

# JOHNSON COUNTY PLANNING COMMISSION

Zoom Webinar

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## MINUTES OF REGULAR MEETING

August 10, 2021

5:45 p.m.

### A. CALL TO ORDER

A meeting of the Planning Commission of Johnson County, Kansas, was convened at 5:50 p.m. on Tuesday, August 10, 2021, and was called to order by Chris Iliff, Chair, with the following members present and participating; to-wit: Lindsay Grise, Roger Mason, Mark Huggins, Dennis Bollin, Dave Johns, Randy Hutchins, Michael Levin, Kelley Rast, George Lund and James Neese. Also present were Jay Leipzig, Susan Maier, Karen Miller, and Sean Pendley, Johnson County Planning Department and Sherry Cross, Secretary to the Commission.

Chairman Iliff: We have a number of members of the public. Thank you very much for attending. We really enjoy it when people show up to express opinions about matters that come before the Planning Commission. More often than not we are bereft of members of the public, and I think it's great that you're here. I will address when you can talk a little bit later.

### B. APPROVAL OF AGENDA

Chairman Iliff: I'm going to make a recommendation that we take item F, the Annual Solid Waste Management Plan Review, which shouldn't take very long, and move that up ahead of item E, the Utility-Scale Solar Facilities which, I think most of the people who are here tonight are probably here to address that issue. For the sake of expedience, I'm going to recommend that we switch Items E and F, and if I hear not objection to that, then the agenda will be approved as amended by me. Any objections? [none] Hearing none, the agenda will be so amended.

### C. CONSIDER MINUTES OF PREVIOUS PLANNING COMMISSION MEETING

Chairman Iliff: Do I hear a motion to either accept or to amend the minutes of the June 22, 2021, meeting?

*Motion by Comm. Mason, seconded by Comm. Lund, to approve the minutes of the June 22, 2021, Planning Commission meeting.*

*Motion approved unanimously.*

### D. PUBLIC COMMENTS

Chairman Iliff: The next item is our regular public comments meeting. What I'm going to do is ask that if there – and I have a speaker sign-in sheet here – if someone has not had the opportunity to sign in who wants to speak, please let me know. I have more speaker sign-up sheets that I can make available to you. I'm going to ask that anyone who has a comment that they would like to make that has nothing to do with the utility-scale solar facilities, I'm going to ask you to come now. You will have five minutes. We have a time-keeper over here. If you have some general comment about Planning Commission or something like that, you're more than welcome to step up and do that now. But if you are here solely for the utility-scale solar facilities issues, we're going to hold

up public comments to that until after the staff report. The reason that we want to do that is I think it will keep us focused, and you will be able to focus your comments on what the staff has to say. There are also one or two people here from the applicant who is seeking to build the utility-scale solar facilities, and we're going to give the applicant additional time, not just time that is allotted to the public. We'll keep it focused and try to keep it brief, but we do feel like the applicant has a vested interest here, and we want to make sure that they have the opportunity to address the issues as well. We will allow the public to speak before the people who are coming here from the applicant. So, is there anyone here who wishes to address the Planning Commission on public matters? Yes, Commissioner O'Hara.

*Johnson County Commissioner Charlotte O'Hara, 15712 Windsor, appeared before the Zoning Board and made the following comments:*

Commissioner O'Hara: I just would caution the Board that when they are allowing the applicants – and they're not applicants yet, because we are still in the process of trying to come up with regulations, if we're going to allow this or not – but it always has made me a little cranky that industry gets more time than the public. I believe that, honestly, we need to have equal time, because we do not want industry to be writing our regulations. But those are just my comments and thoughts. Thank you.

Chairman Iliff: Thank you, Commissioner O'Hara. Anyone else? All right. If not then we will move on to item F, the Annual Solid Waste Management Plan review.

**F. ANNUAL SOLID WASTE MANAGEMENT PLAN REVIEW** *[item moved ahead of item E.]*

Mr. Leipzig: Mr. Chair, I'll just give a quick introduction on this item while it's getting loaded in. Presenting tonight is Craig Wood from the Solid Waste Management Plan and Mary Beverly also is here in regard to this topic. This is an annual item, so you'll recall we did several years in terms of reviewing this document.

Mr. Pendley: Mr. Chairman, I just wanted to note that we did have additional speakers also. They are outside, and the PA system is on in the atrium in the outside of the Board Room, so those additional people are signed up to speak on the –

Chairman Iliff: Okay, so if some of those speakers are on my list and I call their name, they'll be able to come up and speak?

Mr. Pendley: That's all coordinated to make sure we bring people who wanted to speak.

Chairman Iliff: This is a unique situation. We've not dealt with that before. Thank you very much, Mr. Pendley.

Mr. Pendley: Sure, similar to Board of County Commissioners.

*Craig Wood, Johnson County Solid Waste Management Coordinator appeared before the Planning Commission and made the following comments:*

Mr. Wood: Basically, my job is to plan for the future of solid waste in Johnson County. As usual, you guys get to review the annual updates to the Solid Waste Management plan that we do every year. We do a five-year plan, and that is more of a comprehensive update to our Solid Waste Plan. That last Comprehensive Plan was in 2019. This is the second in an annual update to that which we submit to the KDHE Bureau of Waste. It is required by Kansas Statute 65.3405, and it is really vital to plan what we're doing. As you guys probably know, Johnson County, Kansas is

growing like crazy. According to the census, we are looking at, in the 2040s of having about a million citizens, so we need the solid waste infrastructure to really be able to handle all of that. That is the main thing that we're looking at in the development of the Solid Waste Management Plan, and this last comprehensive one we looked 25 years into the future, so we could look into the 2040s. One of the other things along those lines is that the Johnson County Landfill, the main landfill in Johnson County for solid waste, is expected to sunset in 2043. So, that coincides with some of the peaks that we look at from a population standpoint. We are making plans on how to reduce that trash, because honestly, I don't see a whole lot of new landfills coming into Johnson County.

With that, in this year's plan, we have done a lot of different things, even with COVID. COVID did impact a few of our plans, but we have worked hard with planning for the new HHW. Organics management is going to be a big part of what we're going to be evolving into. We're looking into composting and how to process organics here in Johnson County. We've had some preliminary discussions. We're looking for a site, so we're moving forward on those things. Single-family residential, we've done a lot of education. We started last year but also worked this already by going into certain cities and looking into recycling bins just to see if there's problems. We don't dig into them, but we just give people some pointers on how to recycle better. Things like not putting your recyclables in plastic bags, because then they're just going to get thrown away, and those kinds of things. One of the main things that has been delayed are our commercial waste operations and multi-family residential. Our Green Business program, we've made some improvements and now have a website that can give you a score of what kind of things that you are doing and what kind of practices you can work with. Along with our Green Business program, we've had a lot of success with that over the years.

We are also, as far as the organics, food waste diversion, we are trying to stop food waste and also, regarding the organic material that is going into the landfill, we're trying to find ways to keep it out of the landfill, because it creates a lot of methane gas. Also, cost sharing with HHW. We think we have some things. The Innovations Team has been working with our HHW people, looking for good diversion tactics and how we can improve the site moving forward. Also, there are construction demolition landfills. A lot of that has been impacted with all of the construction during COVID. A lot of commercial tended to come down during the pandemic, and a lot of residential went in that actually increased over the last year, but we are working on those things right now, too, to make sure that we're reducing how much waste in being produced. The per-capita generation is down for about the third year in a row, so we feel good about that. As far as County sustainability efforts, we're looking for that consistency in recycling throughout all of the people in Johnson County generating less trash, because when we start moving forward, when the landfill closes, we'll be transporting that trash further away from Johnson County.

With that, if you have any questions, I'm happy to answer those if I can.

Chairman Iliff: Any questions for Mr. Wood? I have a question. The main solid waste site right now is up near Lake Quivira, correct?

Mr. Wood: Yes.

Chairman Iliff: And where are the proposed future sites likely to be?

Mr. Wood: They will probably be at least a county or two away. We have looked at, there's a couple in Missouri that are about an hour's drive away that most likely those would get transferred to. What we will probably do instead of having landfills, we'll have what they call transfer stations,

and then we will put that material in semis and actually truck it remotely. Basically, the next nearest one to us is the Hamm Landfill just outside of Lawrence.

Chairman Iliff: I know Missouri has objected in the past to taking Johnson County's wastewater. What will they say about taking our solid waste?

Mr. Wood: If I know "trash people," they will take anything they can get. The money in it is very good. The cost will continue to increase the longer the haul that we have, so unfortunately we generate enough that we could probably close most of the ones on the inner circle within a year or two of using each one because we're generating multi-millions of tons per year.

Chairman Iliff: Other questions? If not, thank you for your update.

Mr. Wood: Great. Thank you very much.

Chairman Iliff: We appreciate your time.

Mr. Leipzig: Mr. Chairman, this item is an action item. We're looking for a finding to recommend that it's consistent with our Rural Comprehensive Plan.

Ms. Miller: And I think there is an example motion in the packet that was sent to you regarding the Solid Waste Plan.

Chairman Iliff: What we're looking for, members of the Commission, is to forward a finding to the Board of County Commissioners regarding whether the proposed Johnson County Solid Waste Management Plan is consistent with the Johnson County Rural Comprehensive Plan. I would look for a motion of that nature and a second so that this might be moved on to the Board of County Commissioners.

*Motion by Commissioner Levin, seconded by Commissioner Downing, to adopt a finding, to be forwarded to the Board of County Commissioners of Johnson County, Kansas, that the planning commission finds the proposed Johnson County Solid Waste Management Plan and its 2021 annual update to be consistent with programs of comprehensive planning and the goals of the Rural Comprehensive Plan*

*The motion carried unanimously.*

## **E. UTILITY-SCALE SOLAR FACILITIES – DISCUSSION OF AMENDMENTS TO ZONING REGULATIONS**

Chairman Iliff: For Item E, Utility-scale Solar Facilities, amendments to the Comprehensive Plan and Zoning Regulations. I'm going to call upon Mr. Leipzig to begin here, and then you can introduce Karen if you'd like.

Mr. Leipzig: Thank you, Mr. Chairman. I appreciate the chance to speak on this item before you this evening. I want to apologize. Sometimes we have the best-laid plans and everything falls to pieces at the last minute, so I apologize for the craziness with the technology and any other issues this evening with the number of people that are here. However, I did want to mention before Karen gives her presentation, what you are reviewing this evening is the culmination of a lot of work between Karen Miller, our Senior Planner, and Sean Pendley, the Deputy Director. It is a lot of very detailed work, also with the Berkley Group, the planning consultant that we retained to help us draft these Regulations. I think they are very comprehensive and I think it's really a chance to

be an innovative leader for not only Kansas and this metropolitan area, but also the region and the entire country. With that being said, I'll turn it over to Karen. She can provide more updates. We've had meetings with other cities in Johnson County as well and quite a bit of discussion about these regulations that you will hear about this evening. With that, I'll turn it over to Karen, if you're ready to go.

Mr. Pendley: I wanted to add some additional information to the Commission. Just so you're aware, staff has received additional information since the packet went out to the Planning Commission as you're aware. We are including the additional information in the record for requested changes to the Comprehensive Plan and the proposed Zoning Regulations for utility-scale solar facilities. Staff received an updated request of changes from NextEra Energy Group with proposed changes and requested changes to these regulations. Staff received that yesterday. We've included a copy of that on the dais for the Commissioners. We will also include that in the back of the room where there are additional copies of this document. We just wanted to note that that would be included in the record. Since this was received just yesterday, staff has not had a chance to review or prepare any recommendations for these requested changes, so staff is recommending we move forward with as presented with the staff version that Karen Miller will present. Staff is recommending those regulations, but we'll be happy to answer any questions. We understand that the NextEra group will want to speak, along with, obviously, several members of the public, so we'll be happy to answer any questions, but we would like to move forward as recommended in the Draft Regulations.

Chairman Iliff: Thank you, Mr. Pendley. Ms. Miller?

Ms. Miller: Thank you, Sean. Planning staff received a series of recommendations from our consultant, the Berkley Group, and Planning and the Legal Department took those draft regulations and Comprehensive Plan amendments and expanded it and turned it into something that we could add into our own Comprehensive Plan and Zoning Regulations. First, I'll be going over the Comprehensive Plan amendments that are recommended, and then the Zoning Regulations. As I go through on this PowerPoint, I have on each page a corresponding red page number, and that is the actual recommended amendment that was proposed and sent out to you. So the actual full, unabridged Zoning Regulation and Comp Plan amendments in your packet, I've shown how they correspond to my slide.

First, the Comprehensive Plan. The purpose of the Comprehensive Plan is to set policies for development in unincorporated Johnson County. It sets forth our goals of where we want to go, how we want to grow, and our policies that we want to follow to achieve those goals. Then, once we've decided what those policies are for unincorporated Johnson County, we adopt regulations to implement those policies and goals. Regarding the Comprehensive Plan, the way it's drafted now, we see that the utility-scale solar facilities bring unique impacts to the surrounding areas. Those solar facilities can be an appropriate use within the county if land use issues are identified and managed, but it's important to proceed with caution because of some of these very significant impacts that are possible from solar facilities. We want to really carefully look at all of these proposals and make sure that we don't allow unincorporated Johnson County to be overwhelmed by a single use such as the solar facility.

