

Johnson County Board of County Commissioners

Special BOCC Meeting

Monday, April 4, 2022

2 p.m.

Verbatim transcript of meeting

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>> Chairman Eilert: Good afternoon, everyone. At this time, we'll call to order the Board of County Commissioners Special Meeting on Monday, August the 4. Will the Clerk please call the roll.

>> Clerk: Chairman, this is April the 4th.

>> Chairman Eilert: I'm sorry?

>> Clerk: You had stated it was August the 4th, I thought.

>> Chairman Eilert: Did I? Well, I got ahead of myself. I think it's April. We'll try April the 4th.

>> Clerk: Thank you. Commissioner Fast?

>> Commissioner Fast: Aye.

>> Commissioner Meyers?

>> Commissioner Meyers: Meyers, aye.

>> Clerk: Commissioner O'Hara?

>> Commissioner O'Hara: Here.

>> Clerk: Commissioner Hanzlick?

>> Commissioner Hanzlick: Hanzlick, here.

>> Clerk: Commissioner Ashcraft?

>> Commissioner Ashcraft: Here.

>> Clerk: Commissioner Allenbrand?

>> Commissioner Allenbrand: Allenbrand, aye.

>> Clerk: And Chairman Eilert?

>> Chairman Eilert: Eilert, here. All are present. We do have a quorum.

Would you join with me in the Pledge of Allegiance.

>> All: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

>> Chairman Eilert: Thank you all very much. The purpose of our special meeting today is to review, receive recommendations of the Planning Commission in regards to solar farm facilities. The process that we will use, the Clerk will read the resolution, official resolution. Following that, staff and consultant will make comments, questions by the Commissioners of the staff and the consultant. Then the next step will be to ask for public comment. The process that we use is the speakers will be limited to two minutes. And I'm assuming there's a modem on the podium which would allow you to track that. If you go beyond the two-minute time limit, then the Chair is required to

ask you to conclude your remarks.

Following the public hearing portion, the item will come back before the Board of County Commissioners, and then decisions will be made, motions offered, and votes taken. So with that, Ms. Clerk, did I leave anything out?

>> Clerk: No, sir.

>> Chairman Eilert: All right. If you will please read the resolution and the purpose of why we are here, then we will open the public hearing and receive the staff comments.

>> Clerk: Item No. 1. Resolution No. 003-22 and 004-22. Hold a public hearing and consider adopting Resolution No. 003-22, amending the Rural Comprehensive Plan, and Resolution No. 004-22, amending the Johnson County Zoning and Subdivision Regulations for the purpose of regulating Solar Facilities, including Utility-Scale Solar Facilities, within unincorporated Johnson County, and the adoption and incorporation by reference of two published safety standards regarding Battery Energy Storage Facilities that are associated with Solar Facilities.

>> Chairman Eilert: The Public Hearing is open. Jay Leipzig.

>> Jay Leipzig: Sorry. Good afternoon, Mr. Chairman, members of the Board. Jay Leipzig, Planning Department. My comments for this afternoon will be fairly brief. I just wanted to provide a general overview of the documents before you this afternoon and to offer some additional introductions. First of all, I wanted to tell you all thank you very much for -- for reading the volumes of materials that we have presented to you. Also, a huge thank you to the Planning Commission for their work over the past year of reviewing all of this material. So we greatly appreciate that. I also want to thank our planning staff, Karen Miller and Sean Pendley, who are sitting before you, have been heavily involved in this project in their time and their work. There's also been several additional staff members from Planning, our administrative staff and others, DTI with some of the assistance today. So I do want to thank everybody for their time and -- and the effort in doing that. Also, I wanted to thank our legal staff as well, our Chief Counsel Peg Trent, as well as Rick Lind, and their countless hours reviewing these documents.

So we are here today for -- to discuss the amendments to the Comprehensive Plan and the zoning regulations, our Planning Commission recommendations, and also just to thank the Planning Commission again for their -- their work. They did vote seven -- 7-1-1 for this, the recommendation that's before you this afternoon. And this will be discussed more in more detail later on in the presentation. Also, consider resolutions adopting amendments for the -- for regulating solar facilities. Ms. Miller is going to discuss that and present those to you a little further along in the presentation.

The County has also engaged an environmental consultant to help us with provide some clarity on any environmental guidelines and restrictions for evaluation of materials used at solar facilities. Dr. Bruce Parkinson will be speaking here later on in the presentation. And then of course the public hearing, and then questions and answers for this afternoon.

So as a quick overview on how we arrived here this date, the Planning Commission has had five regular meetings, three study sessions with public comments from August through October of 2021. We also had a public hearing on November 16th, 2021. And the Planning Commission recommendation was sent before you on

December 14th of 2021. And just to reiterate as well that no applications have been submitted for a Utility-Scale Solar Facility. This is strictly to create amendments in our -- amendments to our comprehensive plan for solar facilities, for Utility-Scale Solar Facilities. So next slide, please.

The -- going back to our initial discussion, we had an initial Committee of the Whole meeting dated March the 11th of 2021. And then we also had another Committee of the Whole Study Session February 24th, 2022. This was after the Planning Commission recommendation. And then, of course, this morning -- or, excuse me, this afternoon our Board of County Commissioners public hearing this afternoon. So just a quick overview on the summary materials that were presented before you. Next slide, Bill.

The -- and there's several documents that were included in that packet. In the briefing sheet, or in addition to the briefing sheet, there's also the Comprehensive Plan and Zoning Regulation amendments recommended by the Planning Commission on December 14th, 2021. We also have the BOCC Resolution No. 003-22. Also the BOCC Resolution No. 004-22. The full Planning Commission minutes, November 16th, 2021, during the Planning Commission public hearing. We also have the Planning Commission minutes from December 14th, 2021, for the Planning Commission recommendation. And then the Planning Commission resolution, which is No. PC21-1. And those are all included in the briefing sheet.

I also wanted to give a quick overview of some additional supplemental information that was included in with the briefing sheet, something like 324 pages or something like -- give or take a couple pages. One of the things I was going to note is there's a table that tracks the Planning Commission discussion and staff recommendations. There's also key fire and life safety considerations for battery energy storage written by code staff. There's also a fact sheet from the National Fire Protection Association. Also, evaluation of materials used at solar facilities written by Dr. Bruce Parkinson. And Dr. Parkinson's professional vitae is also included in the packet. And Karen Miller will provide a more further introduction of Dr. Parkinson as well. We also have questions and answers from the Kansas Corporation Commission. Also, an additional sheet of pros and cons from public comments compiled by staff, basically assembled all of the -- the public comments that we heard. And also a memo from the Berkley Group, which is another consultant utilized by the county for similarly sized solar facilities in urbanizing counties, that was part of the packet. There's also the record of proceedings, including the public comments and on the county website that's dedicated for the solar facilities. And all of that information is found at www.jocogov.org/solar.

And the next page provides kind of an overview of what is on that solar web page. But the solar page does include all of the materials. I thought it was a very kind of an innovative approach to include all of that information in one place, and so the public -- all of that information is there from the very, the first discussion. And then as this issue continues to be discussed between the board or the Planning Commission, if it is remanded back, all of new additional information will be on that website as well.

So that concludes my initial comments. And with that, I'm going to turn it over to Sean Pendley that's going to talk more detail about the Comprehensive Plan policies.

>> Sean Pendley: Thank you, Jay. Good afternoon, Commissioners. Sean Pendley, Deputy Director of Planning. If we could have the next slide, please. As Jay mentioned, the next consideration we wanted to discuss was the Comprehensive Plan policies. The Utility-Scale Solar Facilities can take up a large land area, so it's important to take into consideration the impacts on surrounding areas. So that's one of the primary things we want to discuss. And the first area, actually before we even get into the regulations, we want to talk about the policies, how this will impact the county in the unincorporated area. Next slide, please.

So as mentioned, so in that Comprehensive Plan, in the Rural Comprehensive Plan, there are some specific areas we wanted to look at to ensure that we're following those policies that are already adopted, and we're including and recommending amendments to the Comprehensive Plan to address this use of utility-scale solar. So one of the first things we look at is wanted to make sure it follows those guidelines, including promoting the rural character and open spaces. Obviously, as mentioned, these uses can be fairly large, large-scale, much larger actually than any other use we've considered. So we need to make sure that we're still maintaining that proper open space area and maintaining the rural character. That's very important for the unincorporated area.

We wanted to make sure that this one use would not hinder the future city growth and development. Obviously, all of the cities in the county, especially the fringe cities that are additionally developing constantly, as you know, very large annexations occurring every year, including one just earlier this year from the City of DeSoto that will have a major impact on the growth of the county and in the unincorporated area. So we want to make sure that this use would not conflict with the city's future growth and development. Also we want to make sure that we are protecting residential uses, parks, and open spaces, in addition to agricultural areas. Next slide, please.

So the next step we get into, then, is the permitting and development standards. These will be how we address this through zoning regulations. The purpose for the proposed amendments to the zoning regulations is to establish development standards and application requirements for solar facilities. As Jay mentioned earlier, no application has actually been submitted yet at this time. However, we are wanting to develop these regulations to prepare for this use. Next slide, please.

So, following -- and I'm sorry, we'll have to advance as I mention each one of these terms. So following the adoption of these regulations, a proposed solar facility will require a conditional use permit application, which will include a separate process. So that will require a public hearing, public notice, and consideration by the zoning board, the respective zoning board, and ultimately approval by the Board of County Commissioners. So one of the first standards we look at is the term. So with this conditional use permit, staff is recommending a term, and the Planning Commission has recommended a maximum term of 20 years. This is consistent with the planning period that's established in the Comprehensive Plan. Solar providers and some proponents have requested longer terms, such as 25 years or longer, due to the life span of the facilities and potential financing requirements and then terms of land leases. Staff did recommend a term of up to 25 years. However, the Planning Commission felt it was appropriate to maintain the 20-year term limit on initial permit.

Maximum project area. This is -- the Planning Commission had recommended a maximum project area for the solar facilities of 1,000 acres for any one solar project. Staff also had initially recommended a maximum of 1,000 acres. However, following additional research and understanding for the trend for larger facilities, staff did recommend a maximum area of up to 2,000 acres. However, again, the Planning Commission felt it was appropriate to maintain that 1,000-acre maximum to promote and protect the rural character of the county.

And finally, another development standard considered is maximum project extent. I'll show a map of that here next which identifies this, but basically the thought being we wanted to make sure that any one project doesn't exceed a 4-square-mile area so that it doesn't allow for proliferation of any one use in too large of an area. I will note that their -- the Planning Commission did agree and recommend a waiver would be available for this requirement because it is something that could be, if appropriate, maybe an exception would be allowed for this to exceed that if it was in the appropriate area. Next slide, please.

So as I mentioned here, these are the maps that we -- staff wanted to present to show what the areas we're talking about. The example on the left, the project area, this is the area that's established as a maximum 1,000 acres. So all those properties that are identified here in an orange color, those parcels, that would be up to 1,000-acre total. The proposed regulations do allow for a solar facility to be a collection of non-contiguous parcels, so they don't all have to necessarily be connected. However, we do not want to see any one project have any one parcel more than a half a mile away from another participating parcel. So, in other words, we don't want these to be scattered out throughout the unincorporated area. They have to be in close connection, which makes sense for the use of the facility, but then also just to prevent that proliferation, again.

So the other map to the right is the project extent. This shows a yellow boundary for the project extent. Again, that's a maximum of a 4-square-mile area and it's a geographic area that's recommended to ensure that this use does not extend too far in any one direction and, again, that it kind of maintains that cohesive area for any one facility. Next slide, please.

So the largest thing to consider in terms of a solar facility development is the size and location. These are the largest factors to consider. If you could advance, I think I have got individual bullet points on this slide. So the maximum coverage area. So what this is, is a 70% area for any one project, the facility cannot exceed a 70% coverage of the project area. So the reason why we recommend a maximum area of 70% for the panel coverage, for the photovoltaic panel coverage, is that would allow for buffers surrounding the facility. It would allow for open space, stormwater management, and any other buffers or setbacks that are required. So we don't want any one use to utilize, say, up to 90% of the land. It has to maintain a buffer surrounding it. So we set the maximum area of 70% for the coverage area.

Distance from cities. The Planning Commission recommended a minimum distance of 2 miles from cities. Staff had initially recommended one mile, then up to a mile and a half. But the Planning Commission felt it was appropriate, following input from the cities and following public input, felt it was important to maintain -- to

recommend a minimum distance of 2 miles. That would allow for future growth and development of cities and not create conflicts for that future growth. The Planning Commission did recommend a waiver to this requirement. We know that in some cases it may be appropriate for an exception. Let's say if a site were in part of the former Sunflower Army Ammunition Plant, although a large area of that has been now annexed by the city of DeSoto, maybe in that area just outside of the city limits it's appropriate, it would be appropriate for a solar facility. So that would be a good example of a case where a waiver would be warranted. And in those cases, also, what staff had looked to, I think, is the input from the cities. So if the cities were not objecting to this distance requirement, maybe that's where it makes sense to recommend a waiver.

And then, finally, on the size and location standard, staff is recommending a minimum distance of 2 miles from any other facility. Again, that's to ensure that there's not a combination or collection of solar facilities one next to another. There has to be a separation of these. So staff recommends a one-mile separation from any other facility. Next slide, please. Oh, 2 miles. Excuse me. Thank you.

Oh, I think -- I think that was it. So I will turn it over now to Karen Miller and she will discuss additional development standards.

>> Karen Miller: Thank you. Karen Miller with the Planning Department. And the next set of development standards are setbacks. So structures are proposed to be -- the solar facility structures are proposed to be required to be set back from the project boundary at least 50 feet. And this is in line with the front yard setback of the rural district. So this is a very common setback in unincorporated Johnson County. And that would be also agricultural structures like barns are also required to be 50 feet from the -- the front yard setback. Also, substations and battery energy storage facilities shall be at least 150 feet from the project boundary. And I'll also mention that within the proposed regulations there is some -- some other kind of general guidelines for siting the substations and battery energy storage. In other words, it's recommended that they be moved more towards the center of the property, away from any sort of residential areas, that type of thing. And also, there's a minimum setback to existing dwellings. So the solar facility equipment shall be set back 250 feet from existing dwellings. Next slide, please.

And this is one area where setbacks are available -- sorry, waivers are available for all of these setback requirements. For instance, if a solar facility abuts a commercial area or an industrial area, that might be a good reason to allow a closer setback.

The next idea to talk about is screening. So we started out with more stringent screening requirements, but we set on the idea that you need to screen from views of the road, from existing dwellings, and also residential zoning. And we include several options for screening, depending on the context. It could be existing screening like you see in this illustration here. There's an existing tree line. They can keep that. They can count that. In fact, our Comprehensive Plan really sets forth that idea of working with the existing topography, trying not to grade when you don't have to, and keeping those existing tree lines; basically putting solar facilities where the fields and the pastures are, and not touching those other areas. You can also add landscaping, evergreen and deciduous trees. Some of the items might need some solid fencing, like the substations and the battery energy storage. If it's appropriate, berming. Most of

the time, you know, in rural Johnson County, berming might not be that desirable. And then a waiver is also available for these screening requirements. Next slide, please.

And then the decommissioning plan. At some point in 25 years, 50 years, whenever, we require that once that Conditional Use Permit is over with, that all of the equipment that was installed as part of the solar facility shall be removed unless there's been prior planning for that as part of that decommissioning plan. So up front, anything that might stay has to be discussed in front of the Zoning Board and approved by the Board of County Commissioners as part of the decommissioning plan. And after all of that equipment is removed, then any sort of disturbed ground needs to be stabilized, needs to be reseeded. And then disposal of those materials, you would need a demolition permit to remove all those, that equipment, and it would have to be disposed of per our adopted codes and disposed of in a location that can -- can accept it. Next slide, please.

Then, also, as part of the decommissioning plan, the type of surety has to be decided upon. Some common forms are escrow, letter of credit, bond. And it's clear in our regulations that the form of surety required has to be approved by the county. So, whatever they propose has to be okayed by us. And then a cost estimate by a professional engineer. And that does not include salvage value because the county does not want to be in the salvage business. So that cost estimate is required to be reviewed at least every five years. But if the county chooses, it could be reviewed as often as every year, depending on kind of the -- the environment and if it -- if something is volatile, like, for instance, the 2008-2009 market, something like that. But generally, probably it would be reviewed about every five years. And if there has been a change more than 2%, then the -- that surety would be adjusted up or down. Next slide, please.

So here is a summary of kind of the -- some of the main points that Planning Commission spent a lot of time talking about. So Planning staff came up with an initial draft. It was very conservative. We recommended 20 years. That's the typical planning period and life of a comp plan. 1,000 acres. We were -- we were conservative while we started our initial talks. One mile from the urban fringes and 150 feet from the project boundary as a setback and 250 feet from dwellings. And then we got -- we got some feedback, we adjusted some things. And at the public hearing, staff recommended 25 years for the term, and that would correspond to a general lease, a typical lease with the industry. 2,000 acres, that's more of the trend, as Sean mentioned. And we had worked with the cities. We got city input. And we adjusted that to one and a half miles to be more in line with what they were planning for their growth. And then the Planning Commission ultimately in December recommended going back to the 20-year term, 1,000 acres maximum area. They considered that to be an adequate area for a Utility-Scale Solar Facility. They referenced the idea of preserving open space and protecting rural character. And they wanted to be very conservative about protecting city growth. So they bumped it, the distance from cities, to a minimum of 2 miles.

And then, also, I will point out which of these have waivers. So both staff's recommendation and Planning Commission recommendations for the term and the maximum project area do not have waivers. So it's the CUP term and the maximum project area. So those first two items, neither staff nor the Planning Commission had a

waiver available. But then the next two items, minimum distance from the city and setbacks for equipment, both -- both Planning staff and Planning Commission recommended a waiver. So if you can just keep in mind the first -- first two columns of the table, no waiver; the second two columns of the table, we recommended a waiver. Next slide, please.

So also as part of the discussion today is a public hearing to adopt two safety standards to -- to incorporate into our zoning regs. It would be by reference. So there's a citation in our zoning regs that -- that refers to NFPA 855. That's the first safety standard. And then UL 9540, that's the second safety standard. And that is to -- to supplement our existing building, electric, and fire code. I'll just make a mention that on Zoom we have a couple of fire districts listening in, personnel, some of them are just listening. And, also, we have Alan Long. He is the Deputy Chief of Operations with the Overland Park Fire Department. And Overland Park Fire Department has a hazardous materials team, and it responds to calls region-wide, Johnson -- Johnson County and a little bit beyond. And so if there is some sort of emergency with a battery energy storage facility, whatever jurisdiction that's in, they have the option of calling Overland Park Fire Department to respond and to help. So I'll talk a little bit about the standards and what staff has done. And if there's any questions for Deputy Chief Long, you guys -- sorry, the Board can ask him questions. He is on duty. I'm hoping he will still be on the line. We will just have to be a little flexible.

So getting back to those safety standards, their two purposes up on the slide are requirements for installing those battery energy storage facilities and mitigating the hazards associated with them. And then, also, fire and explosion protection necessary for the installation of a battery energy storage system, and also referred to as a BESS. And I just wanted to make a note that in the draft regulations, the battery energy storage is only allowed if associated with solar facilities and not as a stand-alone use. So they may accompany the solar facilities, but they're not coming in by themselves. Next slide, please.

So the purpose of these -- these safety standards, and they originated from some lessons learned from an Arizona fire. And we had -- there was an Arizona fire in Phoenix, I believe, at a battery energy storage facility. And they studied it and they -- they figured out what they needed to do to -- to improve the safety. And so the requirements include emergency responder training, creation of an emergency response plan, and that plan will be -- is required to be in coordination with the operator, with the emergency responders, and also the building codes people. So at the very beginning, if a solar facility with battery energy storage is approved, immediately there will be this cooperation and coordination. And then also training, fire department access roads to make sure that the fire departments can get to the fires. Annual inspections are required as part of the safety standard, but also our codes require yet another inspection where the -- so, our code -- our regulations will have the typical annual safety inspection where our people go out and we look, but then we'll have a semi-annual self-inspection where the operator looks at their equipment and reports to us. So we have another level of inspection.

