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September 27, 2021

Johnson County Planning Commission  
% Sean Pendley, AICP, Deputy Director  
111 S. Cherry Street  
Olathe, KS

**\*\*sent via email\*\***

RE: City of Overland Park Planning Dept. Comments on Draft Johnson County Solar Regulations

Dear Planning Commissioners:

Thank you for the opportunity to comment on the draft regulations the County is considering relative to Solar Facilities. The Planning and Development Services staff has participated in a discussion with County staff and has reviewed the proposed regulations.

The City of Overland Park recognizes the need to balance the potential use of cleanly produced electric energy with the impact on other environmental issues; namely the large footprint of land required to produce that energy. Large scale dedication of land resources have other impacts that should be considered. This is the primary focus of our comments and more specifically on the implications of the "Utility Scale" solar facilities contained in these draft regulations.

The development of cities in a responsible manner provides economic benefits that have served Johnson County well. The success of Johnson County has mirrored the responsible development of its cities. It is important to consider the impact on Johnson County cities to grow.

A summary of important considerations we believe the regulations should include are as follows:

- Siting and locational considerations -- we proposed a possible alternative for the southeastern area of the county, detailed below.
- The impact on potential growth
- The ability to properly plan for infrastructure around and through a site
- The impacts on existing infrastructure investments
- The need for decommissioning and reclamation provisions
- Standards that provide appropriate protections for adjacent landowners and uses
- Standards that provide for safe emergency response and protections

It appears the regulations do consider most of these topics. We provide additional discussion with some more detail for your consideration.

There are a variety of planned infrastructure elements that affect a city and its growth. These elements have been planned and prepared in preparation for this type of growth in some places in the County and perhaps less so in other places. Overland Park Planning staff suggests that this might provide some indicators about siting criteria for the "Utility Scale" Facilities. The development of a 2,000+ acre site has the potential to inhibit growth.

While we can't fully predict our growth and the rate of that growth because of changes in annexation laws, it is apparent that Overland Park's growth potential is to the south and east of our current boundaries. Residential growth in County subdivisions has also been occurring in this area. This seems to be a logical residential growth area for some time into the future.

We understand the initial thinking about a consistent one mile buffer based on current and existing city limits. The requirement is fixed, consistent and seemingly understandable. Analysis of Overland Park's growth areas suggest a possible different consideration.

We are also aware that the County has made a substantial investment in the initial stages of sewerage in this area. Perhaps it would be worthwhile to consider this investment and apply regulations on a watershed basis. The Blue River Watershed and Headwaters of the Blue River Watershed are both potentially served by the investments made in sanitary sewer infrastructure. Perhaps it makes sense to exclude these watersheds from Utility Scale Solar Facilities.. Limiting these installations provides for growth that needs sanitary sewer infrastructure and would help support the capital investment that has been made in that system.

The Ten Mile Creek and Massey Creek watersheds located in the southeast all flow southward and are unlikely to have significant portions dedicated to more intense development as they don't naturally flow back to this sanitary sewer infrastructure. Staff would suggest that perhaps these areas are more compatible for the potential development of Utility Scale Solar Facilities.

Staff also notes that the regulations require some nod to future planning and systems. We recommend that this be part of any proposed plan submitted for Utility Scale facilities. Planning and accommodating future infrastructure needs are important for any development of size. Considerations that include disruptions to the vehicular transportation system, pedestrian transportation system, stormwater considerations, sewer, water, telecommunications and other utilities should all be part of a proactive plan. It appears the draft regulations contain language to this effect and we think this is a critical issue.

Decommissioning and reclamation are a vitally important topic. Creating a 2,000+ acre single use site could have significant long term effects if allowed to be abandoned without recourse. Examples of this abound. Staff notes the draft regulations contain language regarding this possibility. We strongly support that language and the necessity for ongoing monitoring and ensuring that the remedies identified are available in the event that a facility becomes abandoned.

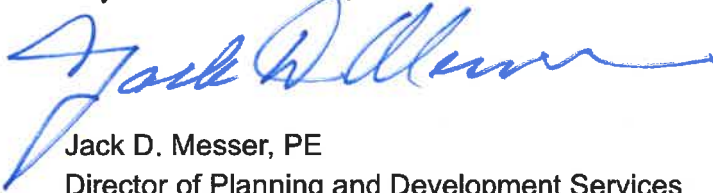
Staff has reviewed the regulations regarding fire protection and coordination of the battery storage facilities. This element of public safety is important to maintain. It will be important to make sure that appropriate water service and adequate fire flow is available to proposed sites.

We are also aware of the myriad details contained in the regulations concerning setbacks, glare, screening, etc. We believe these seem adequate and contemplate most conditions that need to be mitigated. We also believe these are primarily prepared in the context of a rural setting.

While it may not be possible to imagine every scenario, if a facility is placed in the path of growth, these issues will likely become more pronounced as that occurs around the facility. We think this might require some additional thinking about appropriate uses that should be allowed around a Utility Scale Facility.

The City of Overland Park appreciates being included in this discussion and the opportunity to comment on these proposed regulations. We do understand the difficult balance of providing for clean energy and sustainability of natural resources, agricultural resources and economic growth resources. We are hopeful these comments provide you additional thoughts that support all three of those important considerations.

Sincerely,  
City of Overland Park, KS



Jack D. Messer, PE  
Director of Planning and Development Services

CC: Mayor and City Council  
Bill Ebel, City Manager  
Jay Leipzig, Director of Planning, Johnson County  
Johnson County Planning Directors