

JOHNSON COUNTY PLANNING COMMISSION

Zoom Webinar

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MINUTES OF REGULAR MEETING

April 27, 2021

5:45 p.m.

A. CALL TO ORDER

A meeting of the Planning Commission of Johnson County, Kansas, was convened at 5:45 p.m. on Tuesday, April 27, 2021, and was called to order by Chris Iliff, Chair, with the following members present and participating; to-wit: Dave Johns, Roxanne Morse, James Neese, Randy Hutchins, Dennis Bollin, Roger Mason, Mark Huggins, Kelley Rast and Lindsay Grise. Absent was George Lund. Also present were Jay Leipzig, Leslie Davis, Karen Miller, and Sean Pendley, Johnson County Planning Department.

Chairman Iliff: Before we take the roll, I want to read a statement with regard to our situation we are having here right now due to the COVID-19 situation:

*In order to reduce the spread of COVID-19, the Johnson County Planning Commission meeting is being conducted using a Zoom Webinar. The Planning Commissioners will not be physically present in the Board meeting room. If you're using Zoom, you may participate in the meeting using your computer, phone or other electronic device. If you e-mailed the Planning department in advance of this evening's meeting and signed up to speak at the public hearing cases, your name will be called by the moderator in the order received. If you are unable to sign up in advance and you would like to speak, then prior to the start of the agenda item that you want to speak on, click the "raise hand" function in the Zoom app. By phone, you may raise your hand by dialing *9.*

All speakers will be limited to three minutes, unless the Chair designates a different time period in order to accommodate all the speakers desiring to speak. When your name is called by the moderator, your microphone will be unmuted. Please state your name and address for the record, followed by your comments. With respect to all board members and presenters, please state your name every time you begin talking, so the notes can be transcribed accurately for the record. This is a public hearing. We are presenting live and recording the meeting. Thank you.

B. APPROVAL OF AGENDA - *Approved as printed.*

C. CONSIDER MINUTES OF PREVIOUS PLANNING COMMISSION MEETING

Chairman Iliff: Is there any objection to, recommendations for, changes or amendments, to the meeting of February 23, 2021? Hearing none, do I hear a motion to approve the minutes of the last meeting?

Motion by Comm. Morse, seconded by Comm. Mason, to approve the minutes of the February 23, 2021, Planning Commission meeting.

Motion approved unanimously.

Chairman Iliff: Before moving on, I am going to alter the agenda just for a moment. I want to recognize that we have a new commissioner with us; that is, Kelley Rast. Kelley is from the

Southeast Consolidated District. Thank you for joining. I'd allow you a minute just to introduce yourself if you would.

Comm. Rast: My name is Kelley Rast. I live in Stilwell. Married to a wonderful husband. I have three children. My oldest is an athlete at TCU in Fort Worth. She's about to graduate and go on to grad school. I have a freshman son who is at West Point Military Academy, and then I have a 16-year-old that I'm trying to survive high school with at Blue Valley High. I'm looking forward to learning all this. I've been doing a lot of studying of the solar farm stuff. I'm looking forward to learning, so feel free to give me advice.

Chairman Iliff: All right, thank you, Kelley. We're glad you're willing to serve. We need people like you on this board, and we hope you'll be here for a long time.

Comm. Rast: Thank you.

D. PUBLIC COMMENTS

Chairman Iliff: I want to at this time open the hearing for public comments. Do we have anybody who has signed up for comments during the public session?

Ms. Davis: We have a few people as attendees. I know we have a couple people who signed up to speak about the solar panel agenda item, but there is nobody raising their hand to speak right now in the public comment section.

Chairman Iliff: All right, well let me do this. Let's offer a little bit of grace to those who might be a little slow on the technological uptake, and I'm going to in the meantime, turn this over to Sean Pendley to do an introduction to the utility-scale solar facilities discussion. We'll start there, and Leslie, if in the time that Sean is talking, you see some raised hands or other indications somebody else would like to talk, I think we probably have enough time that we could offer them a little bit of time. In the meantime, Sean, take it away.

Mr. Pendley: Thank you, Chairman. I would just like to start off by talking about the purpose for tonight's discussion. Obviously, we have been meeting for the last couple of months talking about potential updates to the Comprehensive Plan and Zoning Regulations concerning utility-scale solar facilities. If you recall, we started an initial discussion on January 26th with the Planning Commission regarding this item and the need for updating our regulations to address this use. Then we had the Committee of the Whole meeting with the Planning Commission and the Board of County Commissioners on March 11th, to get a little bit more of an understanding for the purpose and need for updating our Comprehensive Plan and Zoning Regulations regarding these uses. At that time we had indicated we had started working with a consultant, the Berkley Group. Staff has been working with them since they have expertise in this area. They have worked with several local jurisdictions and governmental entities. Their specialty is working with local governments and coming up with strategies and recommendations for regulations concerning land uses, practices and policies regarding solar energy facilities, among other types of lands uses. So, we've been working the consultants at the Berkley Group on coming up with recommended updates to the Comprehensive Plan and Zoning Regulations.

What we wanted to do tonight is we'll have Denise Nelson with the Berkley Group do an additional presentation. If you recall at the last meeting we had, the Committee of the Whole meeting, we went through just the general concepts. What are the items we need to address in our Zoning Regulations specifically? There will be additional things we need to consider with updates to our Comprehensive Plan, but tonight the goal we had hoped for was we'll have the consultant go through an initial presentation on some of the basic development standards, size, location, the

meat of the regulations, for what we know we need to address. We wanted to start the discussion with the Planning Commission to get any feedback and input. We do also know, as indicated before, we know that there will be at least two representatives who will want to address this issue with background and expertise in utility-scale solar facilities. They will want to speak with comments and questions on these draft regulations.

The purpose tonight, we wanted to begin the discussion for general parameters with our development standards, what staff has recommended, along with the work that the Berkley Group. The goal will be to come back before the Planning Commission next month with a little bit more refined standards and maybe some additional information for our Regulations that we need to incorporate. Also, some other standards and things that we need to address in the Comprehensive Plan, and then finally, the next step then would be to bring it back before the Planning Commission later this summer, likely in June, with a public hearing regarding these draft regulations. That kind of covers up to this point what we've discussed and what we would like to do, the goals for this evening. I'll either turn in over to Denise, or maybe if we need to go back and see if anyone else that has raised their hand at this point. I'll pause there and see if we need to check on anyone.

Ms. Davis: No hand raised at this time, sir.

E. UTILITY-SCALE SOLAR FACILITIES – DISCUSSION OF AMENDMENTS TO THE COMPREHENSIVE PLAN AND ZONING REGULATIONS

Mr. Pendley: Mr. Chairman, I'd be happy to introduce Denise if we're ready to go there.

Chairman Iliff: Yes, just for the few who have not had the opportunity to meet Denise before, please do give an introduction, and then Denise can take it away.

Mr. Pendley: Sure. Denise Nelson, if you recall, she joined our Committee of the Whole meeting and, previously, the initial discussion with the Planning Commission. She is a consultant with the Berkley Group. She will go through the presentation and also be available for questions and comments at the end. Denise, we're ready whenever you are.

[Comm. Bollin joined the meeting]

Denise Nelson, Berkley Group, appeared before the Zoning Board via Zoom, and made the following comments:

Ms. Nelson: I just wanted to take a minute to introduce the staff I brought with me. I believe you met them both last time. Luke Peters is an environmental planner, and he is going to be taking notes, so that I can fully engage with you in the conversation. He is going to make sure to capture all of the decisions made today. We've also got Aaron Berryhill on the line. He's about to graduate with a master's degree, where his capstone project was investigating utility-scale solar facilities. So, we have a good variety of expertise on the line, even though Darren couldn't make it tonight. That was a really great introduction, Sean. I was going to say a lot of the same things. You've invited us to help update the Rural Comprehensive Plan and the Zoning Ordinance, because they don't really mention solar facilities, and we'd like to make sure that there are adequate criteria in place, so that you can review solar proposals and make good decisions for the County and for your residents regarding these solar facilities.

Darren presented to you all on January 26th, and then we all came on March 12th to the Committee of the Whole meeting, where we had Jay describe why we need these new plans. We talked

about the two big issues, with utility-scale solar facilities. They can be quite large, so you need large tracts of land, and also they operate for a very long time. So, even if you have a small facility, you have to plan for that land being tied up with an industrial type of use for possibly 40 years. So again, you want to think through the implications when you set these criteria. Then, at that meeting, my colleagues and I gave a brief introduction to the solar industry and land use. We talked about the tools that you have available, and we mentioned some potential amendments. It was probably a little overwhelming at first, but we want you to hear the types of things that we consider, the types of things we've put in place for many counties here in Virginia, for your neighbor in Colorado and some other places. That's what we're going to dive into today.

I do want to quickly revisit the solar industry and solar facilities, and then I'd like to focus on three main topics: How to permit solar facilities, how to plan for adequate decommissioning of the facilities at the end of their useful life, and then what development standards will we be requiring as criteria for these facilities? I'll be presenting some ideas, and then we'll open it up for discussion. If you have a question at any time, feel free to interrupt me, or we can wait until the end and discuss all of these details. As I said, Luke will be writing down any decisions you make. If you don't make any decisions tonight, that's fine. We have recommendations from the staff. We've been working very closely with Sean and Karen, and we've put together proposed revisions that we're going to talk about tonight. The idea is any changes you want to suggest, we'll put those in a memo with a red-lined document and get that back to you with plenty of time to read and review prior to the next meeting where we can discuss it again.

Real quick, the solar industry, I wanted to point out where Kansas is on this map. For some reason, there's this vertical line of states that don't have a lot of solar installed, but there is a lot of solar installed around the country, so we are able to learn from land use decisions that were made in other states, and we're able to look at the implications over time. Unfortunately, we haven't gotten to a point where there are a lot of facilities that have been decommissioned. It's still a very young industry. In 2008, nationwide, we had about 1.2 gigawatts of power. That's a GW, gigawatts, and today we're up to 97, so in the last 12 or 13 years solar has just really exploded. We're going to begin focusing on solar panels, the photovoltaic panels. There's some other really interesting technologies that are used out in the desert or used in floating areas, but we're going to talk about the panels. The industry expects that this number of 97 gigawatts can grow to over 400 gigawatts by 2030. They'd really like to see that happen to help move the country forward into clean energy.