We identified unique impacts possible with very large scales of solar facilities. As an example, our largest single land use that we have so far is a quarry. Our Sunflower Quarry is between 800 and 900 acres. Right now, we're looking at a proposed maximum of approximately 2,000 acres, but also keep in mind that there is a similar proposal on the other side of the county line, in Douglas

County, for a total of 320 megawatts, and it's not clear how that will be distributed between the two counties. So, potentially very large scale, larger scale than what we've generally seen so far in the county, and the potential to not only just take up perhaps 2,000 acres, but distribute it somewhat widely.

Intense site coverages. We have setbacks proposed, but it is also desired by other potential applicants to severely reduce those setbacks that Planning proposes, and if our setbacks aren't closely monitored and other things, you could get close to a 95 to 97-percent coverage of the site with just solar panels and solar facilities. There are very long lifespans to these uses, probably a minimum of 20 years, potentially more like 35 to 40, and maybe even beyond that. We simply don't know right now with this new technology how that turnover is going to look and appear in the future, so we want to control the unknown with our terms, so that we can have a planning period that makes sense for utility-scale solar facilities but then also be able to, after a prudent planning period of 20 years, stop, look at it, look at how the surroundings have developed and what the current technology is, what the impacts are, and re-evaluate. Also, we're fairly concerned about future city development. Our consultant, the Berkley Group, has shown us some examples where the solar facility was located too close to a city, and it had a dampening effect on its future growth. So, we want to be very careful with how we locate these large facilities that will be there for a very long time, close to the cities. We've met with some of the planning directors of the fringe cities, and they, too, are concerned. They want to be very careful with this, be very cautious and conservative so that their future growth is not impacted.

We want to be aware of how this potential facility will affect the rural character of the area, the open space, the aesthetics. We have typical planning ways to deal with this, and that is setbacks, landscaping and screening, and certain other things. We want to make sure that we don't place these facilities inappropriately next to cultural and recreational resources. Perhaps they can be compatible, but maybe not. We just want to make sure that we don't cause any undue impacts. We want to be careful about wildlife, stormwater and the environment. If we're not careful with the way fencing is put up, and the stormwater is handled, we can have definite impacts on wildlife and stormwater.

There are potential fiscal burdens to the County if we do not appropriately get surety and administer the surety. This is something that our Legal Department is very concerned about and is continuing to look into this situation. One thing we do know is that we definitely want a third party to, once the decommissioning plan comes in, surety is offered and a cost for decommissioning set forth. We want a third party to review that and make sure that it makes sense for the County. And then also, potential fire hazards. Battery storage can have some fire hazards. It is required that the battery storage associated with these regulations would have containment units and follow building codes, fire codes and all other pertinent regulations, so there is definitely some codes, laws and requirements in place to make the fire hazards are not a significant issue. Also, we have locational criteria and extra setbacks for potential battery storage.

Once we identified the impacts – and I went over all of those impacts just to show that there are many impacts and fairly important impacts to regulate – then we can create policies. I just listed a few of the policies that we've set forth in our draft amendments to the Comprehensive Plan. We can provide for City growth and development. We can protect existing and future residential uses, parklands and such and promote rural character and open space.

Once we set forth these policies and these goals regarding solar facilities, we create zoning regulations to implement these amendments to the Comprehensive Plan. The following are proposed development standards for utility-scale solar facilities. I have just a little bit of information

first before I get into this. Within the regulations there are three types of solar facilities – small, medium and utility-scale. They are divided into less than an acre, 1 to 10, and over 10. So utility-scale solar facilities would be more than 10 acres. Right now we do allow what is basically small solar facilities with our Regulations. They are accessory to homes and businesses, and they provide power to the business and home on the site. It's accessory. Those have performance standards, and they can be allowed by right if you meet the performance standards. The medium and utility-scale are a new concept. Those are not accessory. Those are their own primary uses. They would be used to provide electricity to a utility provider and perhaps the medium-scale would be used to supplement the power for something like a manufacturing business. Those two would require Conditional Use Permits with performance standards, and they also can have associated with them battery energy storage facilities and a utility-scale solar facility could also have a substation associated.

Just a note about the way a solar facility is defined in the Regulations. To the right, here is a contiguous solar facility. This is 2,000 acres. It is a little over three sections, or three square miles. Due to issues of getting leases to cover an entire solar facility, we understand that there might be some gaps that might be non-participating parcels, and so the way it's defined is that a solar facility can have some gaps of up to a half-mile. This is a section, a mile by a mile, so this would be a gap of a half-mile. Planning looked at that. We thought that perhaps would be appropriate. That could be a discussion item. Perhaps some Planning Commissioners would think that it should be more like a quarter of a mile, an eighth of a mile, something like that. Because it can tend to spread, we have some other ideas about how to contain the solar facility and understand how much it's going to impact the area. The next slide has example of some other terms. This would be the project areas in the pink. These would not be part of the solar facility. They are greater than a mile. Within the project area there is a project boundary from which we would measure setbacks and provide buffer zones. The blue is the project boundary. These are the section line roads every mile, so for instance, this is part of the solar facility. This blue is the boundary and we also have the project boundary abutting any sort of road that goes through the project area, so the project boundaries would be here. I'm going to drill in and look at detail in a couple slides about the buffer area and how to measure setbacks.

Here is the project extent. This is generally how it's defined now in the Regulations. When I started looking at it I realized that it wasn't really very well defined as it's written and this needs some more work. The next slide has some suggestions on how to better define the project extent. So this is the next slide. We could define project extent as a circle or a rectangle encompassing the solar facility in its entirety. So, I suggest we redefine the project extent as a rectangle drawn around the solar facility that includes all of it. Basically, you would have the project area abutting up to the project extent, and we would want to set a maximum so that you couldn't potentially have a solar facility expanding into a couple townships or spreading over 10 or 20 square miles. It would be possible if you broke it up enough, so we wanted to contain that.

Also, drilling down, this is zooming in. This is about a quarter of a mile, maybe a half a mile, so here is a street. The pink is the project area. We have the official street line along the section line roads. It's 60 feet from the section line, so this is about 60 feet. This is not to scale. From the official street line you measure setbacks. So, right now we're proposing a 50-foot setback for all fencing and other solar facility structures. The blue would be the setback from the project boundary. This would be an interior property line. This is a non-participating parcel. The project boundary setback would be 50 feet from this project boundary. Notice, these are separate parcels that have been put together under leases, and the setback from this interior parcel line would be whatever the zoning district requires. The setback for the solar panels, the photovoltaic panels,

would not have a setback. The bigger structures like invertors, substations, battery energy storage structures, would follow the setback requirements but not the actual panels.

Now on to the development standards now that we've looked at some of the terms. Planning suggests a term up to 20 years. That's generally a generation. We consider that a prudent planning period. Cities and counties tend to set their future land use plans for 20 years into the future. We think that anything more, we don't know exactly what's going to happen. We think that 20 years is a good manageable time period in which to plan. As I mentioned before, with over 20 years you can have quite a bit of growth in the county. Land uses can change. Technology can change, so we would need to stop and have a renewal and re-look at everything, have a public hearing and have a decision by the Board of County Commissioners about the future of the project. We recommend a maximum project area of 2,000 acres. I have some examples of why Planning recommends that. We recommend that this be the cap. We don't recommend any waivers from this. We don't recommend that the Planning Commission consider any kind of project areas greater than the 2,000 acres, and then the maximum project extent of four square miles.

The maximum percentage of the panel coverage versus the actual project area of 70 percent. This is to make sure that we do have some wildlife corridors running through the project so wildlife can traverse. Also, so that stormwater can be adequately managed. Our consultant indicated that 70 percent is towards the top range of what they recommend so that you can adequately manage your stormwater. We recommend distance from cities is greater than a mile. In our Comprehensive Plan we consider our urban fringe to be about a mile. This is the area in which, when we get Planning applications, we take the city comments and plans into consideration. There is a waiver available in the event that a city has a land use planned in that area that would be appropriate and compatible with a utility-scale solar facilities. We figure at some point there would be some cases where a city will be okay with having the solar facility. We recommend a distance from another solar facility of at least two miles. We are concerned about the proliferation of other solar facilities. We think that it's important to make sure that the unincorporated portions of Johnson County are not overwhelmed by these solar facility applications that can tie up land for 20 or 40 years. It's just part of the idea of moving forward cautiously so that we make sure that we don't have an impact on the county that we don't foresee.

We've seen this buffer map before. It shows in pink a buffer of one mile around the city limits of our fringe cities. The bright green is what is left, so after you take that out, the bright green would be what is available for development as a solar facility. I'm going to point out right here, this is approximately McCamish Township. McCamish Township is about five miles by nine miles, or five sections by nine sections. I'm going to reference McCamish here, so that's why I'm pointing this out. Just an example of the large-scale impact, after you do your mile buffer, the protective city limit buffer around the city limits. There would be 44,000 acres, or 69 sections remaining, total, in unincorporated Johnson County left for development; 14,400 acres, or 22 sections, remaining in McCamish Township for this development. If you have just one 2,000-acre solar facility, that's 4.5 percent of the total remaining developable area in unincorporated Johnson County, and that's 14 percent of the remainder of McCamish Township. So just one solar facility at 2,000 acres can have quite an effect on the actual landscape of the county.

Also, in order to control the impacts on things like rural character and aesthetics, things like that, we recommend that the structures with the solar facilities, the panels, the racking systems, the security fencing, substations, and general equipment be at least 50 feet from the project area, with the exception that substations and battery energy storage should have at least 150 feet.

They're a larger kind of facility. They have a little bit more impact than just the solar panels, so they should be set back from the road and other properties. As I showed you and mentioned, the setbacks from the interior property lines within the solar facility should be for the underlying zoning district, which is 25 feet in the Rural District, with the exception that the solar panels and the racking systems shall not have a minimum requirement. I'll just point out that for almost everything, the structures that are built in Johnson County, there's a setback requirement. In the Rural District, the front setback requirement is 50 feet and the side and rear yard setbacks required are 25 feet. I'll point out that even agricultural buildings are required by state statute to follow the front yard setback of that district, so we think it's important to keep these solar panels at least 50 feet from that project boundary. If you think about it, a pretty substantial agricultural building could be like about 100 feet by 100 feet. I think that's like a 10,000 square foot barn. If you think about these rows upon rows of these solar facilities, when you get them side-by-side, row-by-row, that actually does visually take up quite a long span of what you see as you're driving by or if you're living next to these solar facilities. They end up taking the bulk of a building, or a structure. I mean, you can kind of see through it. You can see down the roads. It's not exactly a perfect thing. So if you think of the bulk of these panels, they should follow the same setback requirements as an agricultural barn should, at a minimum. That's Planning staff's recommendation, and then also for setbacks from the solar facility structures from dwellings, we recommend a heightened setback of at least 250 feet. We'll just point out that we recommend a waiver from all of these requirements, because there are some situations in which it might make sense to have a more lenient requirement.

Screening is one way. We talked about setbacks. Setbacks is a way to provide some open space and to mitigate the impacts of large structures to help with the views. Screening is another way. We recommend screening views from roads, from residential zoning, because we know the intent of residential zoning is to build a home eventually. And existing dwellings. We recommend that these zoning areas and dwellings be screened from views of the panels and equipment in storage areas and that the screenings should be a combination of landscaping, rows of trees, berming, and some fencing – not more than 30 percent of the screening should be fencing – and to include existing screening. And additional vegetative screening for existing dwellings within 300 feet of the project boundary and 100 percent visually solid extending 75 feet from either side of the dwelling and that this landscaping should reach, within three years, the height of the security fence, or eight feet. Also, a waiver is recommended to be available because there are some instances you would not necessarily need to screen.

There is a required decommissioning and reclamation plan to be submitted. When we talk about decommissioning, that would include removal of anything above or below ground to be installed as part of the facility, stabilizing and reseeding disturbed land and disposal of the materials in a proper manner. I'll point out that this activity would require a demolition permit with our Building Codes Department, that a licensed contractor who is capable of doing the disposal is required, and also an approved disposal location of an area that can receive the solar panels or whatever they're doing demolition on. Craig Wood, who we just saw today, with Environmental, he has looked up a lot of articles on solar panels and disposal. We're still talking about it and looking through the articles. Just so you know, we're looking into the idea of disposing of the solar facility panels. With the decommissioning and reclamation plan there will be a cost estimate provided by a professional engineer, not to include salvage value. That's another area where Planning staff would most likely get a third party to help review that cost estimate with that same process as with the quarry. When the quarry put up surety, that was very helpful to us. It also guaranteed funds. As I mentioned, our Legal staff is looking closely at the various types of surety available, such as

letter of credit, escrow account, or other approved method. I know that our Legal Department has had some bad experiences with bonds. Most of the time when a bond has been put up, we've had to take them to court to get the money, so I know that we have some opinions about what would be the best type of surety to put up, and that surety should be recalculated every five years and adjusted so that we keep up with inflation and such.

