

# Solar Energy Conversion Systems – Public Input

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## Purpose

This document provides a record of public comments submitted in writing to the Planning Department.

October 2023

October 30, 2023

Mr. Dennis, as a lifelong citizen of Colwich, KS, I am writing you to voice my opposition to the proposed Chisolm Trail solar farm just east of Colwich, KS along 53rd street north.

I am not opposed to the concept of solar power, but I am totally opposed to the proposed location of the Invenergy complex, for several reasons:

First and foremost because the proposed solar farm is 100% backed by Public Services of Oklahoma which wants solar power - then PSO can build the plant in Oklahoma.

Secondly, the cities of Colwich and Maize are both growing and the proposed solar farm site on 53rd at 151st is in a prime area for growth for the City of Colwich. Not to mention that a new addition already platted and ready to go at 53rd and 135th is now on hold because of the atrocity of the solar farm that's being proposed to be built within a mile of that addition. Colwich is beginning annexation plans both east and south of our town and the proposed site is right in the path of those annexation plans.

Last, but not at all least is the aesthetic aspect of such a solar farm that would completely ruin the landscape surrounding our beautiful town. I'm sure you wouldn't want to drive past a 1500 acre solar farm every morning and evening on your way to and from work. Building the solar farm at the proposed location will completely kill our town - just like it would for your town if it was built within a mile of Garden Plain.

Building a solar farm within a mile of Colwich and three miles of Maize is simply not a good option for any of us and would be a grievous disservice to our communities.

If Invenergy or any other energy company wants to build a solar farm anywhere within Sedgwick County I feel it needs to be in a location "off the beaten path", where it's not within even 10 miles of any incorporated town or residential area or within any town's area of influence, and most definitely NOT on the main access road into any town or residential area.

Ease of hooking to the electric grid is not our problem - that's Invenergy's problem, or more directly, Public Services of Oklahoma - there's a lot of open land in western Oklahoma where such a solar farm could be built that would be off the beaten path and not in the viewing of the majority of the public every day.

Invenergy is trying to tout the economic benefit of the proposed farm to our town and to the county, but there is none. The state of Kansas has a 10 year tax abatement in place for any such projects, so there is NO economic benefit to the county - only the **loss of tax income** from any homes that could be built between Colwich and Maize where no one will want to build if they have to look at a solar farm every day. This project, if allowed to be built, will kill our town. Period.

Thank you for taking the time to read this message and I pray that you and the other commissioners will seriously consider the completely negative impact this proposed farm will have on our town and reject the project before it gets any further along in the process.

November 2023

November 14, 2023



14 November 2023

To the Metropolitan Area Planning Commission Advance Plans Committee and the Metropolitan Area Planning Commission Director:

The Kansas Power Alliance is writing to strongly encourage you to keep the existing solar regulations as they were enacted in 2019 to ensure regulatory stability, business certainty and the sanctity of private property rights in Sedgwick County.

The Kansas Power Alliance represents the clean energy industry in Kansas, working with landowners to help to deliver energy that is clean, affordable and locally made to the residents, businesses and communities across the State and region.

The Kansas Power Alliance appreciates the fact that clean energy projects in Kansas are sited at the county level. We understand that some counties are only beginning to discuss solar regulations. We applauded Sedgwick County's initiative in 2019 to proactively address solar regulations in advance of an early-stage project development seeking to build in the community. Doing so allowed for project development to be directed by established rules and regulations. It was surprising to learn that shortly before an application was made to the County for a late stage solar farm the County Commission voted to enact a moratorium after companies began developing projects guided by and adhering to the well-vetted, enacted County regulations.

Solar power is rapidly growing around the United States driven by customer demand. The top ten states for utility-scale solar installations are synonymous with high growth or rapidly growing populations. Balancing urban, suburban, exurban and rural growth needs, providing for new generation resources while protecting private property rights has been successful in Texas, Florida, North Carolina and Arizona to name a few. Sedgwick County does not need to be an exception.

The recent census demonstrates that Sedgwick County is experiencing growth which is excellent for the region and our State. Solar projects can be a powerful land bank saving land from irreparable, low-margin development in the immediate term to a valuable development opportunity for the landowner in the long-term. Planning out thirty years and working with a local landowner(s), a housing tract that isn't needed today could be "banked" for future development when most needed. Few developments can boast that kind of development value.

Solar power is a great neighbor. It has a low profile, emits no smell and virtually no sound, and few trucks ever enter or leave the property. Any other development - whether it is an industrial park, housing development, a car wash, strip mall or logistics center would mean significantly more noise, traffic, and disruption for the neighbors. While residents are quick to fear change, a growing region makes change inevitable. A solar farm would provide residents with the quietest, least disruptive neighbor possible.

We hope Sedgwick County appreciates that the extensive and exhaustive work undertaken in 2019 by the county has led to implementation of some of the most balanced solar regulations in the nation. The Kansas Power Alliance was supportive of the 2019 effort and never opposed the ban on wind farm development the county imposed at the same time it enacted the comprehensive solar regulations.

We hope county and community leaders recognize the quality regulations that are already in place and the destabilizing effects the new moratorium has on businesses seeking to operate in the County.

The Kansas Power Alliance encourages the County Commission to rescind the solar moratorium and allow companies to make applications for utility-scale solar projects that were being developed per the exhaustive, existing county regulations. Those applications would still need to be approved by the planning and zoning bodies and County Commission. By enacting a moratorium, the county creates a landscape where all developers are left with no certainty whatsoever and will invest their dollars elsewhere to the detriment of landowners and citizens of the county. If the county intends to proceed with modifications to the solar regulations, we urge the county to allow late-stage development projects that have signed leases with landowners to advance their applications under adherence to the 2019 guidelines. Future solar projects could be subject to any modifications to the solar siting regulations.

Thank you for your consideration,

Josh & Kimberly Svaty

Kansas Advanced Power Alliance

**November 15, 2023**

Good Afternoon Scott & Mary,

Hope you are doing well— I'm looking forward to seeing you at the open house event tomorrow. I had two questions about the online solar survey and APC meeting schedule that I'm hoping you can answer.

1. Online Survey – We noticed that the online survey soliciting feedback on the zoning code solar regulations and comprehensive plan has been posted. We clicked through the survey and didn't see a way for the survey participants to identify themselves or note where they live. Will your team be filtering for unique survey submissions on the back end somehow (IP addresses perhaps)? We've seen instances in the past where the usefulness of survey data has been diluted without a way to filter for unique submissions. For example: a single passionate community member submits 10 survey responses and changes the wording each time to give the false appearance of unique submissions.
  - <https://www.sedgwickcounty.org/solar/solar-survey/>
2. APC Meeting Schedule – The Invenergy team really appreciates your commitment to completing the solar ordinance review/revision process within the 6-month moratorium window. However, we noted that a key APC meeting (where UZC/Comprehensive Plan changes are to be endorsed/approved) is scheduled for 12/28. We are worried that the timing of this meeting, between Christmas and New Years, will make it difficult for all interested parties to attend. Is the plan still to hold the APC meeting on 12/28?
  - [https://www.wichita.gov/Planning/AgendasMinutes/2023-10-12%20APC%20Agenda%20Packet\\_REVISED.pdf](https://www.wichita.gov/Planning/AgendasMinutes/2023-10-12%20APC%20Agenda%20Packet_REVISED.pdf)

Thanks,

**Mitch Lucas** | Senior Associate, Renewable Development  
**Invenergy** | 1401 17<sup>th</sup> Street, Suite 1100, Denver, CO 80202

**November 16, 2023**

Hello Planning Dept,

Regarding the Solar Town Hall, I'd like Evergy to be required to pay rooftop solar panel owners the equivalent amount Evergy charges watt for watt to customers here. This is the main reason I have not put solar on my roof because Evergy will only pay me a small fraction of what Evergy charges per watt. My energy should be worth the same as Evergy's energy. It will take government regulation in order for citizens like me to get a fair deal. With a fair deal dollar for dollar watt for watt, I think more reasonable people will put solar on their roofs which would reduce the need and discussion for a large scale commercial solar site.

My uncle says his energy bill was dramatically reduced when his area completed a community solar project.

[https://us01.z.antigena.com/l/ZUW3wcvQ5Llz453QxWHWXj-i46~\\_dCMIQVeLuW4x1L1prP3WsRNJkowHGqNxpJ9WzWpY5ZylM9bHmgAPSGOdsYRyg5IHnl7ps3](https://us01.z.antigena.com/l/ZUW3wcvQ5Llz453QxWHWXj-i46~_dCMIQVeLuW4x1L1prP3WsRNJkowHGqNxpJ9WzWpY5ZylM9bHmgAPSGOdsYRyg5IHnl7ps3)

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Nicholas Peoples

Scott,

I would like to acquire a quantity of the business cards with the survey QR code. Please advise me on who to contact. I will pick them up if they are available. Would hate to see them go to waste. Thank you, sir

Leroy Bosch

Scott

Good Afternoon.

Sorry it has taken me so long to get our version of what we would like to see as the new resolution for Large Utility Solar Panel Projects in Sedgwick County. We, of course, would like the County to follow in the footsteps of our neighbor to the north (Harvey County) - NO LARGE UTILITY SOLAR PANEL PROJECT. So, just in case you don't, please look over our proposal. I will see you tonight at the open house meeting.

--

Tim Mullen

## Outline for Solar facilities Regulation

SECTION I	PURPOSE
SECTION II	MAIN ISSUES RELATED TO SOLAR FACILITIES
SECTION III	LARGE UTILITY SCALE SOLAR FACILITY PROJECT
SECTION IV	REQUIREMENTS FOR CONDITIONAL USE PERMIT CONSIDERATION
SECTION V	CONTENTS OF LARGE UTILITY SCALE SOLAR FACILITY DEVELOPMENT PLAN
SECTION VI	GUIDELINES FOR ISSUANCE OF CONDITIONAL USE PERMIT <b>MAPD to fill out</b>
SECTION VII	MEDIUM SCALE SOLAR FACILITY GENERAL PROVISIONS (max Project Area of 20 contiguous acres)

SECTION VIII	MONITORING AND REVIEW
SECTION IX	EXTRAORDINARY EVENTS NOTIFICATIONS
SECTION X	DECOMMISSIONING, RECLAMATION OR ABANDONMENT
SECTION XI	GENERAL PROVISIONS <b>MAPD to fill out</b>
SECTION XII	DEFINITION AND ACRONYMS

## **SECTION SOLAR FACILITIES REGULATIONS**

Unless otherwise specified, within this Section, the following terms are utilized and further defined in Section XII:

- A. Large Utility-Scale Solar Facility shall be referred to as (“LS Solar Facility”).
- B. Medium-Scale Solar Facility shall be referred to as (“MS Solar Facility”).
- C. Small-Scale Solar Facility shall be referred to as (“SS Solar Facility”).

### **SECTION I. PURPOSE**

The following requirements and performance standards for LUS Solar Facility are provided to:

- A. Assist an Applicant and applicable governmental authorities;
- B. provide details regarding the LS Solar Facility or MS Solar Facility;
- C. provide information so the Applicant and the general public may gain an understanding of the LS Solar Facility or MS Solar Facility requirements and performance standards related to a Solar Facility Application;
- D. provide a foundation for public discussion and informed comment on an LS Solar Facility or MS Solar Facility project;
- E. identify significant environmental, social and economic effects related to the LS Solar Facility or MS Solar Facility;
- F. provide guidelines for Applicants and the governing body to consider regarding a project;
- G. provide standards for the placement, design, construction, operation, monitoring, modification, decommission and reclamation of solar facilities;
- H. address public safety concerns;
- I. minimize the impact to scenic, natural, and historic resources; and
- J. provide adequate financial assurance for decommissioning and reclamation of the LS Solar Facility.

Information in an Application for Conditional Use Permit (“Application”) and the Development Plan (“Plan”) shall be current at the time of submission of the LS Solar Facility Project (“Project”) to the Metropolitan Area Planning Department (MAPD). Where required information is not available at the time of submission of the Application, estimates or alternative information shall be provided and noted as estimates or alternatives. Only requirements relevant to the Project shall be submitted with the Application or upon request of the Metropolitan Area Planning Commission (MAPC).

The requirements and performance standards contained in Section ???? are not applicable to the installation or use of photovoltaic panels utilized solely for single-family residential use or a SS Solar Facility.



## **SECTION II: MAIN ISSUES RELATED TO SOLAR FACILITIES**

Main issues related to LS Solar Facilities which will be addressed during the Application process, include, but are not limited to:

- A. Agricultural Impact;
- B. Applicants Experience, Reputation, and Financial Ability;
- C. Aviation Hazards;
- D. Bonding or Surety;
- E. Cultural Heritage;
- F. Cumulative Impact;
- G. Decommission, Removal, and Reclamation;
- H. Electromagnetic Fields;
- I. Emergency Management Plans;
- J. Endangered Species Protection;
- K. Fire Safety and Mitigation;
- L. Glare;
- M. Infrastructure;
- N. Land Use;
- O. Native Vegetation and Noxious Weeds;
- P. Noise;
- Q. ;
- R. Public Health and Safety;
- S. Reception Interference;
- T. Screening;
- U. Soil Erosion;
- V. Visual Impact;
- W. Water Quality; and
- X. Wildlife Habitat and Migration.

### SECTION III: UTILITY-SCALE SOLAR FACILITY PROJECT

Unless otherwise specified, within this Section ???, the following terms are defined as:

- A. **Project.** The proposed development of and use on the subject property identified in the Application.
- B. **Project Area.** The area included in the Plan and designated within the Application as a participating part of the Condition Use Permit (“CUP”) may include multiple parcels and portions of parcels, which may be owned, leased parcels or leased areas of parcels, and, for purposes of Section ???IV.(C.)3.), the sum total of this area shall be known and referred to as the (“Project Area”). If approved, a CUP shall be issued only for the legal description attached to the Application. All parcels and portions of parcels within the Project Area, when taken collectively, may or may not form one solid area (e.g. when separated by roads), and may form a collection of areas. The function of the Project Area is to accommodate a single LS Solar Facility. The Project Area does not include property that is not controlled by nor participating as part of the CUP.
- C. **Project Boundary.** The perimeter surrounding the Project Area is collectively referred to as the (“Project Boundary”). The Project Boundary shall include the boundaries around these collected areas and shall also run along roads next to the Project Area.
- D. **Project Extent.** A (“Project Extent”) encompasses all of the parcels and leased parcels comprising the Project Area for the purpose of determining the geographical extent to which the proposed LS Solar Facility is distributed. The Project Extent is the area of the smallest rectangle that encompasses the Project Area in its entirety.
- E. **LS Solar Facility.** The area within the Project Area shall be considered a single (“LS Solar Facility”). However, any portion of the Project Area shall not be located more than one quarter (1/4) mile from the balance of the Project Area, or such portion greater than one quarter (1/4) mile shall require a separate LS Solar Facility Application.
- F. **PV Pods.** The equipment within a LS Solar Facility shall include photovoltaic panels, which are often organized into groupings referred to as (“PV Pods”), and may also include charge regulators, inverters, substations, transformers, battery energy storage facilities and associated uses, and structures including, but not limited to, parking areas and fencing.
- G. **Buffer Zone.** A (“Buffer Zone”) within the Project Area shall be established for the purpose of mitigating the effects of the LS Solar Facility upon surrounding properties located outside of the Project Area and the community at large, and,

therefore, shall be an area reserved for open space, groundcover, landscaping, and berms, and which shall be located between the Project Boundary or, if applicable, the roadway, whichever is nearest to the structures associated with the LS Solar Facility and the required Project Boundary setback.

#### **SECTION IV. REQUIREMENTS FOR CONDITIONAL USE PERMIT CONSIDERATION**

In order for the MAPC and Board of County Commissioners of Sedgwick County, Kansas (“Board”) to consider the Application, the Applicant must provide the following requested documents and the Project must comply with the following requirements:

A. **Regulations.** Strict conformance to all requirements and performance standards as detailed in Article ? and ? of the Zoning Regulations of Sedgwick County, Kansas.