And then also included is the requirement for battery management system monitoring. So within this container that holds all of the -- the batteries, there will be

monitoring systems for battery voltages, temperature, humidity, combustible gas. And then also this system will be -- is required to be able to shut the system down if it detects rising levels. And I think -- I think that's the last slide on this one. I'll just pause here, if it's okay with the Chair, and see if there's any questions for -- for Deputy Chief Long.

>> Chairman Eilert: Questions? Yes, Ms. O'Hara.

>> Commissioner O'Hara: Thank you. Yes, Deputy Chief Long, how flammable is lithium?

>> Deputy Chief Alan Long: Yeah, can you guys hear me?

>> Chairman Eilert: Yes, we can.

>> Deputy Chief Alan Long: Okay. Obviously the properties of lithium, you know, I'm not an expert in that specifically. We do respond to these. We do have suppression capabilities to extinguish and mitigate emergencies when it comes to stored energy, battery facilities, those kind of things, with our quad agent suppression unit. It is flammable once it gets into what is referred a thermal runaway, which I believe is in the packet that was distributed, at least it was distributed to me. And it has some more specifics in there. But as far as any --

>> Karen Miller: This is Karen Miller with Planning. And just to note, we do have Dr. Parkinson, who is an expert on the chemical properties of lithium and all those. So -- so further information will be -- will be coming from Dr. Parkinson.

>> Commissioner O'Hara: Okay. So fires involving lithium, these are chemical fires, correct?

>> Karen Miller: I'll leave that for Dr. Parkinson to talk about.

>> Commissioner O'Hara: Okay. And then what about the fumes from fires, what -- are they -- are these of concern to the public on the -- on fumes from lithium fires?

[Off mic, indiscernible]

>> Commissioner O'Hara: This is for Deputy Chief Long.

>> Deputy Chief Alan Long: I would again refer to the expert on as far as fumes specifically for lithium fires, I would refer to the expert as well.

>> Commissioner O'Hara: Okay. And then one last question. When Overland Park responds to these hazardous fires, how is the city reimbursed for the cost?

>> Deputy Chief Alan Long: We are a resource response for the Kansas State Fire Marshal's Office. When the request is placed in, there is a pre-negotiated contract with the state that then is reimbursed by the company that operates or owns the facility. So if we were to respond in, there is a fund through the state that we will then basically fill out a pre-negotiated contract that then gets reimbursed by the state through various means. But it would be reimbursed by the state -- by the State of Kansas as long as it's deemed a state response.

>> Commissioner O'Hara: Okay. So then is the operator of the facility, whatever hazardous fire that you respond to, are they responsible for reimbursing this fund? Or is this a state cost?

>> Deputy Chief Alan Long: It is a state cost. However, our job there is just to mitigate the emergency and is only billable for that cost. If there is what we would consider long-term need for mitigation and not emergent in nature, that is passed on to the operation, or the facility that operates. So they would have to contract that out, the

cleanup, if you will, with another entity and not us. We are there just for emergency mitigation. And once it's deemed non-emergent anymore, then it's transferred back over to ownership and then they would have to contract cleanup through whatever third party they would negotiate and enter into a contract with. So just the emergent response and mitigation would be handled by us.

>> Commissioner O'Hara: Thank you. And then, Karen, I just, on the issues of training, the training, the emergency plan cost, the access roads for firefighters, annual inspection cost, are those to be absorbed by the county? Or are those costs going to be then reimbursed by the facility operator?

>> Karen Miller: It would be the facility operator. And so we have a kind of an umbrella development agreement, we call it a Solar Facility Agreement, where that -- that addresses installation and maintenance, decommissioning, and reclamation. And basically we, as part of an application and part of the Conditional Use Permit, the -- we would look at all of those costs and things and -- and address it in that development agreement.

>> Commissioner O'Hara: Okay. Thank you.

>> Chairman Eilert: Mr. Ashcraft.

>> Commissioner Ashcraft: Thank you, Mr. Chairman. Commissioner O'Hara, you stopped short of the question that I thought you were going to ask. And, Ms. Miller, I appreciate your presentation. I'm not sure if this is a Chief Long question, but I'll direct it to you. Battery management system monitoring, who will actually be doing the monitoring? Will it be each company or will it be centralized with one company if you have several of these farms? Or is that some governmental entity that will do that? And kind of along the lines with Commissioner O'Hara, how is that managed, both financially but operationally?

>> Karen Miller: Deputy Long, do you -- would you like to address that or would you like for me to?

>> Deputy Chief Alan Long: You can go ahead and address that. We don't have any involvement with the monitoring portion.

>> Karen Miller: So, really, that is a codes question. And our building official would be the one that would know that answer. He's not here today, so I -- I don't have that answer, so.

>> Commissioner Ashcraft: Thank you.

>> Chairman Eilert: Mr. Meyers?

>> Commissioner Meyers: Chief Long, what would be the amount of time you would need for training to take place? And I'm assuming that there would be -- all training would be taken care of prior to any operation of a BESF.

>> Deputy Chief Alan Long: Yeah, typically the training would take place before they're operational, and really I can't give a time frame on how long it would take to conduct that training. It would really depend on scope and availability. We have three different battalions that we would rotate through. I don't know how many days worth that would be at the facility. I can't really answer that. But it would -- it would take place before they were operational.

>> Commissioner Meyers: Thank you.

>> Chairman Eilert: Ms. Fast?

>> Commissioner Fast: Is Dr. Parkinson going to present? I have some questions for him.

>> Karen Miller: He is next.

>> Commissioner Fast: Okay. I'll wait then.

>> Chairman Eilert: Ms. Allenbrand?

>> Commissioner Allenbrand: Thank you, Mr. Chair. You know, I -- being a liaison on a couple of fire departments in the county, the county has done a really good job partnering and teaming with cities as well, and they offer a wide variety of services that is county-wide. So it's really good to hear that they're also working together on this as well. Thank you.

>> Chairman Eilert: Ms. Miller, I want clarification going back to the 20 years item, the 1,000 acres, and the distance from the city. It's my understanding that the staff has a recommendation different than what the Planning Commission recommends. Could you speak directly to those three items?

>> Karen Miller: Yes. Yes. If you could please go back to the charts. 17, slide. Thank you. So this shows -- the middle -- the middle row, public hearing staff recommendation, our -- and our recommendation going into the public hearing was 25 years, 2,000 acres, and 1.5 miles away from the cities. And that 1.5 miles had a waiver -- has -- had a waiver option. Planning Commission recommended in December, after the public hearing, 20 years, 1,000 acres, and 2 miles away from the city, and that 2 miles also comes with a waiver option.

>> Chairman Eilert: So the mileage is the only one with the waiver?

>> Karen Miller: Yes.

>> Chairman Eilert: Okay. Thank you.

>> Setbacks -- [inaudible]

>> Commissioner Fast: Chairman, I have a quick question.

>> Chairman Eilert: Yes, Ms. Fast?

>> Commissioner Fast: On that chart, you do not have on there what your recommendation was away from solar facilities. Was that 1.5 miles with a waiver, too, your recommendation?

>> Karen Miller: You mean the separation between separate solar facilities?

>> Commissioner Fast: Yeah. In here, it says distance from a solar facility at least 2 miles, which is the Planning Commission's recommendation. What was your recommendation?

>> Karen Miller: It's always been 2 miles.

>> Commissioner Fast: So you agreed with the Planning?

>> Karen Miller: Yes.

>> Commissioner Fast: So that isn't different from the planning --

>> Karen Miller: Yes.

>> Commissioner Fast: -- the 2 miles with a waiver from each solar facility?

>> Karen Miller: Correct. Correct.

>> Commissioner Fast: So that the things that -- the -- what you didn't agree was the 25 years, 2,000, and 1.5 miles?

>> Karen Miller: Correct.

>> Commissioner Fast: The setbacks, you agree -- you and the Planning

Commission agreed?

>> Karen Miller: Correct.

>> Commissioner Fast: Okay. Thank you.

>> Chairman Eilert: Ms. O'Hara?

>> Commissioner O'Hara: Thank you, Mr. Chairman. Ms. Miller, did the Planning Commission take into consideration the rapid urbanization of Johnson County when they were making the recommendations to limit this to 1,000 acres?

>> Karen Miller: The idea of being responsive to the growth of the cities has been in the forefront of discussion from day one, starting -- originating from Planning staff and moving to Planning Commission, who agrees.

>> Commissioner O'Hara: So -- so Planning staff is quite aware of the explosive growth that we have undergone in the last 20 years, and that even the 2 miles is, in 20 years, is really very minimal as far as the -- the rapid growth of the county as far as residential areas.

>> Karen Miller: That's why we worked with cities and we -- we came up with numbers that the cities were, you know, comfortable with. And we had -- we invited the fringe cities to a specific Planning Commission meeting. We had them come in, submit comments in writing, or show up in person. And we also as staff-to-staff talked with them.

>> Commissioner O'Hara: I believe that Edgerton, they had requested at least 2 miles?

>> Karen Miller: At one point, three. And I know that some of our staff had further discussions with them. If -- does somebody want --

>> Commissioner O'Hara: So at one point they -- they had requested 3 miles?

>> Sean Pendley: Yes. Sean Pendley, Planning staff. That is correct. As Karen noted, we had meetings with the individual cities. We met both with the cities of Gardner -- oh, yes, we do know there's representatives from I believe Edgerton. We had meetings with the cities and actually had a public meeting both in Edgerton, and then also we presented at that Planning Commission meeting in Gardner. And we had meetings with staffs. And they had received -- they have submitted letters with comments from those respective cities. And they did have different requests. I believe Gardner had requested up to 2 miles initially. Then when we met with them and we presented and showed that we were recommending up to 1.5 miles, they generally were agreeable to that. Their -- their growth areas were what they were taking into consideration, and they recognized that that seemed to suit that. The City of Edgerton did request a separation of at least 3 miles from their city limits because that's the area that they had identified as their future growth area. So they had requested buffers up to 3 miles from the City of Edgerton.

>> Commissioner O'Hara: Okay. Because there is going to be a tremendous amount of growth in the next 20 years and it is going to put pressure on the development of this county to have major portions that are taken up with this type of use. And this is a transformation from rural area to heavy industrial. And this is to be taken extremely seriously because this is going to change the character, especially western Johnson County.

>> Sean Pendley: Absolutely. And that's why staff had recommended that

separation from the cities. We recognize that. We realize the cities are growing. And these uses will not prevent or prohibit that growth. It would just, in certain areas if a Conditional Use Permit is approved, that would likely tie up that particular parcel or those parcels from future growth. However, we are absolutely keeping that in mind. Staff had recommended wanting to make sure we were outside of any future growth areas for the cities.

>> Commissioner O'Hara: Okay. I had one more question. On the area of 4 square miles, if it -- if you increase the size of the solar farm, is the 4 square miles increased?

>> Karen Miller: No. It -- staff initially recommended 4 square miles, and when it was decreased to 1,000 acres, we kept it at 4 square miles for project extent. Yeah, project extent.

>> Commissioner O'Hara: And was there any discussion about if there's a property that is surrounded by the solar farm?

>> Karen Miller: Yeah. Yes. Planning Commission brought that idea up. And if you look at the very last cell, at the bottom right-hand corner of the slide, non-participating parcels have additional setbacks. So if there's a non-participating parcel, meaning outside of the project area, and if it abuts the solar facility on two or more sides, there's additional setbacks. So the -- the equipment, instead of 150 feet from the project boundary -- sorry, no -- 50 feet from the project boundary, it would have to be an additional 50, or 100 feet from the project boundary. And dwellings, the equipment, instead of 250 feet from dwellings, any equipment would have to be 300 -- 300 feet from dwellings.

>> Commissioner O'Hara: Okay. Thank you.

>> Chairman Eilert: Mr. Ashcraft?

>> Commissioner Ashcraft: Thank you, Mr. Chairman. Mr. Chairman, a process question. Ms. Miller suggests we pause for questions for Chief Lyons, and we're kind of deviating from those questions. Do you want to continue that or --

>> Chairman Eilert: Well, we'll have one more question, then we'll go back to that. Yes, that's fine. Ms. Hanzlick, you had a question?

>> Commissioner Hanzlick: Yes. Thank you, Mr. Chair. I just wanted to ask a clarifying question following up from Commissioner O'Hara's question about the development of cities. I just want to clarify. When we're talking about these Utility-Scale Solar Farms, we're talking about private landowners leasing or selling, working with solar farm providers, and so it would be their choice how they would use their land in terms of whether they would use it for -- to sell to developers for homes or if they want to use it for solar facilities. So there's nothing that would give the cities any authority to expand beyond what private -- private landowners are willing to sell or be incorporated or annexed into the city?

>> Karen Miller: Yes. Yes. These regulations will not force anybody to have a solar facility. So that's the beauty of a Conditional Use Permit. It's a landowner deciding that, yes, this might be a good use on their property. They come to the county, and then the county, on a case-by-case basis, we look at the context of that -- that project, and we look at the surrounding character. We see if there -- what detrimental effects, if any, will be to surrounding property owners. And then also as part of that

whole process, we touch base with any nearby cities and we ask them is this in keeping with your plans for growth, basically. So, yeah. And also it's -- just because we have a minimum distance from the city, we have -- when there's an actual application, we do a -- it's called a golden review and we look at all those things. And so -- and if something is not appropriate and a city would be concerned, we can address that in our review -- our land use review. So thank you for asking that.

>> Commissioner Hanzlick: Thank you.

>> Chairman Eilert: Okay. Ms. Miller, Mr. Long, is he available to make comments?

>> Karen Miller: Deputy Chief Long, are you still available?

>> Deputy Chief Alan Long: Yes, I'm still here.

>> Chairman Eilert: Did you want to make comments about your opportunity or response in these kind of issues?

>> Deputy Chief Alan Long: Well, I would just say as far as the hazmat team responsible for the northeast region of Kansas, we do have the capabilities and we -- while we don't have response experience to this scope of a project, we do respond to stored energy facilities, current fixed facilities that have solar panels as part of their structure. And with our different suppression agents we carry with our quad agent unit, we can respond to these type of incidents at facilities like this. That's kind of how we were brought into this is the state response entity is the Type 1 FEMA team for this area. That's kind of why we were asked to be here. But we do have capabilities that can respond to incidents at a facility like this. That's really all I have to add.

>> Chairman Eilert: Okay. Mr. Ashcraft, do you have a question?

>> Commissioner Ashcraft: Yes. Thank you, Mr. Chairman. Chief, one clarification. Are there existing similar battery storage capacities currently in Johnson County that you are handling or working with responsibility for?

>> Deputy Chief Alan Long: I don't know if they're exactly like this facility, but we do have within our response area, our cell network providers have different buildings located in various cities that have lithium ion storage. They store from the grid, and then if power is disconnected to their cell network, that's when these facilities would then kick online. And we have familiarity with those facilities. We train on those facilities and do preplans and training with those facilities. And like I said, we also have lith top arrays, Black & Veatch, Overland Park PD is building a structure that will have a solar array as part of it. So we are familiar with stored energy facilities like this, but not -- obviously this is a different scope I guess is the best way to put it.

>> Commissioner Ashcraft: Thank you.

>> Chairman Eilert: Ms. Allenbrand.

>> Commissioner Allenbrand: Thank you, Mr. Chair. I do want to make a comment that there are solar panels on homes in Gardner and areas of the Sixth District as well right now that are there. So just -- just so you know.

>> Commissioner O'Hara: Mr. Chairman.

>> Chairman Eilert: Ms. O'Hara.

>> Commissioner O'Hara: It's not the solar panels that is the issue. I believe it's the battery energy storage facilities. And, Chief Deputy Long, the -- the scope that we're talking about would be many multiples beyond anything that is currently present in

Johnson County; is that correct?

>> Chairman Eilert: Deputy Long?

>> Deputy Chief Alan Long: That is my understanding, that is correct.

>> Commissioner O'Hara: Okay. So it would be many, many multiple times as to what we have -- have to -- have responsibility for now, okay. Thank you.

>> Chairman Eilert: All right. Any other questions? Any other comments from staff? Mr. Leipzig.

>> Jay Leipzig: Thank you, Mr. Chairman. Jay Leipzig, the Planning Director. I just want to make a brief comment in terms of clarification in terms of the monitoring for the battery -- battery energy storage systems. Most of the time, that is a -- that's subcontracted out to another entity that would provide that monitoring and assistance. And my understanding, that technology, it's monitored offsite 24 hours a day, and there are a variety of mechanisms that can shut that -- shut the system down immediately. But that's something someone in the industry could speak more, certainly provide more information than I can. But that's my understanding, it's -- it's contracted out to another entity.

>> Chairman Eilert: Thank you. Ms. O'Hara.

>> Commissioner O'Hara: I have just one --

And that expense would be the facility's operators? That would not be an expense -- that would be the facility's expense, correct?

>> Jay Leipzig: I would imagine, Commissioner, that would be one of the items in the development agreement.

>> Chairman Eilert: Okay.

>> Commissioner O'Hara: Put that on your list, please. Thank you.

>> Jay Leipzig: [Indiscernible]

>> Chairman Eilert: Other questions? All right. Well, if not, we will turn to the public comment.

>> Karen Miller: Oh, there's still some more.

>> Chairman Eilert: Oh, I'm sorry. Dr. Parkinson. Thank you.

>> Karen Miller: Pardon me. I'm sorry.

>> We have more!

>> Karen Miller: So slide 20, please. That's fine. So you can leave it here.

So now I would like to introduce Dr. Bruce Parkinson. He is the J.E. Warren Professor of Energy and Environment and an SER Professor of Chemistry in the Department of Chemistry at the University of Wyoming. He received his Ph.D. from the California Institute of Technology. Dr. Parkinson is an internationally renowned electrochemist. He leads a research group that investigates novel methods to harness solar energy. He is an expert in developing and evaluating novel materials with photovoltaic properties that convert solar energy into usable energy forms. He is also -- he also is an expert in surface chemistry and recently has been investigating the influence of photochemistry on the surface of Mars. He has published over 270 papers and professional journals and holds six U.S. patents. He is a Fellow of the American Association for the Advancement of Science and a Fellow of the Electrochemical Society. And with that, I'll turn it over to Dr. Parkinson.

>> Dr. Bruce Parkinson: Hello everybody in Kansas. Can everyone hear me?

>> Chairman Eilert: Yes, we can hear you.

>> Dr. Bruce Parkinson: All right. Well, thank you for the invitation. I have to thank Karen for being such a wonderful interface in this process. I also want to wish the state of Kansas good luck tonight in the championship NCAA basketball.

All right. So the next slide just summarizes a bit of what Karen also gave. So I will just move on to the next slide given the time. So this is what's called a learning curve. This curve pertains to just about any manufactured product and how the price goes down as the volume of manufacturing goes up. And so photovoltaic solar energy has been on this curve for, say, about 40-plus years. And as you can see, I emphasize that this is not a linear plot. That is, this is what we call a log-log plot, where we have factors of 10 for each of the tick marks on each axis. So you see, there has been this dramatic decline in the price of solar energy per watt produced with the cumulative production of PV modules. You see, there was a little blip about 20 years ago, and that was due to the fact that there was a lot more profit making computer chips and memory chips out of silicon, and then solar energy, which required a larger amount, larger areas of that silicon. So of course the computer chips went out because, you know, you could charge \$200 for a CPU. That same area of silicon would have been worth, you know, had to be worth much, much less. But the industry responded and the production of the raw silicon high-purity products then ramped up. It took them about ten years to get back on what was the early learning curve. Even surprising me, who has been in the field for many years, the fact that about five years ago, that slope increased again to being even steeper to now to the point where portable tank solar energy is by far the cheapest form of electricity available. Of course, it does have the problem like wind energy of being intermittent, so we'll get into the storage in a little while. All right. So that's basically why the portable tank industry has been both growing quickly, and then also then reducing their cost, because it's become a commodity now. Very competitive, very competitive between many, many companies making these solar modules.

So the next slide just shows what the solar energy potential across the U.S. is. And this is based mostly on the latitude, that is, how many hours of sunlight you get over the year and how high the sun is in the sky, but also the cloud cover. And so you see ground zero, and this is where solar energy was first implemented in large scale, and that's in the Southwest, where the potential is very, very large. But you can see that where you guys are in Kansas actually has a very high potential as well. And that is emphasized again on the next slide here, where this is just the planned and under-construction U.S. utility-scale solar projects throughout the United States. So this is only within about plus -- about two years. So this was from February 10th, 2021. So this is probably from about then until about now. Some of these that were planned are now in construction. Some of those in construction are now completed.

