

May 4, 2022

Johnson County Planning Commission
c/o Jay Leipzig, AICP, Director and Sean Pendley, AICP, Deputy Director
111 S. Cherry Street
Olathe, KS 66061

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

Dear Commissioners,

This letter is intended to reiterate the position of the City of Gardner as it relates to the draft Johnson County Utility Scale Solar Regulations. It is our understanding that the Johnson County Board of County Commissioners (BOCC) recently remanded the draft regulations back to the Johnson County Planning Commission with instructions to consider the following revisions:

- consider a 1.5 mile minimum distance from a city, instead of the Planning Commission's recommended 2 miles, including a waiver option
- consider a maximum project area of 2,000 acres, instead of the Planning Commission's recommended 1,000 acres, including a waiver option

Since the consideration by the BOCC the City has been asked if our position regarding the draft regulations has changed or not. The City's response is that our position in regard to the draft regulations remains the same as it was stated in our letter dated September 28, 2021 and reiterated below:

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

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

Such Solar Facilities shall be located greater than ~~one~~ two (±2) miles from any city limits, with the exception of non-contiguous areas of a city (which are also known as "islands") that are less than 80-acres in size, from which there shall not be such a requirement.

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

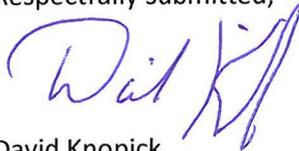
It should be noted that the City's preference is that a waiver process should not be incorporated into the proposed regulations, but if such process is incorporated it should follow the suggested changes above.

In addition to the reiterated comments above and in consideration of the growth occurring in and around Gardner as well as Edgerton, the City of Gardner feels that the previously proposed maximum project area of 1,000 acres is sufficient for any future utility scale solar facility in southwest Johnson County. It should also be noted that the City's preference is to not allow a waiver process associated with the maximum size of the facility area.

As always the City of Gardner appreciates the opportunity to comment on the draft regulations related to utility scale solar facilities and recognizes that there are many facets to consider as part of the draft regulations. The proximity and size of utility scale solar facilities will have an impact on the physical growth and development patterns of Johnson County and growing communities in Johnson County.

Thank you for your consideration of these comments within the dynamic growth context of southwest Johnson County.

Respectfully submitted,



David Knopick
Community Development Director
dknopick@gardnerkansas.gov / 913-856-0919