

*WINDBORNE ENERGY, INC.*

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**March 8th, 2018**

To:  
Marion County Planning and Zoning Commission.

Re:  
Proposed amendment of **27-106, Special Regulations Applicable for Conditional Use Permit for WECs.**

Dear Commissioners:

It has come to our attention that the current Board of Commissioners for Marion County has asked you to consider amending the above referenced section of the zoning regulations under which you act, and have offered language for your consideration to achieve such an amendment.

As eight of the nine seated Zoning Commissioners, and your full time Staff Members all know, this same section of the regulations was amending in the 4<sup>th</sup> quarter of 2016 for C.U.P.s applied for, or issued, after the date of that amendment's adoption. As you are also aware, the C.U.P.s issued to Windborne prior to that date were specifically not to be affected by that amendment to what we call the "shelf life" of the C.U.P. For reasons which to us seem very unclear, the current County Commission is now proposing to abrogate that agreement, and additionally, to reverse several years of effort on your part to focus the Zoning Commission on the land use issues for which you have clear statutory authority to regulate. Previously, your meetings were often bogged down for long periods discussing economic, social, and general environmental issues not specific to the site, or other issues for which your authority is either non existent or very murky.

To attempt to save both your and our time this evening, and to save the County some dollars in this effort and the subsequent rewriting of the amended regulation if such were to be recommended and adopted, Windborne and the other Owners offered through your Counsel to simply stipulate to the proposed new shelf life for our existing C.U.P.'s in writing, thus fully addressing the BOCC's concern about future planning issues. For reasons not known to us as your Counsel indicated this could be workable, the County

Commission elected to request that you amend the regulation, bringing us to this evening's meeting.

I am speaking tonight on behalf of Windborne and Sunwind Energy Group, LLLP. It is our position that we are still willing to stipulate to the proposed shelf life date change on the C.U.P.s we hold. Alternatively, we have no objection other than we feel it projects instability on the part of the County and wastes taxpayer funds, for you to recommend a change in the regulation formalizing the proposed date change regarding C.U.P. shelf life.

We corporately, and I personally as a citizen of Marion County, do object to the reversal of position proposed in the balance of the proposed amendment. This reversal would place your Staff, and surely then your Commission in future permit hearings for all types of uses, in a position of having to review issues of economics, exotic environmental issues, title matters, the geology of quarry sites, and on and on. It is our belief that you have been on the correct path these last years focusing your decision making on land use issues, not matters appropriately left to the folks investing the money in whatever project is being reviewed at that time.

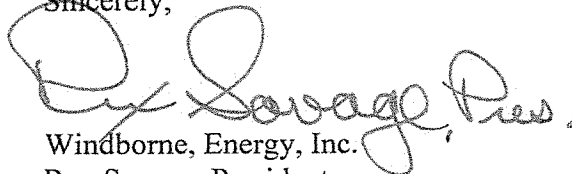
Injecting P & Z back into economic, title, environmental concerns not specific to the location, and other non land use issues will, if enacted, return your Commission meetings to the patterns of years ago. At that time many hours were spent in discussions of whether the rock was hard enough, or thick enough in a specific quarry to be profitable, whether nuclear, or coal plants were preferable to gas or wind generation, the economics of a feedlot or dairy being proposed, what price Joe's hamburger stand needed to charge for a burger if located in the County, and on, and on, and on,

We are, in our opinion, fortunate to live in a time when the Federal government is actually attempting to rein in its regulatory power grab. Why would the County want to reverse a multi year effort to do the same and throw away the results of so many hours of your time, and tens of thousands of dollars spent on consultant's fees?

This type of regulatory uncertainty is not conducive to bringing home to our County the components necessary for economic growth.

Please remain consistent.

Sincerely,

  
Windborne, Energy, Inc.  
Rex Savage, President