But one I like to point out is up in Minnesota, which even though I'm in Wyoming now, that's my home state, you can see all the little yellow dots there. Minnesota became particularly friendly to community-scale solar, which is kind of on the order of some of the facilities I've heard you discussing. And so you see they're sprinkled all over the state of Minnesota, even though it's not in the region of where you would expect a huge amount of solar energy potential. But, you know, still places like Texas now are really getting into the solar energy game, and they're still adding huge amounts in the

Southwest. Plus, you see that sunny parts of the East Coast, huge number of solar projects going in, in places like Virginia and Maryland and such places like that, even Massachusetts in the northerly places. So this is nothing new, having all of this solar energy going in throughout the -- throughout the country.

All right, the next slide, then. So there's been a lot of discussion here about battery storage. And there's really two choices now. Lithium batteries have been on one of those learning curves that we talked about for solar where the fact that they're being scaled to such huge amounts has brought the price down dramatically. But there is a competing technology that's been around for a while but hasn't actually been scaled to the level of lithium batteries, and those are called redox flow batteries. These are inherently much, much safer than lithium batteries, but they're very bulky. So they obviously will not be used for transportation. But there are companies now that will be willing and have been starting to sell utility-scale redox flow battery installations. And you can see that these things are modular in that they're not all just piled up in one place. So any kind of -- in lithium batteries, where there is a possibility of fires, but again, the industry has pretty much learned from the ones they've had and are continually making and monitoring more rigorous and more safe. But again, this would depend upon whatever contractor was -- was bidding on the project, and you can examine their safety record and their safety protocols.

But the redox flow batteries are so inherently safe, there's absolutely zero possibility of a fire because the energy is stored in separate tanks of aqueous water solutions and oxidized in a reduced species. And so even if those separate tanks somehow got ruptured and mixed, you would just end up with hotter electrolyte. It would just be heat generated, but not enough to start a fire because it's in water. So that would be another technology to look into in any kind of a bidding process on energy storage for any of the utility-scale. Actually, it seems from what I've been seeing, you're somewhere between the community-scale and utility-scale scale in what you are planning. You are not in the 100-gigawatt scale, but probably maybe a bit more than the 1-megawatt scale.

So, anyway, a lot of this would then be of course handled by the bids put in both by the photovoltaic manufacturers and by the separate companies that are dealing with the battery storage. And it has become much more common to put battery storage integrated with photovoltaic installations, again, in just the last few years, partly because of the decrease of the cost of the battery storage itself, plus the, you know, trying to level the load on the grid in -- especially during peak hours that are not peak hours of either solar or wind production.

So, with that, I'll be happy to answer any questions about safety or photovoltaic installations in general.

>> Chairman Eilert: All right. Questions? Ms. Hanzlick.

>> Commissioner Hanzlick: Yes. Thank you. Thank you, Dr. Parkinson, for that overview and thank you also for the written materials that you had provided. To me, the most important thing that I read in your materials and what I heard you talking about now, and I'll -- I'll just read this where you have this summary. It says, Battery storage is now more commonly paired with PV installations, and though there is a potential for fires with toxic by-products, these have been rare, and most lithium battery

chemistries are safe and produce fewer, if any, toxic materials if they do fail. Redox flow battery storage is an even safer and potentially cost-effective alternative.

Could you make any comments on that? Or is that a good summary of your -- your writings and what you were talking about today?

>> Dr. Bruce Parkinson: Yes, that is a good summary. Thank you for appreciating it. There are -- so lithium batteries aren't all just one chemistry. Of course, when you are making them for cars, you're really wanting to be as lightweight as possible because you're carrying the batteries with you. And so you can -- you can use different chemistries when they're stationary because you're not quite so weight sensitive. But they're still lighter than most other batteries because lithium is exceptional as an element in both having a high electric chemical potential and a very light weight. So, but again, I think the industry is becoming more and more safety conscious. And there have been fires in cars that have lithium batteries. And, of course, there they're exposed to much more environmental stress than stationary batteries. You've got collisions. You got people -- batteries are usually in the undercarriage of the car, they'll go over some sharp object on the ground, that can puncture the batteries. And there's just a lot more wear and tear in terms of corrosion getting into there from road salts and all that sort of thing. So the stationary batteries are really much safer in general, and the fact that they are getting better at their monitoring in terms of what they put in. I know it's been talked about. You're looking at both thermal management by putting a lot of temperature sensors in there, shutting down one of the stacks.

As you can see, they're in these module units, too. So, that is, if one of those, for some rare reason, starts to overheat, it won't probably spread to the other ones because it will be self-contained. And people have been talking about going to more halon fire mediation, that is what they use now in computer server farms where you don't want to have sprinklers because you have a very high investment in your computer servers and you don't want to damage them with sprinkler -- with water going into them, so they use these fire suppressants. And so those can also be incorporated with lithium batteries. Again, it's going to be a very rare event. For the hundreds of -- or thousands or gigawatt hours of battery storage out there, the number of actual fires are very, very few and far between.

>> Chairman Eilert: Ms. O'Hara.

>> Commissioner O'Hara: Thank you, Mr. Chairman. Dr. Parkinson, it's my understanding that the cause of the fires is the -- is the friction and heat that's caused by the up and down loads on these batteries, and that there's -- if it's fully charged, there's like 90 -- there's like a 10% loss of energy and that is part of the reason that there's heat that is generated and that is where the fires come from; is that correct?

>> Dr. Bruce Parkinson: Well, in general --

>> Commissioner O'Hara: Is that the cause of the fires?

>> Dr. Bruce Parkinson: In general, that's correct. But then the normal charging and discharging of the batteries, that's -- that heat is not dangerous. You know, your laptop gets hot as it discharges its batteries and it gets charged and discharged many, many times. It usually is then some sort of a short or some failure in the connection that causes a rapid discharge locally in the battery stack and generates a

local amount of heat. And that can then basically, through a bit of a chain reaction, that is, that heat will cause other batteries' internal resistance to go up, which causes them to heat. But, again, if you have good thermal monitoring, you will pick out that individual cell that starts to overheat and shut down everything connected to that cell immediately.

>> Commissioner O'Hara: And, Dr. Parkinson, I understand that there is fans that are used to dissipate this accumulation of heat; is that correct?

>> Dr. Bruce Parkinson: Yes. In a large battery storage, in the lithium battery case, not necessarily needed in the redox flow battery case -- in fact, not at all needed there -- yes, you would, especially in periods of rapid discharge, you would want to have those fans running to dissipate some of the heat from the inefficiencies of the batteries' discharge.

>> Commissioner O'Hara: Okay.

>> Dr. Bruce Parkinson: It's like you say, you know, you know your laptop heats up when you are really stressing its batteries. The same would be multiplied many times in one of these large stacks of lithium batteries.

>> Commissioner O'Hara: Okay. Thank you.

>> Chairman Eilert: Mr. Meyers.

>> Commissioner Meyers: Dr. Parkinson, I don't know if you're the one to ask this question to, but I'm interested in the decommission plan and how the disposal of the materials take place, if there's any special permit or where -- where do these -- where do these batteries go once they are no longer of use. And, again, if some of these batteries have 10-year life, some have 25-year life, I'm sure with technology that's probably going to be expanded, but I still want to have an idea of if there's a special permit that needs to be handled or -- or where this -- some of these types of materials are going to be disposed of.

>> Dr. Bruce Parkinson: Yeah, that's a very excellent question. It turns out that, you know, people are worried about the availability of lithium worldwide because of the rapid scaling of especially electric vehicle batteries. Yet, given that, there really is at this point not a very good system in place for recycling of lithium batteries. So this is something that's going to have to be ramped up in the future because it makes no sense to try to concentrate very dilute lithium when you are mining it, when you have pretty concentrated sources of lithium in used batteries. So I expect in the future that there is a lot of work being done in trying to recycle the lithium batteries, but it isn't at the level at this point where I could say that, oh, that's all in place and no problem. But I would -- and that's one fact that the redox flow battery industry is using to promote their technology in the fact that they actually don't see the degradation of the redox flow batteries over the lifetime that the lithium batteries see from their many charge-discharge cycles. And they're much easier, if their electrolyte gets into a problem, it's very easy for them to purify it and -- and recycle it.

>> Chairman Eilert: Thank you. Mr. Ashcraft.

>> Commissioner Ashcraft: Thank you, Mr. Chairman. Dr. Parkinson, thank you for joining us. I appreciate your comments. Were you able to listen in earlier on our discussion? Because I asked a question about battery management system monitoring. And I was wondering if you could give us a perspective in terms of what the current protocols are, the state-of-the-art protocols for monitoring, if it's done by the

industry, each solar farm, if it's a collective or centralized, if some kind of governmental agency provides that service and who covers the cost. Any insights would be appreciated.

>> Dr. Bruce Parkinson: I'm sorry, I'm not really an expert on that level. Again, I would -- I would deal with that when there's a bid. If you have a battery installation going in, then that's something to take up with the bidders of who is going to put the installation in. Though I don't think there is any federal monitoring, there might be something that's utility-scale, because the utilities would want to know the level of storage available when there is a shortage of power on the grid so that they could tap into the battery storage. But, again, I'm not an expert on that, so I don't want to go beyond what I can say with confidence.

>> Commissioner Ashcraft: Thank you.

>> Chairman Eilert: Ms. Allenbrand.

>> Commissioner Allenbrand: Thank you, Mr. Chair. Mr. Parkinson, I want to thank you as well, and also fellow commissioners up here that he has answered a lot of questions for me. So I really appreciate that. Thank you.

>> Chairman Eilert: Ms. O'Hara.

>> Chairman?

>> Chairman Eilert: Excuse me, Ms. Fast.

>> Commissioner Fast: Yes. Thank you, Dr. Parkinson. I guess the summary that I read from your report is that there is few, if any, serious hazards from solar installations, and fires are rare; is that correct? I mean, you said, Associated with installations, a fact confirmed by large number in scale of installations through the world and in the U.S. operating for many years with no significant issues.

>> Dr. Bruce Parkinson: Yeah, I will stand by that. Really, the -- there are no moving parts. They sit there and produce power, you know, whenever there's sunlight hitting them. And as long as you don't let people get, you know, try to steal them when they're operating, about the biggest hazard would be a thief electrocuting themselves if they're dumb enough to try to steal a solar panel during the day.

>> Commissioner Fast: Also, on your map, it's kind of, you know, hard to zero in. When I was doing research, you know, you know, we're a metropolitan service area, and it looks like lot of large-scale solar operations are in the implementation. I found Las Vegas, Austin, Dallas-Fort Worth, Reno, Indianapolis; these are all metropolitan service areas. Is that what you are seeing, too? Because your map, it's hard to see, but there's a large number next to large urban areas like this one.

>> Dr. Bruce Parkinson: Yeah, it's -- it's everywhere, even Wyoming, which is not very friendly to solar power as a good resource. We are starting to get some more utility-scale solar here. Of course we got it actually perfect. We're at high altitude, very sunny, and a lot of cheap land with hardly any population density. But a lot of those community solar things in Minnesota, they're just right on the city limits of the little towns that put those in. And they have a -- there, it's the dairy cooperatives. They're used to cooperatives. So the little towns just got together and said, well, let's do some solar as a cooperative as well. And again, some of the blue states out east, Massachusetts, even though they don't have a great -- a great resource, they have the, you know, the political will to put in a lot of community and rooftop solar in a place that's highly, you

know, fairly densely populated around the Boston area and such. So --

>> Commissioner Fast: So this is not unusual to be next to a large urban area, is what we're seeing --

>> Dr. Bruce Parkinson: No, not at all.

>> Commissioner Fast: -- with Las Vegas, Pueblo, Indianapolis, Dallas, Austin. Is that correct?

>> Dr. Bruce Parkinson: Yeah, that's correct. Not unusual to be close-by. There really aren't -- aren't hazards. Some people don't like to look at them. I think wind energy has a little bigger problem being close to urban areas because of the, you know, the little noise and the big, big footprint of the view. But in Fort Collins, where I have a house, I used to be at Colorado State, there is community solar within the city limits, and it's sold out. Whenever they have a new -- a new buy-in for -- instead -- if you don't have a good space on your roof, you can buy into the community solar. They're not really large installations, probably smaller than what you are planning in the rural areas. However, they're right inside the city limits in many cases.

>> Chairman Eilert: Okay. Thank you.

>> Speaker: [Off mic].

>> Chairman Eilert: I'm sorry?

>> Microphone!

>> Karen Miller: Chairman Eilert, this is Karen Miller. I know there's a couple more questions, but just to let you know that both Dr. Parkinson and our County Appraiser, Bruce Boisvert, are available only until 4:00. It's 3:25 right now. And so the next step would be our County Appraiser.

>> Chairman Eilert: Okay. Ms. O'Hara, you had a question?

>> Commissioner O'Hara: Yes. So, Dr. Parkinson, these -- these co-ops and these community facilities, they are smaller in size?

>> Dr. Bruce Parkinson: Yeah, in general, they're smaller than what I've seen you folks talking about, but some of them are probably on the level. You know, the thousand-acre sort of thing is not what I would consider a large one.

>> Commissioner O'Hara: Then, also, are you seeing use of industrial areas for solar farms instead of rural pristine areas?

>> Dr. Bruce Parkinson: Oh, definitely. You see a lot of warehouse facilities, Wal-marts, et cetera, they're putting solar panels right on their roofs. They have all this area and it's very beneficial because, you know, it reduces their air-conditioning because they're actually absorbing some of that energy and turning it into electricity, plus, lowering their utility bills. So, yeah, even on the roofs of warehouses in rural -- in such things, they're taking advantage of that space because solar panels are becoming so -- so inexpensive.

>> Commissioner O'Hara: And these -- and these types of projects, they are for -- this electricity is being used locally, whereas these types of solar farms that we're looking at in Johnson County will be hooking into the high-voltage transmission lines and going into a bigger pool of -- I believe it's called the Southwest Electrical Pool? I think that that's correct. And so this is -- this is -- this is taking our land and generating electricity that's being -- that's being exported out of the area. So I believe that that's the big difference in the -- in the -- in uses that you're talking about with the co-ops and

being within the cities. And I understand that, that that is being generated for local use. Is that correct?

>> Dr. Bruce Parkinson: Well, the grid, it's hard to, you know, electrons are all equal on the grid. So, but you're right, there are local and -- and regional grids. And all this is connected with a very complex network where they can transfer power around to different areas depending on needs and of course also rates. So people will make money by sending cheap solar power from a place that's generating a lot to a place where maybe it's not sunny and/or they have a shortage of power and get -- and make money because when there's a shortage somewhere, they have to pay more. So there's a whole network of basically arbitrage of power across grids. Of course, Texas got into a bit of a pickle because they wanted to be off of everybody's grid, and so, and they had the local failures because of their freeze. They were in a big problem.

>> Commissioner O'Hara: I have just one other question. You talk about the cost of solar has gone down tremendously. Are all of the solar projects, are they subsidized through tax incentives?

>> Dr. Bruce Parkinson: Again, that's a very local thing. There is some federal support, but it's the states and cities and counties, and everybody has different -- especially for when you put it on your roof. Some utilities will pay retail and some will pay wholesale and some won't pay anything for excess power that you put on -- into the grid from your roof. So this is very much local depending on the utilities and the state regulations and such things.

>> Commissioner O'Hara: I'm talking about utility-size solar farms, not -- not individuals.

>> Dr. Bruce Parkinson: Yeah, well, that still depends on the local grid regulations and how the utilities, what their -- what their -- what their rules are as well. And I didn't research Johnson County, and so I can't give you answers about that area.

>> Commissioner O'Hara: Okay. Thank you. I'll just note for the record that the solar farms, that they will be property tax exempt for ten years, and that this is a shift within how we tax because utilities, I believe they're assessed valuation and the -- Beau can correct me if I'm wrong -- I believe they're assessed at 23%. And so this is a huge shift as to where we are collecting our revenue. So like the plant, the coal plant down in Linn County, which is down by LaCygne, just south of here, that is generating 70% of the property taxes in that county. And when you bring in a solar facility and they are tax-exempt, it is shifting that -- it is shifting that tax burden to the rest of the tax base. Thank you.

>> Chairman Eilert: I think our next speaker can enlighten us on that. Is Beau available?

>> Karen Miller: Yes. Next slide, please. And I'd like to introduce Beau Boisvert, our County Appraiser. And we are lucky in that Beau worked in -- is it Arizona?

>> Beau Boisvert: Yes.

>> Karen Miller: Arizona. And actually has experience with solar facilities. So thank you, Beau.

>> Beau Boisvert: Thank you. Beau Boisvert, Johnson County Appraiser. Chairman, board members. Actually, I'll stay a little longer than 4:00 if I need to. I

texted and made that arrangement for my medical appointment, so I think we're good. Basically, for Miss -- for Commissioner O'Hara's statement, yes, they are exempt for ten years, the land, the improvements, and the personal property. They then go on the rolls at the end of ten years at the value that they would be at at that point in time in terms of the market value for the land, market value for the structure. Personal property would of course have depreciated to some degree because personal property depreciates every year, like any business personal property. So, therefore, you would have a value there, but you would see the market value as it would be currently at the end of ten years and the market value for that structure for that time frame, too. So even though the land may be, we'll just say, for example, 75 -- \$750,000 right now, whatever it is in ten years, and as we know, Johnson County's market has been very hot for the last 15 years, basically. And this year of course we saw the values go up significantly throughout the county. So I don't think that that in and of itself is a long-term -- is an issue. That's a state requirement by statute. They've listed solar panels, wind farms, biohazard, energy, all of those are listed as renewable energies and they have given tax breaks for those types of energies because, like other states around the country and around the world, they're trying to bring in energy that is not based on coal and not based on gasoline or oil. So it's a mindset around the world as it relates to how we are trying to provide energy for the -- for our people, no matter where we live. And so this is just a common thread that's been going on for quite a few -- a few years.

My experience in Maricopa County, where I came from, which is the Phoenix metropolitan area, during my time there, we actually had three significant solar facilities go in. One was a 900-acre facility. The other one was 1,300 acres. And the smallest of them was a 10-acre parcel, it was turned into a solar farm, and they're all owned by the energy company there, APS or SRP, which one of the two. The two big ones, the 900-acre one is west of town. And it has -- it's about a mile and a half for the closest residential community and it was just farmland around it. There have been very little issues with that one. The 12 -- 1300 one is down by Gila Bend, which is one of our smaller cities, very similar to the size of Edgerton and Gardner, and it actually sits about a mile outside the city limits. And when it was built, it was the largest solar farm in the United States at the time. There have been very minimal issues there as well with that one. The biggest issue they had there was they had some cows break one of the fences and actually destroy some of the panels. So that poor farmer had to -- rancher had to pay a little bit of money for that. But it is what it is.

The third one, which is the most interesting one from my perspective, is the 10-acre piece that's located in East Mesa, between Mesa and Queen Creek. So it's an urbanized area. The people who had it were farmers. They did farming for years. Their family finally got out of the farming business. APS came to them and said we would like to put in an in-urban solar farm to help one of our panels, our actual stations, substations be more efficient. Like this meeting, I spent many hours talking to the public and being at meetings like this talking about the impact of that. One of the impacts people worry about the most is if I own property near it, am I gonna lose value. And so in doing the studies in that particular project, and the homes are right across the street on three sides out of the four, the values went down 5% for the first two years. And then by the end of the third year, they were back to the normal market as everything

else, because what the power company did, which is what they generally do, from my experience from around and studying this, is they put up nice walls, similar to what you see along the highway. They're usually 12 feet to 10 feet tall. They're decorative. And you cannot see any of the panels inside the facility. And once the construction is over, because that's really the big issue is when they're building it and you have the dirt and the dust and the noise of the trucks and the machinery going on, that's when it's the most nuisance. After that's over, within three years, the market is back to normal for the properties that are close to the property.

Now, I can't say that's necessarily true for every project around the world. But I can say, in my experience, in a highly populated area, that it was the case at that point in time. So that's just a short summary of what I know about this industry from an appraisal standpoint.

>> Chairman Eilert: Okay. Beau, the tax abatement is a state issue. The county has no -- no ability to make any determination in that regard?

>> Beau Boisvert: No. We are just required to keep the records on file for the ten years and then make sure it's taken off at the end of the ten years.

>> Chairman Eilert: Okay. Ms. O'Hara?