A development agreement would be required with separate surety for installation and maintenance and decommissioning and reclamation to make sure that the solar facility is installed, maintained and decommissioned appropriately. Then, just to mention that we are going to use third parties and some additional points. I have not drafted medium-scale performance standards. I was wanting to see kind of the Planning Commission's opinion on the utility-scale. We are thinking that they will be very similar standards and just a question, should there be a limit on battery energy storage facilities? Should they be required to be sized so that they would only store what's generated onsite, as opposed to be sized for other things like perhaps potential associated wind facilities or that type of thing?

And then, just to note, we've had several comments from the public. I know at least one neighbor next to a potential solar facility site will have comments, and Mr. Anglyn has put comments in the packet as well as there are comments from NextEra and other members of the public. We plan to publish for a public hearing on September 28<sup>th</sup>. That is to say that the Planning Commission would have the opportunity to set a public hearing for September 28<sup>th</sup>, but you're not obligated to do that. With that, I'll take questions.

Chairman Iliff: Questions for Ms. Miller?

Comm. Hutchins: Thank you, Karen, for the presentation. I guess I was looking forward to the Legal Department presenting to us tonight lease options that were viable to protect the landowners. Obviously, that's a key part of this. Moving forward, do you have a feel for when the Legal Department will be able to present us something substantial that will give us some assurance that the landowners and the County will be protected?

Ms. Miller: We're planning on the 28<sup>th</sup> to have more information on the surety.

Comm. Hutchins: So, I guess this Commission would not have the opportunity to review that ahead of the actual public hearing?

Ms. Miller: We're thinking that there will probably be a revision to that section of the property zoning regulations, and you would receive that ahead of time.

Mr. Pendley: The Legal staff has reviewed the Draft Regulations and has been instrumental in coming up with the Draft Regulations. Rick Lind, County staff, is working with Karen Miller on that, but as Karen mentioned, there will probably be additional updates or additional information that could be provided at the public hearing regarding surety, financial guarantees, as far as property information, reclamation, but any additional information that the Commission will be provided at the next meeting.

Comm. Hutchins: I guess I'm somewhat confused about the timeline, where we're at in this process, to the point of when we're supposed to provide for a recommendation to go forth to the County Commissioners. Karen, in your mind, what is the date in which you think that this Commission would be prepared to put forth a recommendation to the County Commissioners?

Ms. Miller: Usually the process that amendments take would be that staff presents information to the Planning Commission, gets comments from Planning Commission, drafts proposed

Regulations or Comprehensive Plan amendments, comes back with a draft, has discussion with the Planning Commission, and then it depends on the discussion. Sometimes the Planning Commission desires to direct staff to make changes and come back and show the changes. Sometimes after looking at the proposed zoning regulations the Planning Commission is satisfied and sets a public hearing. Sometimes the changes are very small and staff gets directions to change, with the idea of coming back to the public hearing. Really, at this point a lot of it depends on the opinion of the Planning Commission and the amount of discussion the Planning Commission would like to have on staff's draft.

Comm. Hutchins: Thank you.

Chairman Iliff: Other questions for Ms. Miller?

Comm. Neese: I have a couple questions. Thanks for your presentation. I know you've been working hard on this. You made mention that you had reasons for...I know originally we were talking about 1,000 acres, and now we're up to 2,000 acres, and a recommendation that I think I got redlined today was they want 3,000 acres. They would like to have that, but your recommendation is 2,000. Could you give the staff your reasoning for one mile and the 2,000 acres, please? I know you said you had reasons for them, but I'd like for you to go over those for everybody.

Ms. Miller: In my mind this was fairly compelling, looking at the large-scale impact and how much just one 2,000-acre solar facility takes up of the available area of the county. Like, one 2,000-acre solar facility would take up 14 percent of McCamish Township, the part that remains after you take away the mile buffer, just that amount of impact in land that it takes up. So when we came in earlier with the 1,000-acre recommendation we knew that that was fairly conservative. We put that out for discussion. Also, did you want me to pull up the information that you supplied to me?

Comm. Neese: No, not right now. I guess a follow-up question to that is 2,000 acres may only take up four percent of the ground, but it depends on where that 2,000 acres is. If it's a mile from the city limits of De Soto, that's more of an impact than if it's a mile from Hillsdale Lake. So, at one time I think you made a statement that it seemed like the larger facilities are becoming more prominent. So your driving thought was it's only using up four percent which is a good chunk of property rather than that's the preponderance of really what was driving your thinking to go over 1,000 or 2,000 acres.

Ms. Miller: I lost you a little bit. But there is a trend. You can just look on Wikipedia and it gives a table of the trend of sizes over about 10 or 20 years, and you can see definitely a trend of going to larger facilities. Now, also some of those larger facilities are in the Gobi Desert, or –

Comm. Neese: It might be good to bring up...Would you mind doing that? It might be a good time to bring up those two examples that I brought, if you don't mind.

Ms. Miller: Sure. And then you also mentioned the one-mile buffer, how we got that. That is typically what we think of as our urban fringe as indicated in our Comprehensive Plan.

*[bringing up images]*

Comm. Neese: I'm not going to take over your presentation so I'll make this kind of a question. How's that?

Ms. Miller: Sure, feel free.

Comm. Neese: I went on their website – and we’re talking about applicants now that we’re presentably involved with – and there will be others I’m sure.

Ms. Miller: What’s on the screen now is a map of the NextEra energy map that shows small solar facilities.

Comm. Neese: Right, and I don’t know what the definition of small is, so I think there was about 70. And these are what they call small. I don’t know what small is. The next slide is universal, so what I did was I went on their website and I broke out what they call universal. Of the universal ones – I think there’s about 90 of them; there may be more or less, I’m not sure – so this is their larger sites, and I notice that there are no large sites... There’s one in Oklahoma. There’s none in Kansas, Nebraska, Missouri, Iowa, Dakotas, Wyoming. There’s three in Colorado, of their large sites. So what I did was I took I think about 40 of these and took, for example, Colorado, and looked at the sizes. I know the trend may become larger, but in my mind I wanted to understand what larger meant. So, Colorado has three units. One of them is two megawatts, so that’s about 20 acres. One is 50, one is 45 and one 250. The 250 is not near a major city. Oklahoma has got one which is 250, which is in Garfield, Oklahoma, which is out in the boonies. I won’t go over all of these but if you look at these, basically what you’ve got is, their defined universal sizes, they’ve only got a small number that are 200 megawatts, several that are 100, and the biggest one that I could find was two in California, which are 250 megawatts, and they are in the desert.

I guess where I’m coming from in this is – and by the way, I’m not against solar energy – but I am concerned with the size of 2,000 acres, even if it were a percent of a township that I live in, and I live a half-mile from the city limits. A mile from the city limits there’s a gentleman that owns over 1,000 acres. Not too far from that, very close to the De Soto city limits, is a trust that has several thousands of acres. My big concern is that the size of these of what you’ve gone to, to 2000 acres, is going to be really paralyzing to the future growth of the cities. Originally, the applicant stated it’s got to be 1,000 in the first meeting. I know he said, “We can’t do less than 1,000 acres.” Well his own website shows that they have many, many, many that are less than 1,000 acres. Florida, for example, most of them are around 75 to 100 acres. Around Atlanta they are not very large. Maybe one large one, or two large ones, but they’re way outside the city limits and not in a growth area. If you look at the map that you showed, the one that showed the growth area, and if we’re going to go to a million people here before long, if you look at that... When I moved out here in 1974 as I came across I-435 I looked to the north and I couldn’t see any housetops. Forty-five or forty-eight years later, look at the size of Overland Park, where it’s grown. So my concern is not that we have solar. My concern is that you look at the size of these things and the fact that it’s a small portion of an unincorporated area which will not be unincorporated 40 years from now. It’s not going to happen. That’s my main concern.

Ms. Miller: It’s important for us to hear from the cities. We’ve asked them to submit comments, so I think that will be a next step is to hear from the cities and what they think will be the impact on them.

Comm. Neese: And then I’ve got one other question. I want to put on my Zoning Board hat for a minute. So we pass this the way that the County Commissioners pass it, the way that you propose it – and by the way, in 20 years they’re never going to turn it down; it’s going to go another 20 years. That’s not going to happen, but it could. So I’m on the Zoning Board and we have two scenarios. A farmer comes in to me, and he’s 70 years old and he owns 1,500 or 2,000 acres, and his kids don’t want to farm anymore. He goes to his financial advisor and he says, “What the hell am I going to do? I’ve got nothing in this land basis. The federal government just passed a new law that has to do with my tax problems, so what am I going to do? I don’t want to give 50

percent of my growth here to Uncle Sam.” So the financial advisor says, “Well, why don’t lease the land to somebody, like solar energy?” and I’m only a mile-and-a-half or two miles from De Soto, or from Gardner, or from Edgerton. So, I go to the Zoning Board, “I want to lease this property to solar energy, 40 years or 20 years. I’m going to make more money off of this than I did growing beans, and I want you to approve this.” The other one is that I’m a trustee of a piece of property. I’m a banker. I live in Missouri. I work for the United Missouri Bank, in the trust department, and the same guy comes to me with the same question. He doesn’t care about the growth of De Soto or Edgerton or Olathe, but to him his job is to make the best thing for the family or the heirs of that farmer, so he comes to my zoning board. I know that it’s not right there as a zoning board member, but legally – I shouldn’t say legally; we try to be consistent with our zoning boards – and if he meets the criteria that he sets here...He’s at 127<sup>th</sup> and Moonlight Road, he owns 1,000 acres, and the city is supposedly going to grow out there in the next 40 years for sure...We spent hours about how ten acres can be developed in the next 20 or 30 years. How, legally, can I say you can’t do that? Is that something that we’re going to get in a lawsuit at the County? Do you see where I’m coming from on that? How can I deny that? How could the Zoning Board deny that if he meets your criteria?

Ms. Miller: So this isn’t just a checklist where you meet the checklist and then you can get approved. This is part of guidance for a Conditional Use Permit. The way to review a Conditional Use Permit is the Golden Criteria. Does this blend in with the character of the neighborhood? What are the detrimental effects to surrounding neighbors? What does Comprehensive Plan say? Those are some important factors that you would look at, and staff when they write their staff report, and Board of County Commissioners when they make their final decision, and that those factors that we weigh and balance are exactly that. It’s a weighing and balancing, and perhaps in this type of application the Comprehensive Plan is fairly important and the Comprehensive Plan says that you shall coordinate with the fringe cities and look at their growth, basically.

Mr. Pendley: Mr. Neese, that’s a good question. We have discussed that. We’ve talked about it with people in the cities, a couple of these with various city staffs. They are very concerned about that future impact on the future growth areas of the cities. We understand...They have brought up additional points, besides just the growth areas and boundaries, but also, what are the potential impacts there for future infrastructure improvements? If the city is growing in a certain area, there still needs to be accommodations for future sewer installation and water mains. Those things sometimes may fall in an area where there could be a potential utility-scale solar development. So, as Karen mentioned, that would be a case-by-case basis. Every applicant will be reviewed on the merits of the Golden Criteria. We’ll look at that. The zoning boards and the Board of County Commissioners will have an option to review the applicant’s presentation, staff’s recommendations, and there may be changes. As you know, in some of these cases, the zoning board...For example, a quarry. You absolutely have an opportunity to make recommendations. It could be different from the proposal or from staff recommendations, so each one of these will be...Once an application is actually submitted, there is a public hearing, there will be the review, and it’s beyond just a checklist, like Karen mentioned. There are many more details we’ll look at with the Golden Criteria. There’s a lot of factors to consider.

Comm. Neese: I realize that, but like in a quarry, for example, the meeting I was at there was 350 people in there who didn’t want it, and it still went ahead. I think it should have gone ahead, and the stewards of that quarry are doing a good job. The land is being reclaimed so in 20 years or so you’re going to be able to put houses on it or apartments or whatever. When you do this next week for 2,000 acres at 127<sup>th</sup> and Moonlight, and it meets all the Golden Criteria, how do I know as a zoning board that I just gave away four percent of that area in my area for the next 40

years? I mean, when I moved to Olathe, like I say, the houses were north of I-435 and Metcalf. Now look where they are in Overland Park. So, I guess I'm really having trouble with the size, that you hooked it up. You went from 1,000 to 2,000, and if you look at the company that's doing the application, their own situations here, the preponderance of them, are not 2,000 acres. And they're sure as heck not 1,000 acres in a heavily potential populated area like in Florida and New York and New Hampshire and Vermont.

Chairman Iliff: Mr. Neese, I'm going to recommend with as many members of the public as we have here today that we'd like to hear from that you cede your argument for –

Comm. Neese: All right, but I mean, this is really important. We spent a year talking about –

Chairman Iliff: I don't disagree with you that it's important. I just think that we need to hear from the public.

Comm. Grise: I just have one or two quick questions as well.

Chairman Iliff: I have a list of people –

Comm. Grise: Oh, okay.

Chairman Iliff: And I'll take the list. Are you signed up on the list?

Comm. Grise: No, I'm one of the Planning Commissioners.

Chairman Iliff: Oh, I'm sorry. I apologize. We've never met.