If we zoom in on that column in the middle, surrounding Kansas. For all types of solar, roof-mounted, ground-mounted, reporting says that there's about 84 megawatts available in Kansas at over 1,000 locations. That tells us there's a lot of small facilities, on rooftops. I read that it's just over 12,000 home have solar, and you're pretty much on par there with Nebraska and Oklahoma. Colorado has a lot more, and they are looking at even more. I'll show you a photo of a facility they have that's 120 megawatts. That's the largest facility they have. The rest of them are much smaller. One of the industry-notable things in Kansas is that IKEA has an almost one-megawatt facility on their rooftop in Merriam. That's one of those special cases that we like to talk about nationwide. I'm a huge fan of rooftop solar, because that really helps create jobs and technology and those maintenance jobs that really support the industry. When we talk about ground-mounted solar, there's jobs in design and construction, but then they pretty much operate themselves, so there's not a lot of opportunity there to train people and have them acquire long-term jobs.

Let's dive in. I did want to mention, there is rooftop solar. It comes in all shapes and sizes. It's typically providing power to be used onsite. It could be connected to the grid, where you can get

into some net metering, and that's really just about how the residents pay for their power. This is a wonderful use. Definitely recommend it. The leading program in the country for tracking this is run out of the Department of Energy. It's called SolSmart, and they have tools that help counties figure out how to support rooftop solar. Johnson County is listed in there as a participant at the gold level, which means you have some things in your building permit process that expedite the adoption of solar. You've made it simpler for homeowners, building owners and the solar industry. So that's all wonderful, but that is not what we're going to talk about today. For reference, this is mentioned in your Zoning Ordinance as solar collectors, and it is permitted by right as an accessory use.

We're going to talk about ground-mounted solar. We like to talk about that in three major categories. The first is small-scale. You can see in this photo it can be very small-scale. Typically, in land use terms, we talk about facilities that are about an acre or less. This could be residential. This photo is actually residential, and the other photo is agricultural. It could be commercial/industrial. Typically, these facilities can generate up to about 250 kilowatts of power. The idea there is that it's really generating energy to be used onsite. Just for reference, I've pointed out that a typical football without the endzones – more like a soccer field – is just over one acre in size.

Now we get a little bit bigger. We like to define a medium-scale in land use terms as one to ten acres. There's a rule of thumb that says in the past we've seen the average ten-acre facility generate one megawatt of power. Of course, over time the facilities are going to get more efficient. The technology is going to get more efficient, so that number will go down, but roughly right now it's about one megawatt for nine or ten acres. That's what we'd be talking about here, a facility that's bigger than 250 kilowatts, but smaller than one megawatt, so this is more than you would need for a house, so this is probably more of a commercial or industrial use and then would be used in those zoning districts. We had great debates in-house, but I confirmed that a professional size baseball field with all the outfields shown is just over four acres, much larger than that soccer field I showed a minute ago. So those would be ninety-foot bases, if you're interested.

Now we get to the big one – utility-scale – and when we talk about this one, we basically talk about ten acres and larger. This is what people like to call a solar farm or the utility-scale facility, because it's a power facility that ties into the grid. I'll show you some examples of one mega-watt, five megawatt, and they can go up to 20-megawatt. In Virginia, we have the largest facility on the East Coast being constructed right now. It's going to be 400 megawatts. I've heard of an application coming in soon in Virginia for an 800-megawatt facility. So these can get very large, and there's a lot of unique considerations there that we're going to talk through today. These we definitely always recommend permitting with a permit, not by right, and really evaluating each site independently. There's a lot of common criteria you can set but you do need to look at each site for its unique features – streams and species and things like that.

Within this category there is a special term you may hear sometime – community solar. Some people call it shared solar. Some people call it solar gardens. That is typically defined in states across the country as one to five megawatts. A lot of states like to cut it off at two megawatts. Some states cut it off at three. Kansas does not have a cutoff. Kansas doesn't have a definition of their own for these facilities, but the idea in the industry is if you have a residential neighborhood like mine with old growth trees where it's not really a good idea to put solar on my rooftop, well, if my community has a property where they want to put solar on the community land and have it feed into the neighborhood, and the homeowners are subscribing to that, that's our community

solar. For land use terms, it's all utility-scale solar. There's really no need to make a big distinction there. I just wanted you to be familiar with it. If you hear that term come up in the future.

Mr. Pendley: Denise, I just wanted to let you know that one of our Commissioners, Jim Neese, had his hand raised.

Ms. Nelson: Thank you. It's hard for me to keep track of that.

Comm. Neese: Thank you, I've got one quick question. Of the utility sizes, which can be quite sizable, how many of those are there in the country, just approximately? And the more important question is, how many of the large-size facilities like this in a fast-growing county like ours? On my way to Texas, I've seen some big ones but they're out in the hinterlands, so one of my concerns is large units within our county, which is going to be growing out pretty quick. I'd kind of like a little information on that if you don't mind. Thank you.

Ms. Nelson: Sure. I'm going to go back to the nationwide map, because there's some really good things that you can pull out from the map dataset. Out of the 97 gigawatts that's installed right now – and that is rooftop and ground-mounted solar – the majority of it comes from these ten states, the ones that are shown in dark blue. They were early adopters. They supported their counties in adopting regulations that were friendly to solar. There are some very large sites. It doesn't show it on this map, but what we've seen is Kansas doesn't have a statewide energy plan or energy directive to install solar. That's why you don't see a lot of solar in Kansas yet. It's a great energy source, but there's no big demand or driver for it. In Virginia, we adopted a Clean Economy Act that talks about green jobs and clean power and transitioning to green energy, so our governor is pushing out utilities to build or acquire solar and wind facilities. So, we're seeing applications come in all the time. That might be something that happens in the future for Kansas, but you're lucky that you've got some time to think about it before it gets too crazy.

Comm. Neese: My real question, what's driving that was Johnson County is a fast-growing county, and I was wondering if you could give us some examples of some of the larger sites that are in counties comparable to Johnson County. Are there some of them within the county that Denver is in, or so on and so forth? That's really what I'm kind of looking for.

Ms. Nelson: Okay, yes, that's a very good question. I don't have those numbers handy at my fingertips. We are working with Pueblo County, a little different than yours, but they have some large sites already, and they are coming in actually close to the growth areas, which is very concerning. So we're trying to help them re-evaluate their criteria and set new criteria. I can tell you, I was very fascinated to learn more about Johnson County and the fact that the towns and the cities keep annexing more land. That does not happen in Virginia, so we've tried to come up with some criteria to help control that and allow for that fast growth.

Mr. Pendley: I would just note, too, that that is a good question, Jim. We've been trying to get some good comparables to that. I think Denise and the consultants have identified some other example sites as mentioned before in other states like Colorado, or even in Missouri. We are looking at some of those comparable types of solar energy facilities, the utility-scale size, to see where we might draw some comparisons with a faster-growing county. Maybe before the next meeting we'll try to find those examples of other local jurisdictions that have similar proposals like that.

Ms. Nelson: Yes, it is a great question. I'd be really interested to do that analysis. I do have a map that I'm going to get to in a minute that might get a little closer to answering it for now. Let's see.

I was talking about utility-scale solar, which is the reason why we're here. This is what we really want to set parameters for. In addition to the panels, I wanted to make sure you realized that there are a bunch of ancillary facilities that can be quite big and certainly tall, so when we're connecting to transmission lines, the bigger facilities have to connect directly to transmission lines. The smaller facilities, about 20 megawatts and less, they can connect to distribution lines, but still, those connection points are going to be on these tall poles and harder to screen and hide from the public. So here we have inverters. There will be several throughout the sites. A substation that's key; a switch yard; the gen-tie lines; and you may have battery storage. We're not going to focus a lot on battery storage today, because we want to nail down the criteria for solar. When panels are generating power, it's a very passive land use. There's very low hazard or risk there. No noise, no operation, no moving parts, no opportunity to spill, but when we talk about battery storage, there are some higher risks. So we're going to come back to those in a future meeting.

Here's the map. I'll explain it real fast. The circles are the size of the facility. The small circles are one megawatt and then the larger circles get up to 100-plus megawatts. In Kansas, you've got a couple of one-megawatt sites. I was hoping that there would be something closer you could take a tour of. You do have a six-megawatt site. When we look at your neighbors, they also have a lot of one- to five- or eight-megawatt sites. Yellow is operating, and red is under construction. Orange is going through the process of review. But when we look over at Colorado, it's a little hidden, but they do have larger sites. Like I said, a 50-megawatt, a 120-megawatt and more. Here they are, all kind of clustered around... This right here I think is where Pueblo County is. So this is a great interactive map. I can make sure you have the link, and you can take a look at that. We'll use that with this national dataset to answer your question.

Just to show you what a facility looks like from the air, this is a one-megawatt solar farm outside of Wichita. I'm guessing that the landowner had all of this land and then sold part of it for the solar farm. Just to give you an idea of what one megawatt looks like, it would be about that ten-acre size. In this case, they lined them all up neat and tidy and angled them towards the sun. They have one nice driveway that comes in. There's screening on the edges. I personally would like to see more. It looks like there is a security fence. I'm going to show you some more examples so you can get a feel for what the plans are that you're going to be looking at when you review proposals. And then, the images after construction. This is what shows up on Google maps.

So, for today's topic the big three things I wanted to talk to you about are permitting, decommissioning and development standards. There's going to be actually several standards. The reason is because ground-mounted solar facilities are a large-scale use, but also a long-term use, and they are typically proposed on agricultural land, but it's really more of an industrial use. You don't want to put it in industrial areas, though, because that's where you're hoping to bring in industries that bring jobs. So there's a lot of things to think about that we're going to walk through.