>> Commissioner O'Hara: Thank you. Beau, do you have any experience with homes that are surrounded on three sides from -- on a solar farm? It sounds like that the 900-acre and the 1300-acre, that there -- were there residents around these facilities? Or was this pretty much just vacant ground or --

>> Beau Boisvert: The one in Gila Bend, it was vacant when they started. Now there's actually two subdivisions that have been built within less than a quarter of a mile of the facility.

>> Commissioner O'Hara: But a quarter of a mile of the facility?

>> Beau Boisvert: Yes.

>> Commissioner O'Hara: Okay. All right. And you say that these facilities have 10- to 12-foot walls around them?

>> Beau Boisvert: If they're in an urban area, that is my understanding of what the industries do. Now, I was talking specifically about that 10-acre one that was inside the urbanized area.

>> Commissioner O'Hara: So if you -- if you were to value a property that was surrounded on two or three sides of a solar farm, say it's a 10-acre parcel, and that there is not these 10- to 12-foot high walls, that you can see the solar farm, is that going to impact the value of these properties?

>> Beau Boisvert: It could. And we would look at the market to figure that out, even if I had to go to other communities to look for the market that are similar.

>> Commissioner O'Hara: But they're like -- but they're like a quarter of a mile from the facilities, which is a good distance.

>> Beau Boisvert: Right. Yes, that's a good distance. And --

>> Commissioner O'Hara: That's like 1250 feet, okay. All right. Thank you.

>> Chairman Eilert: Mr. Ashcraft?

>> Commissioner Ashcraft: Thank you, Mr. Chairman. Mr. Chairman, a follow-on to your question about the tax exemption for ten years. Mr. Boisvert, and thank you for being here, you indicated that they would be fully taxed after ten years,

subject to depreciation. Just a curiosity. Are these types of renewable facilities allowed to claim accelerated depreciation or is it straight line?

>> Beau Boisvert: I'm not sure exactly. I'd have to go back and do more research on how the legislature wrote that.

>> Commissioner Ashcraft: Okay. Thank you.

>> Chairman Eilert: Ms. Hanzlick?

>> Commissioner Hanzlick: Thank you. Thank you, Mr. Boisvert, I appreciate your being here. Just a question because I'm trying to understand if this situation is different from other types of tax exemptions for agriculture. For example, if instead of a utility-scale solar farm we were looking at guidelines for corporate hog farms, for example, or -- I'm not even sure what other ideas I could think of, but how -- how does this exemption compare to those kinds of exemptions? Because this is certainly not the only kind of exemption on ag -- use of agricultural land, either statewide or on a federal level. So can you -- can you talk about that a little bit, please?

>> Beau Boisvert: For right now, I couldn't tell you if it's that big difference because you're looking at it from a business perspective of an exemption. It's similar to like an IRB or a TIF. It's really not in the sense related specifically to the agricultural. By state law, if a property is used agriculturally and that property has an exemption, the property owner has to make the decision do they want the exemption or do they want the agricultural value. In this case, I think you would have a really hard time seeing a solar company come in and want to have an ag value when they're really truly doing -- generating power. So I would think it would still have to be looked at as under the IRB or the state tax exemption for the ten years.

>> Chairman Eilert: Okay. Other questions? Ms. O'Hara?

>> Commissioner O'Hara: Well, in Johnson County, we're not going to allow hog farms or feedlots.

[Laughter]

>> Commissioner O'Hara: And that would be under classification. And on those types of facilities, the barns, those are actually taxed at the higher rate, that's commercial rate, which is -- which is assessed at 25%. Whereas, residential is 11.5%. So, yes, ag land under -- just vacant ag land is a classification. But if you put improvements on those and you have a big hog operation, then you're going to have a lot of property tax due to the commercial classification of your barns. So...

>> Chairman Eilert: Thank you. Ms. Allenbrand?

>> Commissioner Allenbrand: Thank you, Mr. Chair. And thank you for being here today. So, just because sometimes my brain, I just want to clarify. So we've talked about a lot of development that's possibly going on in the unincorporated areas. So I'm assuming that if you -- if a farmer decides that he is going to produce this solar, in the meantime, while development is going on, ten years or whatever time they put that, that depending on the value, if somebody's living around that, the value of their land could go up because of development. So it could kind of be a double-edged sword. I'm --

>> Beau Boisvert: True. Until the market starts to tell us what's going on --

>> Commissioner Allenbrand: Right.

>> Beau Boisvert: -- it's hard to -- it's hard to speculate whether it's going to go up

or down.

>> Commissioner Allenbrand: Yeah.

>> Beau Boisvert: But like I said, my experience has been, it usually drops the first year or two, and after that it's as if the project never happened.

>> Commissioner Allenbrand: Right.

>> Beau Boisvert: And that's all I can talk about right now on that. But I'm sure if you really looked hard enough, you could probably find someplace somewhere in the country or the world where the value probably did not come back. But I don't know where that would be today.

>> Chairman Eilert: Okay. Thank you. Other questions? All right. Ms. Miller, are there other staff reports that we need to consider right now?

>> Karen Miller: I just wanted to wrap up -- and if you could do the next slide, please -- by just pointing out some people and agencies that planning staff has coordinated with while we were creating these regulations. We touched base with the Airport Commission to see if there would be any glare issues, and they -- there were not. And the FAA has requirements for glare studies in certain circumstances. So the Airport Commission was very comfortable with the idea of solar. In fact, some airports do have solar facilities at their airports. Also, we put in a performance standard in the regulations that requires that all of the solar arrays be arranged to -- that reflect sunlight away from adjacent parcels, if there is any reflection. We worked with public staff, the Noxious Weed Department, on herbicide use. They're very knowledgeable about the herbicides used, and they helped guide us to put in requirements that any herbicides shall be applied by a professional licensed in the state of Kansas and use only EPA designated low-risk herbicides, and to use them per the label requirements. So -- so staff is very comfortable with our requirements for herbicides.

We worked with staff, with a Parks and Rec biologist, and he helped us create requirements for the -- for the reseeding for any disturbed land. So there's a specific requirement for, you know, native grasses, forbs and flowers and that type of thing. We talked about wildlife corridors and permeable fencing. And then, also, we worked with Public Works staff regarding stormwater management and road maintenance and repair. And then, also, we, as mentioned previously, we worked with city staffs, getting their input on distances from cities.

And then, also, staff looked at various noise equivalency charts. And we put in a performance standard in the regulations that say that at the project boundary there shall not be any noise louder than 60 decibels, which is equivalent to normal conversation. And -- and keep in mind that this -- this would be a specific CUP application, and if there is a need for a stricter requirement, that would also be possible. And then, also, mentioned previously we extensively coordinated with our building official, our fire inspector, and the various city fire departments in the area.

And then, also, just one last thing is that we do have this kind of universal Utility-Scale Solar Facility Agreement required, which is that development agreement that will go through and provide surety and -- and enforcement of all of those requirements that we have. And with that, staff is done with their presentation. And I'll just make a note that after the public hearing, staff is prepared to provide some guidance on -- on the motions. Thank you.

>> Chairman Eilert: Okay. Ms. O'Hara?

>> Commissioner O'Hara: Yeah, just a quick question on the surety bonds. If this project is sold to another entity, then how -- how does that surety bond follow the project? How do we -- how are we ensured that the removal of the solar panels and the battery energy storage facilities, how do we ensure that that -- because in this -- in this environment, we're -- I mean we have no idea if the applicant is going to be the owner in five years. So how -- how do we ensure that that surety follows?

>> Karen Miller: I'll ask Rick Lind to come to the podium.

>> Rick Lind: Rick Lind with the Legal Department. We would enter into a development agreement with the applicant, and they would be on the hook for the surety. And if they sold it, they would still be on the hook until the successor in interest also entered into an agreement and provided us that surety.

>> Chairman Eilert: Okay. Thank you.

>> Commissioner O'Hara: Thank you.

>> Chairman Eilert: Mr. Ashcraft?

>> Commissioner Ashcraft: Thank you, Mr. Chairman. Mr. Lind, and if the company were to go bankrupt, what's the status of that surety?

>> Rick Lind: That's a great question. We are going to work with a third-party financial expert to go over those as to whether escrow, letter of credit, or bond is the best way in case a company goes bankrupt. So we are going to work with third-party financial institutions to get the safest surety that we can.

>> Commissioner Ashcraft: Very good. Thank you.

>> Peg Trent: Mr. Chairman, if I could add on to that. I have some familiarity with that. And what we have done and I have done in the past is in the development agreement, we also include a bankruptcy provision and have been successful through the bankruptcy as it relates to that to secure our interest. So we would make sure that that was -- clause was contained within the agreement as well.

>> Commissioner Ashcraft: Thank you. A follow-on, Mr. Chairman.

>> Chairman Eilert: Go ahead.

>> Commissioner Ashcraft: To Ms. Miller, I will direct. Actually, Mr. -- I think Mr. Pendley raised this question. But the initial draft said 150 feet for project boundaries and was changed to 50 feet by both staff and the Planning Commission. What was the evolution of that discussion? That seems like a significant shift.

>> Karen Miller: Sure. The -- our consultant, Berkley Group, made that initial recommendation for the 150-foot setback. And we got some input that, you know, maybe this is a little bit stringent. So we -- we looked at what -- what it is we're trying to accomplish and we looked at our existing setbacks in the rural district. And -- and we came to the conclusion that the hundred -- that the 50 feet would be appropriate and a good balance.

>> Commissioner Ashcraft: Okay. Thank you. One more follow-on, Mr. Chairman, to Mr. Leipzig. Mr. Leipzig, the question regarding the CUP term. My familiarity is that a 20-year term is -- is quite common in most applications in the county. And I was just wondering, historically, those 20-year terms, how many of them have been overruled after 20 years, or withdrawn? Whatever the terminology is. Because one recommendation here is to have 25. And I'm trying to understand the significance

of that.

>> Jay Leipzig: Commissioner, Jay Leipzig, the Planning Director. If I understand the question correctly, Mister, you are asking if any of the conditional use permits have been revoked over that period?

>> Commissioner Ashcraft: Well, what percent? I mean, I've never heard of one being revoked.

>> Jay Leipzig: I -- I am not aware of any being revoked. I know that oftentimes there is -- they go through a renewal process that -- that -- and, as you know, too, that renewal term can vary as well. But I am not aware of any of them being revoked.

>> Commissioner Ashcraft: Okay. Thank you.

>> Chairman Eilert: Ms. Hanzlick.

>> Commissioner Hanzlick: Thank you, Mr. Chair. I just wanted to ask Ms. Miller if the boundary maps were still going to be part of the presentation?

>> Karen Miller: You mean the maps that show the various buffers, like the --

>> Commissioner Hanzlick: Yes.

>> Karen Miller: We do have that at the end. And you can please go to the next slide. And would you like for us just to kind of move through the various --

>> Commissioner Hanzlick: Maybe just very, very briefly. I just think it's significant because it -- it shows in -- in black and white, or color --

>> Karen Miller: Yes.

>> Commissioner Hanzlick: -- the area that is actually impacted. And I think it's important for people to see what -- what that looks like.

>> Thank you for that question, Commissioner. Yes. Sorry I failed to mention this. We do have these maps. We have the various maps that vary from 1 mile, 1.5 miles, 2 miles, and 3 miles. So through this whole process, we looked at those buffers from the cities. So these maps do show that. So this is the first one we looked at, was the 1-mile buffer, just as an example. What's remaining outside -- and this takes into account the 1-mile buffer around the current city limits. So what would be remaining in the unincorporated area that would allow for utility-scale solar would be approximately 36,000 acres. So then if we could go to the next map.

That's 1.5 miles. This is what staff had recommended at the time of the public hearing. 1.5 miles outside of the current city limits would be just over 20,000 acres in the unincorporated area that would be eligible for utility-scale solar. And again, this also takes into consideration that recent annexation in DeSoto.

And if we go to the next map, this is the 2-mile buffer map, which is basically the 2 miles. This is what the proposed regulations would allow for, 2 miles outside of all current city limits. And this area, again, in bright green, would be the area that would be eligible for utility-scale solar. This would be approximately 10,000 acres remaining in the unincorporated area.

And then, finally, a 3-mile buffer map, which is the ultimate buffer. This -- this would virtually exclude utility-scale solar in the county with exception of one small area in the far west central area of the county. This would be just over 2,000 acres in the unincorporated area.

So those are the different buffer maps and different examples. And would be happy to answer any questions on any of those.

>> Commissioner Hanzlick: Thank you. I appreciate your going over those.

>> Sure.

>> Chairman Eilert: All right. Thank you very much. Well, at this time, the staff portion of the report is concluded. We will take a five-minute break and come back and receive the public hearing comment. Thank you.

[Break]

>> Chairman Eilert: All right. At this time, we will begin the public comment portion of our public hearing. We have individuals who have signed up ahead of time to make virtual comments. We will take those first. And then we will move to those who have signed up to make in-person. And the clerk will read the names of the first two or three. So if -- when you hear your name, be prepared to come to the podium. In fact, you might even move a little closer when your name is called there to the front row so you can be ready. Again, this -- this hearing is not about a specific project. This is about the broad policy involving solar facility activity. So, there is -- there is no application before us. And so your comments should be directed specifically to the broad policy issues.

And again, the time limit will be two minutes. You can see it on the screen or there's a modem, I believe, on the -- on the podium. And if you run over, then I will have to ask you to conclude. So with that, we will begin with those who signed up virtually. The clerk will please read those names.

>> Clerk: Thank you. And I do apologize ahead of time if I mispronounce anyone's name. When you come to the podium or you start speaking on Zoom, please state your name and your address. We will start with virtual, and we do have a few that did not sign on to Zoom, so therefore, they are not present to speak. At this time, we do not see Joyce Whittier on. We will go to Michael Miller. Then we'll go to Billy Wallace. Then Nina Lanman. Michael Miller.

>> Michael Miller: Yeah, my name is Michael Miller. I'm a retired physician. I live in Roeland Park. My stand for speaking on this issue is 12 years of employment in the air unit of the Missouri Department of Natural Resources. Now, I prepared these remarks yesterday. I'm going to deviate a little bit from I think what the Chairman suggested how we approach this. Considering the critical need to reduce emissions by 50%, carbon emissions by 50% the next 12 years, the NextEra solar -- solar utility facility I believe they will propose will be an outstanding opportunity for the county. The facility would be near the 350-megawatt size already committed to by Evergy, who will likely get any electricity from any project in Johnson County, with 2,000 acres from Johnson County, 170 megawatts at 1 megawatt per 10 acres of panel, and 100 megawatts from the 1,000 acres in Douglas County.

Unfortunately, at the Planning Commission's meeting on December 14th, boisterous antiscience partisans seemed to intimidate the commission members present, resulting in the adoption of more restrictive standards than the science-based standards proposed in October for which a consensus had been reached after months of open discussion. My comments now address the differences in size between the October and December standards.

Buffering. Since there are 120,000 acres of unincorporated land in the county, at a buffer of 1.5 miles, that from October, 20,000 acres remained available. At 2 miles, in

December, only 10,000 acres remained, effectively restricting the project area to 1,000 acres since there would be far fewer acres, or 2,000 acres of contiguous land would be available.

In conclusion, we badly need green energy. The restrictive standards passed in December may kill the project at the scale I suggested. Commissioners should continue the long-standing commitment to sustainability by sending them back to the Planning Commission for revision. Thank you for your attention.

>> Chairman Eilert: Thank you. Next speaker.

>> Clerk: Billy Wallace is not on Zoom either. We will now go to Nina Lanman. Then Steven Clark. Then C. Elaine Giessel. Nina Lanman.

>> Nina Lanman: My name is Nina Lanman. I live at 2371 Highland Trail Southwest, Alexandria, Minnesota. I, along with my family, own several properties in Johnson County. These properties are part of the proposed West Gardner Solar Project. Solar opponents have made various statements such as rural land should remain in agriculture. Another typical statement is that prime farmland should not be taken for use in an industrial solar farm, or that America is losing too much farmland to development. They like to state that solar should only be installed on landfills or reclaimed industrial sites, like the Sunflower site, or on rooftops. I would like to make a few points to refute these claims.

The first one is that our Knoche farmland is not considered prime farmland. Much of its production has been used for livestock grazing and not crops. The notion that the U.S. doesn't have enough productive farmland is proven false by the federal government's Conservation Reserve Program, CRP. This program pays farmers and ranchers rent annually to keep their agriculture lands out of production to boost farm commodity pricing. This program currently has 22 million acres enrolled in it.

Another point that I would like to make is that solar farms do not permanently take farmland out of production. Instead, they essentially act as a land bank and allow the soil to rest, and even to be improved by planting soil, building vegetation under the solar arrays. Solar farms are eventually decommissioned with all equipment removed and the site restored, making the land available to return to agricultural uses at the landowner's option.

The last item is that to build solar farms on landfills, formerly contaminated land, or rooftops is much more expensive, up to twice as expensive as locating them on rural land. This higher construction cost would be passed on to the consumer. Our family believes that a solar farm would not only benefit our family, but the community through the energy and taxes that it would generate. We ask that you extend the CUP to 25 years or more, and acreage limits to 25,000 -- 2,000 acres or more in Johnson County. Thank you for your consideration and your service to our county.

>> Chairman Eilert: Thank you. I should have made the comment. As these two speakers have done, all speakers please state your name and address before giving us your comments.

>> Clerk: Thank you. Now we have Steven Clark. Then we will have C. Elaine Giessel. Then we'll have Cassie Woolworth. Steven Clark.

>> Steve Clark: Hello. My name is Steve Clark. My address is 3422 Kensington Court, El Dorado Hills, California. My wife's family owns rural land in

Johnson County, which they would like to lease for a solar farm. I've worked my entire 42-year career designing and building power plants of all types, including coal and gas fire plants, and utility-scale solar farms since 2008. In the past 15 years, over 1,000 solar farms have been built across the U.S., representing more than 40,000 megawatts. This equals 34 Wolf Creek nuclear power plants, or 50 large coal-fired plants. The thousand solar farms have operated successfully with no significant negative impacts, minimal noise, traffic, water usage, or solid waste, zero wastewater, odors, or emissions, no known harm to the public of any kind, despite what the antisolar groups claim. With reasonable setbacks and visual screening, solar farms don't lower property values of nearby homes. Solar power has not caused any blackouts. Solar-generated electricity is low-cost and has saved enormous quantities of CO2 from being emitted by fossil power plants.

Solar farms result in hundreds of good-paying jobs. They generate significant sales, income, and property tax payments. Solar farms preserve rural character and protect against unwanted suburban sprawl. The power would primarily be used locally. However, no known solar farm has been built to a short 20-year CUP term or any acreage limit. Most have no specific CUP term since they're durable, like other essential infrastructure facilities.

I urge the BOCC to set the CUP term to 25 years or longer and adopt a 2,000-acre size limit and a 1-mile minimum distance from cities. Thank you for listening and your public service.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have C. Elaine Giessel. Then we will have Cassie Woolworth. Then we will have Ty Gorman. C. Elaine Giessel.

>> Elaine Giessel: My name is Elaine Giessel. I live at 11705 West 101st Terrace in Overland Park. Climate experts tell us that we have a very short window of opportunity to make the transformational changes required to keep the impacts of the climate prices to levels to which we can adapt. We must move from the burning of fossil fuels to clean renewable energy sources which do not emit [indiscernible] as soon as possible. While I support distributive energy generation, we also need utility-scale renewable energy production so we can close coal and gas-fired plants sooner rather than later. Citing guidelines for the development of large-scale solar should promote projects, not restrict them arbitrarily. Despite the recommendations of an expert consultant hired by Johnson County, the Planning Commission is proposing standards that would likely preclude the development of large solar farms here.

In Johnson County, with our high quality of life, most of us have barely noticed the impacts of climate change. We're fortunate enough to be resilient due to our relative affluence. But our resources also mean we contribute more to the climate crisis per capita than most other communities. My daughter, who graduated from Shawnee Mission South, lives in Africa now and works on food security issues. It is in the villages without personal automobiles or electricity where the impacts of climate change are felt first and worst. She is witness to the fact that these communities contribute the least to the climate crisis, yet suffer the negative consequences disproportionately. What we do here in Johnson County can have global impacts. We pride ourselves on being leaders in the region. Send the recommended guidelines back to the Planning Commission

with a directive to develop standards that reflect the urgency of addressing the well-being of our global community and the stability of the ecosystems that sustain all of us. It is time to step up and do our part on behalf of the planet, for our families, and for our future. Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Cassie Woolworth. Then we will have Ty Gorman. And then Chris Roesel. Cassie Woolworth.