Comm. Grise: I know. I apologize. I was running a couple minutes late.

Chairman Iliff: No, it's fine. Go ahead. If you have a comment, that's fine.

Comm. Grise: Thank you. I'll make it brief. Just a quick question – and I apologize if it's something you addressed prior to my late arrival, and I apologize for that – it seemed in your presentation there were a lot of places that discussed waivers. One of the things that I've personally seen is that the notification requirements to neighbors, kind of to a couple of the points earlier, is so short. It's like, give notice to people within a certain duration or a certain distance. I'm wondering if there's been a consideration that because solar facilities have such a large impact outside of just a very narrow bank of landowners around it, are you considering extending the notification requirements so that then you can hear from as many people who may want to weigh in from the public on any sort of waivers or potential Conditional Use Permits?

Ms. Miller: I examined the idea of notification with the Legal Department. We made sure... We felt like we knew how the 1,000-foot notification area would work, but no, we did not consider an expanded notification area. But there will be multiple big yellow signs on all of these properties that come in on all of their frontages. Something like this, the community knows what's going on.

Comm. Grise: Yeah, I just recently had the experience in unincorporated Johnson County on the east side that the kind of yellow sign that people driving by pretty fast on a country road may not get the attention that a letter or notice... and I'm just wondering if maybe for this particular applicant, because it is so unusual, and it is in very rural areas, that that 1,000-foot notification to the public without some sort of ... I just don't know that there's a harm in notifying a little bit larger of a distance, to make sure that we get the input for people who may be impacted by it. The other quick question that I had was because the duration, it sounds like a proposed Conditional Use Permit would have an extended period of time, perhaps 10 years or 20 years for a solar facility. I like what I saw in your presentation, your proposals, that you have requirements for vegetation,

berms, those types of things. What is the public to do if those aren't being met? Because one of the struggles I have with long-term Conditional Use Permits is that there's not teeth. If those things aren't being met, what happens? Does the Conditional Use Permit get pulled? Is there a fine? Is there a mandatory review of the Conditional Use Permit? It seems like to your presentation, it seemed like your – and I hope I'm not imparting my statements on you, so I want to hear your opinion on it – it seems like part of your comfort with these regulations resided in the knowledge that the applicant would have the berming, would maintain those screens, would have the wildlife corridors, would not have stormwater impacts. I guess, for such a long permit, if those things end up not coming to fruition if there's not the screening that we saw, is there a thought that maybe there might be kind of a required call-back of that permit or a review of that permit?

Ms. Miller: You mentioned teeth, so I tried to make sure that there was some teeth in the performance standards. I didn't mention it in my presentation. It was probably long enough as it was, but there's a draft requirement that there would be an annual review by the applicant and a report submitted to Planning staff outlining how they conform with all of the stipulations in the development plan and all of the requirements of the Conditional Use Permit and then also we refer to it as the solar facility development agreement, and there are at least two types of surety, one for installation and maintenance to make sure that any kind of required landscaping, berming, that type of thing, is done correctly. Then there is also surety for decommissioning and reclamation to make sure that the adopted plan is followed. There's surety associated with both of those.

Comm. Grise: Yeah, and I think just something to consider is I just don't want it to be a burden to the County that the Legal Department would have to file an action to remove a Conditional Use Permit if there is violations. It might be just something to consider, maybe if the report shows that the applicant is not abiding...we're having some repeated violations, that maybe the permit comes up for renewal sooner, and we shorten that duration, rather than have the County have to file an action in court to stop a permit that's 10 or 20 years.

Ms. Miller: We wouldn't really have to bring it up for renewal. We always have our Code Enforcement. We always have Codes Court. We can always give them tickets and bring them to Codes Court and have them explain why they're not doing it. The fines accrue. We can have the fines accrue daily. That is always an option, and we just, in addition, put it in the surety also. We don't have to just cash in the surety and do whatever is required. We can also bring them to Codes Court and have them explain why they're not doing it.

Comm. Grise: Sure.

Chairman Iliff: I'm going to at this point open the mic to the members of the public. I have several people whose names are on the list there. All of you have listed yourselves as individuals with one exception, and that is Mr. Peterson who represents NextEra. I'm going to take this in the order in which they signed in and for every member of the public I'm going to give five minutes. The timekeeper over here will hold up that. As the sole person representing the applicant or the person that's representing the interest that has gotten all of this going, Mr. Peterson, I'm going to permit 20 minutes for Mr. Peterson. If there are questions, we can also have questions and answers with Mr. Peterson after that, and then we will continue on down, but I'd like to try to get us all out of here by 8:30 or 9:00 if we could.

The first person on the list is Alan Anglyn. First...forgive me, Mr. Anglyn, this is very rude of me to interrupt you. It has nothing to do with you, but I forgot to disclose something, and that is, I did have a telephone conversation with someone representing NextEra yesterday, and that was Karen Brownlee. Karen is here in the audience. We had a short conversation yesterday where

she was inquiring about the ability of somebody representing NextEra to be able to speak and how long they would have and that sort of thing. I just wanted to disclose that I had that communication.

*Alan Anglyn, 17090 Evening Star Road, Edgerton, Kansas, appeared before the Planning Commission and made the following comments:*

Mr. Anglyn: I've been a resident of Johnson County for 15 years. I first want to make some comments about locating solar facilities in Johnson County, and then I'm going to speak specifically to some of the recommended guidelines that have come from Jay Leipzig and his staff. First, Johnson County's population and financial growth engine in the state of Kansas. That's obvious. We've got 2.9 million people in this state, and over 20 percent of them live here in Johnson County. As Mr. Wood said earlier today, by 2040 we expect that to be a million people in this county. We're going to have 619,000 people. We're going to have another 400,000 people that need to locate in this county in the next 20 years. Who knows what it's going to be like in the time of a solar facility? Which could be 40 years. It could be 1.4 million by then. Where are they going to go? If we start tying up large chunks of land, guess what? That growth is going elsewhere. It's not going to Johnson County. It's going to be in some other county in Kansas, or it's going to be in Missouri.

So, we've got 90 counties in Kansas. The 2010 census and the 2021, today, had a loss of population in 90 counties out of 105. There are lots of places in Kansas that could use solar facilities. Johnson County, a place where people want to work and people want to live, is not one of those. There are lots of places. You look at western Kansas right now, declining in population, water supplies, aquifers down. Farmers are struggling. They get lots of sunshine. Good places for solar farms. Moving more to a local gear. I'm 66 years old, worked my whole life to have what I have, just like most of you. My home where I live represents the single biggest financial investment, the single biggest emotional investment that I've ever made other than being married and having children. It's a way of life living out in rural Johnson County. It's one I've grown to enjoy, but I don't really look forward to prospects – and I've got over 1,000 –

*[The Chairman requested attendees turn off telephones]*

Mr. Anglyn: I've got over 1,000 feet of frontage against the project boundary here. It's not my back yard I'm worried about. It's my front yard. I'll step out of my yard, and if these proposals go through as planned, 50 feet off my property line I'll be looking at a 12-foot high fence. My view is of one-half mile up a hill, and I'll be looking at the backside of row upon row of steel frames and black panels. Not something I look forward to at all. One of the things specific to those regulations that I would suggest is that a setback of 50 feet from the property lines is insufficient. The Berkley consultants, when they came in they recommended 150 feet with a 100-foot vegetative buffer. That's gone from being 150 to being a 50-foot buffer with one five-foot tall tree every 25 feet. Those of you who've lived out there understand that one tree every 25 feet and you've got a 12-foot fence, it's not screening much. So I would ask for consideration to increase that buffer size back to what the Berkley Consultants had recommended.

Secondly, as it relates to existing dwellings and the 250 feet, when you live out in the wide open space, 250 feet can feel like it's right on you, right next to you. Even Douglas County's current proposals are calling for 500 feet from existing dwellings, so I would urge that you look at proposal that NextEra submitted, and from my property line to the southern end of the project boundary is two miles. That's 10,560 feet. The PV panels can only cover 70 percent of that, but they've got to have a 50-foot setback and 250 feet from a dwelling? Please, consider the impact it has on those

of us who live out adjacent to this. I'm not against solar. I just think it should be, with the exception of the site at Sunflower Munitions, I really think it ought to be in western Kansas, or in an area of declining population. But protect those of us who live out there, because NextEra is not looking after our interests, and I don't expect them to. I don't expect the landowners to look after our interest, but we do have you as our Planning Commission. We have our Board of County Commissioners. They're the only ones that we can depend on to look at for those of us who are not part of the project.

My last comment has to do with property valuation. The solar industry often has commercial appraisals that they've had done that say that property values will return to pre-construction levels after some period of time. I've worked in commercial real estate appraising before, and I can assure you that is not going to be the case. None of us... Views matter. Location matters. Nobody goes to the beach, checks into the hotel and says, "I want a view of the parking lot and the dumpsters." We need protection for those people who would live next to such proposed facility. Thank you very much.

Chairman Iliff: Thank you, Mr. Anglyn. Mr. Peterson, sir, are you prepared now?

*John Peterson, Polsinelli, PC, appeared before the Planning Commission and made the following comments:*

Mr. Peterson: Mr. Chairman and members of the Commission, on behalf of NextEra Energy Resources, Billy Wilkins, who is the Project Director for NextEra is here with me in the audience, and my partner, Luke Hagedorn, who is part of our energy group. I'm going to try to make some comments and get to the specific response to the staff's Draft Regulations, but obviously Mr. Wilkins is here with experience with the company and will be available to answer any questions. He's not afraid to get up here and talk. In fact, he just asked, "Can I jump up?" after the last Q&A, but I said, "Let's try to be efficient and honor the 20-minute commitment that the Chairman has laid out and we have committed to." I want to thank you for this opportunity. This is an important process for the County. It's important for us. And I want to thank the staff. They've been open in having discussions and letting us have a give-and-take as they work through the process of developing the proposed regulations.

Now, we just saw the proposed regulations late last week, and we hurried very quickly in the context of maybe setting aside for this part of the process of should the County generally, as a matter of public policy, facilitate renewable energy within the boundaries of Johnson County? Or should the focus be if that policy was decided upon – which will ultimately be by the County Commissioners – how do we implement it? But we've swung back, and comments by the staff obviously and very importantly, by members of the Commission are about "should we?" Normally, Mr. Chairman, when I get moved down on the agenda, I have an internal grimace, but I'm very happy it happened this time. Because the subject matter that was before us is very analogous to the subject matter we're talking about tonight. It's not about today. It's about tomorrow. It's about looking and planning 40 years, 20 years, 25 years, 30 years down the road in terms of providing this county's growth, its continuance, its viability, and how are we going to deal with the infrastructure to do that? From our perspective that's very much what we're talking about here as well. One million people by 2040. That's a half a million, or 400,000, more consumers of electricity, of electrical power. Is the County, as a matter of public policy, going to facilitate and play a role in what I hope we have all decided is that we have to have a portion of our electrical generation be renewable energy? Or are we going to say, "We'll consume it. Somebody else take care balancing out," what I hope is a generally accepted concept of there has to be a balance in terms of where

we get that. So I'm going try tonight to focus on these regulations. If the decision is made as a matter of public policy, how do we implement it?

But there are a couple of these more general concepts that do start speaking to land use issues. Now, two of them or one that...I'll be honest with you. I've been involved in land use and development. I've been at this podium and podiums across the county. There's a little conundrum here in my mind. It is the staff's concern and concerns I hear how we can't slow down the growth of our cities. We can't get in the way of suburban creep, if you're not a fan of being in the city limits. I know there have been many of those in the rural parts of the county over the years. Are we going to stand in their way? We've got to get out of their way, because we need to become all urbanized, and at the same time we we've got to make sure we maintain our rural character. There's an inherent conflict there, and part of what we are proposing – and I don't think just because it sounds good – is that we can become part of the rural component that will be a bit different. As we've said before in prior presentations before you, a new crop is being harvested. It's one that doesn't produce noise, traffic, smell, but it's part of the infrastructure of the overall county, and yes, it probably would inhibit a shopping center, an office part, or an intermodal, or distribution facility. Yes, it would, so those are the balanced items I hope we all keep in mind as we move forward.

I too have lived here a long time. I'm looking at this electric utility map that I have up on the screen now. White is the incorporated areas. Green is the unincorporated areas. I remember when Olathe was an island when I was growing up. It was a long drive out to Olathe. I remember when Gardner was a tiny little island. It's now just about connected to the other urban areas, and we know what's going on in Edgerton. You look up at De Soto. It's now connected to Shawnee. It's connected to Lenexa. It's coming. So, I pose the question with that context...We can all throw out percentages, Commissioner. I get it. We like to look at it from the standpoint of it's one percent of the county land would be committed with a 3,000-acre is what we're proposing. The ability to put this infrastructure in, not in all one contiguous 3,000-acre tract, but appropriately, with setbacks, and recognizing and protecting natural features, one percent of the county and 2.4 percent of the unincorporated area, you bring one project down, it could go up to four percent. Four percent committed to infrastructure. Yes, it might inhibit that becoming 95<sup>th</sup> and Metcalf. I concede that.

