

MARION COUNTY, KANSAS
RESOLUTION NO. 2019-- 15

A RESOLUTION APPROVING A CONDITIONAL USE FOR A WIND ENERGY CONVERSION SYSTEM FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF MARION COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE MARION COUNTY ZONING REGULATIONS ARTICLES 12, 24 AND 27.

WHEREAS Cedar Springs Trust, and Randy and Kelli Savage, by and through Expedition Wind LLC, applied for a Conditional Use for overhead transmission lines transmitting electricity generated from a Wind Energy Conversion System (WECS) upon property legally described in the Expedition Wind LLC application for a Conditional Use, #PC-19-04, specifically:

PART OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 4 EAST OF THE 6TH P.M., MARION COUNTY, KS; TOGETHER WITH PART OF SECTION 18, TOWNSHIP 21 SOUTH, RANGE 5 EAST OF THE 6TH P.M., MARION COUNTY, KANSAS.

WHEREAS in connection with the application Expedition Wind LLC submitted a Development Plan for the property covered by the application;

WHEREAS the real property that is the subject of the Conditional Use application is in the "A" Agricultural District of the Marion County Zoning Regulations and a WECS land use is not permitted by right in that zoning district but may be allowed as a conditional use;

WHEREAS the Marion County Planning Commission conducted a public hearing on the application on October 24, 2019 following the satisfaction of all notice requirements for such hearing pursuant to the Marion County Zoning Regulations;

WHEREAS at the public hearing all interested parties in attendance were provided an opportunity to be heard and the Marion County Planning Department Staff presented recommendations which discussed the application of the facts to the factors set out in the Marion County Zoning Regulation as guidelines for the evaluation of Conditional Use applications.

WHEREAS at the same hearing the Marion County Planning Commission, reviewed a development plan for the proposed Conditional Use; and

WHEREAS following the conclusion of the public hearing the Marion County Planning Commission, by a majority vote of the Commission, has recommended approval of the Conditional Use application with conditions and proposed development play by a vote of 7 to 1 with one member recusing;

WHEREAS on November 4, 2019 the Board of County Commissioners of Marion County reviewed the recommendations of the Marion County Planning Commission and, after due consideration of the factors set out in Section 24-105 (2) of the Marion County Zoning Regulations, by majority vote, to approve the recommendation of Marion County Planning Commission by approving a Conditional Use and accompanying development plan for the reasons set forth in the Zoning Administrator's and Expedition Wind LLC's analysis of Section 24-105 (2) of the Marion County Zoning Regulations presented to the planning commission;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS, that the recommendation of the Planning Commission is approved and that a Conditional Use for overhead transmission lines transmitting electricity generated from a WECS with respect to the real property described above, is approved with the following conditions:

1. The location of the transmission lines shall conform with the approved site plan as submitted.
2. Prior to the development of the transmission lines within the subject property, all required local, state and federal permits shall be obtained and copies submitted to the County.

This Resolution shall subject to receipt of any properly executed and valid protest petition subject to K.S.A. 12-757 (f)(1).

Absent such petition, this Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

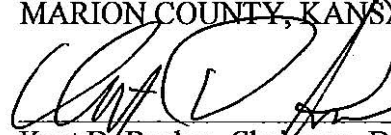
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marion County, Kansas, this 4th day of November, 2019.



ATTEST:


Tina D. Spencer, Marion County Clerk

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS


Kent D. Becker, Chairman, District 1

refused to sign
Dianne R. Novak, Commissioner, District 2


Randy Ballke, Commissioner, District 3