

TO: Board of County Commissioners
Penny Postoak Ferguson, County Manager
FR: Peg Trent, Chief Counsel
DA: May 31, 2022
RE: Special Meeting on 06/06/2022 – Solar Facilities

A special meeting is scheduled for Monday, June 6th at 2 p.m. for the BOCC to consider the new recommendations of the planning commission as a result of the suggested modifications made by the BOCC to the amendments to the Rural Comprehensive Plan (comprehensive plan) and the Johnson County Zoning and Subdivision Regulations (zoning regulations) for the purpose of regulating Solar Facilities, including Utility-Scale Solar Facilities, within unincorporated Johnson County, plus the adoption and incorporation by reference of two published safety standards regarding Battery Energy Storage Facilities that are associated with Solar Facilities.

On April 4th, the BOCC remanded to the planning commission eight (8) areas for recommended amendments to the comprehensive plan and zoning regulations, including battery storage standards. The areas include the following:

1. Clarification regarding off-site street maintenance and repair.
2. Clarification that battery energy storage facilities are allowed in association with Medium-Scale Solar Facilities.
3. The addition of a performance standard related to battery energy storage facilities and the requirement of applicants to supply, and assume the costs of, specialized fire safety equipment or other protections, if necessary for such use.
4. Additional suggested clarifications recommended by planning staff.
5. A 25 year Conditional Use Permit term instead of the Planning Commission's recommended 20 years, with a one-time automatic extension for five years if the project remains compliant.
6. A Maximum Project Area of 2,000 acres, instead of the Planning Commission's recommended 1,000 acres, including a waiver option.
7. A 1.5 mile minimum distance from a city, instead of the Planning Commission's recommended 2 miles, including a waiver option.
8. Consideration of adding CUP standards if necessary for impact on surrounding landowners due to the addition of transmission lines to service solar facilities.

The Planning Commission met on May 10th and considered the eight (8) items and modified four (4) of the recommended amendments as follows:

1. Certain clarifications regarding off-site street maintenance and repair to include a requirement that repairs shall be completed in a timely manner.
2. A 20 year Conditional Use Permit term, instead of 25 years, to include a one-time automatic extension for five years if the project remains compliant.
3. A Maximum Project Area of 1,000 acres, instead of 2,000 acres, including a waiver option.
4. A 2 mile minimum distance from a city, instead of 1.5 miles, including a waiver option.

At the June 6th meeting, the BOCC will consider two (2) resolutions, one for the amendments to the comprehensive plan, Resolution 037-22, and one for the zoning regulations, Resolution 038-22. The Exhibits to the resolutions contain suggested amendments to the comprehensive plan and zoning regulations: Exhibit A contains the amendments as suggested by the BOCC to the Planning Commission on April 4th. Exhibit B contains the proposed recommendations of amendments by the Planning Commission from May 10th. The BOCC by a simple majority will have the option of approving the resolutions with either Exhibit A or Exhibit B, or has the option to make any additional revisions to such amendments or to deny the amendments in their entirety without returning to the Planning Commission.

As a reminder, when members of the Board receive mail, (either electronic or postage) regarding the proposed solar regulations and comprehensive plan amendments, please forward those to the Planning Department so that it may be included on the Solar Web Page. All comments collected will become part of the public record on this issue.