B. **Community Meeting** A community meeting shall be held prior to the public hearing with the MAPC to give the community an opportunity to have the Applicant present information regarding the proposed Project and for the community to submit comments and concerns for response.

1. The Applicant shall provide individual written notice by certified mail of the date, time, and location of the meeting, at least twenty-one (21) but no more than thirty (30) days, in advance of the meeting date to:

a. to property owners within a one-mile radius of the property included in the application. (This is in addition to the Planning Office’s mailed notification of the Planning Commission public hearing to property owners within 1,000 feet radius of the subject boundary);

b. all cities and townships within a three-~~0~~-mile radius of the Project Boundary; and

c. the Sedgwick County Zoning Administrator (“Zoning Administrator”);

2. Such notice shall include a brief description of the proposed Project, the name, address and telephone number of the Applicant and the Applicant's contact person, the anticipated construction dates, the anticipated day in which the Application will be submitted to the Board and the following statement:

1       *“This letter is being sent to the owners of nearby properties for the purpose of informing the property owners and other interested parties about the proposed solar energy facility project described*

*further in this letter. This letter does not grant the recipient or the property owner any additional legal rights to challenge the proposed development. This letter is being provided solely to advise property owners of the pending development. For further information, contact the Applicant's designated representative or the Sedgwick County Planning Department."*

3. the date, time, and location of the meeting shall be published at least once in a newspaper of general circulation in the area, by the Applicant, at least twenty-one (21) but no more than thirty (30) days, in advance of the meeting date;
4. the meeting shall be held within the township in which the majority of the Project Area is located at a place open to the community with adequate parking and seating facilities which accommodates persons with disabilities. In the event an adequate facility is not available to comply with these requirements, the nearest suitable facility which meets the requirements shall be utilized;
5. the meeting shall give members of the community the opportunity to review Applicants documentation related to the Project, ask questions of the Applicant, and provide comment; and
6. prior to the public hearing held by the MAPC, the Applicant shall provide the Zoning Administrator with a summary of any input received from members of the community at the meeting, proof of publication notice, and a list of individuals given written notice of the meeting.

**C. Project Area, Boundaries and Setbacks.**

1. A statement as to the reason this location was chosen over alternative locations.
2. The minimum Project Area of a LS Solar Facility shall be more than twenty (20) acres in size, and the maximum Project Area shall not exceed one thousand (1,000) acres.
3. The maximum Project Extent of a US Solar Facility shall be two (2) square miles (which is one thousand six hundred and eighty (1,680) acres).
4. The Solar Photovoltaic Panel Coverage shall not exceed seventy percent (70%) of the Project Area.

5. LS Solar Facilities shall be located greater than three (3) miles from any city area of influence limits.

6. LUS Solar Facilities shall be located greater than two (2) miles from the outer boundary of any public or private airport recognized as an airport by the Federal Aviation Administration (“FAA”).

7. LS Solar Facilities shall be located more than three (3) miles from an existing or permitted LS Solar Project Boundary that is located within unincorporated areas of Sedgwick County, Kansas.

8. No photovoltaic panel shall be located closer than:

a. 150 feet from a public road;

b. 150 feet from property lines of any real property not included in the CUP;

c. 1,200 feet from a residential dwelling structure; and

d. 150 feet from a common agricultural or residential accessory structure.

D. **Transmission Lines.** Communication lines and power collection lines are to be installed underground in the Project Area. Above ground transmission lines may be used only in public right-of-ways or easements.

E. **Mineral Rights.** ~~Applicant shall own and have control of all mineral rights (not leased) with no existing oil and gas leases of the Project Area to prevent future conflicting uses. Applicant shall be the owner or lease the mineral rights from the owner or obtain a Surface Use Agreement/Surface Waiver from the mineral rights owner.~~

F. **Power Purchase Agreement and Interconnection Agreement.**

1. A Power Purchase Agreement (“PPA”) and Interconnection Agreement (“IA”) and a surety bond for decommission and reclamation purposes must be approved and accepted before any building permit is issued for construction to begin.

2. The CUP does not authorize construction of the Project until the Applicant has obtained a PPA and IA for the electricity to be generated by the

US Solar Facility or MS Solar Facility. The Applicant shall provide the PPA and IA to the Zoning Administrator.

3. The PPA and IA must be obtained within ~~one year~~ three (3) years of the date of publication of the Resolution approving the CUP (*See*: Zoning Regulations of Butler County, Kansas, Section 21-401); however, the Applicant may receive up to a six (6) month extension upon written request and approval of the Board.

4. In the event the Applicant does not obtain a PPA and IA within the ~~twelve (12) months~~ three (3) years, or within the ~~eighteen~~ forty-two (42) months as provided with an approved extension, the CUP shall be null and void.

G. **Building Permit.** Applicant shall apply for a building permit and receive an approval prior to the construction or placement of any materials, equipment or other related items to the Project in the Project Area. Building permits shall be issued only after the Director of MAPD receives documentation confirming said PPA and IA, and that all conditions pertaining to LS Solar Facility or MS Solar Facility have been satisfied. Once the PPA and IA have been received, the 12-month rule established in the Zoning Regulations of Sedgwick County Section ????, with respect to revocation of the CUP and building permits, shall apply.

H. **Transportation Routes.** Transportation routes to be used for construction shall be coordinated with the Sedgwick County Engineer. A road maintenance agreement with the townships and Sedgwick County must be executed before any building permits are issued for construction to commence. The road maintenance agreement must include all roads and bridges identified by the Sedgwick County Engineer for construction traffic.

I. **Road or Bridge Damage.** Applicant shall be responsible for any damage to Butler County roads and bridges, township roads, or right-of-ways, resulting from the LS Solar Facility, whether damage was caused by Applicant, its agents, or contractors, during construction, decommissioning, or maintenance activities.

J. **Height.** The height requirements of structures to be placed in service on the Project Area shall be subject to the following:

1. The maximum height of the lowest edge of the photovoltaic panels shall be ten (10) feet and the maximum height of the highest edge of the photovoltaic panels when oriented at maximum tilt shall be fifteen (15) feet, as measured from the finished grade;

2. the maximum height of all other structures constructed on the Project Area shall be thirty-five (35) feet as measured from the finished grade at the base of the structure to its highest point, including appurtenances; and

3. in the event that an Applicant desires to deviate from the height requirement, the Application may only be approved if findings are made by the Board that:

a. Due to the circumstances surrounding the Application, it would be unreasonable to require such a maximum height; or

b. it would be reasonable to allow a greater height (*e.g.*, it may be reasonable to allow a greater height in association with particular types of equipment, such as those associated with substations). The Applicant shall submit written information to the Board indicating the circumstances which are believed to necessitate the need for a deviation from the height requirement.

K. **Lubricants or Hazardous Materials.** If lubricants or hazardous materials are needed to be located on the Project Area in connection with the LS Solar Facility, said materials shall be stored and transported in accordance with all applicable local, state or federal regulations.

L. **Storage.** Outdoor storage of equipment or materials associated with the LS Solar Facility shall not be allowed unless expressly permitted by the CUP.

M. **Lighting.** Outdoor lighting associated with the LS Solar Facility shall be limited to levels required for safety and security and shall not exceed the equivalent lumens of a 150 watt incandescent light bulb or 3000K LED. Outdoor lighting shall be arranged to direct light away from parcels located outside of the Project Area and from public roads and shall be installed in such a manner as to avoid glare, visible bulbs, or light spillage onto adjacent properties. Direct or reflected glare from floodlights or spotlights shall not be visible from parcels located outside of the Project Area or from public roads. The source of lights shall be hooded or controlled, and all light fixtures shall be a cut-off or shoebox design to prevent glare and light spillage off-site. Building mounted lights shall also be of a shoebox design. All light poles associated with the LS Solar Facility shall not exceed a height of twenty (20) feet. All lighting shall be shown on the Plan. Additional lighting needed after approval of the CUP may be cause to require an amendment to the CUP.

N. **Glare from Sunlight.** All structures associated with the LS Solar Facility shall be arranged to direct reflected sunlight away from adjacent parcels and public roads and shall be installed in such a manner as to avoid glare onto adjacent parcels and interference with traffic, including but not limited to airway traffic. Textured glass,

anti-reflective coatings, screening distance or positioning PV panels are measures which would be examples of measures which could be utilized to avoid glare.

O. **Security Fencing.** For the purpose of providing security, LS Solar Facility equipment and structures may be enclosed by security fencing with the following conditions:

1. The fencing shall be no less than eight (8) feet and no more than twelve (12) feet in height;
2. the fencing material may be chain link but shall not include slats;
3. fencing shall be placed around sections of PV Pods and other structures rather than around the Project Boundary in its entirety in order to provide pathways between the sections for the purpose of allowing the movement of wildlife;
4. fencing shall be constructed with materials and a design that promotes the surrounding character of the area (e.g. woven wire fencing with wooden posts may be more) in keeping with the character of a rural area rather than chain link fencing with metal posts; and
5. the use of permeable fencing, which is constructed to allow wildlife to pass through the fence, is encouraged. A minimum of five inches should be provided to allow passage of small wildlife. Woven wire fencing with larger holes than a traditional chain link fence is an example of fencing that accommodates wildlife.

P. **Screening.** The Project Boundary setbacks and associated Buffer Zone provide a measure of screening by providing increased distance or setbacks from exterior property lines to reduce visual impacts associated with the LS Solar Facility. Applicant shall take reasonable measures, such as planting trees, to mitigate specific adverse visual impacts such as glare affecting residences within or adjacent to the Project Area.

Q. **Signage.** Signs associated with the LS Solar Facility shall be designed to comply with Article ??? of the Zoning Regulations of Sedgwick County, Kansas and a sign permit shall be obtained.

R. **Battery Storage.** Applicant must obtain the approval of a Battery Energy Storage Facility (“BESF”) which provides the following:

1. Location Criteria. BESF are becoming increasingly adopted either on a paired basis, with renewable energy facilities, or on a standalone basis. The siting of BESF shall:



- a. Be located in nonresidential areas;
- b. avoid locating the BESF in areas used by the public (e.g. parkland);
- c. buffer the BESF from the surrounding areas by siting toward the interior of the parcel and through the use of greater parcel sizes and setbacks;
- d. take advantage of existing topography, structures and vegetation to provide extra screening;
- e. locate and design the BESF so that it mitigates the potential detrimental impacts to the general health, safety and welfare of the community;
- f. locate the BESF in areas where the potential adverse impact on the community is minimal; and
- g. design and configure the BESF in a way that minimizes adverse impacts such as views, noise, vibration and the like.

2. Configuration. The BESF shall be configured so that battery cells shall be placed in a Battery Energy Storage System (“BESS”) with a Battery Management System (“BMS”). The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire suppression systems.

3. Construction, Maintenance and Operation. The BESF shall be constructed, maintained and operated in accordance with applicable codes and standards including but not limited to the then applicable fire, electrical and Building Codes adopted by Sedgwick County; National Fire Protection Association 855, Standard for the Installation of Stationary Energy Storage Systems, 2020 Edition and subsequent versions or amendments; Underwriters Laboratories 9540A Ed. 4-2019, Standard for Test Method for Evaluating Thermal Runway Fire Propagation in BESS and subsequent versions or amendments; and, unless otherwise required by such regulations and codes.

4. Automated Fire Detection. Each individual battery shall have 24/7 automated fire detection and extinguishing technology built in.

5. BMS Monitoring. The BMS shall monitor individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault, direct current surge, and door access.

6. Thermal Runaway. The BMS shall be capable of shutting down the system before thermal runaway occurs.

7. Access. Access to all batteries and electrical switchgear shall be from the exterior for normal operation and maintenance. Access to the container interior shall not be permitted while the system is in operation except for safety personnel and first responders. Signage shall include the following information:

- a. The type of technology associated with the BESS any special hazards associated;
- b. the type of suppression system installed in the area of the Battery Energy Storage System;
- c. 24-hour emergency contact information, including reach-back phone number; and
- d. disconnect and other emergency shutoff information which shall be clearly displayed on a light reflective surface.

8. Inspections. In addition to the annual life and fire safety inspections required by the fire code and performed by Sedgwick County, or its designated agent, the LS Solar Facility owner or Operator shall conduct semi-annual on-site self-inspections of the battery units and submit a written report to the Zoning Administrator on the condition of the batteries.

9. Development Agreement. A LS Solar Facility Development Agreement shall be provided which addresses provisions of Specialized BESF Safety Equipment for the purpose of upholding the public health, safety and welfare. The cost, or a portion of it, may be required to be reimbursed by the LS Solar Facility owner or Operator.

S. Substation. In addition to the Application requirements and performance standards, the following additional requirements shall be met for the approval of a substation:

1. Since a substation cannot be completely visually screened, Applicant shall endeavor to:

- a. Locate the substation in nonresidential areas;
- b. avoid locating the substation in areas used by the public (e.g. parkland);
- c. buffer the substation from the surrounding areas by siting toward the interior of the parcel and through the use of greater parcel sizes and setbacks;
- d. take advantage of existing topography, structures and vegetation to provide extra screening;
- e. locate and design the substation so that it mitigates the potential detrimental impacts to the general health, safety and welfare of the community;
- f. locate the substation in areas where the potential adverse impact on the community is minimal; and
- g. design and configure the substation in a way that minimizes adverse impacts such as views, noise, and vibration.

2. Substations included as part of the LS Solar Facility shall have the same term as the LS Solar Facility. However, substations may have a life expectancy longer than that of the remainder of LS Solar Facility, therefore, alternatively, upon decommissioning and reclamation of the LS Solar Facility, the substation owner may apply for a conditional use permit or such other zoning approval to allow the continued use of the substation, which may be applicable and authorized for this use.

T. **Emergency Management Plan.** The Applicant shall produce an Emergency Management Plan (“EM Plan”) for management of any occurrence of an extraordinary event at the Site Area to be reviewed by the local fire agency and Sedgwick County Emergency Management Services for approval by the Board. Such EM Plan shall include, but not be limited to:

1. A summary of the Project with all electronic schematics, site plans, emergency routes of ingress and egress and the location of the access areas and the width and load rating of the access areas;
2. emergency contact information of the owner or Operator;
3. a description of how the fire safety system and any associated controls will function and be maintained in proper working order;

4. a description of the fire protection and suppression systems for the buildings that store batteries, hazardous material or compressed gases;
5. the Site Area control measures that will be implemented during and after any emergency and the means that may be used to manage an emergency, including shutting down the installation;
6. procedures for inspection and testing of alarms, interlocks and controls;
7. all applicable material safety data sheets for facilities of the system unless the system meets the reporting thresholds of the emergency planning and community right-to-know act in which case the Applicant may submit a Tier II form;
8. the electrical shock hazards and possible areas of contact with hazardous substances or toxic fumes;
9. whether any specialty response equipment may be required to adequately manage extraordinary events. If any specialty response equipment would be required, the Board may require the Operator of a system to provide for such equipment at the Operator's expense;
10. a requirement that the EM Plan shall be updated annually with new copies provided to the owner, the local fire district, and Sedgwick County Emergency Management;
11. a requirement that extraordinary event response training shall be provided to all emergency response participants of the EM Plan to ensure safety and effective management during an extraordinary event;
12. a requirement that a fire safety plan be developed in consultation with the local fire district that describes how the fire safety system and the system's associated controls will function and be maintained in proper working order; and
13. the fire mitigation response plan as required in Section V.D.7.a. and b.

U. **Engineering Inspections.** A certified structural engineer or certified structural engineering firm shall conduct all necessary inspections on the LS Solar Facility. Inspections shall include, but not be limited to, foundation, structural assembly, mechanical, and electrical. Documentation regarding each approved inspection shall be submitted to the Planning Director before advancing to the next step of construction.