This is an interesting map. I want to put a couple of them together, because it goes to the two things that we agree with staff in terms of their regulations wholeheartedly. The one-mile separation from city limits. Really, that incorporates about their city limits in growth areas. And the two-mile separation between utility-scale solar projects. Now you can say, "Well, that's good for you to say, Peterson. You guys are the first ones in. You like that two-mile separation." We may not be the first one in. These are regulations that could apply to whoever comes. Those we support. They are good measures.

Let me show you on this map right here what that means. If you look down at the lower left corner, that's a rough estimation of NextEra's project. It's rough. It's more of a jigsaw puzzle look to it than a nice rectangle. But if you draw the two-mile separation...Because this speaks to the respect of not only the areas that are in blue, that are in gray, that are incorporated today, but the blue areas which are the urban fringe areas of cities that they do extraterritorial planning in, and also the yellow areas that are also kind of the urban fringe and planning areas, we stay out of that. But the key point here...Because it goes to the question, "How many of these are we going to get? Commissioner, it's a great question. If we would approve these regulations, are we going to have ten? I will tell you that a picture tells a thousand words. You put a two-mile around that. You have one down in this part of the county. There's no way to get another one in that part of the county.

You go down to the southeast part of the county, you can see that in terms of city limits, urban fringe areas, amount of land available probably, honestly, if you pushed me for an answer, probably one more. It's probably up around De Soto. They've got a large planning area up there. A lot of it is the Sunflower Army Ammunition plant that's not available for development. In this county with one million people, plus, it probably needs...If you believe that there should be a balance of renewable against carbon-based energy production, this county, if they would be part of that process, consumers and producers, they need to. But it isn't going to be we're going to have four in McCamish Township. This picture I think tells that tale.

Also, I want to bring back into context, and I'm going to quickly jump into the regulations themselves, because that's why we're here, to respond to if the policy decision is made, how do we implement? This is not one big box, wall-to-wall of solar panels. This is generally our conceived project area, but within those red lines, there's properties that are participating. There's properties that aren't participating. With utmost respect to staff, up until I saw a picture, I didn't really understand what the project extent was in the staff regulations. I have grappled with that. I hope to get a little more clarity on that. But in terms of the project area, you can see that that much area is needed to do all the other things we agree with, which is respect the streamways, respect existing stands of trees, respect wildlife corridors. You need that flexibility to move in piece and place at the appropriate locations. It's easy if you came and just said, "Here's 3,000 acres. We're going to cut down every tree. We're going to fill up every gully, and we're going to plan it." You can do that in the desert. You can't do it if a community decides we need to be part of this, and we will do it in our back yard.

This is a quick picture that just gives you an idea. Just one of our pieces, as you can see. That piece goes under lease so that they can be part of the project, but there's significant areas in there we need to stay out of and only utilize parts of it, and still leave the streamways and the existing vegetation which can obviously be good for Mother Nature just generally in terms of stormwater, water quality, wildlife preservation, and also natural buffering.

So let's get to the Regulations because that is really in large part what we're here to...And I'll kind of save my speech, because you heard it before, on rural character. I'll just say, I think we've made our case, and I said it before even this evening. We harvest the sun. We are another agribusiness that somebody who wants to maintain, not an urban area, not let Olathe or Edgerton come down and just take it all the way to the county line. Beyond their property they can utilize part of their property for something like this and still do their other ag-related business at the same time. So let's get to the Regs. We broke them up. There's development standards. There's application requirements. I'm going to go through these very quickly because I just know that lady over to my left is going to give me that hook sign here before too long. So here's our Regs. The first one is the size. The term of the permit. Staff has indicated 20 years. We would propose as a counter measure it's 20 years with the ability, if we're in compliance – great point, whoever raised it – yes, we have to be in compliance. Every shopping center that's built in Johnson County, whether it's in the city or county, has to be in compliance with its zoning stipulations and zoning requirements, as we do. So, our counter proposal is at the end of our 20-year term, if we've lived up to what we say we will do or any applicant [inaudible], they would have a right for two five-year extensions. That molds perfectly with what we projected for consumption requirements and also finance-ability of the project.

Location and dimensional standards. This goes to the size of the project. Staff has moved. I don't think we ever proposed 1,000 acres, Commissioner. You can prove me wrong by looking at the record. I think initially staff was talking about 1,000 acres. They've moved to 2,000. We still would

suggest and ask that that be a 3,000-acre limit, again, knowing the jigsaw pieces that we have to work to put this project together. I would also submit that we stay one mile out of the city. We stay two miles away from another project wherever that may be. We stay out of the streamways. We stay out of the existing stand of trees. All of those requirements are making us utilize more acreage, whether it's the project area or it's the project extent, to get the number of panels we need to support a community growing from 600,000 residents to 1,000,000 residents.

A quick aside, Commissioners, another great point – you do look historically back and say, “Well, but they built them 100 here and 200 here.” I would respectfully submit probably 20 years ago, 30 years ago, somebody would say, “Why are you building this, digging such a big hole for a landfill?” Why aren't you asking did you dig a bigger hole? Because you find out as more people move in, there's more need and you have to stay ahead of the game. That's what businesses like NextEra and others in this business are trying to do, stay ahead of the game in terms of the demand of energy. We know it's not going down, and we're trying to be part of the overall solution to that problem.

I indicated already that we agreed to the one-mile and two-mile separate requirements in terms of where we can be located vis-à-vis city lines, and in terms of expansion of facilities, we had only asked for the two-mile separation. It's in there. I don't want to spend a lot of time on it. If you're an existing facility, and you have an expansion, at least it could be considered if it moved within that two-mile prohibition range. We would just ask that that be considered.

Setbacks. This is a big one. Staff has suggested that we have a 50-foot setback, from anywhere we're on the outside of our buffer, a 50-foot setback, and then if we're along a public street – which we are for about 11.5 miles – that we not only have a 50-foot setback from our property line, but we have a 50-foot setback from the infamous official street line. I think you all understand it, but this is impactful. So we have 159<sup>th</sup>, 175<sup>th</sup>. We've got County Line Road. All of these in your classification system are called the arterials. That means, believe it or not, for those who want to be in the rural area and have that peace and quiet at night where there's no noise and no streetlights, no traffic signals and all those kinds of things, all of those are planned to be four-lane, 125-foot right-of-way streets. Metcalf, 135<sup>th</sup>, and if the creep continues to go, that's what they will become.

Interesting, the County, they do it – and I'm arguing about it, but I want to make a point in terms of the setback – today, the those that are our partners that are participating with us, they own the ground. Those streets now are probably 24 feet wide. Maybe there's 30 foot of right-of-way, probably 15 feet off the center line, their property line starts. But this policy says, “You might own it. You can't use it. You can't use it from the center line for 60 feet, because someday we want it for roads.” Okay? All right. Will those roads in the next 20 or 30 years be Metcalf, be 135<sup>th</sup>? But you can't use that property. You can grow crops right up to it, but you can't put anything else in that area. So we start there with the roads And we have to. That's the law. That's the rules. That's the regulations. But now we go another 50 feet off of that official street line, and we think that's excessive. We think it's excessive because we think, yes, setbacks can provide a buffer for light, for height, noise, smell. We're going to weigh in on our requested setback which is why can't we put our fence on our partner's property line? This picture I have in front of you, you have a street. You have green setback, which is all part of the right-of-way, and down at the bottom where that arrow says 60 feet, that's their property. Why can't we put a fence there, just like other people can on their property line, and then we suggest a 10-foot setback from there, given the use we have. They're 15 feet tall, yes, you can see them. I can't, no matter how long I talk, I'm not going to talk back the fact that you will drive by and see these. You won't hear them. There's no light at night

affecting the building and why people live in the country? To avoid the urban glare. There's no smell. There's no traffic generated by it. It's just there. And it's part of the rural infrastructure, in this case, supporting the urban area.

Again, that just shows you right here, I'll just put some statistics to it real quick – 11.5 of street frontage. That takes 120 acres out of the project right there, just the official street, and probably with the 50-foot another 100 acres, so now we're down 200 to 250 acres, plus we've got the 50-foot setback when we're just adjacent to somebody farming corn. That would have to be another 50 feet back if it wasn't on a street, but just happens to be a buffer zone. We would request, given the use, again, we can fence our property line like most people who own property can and we would have a 10-foot setback from that point.

The next issue goes to setbacks from dwellings. The prior speaker here, we agree with staff on this one. If we're going to build in the vicinity dwelling, we ought to pay special attention to that. They don't choose to drive down the street. They don't have maybe the vast natural buffering that's along many of these country street today, and we agree with staff in terms of the separation and even when we get to the landscaping requirements, which should be done with existing residences.

Height is the other section. We don't quite understand the definition about the minimum the ten feet at the bottom. These panels are 15 feet high. That's what they are consistently throughout the industry. We would ask that they be allowed, maybe just a clarification on that one. Security fencing and wildlife corridors ground covering. I would tell you in this regard, the only thing on this page we don't agree with is 15 feet in height, at number five, and we remove this idea of buffer zone. We're going to get to that in just a minute.

Screening of structures and areas. This is one that we've struck, other than when it gets to the residential. We've struck the buffer. If you give me one more minute, I will close. In fact, the regulations proposed today, we have a 50-foot setback – and that's the first place we can put our fence, 50 feet off our property line, or really it could be 100-and-some feet off our property line with the official street line. And in that area, we're just screening as if we were in the city. Four-foot berm, 11.5 miles – maybe more than that – 15 or 16 if you took the entire buffer of berming. You're either going to scrape that off the topsoil, which is what we're trying not to do. We're trying to minimally disturb the natural features of the site, or you're going to fill in – which needs to be taken out at some point – or we're going to plant 5,000 to 6,000 trees, by estimates, based on screening something that has no noise, no light. It's just a 15-foot facility there, not much different than other things we see out in the rural area today. Screening from buildings, I indicated we agree with.

Decommissioning plan. Hear what we say about the decommissioning plan. They're trying to put every element of how we would decommission and reclaim the site into the zoning regulations. We're not hiding from it. We're not running from it. This should be subject to an agreement with the County if we were approved that provides all the sureties that your Legal staff, you and the Board of County Commissioners, would require. I'll finish by just quickly going to the application process and I will speak to those on the Board that maybe have some experience in development. Right now, we would have to start and complete to finish every type of study under the sun to even file. Complete stormwater study, complete landscape study. Typically you have a preliminary study that shows there is a reasonable chance that you could finish those studies and meet all of our requirements, and then once you know you're approved, then you come back before you get a building permit and have all of the final plans approved. We've asked for the same approach here, that you haven't, most every county or urban area, every planning review process, it moves

it from spending hundreds and hundreds of thousands of dollars to submit an application to millions of dollars that are spent to do the final plans. I'll close by saying we would anticipate, when it comes to all of the elements you're trying to protect, we know it would be subject to a development agreement, a road management agreement, a construction agreement, a reclamation agreement that would be whatever specifications the County comes up with. Thank you and thank you for letting me go over a bit. I'd be happy to answer any questions as I know Mr. Wilkins would.

Chairman Iliff: Since there has been a lengthy presentation here, I'll allow, just before we go to the public, just a few minutes for Q&A here with members of the Commission.

Comm. Hutchins: There's been a lot of discussion around the stormwater. That would assume that there's bare dirt underneath these. Is that true, or is there grass? What type of environment is underneath the solar panels?

Mr. Peterson: We're well aware of, as with any development – and we've had these conversations with staff – but as a seasoned developer, whether it be wind or solar or the team that they've hired to support them, you have stormwater runoff issues that you have to be cognizant of, and water quality issues. Very, very aware and a very sophisticated team to address those that satisfies staff before being allowed to turn one spade of dirt or put one panel in the ground. The quick answer to your question is we don't root the site, re-grade. What we try to do is work with the grades as much as we can, and then, under the arrays, replant natural vegetation. You do have paths between the panels that are some type of surface that wouldn't, in the very infrequent time that a vehicle has to get out there to repair something, wouldn't get stuck in the mud. It would be something like gravel. We'd get that approved by staff. But other than that, it's natural God's earth under these panels. Which helps with water runoff and water quality, and that's helping to preserve the [*noise, inaudible*].

Comm. Rast: I have a question. I'm actually on the Planning Commission, too, just joined in April. One of things that you mentioned is planning for the future and all this. We've heard that Johnson County might be up to a million people. You're talking 20 years. It brings us to 2042 or 2045, so if we're planning on the future, like you're kind of presenting all of this, what happens in 2042? Do you guys pack up and leave and then there's no energy for anybody, or like what is the next step? If that's the presentation, planning for the future, and in 20 to 30 years, there's going to be a million people, you're wanting this for 20 to 30 years, at the height of population, what happens?

Mr. Peterson: I nor anyone part of this applicant would ever try to tell that I know what will happen in 20 years.

Comm. Rast: Sure. But you're presenting that we're planning for the future.

