

(Published in The Pratt Tribune on July 9, 2013.)

RESOLUTION NO. 06-17-13

A RESOLUTION AMENDING THE ZONING REGULATIONS OF PRATT COUNTY, KANSAS, AS ORIGINALLY ADOPTED BY RESOLUTION NO. 5-7-2012 AND INCORPORATING AS PARTS THEREOF AMENDMENTS IN THE APPENDIX WHICH CONTAINS THE COMMERCIAL WIND ENERGY PROJECT (CWEP) CRITERIA AND CONDITIONS FOR A SPECIAL USE APPLICATION.

**THAT WHEREAS** on May 07, 2012 Pratt County, Kansas enacted Resolution No. 5-7-2012 which was duly published and provided for the adoption of and incorporation therein of certain Zoning Regulations for said County, official copies of same on file with the County Clerk; and

**WHEREAS**, the Pratt County Planning Board has prior hereto and after giving due notice held a public hearing on May 20, 2013 and made certain recommendations on amendments as contained herein; and

**WHEREAS**, the Governing Body of Pratt County, Kansas desires to approve such amendments to the Zoning Regulations for a portion of the unincorporated area of the County as described therein;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF PRATT COUNTY, KANSAS:**

**SECTION 1.** That the first paragraph of Section E entitled Contents of a CWEP Development Plan in the Commercial Wind Energy Project (CWEP) and Conditions for a Special Use Application is deleted and replaced by the following wording:

**E. Contents of the CWEP Development Plan.**

Every application for a Special Use for a CWEP initially shall be accompanied by a general description of the project addressing the key issues as listed in Section B and including the total acreage and a legal description for all owners of real property located within the perimeter of the Special Use on which the Applicant has easements,

leases, licenses or other agreements related to the project. The Applicant shall also submit with the application a presentation map identifying as a minimum the location of all existing dwelling units in both the leased and unleased area of the notification area plus the gas storage locations and all the setbacks for turbine locations referenced in Section D1 a-d. In addition, the Applicant shall show such information that it has available at the time the application is filed which would be included in the Development Plan (Section E 1-13) and identify what additional information the Applicant will need to obtain to include in the final Development Plan. The Planning Board shall publish notification, distribute notices as provided for in Section C and conduct a public hearing to determine an initial recommendation to the Governing Body based on the Special Use Report with or without conditions attached for the Special Use for a CWEP even though not all information required for the Development Plan has been provided. The Planning Board may require such additional information as may be necessary to make such a recommendation.

Once the Applicant has obtained a Power Purchase Agreement (PPA) within the time permitted, the Applicant must submit a final application with all the information required by Section E 1-13 for inclusion in the Development Plan. Based on the latter information, the Planning Board shall similarly give notice and conduct a hearing and, if satisfied with the information submitted, make a final recommendation to the Governing Body on the Special Use. A Zoning Permit for the Special Use for a CWEP shall be valid only for the construction in conformity with an approved Development Plan.

**SECTION 2.** That the introduction to Sub-section E4 in the Contents of the CWEP Development Plan of the Commercial Wind Energy Project (CWEP) Criteria and Conditions for a Special Use Application is deleted and replaced by the following wording and additions made for f and g to a through e:

4. Independent third-party or university studies assessing the following aspects of the project site which shall include an inventory, identification of potential impacts from the CWEP construction or operation and possible mitigation measures: The Applicant shall

submit all such studies to all applicable County, state and federal agencies for their review and comments which shall be reported to the Planning Board as part of the application's submittal information.

f. Potential impact to business in the County.

g. Potential property value changes in the County.

**SECTION 3.** Invalidity of a Part. That any provisions of this Resolution which shall be declared to be unconstitutional or otherwise invalid shall not affect the validity and authority of any other section.

**SECTION 4.** Effective Date. That this Resolution shall take effect from and after its publication once in the official county newspaper.

APPROVED AND ADOPTED this 17th day of June, 2013.

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Joe Reynolds, Chairperson

Glenna L. Borho  
Glenna Borho, Commissioner

Charles Rinke  
Charles Rinke, Commissioner

**ATTEST:**

Sherry Kruse  
Sherry Kruse, County Clerk

