

November 10, 2021

To: Johnson County Planning Commission

From: Sean Pendley, AICP – Deputy Director
Jay Leipzig, AICP, CEcD - Director

Re: Public Hearing Regarding Proposed Solar Regulations

A public hearing has been scheduled for the November 16, 2021 Planning Commission meeting to allow the public a chance to comment on proposed updates to Chapters 2 and 8 of the *Johnson County Rural Comprehensive Plan* which are applicable to utility-scale solar facilities, and to Articles 2, 18, 23, and 33 in the *Zoning and Subdivision Regulations for Johnson County* for utility-scale solar facilities. Such proposed changes are summarized below, and the proposed text has been attached in its entirety.

The goal of the November 16, 2021 public hearing is to receive comments, discuss and consider proposed changes to the *Johnson County Rural Comprehensive Plan* and *Zoning and Subdivision Regulations* relative to the regulation of Medium- and Utility-Scale Solar Facilities.

During the October 26, 2021 Planning Commission meeting, Darren Coffey, the County's independent consultant, lead the Planning Commission through a discussion of five major points with the intent to develop a consensus opinion to present to the public at the November 16, 2021 public hearing. Topics discussed included:

- Project Term
- Maximum Project Area
- Distance from Cities
- Screening
- Decommissioning and Reclamation

Based on comments made by the Planning Commission, the following updates were made to Article 23, Section 6(B)(14)(d): *Utility-Scale Solar Facility Development and Performance Standards*: Original text presented to the Planning Commission on October 26, 2021 is in red. The Commissioners voted on key issues to get consensus on the proposed regulations. In addition, staff has recommended additional changes to address other areas of the regulations. All changes since the last Planning Commission meeting are noted in blue.

Term: Permit Term of US Solar Facilities: A conditional use permit for a US Solar Facility may be approved for a period not to exceed ~~twenty (20)~~ twenty-five (25) years.

Maximum Project Area: The minimum Project Area of a Utility-Scale Solar Facility shall be more than ten (10) acres in size, and the maximum Project Area shall not exceed 2,000 acres.

The straw vote at the October 26, 2021 meeting indicated no clear direction to change this requirement. The straw vote was five (5) to five (5), with five (5) assenting votes for 2,000 acres

with no waiver proposed. The five (5) dissenting votes were for a different project size or those wanted a waiver for this requirement.

Distance from Cities: Such Solar Facilities shall be located greater than ~~1-mile~~ 1.5 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.

Screening: No change to proposed Regulations was recommended by the Planning Commission.

Decommissioning and Reclamation: No change to proposed Regulations was recommended by the Planning Commission.

The following are staff-recommended additions or changes since the October 26, 2021 Planning Commission meeting:

- Development standards regarding Medium-Scale Solar Facilities which are between one (1) and ten (10) acres in size, which are attached;
- Depending on the size and complexity of the solar project, additional review time may be required for the Conditional Use Permit application. Staff has recommended additional provisions for an extended review time as determined by the Zoning Administrator;
- Staff is recommending a waiver option for the Maximum Project Extent of four (4) square mile (2,560 acres);
- Standards for public road improvements, repair, and maintenance were added under General Installation and Maintenance requirements; and
- Johnson County Public Works recommended revising the Stormwater Management Plan requirements.

The following is a summary of the proposed amendment to the Comprehensive Plan and Zoning Regulations. The proposed text has been attached in its entirety.

SUMMARY OF PROPOSED AMENDMENTS TO THE RURAL COMPREHENSIVE PLAN

The following are highlights of draft amendments to the *Johnson County Rural Comprehensive Plan* regarding Utility-Scale Solar Facilities:

PART I – CHAPTER 2: LAND USE PLAN

3.0 Goals, Policies and Action Steps

Goal: *Utility-Scale Solar Facilities bring with them unique impacts to surrounding areas and can be an appropriate use within the county if associated land use considerations are properly identified and managed. With these draft amendments, the County is endeavoring to proceed with caution to avoid inundation by a single use.*