The engineer, or engineering firm, shall be selected by the Board. All expenses shall be the responsibility of the Applicant or holder of the CUP. Sedgwick County, its officers, agents, and employees shall be held harmless from any and all claims, costs, liabilities, damages, or expenses, including costs of litigation, attorney fees and expenses for legal services on account of any damages claimed by any third-party, including such claims by agents or employees of said third-party, arising from any approval or non-approval of any inspection.

All inspections shall be conducted in accordance with Sedgwick County inspection policy as stated in the officially adopted Building Codes. (*Reference:* MAPD to fill this out The International Building Code, Section 109 of the 2006 Edition, including appendix chapters C, E, and K, is hereby incorporated by reference herein as Article 2 of the aforementioned Sedgwick County Building Code, and except such portion as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the provisions of K.S.A. § 12-3303 Uniform Building Code and Sedgwick County Resolution No. 16-06).

V. **Transferability of CUP.** The CUP shall not be transferred without the express written approval of the Board, such approval shall not be unreasonably withheld. Applicant shall advise the Board and the Director of MAPD, in writing, of the requested transfer. Proposed transferees shall be required to meet the same requirements and performance standards as the original Applicant and provide the surety bond/escrow account requirements to ensure the LS Solar Facility is decommissioned and reclaimed to comply with CUP specifications at the end of the Projects useful lifespan or in case of abandonment. A transfer fee of \$100 per parcel shall be paid to Sedgwick County prior to the consideration of the proposed transfer.

W. **Compliance with Local, County, State and Federal Laws, Regulations and Codes.** Construction, operation, maintenance, and decommission of the LS Solar Facility shall fully comply with all applicable local, county, state and federal laws, regulations, standards and codes requirements, including but not limited to, the Endangered Species Act, Clean Water Act, the International Building Code, National Fire Protection Association 855 Standards, and the National Electric Code, as amended.

X. **Decommission and Reclamation.** The Applicant shall submit a decommissioning and reclamation plan, as set forth in Section X, subject to approval by the Board.

Y. **Review of Conditional Use Permit–Special Land Use.** As part of the review and consideration of the LS Solar Facility Application, off-site impacts, including but not limited to those of Private Electrical Power Transmission Lines (“PEPTL”), and appurtenant equipment and structures connected to the LS Solar Facility, may be reviewed for, among other things, land use compatibility issues, including but not

limited to aesthetic impacts, detrimental impacts to the public health, safety, and general welfare, of neighboring real property owners. Review of the PEPTL shall also include, but shall not be limited to, consideration of proposed routes from the Project Area to a substation or other connection site and the distances of the PEPTL from right-of-way easements. Upon review of an off-site impact, the Board may adopt conditions or restrictions as are deemed necessary and advisable for the protection of the public interest, or to mitigate detrimental impacts to neighboring real property owners.

Z. **Conflict Disclosure.** Applicant shall provide the chair of the Board or the MAPC, written notice of any actual knowledge or reasonably ascertainable information known by the Applicant, or its agents, which provides a direct personal or financial interest, or an apparent or potential disqualifying conflict of interest, of any MAPC member or Board member associated with the Project.

AA **Ground Water Testing.** With each approved LS Solar Facility conditional use permit application, an l water analysis of active wells within one-quarter mile of the Site Area shall be offered by the operator prior to the installation of the equipment and every three (3) to five (5) years thereafter or until the project is decommissioned. This shall be accomplished at the owner/operator expense.

a This offer shall be made to all owners of property within 1/4 mile of the Project Extent by certified mail, at least one-month prior to the installation.

b A copy of the certified letter and a list of property owners notified shall be provided to the Planning Office along with a list of all property owners who requested the testing and the results of that testing. This must occur prior to the installation of the facility.

c The test shall analyze the water in the nearby wells for substances such as zinc, lead and cadmium, as determined with the conditional use permit, and shall include a pesticide panel.

d The results of ground water testing shall be provided to the Director of Zoning and Codes and sent by certified mail to the landowner.

BB **Soil** All grading and construction activities shall preserve existing topsoil.

1) Temporary Displacement or Removal of Soil

1 Topsoil may be temporarily displaced where grading has been approved as part of an installation.

(a) The amount of topsoil displaced shall be minimized.

b Where approved, grading shall not exceed 5% of the site area unless a modification is granted by the Board of County Commissioners.

(b) Topsoil shall be stockpiled on the site

(c) After rough grading, the topsoil shall be redistributed uniformly on the surface of all areas to be vegetated.

(d) Displaced topsoil shall not be removed from the site except as required to remediate contamination per the standards in the following section.

ii. Topsoil shall not be removed from the site except as required by Kansas Department of Health and Environment (KDHE) due to contamination, or other applicable Local, State, Or Federal Laws.

(a) The amount of soil removed shall be reported to KDHE and the Zoning and Codes Director.

(b) The Zoning and Codes Director may require topsoil to be brought to the site for reapplication and planting, depending on the amount that was removed.

(c) Contaminated topsoil shall be disposed of in accordance with Local, State or Federal regulations.

**CC Vegetation.** The system shall be designed to accommodate concurrent use of the land for livestock grazing, row crops, other agrivoltaic uses, or contain a diverse array of native grasses and forbs for native habitat under and between the rows of solar panels. Ground around and under solar panels/Arrays and in designated buffer areas shall be planted and maintained in perennial vegetated ground cover or agricultural plants that are managed to prevent erosion and runoff, and meet the following standards:

- 1) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the system, access roadways, and other approved site improvements.
- 2) Removal of stands of mature trees (as defined in the Zoning Regulations), shall be limited and shall comply with the environmental protection standards in
- 3) The surface of the project site shall be prepared as shown on the approved Vegetation Management and Agrivoltaic Plan. For the remainder of the Project Area, disturbed soils shall be seeded to prevent erosion and manage runoff. Seed

mixes for perennial plantings should include a diversity of grasses and wildflowers; Native plants, wildflowers, and agriculture are preferred.

4) Any pesticides used on the site shall be applied only by a pesticide applicator certified by the Kansas Department of Agriculture. If the vegetation plan has been designed to minimize the use of pesticides or herbicides, those practices should be clearly stated on the site plan and noted in the operation plan.

DD **Noise.**

1 The operational noise generated from the solar installation equipment, including inverters, battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 decibels (60 dBA) as measured at the property line or 500 feet from an existing residence, (building permit plans have been submitted or the residence is on-site at time of conditional use permit approval).

2 Applicants shall submit equipment and component manufacturer noise ratings at the time of application to demonstrate compliance with the maximum permitted noise level, as noted above.

3 Transformers, inverters, or other sound or vibration generating equipment must be placed so that low level recurring ambient noise does not exceed the limit noted above. Noise levels can be minimized with type of equipment or the placement of equipment interior to the site, shielded by proposed solar panels and/or by specifically placed noise- and vibration- deadening fence, landscape, or other efforts.

4 Construction noise shall be analyzed and mitigated as outlined in the Construction Impact Assessment, Section d 'Additional Materials'



## **SECTION V. CONTENTS OF US SOLAR FACILITY DEVELOPMENT PLAN**

In conjunction with the submission of the Application, the Applicant shall provide a Development Plan (“Plan”) to identify the following:

- A. Introduction.
  1. Name of the Project.
  2. Two (2) maps showing the Project location and vicinity with one at 1:100,000 scale and one at 1:2,000 scale (United States Geological Survey Scale).
  3. Name and address of the Project developer and a statement from the developer providing relevant information regarding:
    - a. An overview of the Applicant, developer, and Operator, if they are not one in the same;
    - b. qualifications and experience in large utility-scale solar energy development of the Applicant, developer, and Operator, if they are not one in the same;
    - c. environmental management history of the Applicant, developer, and Operator, if they are not one in the same;
    - d. financial information regarding the ability of the Applicant, developer, and Operator to construct, operate, maintain, and decommission the proposed Project;
    - e. financial information regarding Applicant’s and developer ability to meet decommissioning and reclamation escrow or bond requirements. K.S.A. § 45-221(33) exempts financial information submitted by contractors in qualification statements from being open to the public; and
    - f. general liability insurance, showing general liability insurance coverage.
  4. Approximate Rated Capacity of the LS Solar Facility Project.
  5. Type and location of interconnection to the electrical grid and details of all coordination and pre-approval with the local energy provider.

6. A copy of the IA with the local energy provider or a written explanation outlining why an IA is not necessary.
7. Approximate number of solar photovoltaic panels and representative types.
8. The Project Area and Solar Photovoltaic Panel Coverage expressed in acres.
9. A list, with description of all proposed structures and uses, including BESF, inverters, substations, of all structures over thirty-five (35) feet in height.
10. Manufacturer's specification and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles or racks.
11. An inventory of all LS Solar Facilities within three (3) miles of the Project Boundary.
12. Phases of construction, including relevant background information on the Project, a general overview of the Project location, the timeline for construction, the Project life, phases of development, and the possibilities for future expansion.
13. Citations to Environmental environmental guidelines and industry codes of practice that will be followed, if the Application is approved.
14. An inventory of existing wildlife, endangered species, wetlands, and wildlife corridors, within the Project Area.
15. An archaeological reconnaissance or intensive survey within the Site Area that will be impacted by the construction or operation of the US Solar Facility development. The survey shall be provided to the State Historic Preservation Office to determine if cultural resources are present. Any unrecorded cultural resources that are found shall be evaluated for integrity and potential listing on the National Register of Historic Places. Undocumented resources that are eligible for listing on the National Register of Historic Places shall be avoided. All archaeological investigations shall meet the State Historic Preservation Office standards and guidelines.
16. The percentage of the State of Kansas Renewable Portfolio Standards that is applicable to the Project.

17. An examination on the feasibility of entering into an agreement with Sedgwick County for residence and businesses to reduce electrical bills when purchasing solar energy produced by a LS Solar Facility within Sedgwick County.

B. Site Area Plan. A map or multiple maps of the Site Area Plan with the following specifications shall be submitted or, if such specifications are appropriately submitted at a later time, the submission of such specifications may be required prior to construction:

1. Scale of 1" = 2000';
2. scale and north point (up);
3. name and address of land owner and developer;
4. boundary of property, boundary of area affected by proposed CUP, existing property lines, and property lines extending one hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and the current use of those properties;
5. topography with contours at intervals of twenty (20) feet;
6. location of nearby railroads and airports;
7. location of transmission lines;
8. residential dwelling structures within one thousand (1,000) feet of the Project Boundary;
9. acreage of the Site Area with point(s) of access to the Project;
10. schematic location of photovoltaic panels, electric collector and feeder lines, electrical equipment, maintenance roads, and other associated facilities;
11. boundaries of the 100-year floodplain as identified on the Federal Insurance Administration's "Flood Insurance Rate Maps" of Butler County, Kansas;
12. location of utility easements, watershed breach zones, or other easements that now exist on the Site Area;

13. a Visual Impact Analysis demonstrating Project siting and, if necessary, proposed mitigation to reduce impacts on the visual character of the surrounding area:

a. The Applicant shall provide accurate, to scale, photographic simulations showing the relationship of the LS Solar Facility to its surroundings. The photographic simulations shall show views of LS Solar Facility structures and uses from locations such as adjacent roads, dwellings, residential zoning, and historic and recreational areas in order to assess the visual impact of the LS Solar Facility; and

b. the total number of simulations and the perspectives from which they are prepared shall be established by the Zoning Administrator after the pre-application meeting and will be chosen with the intent of establishing the visual impacts upon sensitive areas potentially receiving the greatest impacts from such a proposal (e.g. dwellings, historic, and recreational areas).

14. a grading plan indicating existing and proposed contours that connect points of equal elevation at two (2) foot intervals;

15. existing points of ingress and egress to the property;

16. existing swales, channels, ditches or streams, existing ponds and lakes, and existing culverts;

17. soil map showing location of soils classified as Class 1 and 2 soils, prime farmland, and farmland of statewide importance as identified in the Natural Resource Conservation Service soil survey;

18. presence of any critical habitat for threatened or endangered species as determined by from Kansas Department of Wildlife and Parks; and

19. locations and size of planned temporary construction laydown yards.

C. General Construction Document Requirements. Applicant shall provide:

1. General:

General description of major components and on-site facilities. Photovoltaic panel specifications, transmission lines, underground infrastructure, and accessory facilities such as control rooms, transformers, substations, maintenance facilities, and interior access roads. The number,

location, capacity, and dimensions of the ~~photoelectric cells~~ photovoltaic panels shall also be included. Plans submitted pursuant to this Section should be protected from an open records request pursuant to K.S.A. § 45-221 (12) or (45).

2. Construction - (On-site):

a. Prior to the start of, and continuously throughout construction and site decommissioning and reclamation, Applicant shall designate a field representative responsible for overseeing compliance with the conditions of the CUP. The field representative shall be accessible by telephone during normal business hours. The field representative's business address, business landline telephone number, cell phone number, and emergency telephone number shall be provided to the Sedgwick County MAPD and to 911 Emergency Services. The information shall also be made available to residents, officials, and other interested persons. Applicant is required to immediately notify the Sedgwick County MAPD and 911 Emergency Services should the designated field representative change;

b. a description and general schedule of major construction activities for the Project Area, transmission lines, and common accessory structures related to LS Solar Facility;

c. an outline of any proposed Project Area preparation involving removal and restoration of vegetation due to construction; and

d. the volume and proposed designated route for construction traffic generated during the construction phase, including oversized and heavy equipment. Applicant shall inform all employees, contractors and others involved in the construction of the LS Solar Facility of the terms and conditions of the CUP.

3. Construction - (Off-site):

Any new infrastructure or off-site accessory structures required for the Project to progress shall be described, including the following:

a. Requirements for new, upgraded, improved or realigned transportation infrastructure for roads and bridges;

b. changes to electrical substations;

- c. changes or upgrades to existing power transmission systems, including any upgrades to existing transmission lines; and
- d. requirements for the realignment of other utilities affected by the Project.

4. Operation and Maintenance:

- a. Operation and maintenance requirements (including frequency of maintenance activities) for the photovoltaics panels and transmission lines;
- b. width of transmission line easements required, and, any restrictions necessary on land use, development, and access within said easement;
- c. all chemicals or solvents used to clean photovoltaic panels should be low in volatile organic compounds and the Operator should use recyclable or biodegradable products to the extent possible. Any on-site storage of chemicals or solvents shall be referenced; and
- d. maintenance shall include, but not be limited to, painting, structural repairs, and vegetation control, including mowing;
- e. any retrofit, replacement or refurbishment of equipment shall adhere to all applicable local, state and federal requirements.

D. Mitigation Measures. Applicant shall address the following potential environmental effects and shall provide plans to mitigate each.

1. Environmental Impact Assessment: An overview of existing environmental concerns within the Project Area which plan shall consider the following:

- a. Flora - vegetation species, threatened species (officially listed), critical habitat, and habitat conditions for such species, including:
  - i. Locations of prairie remnant grasslands and woodlands areas (which are areas that have not been previously plowed or graded);
  - ii. proposed clearing or grading of natural vegetation including Stands of Mature Trees, Mature Evergreen Trees, Mature

Deciduous Trees, and remnant grasslands and woodlands;

iii. specifications of proposed ground cover, including seed mixes, screening materials, and herbicides to be used on Site Area and include a ground cover vegetation establishment and management plan as part of the Site Area Plan. Vegetation establishment must include invasive plant species and noxious weed control. The following standards apply:

(1) Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (*e.g.*, bird habitat) or providing specific ecosystem services (*e.g.*, carbon sequestration, soil health). Forage: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.

(2) Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the Project Area to maximize land use.

b. Fauna - species, habitat assessment, threatened species (officially listed), migratory species, critical habitat and habitat conditions for such species including wildlife corridor routes and details regarding fencing, if any, that accommodates wildlife movement;

c. Geoconservation - sites of geoconservation significance listed on the state/national database; and

d. Flood zones within the Project Area.

