

Planning Commission Memo

To: Marion County Planning Commission; Emma Tajchman, County Zoning Administrator

From: David L. Yearout, AICP, CFM

Date: August 25, 2016

Re: Proposed Amendments to the Marion County Zoning Regulations – Commercial Wind Energy Systems

The purpose of this memo is to discuss what might be done with the two issues facing the Planning Commission regarding the Commercial Wind Energy Systems, namely adjustments to or elimination of the Overlay District, and potential changes to the submittal requirements for a proposed WECS.

Alternatives for the Overlay District –

The current language in the Marion County Zoning Regulations concerning the Overlay District reads as follows:

27-103 Overlay District Established: The WECS Overlay District shall apply to that portion of Marion County, Kansas, described beginning on the west right-of-way line of U.S. Highway 77 and its intersection with 140th Road; thence west to Pawnee Road; thence south to U.S. Highway 50 and 70th Road; thence two miles east to Remington Road; thence two miles south to 50th Road; thence east to U.S. 77 Highway; thence north to the point of beginning; except that the following sections shall be excluded:

1. Section 1, Township 21 South, Range 4 East;
2. Section 12, Township 21 South, Range 4 East;
3. Section 18, Township 21 South, Range 5 East.

In my opinion, there are three basic alternatives for this issue...leave the Overlay District as described; eliminate the Overlay District completely and allow the WECS to apply to the entire County; or change the description of where the Overlay District applies.

Given the previous discussions on how and why the Overlay District was established; especially concerning the Flint Hills and the other beliefs regarding the State's "preferred protection area"; it might be best to simply add the remainder of the County north of the existing described area to the Overlay District and let that portion of the southern part of the County remain outside the area where a WECS could be approved.

There will need to perhaps be some modification to this because the last approval of for the WECS project that Rex Savage presented, if my memory is correct, does encroach further south than the original restricted area. That will need to be discussed going forward.