Unique Impacts Identified:

- Large scale & wide geographic distribution
- Intense site coverage
- Long life spans
- Future city development
- Rural character, open space, aesthetics
- Wildlife, stormwater & the environment

Selected Draft Policies relating to City Development:

- 1. Provide for future city growth and development.**
 - a. Adopt permit term limits that do not exceed a prudent planning period.
 - b. Protect land areas for future development in general, and in particular, within 1.5 miles of the city fringe development areas.
 - c. Coordinate with cities on their land use plans, street plans, and other infrastructure plans.
 - d. Adopt performance standards to control impacts affecting future city growth and development.
- 2. Protect the unincorporated area from being inundated by this single use.**
 - a. Adopt size and geographic extent restrictions and distance limitations, plus site coverage limits.
 - b. Restrict site coverage to promote and protect stormwater concerns.
- 3. Provide for efficient development of other infrastructure and services.**
 - a. Coordinate with the plans of area providers of infrastructure and services.
- 4. Promote the county's rural character and open spaces.**
 - a. Adopt performance standards to control impacts affecting rural character and open space, including but not limited to requirements related to:
 - setbacks and screening to protect views from roads and abutting properties;
 - ground cover consisting of prairie grasses, forbs, and pollinators to protect disturbed areas;
 - wildlife corridors;
 - Project Area limitations to control the overall scale of the solar facility;
 - height, noise, and lighting to maintain a rural and not an urban character; and
 - a decommissioning and reclamation plan to ensure that solar facility equipment is properly removed from the Project Area and disturbed areas reseeded.

PART II – CHAPTER 8: RESOURCE AND SERVICE INVENTORY

This section of the Rural Comprehensive plan updates the primary energy provider in Johnson County from KCP&L to Eversgy. In addition, the following statement is proposed to be included in the draft amendment:

As the renewable energy industry becomes more prevalent, development of new electric utility facilities to generate, transmit, and distribute energy in the unincorporated area will be considered on a case-by-case basis in coordination with electrical service providers.

SUMMARY OF PROPOSED AMENDMENTS TO THE ZONING AND SUBDIVISION REGULATIONS

ARTICLE 2: DEFINITIONS

- Section 2 and Section 3 of Article 2 provides an index of special terms and definitions related to Airports, Flood Plains, Signs, Subdivisions, and Communication Facilities. Staff is proposing to include terms explicit to Solar Facilities in this section. Seventeen (17) new terms are proposed:
 - Battery Energy Storage Facilities
 - Battery Energy Storage System (BESS)
 - Battery Management System (BMS)
 - Photovoltaics or PV
 - Photovoltaics, Integrated or PV, Integrated
 - Rated Capacity
 - Solar Facility
 - Solar Facility Area
 - Solar Facility Decommissioning and Reclamation Plan
 - Solar Facility Project Area or Project Area
 - Solar Facility, Medium-Scale
 - Solar Facility, Small-Scale
 - Solar Facility, Utility-Scale
 - Solar Photovoltaics Panel Coverage
 - Tree, Mature Deciduous
 - Tree, Mature Evergreen
 - Trees, Stand of Mature

ARTICLE 18: ACCESSORY STRUCTURES, BUILDINGS, AND USES

- Section 6(F) is proposed to be amended to make the distinction certain use of solar collectors as an accessory use for on-site utility consumption, typical of residential uses, and termed a “Small-Scale Solar Facility.” In this section, the term “solar collectors” is substituted for “photovoltaic panels” to be consistent with language identified in the *Rural Comprehensive Plan* and in later Articles of the *Regulations*.

In addition to the substitution of terms, three (3) performance standards are proposed to be removed:

5. Any system incorporated into a nonresidential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building shall not be permitted.
6. Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in paragraphs.
8. All exposed metal, including the framework of active collector panels or exposed mullions and framework of passive systems shall be colored to visually blend into the surroundings.

A new performance standard limiting the battery energy storage to 50 kW is proposed for Small-Scale Solar Facilities.