2. Site Area Clearance:

a. Prior to any site clearing or construction, Applicant shall apply for and receive necessary stormwater National Pollutant Discharge Elimination System permits from the Kansas Department of Health & Environment (“KDHE”), and maintain compliance with its permit through construction.

b. Applicant shall clear the Project Area only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the LS Solar Facility.

c. Applicant shall minimize the removal of trees and shall not remove groves of trees or hedgerows (shelter belts) without written approval of the owner of the Site Area and any affected adjacent landowner.

d. Applicant shall separate and protect topsoil from subsoil and any topsoil distributed during site preparation (grading) shall be retained on site.

e. On cultivated land, Applicant shall minimize compaction of the land during all phases of the LS Solar Facility lifespan. Compaction shall be confined to as small an area as practical.

f. During clearing and construction of the Project Area, silt fences and other temporary erosion controls shall be installed and left in place until new native vegetation covers the bare ground around the photovoltaic panels.

g. Temporary construction barriers shall be installed along the perimeter of the dripline of a protected Stand of Mature Trees, Mature Evergreen Trees, Mature Deciduous Trees, or two hundred (200) feet from the historic trail, or at the boundary of other protected environmentally sensitive lands. This fencing is to be signed with the following requirement: "Grading, vehicles, equipment, or the storage of materials is not permitted beyond the construction fence-line." This fencing must remain in place until construction is complete.

3. Roads and Bridges:

a. Public Roads and Bridges.

i. A preliminary road traffic plan describing the estimated travel routes and trip volumes during the construction and decommissioning processes. Any public road or bridge improvements, repairs, or maintenance should be addressed;

ii. Applicant shall identify all Sedgwick County and township roads that will be used for the LS Solar Facility and shall notify the governing body having jurisdiction over the roads and bridges (Sedgwick County Engineering Department) to determine if said body needs to inspect the



roads or bridges prior to their use. Where practical, existing road shall be used for all activities associated with the LS Solar Facility;

iii. Applicant and the governing body having jurisdiction over said roads and bridges shall enter into a road maintenance agreement for the repair of roads or bridges which are subject to the extra wear and tear due to the transportation of equipment, structural material, and solar components;

iv. Applicant shall be liable for any damage to county roads, township roads, bridges, or rights-of-way resulting from construction, decommissioning, or maintenance activities; and

v. Applicant shall not be responsible to maintain or repair a road or bridge to a condition better than what existed before Applicant began using the road for the LS Solar Facility purposes.

b. Internal Access Roads:

i. New access drives within the Project Extent shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the property. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Project Extent is permitted, if the geotextile fabrics and gravel are removed once the Project is in operation;

ii. Applicant shall construct the minimum number of internal access roads;

iii. access roads shall be low profile roads so maintenance or farming equipment can cross them;

iv. where an access road is to cross a stream or drainage way, it shall be designed and constructed so runoff from the upper portions of the watershed can readily flow to the lower portions of the watershed; and

v. where an access road is to cross a stream or drainage way,  
Applicant must follow Federal Emergency Management Association regulations pertaining to building a structure in a flood zone.

4. Airport Studies:

For the purpose of determining impacts on area airports, and if required to make such application, Applicant shall provide a determination of no hazard to air navigation and a glare impact study in accordance with FAA requirements.

5. Soil Sampling, Soil Erosion, Sediment Control, and Stormwater Runoff:

a. A soil sampling plan that provides a procedure to characterize and document the soil health and heavy metals that are present before and after construction of a system, upon a request to renew a Conditional Use Permit and after decommissioning or reclamation of the Site Area. The soil sampling plan shall include the following:

i. the total carbon content, both organic and inorganic, the content of phospholipid fatty acid for soil health and heavy metal content such as zinc, lead and cadmium;

ii. a map of the samplings within the Site Area that will be utilized for each scheduled sampling event;

iii. a photo shall be included for each sample to demonstrate the

location and current vegetation of the sample within Site Area;

iv. a requirement that sampling shall occur at one 25-foot by 25foot sampling site within each discrete fenced area in a location that is deemed to be representative of the vegetation and soil conditions for such fenced area;

v. a requirement that subsamples of soil shall be taken of the upper zero to six inches of soil, with five subsamples combined and mixed to form a representative sample for each 25-foot by 25-foot sample site as designated on the map;

vi. a stipulation that additional soil tests and test sites may be required by Sedgwick County or the secretary of health and environment at the Operator's expense in the event that one or more panels are damaged to the point that leaching may have occurred or if damaged panels were not removed within 30 days. Upon any such damage, a sample shall be taken at the location of the incident, and a report shall be provided to the Board;

vii. a stipulation that additional soil test sites may be required from graded areas over two acres;

viii. a requirement that all soil tests shall be conducted at laboratories that are certified by the United States Environmental Protection Agency for each compound tested except that the phospholipid fatty acid analysis may be conducted by a laboratory that is not certified by the United States Environmental Protection Agency if necessary;

ix. a requirement that remediation measures shall be implemented during reclamation and that reclamation shall not be considered complete until the soil testing results are within a range designated by the secretary of health and environment; and

x. a requirement that all required soil test results shall be sent by certified mail from the testing lab to the Board and be made public record;

b. Applicant shall develop a soil erosion, sediment control, and storm water runoff plan and obtain a permit from KDHE as provided in Section V.D.2.a.; and

c. the stormwater runoff plan shall provide:

i. Types of erosion control measures will be used during each phase of the Project;

ii. grading;

iii. construction and drainage of access roads;

- iv. necessary soil information;
- v. design features to maintain downstream water quality;
- vi. revegetation to ensure slope stability;
- vii. restoring the Project Area after temporary Project activities;
- viii. disposal or storage of excavated materials;
- ix. protecting exposed soil;
- x. stabilizing restored material and removal of silt fences or barriers when the area is stabilized;
- xi. maintenance of erosion controls throughout the lifespan of the Project and
- xii. the nature of the PV Pod installation and how the spacing, slope and row separate can enhance infiltration of stormwater. Percolation tests or site specific soil information may be provided to demonstrate recharge can be achieved without engineered solutions. Additional information, if required, shall calculate potential for concentrated flows of runoff due to the panels, slope, soil type and the impacts of other true impervious areas (such as equipment pads and roadways).

6. Cleanup:

Applicant shall remove all waste, refuse, debris, and scrap that is the product of construction, operation, restoration, or maintenance from the Project Area and properly dispose of it upon completion of each task. Bottles, paper, and other refuse deposited by contractors, personnel or third parties, shall be removed on a daily basis.

7. Fire Safety:

a. Applicant shall develop a fire mitigation response plan to be reviewed by the local fire response agency and Sedgwick County Emergency Management subject to approval by the Board, which shall include provisions for mitigating fire spread and response to wild fires or grass fires affecting the Project Area. The plan shall

address fire mitigation, minimizing spread of fire, emergency response access, equipment impact, fire suppression and responder and staff safety measures.

b. Applicant shall identify the potential fire risk associated with the Project Area, including both prescribed burning and non-prescribed burning. This shall also include fire emanating from and the effects of fire originating from outside the Project Area.

c. Prescribed burning, or range burning, is a common practice in areas of Sedgwick County, Kansas. Mitigation plans should address how the LS Solar Facility and the equipment within the Project Area are protected from fire within and from fire originating from outside the Project Area. There is information available from the Sedgwick County Extension office located in Wichita, Kansas regarding prescribed burning.

d. Prescribed burning is defined as the controlled application of fire to naturally occurring or naturalized vegetative fuels under specified environmental (weather) conditions in accordance with a written prescription that:

i. Is designed to confine the fire to a predetermined area and to accomplish planned land management objectives; and

ii. conforms to the standards established by the Kansas State University Research and Extension Office -

## 8. Water:

### a. Surface Water:

Applicant shall provide a plan to mitigate surface water migration to include:

i. A stream buffer analysis and requirements;

ii. a stormwater runoff impact study; and

iii. post-construction stormwater quality treatment regulation requirements.

### b. Groundwater:

Applicant must demonstrate that the US Solar Facility is consistent with the objectives and requirements of all relevant water management policies of Butler County including:

- i. Protection of the quality and quantity of the areas groundwater resources; and
- ii. maintenance of existing ground water quality.

9. Air Quality:

- a. Applicant shall submit a plan to control dust on township access roads, during construction and decommissioning; and
- b. Applicant shall also address the direct and indirect effects of the US Solar Facility on greenhouse gases and ozone depleting substances over the life span of the Project, if any.

10. Noise:

- a. The operational noise generated from the solar installation equipment, including inverters, battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of sixty (60) decibels (60 dBA) as measured at the Project Boundary or five hundred (500) feet from an existing residence, or from a proposed residence in which a building permit has been submitted to Butler County, or the residence is on-site at time of conditional use permit approval.
- b. Applicants shall submit equipment and component manufacturer noise ratings at the time of application to demonstrate compliance with the maximum permitted noise level, as noted above.
- c. Transformers, inverters, or other sound or vibration generating equipment must be placed so that low level recurring ambient noise does not exceed the limit noted above. Noise levels can be minimized with type of equipment or the placement of equipment interior to the site, shielded by proposed solar panels or by specifically placed noise and vibration deadening fence, landscape, or other efforts.
- d. Construction and decommissioning noise shall be analyzed and mitigated to minimize the impact to the adjoining property owners.

## 11. Land Use and Development:

Applicant shall identify potential effects in terms of constraints or benefits the LS Solar Facility may place on the current or future use of the land within the Project Area and the surrounding area. As food sustainability and preservation of prime agricultural land are goals of the Sedgwick County Comprehensive Plan, and agricultural tourism and economic development are priorities within Sedgwick County, and LS Scale Solar Facilities commonly utilize land for multiple decades, the following standards shall apply:

- a. Projects that further enhance climate and food system resilience and preserve agricultural character by enabling the integration of food production and livestock grazing into their design are encouraged;
- b. facilities may be located on prime farmland and farmland of statewide importance when the natural topography is preserved with limits set on grading. Grading of prime farmland and farmland of statewide importance shall be limited to maintain the natural topography; and
- c. where approved, grading shall not exceed five percent (5%) of the Site Area unless a modification is granted by the Board.
  - i. A modification from this grading requirement may be granted if it is found to be necessary to ensure proper drainage or to mitigate unusual site constraints.
  - ii. Grading may occur to the extent needed to accommodate the system on brownfield sites or other previously disturbed land.
  - iii. Grading for battery storage, transformers, access, roads, and grid connection infrastructure does not count toward the five percent (5%) limit.

The extent of any limitations due to public health and safety risks shall be specifically addressed, and, the effects on the following current activities shall also be addressed:

- a. Existing or proposed tourist or recreation activities;
- b. Residential activities;

- c. Industrial activities;
- d. Agricultural activities;
- e. Local and regional tourism; and
- f. Commercial activities.

12. Electromagnetic Interference:

- a. Applicant shall not operate the LS Solar Facility and its associated facilities so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission or FAA regulations, or other laws.
- b. In the event the LS Solar Facility and its associated facilities, or its operations cause such interference, Applicant shall take timely measures necessary to correct the interference.

E. General Information.

- 1. When an Applicant submits its Plan, technical terminology should be avoided to the extent possible. Detailed technical data, statistics, and supplementary information required to support the body of the Plan should be included as appendices. All source information is to be referenced and should be current. Information presented as maps, diagrams, or plans is preferred.
- 2. Close consultation with the Zoning Administrator during preparation of the Plan is recommended. Multiple drafts of the Plan may be required before it is considered suitable for presentation to the MAPC.

**SECTION VI. GUIDELINES FOR ISSUANCE OF CONDITIONAL USE PERMIT  
MAPD to fill in.**



## **SECTION VII. MEDIUM-SCALE SOLAR FACILITY GENERAL PROVISIONS**

A. MS Solar Facility Exceptions. Due to the significantly smaller scale of a MS Solar Facility (e.g. the maximum Project Area of twenty (20) contiguous acres as compared to a maximum Project Area of one thousand (1,000) acres for a LS Solar Facility), the requirements and performance standards contained in Section ?? apply to a MS Solar Facility, except the following Sections are not applicable:

1. Section IV.B.;
2. Section IV.C.1.;
3. Section IV.C.5.;
4. Section IV.C.6.;
5. Section IV.U.;
6. Section IV.X.;
7. Section V.A.3.d. and e.;
8. Section V.A.13., 14., 15., and 17.;
9. Section V.B.15.;
10. Section V.C.4.;
11. Section V.D.1., 2., 3b., 4., 8., 9., and 11.;
12. Section VIII.;
13. Section IX.; and
14. Section X.F. and H.

B. MS Solar Facility Modified Requirements and Performance Standards. The MS Solar Facility modified requirements and standards shall be as follows:

1. Section IV.C.7. within the parameters authorized by the FAA for public or private airports which are recognized by the FAA;
2. Section IV.C.8. within the planning area of adopted city land use plans;

3. Section IV.C.9.:
  - a. 75 feet from a public road;
  - b. 150 feet from property lines of any real property not included in the CUP;
  - c. 150 feet from a residential dwelling structure; or
  - d. 50 feet from a common agricultural or residential accessory structure;
4. Section IV.F. - If the MS Solar Facility does not connect to a utility company, then those items regarding connection to a utility company are not required; and
5. the Solar Facility located in an extra-territorial jurisdiction will be required to apply for zoning through the appropriate jurisdiction.

### **SECTION VIII. MONITORING AND REVIEW**

The Applicant shall provide an outline of a monitoring, review and a reporting program for each part of the Project. Details shall include any pre-construction monitoring, studies, specific areas of the Project Area to be sampled, including the sampling procedures, the parameters to be analyzed, frequency of sampling and reporting. A Project site plan showing sampling locations is required.

### **SECTION IX. EXTRAORDINARY EVENT NOTIFICATION**

A. Extraordinary Event. Within twenty-four (24) hours of an extraordinary event occurring in or on the Project Area, the Applicant shall notify the Director of MAPD of the event. An extraordinary event means any significant or facility-wide damage to the solar array or panels of a LS Solar Facility or MS Solar Facility due to wind, storm, hail, fire, flood, and earthquake or other natural disaster or any other severe damage to property or personal injury.

B. Wildlife and Avian Mortality. In the event of unexpectedly unusual wildlife or avian mortality, the Applicant shall, within seven (7) days of the occurrence, submit a report to the Director of MAPD, to the Kansas Department of Parks & Wildlife, and to the United States Fish & Wildlife Service, describing the cause of the occurrences and the steps taken to avoid future occurrences.

## **SECTION X. DECOMMISSIONING, RECLAMATION, OR ABANDONMENT**

Applicant shall submit a Solar Facility Decommissioning and Reclamation Plan (“DR Plan”) describing the manner in which the LS Solar Facility will be decommissioned and reclaimed from the Project Area at the end of the Project useful life, the timeframe or termination of the CUP, or upon abandonment. The DR Plan shall include the following:

A. Removal. Decommissioning includes removal of all above ground components of the LS Solar Facility including, solar panels, solar panel racking, steel foundation posts and beams, inverters, transformers, overhead and underground cables and lines, equipment pads and foundations, equipment cabinets, facilities, access roads, security fences, drainage structures, sedimentation basins, and ancillary equipment.

B. Structural Foundations. Foundations shall be removed from site.

C. Roads. Access roads shall be removed to the real property owner’s written satisfaction and other areas compacted by equipment will be decompacted to a depth necessary to ensure drainage of the soil and root penetration prior to fine grading and tilling to a native condition.

D. Standards. Standard decommissioning practices will be utilized, including dismantling and repurposing, salvaging, recycling, or disposing of the Project improvements.

E. Restoration. Any holes or voids created by poles, concrete pads, and other equipment will be filled with native soils to the surrounding grade and the Project Site will be restored to pre-construction conditions, to the extent feasible.

F. Cost Estimate. A detailed cost estimate for decommission and reclamation of the LS Solar Facility in accordance with the DR Plan submitted pursuant to this subparagraph shall be prepared and shall identify the following:

1. The anticipated lifespan of the Project;
2. detail of the cost and manner in which the estimate was determined;
3. establish the full amount of the estimated decommissioning and reclamation cost without regard to the possibility of salvage value; and
4. the cost of decommission and reclamation of the Project Area in accordance with the requirements of the regulations.