Mr. Peterson: We have to plan. You have to start with a basic set of assumptions that electricity will still be a very important part of our life. You have to go with the same assumption that we need to continue to move off carbon-based energy production, and communities want to embrace this and have the opportunity to be part of that ongoing solution. In 20 years, technology may mean these can be half the size. In 20 years, there may be another source of energy that went from nuclear now to solar, to... There could be a variety of things, but here's what we do know, that we're deciding today. If it is no longer needed for the use as presented today, believe me, there's nobody out there that's going to run something that is not needed, because there's no economic model to do it. And this project will be approved, conditioned on a financial guarantee that if it is no longer needed or used, it could relatively easily be returned to Mother Earth. It can

be returned to agricultural land, and if at that point the County wants to preserve the agricultural character or, like Gardner, expand out there, those options are ahead of them.

Comm. Rast: I'll say I agree with your comments, too. I think we have to be mindful that during these 20 or 30 years, this is a great situation for you based on your perception going forward. Other people may lose out on certain opportunities because there's a solar farm, and we just need to keep that balance. That's part of our job as the Planning Commission to look at the other side, at the people who may not share your same perception, because we don't know. And that 20 to 30 years could be pretty impactful for people for other reasons, too, so we just want to make sure we're mindful of both sides.

Comm. Neese: Mr. Chairman, I've got one quick question. You talk about us being part of the future growth of energy. Can you tell me where the energy from this proposal is going to go?

Mr. Peterson: In the grid.

Comm. Neese: What does that mean?

Mr. Peterson: That means it will be put in for general distribution and utilization as it's pulled off the grid into our community and other communities.

Comm. Neese: Okay. So, that means it's not necessarily benefiting the people in Johnson County. It could be benefiting the people in Denver – I'm not saying that's bad – because it's on the grid. Is that right?

Mr. Peterson: I can't convince you, Commissioner, or anybody that a kilowatt that comes out of this farm is a kilowatt that's going to burn your lightbulb in your house, no. But it is an ability to participate as our energy system is set up across the United States. I'm not suggesting you're saying this, and I don't mean to be disrespectful of anybody in the room, that we just don't take. We give some back, too, as we try to solve the problems, and that's the basic concept is we just don't take whatever kilowatt that comes through my plug in the wall. We also, as a community, try to balance out where that kilowatt is coming from for the other reasons that some have identified that are important to have a balanced community, to take into consideration everybody's interest in a community.

Comm. Grise: I have a quick question. I think I understand from your presentation that you suggest that there should be no berming and no screening requirements at all? Or at least that's what I think I understood. I just think about Mr. Anglyn and others. What does that look like? Do you have pictures of what that would look like from the road as we drive by? I don't know that a lot of people have driven by utility-scale solar since there are none in the area. And then, maybe that's something you could submit to us for consideration, is what that would look like as we drive by, or for Mr. Anglyn's property across the street. Furthermore, are there other large-scale solar, medium-scale solar facilities that actually have no berming and no screening requirements? I would just be curious. Is that a normal thing? Maybe that's information that you could submit to us that we could consider as we consider your request.

Mr. Peterson: Thank you. And there are, by the way. There are, with no berming or screening. And it is circumstantial. I would agree with that, but I would take this back to the context of tonight's discussion. Not our application. We haven't filed an application. It's a set of regulations that will guide this applicant or other applicants, and what we have today is the antithesis, Commissioner, of what you're suggesting. What's it look like in that situation? What they say is "Hey, wherever you're on that border it's a four-foot tall berm with – I can't remember, Karen, three foot flat top? – or it's 25-foot trees center-to-center." It's a rote uniform application only there is a provision in

there that says, "Well, if you have some natural screening." Again, it starts at this level of we have – I won't say it again – we have panels that are being used as part of an agri-business to harvest the sun. If the goal in regulations in Kansas City is you've just got to hide them, "We don't want anybody to know they're there," then you go into suburban landscaping like you're doing the back of a loading dock. If we have natural features, yes, you're going to look over and see them at times, but then you drive by and you have the hedge rows of the road, you've got the trees going along the creek that traverses the area. We're looking for that [inaudible].

Comm. Grise: I would suggest to you that nobody in this room has likely seen what you're describing, because none of them exist in this area. I guess I –

Chairman Iliff: Pardon me. At our last meeting, we did have a presentation by Mr. Hutchins that showed a number of examples of that, and I think you could make that available to her.

Comm. Grise: Sure. I think I've seen it, but just what it would look like from the road. Maybe I don't recall that, particularly.

Chairman Iliff: The pictures were all taken from the road.

Comm. Grise: Oh, okay. But I think it would be helpful – and I apologize if I'm not recalling it from our last meeting – a request to do something different than what was proposed, at least it would be helpful for me to at least revisit that to see what a potential other option would look like.

Chairman Iliff: Okay. Any other questions by the Commission of Mr. Peterson?

Comm. Neese: I've got one more quick question, sorry. Could you give us a list of your universal, or your smaller deals that are, say, let's say 1,500 acres or 2,000 acres to 3,000 acres that are within one mile of a major city? Can you give us a list of those? I could look it up on your map, but you're homed in on the one mile from the city limits. That's your position, so I'd like to know how many sizable, say 1,000, 2000, 3,000-acre installations that you have that are within a mile of a city.

Mr. Peterson: We're an open book in terms of that type of information and what we can get from the industry as well. I just, again –

Comm. Neese: You're the applicant, so I'd like to have them.

Mr. Peterson: Absolutely, we'd be happy to share that. And maybe save the time that I beg forgiveness and have Mr. Wilkins speak. I think I know what he wants to say. We're not coming in here to be adversarial. We're coming in here to try to...and that's the reason we took the Regulations as drafted by staff and went redlining word-by-word. We want to do the best we can to...And I'm not criticizing those that may not be as passionate as I am about a balanced participation in this renewable energy thing, but that's what we are about, and I think there are those in the county that are that way, but it's not everybody. We're just trying to find a workable set of rules, because we will live by the rules, and I think that's what Mr. Wilkins says. We will be open and talk and we'll converse. It is not by any stretch of the imagination – and I get a little fired up sometimes, "Hey, it's our way or the highway," – but we're trying to be realistic and sit down and see if we can find common ground.

Chairman Iliff: Thank you, Mr. Peterson.

Mr. Peterson: Thank you.

Chairman Iliff: On the list that I have here the next name is Robert Knoche.

*Robert Knoche, 238 N. Maple Street, Gardner, Kansas, appeared before the Planning Commission and made the following comments:*

Mr. Knoche: Robert Knoche, 1928 model. How many of grew up without electricity? I know one person. For 18 years of my life I didn't have electricity. It didn't bother us. We didn't know what it was. We knew what it was. My aunts in Paola, they had electricity. I grew up in Miami County. How many of you heard about Pearl Harbor? I went in the house, supposed to be doing chores, wanted to watch the program on the radio. That's where I heard about Pearl Harbor, on a radio run by a battery. We used a lantern. We never had a flashlight because batteries cost too much. In 2018, the second Friday, we got home from playing bridge and there was this thing on the recorder of the phone, NextEra Energy. I wanted to watch gangbusters or something on the radio, and that's when they talked about Pearl Harbor. Never heard of Pearl Harbor, but that changed the world. In 2018, I had this thing on the phone about your property in Johnson and Douglas County.

By the way, all I've been hearing about is Johnson County. A lot of you people think this whole thing is in Johnson County. It's not. It's in Johnson and Douglas County. We've got 1,200 acres, and almost half of it is in Douglas County, and there's four other owners that put in on this thing that are in Douglas County, so it's not just in Johnson County, part of it is in Douglas County. You haven't been exposed to that. Energy all comes from the sun. You think about it, every bit does. Now they're growing corn to make ethanol, using Roundup, talking about on the radio how you can get on one of these deals and get a lot of money because you've been exposed to Roundup and all these other things. There's nothing like that when it comes to making energy, and you're going to need electricity.

This 20-year business, it needs to be...We signed a contract for 20-year plus three five-year extensions, and I think you need to go to 35 years, because it's going to be there. It's going to be there, and you're going to be needing it 35 years from now. The setback is way too far. About a year-and-a-half ago Water District 7 wanted to put in a water line, and they put it on the south side of 175<sup>th</sup> Street, our property and another half a mile going south on the County Line, our property. I had already signed a contract with NextEra. I couldn't give them an easement, but I went to NextEra, and I said, "Hey, I really need to give them that easement, because there's people there that are going to need water." They said, "You can do it." We did it. The water line's in right now. The water line cost NextEra. They can't build. Now you're wanting to go even farther than the water line. There's no reason for that at all. There's no reason.

These things look...I see them. I haven't had the opportunity to see any of them, big ones, but the closer I can get the more I can see. I want to see it. I want to see it, and it's going to be the most people be coming out there wanting to see it, and it's nothing that would discourage you. Like somebody said, the old oil wells are sticking there, pumping, and you don't like to see them. This thing here will not be that way. NextEra is a good company, and they'll do a good job. Okay, I think I've talked about most of my points. Instead of 20 years, you need to let it go for 35. You can regulate it. If you don't like it...And I'll tell you one thing, my son-in-law has been in the solar business for almost 15 years. If it hadn't been for him, we wouldn't have gotten a contract signed. We did, and he said you can't have the 50 years. It's not feasible. There's no...It's crazy to put that limit on the thing. Besides out there, if you'll drive down Sunset, I can't even see if my beans are coming up, because the brush is on the road. I have got to go to the gate to see if the beans are coming up. There's a barrier out there already. Go out and look.

Chairman Iliff: Thank you, Mr. Knoche. Next is Donna Knoche.

*Donna Knoche, 238 N. Maple Street, Gardner, Kansas, appeared before the Planning Commission and made the following comments:*

Ms. Knoche: Hi. I'm partial owner of a family limited partnership, and we have a majority part of this project. It's in rural western Johnson County. Having grown up on a farm in the 30's, we had coal lamps and lanterns for outside chores. Wood was a source for heating and cooking. Our lives depended on horses and manual labor to get by. We got electricity in the late 40's and that was really quite an exciting thing. Now electricity is the most used part of everyday life. Solar power is the source of power available that doesn't use any fossil elements and very valuable on climate control. It's very important that it doesn't use. My grandfather, William Breckisen [phonetic], a Civil War veteran, homesteaded this land. It has always provided for our family, and this solar project will provide for our family and community for many years. I hope the regulations can be changed to be more rural-friendly and to support the utility scales. Thank you very much.

Chairman Iliff: Thank you very much. Up next is Jane Kanoche.

*Jane Kanoche, 23535 West 74<sup>th</sup> Street, Gardner, Kansas, appeared before the Planning Commission and made the following comments:*

Ms. Kanoche: Thank you for the opportunity to come and talk to you. As you know, I'm Doc and Donna's daughter, one of the six children they have. I was born in Olathe because Gardner didn't have a hospital back then. As things have changed a lot, I worked away from the Johnson County area for about 15 years, but I came back in 2004, and I've been living here since then. My goodness, things have changed. Gardner is a bigger town. There's a big intermodal there now, a world-class-level intermodal. When I think about energy, I think and I look at the energy that that consumes, and it doesn't come from anywhere in Johnson County, does it? It's shipped in. Would NextEra provide that energy to them? Probably no need to because they would be going to a utility.

So let's talk about how these solar farms are figured out. Well, this is a big one – 2,000, 3,000. You heard my parents say that we have land in two counties, and this project is over two counties, but what you don't understand is you have to be tethered somewhere to a power line to make it feasible. So you're not going to just build a little island or a small-scale utility without having a connection to a power line or a power grid, because it's not going to be feasible for whoever does it to tie into that. That's why when the demand is needed in Johnson County and you're out in the western part of Johnson County, that's why it will feed in. That's what makes this project viable, is that there are connections to existing power lines. We've already said, "Yeah, we're going to give you water lines, too," so I wanted to point that out, that there aren't gaps or islands in this jigsaw puzzle of land. It's all contiguous and together, because it has to be together and tethered for the battery storage to go into the battery and the power to go into that.

I kind of see these plan regulations as based on a suburban basis, not a rural basis. If you look at the East Coast, you're going to see that the power plants are shoehorned in in locations. This is not a shoehorn here. You can look at it and see it's not tucked in just to be viable. It's a big project. It's in a rural area. We have hedge rows. We like to see the crops were growing. We'd like to be able to farm to the edge of the road. We've given up land for the water line. Why should we give up even more land for a two-lane road that isn't going to have that many people driving on it probably in the next 20 years as this solar power plant goes in? And yeah, I'm going to be around in another 20 years. My folks are 90 and 93, as you heard, so I'm hoping that I'm going to be around in 20 more years, and able to be part of that generation that's going to be there to decide what's going to happen then. So I think the buffering is a bit overboard. I do support it near

dwellings. I think the berms are...Why are you moving more land and dirt that you don't need to move? Look at the intermodal and those big mountains of dirt, right? That are there. Let's not repeat that process and have to move dirt in and move it out. I think that I could be corrected if I'm wrong, but I believe NextEra is working to have a factory to build the solar panels in the United States, not in China. Last I heard a couple years ago, is they were working to build their own power panels. This would be a made-in-USA power panel one.