>> Cassie Woolworth: Hi. This is Cassie Woolworth. I live in Olathe, Kansas. You've heard from me before. I wanted to applaud everybody who has come before me for the farms. I think it's wonderful. I think solar energy is a great idea. I went to fill my car up, and it's 25% more expensive because I drive an automobile that uses gasoline. Solar energy is the cleanest and most abundant renewable energy source available. Did you know that the energy the sun provides for one hour could meet the global needs for energy for one year? Wind energy passed coal for the first time in 2019 in Kansas for the best source of electricity. I'm loving renewable! In 2020, wind energy accounted for 43% of our electrical needs in Kansas, which was second to Iowa only. The cost solar technology is always developing. We will see better costs. You can get thermodynamic panels that will get your weather dependency gone. Solar energy, yes, right now is expensive if you want to store it. But every time we can work on new technology. And it does use a lot of space. But I love the Planning Commission's recommendations. I love the committee's recommendations. I think they've done really, really well. Solar energy pollutes far less than any, any other alternative energy source.

Renewable energy is the wave of the future as coal and oil become more and more expensive. There are limited supplies unless you have a dinosaur in your pocket. Renewable gives us back the earth, clean air, and water and energy independence. Independence! Not subject to control by others. Aren't you ready for energy independence? Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Ty Gorman. Then we'll have Chris Roesel. Then we will have Louise Lloyd. Ty Gorman.

>> Ty Gorman: Hi. I'm Ty Gorman, 4728 Canterbury, Roeland Park, 66205. As a Sierra Club campaign representative, I'm honored to provide comments representing thousands of Sierra Club Kansas members in Johnson County and across the state who want our county representatives to pass regulations that promote solar development. Our members' opinions are in the majority. 89% of Americans are in favor of increasing solar energy, according to the Pew Research Center, and only 9% are against. As Dr. Parkinson noted, large-scale solar of thousands of acres have been safely attracting investment near urban centers across the country, and Kansas is behind the curve, even though we have one of the top ten solar resources in the country. Utility-scale solar can also improve agricultural land, conserve water, grow our local economy, reduce electric bills and air pollution, which disproportionately impacts our communities of color. Landowners should be free to use their land to harness the power of the sun as they see fit without arbitrary restrictions.

Our members are asking our commissioners to reject the 1,000-acre maximum

project area, the 2-mile buffer from cities, and the 20-year conditional use permits, which are overly restrictive antisolar amendments that will badly damage our solar investment in our county and state. Instead, we ask county commissioners to vote in favor of pro-solar standards that allow quality large-scale solar projects to move forward in Johnson County within 1 mile minimum distance from cities and in excess of 2,000 acres if the solar project meets landowner priorities and responsible siting under conditional use permits in excess of 25 years to match the length of the solar equipment and project financing. Johnson County landowners should be able to use their land as they see fit to promote solar power in keeping with the Climate Action Plan that was passed by the commission last year. This will bring significant economic investment into the county while creating good-paying jobs in our community. Thanks very much.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Chris Roesel. Then we will have Louise Lloyd. Then Lora Beth Clark. Chris Roesel. Chris, please unmute yourself.

>> Chairman Eilert: Let's go to the next one. Hold that one. We'll come back.

>> Clerk: Now we have Louise Lloyd. Louise, can you unmute yourself, please.

>> Louise Lloyd: Okay, my name is Louise Lloyd. My address, 11433 South Rene Street, Olathe, Kansas, 66215. As a resident of Johnson County for over 40 years, I am very supportive of the proposed solar energy projects. However, I do not support the amendments to the solar zoning regulations that establish a 2-mile boundary from city limits, setting of a 1,000-acre cap, and setting a 20-year limit on the conditional use permits. I agree with the comments from Ty Gorman, Sierra Club, regarding these three amendments. I will defer on those.

Having a viable solar farm providing a renewable energy source contributes to an improved quality of life because there are no emissions or wastewater discharge and it does no damage to the land and will not cause health issues such as asthma. And relative to concerns for future development, having clean energy should be very appealing for potential new residents or developers. You have the opportunity to have a positive impact to help slow down climate change and provide a better quality of life for your constituents for many years in the future. Please, don't put restrictive measures on the zoning regulations that are not justifiable and that could be very detrimental to future solar development. Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we will go back to Chris Roesel. Chris Roesel.

>> Chris Roesel: Good afternoon, Mr. Chairman, board members, staff, and other residents. I'm speaking in favor of the solar amendments.

>> Chairman Eilert: Would you give us your address, please.

>> Chris Roesel: My name is Chris Roesel, 4823 Mohawk Drive, Roeland Park, Kansas.

>> Chairman Eilert: Thank you.

>> Chris Roesel: Public service and the general welfare are very important to me, to the point I am a 73-year-old Vietnam era veteran, return Peace Corps volunteer, retired. I work with impoverished communities to stop the main childhood killers, diarrhea and malaria. I've studied ecology, public health, nutrition management, and worked in many countries. I try to protect the environment for future generations. To

that end, at my house, I have rainwater collection barrels, solar panels. I use two electric cars. I recharge them during the daylight, of course. And I have a backyard garden, I make compost. Nearby solar panels would both generate more electricity and decrease transmission losses. Please help with our self-sufficiency and decrease our energy losses by putting in the solar panels. Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Lora Beth Clark. Lora Beth Clark.

>> Lora Beth Clark: My name is Lora Beth Clark. I reside at 3422 Kensington Court, El Dorado Hills, California. I grew up in Gardner, Kansas, and my family owns rural land in Johnson County which we would like to lease for a solar farm. As property owners, we -- we request the solar commissioners to respect our private property rights by adopting fair and reasonable regulations allowing for solar farms to be built in Johnson County. As you know, the principle of private property rights is fundamental to the U.S. Constitution and laws. If a proposed land does no harm to neighbors, government shall not restrict a landowner from using their land for a beneficial purpose. We know an unregulated utility-scale solar farm could potentially cause some impacts. However, Johnson County's drafts solar zoning regulations already include dozens of restrictions that would reduce potential impacts to a minimum. Restrictions address the following: Setbacks, visual screening, noise, stormwater, wetlands, light pollution, tree removal, glare, road damage, decommissioning, site reclamation, recycling, and fire protection. Opponents won't recognize how comprehensive these protections are. They continue to make wild, false claims without credible evidence. They want to ban solar based on their extreme misinformation.

Solar farms preserve rural character and soil quality. Our family has been good neighbors for generations, and solar farms will be good neighbors, too. Solar farms are essential infrastructure and generate clean, renewable power for the long term. I urge the BOCC to set the CUP terms to 25 years or longer with possible extensions. Please allow properly-regulated solar farms. Thank you very much for listening and for all that you do.

>> Chairman Eilert: Thank you.

>> Clerk: Now we will move to in-person speakers. I will announce probably about three names at a time. If you would be prepared to come up so that we can keep this moving. We have Katy Crow. Then we will have Angela Schieferecke. And then we will have Alan Anglyn. Katy Crow. Do we have Katy Crow? We will move on to Angela Schieferecke. I apologize.

>> Angela Schieferecke: Hi. My name is Angela Schieferecke and I appreciate the opportunity of participating today. So thank you for your time and effort. I arrived in Johnson County in 1969, and since then, I have witnessed the extraordinary growth and development of our county. Since then, I have seen land used for highways, shopping malls, schools, warehouses, and homes. Now we have an exciting opportunity to help power these developments with utility-scale solar power. I have three suggestions.

The industry standard is for a 1-mile buffer zone. Therefore, the Planning Commission's 2-mile buffer zone is excessive and unreasonable. So please change that.

Solar projects have been around for decades. Experience suggests a life of 30 to 40 years. So go with that as it will provide project stability.

Finally, do not set an arbitrary limit of 1,000 acres. Instead, go with the science and go with available acres. So I ask that the Board of Commission drop these three unwise and restrictive utility-scale solar regulations. Solar power is a promise of cleaner future, one without harmful emissions, without pollution of our air, land, and water, without strange smells, without trains or pipelines carrying dirty fossil fuels. Just clean, quiet solar power. I support utility-scale solar power investment in Johnson County. Thank you very much.

>> Chairman Eilert: Thank you. I may have missed it. Did you state your address?

>> Angela Schieferecke: 4508 Tomahawk, Prairie Village.

>> Chairman Eilert: Thank you very much.

>> Angela Schieferecke: Thank you.

>> Clerk: Now we will have Allan Anglyn. Then we will have Malcom Proudfit. Then we will have George Schlagel. Alan Anglyn.

>> Alan Anglyn: Good afternoon. 17090 Indian Star Road, Edgerton, Kansas. Citizens for Responsible Solar are concerned about massive solar projects in proximity to where people live. We stand to lose the character of our community with a transition from rural agricultural use to industrial use. Our property values will be negatively impacted by these industrial sites. We stand to lose out also on progress and access to service such as cable and 5G and school improvements, which follow population density. Residents surrounded by massive solar will find themselves in isolated pockets where services available to others are not available to them.

Responsible solar regulations can provide protections. Key protection would limit the size of solar facilities and provide generous setbacks around residences. The current proposal of a 1,000-acre maximum is too large for a growing Johnson County. Limiting solar projects to 640 acres, or the equivalent of one section, would prevent solar energy from dominating the landscape and altering the character of the community.

Utility-scale solar proponents tout that Johnson County should provide its own energy. Using this same argument, Johnson County should manufacture cars, produce clothing, and create all the materials for our own housing. Rarely is it urban areas import many of the products used by their citizens. In return, though, urban areas like Johnson County produce jobs and economic activity that provide local, state, and federal taxes that not only benefit our county, but also benefit the entire state of Kansas.

Solar developers say they need larger and larger projects to be profitable. A recent review of the website of NextEra reflected 87 utility-scale solar projects in the development and construction phase. Only three were as large as the 320-megawatt facility that they are proposing here. 65 of them, or about 75%, were 125 megawatts or less. 54 of the projects were 75 megawatts or less. In NextEra's home state of Florida, there are no projects in the operational stage or the development stage that are bigger than 75 megawatts. At 8 megawatts per acre, that's about 600 acres, so about a section. On the topic of setbacks, the proposed setbacks of 250 feet is too close. Douglas County has 500 feet. I'd urge you to adopt that. Thank you very much.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Malcolm Proudfit. Malcolm Proudfit. Then we'll have George Schlagel. Then we will have John Petersen. Malcolm Proudfit.

>> Malcolm Proudfit: Members of the commission, thank you for your time today. My name is Malcom Proudfit and I'm the CEO of Good Energy Solutions located at 641 East 22nd Street in Lawrence, Kansas. We are a residential, commercial, and utility-scale solar installation company and electrical contractor. I'm coming before you today to speak on behalf of commercial and utility-scale solar, particularly to help guide the regulations that you all set. Good Energy Solutions has installed many utility-scale solar developments. Two of the notable ones are the Baldwin City Solar Farm. We installed that about four or five years ago. And just two months ago, we completed construction at the West Plains Solar Farm. It's a 10.8-megawatt farm in West Plains, Missouri.

Bottom line is we want to keep doing business like this, and we would like to do it close to home, without having to drive, you know, four or five hours out of our way to install solar farms. Johnson and Douglas Counties, they provide us with great opportunities. There's lots of land that can be utilized for utility-scale solar. But the regulations that are being laid out currently will restrict developers' ability to put together viable projects.

The one thing I want to touch on is the time length of the conditional use permits. Right now, the financial models that developers use utilize a 35-year time horizon because that is the useful life of a solar farm today. And there are modules hitting the market here pretty soon with a 40-year useful life, and they're only going to get better and better. So I encourage you to adopt a time -- a length of time for these conditional use permits that will make solar farms a viable option in Johnson County because at 20 or 25 years or even at 30 years, the economics simply do not pencil out and developers will not bring their business into this county. Thank you for your time.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have George Schlagel. Then John Petersen. Then Alan Anderson. George Schlagel.

>> George Schlagel: Good afternoon. My name is George Schlagel. My address 16348 Briarwood Court in Olathe. And I appreciate the opportunity to speak to you for a few minutes. I am a fourth generation Johnson County person. I grew up at 116th and Switzer, a half a mile south of the Doubletree. And we have been pushed out by development two or three times during my lifetime. And while I've heard that the southwest part of Johnson County is going to develop in the next 20 years, I would say it will be different than it is today, but it's probably not gonna be what everything between Gardner and Olathe is. It's a slow developing process. It took -- they took our dairy farm 50 years ago to put in 69 Highway. Our property -- and we went to get out in the country and we went to 175th and Pflumm across from Heritage Park, and that took about another 40 years to go that distance. And we still own considerable ground at that location.

The economics of land ownership in Johnson County will dictate how long these should be in place. I think reasonable opportunities to develop the land, let the landowners decide what they want to do with the property makes sense and set reasonable amounts of time so that people can figure out what they're really giving up by

way of land value and appreciation.

On the bigger picture, we are nearly at war taking oil from Russia. If we can get ourselves free energy wise, we're going to be better off as a country. And I would encourage you to let the projects go 25 years, 2,000 acres, and 1 mile from development. Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have John Petersen. John Petersen. Then Alan Anderson. Then Billy Wilkins. John Petersen.

>> John Petersen: Thank you. John Petersen, 11817 Norwood Drive, Leawood, Kansas. Impressive effort by the planning staff, your consultants, and the Planning Commission to promulgate the regulations before you. In significant part, the regulations are thorough, well thought through, and present a workable framework within which to advance a project. The proposed regulations speak to screening and buffering solar facilities with natural features, with enhancement through setbacks and additional screening methodologies, the very tools historically utilized in Johnson County to find a balance between the use of one's property and the harm, if any, such use would cause others. The regulations in terms of lot coverage, screening, buffering, landscaping, noise, and light abatement, decommissioning, and many other requirements are exacting, set a high bar, and are expensive to meet. But they are workable. NextEra welcomes the opportunity to meet and exceed these standards.

They are -- there are, however, three provisions that are of concern: Size, term, and the distance between a project and city. Size and term are the most critical. My colleagues will speak to that. But before I get to the city project, may I suggest that large buffering setbacks require more acreage to implement the buffering elements that you would like to see.

Separation between a project and a city, city's current limits is focused on the idea of not inhibiting future municipal growth. The county's current Master Plan has contemplated that historically as a 1-mile separation as adequate protection. Based thereon, on behalf of NextEra, we have suggested a 1-mile separation. The planning staff and the Berkley Group determined a 1.5 mile area was adequate. Planning Commission increased it to 2 miles. We would ask for a second look at this.

The pockets of land that would be used for solar, bounded by natural features and landscaping, can be developed on a -- with adjacent parcels being utilized for residential, industrial, and other commercial development we have seen in Johnson County. And, finally, I'd ask you to look at the sewerability, particularly of the west Gardner area. It will be years and years before there are sewers out there. Johnson County Wastewater says they will not sewer --

>> Chairman Eilert: Thank you very much.

>> Clerk: Now we have Alan Anderson. Then Billy Wilkins. Then Lisa Huppe. Alan Anderson.

>> Alan Anderson: So I'm Alan Klaus Anderson. My address is 4624 Muirfield Drive in Lawrence, Kansas. And also as a professor at the law school at University of Kansas, I will say Rock Chalk Jayhawk as part of that. As a colleague of John Petersen, I do want to also express appreciation for the staff. They put a lot of effort into this to get to where we are today to bring information, including the new things today

that I think were excellent. So in the short time I have, I'm only going to focus on one area, and that is the project size component of that. And in that area, what I want to remind, I guess, from the process, which I think has been done, we are -- the staff recommended 2,000 acres. And then in a vote that didn't include even the full Planning Commission, it got changed at the last minute to 1,000 acres. And I'm going to tell you why 1,000 acres is bad policy for the county and I think you want to avoid it completely.

So the first part is why do we have solar projects of this kind of scale? And the reason is, the utilities are driving what they need. And the reason they're doing that is for reliable cheap power. It's the cheapest source of power. They need it to be part of the grid so we have a reliable grid, and the cheapest source of power. So that's the first part. We're not making the decision on size. That's the utilities. If you put it at a small size, you will lose the opportunity.

And so the second part is what we need to have is the ability to have flexibility in the design of the project. As Mr. Petersen also stated, there's a lot of restrictions for buffering and other things in the projects already required. What we also want to do is work with natural features, work with landowners who may have other uses on the property. And to do all those things, we need a larger area to be a smarter area to work with landowners and the community to get the best project.

So our -- to find that common ground, what we we'd to see is at least move us back to the 2,000 acres, but also provide the waiver. Let a project come forward to show you how it works where it's located, and you all can decide whether it should go greater than the 2,000 acres or not. But don't take away the opportunity to provide that to you to take a look at. Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Billy Wilkins. Then Lisa Huppe. Then Robert McCollum. Billy Wilkins.

>> Billy Wilkins, project developer, NextEra Energy Resources, Juno Beach, Florida. Mr. Chairman and Members of the Commission, thanks for the opportunity. And to the staff, thanks for the inclusion in this process. The most recent -- I'm going to use my time to focus on the CUP term. And the most recent draft regulation states that the special use permit approval shall be valid for a period of 20 years and that continuation of the use will require the submittal and approval of a new special use permit.

During previous discussions with the Planning Commission, it was assumed that placing a time limit on the special use permit time did not pose a risk to the project -- to a project. That's incorrect. The risk potentially jeopardizes the ability of a project to be contracted with a customer and to be financed by a financial institution. With customers, we enter into long-term power purchase agreements, and financial institutions analyze the economic viability of a project to determine if they will finance the cost. Investors are increasingly relying on longer solar project operational lives as the basis for their investment decisions. The financial models we use and used by investors for utility-scale solar projects today are based on an operational life of 35 years. Also, ground leases with our land partners are structured to encompass up to 35 years. For this reason, a 20-year SUP term with no guarantee of continuance will not be attractive to the potential investors needed to support such a project.

The planning staff and Berkley Group recommended 25 years. It is imperative to have no less than 25 years before a new application will be required. One alternative would be, or could be, a 25-year base term with one automatic five-year extension if the county staff determined a project was in compliance with all SUP conditions and requirements. We also request that the SUP start date become effective at the commercial operation date of the project. Thank you for the time.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Lisa Huppe. Robert McCollum. Then Michael Talboy. Lisa Huppe.

>> Lisa Huppe: I'm Lisa Huppe. 17535 Edgerton Road, Edgerton, Kansas. I'm a lifelong Johnson County resident. I was dropped here in 1964, and I have been selling real estate in the area for 20-plus years. I am here to talk about the devaluation of property that these large industrial-scale solar facilities could cause.

I want to start first with stating that we are not against solar energy, nor are we against industrial Utility-Scale Solar Facilities. What we are up against is the irresponsible siting of such facilities that drastically affect the values of properties in Johnson County that are located in close proximity to these facilities. There have been studies, and I sent you a large report, an '85 report done by Mary McClinton Clay. She has been an appraiser in -- for residential and commercial real estate and has provided several scenarios showing how these solar facilities cause devaluation of properties, anywhere from 6 up to 30% devaluation. So you take a \$400,000 home, and all the sudden it's worth 280. That's a big deal to a lot of people I would imagine.

So as a Realtor, we know that the number one factor in determining where you want to live is location and the view that you have from your home. So these views of these solar facilities, whatever barriers or walls you put around them, they're still there and people will take that into consideration, and the marketability of the property will be depreciated, and the devaluation will follow.

I'm running short on time. I just want to say that we trust you to be good stewards of our county while you are in the position to do. We look to you to protect current homeowners and future developments. We leave it to your discretion and regulate -- to regulate and make wise decisions for the best possible use of the land in our county. We don't expect you to be swayed by large business when it comes to the health, wealth, and well-being of your citizens. We expect you to leave the county in the condition better than what you found it. We would like to see no more than 1,000 acres, 3 miles from the city, and 500 feet from current dwellings. Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Robert McCollum. Michael Talboy. Donna Knoche. Robert McCollum.

>> Robert McCollum: My name is Robert McCollum. 15215 Edgerton Road, Gardner, Kansas. And if we are so worried about this global warming, Al Gore said we'd be dead by 2014. And apparently he was wrong. So we need to be smart about what we think about. We're not against solar. But the ratio of the land available and the buildings that we have out there, we need to go with that smaller amount, and the 2 mile at a minimum buffer zone.

