



TO: Sean Pendley, AICP, Deputy Director Johnson County Planning;
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CC: Jay Leipzig, Director; jay.leipzig@jocogov.org

RE: Utility Scale Solar Facilities Draft Ordinance Comments

DATE: September 20, 2021

Thank you for the continued opportunity to provide feedback on the draft ordinance language currently in review for utility scale solar facilities. We look forward to the joint meeting with Johnson County on September 28. As requested, below are our comments for inclusion in the meeting packet for the Johnson County Planning Commission's consideration. If you have any additional questions prior to the meeting, please do not hesitate to contact myself or Zach Moore. For reference, page numbers and citations below are taken from the link to the draft dated August 10, 2021 that was distributed September 17, 2021.

We appreciate all the time and effort you have taken these past months and the main areas of our comments below center on continued/future collaboration and notification.

1. Page 4 under Goals, Policies, and Action Steps. Recommendation that Subsection 8 be amended to state: **Coordinate with the Cities on their land use plans, street plans, and other infrastructure plans to control impacts on future city growth and development.** This language is amended slightly from existing language to encourage continued future collaborative reviews more clearly.
2. Page 17, under Section 6. Standards for Conditional Uses. Item B.14.b.1.d. states that a Buffer Zone is required, however it is unclear what the minimum required size of the Buffer Zone is. Recommend that language be included to identify the required size of the Buffer Zone or clarification on the size requirement if this exists elsewhere in the document.
3. Page 17, under Section 6. Standards for Conditional Uses. Would there be an opportunity for a city to be invited to attend a project meeting with the applicant and Johnson County Planning Staff? This would be for cities whose growth area contains a proposed facility and could assist a city in better understanding the proposal in preparation of communication they may receive from residents. It would also provide a forum to share comments to Johnson County Planning Staff and any updated street or land use plans. If this is not feasible, then could language be included stating comments from the impacted city will be sought on the application during review by Johnson County prior to approval?

4. Page 18 under Neighborhood Meeting. Item B.14.b.2.a. We recommend language that the city also be notified of the Neighborhood Meeting such as:

The applicant shall provide individual notice, in writing, to: 1) all owners of record of lands located within 1,000 feet of the Project Boundary as indicated on the certified list of such owners provided with the application, and **the city whose growth area the facility is proposed or within a mile of a proposed facility** 2) the Zoning Administrator; of the date, time, and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date.

5. Page 22 under Decommissioning and Reclamation Plan. Item B.14.c.3. After the life of the project, are there any land use restrictions after reclamation? We recommend the following language as a new subsection 8

8. Land Use: Reclamation will return the site to a condition which allows for future development and growth identified in the city's land use plans.

6. Page 23 - 28 Performance Standards – Waiver Allowances to distance, height, setbacks, screening, and noise. Subsections 2,3, 4, 9, and 12 all allow waivers to performance standards and distance restrictions which can directly impact future land uses and existing property owners. While we understand the benefits of flexibility in certain situations, we would request that a city review be permitted. We recommend language be added that when a waiver is requested, a city is notified and provided the ability to review and provide comments for consideration prior to determination by the BOCC. These comments can be included for the BOCC review and consideration. We would offer the following be included in all waiver sections on pages 23-28:

The applicant shall also submit a copy of the waiver request to the city for review and city comments will be provided to the BOCC as part of consideration of the waiver request.

7. Page 32 Subsection 22.b states that one year prior to the end date of the existing CUP, the applicant may request a renewal. What is the review/approval process for a CUP renewal? Is there a public hearing and neighborhood meeting required or is this an administrative review?

Sincerely,



Aimee E. Nassif, AICP

Chief Planning and Development Officer

Cc: Zach Moore, Planner II, City of Olathe