

**MEETING OF THE PLANNING COMMISSION OF
JOHNSON COUNTY, KANSAS, HELD TUESDAY, DECEMBER 14, 2021**

A regular meeting of the Planning Commission of Johnson County, Kansas (hereinafter "Planning Commission"), was held on Tuesday, December 14, 2021, with the following members being present and participating, to wit:

Michael Levin
Lindsay Grise
George Lund
Randall Downing
Roger Mason

James Neese, Chairperson Pro Tem
Mark Huggins
Dave Johns
Kelley Rast

WHEREUPON, there came before the Planning Commission for consideration the matter of recommending certain amendments to the Johnson County Code, Part III, Zoning and Subdivision Regulations, of Johnson County, Kansas (hereinafter "Zoning Regulations"), as adopted by the Board of County Commissioners of Johnson County, Kansas (hereinafter "BOCC"); and

WHEREUPON, the Planning Commission, being fully advised in the matter and after thorough discussion and careful deliberation, upon a motion duly made, seconded and carried, adopted the following Resolution, to wit:

A RESOLUTION RECOMMENDING CERTAIN AMENDMENTS TO THE JOHNSON
COUNTY CODE, PART III, ZONING AND SUBDIVISION REGULATIONS OF
JOHNSON COUNTY, KANSAS

Resolution No. PC 21-1

WHEREAS, the Planning Commission was created and operates under the provisions of K.S.A. 19-2956 *et. seq.* and any amendments thereto; and

WHEREAS, K.S.A. 19-2960 and 19-2961 provides that the Planning Commission, with the approval of the BOCC, may provide for the adoption of Zoning Regulations for the county; and

WHEREAS, pursuant to the authority and under the requirements of K.S.A. 19-2956, *et seq.*, the BOCC adopted Zoning Regulations on March 17, 1994 by the adoption of Resolution No. 019-94; and

WHEREAS, K.S.A. 19-2960 and 19-2961 provide that after adoption of the Zoning Regulations, the Zoning Regulations may from time to time be supplemented, changed or generally revised by amendment; and

WHEREAS, pursuant to the authority of K.S.A. 19-2960 and 19-2961 the BOCC adopted amendments to the Zoning Regulations on February 8, 1996, by adoption of Resolution No. 014-96; and July 25, 1996, by adoption of Resolution No. 078-96; and June 19, 1997, by adoption of Resolution No. 060-97; and June 26, 1997, by adoption of Resolution No. 048-97; and July 24, 1997, by adoption of Resolution No. 082-97; and March 12, 1998, by adoption of Resolution Nos. 028-98 and 029-98; and August 20, 1998, by adoption of Resolution No. 085-98; and April 12, 1999, by adoption of Resolution No. 023-99; and March 16, 2000, by adoption of Resolution No. 020-00; and November 16, 2000, by adoption of Resolution No. 072-00; and February 7, 2002, by adoption of Resolution No. 008-02; and March 28, 2002, by adoption of Resolution No. 021-02; and July 31, 2003, by adoption of Resolution No. 057-03; and September 25, 2003, by adoption of Resolution No. 072-03; and April 21, 2005, by adoption of Resolution No. 036-05; and June 23, 2005, by adoption of Resolution No. 052-05; and June 29, 2006, by adoption of Resolution No. 052-06; and January 25, 2007, by adoption of Resolution No. 007-07; and October 11, 2007, by

adoption of Resolution No. 077-07; and February 14, 2008, by adoption of Resolution No. 009-08; and August 28, 2008, by adoption of Resolution No. 065-08; and December 11, 2008, by adoption of Resolution No. 092-08; and June 25, 2009, by adoption of Resolution No. 045-09; and October 8, 2009, by adoption of Resolution No. 076-09; and November 12, 2009, by adoption of Resolution No. 084-09; and January 6, 2011, by adoption of Resolution No. 002-11; and May 19, 2011, by adoption of Resolution No. 022-11; and February 9, 2012, by adoption of Resolution No. 004-12 ; and March 7, 2013, by adoption of Resolution No. 009-13; and September 12, 2013, by adoption of Resolution No. 049-13; and May 1, 2014, by adoption of Resolution No. 022-14; and April 14, 2016, by adoption of Resolution No. 029-16; and November 16, 2017, by adoption of Resolution No. 071-17, and October 25, 2018, by adoption of Resolution No. 088-18.