First, I do want to remind you, of course, solar development is local. While you don't yet have impetus, motivators, inspiration from the State – you're kind of on your own right now – the developers are looking for land. They are looking for the ability to sell the power to your regional power, Evergy. They are talking to landowners about buying land or renting land, so now the landowners are getting excited about the opportunity to use their private land to generate revenue for themselves. They are looking at your Comprehensive Plan and Zoning Ordinance to follow your rules, and they are not seeing a lot of information, so they are moving forward with preparing applications and proposals coming and talking to staff about what's acceptable. In all of this, usually what we've seen is every county that receives a solar application is usually surprised that they didn't hear about it sooner. The developers, by function of how they operate, is they want to

prepare a plan, and they want to know that they can secure the land before they come bother you, but then you have to get up to speed on the site, on the neighbors and any unique conditions for that site. So, when we set our parameters, we just have to make sure that the process is fair and it's fair for every project, so that we can put the right project in the right place and we can have the right mitigating features.

Permitting. When we first looked at your Zoning Ordinance we saw there is Article 23 for Conditional Use Permits; Article 33 for Special Permits; and we considered the potential of writing a new article – Article 34. After talking through it with staff, staff really wants to see this fall under Article 23, so we would be adding a section following the other sections for specific uses and then we would be clarifying under Article 33 that you're not supposed to look for a Special Permit. You're supposed to look for a Conditional Use Permit, so that is one very important first step.

Second – these get harder as we go on, I should warn you – decommissioning. Can you think about the State Capitol and what it looked like 40 years ago? It probably looked exactly like this. And then, what will it look like in 40 years? The reason we struggle with decommissioning is we see buildings, we see infrastructure gets built and continues operating forever. They get rehabilitated. They get new paint jobs; they get potholes fixed. We might rebuild a bridge, but in most cases, when we build infrastructure, we keep it, and we keep it operating. When we build buildings or warehouses, they might get re-purposed, but it's not very often that they get taken down. If they do get taken down, it's typically because the developer has some incentive to re-develop that property. But this is different. When we have solar facilities, we have this nice tract of land, we have a farm out in Johnson County that a developer wants to come in and do construction, which is great, because they're generating this short-term work and revenue in the county. And then the panels go into operation, and they really are a passive use for 30 to 35 years. If they're properly screened, you never know they're there. But then, what we want at the end of the useful life is for the facility to be removed and the property returned back. We need to have this full cycle happen so that the land is ready to be used in farming again, or ready to be used for some other purpose, without the burden of having to clean it up.

The challenge with that is that we don't know what's going to happen in 20 years or 30 years or 40 years. We don't know who's going to own the property, who's going to own the solar panels, who's going to be running the power grid, and we want to make sure that there are parameters in plan and funding set aside to be able to remove that. We don't want it to fall on the farmer if he is leasing his land. I can't imagine he'd want to go out and remove all this infrastructure, and we don't want it to fall back on the County and the County's taxpayers, so it's in your best interest to require decommissioning, require a decommissioning plan early in the permitting process and require a financial mechanism that will be updated throughout the life cycle to remove it. We've looked around the country and looked at some of the best decommissioning plans and revenue security options. Everybody is still just trying to figure this out. Again, very few sites have been decommissioned, so we don't know really know how much it's going to cost. I'll tell you that I've had somebody propose decommissioning at the end of 40 years, and they said, "We'll be able to come in and it's construction/deconstruction all over again with our heavy equipment, remove all the panels, all the metal, all of the copper piping underground, all of the concrete footers for the equipment, and we'll actually be able to salvage it and sell it back for use in the industry, because it will retain its value over 40 years, and it will actually pay for itself." I'm a little leery of that because how can the value of the scrap removed match the cost of actually removing the scrap? Also, I'm not an expert on the salvage industry, and I don't know that anybody in your county is either, to know. It's hard enough to anticipate what construction costs are going to be in 40 years, but now

to estimate what the salvage market is going to be like is really quite difficult, so we want to make sure we have adequate security in place.

Comm. Rast: I don't know if you guys have discussed this at other meetings, but right now the solar panels, what do you foresee in 40 years? Do they go to a landfill? How do you get rid of them? I know like for windmills, the blades can only go to one place for a landfill. Right now, if somebody wanted to take down a panel just because they're done or whatever, what do you tell them they need to do?

Ms. Nelson: We don't. Again, it's a fast-growing industry. There are opportunities to recycle the panels. There are companies out there that are doing that. There are opportunities to reuse them in other areas. What is more likely to happen that's easier to think about over time is that maybe one panel will stop working. It will be defective or it will get damaged, so we want to make sure that we write in our conditions that any replacement panels will be replaced quickly, quietly, the rubbish will be taken away and disposed as best as possible, and then you'll also let us know about that, because that might impact the value of the land now. It might be more valuable with a higher-tech solar panel, and it might be producing more energy as well. So, there's going to be this feedback over the 40 years of equipment being replaced, and the developer choosing how to dispose of it.

Comm. Rast: So, if I'm hearing you correctly right now, there is no known source for getting rid of the panels at this point? That's still to be determined?

Ms. Nelson: There are landfills, of course, and there are some recycling facilities. I haven't seen them myself. I've read up about them, and I'm just a little leery right now, because the industry is so new, but just the same way we take our cell phones or we take our old computer monitors and they can be recycled and salvaged, they're figuring out how to do that with solar panels, because it is such a big growing industry. It's going to have some value.

Comm. Rast: Thank you.

Comm. Neese: This is a major concern for me because what I do for a living is finance equipment and work with residuals and so on, so that's kind of where I'm coming from. One of your presenters at the very beginning, what he kind of charged us with was to come up with rules and regulations of how this would work. He said this two or three different times, "or, whether or not you want this in your county." I don't know whether or not we want it or not, one way or the other, but one thing I'm thinking that might discourage or encourage the development of large sites – and that's what I'm concerned about – is what happens at the end? For example, I don't think re-sourcing the material is a big deal. What I would like to find out is if some of the proposals like the one group gave you, how did they future value the cost of labor? Because in a lot of the things that I see on short-term, five or ten years, with really good heavy equipment is the labor cost to get rid of the stuff is very excessive. I guess my thought is that if some of these large facilities are discouraged, is how they are going to be decommissioned a way to set up a procedure where it would be so costly that somebody would really not want to do it in our county, or in any county really. I don't know if that's a question or not.

Ms. Nelson: That's a very good point. It sounds like what you're saying is we have it as a condition and the implication would be prohibitive when people think through proposing a site, but honestly, you are the board, the Planning Commission, to decide if you want these at all. I was on the phone with a solar developer today. He's an engineer and he said, "I love it when they tell me what the rules are. They tell me they don't want anything over 20 megawatts, I'll see if I've got something

that works. I don't want to go propose a 25-megawatt site and jump through all their hoops and then be denied. I don't want to waste their time. I don't want to waste my time." I have another county right now that says they don't want small facilities – say, three-megawatt facilities. They don't want those scattered across the county, because they're worried about keeping track of all these sites and making sure that each one is decommissioned properly. They think that something might fall through the cracks in 40 years, so they're going to change their ordinance to say, "We want 20 megawatts and larger."

So, we're going to talk through a lot of criteria today. A lot of it is interrelated. I'll get to a slide on size, which I was talking to Sean and said, well, you know, if they have huge facilities they're going to cost more to decommission, which means the developer would need to give you a larger letter of credit or security, and they might not be able to do that. They do tie together. Well, maybe we have smaller sites, so that we feel more confident in the money that's being set aside to decommission them, so that they will be decommissioned properly. And just like you said, you have also that parameter of the cost of removing that site in the end. These things are all related. But I'm so glad we have someone with your expertise as part of the team, defining these criteria. Anybody else have their hands up?

Mr. Pendley: I don't believe so. Not at this time.

Ms. Nelson: Okay, thank you. I just wanted to say a few more words about decommissioning. What we're recommending, which we worked with staff on, was industry best practices. So, when they submit an application, they have to submit a decommissioning plan. They have to show a rough sketch of what decommissioning might look like, at what time in the life cycle that would occur, what type of restoration would take place, if they are going to replant a ground cover, or if they're planting trees. Then we definitely want a method for ensuring the funds. We want to see that there will be an escrow, a surety, a letter of credit, whatever you are comfortable with for that amount of decommissioning, and then we would want to require that the decommissioning amount estimate gets updated every five years. What we generally say is if there's more than a 10-percent change in the estimate, then we revise the surety so that it's covering. It might be revised in their favor or in your favor, but we want to be realistic about having a good number available at the end of the useful life.

All right, so now this where it's going to get fun – the development standards. There are many things to consider, and as I said, they are interrelated. We're going to talk about size, location, setbacks, screening and wildfire corridors. We have to just keep in mind that this is going to be a major land use change for people. They might not be redirected on your grid roadways, but they're going to see the change. It might be a big change for wildlife, or a big change for the neighbors, so let's talk through some of these things. First, I wanted to walk you through an infographic of what to expect when we talk about these projects. You might have one parcel, small or large, one parcel where the developer would like to propose a facility. We're going to define a setback line, so that would be the line from the parcel edge moving into the property. They can't develop any closer than that. That's very common in zoning, I'm sure you're aware, and then we call for a screen, a buffer, so that it helps to hide the facility so people don't have to look at it. We're going to talk about that. If there are streams or other waters, you're going to want to buffer those and protect those. Once you've narrowed that down, you might have a ten-acre site, but you've certainly limited that area that can be developed. We can lay out where the fence will go. The fence, of course, is not going to cross a stream that would prevent wildlife from traversing the stream corridor, but also if the site is large enough we recommend a specifically-designated

corridor or more, based on the size of the site. This is so that the deer and the bunnies and everybody can keep traveling through that property.

And now, when we start to think about laying out the facility, there has to be driveways to get in and out and gates in the fence. Those driveways have to be able to reach all of the areas where the panels will be. I'm showing roughly hatched areas where there's panels or there might be the inverters or the substation on the site. They usually are pretty much broken up into patches. Again, this is very diagrammatic, but I wanted to explain all the pieces and parts before we start looking at actual sites and site plans, because they can get very complicated when they are at a very large scale. Here, things to note are that the fence does not go all the way around the property. It has to be around the groupings of panels. It is typically right at that setback line, so that's how we're going to define the setback. But you don't always get that perfect, square site plan. Sometimes you get a large site where the developer is only proposing to develop half of it. Well, in that case, you still have your setbacks, but you might have your fence and your screening cut in on the property. And that's fine as long as it's okay with the property owner.