5. Every five years update the cost estimate to the DR plan

G. Financial Capability. Applicant shall submit documentation showing financial capability to carry out the decommissioning and reclamation requirements.

H. Escrow Account, Surety Bond, or Insurance Policy. Applicant shall submit an escrow account, surety bond, insurance policy, or provide such other financial security, in an amount and with terms subject to approval by the Board, as reasonably necessary to restore the Project Area topography and topsoil quality as it was prior to the construction of the LS Solar Facility. The purpose of this escrow account, surety bond, or insurance policy is to assure removal of all improvements subject to the CUP at the end of the Projects lifespan, or in the event of abandonment of the LS Solar Facility.

1. Sedgwick County shall contract with an independent third party for estimated decommissioning and reclamation costs, at the applicant's expense.

2. The escrow account, surety bond, insurance policy, or provide such other financial security, shall be posted prior to the commencement of the use.

3. The escrow account, surety bond, insurance policy, or provide such other financial security, shall include a mechanism for adjustment over the life of the project.

i The escrow account, surety bond, insurance policy, or provide such other financial security, shall be adjusted for inflation annually.

ii The Solar Facility owner or operator shall engage a qualified individual to recalculate the estimated cost of decommissioning at an interval of every five years, and every year for the final five years of the CUP. If the recalculated estimated cost of decommissioning exceeds the previous estimated cost of decommissioning, then the owner or operator shall adjust their financial security to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than the previous estimated cost of decommissioning, then the County may approve reducing the amount of the security to the recalculated estimate of decommissioning cost.

Sedgwick County shall have the right to call upon said escrow account, surety bond, insurance policy or other financial security for the decommissioning of the system if

the Operator fails to comply with the DR Plan. In the event of termination of this conditional use for any reason, the conditional use holder:

4. Shall remain liable to Sedgwick County for any expense incurred by Sedgwick County that is above and beyond what is covered by the bond, escrow account, or insurance policy;
5. shall remain liable to Sedgwick County for any unspent funds, the expenditure or use of the funds in a manner or for a purpose not authorized by these regulations or any subsequent agreement, or damages as a result of any breach of these regulations or the CUP by the conditional use holder; and
6. Sedgwick County shall have the right, at any time prior or subsequent to any remedies, including seeking injunctive or other equitable relief, to enforce the provisions of these regulation or recover funds, which are unspent, expended or used in an unauthorized manner, or for an unauthorized purpose, or damages sustained by the Sedgwick County as a result of any breach of these regulations by the conditional use holder.

I. Abandonment. Abandonment shall include actual written notice from the owner or Operator, or any one (1) year period following delivery by certified mail of written notice of abandonment from the Board to the owner of record when photovoltaics panels do not produce any, or a nominal amount, of electrical energy and there is no demonstrated written plan submitted to the Board to restore the Solar Facility and equipment to at least its original Rated Capacity and operating condition.

J. Abatement. Upon termination of the one (1) year period in Section X.I., abatement shall proceed as set forth in the Zoning Regulations of Sedgwick County, Kansas.

K. Time to Restore. At the end of the LS Solar Facility lifespan, or if the LS Solar Facility is voluntarily abandoned, as provided in a written notice from the owner or Operator to the Board, the Project Area shall be restored as provided in the DR Plan not to exceed eighteen (18) months.

L. Liability on Termination, Expiration, or Abandonment. In the event of termination of this conditional use for any reason, the conditional use holder:

1. Shall remain liable to Sedgwick County for any expense incurred by Sedgwick County that is above and beyond what is covered by the bond, escrow account, or insurance policy;
2. Shall remain liable to Sedgwick County for any unspent funds, the expenditure or use of the funds in a manner or for a purpose not authorized by

these regulations or any subsequent agreement, or damages as a result of any breach of these regulations or the CUP by the conditional use holder.

3. Sedgwick County shall have the right, at any time prior or subsequent to any remedies, including seeking injunctive or other equitable relief, to enforce the provisions of these regulation or recover funds, which are unspent, expended or used in an unauthorized manner, or for an unauthorized purpose, or damages sustained by the Sedgwick County as a result of any breach of these regulations by the conditional use holder.

**SECTION XI. GENERAL PROVISIONS**

**MAPD to fill in.**

**SECTION XII. DEFINITIONS AND ACRONYMS**

In addition to the definitions provided by Article ?? of the Zoning Regulations of Sedgwick County, Kansas, the following are defined basic terms for reference as they relate to LS Solar Facilities:

	Term		Defination
1	Agrivoltaic		A LS Solar Facility or MS Solar Facility that provides for the dual use of land by combining a Solar Facility Area with agricultural activities that occur underneath or surrounding the panels or modules of the Solar Facility, including, but not limited to, growing crops, providing for pollinators or grazing animals
2	Battery Energy Storage Facilities		One or more battery cells for storing electrical energy in a Battery Energy Storage System with a Battery Management System.
3	Battery Energy Storage System		A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a Battery Management System.
4	Battery Management System		An electronic regulator that manages a Battery Energy Storage System by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and direct current surge, and door access and capable of shutting down the system before operating outside safe parameters.

5	Interconnection Agreement		Define how a distributed generation system, such as solar photovoltaics, can connect to the grid
6	Medium-Scale Solar Facility		A Solar Facility with a Solar Facility Area of more than one (1) to less than (20) contiguous acres. A facility of this size is typically equivalent to a rated capacity of 250 kW to less than one megawatt (MW) alternating current. Such facilities are primarily used to reduce on-site consumption of utility power for commercial and industrial applications, but may also be used to provide electricity to a utility provider.
7	Operator		The person or entity responsible for the construction, operation, maintenance and decommissioning of a LS Solar Facility or MS Solar Facility
8	Photovoltaics or PV		Materials and devices, including photovoltaic panels that absorb sunlight and convert it directly into electricity. The terms “Photovoltaics” and “PV” shall be considered to be interchangeable
9	Power Purchase Agreement		A financial arrangement in which a third-party developer owns, operates, and maintains the photovoltaic system, on a customer’s property. The customer then purchases the system’s electric power output for a predetermined period. The agreement allows the customer to receive stable and often low-cost electricity with no upfront cost, while also enabling the owner of the system to take advantage of tax credits and receive income generated from the sale of electricity.
10	Project Area		For Large Utility-Scale Solar Facilities and Medium-Scale Solar Facilities, the sum total of the area designated within the conditional use permit application as a participating part of the CUP
11	Rated Capacity		The maximum capacity of a Solar Facility based on the sum of each photovoltaic system’s nameplate capacity reported as Watts Direct Current or Watts Alternating Current.
12	Road Maintenance Agreement		An agreement executed between the Operator and Sedgwick County and/or a township that identifies the responsibilities, cost, upkeep and any fees for maintenance of a specific route used for the construction, operation and decommissioning of a LS Solar Facility or a MS Solar Facility
13	Site Area		The entire acreage of the Solar Facility.

14	Small-Scale Solar Facility		A Solar Facility located on a Solar Facility Area of a maximum of one (1) acre. A facility of this size is typically equivalent to a rated capacity of ten kilowatts (kW) to less than 250 kW alternating current.
15	Solar Array		A collection of multiple solar panels that generate electricity as a system and that are typically connected to the same inverter.
16	Solar Facility		An area of land used for converting sunlight into electricity including the necessary equipment for generating electricity, which shall include photovoltaics, and may also include charge regulators, inverters, fencing, landscaping, parking lots, and PV support structures (which may include buildings), and, where permitted by these regulations, electrical substations and Battery Energy Storage Facilities.
17	Solar Facility Area	17	The total area of land (calculated in acres) encompassed by a Solar Facility. For Medium Scale and Large Utility-Scale Solar Facilities, the Solar Facility Area shall be the Project Area
18	Solar Facility Decommissioning and Reclamation Plan		A plan to disconnect, remove, and properly dispose of equipment, facilities, or devices of a Solar Facility and reclaim the Site Area
19	Solar Photovoltaics Panel Coverage		The total acres covered by groupings of photovoltaic panels (referred to as PV Pods) including spaces between panels but excluding driveways, wildlife corridors, required setbacks, wetlands, and the like. The phrase “Solar Photovoltaics Panel Coverage” shall be interchangeable with “Solar PV Panel Coverage”.
20	Trees, Mature Deciduous		A deciduous tree in which: 1.) the trunk is over eight (8) inches in diameter when measured two (2) feet above its base or 2.) it is over 25 feet in height.
21	Trees, Mature Evergreen		An evergreen tree which is a minimum of five (5) feet in height.
22	Trees, Stands of Mature		An area of one-half (1/2) acre (21,780 sq. ft.) or more containing Mature Trees in an amount adequate to form a continuous canopy or nearly continuous canopy. (The canopy



			may be determined from resources such as, but not limited to, aerial photography or field surveys.)
23	Large Utility-Scale Solar Facility		A Solar Facility located on a Solar Facility Area with a minimum of twenty (20) acres and a maximum of 1000 acres. A facility of this size is typically equivalent to a Rated Capacity of one megawatt (MW) alternating current or greater. Such facilities are used to provide electricity to a utility provider

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

<u>Acronyms</u>	<u>Meaning</u>
1. BESF	Battery Energy Storage Facility
2. BESS	Battery Energy Storage System
3. BMS	Battery Management System
4. CUP	Conditional Use Permit
5. dBA	A-Weighted Decibels
6. DR	Decommissioning and Reclamation
7. FAA	Federal Aviation Administration
8. FCC	Federal Communications Commission
9. FEMA	Federal Emergency Management Association
10. IA	Interconnection Agreement
11. KDHE	Kansas Department of Health & Environment



November 16, 2023

Wichita-Sedgwick County Planning  
Advanced Plans Committee  
271 W 3<sup>rd</sup> St. Suite 201  
Wichita, KS 67202

Dear Mr. Wadle,

On behalf of Public Service Company of Oklahoma (PSO), an American Electric Power Company, I'd like to provide you with some information on our company and why the Chisholm Trail Solar Facility benefits our customers and your community.

PSO is an investor-owned utility headquartered in Tulsa, OK which has been providing reliable energy to our customers since 1913. PSO has a diverse portfolio of energy resources. Renewables are a part of our energy mix, with natural gas composing a significant portion of resources as well. The electricity supply generated by the Chisholm Trail Solar Facility will be delivered into the Southwest Power Pool (SPP) grid at local substations. The SPP is a Regional Transmission Organization that coordinates, controls and monitors a multi-state electric grid which includes Kansas and Oklahoma. The SPP operates from a regional perspective to ensure fair access to reliable, stable and low-cost energy. Adding low-cost energy, like that which will be generated by the Chisholm Trail Solar Facility, to the SPP market helps keep energy costs for Kansas among the most affordable in the country, regardless of where the owner of the generation facility is headquartered. PSO, and our customers, will pay for the project infrastructure and operations, but the physical energy from the facility will flow locally into the electricity grid.

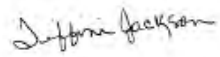
In 2021, PSO issued a Request for Proposals for renewable energy to meet a portion of our need for additional power supply. Through a competitive bidding process, PSO identified six projects, including the Chisholm Trail Solar Facility being developed by Invenergy. Upon the commercial operation date, PSO will acquire the Chisholm Trail Solar Facility and become the long-term owner.

The Chisholm Trail Solar Facility will attract outside investment into Sedgwick County, which is a building block of economic growth. Once operational the Chisholm Trail Solar Facility will provide increased revenues for local schools and county government through contributions and tax payments for the life of the project. Additionally, lease payments to participating landowners will result in increased household income.

A cornerstone of PSO's culture is our commitment to the communities we operate in through charitable contributions and volunteerism. Our team recognizes that our success is tied to the prosperity of the communities where we do business and we are committed to being a reliable community partner. Specific focus areas of our community engagement currently include STEM efforts, K-12 education, basic needs and emergency responder resources.

We look forward to the opportunity to become a partner in Sedgwick County's success through our ownership and operations of the Chisholm Trail Solar Facility.

Sincerely,

A handwritten signature in black ink that reads "Tiffini Jackson". The signature is written in a cursive, flowing style.

Tiffini Jackson  
VP External Affairs  
Public Service Company of Oklahoma

November 21, 2023

Dear Scott,

Thank you for moderating the Town Hall related to Industrial Scale Solar last Thursday. As promised, please find attached my Comments, for placement into the public record. I have also placed hard copy in the mail today.

**HEDKE GEOSCIENCE CONSULTING, LLC**

2024 N. Woodlawn, Suite 425  
Wichita, Kansas 67208  
Tel: 316 295-4675  
Cell: 316-737-2600

DENNIS HEDKE  
Consulting Geophysicist

November 21, 2023

Mr. Scott Wadle  
Wichita-Sedgwick County  
Planning Director  
271 W 3rd St., Ste 201  
Wichita, KS 67202  
316-268-4456

Dear Scott:

Thank you for holding the Town Hall Meeting Thursday, November 16, at the KSU Extension Office. You may recall that I introduced myself after the meeting concluded. As promised, I am herewith submitting my written comments, strongly in opposition to Industrial Scale Solar Energy Conversion Systems (ISSECS) in all of Sedgwick County.

I have multiple reasons for my opposition:

- Contrary to what many people at the meeting, and otherwise, suggest, solar energy is not clean, is not reliable, and is not a viable alternative to the actually reliable energy available via fossil and nuclear sources, in providing electricity to consumers.
- Sedgwick County wisely concluded that Industrial Scale Wind Energy Conversion Systems would be prohibited from any development here.
- Some other opponents justifiably mentioned that ISSECS have great potential to significantly damage the underlying ground water resources, as well as scattered surface water resources in our county.
- A recent thunderstorm, occurring June 23, 2023 close to Scotts Bluff, NE, totally destroyed an ISSECS installation, which had been constructed in 2020, to augment power supplies for that city. As of today, the City Manager has yet to determine whether or not to attempt to re-construct that facility. They would be wise to avoid that possible path.
- Contrary to suggestions that solar panels are non-hazardous, it is an incontrovertible fact that these panels are embedded with multiple toxins, which would absolutely contaminate the soils and water systems wherever such installations would be emplaced, subject to thunderstorms, tornadoes and other natural disasters.
- Other justifiable complaints relate to the pathetic abuses of children, especially those in many African countries, who are subjected to the mining of raw materials required to create these panels. It is anything but a minor travesty.
- Harvey County Commissioners voted 3-0 in prohibiting any such installations. This happened because the citizens rose up in very strong opposition to these systems.
- Reno County Planning & Zoning recently held a public hearing on this issue, which I did attend and offered limited comments. The VAST majority of comments were in strong opposition to these ISSECS. The primary reason for that resistance was due to the fact that one developer has already amassed thousands of acres of leases directly overlying the Cheney Lake Watershed.

While I could also mention other reasons to prohibit these installations, I am going to refrain to do so.

I hope that you will come to the proper conclusion and act to protect the valuable natural resources in Sedgwick County that could suffer greatly if these internationally funded, massively subsidized, entities entice our farmers and in some cases, bring significant offsetting property value losses to innocent offsetting property owners who want nothing whatsoever to do with these installations.

Should you have any questions, or require clarification of any of the points I have raised, please feel to contact me at any time.

Sincerely,

*Dennis Hedke*

Dennis Hedke

B.S. Geophysics, Kansas State University

M.S. Materials Science, University of Virginia, School of Engineering & Applied Science





November 28, 2023



November 28, 2023

Scott Wadle, Wichita-Sedgwick County Metropolitan Area Planning Department Director &  
Wichita-Sedgwick County Metropolitan Area Planning Commission, Advanced Plans Committee  
271 W 3<sup>rd</sup> St  
Suite 201  
Wichita, KS 67202

Dear Mr. Wadle,

I am writing to inform you of the results of an economic impact study that I performed for the Chisholm Trail Solar Project, which Invenergy plans to include in their Sedgwick County Conditional Use permit application package. I have been studying the economic impacts of renewable energy for almost twenty years as both an academic and consultant. I have published numerous peer-reviewed studies on these impacts using similar methods to those I used in the Chisholm Trail Solar study. As a result of my research, I find that Chisholm Trail Solar will provide significant economic development benefits to Sedgwick County while preserving the underlying agricultural land for generations to come.