WHEREAS, on May 19, 2011, the BOCC approved Resolution No. 024-11, which adopted the Johnson County Code and incorporated, among other things therein, the Zoning Regulations, and any amendments thereto; and

WHEREAS, the Planning Commission has recently again reviewed and reconsidered the Zoning Regulations, and after much discussion held a public hearing to consider certain proposed amendments, updates and revisions to the Zoning Regulations; and

WHEREAS, a public hearing was held by the Planning Commission on December 14, 2021, to consider the advisability of adopting certain proposed amendments, updates and revisions to the Zoning Regulations; and

WHEREAS, following the public hearing, the Planning Commission deemed it advisable, and in the best interest of the public health, safety and welfare to adopt the same and forwarded its recommendation to the BOCC; and

WHEREAS, having held a public hearing and having reviewed the record and submitted evidence, comments and testimony, the Planning Commission on December 14, 2021, deemed it advisable to recommend to the BOCC the adoption of the proposed amendments to the Zoning Regulations as described more fully in “Exhibit A” attached hereto;

IT IS, THEREFORE, HEREBY RESOLVED by the Planning Commission of Johnson County, Kansas, that:

1. RECOMMENDED AMENDMENTS AND ADDITIONS TO THE REGULATIONS. The Planning Commission hereby recommends that the BOCC officially amend the Johnson County Code, Part III, Zoning and Subdivision Regulations of Johnson County, Kansas, to include changes to the following:

- a) the adoption of revisions to the Johnson County Rural Comprehensive Plan including, among other things, the following:

Revisions to Chapter 2, Land Use Plan, regarding policies related to the provision of utility scale solar installations; and

Revisions to Chapter 8, Land Use Plan, regarding updates intended to provide current and accurate information related to public utilities and services, to include an amended and updated Map 18, Electric Utility Areas; and

- b) the adoption of revisions to the County’s Zoning and Subdivision Regulations including, among other things, the following:

Revisions to Article 2 establishing definitions relating to solar facilities;

Revisions to Article 18 updating performance standards for small-scale solar facilities;

Revisions to Article 23 establishing a new Group AA conditional use permit to allow medium-scale solar facilities and utility-scale solar facilities and associated battery energy storage facilities; establishing development and performance standards regarding medium-scale solar facilities and utility-scale solar facilities; and updating the Group A conditional use permits regarding small-scale solar facilities and privately owned utilities;

Revisions to Article 33 establishing that Medium-Scale and Utility-Scale Solar Facilities shall require a Group AA conditional use permit and not a special permit; and

Revisions to Cover Page and Table of Contents to reflect adopted revisions.

2. SUBMITTAL OF AMENDMENTS. A certified copy of the recommended amendments, updates and revisions to the Zoning Regulations shall be officially submitted to the BOCC for its consideration of final approval.

3. REFORMATTING. The Planning Commission also recommends that following the official adoption of the amendments, updates and revisions to the Zoning Regulations, that said amendments, updates and revisions should be reformatted, as may be necessary, and thereafter published in binder form.

**ADOPTED THIS 14TH DAY OF
DECEMBER, 2021.**

**PLANNING COMMISSION
OF JOHNSON COUNTY, KANSAS**

James Neese
Chairperson Pro Tem

PREPARED AND REVIEWED BY:

Jay C. Leipzig, AICP
Director, Planning, Housing & Community Development

APPROVED AS TO FORM:

Richard J. Lind
Assistant County Counselor

Resolution No. PC 21-1

CERTIFICATION

I, James Neese, Chairperson Pro Tem of the Planning Commission of Johnson County, Kansas (“Planning Commission”) do hereby certify on this 14th day of December, 2021, that the attached copy of the proposed changes to and/or additions of the following:

- a) the adoption of revisions to the Johnson County Rural Comprehensive Plan including, among other things, the following:

Revisions to Chapter 2, Land Use Plan, regarding policies related to the provision of utility scale solar installations; and

Revisions to Chapter 8, Land Use Plan, regarding updates intended to provide current and accurate information related to public utilities and services, to include an amended and updated Map 18, Electric Utility Areas; and

- b) the adoption of revisions to the County’s Zoning and Subdivision Regulations including, among other things, the following:

Revisions to Article 2 establishing definitions relating to solar facilities;

Revisions to Article 18 updating performance standards for small-scale solar facilities;

Revisions to Article 23 establishing a new Group AA conditional use permit to allow medium-scale solar facilities and utility-scale solar facilities and associated battery energy storage facilities; establishing development and performance standards regarding medium-scale solar facilities and utility-scale solar facilities; and updating the Group A conditional use permits regarding small-scale solar facilities and privately owned utilities;

Revisions to Article 33 establishing that Medium-Scale and Utility-Scale Solar Facilities shall require a Group AA conditional use permit and not a special permit; and

Revisions to Cover Page and Table of Contents to reflect adopted revisions.

which are recommended by the Planning Commission for approval and adoption by the Board of County Commissioners of Johnson County, Kansas, as amendments, additions, deletions, updates, and revisions to the Zoning Regulations and the Rural Comprehensive Plan, are true and accurate copies of said documents.

James Neese
Chairperson Pro Tem

Exhibit A

JOHNSON COUNTY PLANNING COMMISSION RESOLUTION NO. PC 21-1