Another situation is a property owner that has a house. I saw this, and it took me a minute to wrap my mind around. They want the panels on their property with their house, even though it's a utility-scale solar facility. They're leasing the land, so they're making some good revenue off of it. In that case, they might have some concessions. They might say, "Okay, well we don't have to have the screening. Actually, I'd love to see it." Or, "I'd love to minimize the screening," so they have more land to develop. And then, you'll have sites that cover many parcels. Again, whether it's ten acres total or 100 acres, total, the developer will come in with this idea. They have to have the stream corridors and the wildlife corridors. Now, they'd have to have more of them if it's a large site, but they need those access roads to reach the bays of panels and the inverter and everything else.

So keeping all of those things in mind, first I want to talk about size. The size impacts the community in many ways. In Virginia, we've seen facilities range from two megawatts to 500 megawatts. If we think about that rule of thumb, that means that a two-megawatt site would be about 20 acres. That is the White House lawn, but if you think about a 500-megawatt site, that would be 5,000 acres, which is the entire Capital Mall downtown. I'm assuming you've all been to our great capitol, D.C., but if you haven't I tried to pull out some examples from Johnson County here. Most of the blocks are one mile by one mile, which is 640 acres. Then this beautiful park with all these amenities is 1,300 acres. Could you imagine any one of these squares or rectangles being completely developed as solar panels? The 1,300-acre site, it would generate probably about 130 megawatts based on that rule of thumb. With the setbacks and everything else, the panels would actually be just under 800 acres. So think about where these places might be appropriate and again, how close you want them to the more developed areas.

When we think about size we go beyond thinking about the impacts to people and the impacts to the animals, but also just the environment there and the amount of work to build it, and then deconstruct it as we've talked about. A friend of mine likes to call solar facilities large-scale grading projects. In Virginia, they get proposed a lot on agricultural land, so they're in rural counties, where they're not accustomed to managing a large-scale grading project. So there's the erosion and sedimentation control during construction, the stormwater management during construction and during operations, and the plan review process can be quite involved for a locality that's not accustomed to it. And then construction inspections. We're in the Chesapeake Bay Watershed, so we have to have inspections every two weeks and after every rainfall. Can you imagine how many inspectors it would take to go out and walk a site during construction every two weeks? So

we need to think about your ability to process these applications and the construction, or to outsource that and make sure that your fees are set up appropriately.

So, talking through all of these ideas with your staff, we came up with a recommendation that the utility-scale solar facilities would be greater than 10 acres, which is our basic definition, but up to 1,000 acres. We talked about that on both of the last calls. Everybody seemed somewhat comfortable with a 1,000-acre limit. That would be about 100 megawatts, and it would probably have about 600 acres actually under panel. The rest of it would be the setbacks and the wildlife corridors. That for you is a big change from the facilities that you already have that are one megawatt and six megawatts. This could be up to 100 megawatts. While I talk about the related parameters, I want you to be thinking about that. Would you be comfortable with a facility that big? And I know I showed you squares on your grid, but not all facilities are going to come shaped as a square. Some of them get pretty creative. How disjointed will you allow that to be?

Next, related to that is location. This is probably the single most important land use consideration, because you need a lot of land, and you need it for a very long time. Typically you're converting land. You're converting farmland or forest land, and that land, if it's close to a developing area, it may already be in a long-term plan to be converted to a neighborhood in 20 years. Well, now you've just tied it up for 40 years. So we have to think about the appropriate locations. When we look at your zoning map, where do we find the big parcels of land? We find them in agricultural zoning and industrial districts. We've come up with some ideas on how to describe appropriate locations. We're going to describe it in words, but if you want you it can also be an overlay on your zoning map.

Let me show you, in terms of districts, the agricultural district is the rural residential area. This is the zoning text table that we would recommend for utility-scale solar. Rooftop is already allowed by right, and we recommend continuing that. Looking at agricultural and then considering industrial. Right now, in industrial and use four, you do allow for some equipment, manufacturing, generation, so we thought it might be a good incentive for the industry to tie solar to those commercial and industrial processes. Rooftop and small ground-mounted, by right – again, that's really just generating power for use onsite – and then anything else we want to see a Conditional Use Permit, whether it's medium or utility-scale. We want to see the permit, because we really want to evaluate if it's the right project in the right place.

Other ways to talk about the location. We of course want to avoid prime agricultural land and forest land. We want to preserve that land for future use. Preserve wetlands and habitats. Protect any historical, cultural, recreational sites and buffer those sites. We really want to look around the county for the invisible sites, the opposite of probably what economic development and the developers do when they're looking for building commercial, or the next Walmart or the next neighborhood. We want to look for the less desirable sites, because they might a good place for a passive solar use. And there might be some contaminated lands, brown fields or capped landfills or other sites that can't be repurposed for many things, but could be repurposed for solar.

We also want to consider where the transmission lines are and where the distribution lines are and how much capacity they have. The solar developers will be looking at this. They will be looking for proximity, and this map, I'm showing the two red lines are crossing transmission lines, so this solar facility can tie in right onsite. I've had a project where they had to build a gen-tie line over a mile long. And the community was not very excited about. It's also expensive, so the builder was not very excited. So we look for those opportunities to connect and feed into a grid that has capacity. Then if we're talking about battery storage, that's actually an opportunity to take load off

the grid and store it until it's needed, so there are two different parameters we look for in grid capacity. But then, we also say if we're going to set a parameter that says maximum size for a solar facility is 1,000 acres, we don't want two of those side-by-side, because really that would be 2,000 acres. So, a lot of communities like to set a parameter that the facilities have to be more than one mile apart. That's actually really important when you think about where the transmission line is. If we're trying to locate along the transmission line, there could possibly be just this alley of solar panels. I'll tell you, after this one was proposed, onscreen, a developer came in and proposed one on the other side of the river in this area, and it was approved. It's not really a scenic river or a river that gets lot of public attention, public use, so they felt that it was okay to have them that close together and tie into the transmission line. But that's a very good thing for you to think about.

Then, of course, we've talked of location. We would recommend it being over a mile away from cities, and we've talked specifically with staff about getting that city boundary from the city, because it's always growing and changing, but we've also talked about maybe the city doesn't want to grow and change, and they might be okay with having a solar facility closer, so we're working on a waiver opportunity for developers to talk to the city and see if it's okay. Then we also recommend greater than one mile from area plan borders, for these two area plans. It's good to keep them a little bit further away from airports for flight safety, but if there's any other areas that you can think of that you would like name and protect, so that a developer has your rulebook and can go and say, "All right, I need to buffer the Executive Airport Area Plan, and not get anywhere near it," we can write those in.

We talked about size and location, and now we're going to talk about setbacks. Again, these are all related. A very simple sketch here. I hope you can see the little, tiny blue dimension line. What we recommend for a setback – we've worked with staff on this – is 150 feet from the parcel line back, to the fence. It's shown offset here for clarity, but any of the facilities – the fence, the panels, the inverters, the substation – they all have to be back 150 feet. The fence would be the outermost item that could actually fall right on that 150-foot line. We do want the screening to be in front of that because it's a security fence. It's probably not decorative, and we want to just have some nice plantings to hide the whole facility. Now, if the neighboring parcel has a dwelling, we want to increase that setback to 250 feet from the dwelling to the fence. This is all about being a good neighbor, keeping your residents happy where they are.

Now, if we talk about screening, we recommend 100-foot-wide screen, which is what I was trying to show in the diagram. What's shown here on the picture is inadequate. There's probably not even 100 feet from the road to the fence, and there's just one line of scattered trees. In some cases, you may want the panels to be visible, so that it's an educational opportunity or you can showcase green energy. But in most cases, people driving down a scenic highway, or driving through the countryside would rather see plantings or a berm than the trees. So we recommend the 100-foot depth of plantings, using existing plantings or augmenting them. Here is one sketch that we've seen a developer propose. The outermost 25 feet is five to six-foot tall trees, so you immediately have good coverage, and they are different sizes and shapes so they fill in the gaps. Then behind that there can be seedlings or much smaller trees that are planted to fill in that 100-foot depth.

Comm. Huggins: Thank you. I've got several questions. I thought this might be a good time to go into them. Most of this is referring to the memo to the Planning Commission dated today. Some of them are just curiosity, honestly. How close do these facilities have to be to the transmission

lines? I've heard many references to the fact they need to be close. Are we talking a mile, or is that left up to the developer?

Ms. Nelson: The longest connection I've seen is that one that was just over a mile. Beyond that I think it's cost prohibitive for the developer.

Comm. Huggins: That's kind of the developer's responsibility and probably not a concern of the County?

Ms. Nelson: Well, you can define that. If you really want to be clear on where you are willing to accept proposals, you can say within one mile or two miles of the transmission line. You have the opportunity here to put some parameters in the Comprehensive Plan where they're guidelines they're not strict. And you could put some parameters in the Zoning Ordinance, where they are the strict regulation. We've shied away from that as a recommendation for you overall because the way your Comprehensive Plan is written, it doesn't discuss other types of uses in that much detail, but you can certainly provide guidance on what you prefer, and then the strict regulations are what go in the Zoning Ordinance.

Comm. Huggins: And these lines are isolated until they get to the transmission line? They can't be used as any other source of power?

Ms. Nelson: Yes. And we also see a lot of developers will try to find an existing substation so that they don't have to build one.

Comm. Huggins: Right, and then on sheet three, right at the top of the page, the first paragraph, last sentence, it says, "A 20-megawatt facility is under construction in Johnson County." Are you talking about our county?

Ms. Nelson: Yes. Wait, hold on.

Mr. Pendley: I believe that's Johnson City, Mark. I don't know if we specified that.

Comm. Huggins: Oh, okay. I'm sorry. I misread that.

Ms. Nelson: Yes, again, I was trying to find facilities in the state that you could visit. Let me see if I can get back to –

Mr. Pendley: Far Western Kansas .

Comm. Huggins: Okay.

Ms. Nelson: Over here, this red dot. So it is pretty far away from here.

Comm. Huggins: That's under construction. Okay.

Mr. Leipzig: Is that Gove County? Does anybody know?

Ms. Nelson: I don't know.

Mr. Pendley: I think Gove County may be further north, Jay. I'm not sure what county this is.