ARTICLE 23: CONDITIONAL USE PERMITS

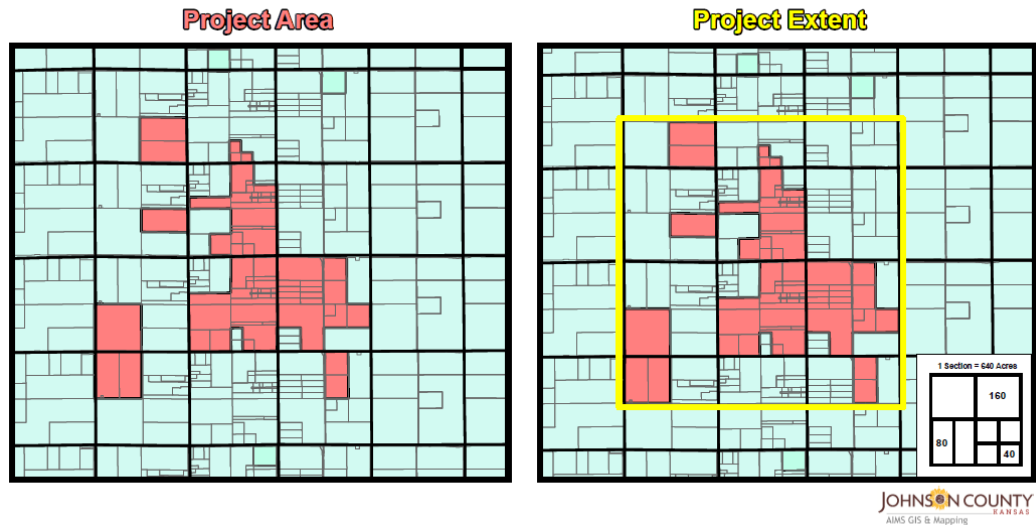
- Section 4 (Conditional Uses Which May Be Approved in Certain Zoning Districts) has been revised:
 - Group A: updated to address all scales of solar facilities. Private utilities (i.e., privately-owned electrical substations) may qualify for application under Group A. This section would also apply to Small-Scale Solar Facilities. Medium-Scale Solar Facilities, Utility-Scale Solar Facilities and Battery Energy Storage Facilities are not allowed under Group A but may be applied for under the requirements of a Group AA conditional use permit.
 - Group AA: a new addition to Article 23, Section 4. Group AA provides for which zoning districts a Medium- and Utility-Scale Solar Facility would be approved. These zoning districts are: Rural District (RUR) and the following four Planned Employment Center Districts: Planned Research, Development, and Office Park District (PEC-2), the Planned Research, Development and Light Industrial Park District (PEC-3); the Planned Industrial Park District (PEC-4); and the Planned Logistics Park District (PEC-LP) with approval by the Board of County Commissioners. Medium-Scale Solar Facilities may also be approved in the Planned Retail Business Districts (PRB-1A, PRB-1, PRB-2, and PRB-3).

- Section 6 (Standards for Conditional Uses) gives provisions for Medium- and Utility-Scale Solar Facilities. The purpose of these application requirements and performance standards regarding Solar Facilities is to establish requirements for construction and operation of Medium- and Utility-Scale Solar Facilities. Small-Scale Solar Facilities would not apply in this section of the Regulations, as they are addressed in Article 18.

General Provisions for Utility-Scale Solar Facilities

- These provisions are intended to define a project area, project boundary, project extent, Utility-Scale Solar Facility, PV Pods, and buffer zone. The area included in the Development Plan and designated within the conditional use permit application as a participating part of the conditional use permit, may include multiple parcels and portions of parcels, which may be leased parcels or leased areas of parcels with the sum total of this area known and referred to as the Project Area and the boundaries around these collected areas known and referred to as the Project Boundary. Other provisions include:
 - The Project Area may form a collection of areas and run along streets;
 - The Project Area cannot be located more than one-half (½) mile from the balance of the Project Area;
 - Equipment may include photovoltaic (PV) panels, which are often organized into groupings referred to as PV pods, and may also include charge regulators, inverters, substations;

- The establishment of a Buffer Zone and the intent to mitigate effects of a project on neighboring properties, which may include open space, ground cover, landscaping, and/or berming; and
- Defining the Project Extent as area of the smallest rectangle that encompasses the Project Area in its entirety. The following illustration would be inserted in the Regulations depicting an example Project Area and Project Extent:



This illustration is for comparison purposes only to describe the Project Area and Project Extent.

