicinity of such projects. They also have the potential to impose upon the county certain substantial burdens with respect to roads, bridges and other infrastructure.

WHEREAS the Board of County Commissioners of Labette County has general police powers and home rule powers pursuant to K.S.A. 19-101a et seq. to determine the local affairs of Labette County and perform all powers of local legislation as it deems appropriate to protect and preserve the interest of Labette County and its citizens and to protect and promote their health, safety and welfare.

WHEREAS the Board of County Commissioners of Labette County, the governing body for Labette County, is also empowered to adopt zoning regulations to regulate the siting and standards for commercial wind energy projects to protect and preserve the interests of Labette County and its citizens and to protect and promote their health, safety and welfare and also to provide clear guidance to potential developers of wind energy projects concerning the conditions under which such projects might be determined to be appropriate in Labette County and the obligations and limitations that may be imposed.

WHEREAS the Board of County Commissioners of Labette County deems it to be appropriate for the regulation of commercial wind energy projects in Labette County to (a) be uniform or imposed through a uniform process as to all potential commercial wind energy projects and (b) to be imposed through the exercise of the police powers and not by virtue of contracts with a developer of a commercial wind energy project.

WHEREAS the Board of County Commissioners of Labette County deems it be appropriate to pursue the adoption of zoning regulation and/or other police-power regulation of commercial wind energy facilities in Labette County with respect to commercial wind energy projects for the protection of the health, safety, and/or welfare of those in Labette County who may otherwise be adversely affected by such projects and to assess whether there are conditions under which commercial wind energy projects would be deemed appropriate or whether, regardless of the

proposed location within the county, such projects, by their nature and the nature of Labette County, should not be permitted.

WHEREAS the Board of County Commissioners of Labette County is required to begin an impact study to determine the zoned area boundaries and conditions, a map of said applicable zoned area(s), and make further resolutions, open to public discussion, for the safety and welfare of Labette County residents. This estimated time frame is one year.

WHEREAS the Board of County Commissioners' powers under K.S.A. 19-101a *et seq.* include the power to impose temporary moratoria on activity within the county while the Board of County Commissioners investigates and develops regulations with respect to that activity.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Labette County, Kansas:

1. No county resources shall be utilized for the construction of a commercial wind energy project within one year from the adoption of this Resolution.
2. No commercial wind energy project shall be constructed within any unincorporated area of Labette County prior to November 13, 2020. The term "commercial wind energy project" shall encompass all electricity generation facilities comprised of multiple wind turbines generating electrical power for sale and off-site use. This prohibition includes any construction activity to install roads, turbine foundations, or other infrastructure intended to be used for the purposes of a commercial wind energy project. It does not include any soil testing, wind measurement, or other activities in preparation for the commencement of construction of a commercial wind energy project.
3. This moratorium may be extended for additional periods provided that the Labette County Board of County Commissioners has determined (a) to proceed with the development of zoning regulations and/or general police-power regulations with respect to commercial wind energy projects, (b) a plan with respect to the drafting and adoption of such regulations and (c) that additional time is reasonably necessary in order to complete the process.
4. Each violation of this resolution shall be punishable by a fine of up to \$1,000 per day. In addition, Labette County may require the immediate cessation and abatement of any violation.
5. The Labette County Counselor shall enforce this resolution by an action for injunction to prevent or abate any violation or threatened violation.

Adopted by the Board of County Commissioners of Labette County this 8th day of November, 2019. This resolution shall become effective upon publication. This resolution shall supersede all other resolutions contrary to this resolution.



T. Douglas Allen, Chairman

Fred E. Vail, Commissioner



Lonie R. Addis, Commissioner



Peggy Minor, Labette County Clerk