

September 28, 2021

Johnson County Planning Commission  
%Sean Pendley, AICP, Deputy Director  
111 S. Cherry Street  
Olathe, KS 66061

RE: City of Gardner Community Development Department comments on Draft Johnson County Utility Scale Solar Regulations.

Dear Commissioners,

The City of Gardner appreciates the opportunity to comment on the draft regulations related to utility scale solar facilities. County Planning staff has been engaged in conversations with the Community Development Department staff over the past several months and provided an overview presentation to the Gardner Planning Commission as the draft regulation work has evolved. This open communication and your willingness to hear from the cities in Johnson County is appreciated.

City of Gardner staff recognizes that there are many facets to consider as part of the draft regulations you are discussing. We realize that electric power and clean energy is a topic that must address a number of economic, environmental, political, legal and other concerns. Knowing that the proposed draft is an attempt to balance this wide array of concerns and that the County has been diligently working to find the correct balance that is right for Johnson County City of Gardner staff felt it was important to focus our comments on the impact utility scale facilities have on physical growth and development patterns.

The City of Gardner is a fast growing community having reached a population of 23,287 per the 2020 Census (approximately 2.5 times larger than the city's population in the year 2000). For the past two years, through the pandemic, our community has continued to see physical growth and expansion as people are seeking high quality affordable living options in close proximity to employment and excellent education opportunities. Recent residential activity has occurred and is planned on several fronts – into growth areas identified in the Gardner Comprehensive Plan to the east / southeast of I-35 and to the west / northwest pressing toward Four Corners Road, as well as into vacant infill property within the City. It is anticipated that as numerous single-family and multi-family developments are completed in the near future commercial development will follow these rooftops. Our bottom line concern is the potential impact that the placement of a utility scale facility can have on the dynamic growth occurring in Gardner, Edgerton and Southwest Johnson County.

Given the potential lifetime of utility scale facilities it is important to recognize that the establishment of such facilities over hundreds to thousands of acres can be a constraint to the future physical and economic growth of the area and may not be the highest and best use of land in the long term. With this context in mind the City of Gardner Community Development staff would like the Johnson County Planning Commission to consider and incorporate the following changes to the draft regulations:

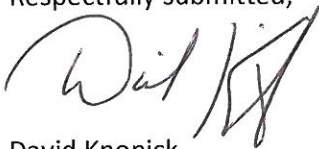
*Section 6. Standards for Conditional Uses: B. 14.d.2.d.*

*Such Solar Facilities shall be located greater than ~~one~~ two (12) miles from any city limits, with the exception of non-contiguous areas of a city (which are also known as "islands") that are less than 80-acres in size, from which there shall not be such a requirement.*

*Waiver: In the event that an applicant desires to deviate from this locational requirement, the application may only be approved if findings are made by the Board of County Commissioners that the proposed use is in keeping with ~~or~~ and does not conflict with planned uses for the area ~~(e.g. city staff indicates in writing that the proposal is not anticipated in the future to hinder or prevent the proper growth and development of the city)~~ based upon findings made by the Planning Commission (and/or Governing Body), and communicated to the BOCC, of the respective city / cities within two (2) miles of the proposed Solar facilities. The applicant shall submit written information to the BOCC and the Planning Commission of the respective city / cities indicating the circumstances which are believed to necessitate the need for a deviation from the locational requirement.*

The City of Gardner Community Development Department staff appreciates your consideration of these proposed changes and the efforts of the County staff and County Planning Commission in addressing this important item within the dynamic growth context of Southwest Johnson County.

Respectfully submitted,



David Knopick

Community Development Director

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