

RESOLUTION 2019-05

**A RESOLUTION ADDRESSING THE INCLUSION OF MARION COUNTY ROAD RIGHTS-OF- WAY WITHIN THE LAND AREA OF A PROPOSED WIND ENERGY CONVERSION SYSTEM FOR EXPEDITION WIND, LLC**

**WHEREAS**, pursuant to Marion County zoning regulations, the definition of a wind energy conversion system ("WECS") includes within it all components of the project including the transmission lines, without respect to whether those lines would be within a road right-of-way;

**WHEREAS**, Marion County zoning regulations contain no exception which would permit the use of a road right-of-way for the transmission line component of a WECS without being within the conditional use permit ("CUP") area for the WECS;

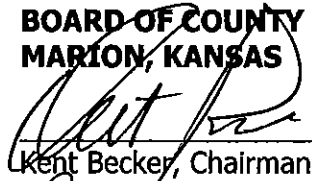
**WHEREAS**, the CUP application area must include any road rights-of-way which will be used as a part of the WECS, which in turn, will result in the mandatory notification of public hearing to those landowners in the unincorporated area within 1,000 feet of the road right-of-way of issue;

**WHEREAS**, Expedition Wind must have the County's permission to use the road rights-of-way and to include in the CUP application or must have Marion County join as applicant as to the road rights-of-way;

**NOW THEREFORE BE IT RESOLVED**, that Marion County consents to Expedition Wind LLC's inclusion of any County roads and rights-of-way within the land area that might be included in a Conditional Use Permit application for a Wind Energy Conversion System that Expedition Wind LLC submits in the next 90 days to the extent only that such road rights-of-way are reasonably necessary to the development plan as presented with the CUP application. This consent does not serve as an approval of the CUP, and does not grant road and right-of-way crossing permit rights.

This resolution, upon motion duly made and seconded, passed this 29<sup>th</sup> day of April, 2019.

**BOARD OF COUNTY COMMISSIONERS  
MARION, KANSAS**

  
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Kent Becker, Chairman

  
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Randy Dallke, Member

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Dianne R. Novak, Member

ATTEST:

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Tina D. Spencer, County Clerk