- Applicants would be required to hold a neighborhood meeting prior to the public hearing. The meeting would be held at least seven (7) days but not more than 14 days prior to the public hearing. All owners of record within 1,000 feet of the project boundary would be notified of the pending action and invited to participate in the neighborhood meeting.

Utility-Scale Solar Facility Application Requirements

Due to the unique nature of Utility-Scale Solar Facilities, additional application requirements are necessary to assure the proposed project complies with County regulations. In conjunction with application requirements required by Article 15 and Article 23 of the *Regulations*, the following would also be required:

- Solar Facility Report which would include a supplemental narrative, concept plan, and visual impact analysis.
- A development plan depicting the project area, project extent, and project boundary. The development plan would also include property lines, site grading, panel elevations, and stormwater management plan.
- A detailed landscape plan depicting ground cover, vegetation preservation, screening, and wildlife corridors.
- Decommissioning and Reclamation Plan detailing the lifespan of the proposed project, steps to be taken to reclaim the site back to original site conditions, and estimated costs.
- A traffic plan.
- Construction management plan.

- Environmental Impact Assessment addressing impacts on viewsheds, open spaces, historic/cultural resources, and biological resources.
- Airport studies in accordance with Federal Aviation Administration (FAA) requirements.
- Due to the complexity of a Utility-Scale Solar Facility, the application deadline may be increased from the typical period of 45 days prior to the public hearing. This determination would be made by the Zoning Administrator factoring items that include, but are not limited to, the number of third-party reviews to be coordinated and completed and the Project Area of the Utility-Scale Solar Facility.

Utility-Scale Solar Facility Development and Performance Standards

- A permit term of 25-years
- A minimum project area of more than ten (10) acres but not exceed 2,000 acres.
- A maximum project extent of four (4) square miles (2,560 acres).

Staff is recommending a waiver option in the event an applicant submits written information to the Board of County Commissioners the proposed use is in keeping with or does not conflict with planned uses for the area, that the distance between non-abutting tracts does not exceed one-half mile in distance, and the deviation from the maximum project extent does not create adverse impacts on adjoining properties.

- A maximum of 70 percent solar panel coverage in relation to the project area.
- Utility-Scale Solar Facilities would be located more than 1.5 miles from any city limits, with exception of non-contiguous areas of a city that are less than 80 acres in size.

A waiver to this requirement is proposed in the event the applicant submits written information to the Board of County Commissioners discussing the circumstances believed to necessitate the need for a deviation from the locational requirement.

- Utility-Scale Solar Facilities would be located more than one (1) mile from Johnson County-owned airports.

A waiver to this requirement is proposed in the event the applicant submits written information to the Board of County Commissioners discussing the circumstances believed to necessitate the need for a deviation from this locational requirement. However, no waiver shall be contrary to FAA requirements.

- Two (2) miles between Utility-Scale Solar Facilities in unincorporated Johnson County.
- Setbacks for Utility-Scale Solar Facilities are proposed to be the following:
 - A setback of 50 feet from the Project Boundary or (if applicable) the Official Street Line. An exception to this setback is that substations and Battery Energy Storage Facilities would be 150 feet.
 - Interior setbacks would coincide with the underlying zoning district.
 - Utility-Scale Solar Facilities would be setback from dwellings NOT within the project area 250 feet at the time the Utility-Scale Solar Facility is approved by the Board of County Commissioners.

A waiver to this requirement is proposed in the event the applicant submits written information to the Board of County Commissioners discussing the circumstances believed to necessitate the need for a deviation from the setback requirement.

