

**AFFIDAVIT OF PUBLICATION**

STATE OF KANSAS, MARION COUNTY, ss:

Melvin Honeyfield, being first duly sworn, deposes and says:

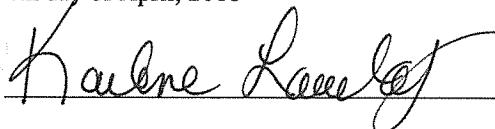
That he is the production manager of the Marion County Record (Hillsboro Star-Journal and Peabody Gazette-Bulletin), a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Marion County, Kansas, with a general paid circulation on a weekly basis in Marion County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

That said newspaper is a weekly newspaper published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Marion in said County as Periodical Class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper, the first publication thereof being made as aforesaid on the 4th day of April, 2018.



Subscribed and sworn to before me this  
4th day of April, 2018



Notary Public, Marion County, Kansas

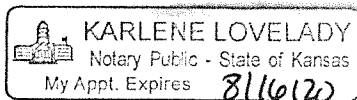
My appointment expires the

16 day of Aug, 2020

(Seal)

PUBLICATION FEE:

\$432.00 plus \$5.00 for affidavit(s)



First published April 4, 2018  
in the Peabody Gazette-Bulletin,  
Hillsboro Star-Journal, and  
Marion County Record,  
Marion, Kansas (1 time)

**RESOLUTION NUMBER 2018-11  
A RESOLUTION APPROVING  
TEXT AMENDMENTS TO THE  
ZONING REGULATIONS OF  
MARION COUNTY, KANSAS.**

**WHEREAS**, a public notice calling for a public hearing by the Marion County Planning Commission on proposed text amendments to the Marion County Zoning Regulations was properly given by publication in the official County newspaper on the 24th day of January, 2018; and

**WHEREAS**, on the 8th day of March, 2018, the Marion County Planning Commission held a public hearing to address proposed amendments to the Marion County Zoning Regulations concerning modifications in Article 27, Wind Energy Conversion System Overlay District; and,

**WHEREAS**, the Marion County Planning Commission, by a majority vote of the Commission, has recommended approval of amendments to the zoning regulations concerning said Article 27.

**NOW THEREFORE BE IT RESOLVED** that the Marion County Zoning Regulations shall be amended as follows: **Section 1.** Changes to Section 27-106 as follows:

**Existing Language:**

**27-106 Special Regulations Applicable for Conditional Use Permit for WECS:** Evidence of a market for the electric generating capacity of the WECS shall be submitted to the Zoning Administrator prior to turbine construction and the issuance of a construction permit. Developmental rights, and any other rights granted by the issuance of the Conditional Use Permit will continue under any extensions, reissuances, renewals or assignments of the original lease as long as the Zoning Administrator is provided with documentation that a lease for the project was continuously maintained in effect. Also, as noted elsewhere in this Article, the "timeline" restrictions in Article 12 and Article 19 are not applicable to a WECS project because of the overall time for the development and construction thereof. With respect to a WECS project approved after the adoption of this section:

1. For all Conditional Use Permits approved for a WECS project, a construction permit must be applied for within two (2) years of the approval of the CUP. If construction cannot be commenced within that two (2) year period, the applicant may obtain a single one-year extension upon the submission of a written report to the Zoning Administrator setting forth the reason(s) for a delay and the plan for

commencing construction within the one-year extension period.

2. For all Conditional Use Permits approved for a WECS project, such permit shall be allowed to continue, as long as all conditions placed on it are met. However, if the WECS project use ceases to exist for a period of two (2) years, the CUP will forfeit its Development Plan and will not be allowed to exist again unless a new application is made, a public hearing held, and a new Development Plan approved. However, the applicant may obtain a single one-year extension upon the submission of a written report to the Zoning Administrator setting forth the reason for the temporary cessation of operations and the plan of initiating operations. The County may initiate an action to remove the Conditional Use, but must follow the same procedures as followed to establish the Conditional Use originally.

**Proposed new Language:**

**27-106 Special Regulations Applicable for Conditional Use Permit for WECS:** Developmental rights, and any other rights granted by the issuance of the Conditional Use Permit will continue under any extensions, reissuances, renewals or assignments of the original lease as long as the Zoning Administrator is provided with documentation that a lease for the project was continuously maintained in effect. Also, as noted elsewhere in this Article, the "timeline" restrictions in Article 12 and Article 19 are not applicable to a WECS project because of the overall time for the development and construction thereof. With respect to a WECS project approved prior to December 2016, a construction permit must be applied for, for the installation of one or more wind turbines, on or before April 1, 2020. If construction cannot be commenced promptly upon the approval of the construction permit, the applicant may obtain a single one-year extension upon submission of a written report to the Zoning Administrator setting forth the reason(s) for a delay and the plan for commencing construction within the one-year extension period. With respect to a WECS project approved after the adoption of this section, a construction permit must be applied for within two (2) years of the approval of the CUP. If construction cannot be commenced within that two (2) year period, the applicant may obtain a single one-year extension upon the submission of a written report to the Zoning Administrator setting forth the reason(s) for a delay and the plan for commencing construction within the one-year extension period. A failure of the holder of a Conditional Use Permit approved for a WECS project to timely apply for a construction permit or to timely commence construction shall result in the automatic termination the right to a WECS use under

the CUP and of the CUP. Subject to the previous provision, for all Conditional Use Permits approved for a WECS project, such permit shall be allowed to continue, as long as all conditions placed on it are met. However, if the WECS project use ceases to exist for a period of two (2) years, the CUP will forfeit its Development Plan and will not be allowed to exist again unless a new application is made, a public hearing held, and a new Development Plan approved. However, the applicant may obtain a single one-year extension upon the submission of a written report to the Zoning Administrator setting forth the reason for the temporary cessation of operations and the plan of initiating operations. The County may initiate an action to remove the Conditional Use, but must follow the same procedures as followed to establish the Conditional Use originally.

**Section 2.** 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 26th day of March, 2018.

/s/ Dianne R. Novak,  
Chairman, District 2

/s/ Kent Becker,  
Commissioner, District 1

/s/ Randy Dallke,  
Commissioner, District 3

[SEAL]

Attest:

/s/ Tina Spencer, County Clerk  
A-28-2082