According to my analysis, under the current solar ordinance Chisholm Trail Solar will create or support 416 local jobs in Sedgwick County during construction and 17.2 local long-term jobs during the twenty-five-year life of the project. These are good-paying jobs resulting in \$26.4 million in earnings during construction and \$855 thousand annually in earnings during the project's life. In terms of economic output (Gross Domestic Product), the project will result in an increase of \$67 million for the county and \$3.5 million annually during operations. More information on the methodology and background is contained in my report which will be submitted as a part of the Chisholm Trail Solar Conditional Use Permit application once the current Sedgwick County solar moratorium has ended.

The project is also expected to generate millions of dollars of increased revenues for Sedgwick County taxpayers through contributions and tax payments. Chisholm Trail Solar will seek to negotiate a contribution agreement with Sedgwick County after the project has been permitted.

The property taxes from this project are preferable to taxes collected from other developments such as industrial parks or residential homes because the solar project will require little to no additional services from the county or school district. In contrast, residential housing developments require buildout of sewer, water, and electric services. Industrial developments will require roads and infrastructure that come with a high upfront cost and ongoing costly maintenance. Although these alternative land uses may have higher gross property tax revenues, the additional costs that come with this type of development may exceed the property taxes received from them.

Solar energy projects can also be useful for further business attraction. Increasing numbers of companies are looking to locate near solar projects in order to satisfy their corporate goals for procurement of renewable energy. Data centers and manufacturing plants are large consumers of electricity and often look to buy renewable energy. Google, Kimberly-Clark, Apple, General Motors, Facebook, T-Mobile, Anheuser-Busch, Target, General Mills, Cummins, Goldman-Sachs, Walmart, Amazon, Dow Chemical, Johnson & Johnson, Home Depot and Intuit have all purchased renewable



# Strategic Economic Research, LLC

energy to power their facilities. Economic development managers are now promoting renewable energy to their clients looking to locate new facilities.

In summary, the Chisholm Trail Solar Project provides substantial economic benefits to Sedgwick County, its surrounding community and the State of Kansas. I encourage you to consider these benefits when deciding on changes to your solar ordinance.

Regards,

A handwritten signature in black ink that reads "David G. Loomis".

David G. Loomis, Ph.D.  
President, Strategic Economic Research, LLC  
Professor Emeritus of Economics, Illinois State University

## December 2023

### December 1, 2023

To Whom It may concern,

I urge you to allow the solar installation in same location that a power plant is being decommissioned with the requirement that the contract includes that the land underneath be used for pollinators; that the panels be recycled when done with useful life and that the panels be designed to "not reflect "( as reflectivity is hazard to planes, drivers and birds who mistake for water). This clean energy is a bonus for our climate and we must do all we can to reduce global warming. This solar panel installation can be a blessing adequate requirements in the contract.

Sincerely,

Sharon Oneill

### December 3, 2023

I wasn't able to get to the solar system survey online so I wanted to sent an email in support of this project.

We live across the street from the proposed project at 6455 N 151<sup>st</sup> W. We feel these landowners have all the right to place this on their farmland. This is a "green" project and we have no problem with this kind of solar energy being produced in our front yard. I would much rather have this than a bunch of duplexes ( which farmers have no interest in selling to developers anyway)

Thank you for considering allowing this project to proceed.

Ann Spexarth

### December 4, 2023

Please accept my apology for not being at the mtg at the Sedgwick County Extension office on Nov 16, 2023.

I do have input, but by the time I found out about the 'Survey' - it was no longer available. My points are:

- 1). No, there does not need to be additional regulations!
- 2). Yes, I think solar power projects should be supported. It is the way of the future to progress in the efforts for sustainable resources. It will pay for itself in no time at all.
- 3). I feel those Farmers, and Landowners, that offer up their land for lease to the Solar companies- should be allowed to do so! It's their land! It's their family's future - college tuition/living, which would in turn help them to become productive citizens in our community.

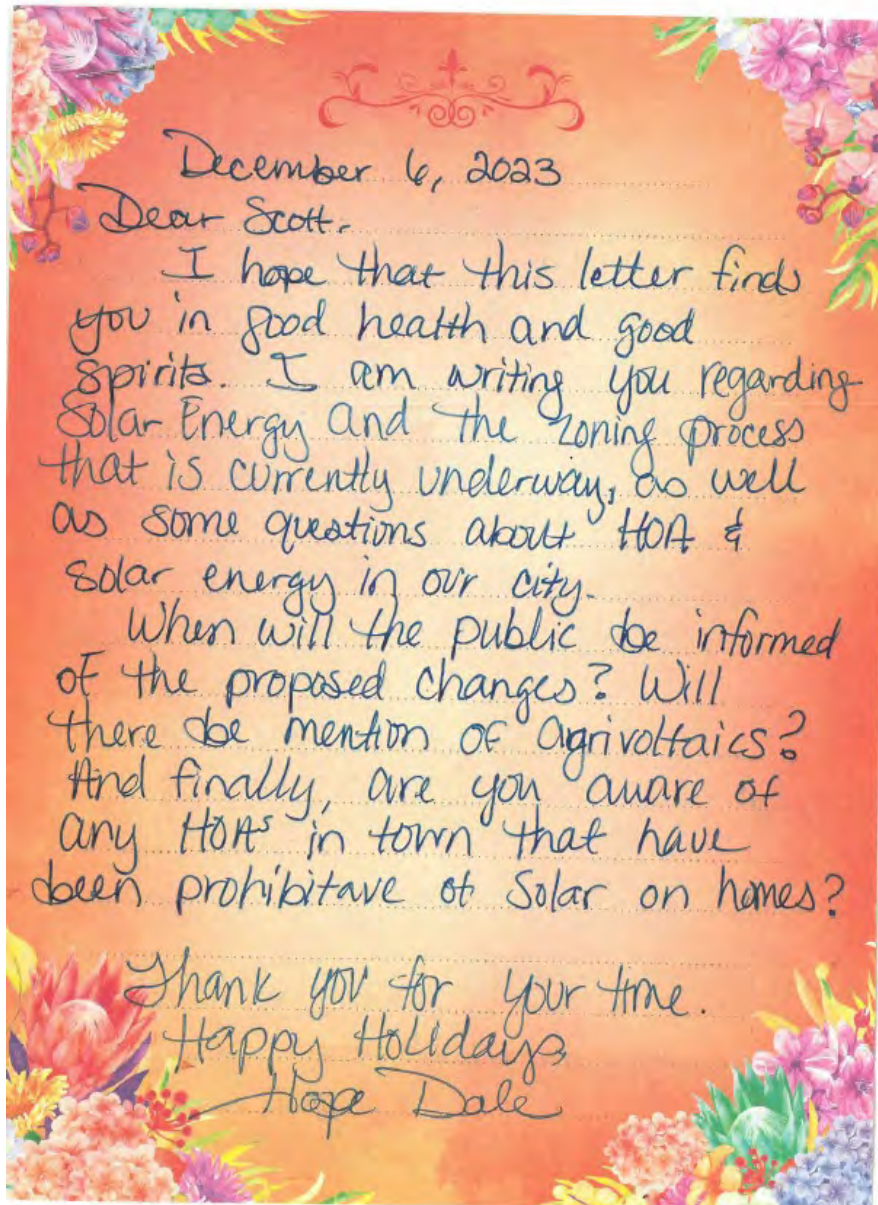


4). I feel those that oppose Solar Energy land leasing would be FOR it if it was them that owned the land. It's easy to be a nay-sayer when it doesn't really involve that person. They would jump at the chance to lease out their land if given they had land, or given the opportunity...

Thank you for your time!

Kerri S.

**December 6, 2023**



December 10, 2023



December 10, 2023

Scott Wadle  
Wichita-Sedgwick County Metropolitan Area Planning Department Director  
Wichita-Sedgwick County Metropolitan Area Planning Commission  
Advanced Plans Committee  
271 W 3<sup>rd</sup> Street  
Wichita, Kansas, 67202

**RE: Review of Public Health and Safety Considerations for Solar Projects**

Mr. Wadle & Committee Members,

Dr. Christopher Ollson of Ollson Environmental Health Management (OEHM) has extensive experience evaluating potential public health and safety considerations during the siting of commercial solar projects. Dr. Ollson has a doctorate in Environmental Health Sciences, over 25 years of experience in international consulting and is an Adjunct Professor at the University of Toronto. Dr. Ollson is considered one of North America's foremost experts in proper siting of renewable energy projects to ensure the protection of public health and safety. He has worked for over a decade in Kansas on the proper siting of solar and wind turbine projects.

In September, the Sedgwick County Commission passed a six-month moratorium on the construction of new commercial-scale solar projects within the unincorporated areas of the county. This was to allow the Planning Commission to study potential changes to the existing Sedgwick County Zoning District Standards Section III-D, Use Regulations, pp. Renewable Energy Systems (existing regulations). In order to achieve this objective, the Sedgwick County Advanced Plans Committee has been studying the issue and soliciting public input and comments.

OEHM has reviewed the Sedgwick County existing regulations and understands some of the issues that have been raised by the public during this proceeding. This brief letter provides the Advanced Plans Committee with some thoughts on public health and safety as it relates to solar projects.

Commercial-scale solar projects have been operating for decades, primarily in the Southwestern states. In recent years there has been an increase in the development in commercial-scale solar projects across the Midwestern United States, including in Kansas. These projects are often >100 MW and may require over 1,000 acres of land. This has led to potential concerns around public health and safety for those living in proximity to solar projects during the permitting stage.

These concerns typically include those surrounding sound, glint/glare, electromagnetic fields (EMF), and leaching of metals/chemicals from solar panels and impact to soil and groundwater. The internet contains a significant amount of misinformation on these issues and OEHM recommends that the Advanced Plans Committee consider credible sources of scientific information; such as, government agency reports, academic reports and studies found within the peer-reviewed published scientific journals when considering any updates to their solar regulations.

The following is a brief overview of scientific information on the glint/glare and groundwater issues, which OEHM understands have been raised by the public during this moratorium proceeding:



December 11, 2023



1401 17th Street | Suite 1100 | Denver, CO 80202  
T 312-224-1400 | F 312-224-1444

December 11, 2023

Scott Wadle, Wichita-Sedgwick County Metropolitan Area Planning Department  
Director & Wichita-Sedgwick County Metropolitan Area Planning Commission,  
Advanced Plans Committee  
271 W 3<sup>rd</sup> St  
Suite 201  
Wichita, KS 67202

RE: Solar UZC Setback Amendments Proposed at the Solar Open House on  
November 16<sup>th</sup>, 2023

Dear Mr. Wadle & Committee Members,

Invenergy has examined the written comments provided during the Solar Open House concerning setbacks in proximity to urban areas of influence, residential dwelling structures, and public roads. Should these setbacks be incorporated into the revised Unified Zoning Code (UZC), the feasibility of utility-scale solar development within Sedgwick County would be substantially compromised.

The proposed alterations to setbacks in the UZC do not align with the objective of facilitating responsible solar development in Sedgwick County. While these proposed changes may be well-intentioned, if enacted, they would severely limit or even halt utility-scale solar development within Sedgwick County.

1. Three Mile Setbacks from Urban Areas of Influence (UAOI)

If three-mile setbacks from UAOI are adopted in the updated UZC most of the developable land in Sedgwick County will be deemed undevelopable for utility-scale solar. As you can see in [Figure 1](#) attached hereto, **480,349 acres or 74 percent** of county land would become undevelopable for utility-scale solar. When including land within Wichita city limits, undevelopable land increases to **540,453 acres or 84 percent** of county land. In addition to losing land, the setbacks would also remove **270 miles or 86 percent** of transmission lines in the county from potential development.

Importantly, the small amount of remaining land not affected by three-mile setbacks or within Wichita city limits is not suitable for utility-scale solar development due to its distance from viable points of electrical grid interconnection and the presence of flood plains. For example, the two most viable electrical grid interconnection points in

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western Sedgwick County are the Gordon Evans Substation and Buffalo Flats Substations. Both substations would be within the three-mile setbacks from UAOI and unavailable for solar development.

A three-mile setback from UAOI would effectively ban utility-scale solar development in Sedgwick County and limiting the potential of future energy development will make it difficult for Sedgwick County to meet the electricity demands of its growing population and business community moving forward.

## 2. 1200 ft Setbacks from Residential Dwelling Structures and 150 ft from Public Roads

The proposed residential and public road setbacks would also severely limit utility-scale solar development. Enacting these proposed setbacks would present two serious consequences. First, the proposed setbacks represent a violation of Sedgwick County landowners' private property rights. Reasonable setbacks, such as the 40 ft from project boundary lines and public rights-of-way required by the current UZC regulations, strike a balance between protecting surrounding communities and preserving property rights while also ensuring efficient project footprints.

Second, the inclusion of these setbacks would have the unintended consequence of increasing the acreage footprints of utility-scale projects. This is because solar projects are developed to target a specific electrical-generation capacity. If setback distances are increased or new setbacks created, then additional acreage would be required to site the same number of solar panels and meet the same generation capacity.

The proposed residential and public road setbacks would also render a significant amount of private agricultural land, which has been leased for inclusion in the Chisholm Trail Solar Project, unusable. Specifically, as you can see in [Figure 2](#) attached hereto, enacting the proposed setbacks would make **591 acres or 38 percent** of participating land in the core Chisholm Trail project footprint undevelopable. Not only would this be a severe infringement on participating landowners' property rights, but it would also increase the overall project footprint. The Chisholm Trail Solar Project has received state regulatory commission approval for an electrical generation capacity of 103.5 MW. If the proposed setbacks are adopted in the updated UZC, nearly 600 acres of participating acreage will be unable to host solar panels. This means that at least an additional 600 developable acres would have to be acquired to install the same number of solar panels and meet the project's electrical capacity requirement. This would increase the total project footprint substantially.



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The imposition of a 1200 ft setback distance from residences and 150 ft from public roads would be deeply troubling from a private property rights perspective. The UZC currently mandates a 40 ft setback from project boundary lines and public rights-of-way. This is a sensible regulation that thoughtfully balances community protection with respect for the property rights of Sedgwick County landowners. Invenergy respectfully urges the MAPD and APC to keep the existing UZC solar setback regulations.

Sincerely,

Mitch Lucas | Senior Associate, Renewable Development  
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Scott Wadle, Wichita-Sedgwick County Metropolitan Area Planning Department Director &  
Wichita-Sedgwick County Metropolitan Area Planning Commission Advanced Plans  
Committee  
271 W 3rd Street  
Wichita, Kansas, 67202

December 11, 2023

## Solar Project Vegetation and Land Management

Mr. Wadle & Advanced Plans Committee Members,

My name is Greg Braun, and I am a vegetation and reclamation manager for Invenergy. My professional background is in large scale reclamation, restoration ecology, and land management on over 150,000 acres of public lands in Colorado, including over 50,000 acres of agricultural land.

On September 13, 2023, the Sedgwick County Board of Commissioners approved a six-month moratorium for solar energy land use applications to facilitate review of the Unified Zoning Code solar regulations. Since that time, the Planning Department and Advanced Plans Committee have been collecting input from the public and stakeholders on the current Zoning Code regulations. Questions regarding the management of vegetation and land underlying solar projects has been a common theme during the public feedback solicitation process. This letter provides an overview of Invenergy's best-in-class approach to vegetation and soil management. Invenergy offers a unique perspective in this regard as we have worked closely with the Sedgwick County Conservation District/Environmental Resources and Noxious Weed departments to develop draft Conditional Use Permit application materials that satisfy the existing zoning code regulations, specifically Section III-D, Use Regulations, pp. Renewable Energy Systems, (2), (e), which addresses vegetation and soil management. As an industry leader in this space, Invenergy believes that the existing regulations adequately address vegetation and soil management and should be maintained in an updated ordinance.