- Maximum height for Utility-Scale Solar Facilities is proposed to be the following:
 - From the finished grade, the maximum height of the lowest edge of the panels would be 10 feet and the maximum height of the highest edge of the panels would be 15 feet.
 - The maximum height of all other structures associated with the Utility-Scale Solar Facility would be 35 feet as measured from the finished grade at the base of the structure to its highest point, including appurtenances, with the exception of security fencing.

A waiver to this requirement is proposed in the event the applicant submits written information to the Board of County Commissioners discussing the circumstances believed to necessitate the need for a deviation from the height requirement.

- Security fencing is permitted to be 12 feet in height. Security fencing could be chain link; however, slats are not permitted. Permeable fencing is encouraged to allow for wildlife corridors.
- Wildlife corridors would be depicted on both the concept and development plans.
- Ground cover and vegetation preservation to prevent erosion and protect established treelines, streamways, ponds and other natural features (i.e., remnant grasslands and woodlands) to the greatest extent reasonable and practicable.
- Screening is required at an increased distance or setbacks from exterior property lines to reduce impacts associated with the Utility-Scale Solar Facility. The Utility-Scale Solar Facility (including all associated equipment i.e., panels, Battery Energy Storage Facilities, parking, outdoor storage if applicable) would be screened. Screening methods include existing screening (i.e., existing vegetation, topography, or open space), landscaping, berming, and/or fencing. If a dwelling is present at the time the Board of County Commissioners approves a Utility-Scale Solar Facility, and it is located 300 feet or less from the Project Boundary, additional vegetative screening would be located within the buffer zone at least 75 feet from either side of the dwelling (but not outside of the Project Area).

A waiver to this requirement is proposed in the event the applicant submits written information to the Board of County Commissioners discussing the circumstances believed to necessitate the need for a deviation from the screening requirement.

- Outdoor storage would not be allowed unless permitted by an approved conditional use permit.
- Outdoor lighting associated with the Utility-Scale Solar Facility is to be limited to levels required for safety and security, but not exceed equivalent lumens of a 150-watt incandescent light bulb or a Kelvin-scale 3,000K light-emitting diode (LED) light fixture. Outdoor lighting would be arranged in a manner to prevent light spillage onto neighboring properties.
- Solar panels would be arranged to prevent glare from sunlight onto neighboring properties, streets, and air traffic.
- Noise from the Project Boundary of a Utility-Scale Solar Facility would not exceed 60 decibels (dB) abutting Rural, Planned Rural, Residential, or Planned Residential districts,

or abutting parcels with existing dwellings at the time of approval by the Board of County Commissioners.

A waiver to this requirement is proposed in the event the applicant submits written information to the Board of County Commissioners discussing the circumstances believed to necessitate the need for a deviation from the noise requirement.

- Signs associated with a Utility-Scale Solar Facility would need to comply with County sign regulations in Article 20.
- Because of the potentially large size of Utility-Scale Solar Facilities, plus the allowance made to assemble multiple parcels for a single Utility-Scale Solar Facility, the subdivision requirements of Articles 25 through 30 of the County regulations and the lot area and width, lot frontage, and other lot dimensional requirements of the underlying zoning district, are not requirements of this conditional use permit, unless otherwise specified.
- Uses other than a Utility-Scale Solar Facility, (e.g., dwellings) are allowed within the Project Area. However, such other uses would be regulated per the requirements of the underlying zoning district and subdivision regulations. Any use allowed by right in the underlying zoning district shall be located on the property such that it shall not alter, interfere, or conflict with the facility.
- A Utility-Scale Solar Facility may be located on multiple parcels, however, is subject to one (1) development plan and one (1) conditional use permit. Therefore, should any one parcel associated with a Utility-Scale Solar Facility be sold or used for another use that conflict with the facility, the conditional use permit may terminate.
- The Utility-Scale Solar Facility would be constructed and operated in compliance with all County, State, and Federal Laws, Regulations, and Codes.
- The Utility-Scale Solar Facility would be constructed in full accordance with the approved development plan and maintained in good repair, which includes (but is not limited to) fencing, screening, ground cover, lighting, driveways, entrances, and structures. The Utility-Scale Solar Facility would be responsible for the cost of constructing and maintaining the site. Additional regulations include:
 - Unless approved by a phasing plan, all grading, groundcover, berms, fencing, trees, and other forms of landscaping would be installed in accordance with the Development Plan within one (1) year of approval of the Conditional Use Permit. Berms and fencing shall be continuously maintained, repaired, or replaced if damaged.
 - A Utility-Scale Solar Facility operator would be responsible for mitigating of damages to public roads occurring as a result of activities associated with the conditional use permit most often during installation and decommissioning of a facility. A Public Road Mitigation Plan may be required as deemed necessary, which includes prior to issuance of building permits, grading permits or demolition permits associated with the conditional use permit.
- An operator of a Utility-Scale Solar Facility would be responsible for all costs to develop and maintain a facility.
- A Utility-Scale Solar Facility agreement would be required and address installation and maintenance of the facility.