You can't hide a wind farm. Why would you want to hide a solar farm? I like looking at it. I'm an engineer. I like seeing these things. I like driving up I-35 and I-29 and seeing the wind farms. I want to see those solar plants. I want to have my nieces, nephews, neighborhood kids be able to see a utility that isn't coal-fired, fossil-fired and that, so I would appreciate your consideration of ways that you could adopt waivers, facilitate more things. Now I can understand your hesitancy of having these too close to nice cities and that. I like my subdivision. I like my subdivision rules, so I do understand that, but this is also one of the opportunities we have for give and take in our personal carbon footprints, in our personal energy usage, energy development in Johnson County. Thank you.

Chairman Iliff: Thank you, Ms. Knoche. Next, Greg Cromer.

Greg Cromer, 7527 West 140<sup>th</sup> Street, Overland Park, Kansas, 66223, appeared before the Planning Commission and made the following comments:

Mr. Cromer: Good evening, Commissioners. Glad to be here. I'm going to take a different position from these fine folks ahead of me and start with the land mass-to-energy ratio benefit of the solar farm. It takes about as much land to produce solar energy as the customers it serves. As an example, California would require solar farms the size of Connecticut just to serve its population centers. The solar farm would be roughly the size of Prairie Village just to serve that size community. The economic benefits. The proposed west Gardner solar project claims it would provide more than \$10 million in tax revenue to Johnson and Douglas Counties over the first 20 years of the project. As an economic benefit, it really isn't substantial. Johnson County collects the highest property tax in Kansas, levying an average of \$2,664 per home. The solar farm will only pay the equivalent of 188 homes in tax revenue. If the proposed property simply became sprawling residential neighborhoods over the next 20 years, substantially more would be gained in tax revenue.

Solar panel sourcing is reliant upon China's CCP and pollution. A UK newspaper, *The Guardian*, investigation found that Chinese solar companies actually exploit Uyghur people and forced labor in Xinjiang Province. Their industry data suggests that up to 40 percent of the UK solar farms were built using panels manufactured by China's biggest solar panel companies, including Jinko Solar, JA Solar and Trina Solar. Regardless of whether the panels themselves come directly from these companies or not, quartz mining and smelting causes excessive environmental damage. There is no solar panel today that in some way didn't contribute to human suffering or pollution. As a long-term quartz supply chain, the solar industry is reliant upon China, Turkey and India to meet their needs. If America were to become more over-reliant upon solar it could have catastrophic consequences to the safety and security of our nation. This cannot be understated. The solar begins replacing our on-demand domestic energy supply.

Environmental concerns in Johnson County. In Johnson County there are several creeks nested within the lower Kansas watershed, one of which includes Captain Creek. This creek eventually drains into the Kansas River. Water One takes our drinking water from wells nearby the Kansas River. Solar panels are subject to breaking and leaking. The toxic chemicals in solar panels

include cadmium telluride, copper indium selenide, copper gallium diselenide, copper indium gallium diselenide, hexafluoride, lead and polyvinyl fluoride. Additionally, silicon tetrachloride, a byproduct of producing crystalline silicon, is highly toxic. Lithium ion batteries materials are toxic, carcinogenic and can undergo chemical reactions that produce hazardous heat and gasses. Toxic materials include lithium compounds, nickel compounds, arsenic compounds and dimethoxymethane.

Large solar doesn't necessarily serve residents of Johnson County. We've heard earlier, unlike a solar panel hooked into an individual's home or business, energy derived from the proposed solar farm goes straight into the energy grid to be used elsewhere. There is no direct reason to have an industrial solar farm in Johnson County, as opposed to anywhere else. So why are they here? Because if the largest solar farm in the state cracks into Johnson County, the entire state becomes vulnerable to industrial-scale solar farms.

Nearby community involvement. How have various communities been involved in this project proposal? When contacted directly, by me, some of the City Commissioners in Gardner knew nothing about this project. Couldn't answer any questions about it. Representing stakeholders and constituents, they should be highly aware of any project of this magnitude near their communities. The cities of Olathe, Edgerton, and Gardner and all townships within or on boundaries of this project should be included in all discussions prior to any proposed changes to the permitting and zoning of unincorporated land before the adoption of any such changes occur. That's just common sense.

The Kansas Legislature has only begun to start taking an interest in creating statutory guidelines for large-scale alternative energy projects. This is a particularly challenging subject given the enduring ramifications to property rights, energy policies and community benefit analysis. As it stands now, solar regulations are left up to 105 different counties to sort through, and the energy industry is guiding those policies as they have been doing in Johnson County. The most prudent decision would be to wait until the Legislature comes up with prudent parameters from which counties can formulate their regulations and zoning, allowing adequate time and input from citizens throughout Kansas to voice their opinions and concerns. I appreciate this opportunity to speak. Thank you.

Chairman Iliff: Thank you, Mr. Cromer. Chris Kearney.

*Chris Kearney, 40290 West 175<sup>th</sup>, Edgerton, Kansas, appeared before the Planning Commission and made the following comments:*

Mr. Kearney: I live right in the middle of this mess that they're trying to start. Is anybody going to compensate me for my property value loss? My horse boarding business loss? These panels promote heat. They say they get up to 150-some degrees. The air temperature raise is 15 to 20 degrees. You take a day like today with that wind blowing off the south side of me. All of these panels are going to be around me. It kills my grass, kills my livestock. Who's going to compensate me? These people signed a lease, so who is suing Doc Knoche, or do I sue them? Do I keep lawyer on retainer for all this, or just what? What about my water source going to my livestock? There's a lot of unanswered questions here, and as far as your notification, shoot, nobody knows around us. I ran around last night and told a bunch of people, neighbors, about this meeting. They never even knew this was coming in. So, this outfit slips around and gets this ground all leased up, and then the rest of us get taken in shorts because nobody knew. That's my problem. So who compensates me for my loss? Is there anybody that can answer that?

Chairman Iliff: Typically, you have to document a loss before you get compensated for it, but we are not capable of answering that question here.

Mr. Kearney: Right. So what am I going to have to go through, because I live between Evening Star and County Line Road on 175<sup>th</sup>. I have a map, and it shows I am in the very middle of it. A lot of these other people are not, but they're going to get to look at it. But I'm in the middle. That's what's worrying me. I can understand. They're going to make a lot of money off of this. They're going to pay them a lot of money for 1,200 acres. Ain't going to pay me nothing. That's all I've got to say.

Chairman Iliff: Thank you, Mr. Kearney. Joyce Whittier.

*Joyce Whittier, 7414 Flint Street, Shawnee, Kansas, 66203, appeared before the Planning Commission and made the following comments:*

Ms. Whittier: I appreciate the opportunity to speak to you. I just have two main points. One is that it's obvious from Karen's presentation that no economic surety has been required. She said that they need to get a professional engineer for the decommissioning of the project. Well, I think that there should be more than one engineer, because it's going to be NextEra's engineer. It should be somebody that the public can trust. Decommissioning is a very expensive proposition. And the taxpayers, if this goes bust, which some of the solar farms in southwestern Kansas have, it will be the taxpayers picking up the tab. As far as NextEra is concerned, there are four different LLCs in this group. For those of you who aren't attorneys, that means that if it does go bust, they walk away with all their assets intact, and we get stuck with the bill. Thank you very much.

Chairman Iliff: Thank you. The last person on my list is Travis Hardy.

*Travis Hardy, 421 East 2400<sup>th</sup> Road, Edgerton, Kansas, 66021, appeared before the Planning Commission and made the following comments:*

Mr. Hardy: Yeah, like Chris said, I've got nothing prepared because I knew nothing about this. This is all shocked. He came out with this map showing this. I've lived out in the country all my life, and to hear someone say solar panels are great to look at...I'm telling you, I moved to the country to be away from all of that. I don't want to live in town and look at buildings. That's my choice and why I moved out there. If this stuff gets put up and we don't even have any berms or any trees, I'm not going to stay there. I'm going to move out. I can tell you that people aren't going to be rushing in to move out there. They may drive by to look at it, just like they do the wind farms, but they're not going to be wanting to stay out there. We talk about this renewable stuff. It's great. We need it, but I don't know if you guys know about these wind farms. You've got those nice big propellers, if you looked into what they're doing, they're not recycling. They're burying things in the ground because they can't do anything with them. So when we get 20 or 30 years down the road, what are we going to do with these panels? Bury them? That's sure as heck not going to be good for the economy. It's just like, no.

This here is all about money. There's a ton of places, like out in western Kansas, that nobody's even living out there. Put it out there, but don't put it around here, when you've got all these. And like I said, urban growth is coming, which I'm not looking forward to. I like living in the country but I would rather have that and some of the amenities than go with it than look at some solar panels. And we've heard...Is my electric bill going to go down from this? Probably not. So what am I getting out of this? All I'm getting is my property value is going down. The possibility the heat coming off of it is going to be horrible. If we don't have a 50-foot setback, I'll tell you 50 fifty feet. How big do you think this room is? I mean, we're talking panels could be closer than 50 foot here.

I'm sorry, but that's crazy. Anybody that lives in the country knows 50 foot, even 100 foot, that is not even close to far enough away from this. My front driveway is 500 foot from the road. I can tell you, I don't want a solar panel even that close to me.

Now granted, sure there's some stipulations around this, but I'm telling you, if it is that close, I guarantee it will have an effect on me, everything around me. They say it's all clean. It's a lot better than a lot of stuff, but I guarantee it will affect the environment. It has to. That's all I got.

Chairman Iliff: All right, thank you, Mr. Hardy. At this time, just open it up to discussion here. We are looking at the next meeting in September, we were talking about that being a public hearing in preparation for voting and sending this on to the Board of County Commissioners. I think we probably need to just have that meeting and have some further discussion. I'm sure the staff will be coming back to us with suggested recommendations, so I think we'll probably not have it be a public hearing. The public hearing will be in October. Are there questions for staff at this point, or other comments that people would like to make before we move on to the next item on the agenda?

Comm. Hutchins: Mr. Chairman, I reference this as the Leipzig model. Jay implemented a model when it came to piano lots that was very effective in handling a very controversial subject like this. I think what we need to do is create a subcommittee of which we get the different stakeholders in a room and we hammer out what can and can't work and come to a win-win-win when it comes to these solar panels.

Comm. Neese: Mr. Chairman, in reference to the piano key lots, we really turned around what we originally thought that we didn't want and after several meetings and several discussions we kind of did a 180 on that. I think that was a very important part of the growth in our county, and I think this is probably, seeing how it can be so close to cities, I think it is probably about the most important thing that I've ever been involved with, and I've been on a zoning board for over 40 years. I was a little bit disturbed because I heard today...I talked to somebody on the City Council in Gardner. They had no idea this is going on. When I talked to staff one time, they said that they had notified the planners from a couple of the cities. That's fine and good but I think we need to have a concerted effort to really have some kind of a joint meeting with the people in the cities that are involved. And so be it if it's going to be a mile or two miles or whatever it ends up. Ten or 12 of us are really making a big decision here on the future of huge chunks of property for the next 40 years, and I would second what Randy suggested.

I know it's going to take time. I know the staff has worked on this hard, but this is something that I think is probably one of the most important things that we've across in many, many years. So, I would second that we need a subcommittee or a meeting where we have a formal invitation to the City Council and the Mayor and planners from all of the municipalities, and the zoning boards in a discussion group of some kind. I know that's not what staff would probably want to hear, but I think some of the city council members in Gardner don't even know this is going on. We've not done our job in reaching out to the people and informing, whichever way it goes. I'm not against solar energy, but I think this is a big deal. I've talked too much, so –

Ms. Rast: Mr. Chairman, I'd like to echo what Mr. Neese said and also echo what Karen said at the very beginning about proceeding with caution. Again, I don't think anybody has anything against wonderful environmental growth, solar panels. This is about the community, the effects it has on the community for a very long time. I'm confused as far as – and somebody can answer this – like I said, I came on in April. I find it somewhat disturbing that we're talking a huge project that involved many counties, many years, lots of different things, but yet a company has already

come in and signed contracts and moved ahead. That's, to me, incredibly disturbing as far as the way something should proceed. You guys can educate me later, but I would like to know. Is this the first time there's been this kind of situation where policy is just getting started to kind of define what we want in our county, but while that's being done, a project...? And I looked online today. I pulled up ten articles. *Shawnee Mission Post*. I mean, the articles have been out there in the news about this coming, and what's going on. They don't have any contracts where the energy is going to go to. So, it just seems like a little bit of the tail wagging the dog situation.

Chairman Iliff: Ms. Rast, I would say that this is a unique project. We've never had anything like this, so there may be some unique things going on. What is not unique is for a potential owner of property or lessee of properties going in and making contracts with the owner of a property long before the project has been approved by the city council or the zoning board or the county commission. Before people want to spend the time and effort to go through the political process, they first of all have to find out if the land is available. And then they will sign a contract. The contracts are always contingent upon the action of the political body that will have to approve it. So that part of it is not in any way unique.

Comm. Rast: Okay and I agree. That's probably fair enough to a point. I just feel like there's a lot that still needs to be done on the other side. Whether it's questions that need to be answered, legalities, a lot of different things like that. And again, I'll go with what Karen said at the beginning of proceeding with caution and making sure everything is done. I'll echo what Commissioner Neese said as well.