Ms. Nelson: Luke, do you think you could look that up? My screens are all taken.

Comm. Huggins: I understand that the small uses are going to be by right. Will the medium? Is that by right, or will that be a CUP also?

Ms. Nelson: For discussion's sake, we are recommending that medium be by Conditional Use Permit, so anything smaller than one acre. Which is nice, again, for the people that don't have a good rooftop, but they might want to generate power onsite for their residence, but more likely for a business. I've seen businesses put out just two or three panels in the yard. I wish I had some great photos, but we are proposing with staff that that be allowed by right, but if you have a different feeling, please tell us.

Comm. Huggins: I'm just curious if these recommendations are primarily directed at the utility sites. When would we tackle the medium sites, because I assume we'd have to set up standards for that also?

Ms. Nelson: I see what you're saying, yes.

Comm. Huggins: Do people do that all at once, or is it more efficient to get the utility site and then work on the medium?

Mr. Pendley: I think, I would imagine, Mark, I don't know if we specified this exactly in our standards, but I think we would want to follow similar procedures, but that's a good question. We need to check on that and see how would we apply those standards? Is it different than a utility-scale? That's a good question.

Ms. Nelson: And I'm glad you're thinking through that because it will come into play. For instance, the 150-foot setback. Is that reasonable for a small commercial site that wants to be a medium facility? If we get to setting some other parameters on distance, if they have to be over a mile apart, is that reasonable when you've got an industrial corridor and several of the neighbors, companies, might want their own solar panels? So it is a very good question. We're really focused on the utility-scale now. The safest thing would be to have whatever we come up for utility-scale cover both utility-scale and medium, but we are certainly open to paring those requirements down for that medium-scale size. It's reasonable.

Mr. Pendley: I'll just note, Mark, Luke Peters did provide the update on that example. Johnson City is in Stanton County, Kansas, and there is a website for that, sunflower.net. We'll also provide some other examples, too. I know examples were requested as far as comparable projects in other counties. We'll see what we can find.

Comm. Huggins: Okay. And I noticed in your references, on sheet four, it looks like you get about a tenth of a megawatt per acre on your facilities. Is that the 60-percent coverage facilities?

Ms. Nelson: That's correct. Again, all of these parameters are interrelated. Yeah, 60 percent. We recommend that. You're already required to stay out of the waters and will be required to provide wildlife corridors. We know there's the setback. There are some other parameters there, but 60 percent is really kind of like a backup parameter to make sure that you really are providing enough open space throughout the project.

Comm. Huggins: Okay. And 3.d., it mentions screening and the setback from official street line. Is the official street line setback the same as the setback from a property line, or is there a different setback for that?

Ms. Nelson: Staff has let me know that there is a setback from the center line of streets, where you can't build anything right up next to a street. It looks like the 150-foot setback you will still have the space for the 100-foot buffer and honor the road setback. But we can definitely look at a few examples and make sure that's the case.

Comm. Huggins: Yeah, I think that would be a different situation in my mind. I would also think the setback would be based on what we would call of right-of-way line, which may be 80 or 100 feet wide on a road.

Mr. Pendley: Right. That's correct. I think the intent here, why we added that provision was we just didn't want any of the landscape screening or berming within the official street line, so the setbacks can all be kind of inclusive in a way. We just don't want any landscaping or any obstacles within the official street line area.

Comm. Huggins: Within the public right-of-way?

Mr. Pendley: Both in the street right-of-way and also the official street line. So there's a setback from that center line in the street. That's kind of all-inclusive there. The bottom line, the intent is to not have any screening within the right-of-way or the official street line.

Comm. Huggins: I think that might need a little work to be clear.

Mr. Pendley: Yes.

Ms. Nelson: Thank you.

[crosstalk]

Mr. Pendley: We were thinking about a diagram or something possibly to show that, too.

Ms. Nelson: Yes. And this is big for public perception. If you permit a facility to be developed and they plan, so they create a berm and it looks great and then a couple years later the State comes down and widens the road and has to remove all of that, it does not look good.

Comm. Huggins: One more question, and this is really for Jay and Sean. Does the County have the ability to evaluate wildlife corridors on these facilities? It sounds pretty difficult to me. That's why I ask.

Mr. Leipzig: Mark, I would say in answer to that question, we don't know yet. I think we're going to have to look at that and evaluate that. That's, I would say, very difficult, I guess, in terms of that level of expertise.

Ms. Nelson: That was a perfect segue, actually, back to me and the next slide.

[crosstalk]

Ms. Nelson: Wildlife corridors, thank you.

Comm. Huggins: Thank you.

Ms. Nelson: We've looked at construction projects. Aaron has looked at all of the construction projects in the State of Virginia, and we've looked at other projects and guidelines from the Forest Service, guidelines from actually organizations that focus on wildlife corridors, and based on the size of the facilities that we are looking at, unless it's very small, we'd always recommend at least one wildlife corridor. Generally, if you have 200 acres, every 200 acres, you need another wildlife corridor, so you're making sure you're giving enough paths. Every site is different, so it will be important to look at that site and consider if there are any special migratory action that's happening that would be impeded, and is it north/south? Is it east/west? Is it both ways? The guidance tells us to plan on several, for all different sizes of animals, and make sure they're about 25 feet in

width, but keep in mind that as long as you're fencing around the panels, you can consider any stream or waterway that's open for wildlife as one of those corridors.

We've made it through all of our inter-related items. Permitting – we know staff strongly recommends using the Conditional Use Permit, and we've worked with them on where to put the language. We don't want to be duplicative of the general requirements for all types of development. We will just identify the specific items for solar to drop into that part of the Ordinance. And then, decommissioning, pulling from industry best practices and requiring the plan, requiring the cost estimate and requiring the security to be put in place. Then, with the development standards, again, these are all inter-related. So we're thinking about the size, the location, the proximity to each other, the setbacks, the screening, the wildlife corridors. While you think about that and while you think about what you want to ask or propose, or raise your hand, I wanted to just show a couple of quick images, because every applicant I review, I'm surprised. I feel like we've written the rules, and we've covered all the bases. Well, every single applicant has some caveat in it that we didn't account for, so we're learning, and we're updating our recommendations every day. We definitely don't want every applicant to come in with a zoning map amendment or a zoning text amendment, or a waiver request. That defeats the purpose of setting good criteria.

I just wanted to show you a few and point out the pros and cons. So, you can see the rows of solar panels here, and then the access road. When they get in there, they do need to drive around and check on the inverters and check on the panels. They need to be able to access all the bays. This is 4.4 megawatts on approximately 100 acres in San Antonio, Texas. Why I really wanted to show this site is because of this dense neighborhood on two sides of the property. Apparently, in this area it was not a concern for them to hide the solar panels. I'm not sure. This may be a community solar facility serving these houses, but they had no requirement there to screen that. They come in all shapes and sizes. This is a 5.5-megawatt facility in Maryland. It's about 100 acres. Again, they've worked around some topography here, and they've got that road, making sure they can access all the different bays. And it's right off the road, with neighbors across the street.

This is what I would call a lesson in what not to do if you're trying to be very efficient with land and put in as many solar panels as you can in this grid format. You can get 20 megawatts on under 200 acres on these two parcels shown in yellow, but I don't see much other benefit here as far as screening, wildlife corridors or any respect for the human or natural world. This is another site that's about 20 megawatts. I wanted to show you how it can be somewhat disjointed when you're working around combining different parcels or you're working around streams and wetlands. You could have more than one access point, so here we've got a major highway, a minor road, another minor road, but they do connect. Some cases, when you cross a road or cross a stream, you may not want to put a bridge. But they laid out the panels and they've got that access road, so that they can get to everything. Unfortunately, in my opinion, they are too close to this town of Stoney Creek, and too close to a major highway, Interstate 95, that goes all up and down the East Coast. They could have used this land for a different use that needed highway access. Well, now it's a passive use for the next 40 years.

Here's one that's 120 megawatts. I pulled out the one in Pueblo County, Colorado, Comanche Solar. It's 120 megawatts on 640 acres. It's connected to a power generating facility, which is a great use. Most people would prefer not to see either one of those things, so why not put them side-by-side, put it next to a wastewater treatment facility. Put it next to a landfill or put it on the

groundcover at those facilities. There are a lot of different ways that you can lay these out and just take into account the natural topography and the proximity to humans and other land uses.

I have in front of me all of the notes and the recommendations that are in the memo. I just want to talk through them with you and hear your thoughts and if you're comfortable with the recommendations we brought to you tonight. We are certainly willing to discuss each and every one of them.

Mr. Pendley: Are there any additional questions regarding any of the standards that were identified or any of the things that Denise mentioned in the memo beyond some of the initial questions we've had so far?

Comm. Grise: I had a quick question about the decommissioning mechanisms for financing. As Letter of Credits and Surety bonds, you pay for those annually, it just seems like when you're talking about a 40-year design life, that seems like a difficult thing to monitor for the County, to make sure that those letters of credit are paid for on an annual basis to finance items, and who would be doing that? A lot of these solar developments come in, create the plant and then get out of the...sell the plant. I guess I'm just curious, is really the only realistic option an escrow account, and how would that be managed, in your experience?

Ms. Nelson: I will tell you from what I see in the industry, they don't like to have an escrow account, because that ties up their finances. This is part of the decision that you need to make about if you're going to allow these uses. And maybe minimizing the risk is not allowing them, or only allowing smaller sizes. You definitely have to think about the burden on your staff for reviewing the applications, for monitoring construction, as I said, but also for keeping up with this paperwork. There will be a lot of staff's time, attorney time, in reviewing these applications and negotiating the permits.

Comm. Grise: Most of these sites – it appears, at least in my experience – that these are leased, and that the landowners are getting a monthly payment as part of the land lease. Would it make sense to place some sort of monitoring burden on the landowner that is getting the benefit of the monthly lease? Because that landowner would be a party that's more likely to be around when the facility needs to be decommissioned, as opposed to a developer that may or may not...an LLC developer that's maybe going to go poof in the night.

Ms. Nelson: Yes, that's the big risk with these facilities. We don't know what it's going to look like in 40 years. Again, maybe this is infrastructure that will never be decommissioned and removed. Maybe they'll just keep replacing the panels with better panels.

