

RESOLUTION NUMBER 11-22

A RESOLUTION APPROVING A CONDITIONAL USE FOR A COMMERCIAL WIND ENERGY SYSTEM ON PROPERTY LOCATED NORTHWEST OF FLORENCE LYING NORTHWEST OF FLORENCE LYING WEST OF SUNFLOWER, SOUTH OF 130TH, EAST OF PAWNEE AND NORTH OF 90TH IN THE "A" AGRICULTURAL ZONE DISTRICT WITHIN THE WIND ENERGY OVERLAY DISTRICT.

WHEREAS, a public notice of above said proposed conditional use was properly given including publication in the official County newspaper of a public hearing on August 31, 2011; and

WHEREAS, on the 22nd day of September 2011 the Marion County Planning Commission held a public hearing to consider the above said proposed conditional use; and

WHEREAS, the Marion County Planning Commission has recommended approval of a conditional use permit a commercial wind energy system; and

WHEREAS, the Marion County Planning Commission has determined that the conditions include:

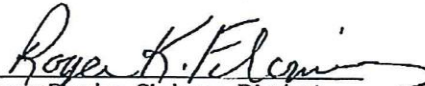
Obtain qualified personnel for inspections; install intermittent red strobe lights as required by FAA (Federal Aviation Administration); have a timeframe in place in case of bankruptcy for decommission or reoccupation; have a bond agreement for roads with the following: 1) All roads not part of the primary highway system of the State of Kansas intended to be used by the applicant as a means of ingress and egress to the proposed facility shall be designated on the application. 2) Final approval of the designated roads to be used shall be made a part of the CUP. 3) A maintenance agreement between the applicant and the county responsible for road maintenance shall be required, designating the applicant and/or successor thereto responsible for the maintenance of the designated roads that provide the ingress/egress to the operation. 4) Such agreement shall specify the standards to which such roads will be reconstructed prior to development, if necessary, and the standards to which such roads will be subsequently maintained by the owner/operator of the Wind Energy System (WES). 5) In addition, such agreement shall specify the form, manner, timing, and frequency of maintenance and upkeep, and will also include training for local Emergency Medical Service (EMS) and fire protection personnel due to project risks. 6) The responsibility of determining sufficiency of compliance with the road agreement shall be with Marion County or its designee; all conditions must be met as required for approval, including, but not limited to, Article 14-103 for the Development Plan, and Article 31-108 through 31-111 for placing the turbines; a vegetation free barrier of 20 feet must be constructed around the base of each tower; a Payment In Lieu Of Taxes (PILOT) agreement will in place; and underground lines must be located; and this action is separate from the first original project.

NOW THEREFORE BE IT RESOLVED that a conditional use is hereby approved for a commercial wind energy system on property as presented for the following described property:


In section 1-21S-3E: the SW ¼, and the S ½ and NE ¼ of the NW ¼. In section 2-21S-3E: The SE ¼ SE ¼, and the S ½ SW ¼ SE ¼. In section 11-21S-3E: The E 1/2. In section 12-21S-3E: The S ½ of the SE ¼. In section 13-21S-3E: All of the section except a tract owned by Tom Johnson in the NW ¼ NW ¼, which is under a development agreement. In section 14-21S-3E: The E ½, and the E ½ NE ¼ NW ¼. In section 23-21S-3E: The E ½. In section 24-21S-3E: The NW ¼. In section 18-21S-4E: The W ½ and that portion of the NE ¼ lying South and West of a line commencing at the point on the West line of said NE ¼ 5281' from the Northeast Corner of the NE ¼ of section 24-21S-3E and arcing Southeasterly so as to remain 5281' from the Northeast Corner of the NE ¼ of section 24-21-3E until intersecting the South line of the NE ¼ of section 18-21S-4E. The sum of the descriptions covered is approximately 2570 acres in Marion County, Kansas.

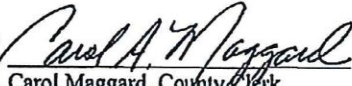
BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

This Resolution is made by the Board of County Commissioners of Marion County, Kansas on this 10th day of October, 2011.


Roger Fleming, Chairman, District 1

Attest:


Dan Holub, Commissioner, District 2


Carol Maggard, County Clerk


Randy Dalke, Commissioner, District 3