I raised two boys out there. One actually works for Evergy. And he is aware of

all of this kind of stuff going on around in the whole state of Kansas. And the places that you have to actually bury this stuff after it becomes useless, wind, everything, we don't have those spots. And it is not degradable stuff. We have to be careful with our land. You're taking land that's out of production. We had a council member or somebody, or the Planning Commission, said our ground is worthless out there. I have raised, like I said, two boys out there, garden out there. And you are doing away with land that we use for hay, for grain. And there's a world famine coming they talk about. And how you can justify taking all of this ground and turning it into something that is a solar. We need to keep our coal plants, not ship them to China. That's where they're going. They're gonna get the cheap energy. We're gonna have to pay the expensive stuff. Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Michael Talboy. Then Donna Knoche. Then Robert Knoche. Michael Talboy.

>> Mike Talboy: Mike Talboy, 7233 Richards Drive in Shawnee. And I'm here as a member of Heartland Area Landowners. I hope you reject the proposed regulations from the Planning Commission, which are among the most restrictive proposed solar regulations in the country. Three aspects in the ultra-restrictive proposed regulations are addressing maximum size, the term of 20 years, and the separation of a project from existing cities that you've heard a lot about already. They not only severely limit economic opportunities and our landowner rights, but they are so excessive that it's likely they can kill any solar farm opportunities in Johnson County altogether. Johnson County is smart, sophisticated, and forward-looking. That is why people move here and why businesses desire to establish operations here. It's what makes the difference.

We know better than to buy into the absurd conspiracy theories that are being thrown out and disinformation that is being spread, most of which those spreading even know is false. The made-up issues range from false claims about property values being impacted to the ludicrous causing birth defects among farm animals and poisoning groundwater, all things we know are untrue and unfounded.

21st Century businesses are demanding access to renewable energy options, and these are companies and industries that we want to attract here in Johnson County. We have companies wanting to bring development and the clean energy options to these 21st Century businesses that they crave and need for what they're doing in the future. This is my hope is that you will listen to the landowners and the majority of Johnson County residents instead of sending a terrible message to the 21st Century businesses that we want to have relocate and exist here.

Thank you so much for your time. And on behalf of landowner members of HALO, please reject the proposed regulations before you. And I hope everybody gets to have a National Championship party tonight.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Donna Knoche. Then Robert Knoche. And then Jane Knoche. Donna Knoche.

>> Donna Knoche: Hi there. I'm Donna Brookhausen Knoche, 238 North Maple Street, Gardner, Kansas. Our family owns land and property in western Johnson

County and eastern Douglas County. And some of this land and part of it has been in our family over 100 years. And another parcel has been 150 years. And I might say I was born 91 years ago on that property and still live out in the area. Taking -- taking our land and as a part owner, I should have the rights to -- rights and the freedom to use my land as I see fit. Our family has always been very conscious about the land and care of it. We built terraces, waterways, and in rough areas, or ditches, we built ponds to take the water and have grazing for our cattle and that. After much research, on January, four years ago, we came home and had a message on our answering machine about did we have an interest in a solar farm. After much research and with our family, we decided that we wanted to go with a solar farm for our farming operation. Solar farms are self-contained and do not use any water. They don't give off any hazardous materials and are non-toxic. And they're self-contained, quiet, and don't -- don't cause any erosion of the land because you've already -- if the panels are put there, they're seeded underneath. Solar farms do not take away anything from our neighbors. A solar farm needs a 25, 30 or more year permit to be oper- -- because the panels are have that much or longer life expectancy. The Planning Commission has put many restrictive requirements on our properties --

>> Chairman Eilert: I'm sorry. I'm going to have to ask you to conclude your remarks.

>> Donna Knoche: I'm sorry. Thank you.

>> Clerk: Now we have Robert Knoche. Then we'll have Jane Knoche. And then Susan Alig. Robert Knoche.

>> Robert Knoche. December 17, heard the deal on the phone. We got six kids. Sounded pretty good. We got 1200 acres, some of the poorest ground in western Johnson County, eastern Douglas County. What could be a better place for it? One place, 160 acres for a little over \$20,000. Everybody said it's the poorest ground in the county. It is. Out there, it's red dirt. Now, it's still good dirt. We made a living on it. Brother-in-law farmed it. But we thought good deal, no hassle. Right? Next thing, the water district wants to put a line on, want two and a half miles of our land. Well, they're going to set this back a ways. Had to talk to NextEra. We had already signed their deal. NextEra said, yeah, you can do that. Took a little while, but got them to do it. We wanted the water, too. Our neighbor, we wanted our neighbors to have it. Okay. No hassle. Right? Now the hassle starts. But we really think that it's going to make the area better for these people that wanted to live out there because it's going to keep it from being developed so fast. They moved out there to be there by themselves. In five years, they'll find out their land is worth a lot more than it is today. I guess I still got some time.

[Laughter]

I could -- I'd like to visit with you and have you ask me questions. My son, Steve, son-in-law, Steve, if it wasn't for him, we probably wouldn't be in this thing. He knows more about solar than anybody maybe but that one guy. I don't know. Probably knows as much as he does. But he helped -- and, say, I wanted to tell you about the contract, Ms. O'Hara, about the decommission. That was important to me. That was important to Steve. You guys got a better contract than he does. So feel proud of it. And, of course, I want all the other things that everybody else is asking for. Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Jane Knoche. Then Susan Alig. Then Cindy Neighbor. Jane Knoche.

>> Jane Knoche: Good afternoon. Jane Knoche, 23535 West 74th Street, Shawnee, Kansas. I, too, am a Knoche family member. Now, I want you to think about the fact of what are the key infrastructure items that have come before this board. I've watched you several times and I've seen you working on wastewater management, expanding plans for that, talking about bonds for that. And, you know, your timeline for that is not 20 years. When you think of a timeline for a key infrastructure such as water, wastewater, power, you don't look at 20 years. You're looking at a 30-year, 40-year, 50-year thing. You're going for bonds much longer. Please recognize utility-scale solar projects are key infrastructure. They're privately funded, not investor funded, but privately funded. And that's one of the reasons why you need to take it out of the 20-year mindset for planning along commercial.

Also, this is not industrial. And, Charlotte, I'd like you to refrain from calling it industrial. It's utility-scale. If I think of industrial, that would be -- bring to mind smokestacks, large factories, warehouses, rail cars, loading, unloading, and semi-trailers. This isn't industrial. Not a solar farm. It's quiet. And these proposed regs of course mitigate any concerns with screening and setbacks and that. So look at it that way.

Now, about 9/11 our family started figuring out what to do with our land. And so we went through a process on that. And Dad said, well, each of you kids will get so much land and it said, you know, maybe down the road a ways, you'll put in a housing division or subdivision. Nope, hasn't happened yet. I ate lunch with my real estate agent. The first thing he asked me after I talked to him about this was, have you talked to any developers? We don't want 20-year -- 20-acre plot -- plats, 40-acre plats. We really don't want a subdivision. We think this is a good benefit for us and the community.

>> Chairman Eilert: I'm sorry. Your time is up. Thank you very much.

>> Jane Knoche: Thank you.

>> Clerk: Now we have Susan Alig. Then Cindy Neighbor. Then Kelly Sime. Susan Alig.

>> Susan Alig: Good afternoon, commissioners. Thank you for the opportunity to speak. My name is Susan Alig. I live at 4506 West 69th Terrace in Prairie Village, Kansas. I am a team leader with the Kansas City chapter of the group Mothers Out Front. We are a group of moms who are worried about the effects of climate change on our children. And today I've been sitting here and I've been learning a lot. I'm not an expert on solar farms. But the thing that keeps striking me is the fact that we're talking about a 20-year time period. What is our county going to look like in 20 years? What are these solar farms? Are they going to be profitable with a 20-year time limit? And I just keep thinking my kids are gonna be hitting adulthood in 20 years, and what is the climate going to look like for them then? I moved to Johnson County because it's a county that takes care of its kids. Great schools. Great parks. But what are we doing for their future and the climate crisis? Looking around this room, I don't see any kids. I don't really see very many young people. This is an intergenerational equity issue.

We need to be thinking about what our actions mean for how livable the earth, which includes Johnson County, we're a part of it, how livable is our climate going to be in 20 years when my kids are hitting adulthood? And as I think about that, I just hope that the smart people in this room who have all the information from the expert that we heard present and from the people who know a lot about solar farms, I hope you listen to them and find a way to say yes to solar and yes to a bright future. Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Cindy Neighbor. Then we will have Kelly Sime. And then we'll have Alan Bauman. Cindy Neighbor.

>> Cindy Neighbor: Hi. I'm Cindy Neighbor representing the District 18 in the Kansas House of Representatives for the last more than ten years. My address is 10405 West 52nd Terrace, Shawnee, Kansas, 662003. I serve on four standing committees in the House, including the House Energy, Utilities, and Telecom Communications, which is most pertinent to your topic today. Kansas has been a leader in wind energy arena with more than 44% of the electricity produced in Kansas coming from our 42 wind energy centers. The first wind farm was built in 2001 by Florida Power & Light. Kansas has enjoyed this safe industry without negative health impacts for more than 20 years. Because of the skilled management provided by our regional transmission operator, Southwest Power Pool, Kansans are assured of a reliable power source. Southwest Power Pool matches the cheapest power source with the demand in the seventh -- Southwest Power Pool matches the cheaper power source with the demand in the 17-state region. Southwest Power Pool marked a new renewable energy peak of 90.2% of energy provided by renewable sources -- resources at 2:24 a.m. on March 29th, 2022. The renewable production record was 23,802, excuse me, milliwatts set the previous night. Given the success Kansas has experienced with wind, it makes sense to allow the expansion for our solar facilities to include utility-scale solar facilities in Johnson County. The regulations forwarded by the BOCC -- by your Planning Commission, initiate that discussion, but are still in need of your attention. For a utility-scale solar facility to be more successful, the size needs to be \$2,000 -- I mean -- \$2,000, please! -- 2,000 acres --

>> Chairman Eilert: I'm sorry. Cindy, your time is done.

>> Cindy Neighbor: And I would ask for your support. And I'm done. I've always attached information to my testimony.

>> Chairman Eilert: Thank you. Thank you.

>> Clerk: Now we have Kelly Sime. Then Alan Bauman. Then Karin Brownlee. Kelly Sime.

>> Kelly Sime. 8013 Park Street, Lenexa. I'm with Mothers Out Front. Hello, commissioners. As a resident of your community and a member of Mothers Out Front KC, I'm encouraging you, our leaders, to commit to leading in clean energy. Please allow sunny Johnson County to provide an energy resource to its residents that does not dirty our air. Our county needs to allow for solar energy with the least amount of restrictions. Let's change the proposed regulations and make it easier for solar projects to come to Johnson County. Please do not approve regulations that would impede clean energy projects. This is destructive to our community and sets a negative example for the rest of our state. We can do better. As a mother, I want us to lead by

example. Our children need climate action. Clean solar energy is best for Johnson County and Kansas. I support large-scale solar development. I hope you will, too. Thank you for your time.

>> Clerk: Now we have Alan Bauman. Karen Brownlee. Then Marvin Knoche. Alan Bauman.

>> Alan Bauman: So you can hear me. Thank you, Mr. Chairman and Commissioners, for this opportunity to speak to you. I am a solar supporter. Cheaper solar means lower utility bills and economic development advantages for Johnson County compared to counties that don't pursue this opportunity. First, in 2021, utility solar development lifetime costs were much less than coal and somewhat less than what natural gas is. Since then, the cost of natural gas has skyrocketed. Two weeks ago "The Star" reported that there was a 68% increase in this January's gas bills. Solar will always be free. Second, local generation results in cheaper electricity and greater grid security. Longer electric lines will result in loss of generated electricity in this higher cost. We get severe storms here in Kansas. Longer transmission lines are more likely to suffer storm damage and prolonged outages.

Unreasonable restrictions are in place, unfortunately, under the terms. The conditional use permit of 20 years is much too short. I noted in the prior meeting that the -- that the national norm was 40 years to no limitation, and I do support a 40-year conditional use permit. A thousand acres is too small. The total unincorporated area in this county is 120,000 acres. I support a 4,000-acre development to ensure competitive economy with our neighbors. And the final is the setback was increased from 1 mile to 2 miles for city limits. This reduces the area for development from 44,000 acres to 10,000 acres. I support the return to the original setback of 1 mile. If you take all these steps, then we will have a competitive economic future and lower utility bills for Johnson County. Thank you for your time.

>> Chairman Eilert: Would you state your address, please.

>> Alan Bauman: Oh, I'm sorry. Alan Bauman, Prairie Village, it's 4502 West 93rd Terrace.

>> Chairman Eilert: Thank you.

>> Alan Bauman: Thank you, Chairman.

>> Clerk: Now we have Karen Brownlee. Then Marvin Knoche. Then Mark Herman. Karin Brownlee.

>> Karin Brownlee: Good afternoon. This is a very familiar place after being on the Charter Commission. Thank you, Lynda, for all your work and for each of you, all that you've put into this hearing today. It's taken a great deal of diligence. But the neat thing is that we have a great opportunity for Johnson County to produce our own power. And so we would really appreciate you forwarding excellent regulations to make this happen. You know, renewable energy has been a great source of growth for Kansas, and as you've already heard today, 44% of our power comes from the wind that's produced in Kansas.

I did hear at the Study Session on February 24th a number of questions raised about the tax treatment of this utility-scale solar facility, and fortunately some of those were answered. But the neat thing is you are not the ones that have to put forward that 10-year property tax exemption. It's already been done for you in state statute. So

you're not having to make that decision. And that's consistent with the energy sector. Most of the energy businesses have a 10-year property tax exemption. For example, the LaCygne plant had a 10-year property tax exemption before they went on the rolls. Independent power production has 12 years. Few variances, but typically it's 10 years. We also have the depreciation, just as other business, industrial, commercial has, and that the depreciation occurs, but no one goes onto the tax rolls at less than 20% per the State Constitution.

So you have heard a number of people state the three issues that are of concern, so I won't repeat those. But it is time to consider, do you remand this back to the Planning Commission or do you make the decisions yourself? The Planning Commission has wrestled with this. I would be hopeful that you all would make those key decisions to make the term more than 20 years, roughly, 25 years. And my time is up. Thank you.

>> Chairman Eilert: Thank you. Ms. Brownlee, would you state your address, please.

>> Karin Brownlee: I'm sorry. Yes. Karin Brownlee, 14725 South Chalet Drive in Olathe.

>> Chairman Eilert: Thank you.

>> Karin Brownlee: Thank you.

>> Clerk: Now we have Marvin Knoche. Then Mark Herman. And then Marian Coast. Marvin Knoche.

>> Marvin Knoche: Hi. My name is Marvin Knoche. I'd like to say good afternoon. I am a part owner of the Knoche properties in Johnson and Douglas Counties. My current address is 1605 West Maple Street in Nevada, Missouri. I've been a lifetime resident of Johnson County until June.

Thank you, Board of Commissioners, for your time today. Land of the free. We all like to say that. Land of the free. That's what this country is. Light is another thing that is free from the sun. And we all need light. This solar farm will help many people continue to work, live, and play. Willing landowners could choose to offer their land for the good continued power have that right. Denying this landowner right is like robbing the landowner of the opportunity of choice.

The great resource of our sun provides many rewards. Number one, it's essential for our daily life. Two, it allows for the health and well-being of all humans, animals, and even clean air. Both businesses and residents are dependent on electricity. There is an ever-increasing demand for electricity, which our sun provides. We all need rest. The resting of land is just as needed as it is for our human bodies. Once implemented, a solar farm can provide that rest.

Solar-generated electricity is coming across our country. I ask you put in place regulations that are favorable in Johnson County for solar development, which include a 25- to 30-year CUP, reasonable land acreage, and setbacks. The economic impact of a project this size is enormous. Right now, NextEra has proposed a \$320 million project. The economic value is greater.

>> Chairman Eilert: Thank you. I'm sorry, your time is up.

>> Marvin Knoche: Thank you.

>> Clerk: Now we have Mark Herman. Then we'll have Marian Coast. And

then Dorothy Barnett. Mark Herman.

>> Mark Herman: Good afternoon. I'm Mark Herman. I live in Overland Park at 9855 Ash Drive, and I'm a constituent of Commissioner Hanzlick. I'm here today to express my concern about a portion of the proposed regulations for solar facilities. I believe these regulations will hamper Johnson County. When I moved here 23 years ago, I chose Johnson County because it was a good place to raise a family, a strong economy, wonderful amenities, and excellent schools. I'm excited that my daughter and her fiancé feel the same way. They are moving back to Johnson County from Washington, D.C. to start their life together and raise a family. I want my future grandchildren to feel the same way. That's a tall order, and but it's an attainable one, but only if Johnson County continues to look forward. Sustained and renewable energy will be a key to the future of Johnson County. Renewable energy will become a quality indicator of life in Johnson County.

The proposed regulations do not enhance renewable energy. The limitations on size, placement, and longevity hamper renewable energy in our county. These regulations should encourage the development of sustained renewable energy. These regulations do not do that. I want my grandchildren to feel the same way I feel about Johnson County. This can only be done if we do not place roadblocks to solar facilities, but rather, look forward by encouraging solar facilities in our county. Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Marian Coast. Then Dorothy Barnett. And then Paul Wassmer. Marian Coast.

>> Chairman Eilert: Okay. Next person.

>> Clerk: Dorothy Barnett. Then Paul Wassmer. And then Mike Young.

>> Dorothy Barnett: Good afternoon, commissioners. My name is Dorothy Barnett. I live at 129 West 25th Avenue in Hutchinson, Kansas. I'm a long way from home, but I direct a statewide nonprofit called The Climate and Energy Project. I have been working in this industry for the past 15 years, and I appreciate the opportunity to speak with you all today. Johnson County does have an opportunity to lead the transition to a clean energy economy, but only if your regulations don't send a message that you are closed to 21st Century businesses. In fact, 60% of the Fortune 500 companies have set goals to act on the climate crisis, including investments in clean energy. Right here at home, Evergy's most recent long-term plan calls for 3200 megawatts of solar in the next decade.

These utility and business goals have succeeded in driving down the cost for solar energy, as you heard from your expert, Dr. Parkinson, earlier today. It has also created a market for solar energy. That market has made it possible for larger and larger systems to be available because the market has driven demand for more solar. Utilities across the region and the country are increasingly seeking large utility-scale solar projects for their portfolios. And it should be expected that the near-term future of solar development in Kansas counties will consist of larger projects. The growth of projects is also reflected in the Southwest Power Pool. We are seeing more and more the size increases for those.

I encourage you to think about the example that you're setting for other Kansas counties. Again, you have an opportunity to be a leader, and I would encourage you to

think about how you can have regulations that will protect the health and safety and the welfare of your residents, but also provide for the kind of economic and environmental needs that we have right here in Johnson County.

>> Chairman Eilert: Thank you.

>> Dorothy Barnett: Thank you so much.

>> Clerk: Now we have Paul Wasmer. Then we will have Mike Young. And then Carleen Thompson. Paul Wassmer.

>> Chairman Eilert: Is Paul here? Okay. Next one.

>> Clerk: Mike Young. Then we will have Carleen Thompson and then Richard L. Gall. Mike Young.

>> Mike Young: Hello. Mike Young. 17035 Countyline Road, Edgerton, Kansas. None of us are against solar energy. We're just against looking out our front door being able to see three-quarters of a mile. I don't want to look at solar panels every day of my life for the next 20 years minimum. The back wall in this room is approximately 50 feet from you guys. That's your buffer zone. Would you -- would any of you Commissioners want to look out your front door at solar panels that far away? All of my neighbors are going to be in the same boat. We just want it to be in a less populated area. There are 200 homes in a mile or less of land that NextEra already has under contract. We are looking -- we are talking about 800 residents and less than a mile from this.

Did all of you commissioners that listen to everyone speak, how many people that spoke in favor of this actually live out there? Maybe one or two. And there are landowners under lease. You are all elected officials. I never paid much attention to who was running for county commissioner. I just voted for who was in office. And you all are elected by -- you are -- and you are all not elected by Florida, NextEra, or employees or people from California or by anyone that doesn't live in Johnson County. You are elected by us and our neighbors that are trying to get this stopped. No one that lives out there wants this to go in except a half a dozen landowners and their families that are going to get rich off of it. And only a couple of those actually live out there. Any of you that -- any of you that vote for this to go in, I promise you will be remembered at election time. And I'm going to make sure my thousands of Johnson County customers from my Johnson County business --

>> Chairman Eilert: Thank you very much. Your time is up.