Mr. Leipzig: Denise, another question. In your experience across the country, do you generally see letters of credit, or do you see an escrow account? I assume you probably would see a letter of credit, right?

Ms. Nelson: Yeah, so what we've seen developers do is they're leasing the land primarily, like you both have said, and then they are selling the project to the major power utility, so they negotiate with the counties that a letter of credit is acceptable because it's being backed by this much larger utility. The idea is the utility is here. It's been here. It's going to be here for a long, long time, but again, that's a very serious risk you need to consider. We saw what happened with the housing market and banks and credit there. Nobody is too big to fail.

Comm. Grise: A quick question about that. When you say it's backed by the utility, do you mean that the utility is providing a surety on the obligation to decommission, or backing the letter of credit? I guess I'm just curious, what is being backed by the utility? What does that actually mean, mechanically?

Ms. Nelson: That the utility has convinced the counties that there does not need to be cash set aside, because of the utility's size and financial success that just having a letter from the utility is enough as a promise that it will be decommissioned in 40 years.

Comm. Grise: I'd hate to create a mechanism that basically prohibits the financial ability of these...If we're going to allow them, you at least want them to be financially viable, so I guess I'm just curious. Is it a promissory note from the utility? Is it part of the Conditional Use Permit that the utility would file to maintain a surety bond? I guess I'm just kind of curious, because at least a promise from a utility seems like a much more attractive option. I guess I'm just wondering what that promise would actually look like.

Ms. Nelson: I'm trying to scroll to my notes here. Yes, you're right. We're very concerned. Every solar facility we've seen proposed is by whatever the facility is called, like "Comanche, LLC," and then we know they're going to sell the facility and they're probably not going to be around in 40 years, so we're very concerned about that. I just pulled up my notes with the details on decommissioning. We might have to get back to you with some specific details.

Comm. Grise: Sure. I guess the question I was going to ask is would it be possible to submit, Jay or Sean, would it be possible to submit questions in writing? I'm an attorney that negotiates solar development contracts, so this is kind of my playground, but I think I have maybe some questions that might be easier for me to put in writing for your consideration. Would that be possible? And then maybe we could get responses to those?

Mr. Leipzig: Yes, Commissioner, I would welcome that. That would be terrific if you could do that.

Comm. Grise: Awesome, thanks.

Mr. Leipzig: That way we could research them and get back with you and report out to the entire Commission as well.

Mr. Pendley: Right. As Jay mentioned, I agree. I think this is addition to any additional questions from the Commissioners, I have a feeling we'll probably hear some other comments here following all of the staff and consultant presentation, comments that we're going to also have to provide additional responses to, so we'll be happy to do that by the next meeting.

Ms. Nelson: Yes. [distortion] we are certainly not rushing this process. We're working on revisions to these ideas with staff, getting more details, responding to your questions and answers, making sure we have a chance to discuss this again at the Planning Commission meeting. I will tell you, in Virginia here, because we have some other mechanisms in place, we required the decommissioning in the Conditional Use Permit, so if there's a problem we have one enforcement mechanism. It's at the end of the life it's decommissioning so maybe that one isn't the strongest, but we also, for the large facilities, we can require a siting agreement. This is something we use here for major landfills, solar and a few other special uses. In that siting agreement, we also call upon the Conditional Use Permit and the decommissioning plan. So then there are actual stronger enforcement mechanisms that we can take if we need to figure out how to solve a

decommissioning problem at the end of the life. But I can get you details on all of those. I'm just speaking off the top of my head right now.

Comm. Neese: I have two quick questions. The first comment with the way the government views utilities, especially in our area, and the possibility of them breaking up, I don't know why we would think the utilities are any stronger than a direct letter of credit from a bank. Banks in 40 years, for example the one at Lacygne, they just spent millions and millions dollars upgrading that, and they want that thing closed within 25 to 30 years. So that's just a comment. I don't necessarily think that a utility's reliability is what it was 25 years ago, but I haven't said that, so my real question is this, what was the rationale – and I don't know that you need to say this tonight, but I want you to think about – what was the rationale about going up to 1,000 acres? I'm just thinking where I live, for example, one mile from the west city line. A couple people own several hundred acres there, and if you took 1,000 acres there and did it, or 800 acres, or 500 acres, and you went another mile, apparently it's profitable enough to do this in an area that land is very expensive. As a zoning board member, if somebody wants to build another mile away and put as a big a unit as 1,000 acres, and he meets the criteria that we set, and we turn him down as a zoning board, I'm trying to figure out what we would say, what criteria we would use, to not allow this special use permit. It could really be a domino effect for our county, as far as our growth is concerned. It's just a comment, but I would like to know at some point in time why did you come up with 1,000 acres? I mean, why not 500 acres? Why not 300 acres?

Mr. Pendley: Jim, great question. That is something that, in looking at different types of facilities, it varies greatly in talking with the consultants with the Berkley Group. It can vary greatly depending on jurisdiction. I think you will hear from at least one speaker here tonight after our presentation that will explain as to why these types of facilities may require larger areas now to be more efficient but we will certainly try to answer that as well. We just know that that does vary, and that's why we do need to get that additional input to see what is appropriate. That also explains, too, why there are going to need to be separations, minimum buffers and distances from other facilities in other types of growth areas, so that we make sure that we're not conflicting with any other uses. But great question. It's something that may need to be evaluated further to determine what's appropriate.

Comm. Neese: Because my thought is if somebody... Our first presentation was that this is very, very profitable, which is great. But if somebody can come in and put a 1,000-acre unit in our county with the price of land here and suppose the price of land maybe a couple counties to the west of us, which is really rural, and then if that's the case and somebody comes in with 1,000 acres, and they can justify the expense of the land and doing that, then it seems like to me that somebody would come back right behind them, two or three people, and do another 1,000 and another 1,000 and another 1,000. And it would be hard, I think from a zoning board standpoint, to disallow that second, third or fourth 1,000 acres, and pretty soon you've got 7,000 or 8,000 acres out here that are solar panels. That's going to penalize the growth of the county. You could start one mile west of our city limits here. Anyway, that's my thought. That's my concern.

Mr. Pendley: Good comments. Thanks. Are there any other commissioners that have any questions at this time? We know that there are some speakers who are with their hands up. Leslie, do you notice is anyone else has raised their hand?

Ms. Davis: I do not see any more hands up, sir, from the Commissioners.

Comm. Hutchins: I don't have the ability to raise a hand, but I would like to make some comments. First and foremost, our number one objective is to make sure we protect the landowners. I don't want to put them in any type of liable situation.

[Zoom audio difficulty]

Comm. Hutchins: My number one concern is making sure that we protect the landowners. I don't want to put them in a liable situation. We need to figure out how we're going to handle the decommissioning part of it. I don't have the answer. I don't know that we're going to require everybody to put up the full cost of decommissioning. Maybe we set up a pool for everybody who does put up solar, that they contribute to a kitty that can be used if somebody does go defunct. But a line of credit, a letter of credit, that does no one any good, because the letter of credit could be good today but in two years is not worth anything, and what are you going to do at that point? So, I think that's the biggest problem we've got to solve.

I'll also say, you start to lose me when you start talking about a bunch of rules and regulations. If we're going to do it, we're going to do it. We need to maximize the use of the land. I don't have any interest in putting in screenings or trees or whatever. It's ag land, and my thoughts are this is a form of agricultural because you're harvesting. You're harvesting the sun in this instance, whether it's wind, crops or whatever. I want to make sure we put the emphasis in the right areas. Again, I'm not convinced as to whether we do or don't do it, but I want to make sure we focus on the right things.

Ms. Nelson: Very good points. Thank you. You're right. There are so many different perspectives when we think about development, land use. As planners, we like to think about not having a concentration of any one given type of land use, especially if it's new. We don't want that concentration in any one part of the county, unless it's that sort of invisible area that maybe that is the best place. But you're right. We do have to take into account the landowner's rights to develop their property, the solar developer and the solar industry's contribution to generating power. Once you start receiving applications, you're going to hear these different perspectives, and they're going to vary widely. We said that the landowner is going to be likely getting monthly lease payments that are quite substantial. This is obviously financially beneficial for the developer, and we just want to make sure that the County is seeing proper use of the land and support for processing these applications, processing construction and feeling safe about the long-term risks with decommissioning.

Comm. Rast: How does it work from the standpoint if you're going to tie up a bunch of land, and the County is growing and you offset the tax base, versus if this is really lucrative, is there a different tax base they end up paying with the business aspect? If they tie up this land for that, versus the County growing and getting a larger tax base? Has that been looked at at all?

Ms. Nelson: Our example here in Virginia is that we started developing these solar facilities around the state and the landowner made a lot of money. The developer made a lot of money, and the energy utility made money and also met the demand of the governor to have clean energy. What we did not see happen was the county celebrating some of that revenue. So collectively, in the industry and the state, started lobbying for additional opportunities for localities to be part of that process and get part of that revenue that's generated. Here we've got the special rules. We've got calculations. We can say, "Okay, your land use is changing from ag. It may have been reduced taxes because it was in a value-based tax deduction for agricultural. Well, now it's not agriculture. It's an industrial use, so you're going to switch to the amount to tax you're paying the

regular tax rate now, and you have to backpay five years.” That’s how it is here in Virginia. So then on the improved land, you’re getting more taxes than you would if it were a farm, but in this state you would get a machinery and tools tax. So there’s a couple different things. We’re looking at the real estate tax and any property taxes like machinery and tools. Well, to incentivize solar here in Virginia, the Governor discounted the machinery and tools tax. And then it was very uncomfortable for the counties, who were getting less financial resources; whereas, the industry was still doing quite well.

So here we’ve added ways to ask for conditional use conditions for payments related to the development; perhaps, to fund roadway improvements or to fund fire and safety improvements to make sure you have that capacity. We have those siting agreements where we’re allowed to negotiate funding. So there might be one-time funding payment, or there might be long-term funding payments, but that’s getting into the nitty gritty of the financial benefit which is more of the Board of County Commissioners topic than the Planning Commission, but certainly this industry is lucrative and it does make sense to make sure that the County is benefitting from that, and not just the burden of having to process all of these things.