The opportunity to develop renewable energy projects comes with the duty to manage the land responsibly. As one of the first solar developers and operators in the U.S. with a dedicated vegetation management team, Invenergy is committed to being a good steward of the land and a good neighbor to the local community. Invenergy has the resources, experience, and team needed to manage grid scale solar facilities well; currently we manage over 130 projects on more than 122,000 acres of land across the U.S.

Invenergy develops and implements comprehensive vegetation and soil management plans based on project-specific assessments and industry-leading best

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practices for every solar project that we build. Our team of experts leverage their in-depth implementation knowledge to properly establish healthy vegetation specific to each project and to identify long-term adaptive management programs for successful maintenance. Soil health is key to achieving the project's goals and establishing a well vegetated site. Soil surveys and testing are performed to measure the soil health and fertility to better direct reclamation efforts. Customized topsoil salvaging plans preserve and protect the viability of the area's natural resources and ensure successful future agricultural use. Erosion from wind and water is prevented through appropriate stabilization measures which in turn help to suppress the proliferation of noxious and invasive weedy species and helps to retain plant available nutrients in the soil profile by preventing stormwater runoff. Site-specific weed management plans will be created, and invasive species will be maintained as directed by the Sedgwick County Noxious Weed Department.

As appropriate before, during, and following construction, the site will be permanently seeded with regionally appropriate desirable vegetation. This technique will foster the long-term health of the soil and vegetation on site by improving the ability to retain water for future growth, and by creating fertile topsoil rich with organic matter. Invenergy oversees third party environmental assessments and monitoring of our projects to help ensure a healthy vegetative community throughout a project's lifespan. Regular mowing will be performed to ensure the solar facility is safe and aesthetically pleasing. Site specific landscape screening plans are created as needed to address viewshed concerns from neighbors. A diverse mix of native and regionally appropriate desirable vegetation is planted on site; including the incorporation of forbs and flowering plants needed for pollinator habitat. These site-specific seed mixes are created to stabilize soil and prevent the spread of invasive species through competition. Invasive species management plans are created to control weeds and to prevent the spread of invasive species off-site. These plans are created and implemented with the help from local experts. This allows Invenergy to leverage their expertise and knowledge. Utilizing local contractors and consultants also increases our ability to react quickly and to manage the facility as needed.

Solar farms provide a unique opportunity for landowners to rest their land and can be a part of a long-term crop rotation strategy allowing soil health to improve and topsoil to build. During the operating life of a solar project reclamation and land management will occur as recommended by the Sedgwick County Conservation District. At the end of solar farm leases, the facility can be decommissioned, and the land returned to agricultural use with improved soil health and topsoil depth. The existing Zoning Code regulations align well with Invenergy's industry-leading vegetation and soil management practices and are sufficient to protect the land underlying solar energy projects in Sedgwick County.

Mr. Braun will be present at the December 14<sup>th</sup> Advanced Plans Committee meeting and will be happy to answer any questions that the committee members may have.

Regards,

**Greg Braun** | Associate, Vegetation Management  
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2

**December 20, 2023**

Good morning,

My name is Brent Randolph and I am a city council member in Garden Plain, KS. We received a letter from Leroy Bosch asking city council members to write you in opposition to utility solar in Sedgwick County.

I disagree with the stance that Leroy Bosch is taking.

In my full time job I work with renewable energy companies acquiring easements and doing title research for solar and wind projects. So I'm probably bias but I wouldn't be opposed to a solar farm going up around that substation north of Garden Plain. It would be good income for some of those landowners. I don't know what those guys up there signed for but I've offered anywhere from \$400/Acre/Yr to \$1200/Acre/Yr to gain an easement for utility solar. That's a great opportunity for a landowner to generate income with their property.

Personally, I did not work on this project up by Colwich. The people opposed to the solar farm going up in Colwich are forgetting something...Invenergy reached out to landowners to gain easements, those landowners negotiated and came to an agreement with Invenergy. All of those easements are signed. Most of those landowners are local to the Colwich area. Now someone that doesn't own the land is telling them what they can do with it. Solar farms go up in urban areas all the time.

I have found that most people that oppose a renewable energy project in their area are in 1 of 3 categories:

- 1) They oppose renewable energy because they equate renewable energy with a particular political party that they disagree with
- 2) They think it's going to hurt their property values.
- 3) They didn't get asked to be a part of the solar or wind farm and they are jealous.

So let me address these 3 objections 1 at a time

#1 This is something you run into a lot in Kansas. A conservative state. People think renewable energy is a democrat scam propagated by something they read on the internet or saw on youtube to get rid of oil and gas development. I tell people all the time...renewable energy is here to stay. I don't care where my electricity comes from as long as I have electricity. As a matter of fact one of the staunchest opponents of renewable energy, the American Association of Professional Landmen, which is a giant network of



landmen that work in the oil and gas business, has now started offering renewable energy courses because at this point we have to accept that renewable energy is here to stay.

#2. You could absolutely argue that a solar farm next to your property could decrease the amount of people who would be interested in buying your property therefore decreasing your property's value. However, you could make the opposite argument. A solar farm would decrease competition for developers wanting to buy land to build housing/industrial/commercial projects therefore driving up your land value (re: supply v demand).

#3. Good old fashioned jealousy. This one happens more times than you would imagine. Some people miss out, some hold out too long and some just don't get asked. That's life.

I guarantee you these people that oppose this will tell you, "We don't mind renewable energy, we just don't want it here in Sedgwick County. Let them put stuff like this up in western Kansas" That position drives me crazy. So you are too good for solar panels to be within THREE miles of your area of influence (which I assume pretty much eliminates all of Sedgwick County) but the guy out in Dodge City...he shouldn't worry about that.

The exact opposite overreach is happening in a more liberal state, Colorado. They have made regulations so stringent it's almost impossible to drill oil wells in Colorado. Costing landowners millions of dollars that they could generate from their own property. Now these people are trying to do the same thing. (I also work with oil and gas companies acquiring leases).

The demand for electricity isn't going down. Whether you like it or not, renewable projects like solar and wind are going to be a part of that solution.

Just my two cents. Thanks for reading and Merry Christmas.

Brent Randolph

City Council

Garden Plain, KS

December 21, 2023



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Scott Wadle, Wichita-Sedgwick County Metropolitan Area Planning Department Director  
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December 21, 2023

**RE: Utility-Scale Solar Project Decommissioning**

Mr. Wadle & Committee Members,

My name is Mitch Lucas, and I am a Senior Associate of Renewable Development with Invenergy. I work on a team at Invenergy that develops utility-scale electricity generation projects across Kansas, including in Sedgwick County. At the December 14, 2023 Advanced Plans Committee meeting I addressed solar project decommissioning during the public comment period and answered questions from committee members. This letter is a follow-up to my testimony at the 12/14 meeting and provides the Advanced Plans Committee with further information on solar project decommissioning.

During the ongoing moratorium on land use permit applications for new commercial-scale solar projects in Sedgwick County, the Metropolitan Area Planning Department and Advanced Plans Committee have been soliciting public input and comments regarding the existing Unified Zoning Code solar regulations. At the December 14th Advanced Plans Committee meeting, planning staff identified the decommissioning of utility-scale solar projects as one of the topics most frequently mentioned during this process.

Once a utility-scale solar project reaches the end of its initial operational life, the project operator has two options. If demand for the project's electricity remains strong, the operator may "repower" the project and extend its operational life by retrofitting it with new equipment. Alternatively, the project may be decommissioned, and the infrastructure would be removed according to the commitments made to landowners and local government entities during the project's development. In the second scenario, a utility-scale solar project developed in Sedgwick County typically has three layers of protection to assure that a project is decommissioned and that the decommissioning activities are adequately funded.

1. **Decommissioning Plan.** The current Unified Zoning Code solar regulations contain requirements regarding project decommissioning: Section III-D(pp)(2)(r) mandates that the permit applicant provide a "site and facility reclamation and decommissioning plan which indicates the planned life of the SECS [Solar Energy Conversion System] and the means by which the facility and its site will be



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decommissioned and reclaimed at the end of the facility's life", further stipulating that:

- Project landowners be consulted in the plan's development.
  - The plan be updated every five years.
  - "At the end of the project's life... the site's equipment and access roads shall be removed from the site and the site shall be returned to original condition, or restored to such condition as to allow a use compatible with surrounding uses as determined by the Planning Director, or to such condition as agreed to by the landowner and the SECS owner, developer, and/or operator."
2. **Decommissioning Agreement.** It is standard practice for solar project developers in Kansas to execute a decommissioning agreement with the host county government. Like the current Unified Zoning Code regulations, these decommissioning agreements typically require the developer to create a decommissioning and reclamation plan and, critically, to post financial surety for the net cost of the decommissioning activities. These agreements remain in effect even if the project ownership changes hands.
  3. **Leases with Landowners.** Land for utility-scale solar projects is most often acquired via long-term voluntary leases with landowners. Leased land is returned to landowners following project decommissioning and reclamation. This means that project landowners have a vested interest in seeing decommissioning and reclamation activities completed properly and the land restored to its original condition. In addition to the decommissioning plan and decommissioning agreement, leases with local landowners also govern how decommissioning activities must proceed at the end of project life.

Sedgwick County landowners and communities are well-protected by the current regulations and industry standard practice regarding solar project decommissioning. However, to make the regulations even more robust, APC members may consider an update to the solar ordinance requiring that financial surety for a project's net decommissioning costs be posted starting in year 11 of project operations and be updated every 5 years alongside the decommissioning plan.

Please do not hesitate to reach out to me with any follow-up questions regarding utility-scale solar project decommissioning or solar development more broadly. Meredith Abdou, Vice President of Renewable Development with Invenergy, will be present at the 12/28/2023 APC meeting and will be able to answer any questions at that time as well.

Sincerely,

**Mitch Lucas** | Senior Associate, Renewable Development  
Invenergy | 1401 17<sup>th</sup> Street, Suite 1100, Denver, CO 80202  
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December 22, 2023

Alan Claus Anderson  
Shareholder  
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[aanderson@polsinelli.com](mailto:aanderson@polsinelli.com)

Scott Wadle, Wichita-Sedgwick County Metropolitan Area Planning Department Director & Wichita-Sedgwick County Metropolitan Area Planning Commission, Advanced Plans Committee  
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Suite 201  
Wichita, KS 67202

Mr. Wadle & Committee Members,

As you are aware, during the ongoing moratorium on land use permit applications for new commercial-scale solar projects in Sedgwick County, the Metropolitan Area Planning Department and Advanced Plans Committee have been soliciting public input and comments regarding the existing Unified Zoning Code solar regulations. At the December 14th Advanced Plans Committee meeting, planning staff identified urban development and growth as one of the topics most frequently mentioned during this process. In particular, some opponents to solar development have proposed that, for projects that propose to be located within a community's Urban Area of Influence (UAI), the regulations should be amended to either prohibit those projects from being developed or grant those communities discretion over whether the project may move forward. As this letter will explain, this change is unnecessary under the current regulations and would improperly pass authority from the county to communities that do not have projects sited within their borders.

Under the current ordinances, the economic impacts of a project on surrounding communities must be thoroughly examined before a project is approved. Section III(D)(6)(pp)(2)(f) of the current ordinances require the following information be submitted as part of the initial application for a Solar Energy Conversion System (SECS):

The applicant shall provide an evaluation of potential impacts together with any plans and proposals for alleviating social and economic impacts upon local governments or special districts and alleviating environmental impacts which may result from the proposed facility.

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Here, the zoning regulations clearly require the applicant to include information regarding the potential project's economic and social impact on surrounding communities as part of the initial CUP application. The Planning Commission then must take that economic study, and any responses to that information, into consideration when making the ultimate recommendation.

Additionally, Section V(D)(6) and (9) state as follows:

If the subject property is within the area of influence of another city in Sedgwick County, the Planning Commission shall consider any recommendation of the Planning Commission of that other city in making its own recommendation.

and

If a proposed Conditional Use involves property within the Urban Area of Influence of a city in Sedgwick County, and if the planning commission of that city has recommended against the Conditional Use on or before thirty (30) days following notification of the city of the proposed Conditional Use, approval of such Conditional Use by the Governing Body shall require a super-majority vote of all members.

In addition to the applicant's submission of economic and social impacts, the current regulations afford communities with impacted Urban Areas of Influence with a direct participatory role in the application process. The communities will be notified of the application and have an opportunity to issue a letter opining on the impact of the project upon their potential future growth. If the impacted community opposes the project, the threshold for approval increases from a simple majority to a super majority vote.

Taken together, the current regulations directly contemplate the issue of economic impacts on surrounding communities, afford potentially impacted communities an opportunity to evaluate and opine on a project's potential impacts on their plans, and give those communities tangible influence over the process through the potential implementation of a more stringent voting threshold. Each of these mechanisms are rare in the State of Kansas and offer significant assurances to communities that their unique impacts will be evaluated, their opinions will be heard, and they will have a direct participatory role in the process. This is ample protection for local communities, and it does not need to be expanded upon.

It is also important to note that, while considering the perspectives of local communities is an important part of any CUP application review process, the properties within a UAI that will be implicated for a utility-scale solar project will fall outside of the municipal boundaries. The projects will be hosted by local landowners that are not able to vote in the municipal elections for the cities that will be opining on the project and will fall outside the typical zoning authority of those communities. The current regulations adequately balance the input of those communities with the private property rights of landowners in the unincorporated portions of the county. Giving the communities a more aggressive veto right over projects in the UAI would effectively be

granting those communities zoning authority over the UAI area without having first afforded all due process rights to impacted landowners, a bad outcome for all involved.

Please do not hesitate to reach out to me with any follow-up questions regarding utility-scale solar project's impacts on local communities or solar development more broadly. I will be present at the December 28th APC meeting and will be able to answer any questions at that time as well. We look forward to continuing the dialogue regarding revisions to Sedgwick County's ordinance.

Sincerely,



Alan Claus Anderson

ACA:lah





# Strategic Economic Research, LLC

December 22, 2023

Scott Wadle, Wichita-Sedgwick County Metropolitan Area Planning Department Director &  
Wichita-Sedgwick County Metropolitan Area Planning Commission, Advanced Plans Committee  
271 W 3<sup>rd</sup> St  
Suite 201  
Wichita, KS 67202

Dear Mr. Wadle,

Thank you very much for the opportunity to speak with you and the Committee at your meeting on December 14. I wanted to follow up with some additional information for your consideration. In my remarks, I said that solar projects can be a tool for business attraction. I quoted Burns & McDonnell, a site selection firm, that "booming market demand for energy, particularly renewable energy, is significantly affecting the infrastructure expectations under consideration for development. Most notable is the approximately 14-fold increase in the average anticipated demand for electric power." They go on to say, "Furthermore, not just any form of energy will do for today's industrial end-users. Increasing numbers of companies are seeking energy solutions that support their corporate sustainability and net neutrality goals, as expressed in their environmental, social and governance (ESG) policies and pledges committing to 100% renewable energy by 2050." <https://info.burnsmcd.com/white-paper/skyrocketing-demand-for-renewable-energy-is-transforming-site-selection?abm=true>

I also mentioned that I discussed this topic of renewable energy being a magnet for business attraction with Dennis Pruitt, VP of Business Development at Missouri Partnership, a public-private partnership doing economic development across the state of Missouri. Dennis said that every large public company is looking for 100% renewable energy to power their new facilities to meet their environmental, social and governance goals. So rather than being a substitute for industrial or commercial development, a solar project can be a business attraction tool.