>> Mike Young: -- know how to vote also.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Carleen Thompson. Then Richard L. Gall. And then Norman Trent Green. Carleen Thompson.

>> Carleen Thompson: Hello. My name is Carleen Thompson. I live at 6020 Noreston, Shawnee, Kansas, and I am a member of the Knoche Property, LLC, which is -- which has an interest in the proposed solar farm. I want to thank Jay, Sean, and Karen of the Johnson County Planning staff who have put in long hours to come up with the original regulations. This took a great deal of work to sort through all of the information before them to obtain true facts to develop the regulations for the proposed solar farm in Johnson County. I would also like to thank the Johnson County Commission for the time to review all of the present information. I appreciate and

respect the Board that has shown in the past for the rights of landowners' use for their land. I hope you will continue to apply this to the solar farm formation in Johnson County. This allows for the preservation of our land for future generations, which while the use of the land provides significant benefits for the residents of Johnson County with the production of clean energy. I know it is a tenuous endeavor to sort through the facts from the misinformation and to decide what is best for the county. We are a community of landowners who want to keep their land for their -- our children and have a history that has been handed down from our forefathers. Thank you for your service that you provided us. And help keep the environment safe and can promote green energy for the future of Johnson County. Thank you.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Richard L. Gall. Then Norman Trent Green. And then Stan Knoche. Richard L. Gall.

>> Richard Gall: My name is Richard L. Gall. My wife, Donna, and I -- and we'll have -- be man and wife in 60 years in September. Thank you. We live at 38400 West 183rd Street. That's in McCamish Township of Johnson County. I'm sure everyone in this room and so many other people are familiar with the words "climate change." And then some other words, "global warming." And we all have to pay attention to the people that know way more about this than we do and what's causing all of this. And from what I hear, probably the biggest cause is fossil fuel, and the biggest user of that is coal-fired power plants. And from what I hear, some of the electric companies are -- are thinking strongly of wanting to get rid of those coal-fired power plants. And solar energy and wind energy, renewable energy is a way out. I'm going to have a little funny here. You know, solar -- or I mean renewable energy has been around for a long time. Way back when I was a kid, it was called a clothesline.

>> Chairman Eilert: I remember that.

[Laughter]

>> Richard Gall: I couldn't -- I just, I thought of that and I just had to say it. Anyway, we have land -- we have signed a contract for some of our land to be used in this and are looking forward very much to -- to solar energy being produced. You know, I'd like to think that I'm my brother's keeper. And part of being my brother's keeper is making life better for him. And one of the things to do that would be clean, breathable air, and solar and renewable energy does all that.

>> Chairman Eilert: All right. Thank you. I'm going to have to --

>> Richard Gall: I have one more thing, if you would. I'm a Husker by heart. Go Jayhawks!

[Laughter]

>> Clerk: Now we have Norman Trent Green. Then we will have Stan Knoche. And then we will have Harry Soyster. Norman Trent Green.

>> Norman Trent Green: Hello, ladies and gentlemen. My name is Norman Trent Green with my wife, Sharon. We reside at 36225 West 159th Street in Edgerton, Kansas, also McCamish Township. You guys have really a unique position at this point in time. You can be judge and jury on this particular solar decision that is going to be in your lap here pretty soon. We moved out there 22 years ago, raised our family, and have between the two of us been lifelong Johnson County residents, brought up

ourselves at school in Johnson County.

My problem with this whole situation is that there seems to be other alternatives other than taking land in western Johnson County and using it to build an erector set that happens to produce energy. Coming to this meeting today, I passed countless warehouses with flat roofs. Why couldn't they be used rather than our precious land of western Johnson County? And there's been people here today that said that maybe that won't ever develop. There are at least four houses within 2.5 miles of me, large houses, being built right now. I suspect they are not going to be very happy if they have to consider looking at this particular project that goes on.

I appreciate you taking my worth at this point and, please, if you see it in your heart, don't let this go through. Let the setbacks stay. If the setbacks stay the way they are right now, I got a funny feeling they aren't willing to do this.

>> Chairman Eilert: Okay. I'm sorry. I'm going to have to ask you to conclude.

>> Norman Trent Green: Okay. Thank you very much.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Stan Knoche. Then Harry Soyster. And then Bryan Wiley.

>> Stan Knoche: Hello. Stan Knoche. 8708 West 82nd Street, Overland Park, Kansas. This is the time to turn a new page in the energy sector. Renewable energy is the future. Solar energy is one of the cleanest sources of energy, doesn't produce carbon emissions, very minimum noise, and no smell. For our land, once the solar farm is created, the carbon emissions would be reduced to a fraction of almost zero after installation. The Knoche Brecheisens have always been good stewards of their land, always carving some kind of financial living out growing crops and cattle. My grandpa, Ben Brecheisen, inherited the homestead and 80 acres. He purchased another 80 acres from his sister in 1924. He also bought other land in the neighborhood. At the peak of his operation, he farmed around 570 acres and raised livestock. His son, Lucky Brecheisen, a bachelor, helped with the farming business, soon to take it over. He acquired more land and willingly sharecropped other landowners' property.

My grandfather willed both Lucky and my mom his land, being his only two children. Lucky farmed most of the land until his death, June 11, 1997, in which my mom inherited his land. This land has been in our family for over 150 years. My brothers and sisters and me are looking to secure this land for another generation. With the help of NextEra, we feel we are looking to the future with our lease agreement with them. I think we should be able to accept this business opportunity to help secure a reliable energy source. This opportunity would secure our land for the next generation, my nieces and nephews. Why? Because many of our -- why? Because many landowners and farmers are not -- are on the fence and are considering possible lease opportunities with NextEra to secure their land. For their children, for the future, I wouldn't want them to be left out. I think acreage cap should be 2,000 or more larger acre size --

>> Chairman Eilert: I'm sorry. I'm going to have to ask you to conclude your remarks.

>> Stan Knoche: All right. Thank you.

>> Chairman Eilert: Thank you very much.

>> Clerk: Now we have Harry Soyster. And then Byron Wiley. Harry Soyster.

>> Harry Soyster: It sounds like we are coming to the end. My name is Harry Soyster. I live at 17808 West 69th Street in Shawnee. I ask -- well, I would like to thank the planning staff and the obvious concern/passion of the commissioners for your work. I favor a more aggressive, substantial commitment to solar power. So I ask the commissioners to consider the initial plan that was reduced. I feel that the current plan is inadequate in terms of the issue of climate change. I think the current plan is poor for my children. Currently, I have a daughter and a son-in-law and two grandchildren living in Overland Park. I think the plan as it is now is terrible for my grandchildren. I suspect that this current vote that you take may be one you remember. I ask you to consider the more substantial contribution to climate change envisioned in the original work. Thank you for your consideration.

>> Chairman Eilert: Thank you.

>> Clerk: Now we have Byron Wiley. Byron Riley -- Wiley. Excuse me.

>> That's Byron Wiley. 645 Main, Lawrence, Kansas. It seems that many are speaking about the cleanliness of industrial solar PV. It is -- it's -- it's as if the problems are invisible, the pesky problems. Because of our compounding concerns related to our finite nonrenewable resources, I think that the goal, and all of you would agree, is to live sustainably on this planet, yet the term "sustainability" has been devalued and cloaked, really meaning dependence on nonrenewable fossil fuel. I thought that a process was sustainable if it could be sustained without using nonrenewable resources.

Decades ago, I think with the best intentions, the idea started to be implanted in our minds that future energy needs could be met with renewable energy technology. It sounded great. It was magical. But what is missing from the conversation is a comprehension about the life cycle of the equipment. We've heard absolutely nothing about that here. We have to look at the long view and think about the consequences our future generations will face when considering fixes. Kicking the can down the road, making a quick buck at the expense of our limited resources, is doing our future generations a disservice. Solar PV is completely dependent on dense petroleum energy for every step of the process. This includes mining, social justice consequences, the refining, the transportation, manufacturing, and ultimately the recycling. Your expert earlier, the chemistry expert, talked about the difficulties of recycling lithium, for example. Anyway, all of these processes for your renewable energy requires --

>> Chairman Eilert: I'm sorry. Your time is up. I'm going to have to ask you to conclude. Thank you.

>> Byron Wiley: Thank you.

>> Clerk: Chairman, that completes our sign-up of speakers.

>> Chairman Eilert: Okay. Well, this is a public hearing and I will ask if there's anyone else who has not spoken who wishes to express an opinion. You can come to the podium and your time will be limited to two minutes.

If there's no one else who wishes to speak, the public hearing is closed and the matter is back before the Commission.

>> Clerk: Chairman, I would ask for a 5-minute break, please.

>> Clerk: Okay. The Chair -- the Clerk asked for a 5-minute break. I always

observe that request, so we will come back in five minutes. Thank you very much.

[Break]

>> Clerk: Of the ASL.

>> Chairman Eilert: Pardon?

>> Clerk: Of ASL.

>> Chairman Eilert: Of ASL. If there's no one in the room that needs that -- that information, then you are excused.

[Laughter]

I'm going to ask the staff to do one thing. It's been a long afternoon, and some of the information was presented three or four hours ago. But we do have the Planning Commission's recommendation before us. And I'm going to ask the staff -- I know that they had some suggested alternatives to that recommendation, and just enumerate those alternatives so we have those fresh in our mind.

>> Karen Miller: Sure. Just those four alternatives? Or do you want me to go over all of the -- all of the motions?

>> Chairman Eilert: No. Just the alternatives that you have recommended. That's all I need at this time.

>> Karen Miller: Okay. Please go to slide 6.

>> Chairman Eilert: Go right ahead.

>> Karen Miller: So the first thing that planning staff recommends further consideration on is clarification on regarding how off-site street maintenance and repair will be required of the applicant and administered by county staff. So that's -- is that what you're talking about, is --

>> Chairman Eilert: Well, I'm -- the Planning Commission recommended X, and the staff recommended X and a half. I want to know what X and a half is, what X and X and a half is. You know, some of it was displayed on sheet 17, but --

>> Karen Miller: Okay. So please pull up staff's original PowerPoint and go to sheet 17.

>> Chairman Eilert: Right.

>> Karen Miller: I'm sorry. I misunderstood what you wanted. Okay. So the original planning staff recommendation was a CUP term of 25 years, a maximum project area of 2,000 acres. Neither one of those we recommended waivers for. And then a minimum distance of the city of 1.5 miles. And we did recommend a waiver for that. And then the Planning Commission, on their recommendation in December, they recommended a CU term of 20 years, a maximum project area of 1,000 acres, without any waivers from those two. And then minimum distance from the city of 2 miles, and that did have a waiver option.

>> Chairman Eilert: Okay. And the battery storage facilities?

>> Karen Miller: So both planning staff and Planning Commission both set forth the intent to have battery energy storage associated with medium-scale solar facilities and utility-scale solar facilities, not stand-alone, but associated with the solar facilities.

>> Chairman Eilert: Okay. All right. Okay. Other questions? All right. Well, let's get a motion on the floor so that we can start. Ms. O'Hara, you wanted to make a motion?

>> Commissioner O'Hara: Yes, I do. And I just want to read -- I just want to

make a few statements. We deal with land use issues almost every week at the -- at the county commission, and we have to have CUPs for auxiliary buildings on a real regular basis, and we talk about line of sight. I mean, that's a huge issue. And we're just talking about a two or three thousand square foot garage on 2 acres or 5 acres or 10 acres. I mean, we're very careful about how we're impacting the rural character of our county. And now we're being asked to -- to take a step that is -- that has never been envisioned in our Comprehensive Plan. It just hasn't. And this is a huge step and we need to consider it carefully.

And in our -- in our planning, we talk about that the subdivision regulations shall be designed in accordance with present and future needs of the county and shall promote public health, safety, morals, comfort, convenience, prosperity, general welfare to protect the land, air, water, natural resources, environment, encourage their use in a desirable manner, and ensure efficient expenditure of public funds, and to conserve and to protect the values of property under the jurisdiction of the county.

And that -- that is my biggest concern is, is that we have 200 families out in western Johnson County that have made very large investments in their homes. And we are upsetting the apple cart with -- with consideration of changing our Comprehensive Plan to allow these industrial-size solar farms. And I just want -- I just want everyone to understand that this is counter to what we have been doing for the last 40 years. We have made promises to people. We have stated in our Comprehensive Plan and -- and limited people to go out in this area to 10 acres. I mean, you can't be any smaller than that unless you plat it for a subdivision. So if you want to go out there, you had to have 10 acres and could put one house on it. And then if you want to put a larger auxiliary building, you have to come back to the county and ask for a CUP. These are really restrictive requirements.

So now, now we're coming to these utility-scale solar farms. And I just -- I just want everyone to understand that this is industrial use. This is a huge change. A huge change. We have the million to million -- 500,000-square-foot warehouses out by Edgerton. I mean, this is -- this has been another huge change.

The other thing is, is that whatever the County Commission decides on this issue, we are not limiting what the cities can do. DeSoto has -- they just annexed 6,000 acres of the old Sunflower Plant. Will part of that be a solar farm? I don't know. They're not going to be restricted on that. I mean, they -- they can approve that. So this is not -- this is not limiting what the cities can choose to do. I mean, we could -- we could allow a solar utility scale to be part of the New Century Airport. There's all sorts of -- there's all sorts of alternatives. But we have made promises to these landowners that are out in western Johnson County. This is going to change development patterns in western Johnson County. It just simply is. And we have to be extremely careful going forward.

So I am going to make a motion that we adopt Resolution No. 003-22, which approves certain amendments in the county's Comprehensive Plan, and Resolution No. 004-22. And this is all as far as the -- I want to make this -- make sure that I'm doing this correct. Peg, this is -- this is to accept the recommendations from the Planning Commission. Is that correct?

>> Peg Trent: I'm not familiar with that motion you're reading, but --

>> Commissioner O'Hara: Okay. I will ask -- I will ask Jay. That's my intent, is to limit it to the thousand acres.

>> Chairman Eilert: Your motion is to adopt the Planning Commission recommendations?

>> Commissioner O'Hara: Yes.

>> Chairman Eilert: Okay. Is that clarification?

>> Jay Leipzig: Yes, Mr. Chairman, Members of the Commission, Jay Leipzig, Planning Director. Alternative one on the briefing sheet is to adopt Resolution No. 003-22 and Resolution No. 004-22.

>> Chairman Eilert: And those are the --

>> Commissioner O'Hara: And is that from the Planning Commission?

>> Jay Leipzig: That is the Planning Commission recommendation.

>> Commissioner O'Hara: And then that would also include the fire code and the UBC codes?

>> Jay Leipzig: Yes.

>> Commissioner O'Hara: Those would -- that would be also included in that? Okay.

>> Peg Trent: Mr. Chairman, however, for clarification, it would not include A through D, which had additional items. Just so you're aware.

>> Commissioner O'Hara: Okay. So --

>> Peg Trent: That's located under Alternative 2 motion, which had suggested revisions which were listed as A through D. So that motion of Alternative 1 would be solely for adoption of the Planning Commission and the Comprehensive Plan, those resolutions as forwarded to the Commission for your approval, and it would not include A through D, which is in Alternative 2.

>> Commissioner O'Hara: But then I could --

>> Commissioner Fast: [Indiscernible] A through D?

>> Chairman Eilert: Yeah.

>> Commissioner O'Hara: But then I could add that to adoption of the Planning Commission's recommendations, correct?

>> Peg Trent: You could. Before, if you received a second and then it was voted on and at that point you could ask to do a motion to add A through D.

>> Commissioner O'Hara: Okay. So I have -- it's a two-step process?

>> Peg Trent: Yes.

>> Commissioner O'Hara: Okay. I'll do a two-step.

>> Chairman Eilert: All right. The motion is before us to adopt the Planning Commission's recommendation in regards to the Comprehensive Plan, et cetera. It does not include the battery issues. Am I right? Okay.

>> Peg Trent: So the first motion is she wants to bring on the floor for discussion the absolute agreement, and I'm getting all these nods around here that I'm wrong. And then after it's brought on the floor, then there can be a motion to amend if it's brought onto the floor. And if you don't get a second or approval and then we go to the main motion, it can be voted down or moved on.

>> Chairman Eilert: I understand. Okay. Is there a second to the motion? All right.

>> Commissioner Ashcraft: Well, Mr. Chair, I'll second just to facilitate discussion.

>> Chairman Eilert: Well, okay. The motion before us is to either adopt the Planning Commission recommendation or make additional adjustments.

>> Commissioner O'Hara: And then we can -- and then now I can add the A through D, correct?

>> Peg Trent: Correct. If the -- at this point --

>> Commissioner Fast: I mean I have a motion on A through D, Commissioner O'Hara. So I can bring that forth.

>> Commissioner O'Hara: Can you -- can you add that to this motion?

>> Commissioner Fast: No. I have a different motion.

>> Chairman Eilert: No. We have --

>> Commissioner O'Hara: Okay. Well, so then I will add -- on this motion, I will add A through D.

>> Chairman Eilert: All right. There is an amendment offered as noted. Is there a second to the amendment? No second to the amendment. The amendment fails.

There is a motion before us and a second. Any discussion on that motion? It's to adopt the Planning Commission's recommendation. Mr. Ashcraft?

>> Commissioner Ashcraft: Thank -- thank you, Mr. Chairman. This has been a very long and tedious process. I thank staff for their involvement. I have appreciated the parties that have expressed their interest and concerns here. I think it's the way the process should work. What I am most challenged by, though, Mr. Chairman, is that it has kind of turned into the one-size-fits-all fallacy. And the Planning Commission recommendations could be a fine baseline, but to support the actual motion, I would like to see it go back to the Planning Commission and there be consideration, a second look, as one of the speakers talked about, that waivers be available, because depending on the circumstance, the size, the topography, and all the issues that might impact a project, I think there should be the flexibility in the system to accommodate that. Two miles might be fine, but in some circumstances a mile might work. And to say it has to be one or the other automatically county-wide is problematic because I do not think one size fits all.

>> Chairman Eilert: Okay. Well, again, in order to accomplish that, we would need a vote against the motion that's before us, and then another motion could be offered. Any other discussion? Clerk -- Mr. Meyers?

>> Commissioner Meyers: I was just going to make a comment that it would be up to. So there could be adjustments already. For instance, if it went to 2,000 acres, then it's up to 2,000 acres. If it's a thousand acres, it's up to a thousand acres.

>> Chairman Eilert: Right.

>> Commissioner Meyers: So that would -- that would --

>> Chairman Eilert: Right. But that -- that would need a follow-up motion.

>> Commissioner Meyers: Right.

>> Chairman Eilert: Okay. Clerk, please call the roll on the motion that's before us to adopt the Planning Commission recommendations as presented.

>> Clerk: Commissioner Fast?

- >> Commissioner Fast: No.
- >> Clerk: Commissioner Meyers?
- >> Commissioner Meyers: Meyers, no.
- >> Clerk: Commissioner O'Hara?
- >> Commissioner O'Hara: Yes.
- >> Clerk: Commissioner Hanzlick?
- >> Commissioner Hanzlick: Hanzlick, no.
- >> Clerk: Commissioner Ashcraft?
- >> Commissioner Ashcraft: No.
- >> Clerk: Commissioner Allenbrand?
- >> Commissioner Allenbrand: Allenbrand, no.
- >> Clerk: And Chairman Eilert?
- >> Chairman Eilert: Eilert, no. I have six noes and one yes. Motion failed.

Commissioner Fast.

>> Commissioner Fast: Yes. I would like to move this item to the floor for discussion. I move that the Board remand to the Planning Commission the proposed amendments to the county's Comprehensive Plan and the zoning regulations, including the two published standards regarding battery energy storage facilities for the purpose of the Planning Commission to further meet and to reconsider and discuss by May 24th, 2020, the suggested modifications as listed under Paragraphs A through D in the Alternative 2 motion as set forth on Pages 1 and 2 of the briefing sheet. And then after a second, I have three motions -- three amendments to amend this motion.

>> Commissioner Allenbrand: Allenbrand second.

>> Chairman Eilert: Motion has been made and seconded. I'm not going to repeat it.

[Laughter]

>> Clerk: Chair?

