

July 18, 2011

Planning Commission Members:

Attached are Rex Savage's comments regarding proposed Article 31 zoning text amendment changes. I apologize the attached information is getting to you so close to the PC meeting, but they were provided to me today. Rex and I reviewed them in the office. We will go over these comments at the meeting.
Thanks!

Tonya Richards

Marion County Zoning Administrator

4-15
Must Not
Build Out

POSSIBLE REVISIONS TO ARTICLE 31
(WIND ENERGY CONVERSION SYSTEMS)

- 31-101** **Strike #5—Some of these will be addressed in other areas of the application, but these are not “land use” concerns.**
- 31-102** **OK.**
- 31-103** **OK.**
- 31-104** **OK.**
- 31-105** **OK.**
- 31-106** **This is fine as written, but is no more a “land use” issue than the economics of growing and marketing beef are “land use” issues when the CUP application is for a feedlot.**
- 31-107** **Land Use OK**
- Noise OK**
- Endangered Species Perhaps should be retitled to include Bird Migration/Strikes and Wildlife Habitat. These are not really “land use” issues, but are items the Applicant will eventually have to deal with.**
- Soil Erosion This probably needs to be mentioned, but the details by necessity must come in the Building Permit application data.**
- Public Health & Safety OK**
- Cumulative Impact OK**

EMFs	OK, but of limited relevance given those later portions of the regulations specify that the vast majority of lines must be buried.
Aviation-FAA	OK
Cultural Heritage	OK
Company Experience, Reputation & Financial	
Ability	Very questionable that any of these are "land use" issues unless the Applicant has a demonstrated history of violation local Planning and Zoning law/regulation. Probably should be narrowed in scope considerably.
Visual Impact	OK
Bird Migration/Strikes	Not a "land use" issue, and is repetitive if Endanger Species is broadened a bit.
Wildlife Habitat	Should be incorporated into Endangered Species response.
Water Quality	OK
Infrastructure	OK. Should lead to a later agreement between the Applicant and the County.
Removal/Reclamation	OK. Should lead to a later agreement between the Applicant and the County.
Bonding	OK. Should lead to a later agreement between the Applicant and the County.
Reception/Interference	OK. But could be merged with EMF response.
Native Vegetation/Weeds	OK.
31-108	Item #5 is negated by the entirety of 31-106, and should be deleted.
31-109	Item #2 A and B are already covered under Endangered Species, and are redundant. Not really sure what C has to do with anything. Item 4 A is redundant to the infrastructure component of 107. Item #5 is redundant to the Soil Erosion segment of 107. Item #7 is redundant to the Public Health and Safety segment of 107.
31-110	Item #1. Documents providing adequate detail to define the scope of the project should be provided, however, specific details are not going to be available to either

the Applicant or the County this early in the process. The specifics must be delivered with the Building Permit Application.

31-111 OK, but already covered in the responses to 107.

In a previous meeting, Mr. Yearout expressed doubts that the 1 mile notification zone is enforceable given that the State statute specifies 1000'. It would probably be good to answer that question if it is the desire of the Committee to keep that provision.

Marion County has a set of regulations that work. It would seem illogical to throw them out when a handful of simple modifications will produce an even better product than that now in place.