- An annual compliance report would be required to be submitted to the Johnson County Planning Department indicating compliance with the approved Conditional Use Permit and all approved stipulations.
- The following performance standards are required for a Battery Energy Storage Facility:
 - Due to the potentially combustible nature and possible large footprint, Battery Energy Storage Facilities (BESF) would 1) be located in nonresidential areas; 2) avoid located in public or quasi-public areas; 3) be located toward the interior of the parcel; 4) take advantage of existing topography, structures, and vegetation to provide extra screening; 5) design the facility so that it mitigates potential impacts to the general health, safety, and welfare of the community; 6) locate in area where the potential adverse impact on the community is minimal; and 7) designed in a way to minimize adverse impacts (i.e., views, noise, vibration and the like).
 - The BESF shall be configured so that battery cells shall be placed in a Battery Energy Storage System (“BESS”) with a Battery Management System (“BMS”). The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire suppression systems.
 - BESFs would be constructed, maintained, and operated in accordance with all applicable codes and standards, including all fire, electrical, and building codes adopted by the County. This includes requirements by the National Fire Protection Association (NFPA 855), *Standard for the Installation of Stationary Energy Storage Systems*.
 - The facility operator would be required to perform semi-annual on-site self-inspections of the battery units. A written report would be submitted to the Zoning Administrator on their condition.
- Substations:
 - The location of substations would comply with the following requirements: 1) be located in nonresidential areas; 2) avoid being located in public or quasi-public areas; 3) located toward the interior of the parcel; 4) take advantage of existing topography, structures, and vegetation to provide extra screening; 5) design the facility so that it mitigates potential impacts to the general health, safety, and welfare of the community; 6) locate in areas where the potential adverse impact on the community is minimal; and 7) designed in a way to minimize adverse impacts (i.e., views, noise, vibration and the like).
 - Substations included as part of the Utility-Scale Solar Facility would have the same term as the facility. Substations may have a life expectancy longer than the remainder of facility, therefore, when decommissioning of the facility the substation owner may apply for a conditional use permit or such other zoning approval to allow the continued use of the substation.
- Upon the decommissioning and reclamation of a Utility-Scale Solar Facility, the following would apply:
 - Prior to the issuance of a building permit, the facility owner would provide an estimated cost of decommissioning and reclamation and would be guaranteed by either, at the request and preference of the County, a letter of credit, or the deposit of funds in an amount equal to the estimated cost in an escrow account at a

federally insured financial institution approved by the County, or other approved surety. The funds would be the full amount of the estimated cost of decommissioning and reclamation (without regard to salvage value).