>> Commissioner Fast: Then I have a --

>> Clerk: Chair, excuse me. If I could step in. The date was May 24th, 2022.

I think you only stated 2020.

>> Commissioner Fast: Oh, sorry. May 24th, 2022. And that's why we have Lynda.

>> Chairman Eilert: Okay. All right.

>> Commissioner Fast: Okay. And then the first amendment, I move the Board --

>> Chairman Eilert: Well, we don't have a second. Or do we? Yes, we do.

>> Commissioner Allenbrand: I did.

>> Chairman Eilert: Ms. Allenbrand. Thank you.

>> Commissioner Fast: Okay. So then I have amendment to my first motion. I move the Board to add Paragraph E for the Planning Commission to consider modifications to specific regulations, including a maximum conditional use permit term of 25 years instead of 20, for the reasons indicated with the verbatim transcript of the proceedings of the BOCC's Special Meeting on April 4th, 2022.

>> Commissioner Allenbrand: Allenbrand, second.

>> Chairman Eilert: We have an amendment offered. Allenbrand seconded the

amendment to the current motion, and that's to extend it from 20 to 25 years. Any questions? Ms. Hanzlick.

>> Commissioner Hanzlick: Yes. I -- I'd need some guidance from our legal counsel, but I would like to ask that that amendment be amended to include, under the conditional use permit term of 25 years, to include a one-time automatic extension for five years if the project remains compliant.

>> Commissioner Fast: And I would accept that as a friendly amendment with a second. Allenbrand, would you be willing to accept that as a friendly amendment?

>> Commissioner Allenbrand: Yes.

>> Chairman Eilert: All right. So that is included in the amendment that's before us based upon the maker of the motion and the second. Any further questions or discussion? All right.

>> Commissioner O'Hara: Now, do you have one more amendment?

>> Commissioner Fast: We need to vote on this.

>> Chairman Eilert: We'll vote on this one and then take the next one.

>> Commissioner O'Hara: Okay. And I have amendments, also.

>> Chairman Eilert: All right. The amendment is before us. Any questions on the amendment? Clerk, call the roll.

>> Commissioner O'Hara: Okay. Don't -- don't we have two amendments that we're looking at?

>> Chairman Eilert: No, no, no. We're voting on one amendment, has to do with the 20 to 25 years and with -- with an additional five years. Okay? Clerk, please call the roll.

>> Clerk: Commissioner Fast?

>> Commissioner Fast: Aye.

>> Clerk: Commissioner Meyers?

>> Commissioner Meyers: Meyers, aye.

>> Clerk: Commissioner O'Hara?

>> Commissioner O'Hara: No.

>> Clerk: Commissioner Hanzlick?

>> Commissioner Hanzlick: Hanzlick, aye.

>> Clerk: Commissioner Ashcraft?

>> Commissioner Ashcraft: Yes.

>> Clerk: Commissioner Allenbrand?

>> Commissioner Allenbrand: Allenbrand, aye.

>> Clerk: And Chairman Eilert?

>> Chairman Eilert: Eilert, aye. I have six votes in favor of the amendment, one opposed. Was there another amendment? Commissioner Fast.

>> Commissioner Fast: Yes. I move to add Paragraph F for the Planning Commission to consider modifications to specific regulations, including a maximum project area of 2,000 acres instead of 1,000 for the reason indicated within the verbatim transcript of the proceedings of the BOCC Special Meeting on April 4th, 2022.

>> Chairman Eilert: Is there a second to that?

>> Commissioner Hanzlick: Hanzlick, second.

>> Chairman Eilert: Fast made the motion to amend in regards to the up to

2,000 acres. Hanzlick seconded the motion. Any questions or comments?

>> Commissioner Hanzlick: Mr. Chair?

>> Chairman Eilert: Ms. Hanzlick.

>> Commissioner Hanzlick: I have -- I have a friendly amendment to that amendment. Due to the conversations that have been held about the need to work within the topography so that we can reduce -- the developers can reduce the number of trees that may need to be disturbed or the land to be disturbed, I would like to add an amendment that -- of 2,000 acres with a waiver option.

>> Commissioner Fast: I would accept that as a friendly amendment.

>> Commissioner Hanzlick: And as a second, I would --

>> Chairman Eilert: You would accept it? Okay. So there is a waiver --

>> Yes.

>> Chairman Eilert: -- to the amendment that's been offered.

>> Commissioner Fast: I would -- just want to highlight is that because of our setback, there's a 30% setback, so when you compare us to other counties, like Douglas County, they say how many acres, and each acre is counted for solar. But we have a 30% setback. So for 2,000 acres, it's only 1400 acres because of that 30% setback, which provides wildlife corridors. Also, our regulations provide so that you can have food use, farming with it, and streamways. My family has CRP land. And so it's significant that you can have farming with this solar, and that is a critical part of this.

>> Chairman Eilert: Okay. Other comments? All right. If not, the amendment before us is up to 2,000 acres with waivers; is that right?

>> Commissioner Hanzlick: Yes, with a waiver option.

>> Chairman Eilert: Right. Clerk, please call the roll.

>> Clerk: Commissioner Fast?

>> Commissioner Fast: Aye.

>> Clerk: Commissioner Meyers?

>> Commissioner Meyers: Meyers, aye.

>> Clerk: Commissioner O'Hara?

>> Commissioner O'Hara: No.

>> Clerk: Commissioner Hanzlick?

>> Commissioner Hanzlick: Hanzlick, aye.

>> Clerk: Commissioner Ashcraft?

>> Commissioner Ashcraft: Yes.

>> Clerk: Commissioner Allenbrand?

>> Commissioner Allenbrand: Allenbrand, aye.

>> Clerk: And Chairman Eilert?

>> Chairman Eilert: Eilert, aye. I have six votes in favor, one opposed. Ms.

Fast.

>> Commissioner Fast: I move the Board to add Paragraph G for the Planning Commission to consider modifications to specific regulations, including a minimum distance from city limits of 1.5 miles instead of the recommended 2 miles, and 1.5 miles with a waiver as recommended by staff for the reasons indicated within the verbatim transcript of the proceedings of the BOCC Special Meeting on April 4th, 2022.

>> Commissioner Hanzlick: Hanzlick, second.

>> Commissioner Allenbrand: Allenbrand, second.

>> Chairman Eilert: All right. Fast made the motion. Hanzlick seconded the motion with the 1.5 miles with waiver.

>> Commissioner Fast: With a waiver.

>> Chairman Eilert: Yes. Is there an amendment to the amendment? There isn't. Okay.

>> Commissioner Fast: I do have one concern on this because the Sunflower Ammunition Plant is less than a mile. That is concerning to me also. I grew up on a large-scale chicken farm. We had 10,000 chickens. We had large-scale hogs. And state law, my family were Mennonites that brought the turkey red wheat to Kansas, homesteaded and brought turkey wheat to Kansas. And you can have a large-scale hog farm, a large-scale chicken farm, it only needs to be less than a mile from hospitals, schools. So I think this, you know, we want solar on the Ammunition. To me, 1.5 is excessive. That waiver is critical. When you can have a corporate hog farm less than a mile from each other, as someone who grew up on a large farm. So if somebody would want to amend my motion, I would accept it.

>> Chairman Eilert: Okay.

>> Speaker: [Off mic]

>> Chairman Eilert: Okay. Is there any further discussion by the Commission?

Mr. Ashcraft.

>> Commissioner Ashcraft: Clarification. The waiver would enable an applicant to seek a distance less than 1.5 miles; is that correct?

>> Commissioner Fast: Right. So that's why I'm supportive of the waiver.

>> Chairman Eilert: And the city could make that judgment. Yeah.

>> Commissioner Ashcraft: Yes. Thank you.

>> Chairman Eilert: Any other questions? All right. The amendment is before us. Clerk, please call the roll.

>> Clerk: Commissioner Fast?

>> Commissioner Fast: Aye.

>> Clerk: Commissioner Meyers?

>> Commissioner Meyers: Meyers, aye.

>> Clerk: Commissioner O'Hara?

>> Commissioner O'Hara: No.

>> Clerk: Commissioner Hanzlick?

>> Commissioner Hanzlick: Hanzlick, aye.

>> Clerk: Commissioner Ashcraft?

>> Commissioner Ashcraft: Yes.

>> Clerk: Commissioner Allenbrand?

>> Commissioner Allenbrand: Allenbrand, aye.

>> Clerk: And Chairman Eilert?

>> Chairman Eilert: Eilert, aye. I have six votes in favor, one opposed.

Amendment carries. Are there any other amendments? Ms. O'Hara?

>> Commissioner O'Hara: Yes. Peg, the A, B, C, and D.

>> Peg Trent: You would be on Paragraph HH, correct.

>> Commissioner O'Hara: Okay. So -- so do I need to make separate

amendments on each of this?

>> Peg Trent: Yes, because you had -- if you intend to bring the ones we had discussed, you would have to do them individually or pick which one you want.

>> Commissioner O'Hara: Okay. But the clarification -- the A, B, C, and D --

>> Peg Trent: They're already in the main motion.

>> Commissioner O'Hara: Okay. That was -- that was the first part.

>> Peg Trent: Yeah.

>> Commissioner O'Hara: Okay. So I don't have to add that, all right.

>> Peg Trent: No.

>> Commissioner O'Hara: All right. So now we're at G? H.

>> Peg Trent: H.

>> Commissioner O'Hara: H. Okay. I move the Board to add Paragraph H for the Planning Commission to consider modifications to specific regulations, including offset of all costs for the county, including inspections and monitoring, and all expenses for fire protection, whether it is our fire district or Overland Park, for battery energy storage facilities and other county services due to -- or and other county services for the reasons indicated within the verbatim transcripts of the proceedings of the BOCC Special Meeting on April 4th, 2022.

>> Second.

>> Chairman Eilert: Motion has made -- been made and seconded on the amendment. Can the chief counsel and/or Mr. Leipzig give us a little explanation of that exactly.

>> Peg Trent: Yes. Mr. Chairman, just so the Board is aware, one of the items in the original motion for the remand through the Paragraphs A through D, Paragraph C deals with exploring and adding and for the Planning Commission to explore the potential of the applicant and that development agreement or however that would be set up to provide the cost for any items that would be necessary for fire protection or within the fire district, that would need to be provided by the applicant or offset. So the actual thing -- but I think Ms. O'Hara added the word "monitoring system," if I was hearing --

>> Commissioner O'Hara: Monitoring, and then also all the costs for county, for the inspections, yes, for inspections and monitoring.

>> Peg Trent: So those would be related to the fire prevention costs that would be unique to this particular user, which is talked about in Paragraph C in the original motion.

>> Commissioner O'Hara: Okay. So you think that that's already covered?

>> Peg Trent: Yes, I do.

>> Commissioner O'Hara: All right. Then I will rescind that -- I will rescind that amendment.

>> Peg Trent: And the second rescinds, takes it back?

>> Chairman Eilert: Will rescind, yeah. Okay.

>> Commissioner O'Hara: Okay. And then I think that we have something already in place to have the Planning Commission address noise issues, especially from the fans of the lithium.

>> Peg Trent: Mr. Chairman, that is correct, there is within the regulations for noise impact and nuisances.

>> Chairman Eilert: That's already in there? Okay.

>> Yes.

>> Commissioner O'Hara: Okay. And then the other concern that I have, so I would be back to H, I believe. Is that correct?

>> Peg Trent: Correct.

>> Commissioner O'Hara: Okay, is the transmission lines that are going to be required. So I move the Board to add Paragraph H for the Planning Commission to consider modifications to specific regulations, including adding CUP standards as to the impact of surrounding landowners with the potential addition of transmission lines to service solar facilities for the reasons indicated within the verbatim transcripts of the proceedings of the BOCC Special Meeting on April 4th, 2022.

>> Chairman Eilert: Is there a second?

>> Commissioner Ashcraft: Second.

>> Chairman Eilert: Motion is made and seconded on that amendment. Again, I'm going to ask for clarification. Exactly what does that do?

>> Peg Trent: And I'm going to defer this one to the Planning Department, if the existing regulations already dealt with consideration of available transmission lines and how that would --

>> Chairman Eilert: I would think there ought to be regulations, so.

>> Sean Pendley: Yes, Sean Pendley, Planning staff. I would just note, there are no current regulations in these draft regulations -- solar regulations for the -- what we call the gentile lines, or these transmission lines, strictly for utility-scale solar. However, it is likely that any utility-scale solar facility would need new overhead transmission lines. That is something that is -- it is not regulated, and it's not regulated by the KCC in terms of location or siting of the transmission lines or with utilities. However, there are regulations in terms of meeting codes. There are building codes and wiring standards that are regulated by KCC. But currently there is nothing in our regulations that would prohibit or prevent new power lines from being installed. But that's something that certainly could be looked at. We don't have anything in the draft regulations that specifically deal with that. And there is no -- eminent domain could not be used for installation of new power lines. That's something that a private utility provider would have to obtain with a landowner to obtain an easement for a new overhead power. But it's something that would not be precluded or prevented with this new facility.

>> Chairman Eilert: So unlike the cities, we don't have codes that speak to that.

>> Sean Pendley: We don't have jurisdiction over the specific code requirements, but the KCC does have regulations for the building code standards. So they would need to meet code standards for the construction of the lines, but there's no siting requirements and there's no local county review of new transmission lines.

>> Chairman Eilert: Okay. Well, again, I'm not sure what those regulations would be, but I guess there's no harm in having the Planning Commission review it. Jay, do you have any --

>> Jay Leipzig: Yes. Jay Leipzig, Planning Director. I think on that -- that particular motion, I do think it would certainly behoove us to look at that, spend some time studying that issue. I certainly concur with everything that Sean had said, but it

normally would be part of the site plan review process anyway. But I think to have additional looking at requirements, if any, there that we -- it would behoove us to spend some time studying that.

>> Chairman Eilert: Okay. All right. Thank you. Other questions? Ms. Fast.

>> Commissioner Fast: So are you -- I guess it's part of the development plan and the -- so do we really need a motion to be a part of our Comprehensive Plan?

>> Commissioner O'Hara: Well, it's right --

>> Commissioner Allenbrand: That's my question, too.

>> Chairman Eilert: Wait a minute. Wait a minute.

>> Commissioner Fast: Well, I'm asking Jay.

>> Chairman Eilert: Go ahead.

>> Commissioner Fast: Do we really -- do we need this to be a part of our motion to the Planning Commission?

>> Jay Leipzig: It wouldn't be part of the -- Jay Leipzig. It wouldn't be part of the Comprehensive Plan. It would be part of the development regulations, the subdivision regulations, an amendment to that.

>> Peg Trent: And, Mister -- Mr. Chair, also to add on to what the director has indicated, this would allow the commission, the Planning Commission to look into whether that should be something that they're considering about having a new transmission line. So this would allow and provide it, and I would suggest that it be added if that's a consideration of this Board.

>> Chairman Eilert: Was there another question, Ms. Allenbrand?

>> Commissioner Allenbrand: No.

>> Chairman Eilert: All right. Any other questions? All right. The amendment is before us. Would the Clerk please call the roll.

>> Clerk: Commissioner Fast?

>> Commissioner Fast: I still am not getting clarity in what's staff recommendation on this. I mean, Peg is saying something different than planning staff.

>> No.

>> Commissioner Fast: So are you recommending we approve this motion?

>> Jay Leipzig: I'm recommending that -- that motion. I think it would certainly behoove us to study that issue further.

>> Commissioner Fast: Okay. Well, I'm always first so --

>> Jay Leipzig: So, yes, I'm --

>> Commissioner Fast: It's always hard for me, so --

>> Chairman Eilert: All of these amendments and any motion we make, it's up to the Planning Commission to review and make a recommendation back.

>> Commissioner Fast: Okay. Yes.

>> Clerk: Commissioner Meyers?

>> Commissioner Meyers: Meyers, aye.

>> Clerk: Commissioner O'Hara?

>> Commissioner O'Hara: Yes.

>> Clerk: Commissioner Hanzlick?

>> Commissioner Hanzlick: Hanzlick, aye.

>> Clerk: Commissioner Ashcraft?

>> Commissioner Ashcraft: Yes.

>> Clerk: Commissioner Allenbrand?

>> Commissioner Allenbrand: Allenbrand, aye.

>> Clerk: And Chairman Eilert?

>> Chairman Eilert: Aye. I have seven votes in favor. Motion carried. Are there any other amendments?

>> Commissioner O'Hara: Yes. I have one more, because we continually talk about affordable housing and first-time home buyers and all of this, and I think that it's important that the Planning Commission study the impact of land being taken for -- for other uses rather than -- than for residential. And this is going to make property out in that area more expensive because of scarcity. So I think it just is something that needs to be looked at. So I think I'm at "I." Is that correct, Peg?

>> Peg Trent: Yes, that's correct.

>> Commissioner O'Hara: Okay. I move the Board to add Paragraph I for the Planning Commission to consider further review of specific policies, including adding CUP standards to address impact on public improvements, effective utilization of land, and development of surrounding cities, including affordable housing, housing for first-time home buyers, and depreciation of surrounding land values for the reasons indicated within the verbatim transcripts of the proceedings of the BOCC Special Meeting on April 4th, 2022.

>> Chairman Eilert: Is there a second? I really don't see any need for this amendment. And so motion dies for lack of a second. Are there any other amendments? All right. We are back to your motion, Ms. Fast. Is that correct?

>> Commissioner Fast: Yes, to my main motion. Do I need to read the main motion again?

[Laughter]

>> Chairman Eilert: Well, is there any questions about the main motion that we need to have it read again? Huh? What?

>> Commissioner Hanzlick: No, I was just gonna ask for clarification. It's the main motion with the Amendments A through G.

>> Commissioner Fast: Right. Correct.

>> Commissioner Hanzlick: Okay.

>> Commissioner Fast: On Page 1 and 2 of the briefing sheet, it's in the Alternative 2 motion.

>> Chairman Eilert: Okay. All right. Clerk, please call the roll.

>> Clerk: Did you say A through G?

>> Commissioner Fast: A through D.

>> Peg Trent: A through D, plus the ones we've added.

>> Clerk: Plus the amendments.

>> Peg Trent: Yes.

>> Clerk: Okay. Thank you.

>> Maybe we should have Peg read it.

>> Clerk: Commissioner Fast?

>> Commissioner Fast: Aye.

>> Clerk: Commissioner Meyers?

>> Commissioner Meyers: Meyers, aye.
>> Clerk: Commissioner O'Hara?
>> Commissioner O'Hara: No.
>> Clerk: Commissioner Hanzlick?
>> Commissioner Hanzlick: Hanzlick, aye.
>> Clerk: Commissioner Ashcraft?
>> Commissioner Ashcraft: Yes.
>> Clerk: Commissioner Allenbrand?
>> Commissioner Allenbrand: Allenbrand, aye.
>> Clerk: And Chairman Eilert?
>> Chairman Eilert: Eilert, aye. I have six votes in favor, one opposed. Motion carried. Are there any other actions that we need --
>> Karen Miller: And, Chairman, I would need to read when that would be next considered by the Planning Commission, if I could, please.
>> Chairman Eilert: I'm sorry, I didn't hear that.
>> Karen Miller: I'd like to read when that would be considered by the Planning Commission.
>> Chairman Eilert: Oh, I thought the date was there. Did you state the date?
>> Karen Miller: I have to give the location and time. So the application is being returned to the Planning Commission for further consideration. It will be placed on the agenda of the Planning Commission at a special meeting. That meeting is currently scheduled for May 10th at 5:45 p.m. at the Board of County Commissioners hearing room at the County Administration Building, 111 South Cherry Street, Olathe, Kansas, 666 -- 66061. But that date may change. Anyone interested in this application should contact the Planning Department or periodically check either the Planning Department website at www.jocogov.org/departments/planning or the solar page at www.jocogov.org/solar.
>> Chairman Eilert: Okay. Well, thank you very much. Just an added word. When the Planning Commission makes its review and makes any recommendations, it comes back to the Board of County Commissioners, and the Commissioners will have the final determination of any aspect of the items. So with that, concludes our meeting. Thank you all very much for your participation. And we will see some of you Thursday. Thank you. We are adjourned.
>> Thank you, Chair.
[Adjourned at 6:15 p.m.]

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Verbatim transcript prepared by:

CCC Services LLC
13709 Flint
Overland Park KS 66221
913-579-5008
www.ccccaptioning.com