Mr. Pendley: I would just note before we go on to the next steps, I thought we would turn it back over to Chairman Iliff for the next steps. We know that there are other people who have requested. Then we could kind of end it all with a last slide talking about next steps, if that sounds good with everyone.

Chairman Iliff: I think that’s appropriate. We have two or three people who would like to address this issue. Leslie, if you will call upon them in the order in which they have requested to speak, we will hear those comments now. I would ask that they try to limit their comments. I’m not going to limit it to three minutes, but I may pull the plug if it goes on too long, so try to be brief.

Ms. Davis: I have allowed John Peterson to speak, as well as Billy Wilkins.

John Peterson, [no address given], appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Peterson: Thank you very much. Mr. Chairman, Members of the Commission and staff, thank you for the opportunity for myself and Billy Wilkins to appear. I am with Polsinelli, PC, here in Kansas City, and I have the pleasure of appearing this evening on behalf of NextEra Energy Company, a national developer of renewable energy options across the United States. As I indicated, Billy Wilkins is with me, who is Project Director for NextEra. I appreciate the opportunity to speak. Actually, we just got these recommendations on Friday and wish we would have had more time to study them, provide some written commentary and be prepared for some very interesting comments this evening by the consultant that the County has retained.

As the Commission may know, maybe reading about some things in the newspaper, the reason we’re here tonight is because of NextEra. We have been focused on Johnson County for some time, identifying it as a prime candidate for a solar-based facility, taking into account several factors. One, we’re blessed with great sunshine, and that’s sort of the first mix in the recipe of what makes a successful for the company and for the community. A very important point that’s been touched on is proximity to where you deliver the energy so it can be used, those transmission lines, the interconnect with the utilities that distribute the electricity. Additionally, quite honestly, the company as I first met with them and they were evaluating Johnson County they were so impressed with the balance of Johnson County as a whole, both the County, its government, the unincorporated areas and our municipalities with the County with that great balance of a good

business environment, understanding what private sector can do to drive results, identify goals, but at the same time having a very clear recognition and commitment that this country, this state, and this county must move and move quickly to reducing our carbon footprint. One of the hallmarks of that evaluation was reviewing the impressive list of Johnson County elected officials who have joined the Climate Action KC initiative, who is behind us in terms of trying to bring a facility that we're contemplating to Johnson County.

As I indicated, we're really here tonight because of us. We have been meeting with the Planning staff over the last several months. We've provided them a lot of information, both in terms of having discussions with them. Never had a face-to-face with the consultant that was hired, but with Jay and Sean, explaining what we're about, explaining how these types of facilities work, where the industry is, and how we would approach bringing a facility like this that would be, yes, economically viable, sustainable in the long-term, but at the same time, compatible with other land uses that are not participating in the initiative in the unincorporated areas of Johnson County. We have had a great exchange of information leading to this point that we've both identified. Your regulations have to be modified to even consider the appropriateness and the beneficial nature of an application that we hope to submit.

We're also very pleased to report...because we all know, if we're not welcomed by the landowners in the county that we really, essentially through those long-term lease processes that were described, we become partners with, and if we're not welcomed by them, we don't have anything to talk about. But we're pleased to report that property owners in Johnson County have responded in the affirmative, strongly in the affirmative, and we have approximately 2,000 acres that we have entered into these partnerships through these long-term leases with residents of Johnson County that like the business model and the land use for their property, and they like the fact that their property would be being used to help solve a problem I think all of us have identified needs to be addressed.

We acknowledge that tonight is just the start of the process, and I'm very pleased to hear that we're going to have an opportunity for more dialogue. As I indicated, Billy and I are on the screen. Billy may say just a few words at the end, but we have a team of professional that are watching this hearing tonight, environmental specialists, wildlife management specialists, buffering specialists, clean water specialists. We know this. This is a company that has produced renewable energy either through wind sources or solar sources in many communities across the country. Decommissioning, we understand that. I won't get into the details of it. I would just say this one reason. Denise did a great job. Your consultant is a great company, but holy cow, I almost didn't want to make the presentation. There was just a lot of negativity, a lot of fear there. What we want to show this evening is there are challenges. There are very important issues that have to be addressed by our company, NextEra, to bring a successful project forward that you would find acceptable, but they are attainable, and we really do think they are and we'd love the opportunity to proceed.

Decommissioning, ladies and gentlemen, we understand the importance of it. We've addressed it across the country. We know how to do it, and I think we can satisfy you. We understand there has to be a decommissioning process. Two quick issues, though, that are fundamentally important to having a successful project and for us to move forward. One is the cap of 1,000 acres, and I know the concern that may be raised. If I saw pictures of a mall at Washington, D.C., and I saw the pictures of Heritage Park with no trees and the entire park was filled from borderline to borderline with solar arrays, I'd go holy cow, how could we be talking even about 1,000, much less 2,000? But size matters now. Size does matter. As the consultant looked across the country

and said, “There’s lots of 100’s and there’s lots of 50’s, and there’s a couple of 200,’s” that’s like saying, “Hey, the future we all know is electric vehicles, but let’s look back and see what we ought to do,” and you point to the Toyota Prius. It forgets the conversation is now about Tesla. It forgets the fact that our major auto manufacturers are committing within decades to become a hundred percent electric fleets. If we’re going to attain these goals nationwide, we have to be smart. We have to be compatible, but we have to have, essentially, the interest in working together to bring projects that have some size to them and some girth. Size does not mean it can’t fit well within a community. That’s our premise. So to artificially cap a project at 1,000, we’re not going to get the state of the art, the utility-grade type facility that we hope Johnson County wants to contribute to this overall effort. I want to put size in some perspective just for a minute – 2,000 acres. It sounds huge. It’s one-half of one percent of the acreage of Johnson County. It’s about 1.6 percent of the unincorporated areas of Johnson County. A 1.6 percent contribution to what this goal is. It’s a business, but a business that delivers something that provides benefits across the community, across the state, across the country, a 1.6 percent commitment of land on land that landowners want to be part of that initiative,

I would ask you to keep that statistic in some context. And of course, you say, “Well, yeah, but if we do 2,000 for you, we’re going to do 2,000 for the next guy.” I would suggest to you – and I don’t think Denise would argue with this – these are very, very expensive to build. Yes, the company makes money. Nothing wrong with that if you’re delivering a good product for the community, but they cost a lot of money to build and interconnection ability into the grid and into the system will regulate how many of these pop up. What you’re more likely to get if you say “Do a 50 here. Do a 50 there. Do a 20 down here. Do a 20 down there,” we would suggest to you, to consider – because I can’t tell you what to do, just to ask you to consider that bringing the company that knows how to do it right, consolidating it and having a plan that addresses all of the compatibility issues that have been suggested by staff is a good way to at least let us move past a 1,000-acre cap. Let us get past that so we can show you with real plans, real submittals, in the form of a Conditional Use Permit that we not only can talk about it, we can produce it.

Chairman Iliff: Mr. Peterson, can I give you a two-minute warning here?

Mr. Peterson: Yes, you can. But Mr. Chairman, we’ve been in this situation before with you as Chair and me as the presenter, and I’d say, “We’re trying to quickly…” because really the recommendation of your consultant that took over an hour to make her presentation, if it’s adopted tonight at 1,000 acres –

Chairman Iliff: We’re not about to adopt anything tonight.

Mr. Peterson: Okay, that’s my only point. I understand. Sometimes I don’t understand brevity very well, but I’ll take the two-minute warning, and I’ll move quickly to uniform setback, buffer zones and the 60 percent coverage. We get setbacks and buffering. We get compatibility with adjacent landowners that are not part of the initiative, not our partners. What I would suggest to you again is, however, a cookie cutter approach that says every parcel has to have a 150-foot setback with 100-foot buffer, that’s when you start becoming regimented. This isn’t going to be 16 football fields laid side-by-side. It’s more akin to what you saw, where it’s pockets that work around streamways, work around natural vegetation, are divided by streets. You all have driven the unincorporated areas of the county with dense hedgerows down the streets. I would suggest to you that if we can buffer and have good transition elements using God’s creation, provide those wildlife corridors efficiently and creatively, why would we put a uniform setback on us, of a 60-percent coverage on the area that we’re using, because I would suggest to you that all that does is push more acreage

to have to be put into play if you accept the fact that something in the 1,000 to 2,000 acres is needed to create the megawatts that would make this project successful. Let me give 30 seconds if I can to Billy Wilkins, Mr. Chairman, and I will close. If we could let him speak as a representative of the company charged with bringing this project forward, I would appreciate that accommodation.

Chairman Iliff: That's fine. Mr. Wilkins, we look forward to hearing from you.

Billy Wilkins, [no address given], appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Wilkins: Thanks for the opportunity. I'll try to move briefly, but I do have some points I'd like to hit. I understand this is a relatively new technology at this scale, definitely in Johnson County and even in Kansas, and there are a lot of unknowns. But just a little bit about NextEra. We've been active in Kansas for 20 years under the subsidiary of NextEra Energy Resources. We're the entity that works outside of Florida, which is where our home base is. We're across 37 states, and our business model is to develop, own and operate our projects. Now we're looking at developing utility-scale solar in Kansas, and I would like to talk a little bit about industry trends. I know the Berkley Group hit on this a little bit, but overall solar project sizes are increasing. A lot of that can be attributed to the fact that costs are decreasing. The cost of solar panels have gone down tremendously and continue to go down year after year. There are economies of scale with developing a large-scale project versus your smaller projects that you gain.

We did a summary of the Southwest Power Pool, which is the regional transmission organization that spans from Northern Texas to North Dakota. It includes Kansas. We took snapshot of all the solar projects that have been submitted for approval to the Southwest Power Pool, and over the past five years, on average, every year the size of projects have increased. Some of that is looking forward to future coal generation replacement that is on the horizon. For example, in your backyard, Evergy just announced last January a carbon reduction plan that includes retiring all coal plants in their fleet in the next 20 years. So there's tremendous opportunity for utility-scale moving forward.