- A minimum of one (1) year prior to the end of the Conditional Use Permit term, the facility operator would notify the Zoning Administrator in writing of their future plans, which may include decommissioning and reclamation. If the Utility-Scale Solar Facility is to be removed, the Zoning Administrator would be notified in writing of the proposed date of the termination of the facility and plans for removal.
- Utility-Scale Solar Facilities that have not been continually active and in service for a period of six (6) months would be decommissioned and reclaimed at the facility owner's expense.
- Decommissioning would include the removal of anything above or below-ground that was installed, constructed, or erected as part of the Utility-Scale Solar Facility to include but not limited to structures, buildings, equipment, cabling and wiring, solar electric systems, electrical components, security barriers, foundations, pilings, and any other associated facilities.
- Ground cover and screening established as part of the Utility-Scale Solar Facility Development Plan and other existing vegetation may remain and may become part of the Decommissioning and Reclamation Plan. Land disturbed during the decommissioning process would need to be reseeded or revegetated with crops, native seed mixes, or other plant species appropriate for the area.
- Unless specifically indicated in the approved Decommissioning and Reclamation Plan, all facility materials and equipment would be removed from the Project Area. Disposal and recycling of such materials and equipment would fully comply with all applicable county, state and federal laws, regulations, and code requirements.
- Decommissioning and reclamation would be performed in compliance with the approved and adopted Decommissioning and Reclamation Plan, which may be amended at such time that the applicant is ready to begin such decommissioning and reclamation if amendments are approved by the Board.
- The facility operator would coordinate with County emergency services staff to provide materials, education and/or training to these departments serving the Project Area with emergency services on how to safely respond to on-site emergencies, including emergencies associated with Battery Energy Storage Facilities.
- In the event the Utility-Scale Solar Facility changes ownership or operator, a 90-day written notice would be provided to Johnson County Planning Department. The new owner and/or operator would enter into a written agreement and provide surety.
- Utility-Scale Solar Facility Agreements between Project Area landowners, the facility operator, and the County would be required to ensure the facility is developed, maintained, decommissioned, and reclaimed in accordance with the Regulations.
 - Failure to develop or maintain the facility in a manner required may result in loss of the surety.
 - The agreement is required to assure the facility is decommissioned and reclaimed in conformance with the Regulations.

- The County reserves the right to obtain third-party reviews, inspections, or other work completed for the purposes of reviewing and monitoring a facility.

General Provisions for Medium-Scale Solar Facilities

Medium-Scale Solar Facilities are designed to be significantly smaller than Utility-Scale Solar Facilities. This use would be subject to many of the same standards at a Utility-Scale Solar Facility with some exceptions. One exception would be Battery Energy Storage Facilities are not permitted on-site. Medium-Scale Solar Facilities are subject to a Conditional Use Permit.

Application Requirements for Medium-Scale Solar Facilities

Medium-Scale Solar Facility application requirements shall be the same as the Utility-Scale Solar Facility application requirements, except for the following:

- Those items regarding connection to a utility company are not required if the facility does not connect to a utility company;
- Items regarding Battery Energy Storage Facilities are not required;
- The “Visual Impact Analysis,” “Traffic Study,” and “Environmental Impact Assessment” requirements may be waived or modified; and
- Use of the term “Solar Facility” in this section shall refer to “Medium-Scale Solar Facility” unless otherwise specified.

Development and Performance Standards for Medium-Scale Solar Facilities

- Project area would be between one (1) and ten (10) acres in size;
- Since these are smaller facilities, they may be located within 1.5 miles of a city, one mile from the boundary of Executive Airport Comprehensive Compatibility Planning area, or within one mile of the New Century AirCenter Comprehensive Compatibility Planning area;
- May be located within the planning area of a city’s adopted planning area;
- Within two (2) miles from an existing or permitted Solar Facility; and
- Items regarding Battery Energy Storage Facilities would not be required.

ARTICLE 33: SPECIAL PERMITS

- Section 4 (Special Permits May Be Approved in Certain Zoning Districts), has been revised to include exceptions to utility special permits. Clarification is made that Medium- and Utility-Scale Solar Facilities and Battery Energy Storage Facilities require a Group AA Conditional Use Permit that complies with Article 23 of the Regulations.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the draft changes, make changes as needed, and forward a recommendation to the Board of County Commissioners to consider amendments to the *Johnson County Rural Comprehensive Plan* and the *Johnson County Zoning and Subdivision Regulations*.