Chairman Iliff: Yeah. I would recommend, we've only had the draft solar facilities paper here for a very short period of time, and I've spent several hours with it, and I cannot say I've read every word of it. It is a very cautious document is what I would say. Without presupposing what my position on any of this is going to be, I would recommend that everybody...and that includes everybody here in the audience as well, if you don't have a copy of it, please communicate with the Planning Department and they can provide you an electronic copy. It can be emailed to you.

Ms. Wicklund: There are still copies in the back.

Chairman Iliff: Okay, she said there's copies back there, so please avail yourself of that. I do think I've heard some things here tonight that I'd like to have some questions answered personally. I've heard some other things that I think that we have among the materials that have been provided to us by the County. For example, a long paper from North Carolina in regard to the safety and security and the environmental aspects of putting in solar panels. It was very informative, and it allows you to judge whether certain statements that are made have any validity. Regardless, I think that Mr. Hutchins' and Mr. Neese's suggestion that we have a subcommittee and get going on it right now – I would appoint members tonight if we have volunteers – but I think that we need to get going, and yes, we can easily bring in people from Gardner and Edgerton and I would say if there are city council people in Gardner and Edgerton who don't know anything about this, that it ought to be an election issue for them the next time they...

Comm. Neese: It was about the meeting tonight, about the meeting tonight.

Chairman Iliff: Be that as it may, we can never regret learning more and making sure that all stakeholders have an opportunity to be heard. The only times, I think, that we regret anything is when we rush to judgment and we make decisions precipitously and especially when we leave out stakeholders. Why don't we do this? I'll just take a show of hands of people who would be willing to serve on a subcommittee. Okay, just sound your name off for the record.

Comm. Johns: Mr. Cromer, if his stats are correct, as a businessperson I'd like to know the finance revenue for the County. Because if 188 homes, 80 acres, you can put about 250 homes on it.

Chairman Iliff: Wait a minute. We just need to make sure we're comparing apples to apples, because right now that farmland is producing almost no tax dollars for anybody. So we need to make clear that it's not a choice necessarily between one usage and another, but I have no reason to doubt the statistic. I'm just pointing out that farmland doesn't produce in the way of taxes.

Comm. Neese: These regulations, we're not writing them for this one applicant. It's for the entire county. That's the deal, so with all due respect for the folks who are dealing with property here, my major concern is not their situation. It's what the regulations are going to allow, because I know there's another one coming right down the pack for 3,500 acres. So, that's my point.

*[Comm. Rast and Comm. Johns volunteered]*

Chairman Iliff: All right, Kelley Rast, Mr. Johns. I would be willing to serve on it.

*[Commissioners Hutchins, Neese, Huggins, Grise and Mason volunteered]*

Chairman Iliff: All right, so basically it's almost a committee of the whole, so what I'm going to do is I'm going to leave it to Mr. Leipzig to set some dates and times, and we can do some of these by Zoom meetings as well. But if we're past a quorum of members here, then we might need to make them public hearings and have them advertised as well. So, maybe we need to keep our numbers down just for the sake of efficiency. At this point I think the key thing is to make sure that the cities that are most likely to be impacted are involved.

Comm. Mason: Mr. Chairman, you suggested we get a subcommittee and do some further studying, but yet we're going to have two-thirds of this committee on there. Why don't we just have meetings? Because what's going to happen with a subcommittee is probably it will be cumbersome to get city people ingrained in this, and then we will have to re-educate the rest of this committee when we have a meeting, and it's just further delays. I'd rather see us increase the frequency of meetings and bring this thing to a head. Further, I'd like to ask the question, does anyone in here have any indication from the County Commission what their posture is on this thing that we're trying to write regulations on? Are we going to run into a brick wall when we send it upstairs, or is there some indication that, "Yeah, we want to do this. Let's implement it." And another question for the staff would be, Mr. Peterson has offered back some suggestions that might be compromises of what we saw in Karen's presentation and what Mr. Peterson says is acceptable. How does the staff feel about it? Are we close to being able to come to a conclusion on this and understand each other? I think those would help us know whether we need to start off on a subcommittee.

Mr. Leipzig: Commissioner Mason, a couple of different points that I would mention. I think it might be effective if we...I also agree. I tend to think that if this many members of the Planning Commission want to participate in the process we might be better off having a Committee of the Whole and just having a series of meetings. I appreciate Mr. Hutchins' comment about subcommittees. It was very effective. I think we're almost beyond that point, so it might make more sense just to have work sessions as a Committee of the Whole. I also think that we need to have...as Karen mentioned, proceed very cautiously and ensure that everyone has a chance to comment on it, everyone is aware of it. I think working with the cities and having a large meeting, if they wish to attend we certainly can do that, help organize that. I think that would be very

prudent. We did have a combined work session with the Board of County Commissioners and the Planning Commission when we started process. I believe that was in April, so at least they're aware of it, at least the general parameters. Our thought is once we get a draft that the Planning Commission is comfortable with, and staff is comfortable with, then we would have another follow-up meeting, another joint meeting with the Board of County Commissioners as well. Just kind of another check-in with them, to make sure that they feel it's consistent with what they're thinking as well. So we'll have an additional chance just to comment on that. But anyway, those are my thoughts. If you all choose to have a committee, if you want to do that, I certainly don't have any major issues with that, but I just think at this point we might be better off with a series of Committee of the Whole type of work sessions.

Chairman Iliff: I tend to agree with you, Mr. Leipzig, and if we can move this along, I think particularly with the availability of Zoom meetings, we can move this along pretty rapidly, but I would say rather than wait until the end of September for the next meeting, we ought to have another meeting between now and the end of September. I know that you'll have to look into the legalities of the notice that needs to go out with regard to it. I don't want to step on our Legal Department's toes in that regard, but I think that we need to move this along and bring in these other stakeholders that have been mentioned. For those here who are concerned about what's going on out in the county, speak to your neighbors and let them be aware of what's going on, and we can make meeting information available on the website.

Comm. Lund: Mr. Chair, okay, I'll be on the committee.

Chairman Iliff: Thank you, Mr. Lund. That's very generous of you.

Comm. Levin: Mr. Chair, I had a question, and I realize we're not Douglas County by any means – not in a bad way – but I'm curious if our Planning staff has reached out to them to see what they're looking at, not so much what it is, but the reason behind their methodology on how they're approaching this. I'd be interested in getting that information as well.

Mr. Leipzig: Commissioner Levin, we did meet with Douglas County. I believe it was about a month ago, something like that. We can provide... And as kind of next thoughts, maybe that would be a good opportunity to kind of compare what Douglas County is proposing to what we are proposing. You can see that, and that way almost compare apples to apples. In some cases it might be effective. But we did meet with them preliminarily. We plan on having follow-up meetings with them as well. But we did meet with the Planning staff.

Chairman Iliff: Mr. Leipzig, correct me if I'm wrong, but I believe Sedgwick County has developed some rules with regard to this as well. Karen, would you like to comment about that?

Ms. Miller: Yes. I spoke with Sedgwick County staff. They have drafted them, several years ago. They've never used them. They don't have a solar facility. They also do not allow wind energy facilities as part of that regulation. For instance, their setback is 40 feet from property line.

Chairman Iliff: Okay. I notice at the podium that we have someone that would like to make a few remarks. We can afford to be a little informal at this point, so if you'd like to introduce yourself and make some comments, that would be fine, but keep it to five if you would.

*Billy Wilkins, NextEra, applicant, appeared before the Planning Commission and made the following comments:*

Mr. Wilkins: Thank you for the time, and I'll be brief. Thanks to the staff for allowing us to be a part of this process up until this point. We just ask, as you all develop what the way ahead is, that

we can continue to be a part of the process. At the end of the day, understanding, our role as a developer is not to be in the County business, but we'd like to just provide our perspective. This is a significant investment for us, obviously, in Kansas and in Johnson County. So we'd just like to be a part of the process.

Chairman Iliff: Absolutely.

Comm. Hutchins: To that point, that's one of the reasons why we wanted to have a subcommittee meeting, because we wanted external stakeholders, so if we're going to have the "working meeting" what we do need is we need them at the table, NextEra, as well as we need landowners. Jay, I've got a couple names. Obviously, the Knoches would be very valuable to be on the committee, but there's another, Byron Finley would be another excellent individual to include on that committee as well.

Mr. Anglyn [*off-mic*]: Should you also allow people who are not actually living in the area to also be a stakeholder?

Chairman Iliff: Let's put it this way. You could come to the meetings, and public comments are always going to be permitted. When it comes to final votes, you're looking at the people who are going to do the voting.

Mr. Anglyn [*off-mic*]: It just seems like right now the people who are vested in this moving forward are going to be part of the process for you to do a subcommittee and people who may have a different opinion are kept outside.

Chairman Iliff: Well, that's not going to happen. You're here tonight, and you're welcome at all other meetings. They will be public meetings.

Comm. Hutchins: I appreciate the fact that we're getting...the cities are going to provide input. My question is what is their plan? This is a county plan. The city is a part of the county. So right now our focus is the unincorporated area? What are they doing? Are they for? Are they against solar energy? Or do they have a renewable energy plan? What's their plan? Because I think that's going to be instrumental in what we're putting here...You can't just say, "Yeah, I want to pound my chest and I want renewable energy. As long as it doesn't inconvenience me." So again, what is their plan? They need to bring their plans to the table as well. It needs to be incorporated into the Johnson County plan, so let's see. Let's have them put their cards on the table, and let's see, what are your plans?

Comm. Huggins: I've got a number of questions, but a lot of them seem a little too specific at this point. One of the concerns I had was – and I may have gotten this wrong – but I believe tonight is the first time I've really heard talk of battery storage. Do we have regulations? Have we written up anything to regulation battery storage? It was my impression that this was all going to be directly fit into the system. I don't need an answer, but that's a question I've got. A comment I've got is all the energy we use in Johnson County comes from outside the county. I haven't come down to a position on that, if that's a reason to make a decision or not, but I think it's something we should keep in mind. I've always been in favor of solar energy, and I think we need to pursue it. We need to see if we can work this out, keeping everything in mind. Another interesting coincidence about tonight's meeting is the point that in the next 20 years or so we're probably going to go to about a million people, or current population is going to increase about 64 percent. When we talk about the County having 470 square miles of area and we have 14 square miles available for this, that's somewhere in the neighborhood of three percent. So the population is going to up 60 percent, and we've got three percent land available. I know these numbers aren't

exactly right, because the 14 square miles includes the buffers which need to be taken into account. There are a lot of things to take into consideration, but those numbers are way off – 64 percent more people for eight percent more land. Do we have the land to commit to solar energy?

Chairman Iliff: For the sake of expedience tonight, I'm going to call the conversation here to a close. Mr. Mason, if you've got one more comment.

Comm. Mason: I do have a segue from what Mark just said. I think it's something we all need to consider as we consider this kind of regulation and project. Density is not of the devil, and when I go to these meetings I hear everybody saying, "Let's get bigger buffers. Let's get wider setbacks, and by the way, we're going to run out of ground here when we put a million people in here." Why don't we work on all of the regulations to compress the growth, so that we can gain density, so that we don't run out of ground in Johnson County. End of subject.

Chairman Iliff: Well, we're not going to open that can of worms tonight.

Comm. Mason: I just introduced the worm.

Chairman Iliff: Thank you.

## **G. DIRECTOR'S REPORT**

Chairman Iliff: Mr. Leipzig.

Mr. Leipzig: Mr. Chair, I appreciate the chance to visit. I would just point out, on the dais in your packet is a summary of all the cases brought before the County Commissioners. If you do have any questions on that, please let me know. The other point was, since this is our first meeting getting back together, I wanted to apologize to all of the Planning Commissioners. You look at all 11 of you. We had the room set up and then it was re-arranged prior to the meeting, so it's like all the best-laid plans we had to accommodate everybody fell to pieces, so I apologize for that. That's part of our social distancing and ensuring we have enough chairs and microphones and spaces for everybody, but we'll get that corrected.

Chairman Iliff: And I want to thank everybody for being here tonight. My failure to recognize you over there. I apologize.

Comm. Grise: No worries. I can't wait to meet all of you after the meeting.

Chairman Iliff: Yeah, this is the most attendance we've ever had, I think.

## **I. UPDATES/OTHER BUSINESS**

Chairman Iliff: Any other items before we adjourn?

Mr. Pendley: Mr. Chairman, I would also like to introduce our newest Planning staff. Michelle Kriks has patiently waited through this entire meeting. She is our new Planning staff, and we wanted to introduce her to the Planning Commission. She joins us from a private consulting firm, Kauffman Associates, and prior to that she worked with the City of Gardner and the City of Leawood, so we're happy to have Michelle onboard.

Chairman Iliff: Welcome, we're glad to have you.

## **I. ADJOURNMENT**

*Motion for adjournment by Comm. Mason, seconded by Comm. Hutchins.*

*Motion passed unanimously.*

Thereupon, with no further business to come before the Johnson County Planning Commission, Chairman Iliff, at 8:50 p.m. declared the meeting to be *Adjourned*.

DRAFT