The project that we have in development just west of Gardner, we actually call in West Gardner, it's a 320-megawatt project. It's our proposed investment in Johnson County, and it actually stretches a little bit into Douglas County. It's a significant capital investment for us. It's a \$320 million investment. We do have significant landowner interest. As John stated, we've signed over 2,000 acres. The consultant did an excellent job of laying out solar land utilization. It's a bit of a science. Our project area is close to the West Gardner substation. Ideally, we're trying to assign a plant owner so we have a contiguous array, so that we have parcels that are located next to each other. But there are several considerations that force you to exclude different parts of the available land. I know she touched on that very well, ranging from environmental considerations to cultural, recreation areas, setbacks. And then, accessways for operations and maintenance. Tonight considerable time was spent on wildlife corridors, and we actually have a robust environmental staff that looks at all aspects of our environmental considerations, and we bring in third party independent consultants to conduct studies so that we're actually designing and building in accordance with state and local regulations.

So when you boil it down, one acre does not really equal one acre buildable. There was some discussion tonight on generation tie lines, or those transmission lines that connect the project to the grid. We attempt to minimize the distance, as it does introduce losses and can affect the

economics of the project but I think there's an awareness that one mile is really a very short gen-tie, especially in this part of the country, in the Midwest. We often see generation tie lines that exceed several miles, in the tens of miles. I'm working on a project right now that's on the higher end. It's a 60-mile generation tie-line. It's different, and a different area, for wind, but just an example that one mile is really on the very lower end of the scale.

If constructed, our project would bring significant economic benefits to the County. NextEra, we're committed to proper siting, working with counties and states to ensure we understand and meet all regulatory requirements. Caps on acreage, mandated buffering, and panel coverage limitations have the potential to significantly affect the economics of our project and make it unviable in Johnson County, and could limit future investment in utility-scale solar in the county. So again, thank you for allowing me to present. We want to be a good partner moving forward, and appreciate the opportunity to remain a part of the conversation. We hope to be able to bring solar to Johnson County.

Chairman Iliff: Thank you very much. I appreciate that. Leslie, is there anyone else that is wanting to make comments at this time?

Ms. Davis: Karen Miller has her hand up.

Ms. Miller: I'm sorry. I was thinking the public was done. I have a question when public is done.

Chairman Iliff: Any other members of the public who are wanting to speak?

Ms. Davis: Angelina Lawson.

Angelina Lawson, [no address given], appeared before the Zoning Board via Zoom, and made the following comments:

Ms. Lawson: Hi thank you so much. I'm a land realtor in the Metro. I've enjoyed this presentation a lot. I have clients that are very interested in leasing out their property, so there are some things that I have come across that I just kind of wanted to make sure that the Commissioners are taking into account as they develop these plans. I think, of course, there's going to need to be consideration for landowners that don't have errors, that word of those royalties for the expiration of those terms go, if that goes into a land bank royalties or some type of pool, or the County absorbs those royalties. Of course, solar right assignments for the buyers as those land transactions roll into different landowners.

But the concern I have, of course, Johnson County is developing, and every single year the growth rate is enormous and valuations that we see with the tax appraisals are increasing dramatically. To have this project so focalized just in Johnson County I think is a disservice to the Metro, and is there maybe some consideration of an intermodal, where there's partnerships amongst other counties to really expand the solar network to provide energy into areas that would love to have development but might not have that capability right now? I could see Miami, Johnson, Douglas, Leavenworth, even the Missouri side – Clay, Platt, Cass, Jackson, all of the counties – really coming together and building these things out, so it doesn't landlock Johnson County where the value of land is so high right now. It's great. I just don't know if the royalties that come off the solar energy at some point will have a tipping moment where the valuation is more than the royalties it creates, and they're locked in for a very long period of time.

Also, the other idea is the height. I see in the photos here, the height is pretty limited. Is there any consideration for taller solar panels in certain areas so that landowners who might have smaller

flocks or livestock might still be able to use that land underneath? I know that was a question that I had as well, and does the solar leasing landlock any other leasing abilities, like cell towers, windmills? That, I think is a consideration, too, in the permitting. That's pretty much everything that I just wanted to take into consideration. I don't need answers now, but just contributing to the conversation. Thank you so much.

Chairman Iliff: Ms. Lawson, I think it's safe to say we don't have answers right now, but thank you for your comments. We're taking them into account, and we would certainly welcome you back at any future meetings where we are discussing this issue.

Ms. Lawson: Thank you so much.

Ms. Davis: I have one more member of the public. Dorothy Barnett had messaged in the chat. Dorothy, if you would like to go ahead and share your comments that you messaged in the chat.

Dorothy Barnett, [no address given], appeared before the Zoning Board via Zoom, and made the following comments:

Ms. Barnett: Sure. Thank you, Leslie. I hadn't actually planned on talking, but when there was question about the tax base, I thought it was important to note that Kansas does exempt renewable energy projects for ten years, but then they begin to be taxed at the same rate as all other generation sources, and in the wind industry, developers make donations to counties. We've been active in the wind industry for a number of years. I direct a nonprofit called the Climate and Energy Project, and we're certainly interested in seeing solar expand across the state as well. I just wanted to note that particular issue for those that might not be aware of that tax exemption status and then an opportunity to replace that tax base in future.

Chairman Iliff: Thank you, Ms. Barnett. I appreciate it. Any other member of the public, Leslie, that you're aware of?

Ms. Davis: No, sir. Nobody else has their hand up or has signed up.

Chairman Iliff: Then, Karen, would you like to present your comments?

Ms. Miller: Yes. I wanted to acknowledge what John Peterson was saying. He was talking about the uniform setbacks and I just wanted to note that if John or NextEra or other staff would like to point out some of those kinds of exceptions, we could certainly include those in the regulations. For instance, I think it's very reasonable, as John indicated, to acknowledge existing landscaping and existing vegetation and that type of thing. NextEra has more experience than Johnson County on this, so if they could kind of actually identify and list out some of those things, we would be happy to consider them.

Chairman Iliff: Great. Thank you, Karen.

Mr. Peterson: We'd be pleased to do that.

Chairman Iliff: Let me thank the Berkley Group also for an excellent presentation. I think that you've given us a tremendous amount of stuff to consider, and while I know that there will be amendments and alterations, I'm a big fan of the Conditional Use Permit because of the fact that it allows for exceptions and modifications from rules. I think that as we are confronted with new technology, new ideas and things we've never dealt with before, I think that we need to be flexible. The Conditional Use Permit is one of those tools that we can use to be flexible to meet the needs

of the future. At this point, Leslie, are there any other members of the public or anyone else that's wanting to make any comments?

Ms. Davis: No, sir.

Chairman Iliff: If not, we have a recommendation here that we receive and discuss the presentation and provide comments to assist the staff and the consultant in the preparation of draft Comprehensive Plan and Zoning Regulations amendments. I think that is exactly what has happened tonight. I think it is time for NextEra and Mr. Peterson to do some work on these, make some suggestions on the plan that has been put forth here. Either next month or the month after, probably next month, we'll come back and I think all of us feel like we are much better educated now than we were a month ago. Frankly, this whole process, I've been reading a lot of literature on these things, and I feel like I'm just getting overwhelmed with information, but it's good stuff. It's great, and it is the way of the future. We know that. I really especially want to remember Randy's comment that, in very real ways, this is an agricultural use, and we are harvesting the sun. I think we need to be cautious, and I think we need to be giving a lot of thought to how this is going to work, but it's going to happen. The question is, what are the particulars? We look forward to working on that.

F. DIRECTOR'S REPORT

1. Update on Board of County Commissioners' actions.

Mr. Leipzig: Mr. Chairman, my comments will be very brief. If there are any questions on the Board of County Commissioners report, I'd be happy to answer those. That was included in your packet for that item. That covers from February 12, 2021 through April 20, 2021.

2. Update on the Zoning Regulation Audit.

Mr. Leipzig: Just to give a very brief update on the Subdivision Regulations audit. We have met with the consultant that has developed an initial summary for us, which is the first step in that audit. We are expecting the final product, the final report for the audit, sometime in the month of May. I think the ultimate deadline, I believe, is May 20th, but sometime mid-May we should receive that report. That part is moving along very well. We've had pretty extensive discussion the consultant about that. As you may recall, that's the first step as we begin the update of our Comprehensive Plan and those changes. So we wanted to complete this audit first, so we would essentially know where to look and where some of the problem areas are, so we could help identify those. That project is coming along as well.

Chairman Iliff: Great.

G. UPDATES/OTHER BUSINESS

Mr. Leipzig: Mr. Chair, just one more update, sir. I didn't know whether to include it as part of my Director's report or other just miscellaneous. There's been some questions about the land use in the southwest area of the county around Gardner and Edgerton, and rezoning applications. The Commissioner in that district, Commissioner Allenbrand, and Commissioner O'Hara, have been working with me and also the Public Works Director, Brian Pietig, about convening a meeting with those cities to complete an update of the Southwest Area Plan, so we've just started that process. So far they've been very productive. We're in the process now of developing a scope of work to complete the uptake for that plan. We should have that completed here, I would say, in the next three or four weeks or so. The next step would be to work with City Councils and the

representatives of those various cities in the county to begin putting that group together and beginning the update for the Southwest Area Plan. That document will really help and assist with some of these problem areas that we've been discussing previously.

Chairman Iliff: I'm pretty familiar with the issues out there, and I would ask if you would, Mr. Leipzig, to keep me posted and our representatives on the commission from the Southwest area posted on all of the developments. I think all of us would like to attend any meetings that you have there, just to really see what's going on, because we all know what's driving it out there, and the question is, how do we drive that in a positive way instead of a negative way? Okay, good.

H. ADJOURNMENT

Chairman Iliff: Let me just say, because we have a couple of relatively new members on our Commission here, and this is much longer than our typical meeting, but I think you should anticipate that there will be a number of these over the next six months, because to get these rules and regulations with regard to solar facilities finalized, it's going to require a lot of thoughtful work, and I hope that there is vigorous discussion and lots of disagreement, because that's where we get the best results. Having said that, do I hear a motion to adjourn?

Motion for adjournment by Comm. Hutchins, seconded by Comm. Bollin.

Motion passed unanimously.

Thereupon, with no further business to come before the Johnson County Planning Commission, Chairman Iliff, at 8:04 p.m. declared the meeting to be *Adjourned*.