Rob Dixon of Ameren Missouri states that "Missouri has seen an increase in the need for new electric usage from new business announcements. This need has grown from 150,000 MWH in 2021 to 450,000 MWH in 2023." According to Area Development Magazine's Annual Corporate Survey, "For the past three years, businesses have listed 'Energy Availability and Costs' as one of the top considerations when determining where to locate." According to Lazard's Levelized Cost of Energy analysis, utility-scale solar is one of the most cost-effective ways to generate electricity. Adding fuel-free solar projects to the electric grid in Sedgwick County can help keep energy costs in Kansas some of the most affordable in the country.

As I stated in my previous letter, the solar projects can provide substantial economic benefits to Sedgwick County, its surrounding community and the State of Kansas. It is also a tool for business attraction and further economic development. I encourage you to consider these benefits when evaluating your solar ordinance.

Regards,

David G. Loomis, Ph.D.  
President, Strategic Economic Research, LLC  
Professor Emeritus of Economics, Illinois State University

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December 21, 2023

## RE: Utility-Scale Solar Project Decommissioning

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Sedgwick County landowners and communities are well-protected by the current regulations and industry standard practice regarding solar project decommissioning. However, to make the regulations even more robust, APC members may consider an update to the solar ordinance requiring that financial surety for a project's net decommissioning costs be posted starting in year 11 of project operations and be updated every 5 years alongside the decommissioning plan.

Please do not hesitate to reach out to me with any follow-up questions regarding utility-scale solar project decommissioning or solar development more broadly. Meredith Abdou, Vice President of Renewable Development with Invenergy, will be present at the 12/28/2023 APC meeting and will be able to answer any questions at that time as well.

Sincerely,

**Mitch Lucas** | Senior Associate, Renewable Development  
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#1 This is something you run into a lot in Kansas. A conservative state. People think renewable energy is a democrat scam propagated by something they read on the internet or saw on youtube to get rid of oil and gas development. I tell people all the time...renewable energy is here to stay. I don't care where my electricity comes from as long as I have electricity. As a matter of fact one of the staunchest opponents of renewable energy, the American Association of Professional Landmen, which is a giant network of landmen that work in the oil and gas business, has now started offering renewable energy courses because at this point we have to accept that renewable energy is here to stay.

#2. You could absolutely argue that a solar farm next to your property could decrease the amount of people who would be interested in buying your property therefore decreasing

your property's value. However, you could make the opposite argument. A solar farm would decrease competition for developers wanting to buy land to build housing/industrial/commercial projects therefore driving up your land value (re: supply v demand).

#3. Good old fashioned jealousy. This one happens more times than you would imagine. Some people miss out, some hold out too long and some just don't get asked. That's life.

I guarantee you these people that oppose this will tell you, "We don't mind renewable energy, we just don't want it here in Sedgwick County. Let them put stuff like this up in western Kansas" That position drives me crazy. So you are too good for solar panels to be within THREE miles of your area of influence (which I assume pretty much eliminates all of Sedgwick County) but the guy out in Dodge City...he shouldn't worry about that.

The exact opposite overreach is happening in a more liberal state, Colorado. They have made regulations so stringent it's almost impossible to drill oil wells in Colorado. Costing landowners millions of dollars that they could generate from their own property. Now these people are trying to do the same thing. (I also work with oil and gas companies acquiring leases).

The demand for electricity isn't going down. Whether you like it or not, renewable projects like solar and wind are going to be a part of that solution.

Just my two cents. Thanks for reading and Merry Christmas.

January 2024

**January 4, 2024**

To: Advance Plans Committee, MAPC, Scott Wadle

My name is Mary Bosch. I reside at 6716 N 135<sup>th</sup> W, Colwich, KS. I have been a Sedgwick County resident for all my adult life (51 years).

I would like to express a few concerns I have about the Solar Moratorium Process. I attended the Open House and utilized the comment cards along with the post-it notes to voice my opinions. I also viewed the Advance Plans meeting on 12/28/23. Here are my concerns:

1. Were persons living outside of Sedgwick County allowed to have input at the Open House on solar regulations that only apply to Sedgwick County and the online survey allowed for the same? I personally spoke with people who do not reside in Sedgwick County at the Open House. Then, of course, the Invenergy representatives. Results that are being used in presentations could represent an unrealistic percentage of Sedgwick County residents that are content with current

regulations. In addition, there were issues with the online survey that were not resolved for several days. Overall, the number of people that attended the Open House and/or completed the online survey does not appear to be a good representation of the approximately 525,00 Sedgwick County residents.

2. Per the 12/14/23 Advance Planning minutes, Kirk Sponzel, Asst. County Attorney instructed the Committee members to review the policies on a county-wide basis and not about one potential application that may be submitted to the Planning Department. The billion-dollar Chicago based company, Invenergy LLC, has had a very strong presence in the Solar Moratorium Process for SEDGWICK COUNTY. During the Advance Plans meeting on 12/28, the Invenergy representative was called on several times to address various questions posed by the committee. Are we really looking at this as a County, or are we referring to the potential Chisholm Trail project? Also, Public Service Company of Oklahoma (PSO) submitted a letter to the Planning Department in support of not changing the regulations. Again, are we looking at this as a County, or an individual project? It appears these questions should be addressed by an unbiased expert. I doubt that Invenergy or PSO would have such a presence if it were not due to the potential project.

In closing, I do believe that all cities in Sedgwick County should have the opportunity to play a major role in the future of Utility-Scale Solar affecting their communities.

Thank you for your time,

Mary Bosch

Sedgwick County Resident

**January 5, 2024**



# Invenergy

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1401 17th Street | Suite 1100 | Denver, CO 80202  
T 312-224-1400 | F 312-224-1444

Scott Wadle, Wichita-Sedgwick County Metropolitan Area Planning Department Director  
& Wichita-Sedgwick County Metropolitan Area Planning Commission, Advanced Plans  
Committee  
271 W 3rd St  
Suite 201  
Wichita, KS 67202

January 5, 2024

**RE: Solar, Urban Areas of Influence, & Property Rights**

Mr. Wadle & Committee Members,

My name is Mitch Lucas, and I am a Senior Associate of Renewable Development with Invenergy. I work on a team at Invenergy that develops utility-scale electricity generation projects across Kansas, including in Sedgwick County.

We understand that the Advanced Plans Committee is evaluating whether utility-scale solar projects in Sedgwick County should or should not be set back from Urban Areas of Influence. Imposing setbacks within or outside of Urban Areas of Influence would seriously impact landowner property rights in Sedgwick County.

Attached is a letter from a Sedgwick County resident and farmer, Alvin Neville, who has chosen to participate in an Invenergy solar project. Alvin and his family made a personal decision to lease their property for this solar project and have been partners in its development for several years. In his letter, Alvin expresses deep concern for the potential property rights implications of restricting land development in Urban Areas of Influence.

Pursuant to the letter from Polsinelli Law Firm's Alan Anderson dated January 5, 2024, banning certain land uses in Urban Areas of Influence curtails property rights for landowners who have no recourse in the associated cities. For example: Alvin Neville owns property inside a city's Urban Area of Influence, but he does not reside within city limits. Therefore, he cannot officially represent his interests by voting in city elections. If utility-scale solar were banned within Urban Areas of Influence in Sedgwick County, it would be **the only** land use banned within Urban Areas of Influence. The Sedgwick County zoning and land use permitting process already provides a unique and powerful mechanism for cities to weigh in on developments proposed in their Urban Areas of Influence by increasing the threshold for County Commission approval of a Conditional Use Permit. It would be unfair to Sedgwick County landowners for the County to delegate even more authority to cities by banning certain land uses outright within Urban Areas of Influence.

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invenergy.com

## Invenergy

Additionally, a high percentage of Sedgwick County's high-voltage electric transmission and substation infrastructure is located inside of Urban Areas of Influence (see map in the Invenergy letter dated December 11<sup>th</sup>, 2023). New power generation facilities, including solar projects, must connect to the electric grid via this infrastructure. Banning utility-scale solar inside Urban Areas of Influence would block access to critical high-voltage infrastructure and the broader electric grid. This would render large sections of Sedgwick County undevelopable and terminate existing solar projects that have been underway for several years, received sizeable investment, and been developed under the current Unified Zoning Code regulations.

Banning utility-scale solar projects within Urban Areas of Influence would cause serious harm to landowner property rights in Sedgwick County. We hope that you will read Alvin's letter and consider potential impacts to the Neville Family and other Sedgwick County landowners as you recommend updates to the Unified Zoning Code.

Sincerely,

**Mitch Lucas** | Senior Associate, Renewable Development  
**Invenergy** | 1401 17<sup>th</sup> Street, Suite 1100, Denver, CO 80202  
[mlucas@invenergy.com](mailto:mlucas@invenergy.com) | D 720-617-7306 | C 301-848-2535 | @InvenergyLLC

# Invenergy

Dear Councils and Commissioners,

December 18, 2023

Thanks for allowing this letter to be read or presented to all. I am out of town with family.

This letter is written to Maize, Colwich, and Sedgwick County commissioners and councils. Over the past few months the above mentioned has been throwing the idea out on restricting what landowners can do with their property that they have owned for years because it supposedly lies within an influence area of a city. I personally think they are going well beyond their rights reaching out as far as they are trying to control. Just whose property is it?? We have paid for it and pay taxes on it that continually go up, the cities don't own our property!!! For anyone to tell a property owner they cannot have the option of doing something with their property to benefit from it now if they have the opportunity isn't right in my opinion. A city cannot tie up a persons property just because they think they have a future plan that might happen 10-15 years down the road or even longer. How can you deny a property owner their right to their property. If you think this is right then maybe you need to be investing in property for your cities future plans. If you plan on reaching out restricting landowners rights then maybe you need to consider compensating a landowner for lost income on their property because of your futuristic plans. Both Colwich and Maize have ample ground to develop but seems like the only direction they feel they can develop is where a solar farm is attempting to go. There are 4 sides to a city. Property rights go beyond this issue before you now though.

I believe you need to step back and re think what your true influence is. We as landowners have the right also to restrict what our ground is used for also in the future.

We personally have worked with Richard Lamunyon on some of our property to appease both parties on growth as some of our land lies next to rail. We understand growth but please don't over reach your bounds towards property owners and their rights. Put yourselves in our shoes for something 10-15 years down the road and think about having someone tell you what you can't do with your property without having the ability to profit from your land ownership while waiting an extended period of time.

In closing I plan on working with Maize on developing some of our property that has the potential in the next couple of years. I am not against growth but want you to understand overreaching your bounds isn't fair to property owners either if they have the chance to benefit some way now.

Thanks for your time,







900 W. 48th Place, Suite 900, Kansas City, MO 64112 - (816) 753-1000

January 5, 2024

Alan Claus Anderson  
Shareholder  
816.572.4761  
816.817.7310 Fax  
[aanderson@polsinelli.com](mailto:aanderson@polsinelli.com)

Scott Wadle, Wichita-Sedgwick County Metropolitan Area Planning Department Director & Wichita-Sedgwick County Metropolitan Area Planning Commission, Advance Plans Committee  
271 W 3rd St  
Suite 201  
Wichita, KS 67202

Mr. Wadle & Committee Members,

As you are aware, at the December 14<sup>th</sup> and 28<sup>th</sup> Advance Plans Committee (“APC”) meetings, the APC has identified urban development and growth as a focus topic for potential zoning regulation revisions. In particular, opponents to solar development have suggested that, for projects that propose to be located within a community’s Urban Area of Influence (“UAI”) or within a certain distance from a community’s UAI, the regulations should be amended to either outright prohibit those projects from being developed or grant those communities discretion over whether the project may proceed.

As explained in my prior letter dated December 22, 2023 (attached hereto), this change would be both unnecessary under the current regulations and would improperly pass authority from the county to communities that do not have projects sited within their borders. As explained below, after hearing discussion from the APC during the December 28<sup>th</sup> meeting, we are even more concerned with the legal and political ramifications of delegating this authority away from the county and impeding the property rights of impacted landowners whose property is located in the county and not the cities without following traditional statutory and due process protocols.

Solar project opponents would like for projects to be banned within UAIs, or (even better from their perspective) within one or more miles of UAIs. The reason for this is simple. Solar projects must be sited in proximity to substations to tie into the electrical grid, and one of the primary substations in Sedgwick County (the Gordan Evans substation between Colwich and Maize) is located within existing UAIs. Because of this fact, banning solar project development within UAIs would effectively terminate the development of the Chisholm Trail Solar Project, stranding millions of dollars of investment and harming the economic prospects of existing Sedgwick County residents, and would make it more difficult for future utility-scale solar projects to be economically constructed in Sedgwick County now or in the future.

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Problematically, the proposed expansion of UAI authority that is being proposed is duplicative of, and arguably subverts, existing statutory authorities without providing the same level of participation and due process protections for impacted landowners. The question of how cities can claim and exert control over extra-territorial areas for potential future growth is not new, and the legislature has devised a number of mechanisms that accomplish this goal while still protecting the rights of all participants.

For example, the extra-territorial zoning authority provided by K.S.A 12-715b allows cities to adopt zoning regulations affecting all or any designated portion of the land located outside the city but within three miles thereof under certain conditions. However, the statute sets forth a detailed and comprehensive process by which impacted landowners and the county are notified, and grants the impacted area two seats on the city's planning commission (K.S.A. 12-744(a)). Even more directly, the annexation process set forth in K.S.A 12-520 *et seq.* allows for a city to add new parcels to their boundaries, and in doing so commit to provide municipal services to that area and grant the citizens impacted by that decision the right to participate in municipal elections. Both of these statutory mechanisms require specific public hearing and notification requirements that are designed to protect the due process rights of impacted landowners.

Here, Sedgwick County is being asked to grant the benefit of land use regulations to municipalities (restricting landowners' legal use of their property), without utilizing any of the traditional mechanisms that are provided by Kansas statutes. As a result, impacted landowners would bear the burden and the corresponding economic harms of land use restrictions, but would not be granted the due process protections or rights to participate in the governance of the city that would be exerting control over their property.

To outright prohibit certain property within a UAI or within a certain distance thereof fails to provide necessary flexibility or account for unique circumstances that may make a landowner's property particularly suitable for solar development. Indeed, there are some municipalities that may seek to encourage rather than ban solar projects within their UAI boundaries and a blanket ban would eliminate that possibility. Likewise, to delegate land use authority from the county to a municipality for property located in the county but outside the city limits could result in arbitrary and capricious land use and zoning decisions that fail to advance the interests of the county as a whole. To pass this authority without providing adequate participation and protection for the impacted landowners will have the result of disenfranchising those County constituents that currently reside within the unincorporated areas of the County.

Not only is this legally and politically problematic, but it is also unnecessary. As described in my prior correspondence, the regulations as they are currently drafted afford communities with impacted Urban Areas of Influence with a direct participatory role in CUP applications that would impact an Urban Area of Influence. The communities will be notified of a CUP application and have an opportunity to issue a letter opining on the impact of the project upon their potential future growth. If the impacted community opposes the project, the threshold for approval increases from a simple majority to a super majority vote.

Taken as a whole, we believe that the current regulations adequately balance the input of those communities with the private property rights of landowners in the unincorporated portions of the county. Giving the communities a more aggressive veto right over projects in the UAI or outright banning solar development projects within a UAI would effectively be granting those communities zoning authority over the UAI area without having first afforded all due process rights to impacted landowners. We believe that path presents material legal and political problems and, more importantly, would seriously injure the rights of Sedgwick County citizens to legally pursue the highest and best economic use of their property.

Please do not hesitate to reach out to me with any follow-up questions regarding utility-scale solar project's impacts on local communities or solar development more broadly. We appreciate your consideration of these comments and look forward to continuing the dialogue regarding revisions to Sedgwick County's ordinance.

Sincerely,



Alan Claus Anderson

ACA:lah

**January 6, 2024**

This letter is to urge you to carefully consider all the implications of the proposed regulations for the large-scale solar utility farms in Sedgwick County. Please perform the due diligence of investigating all the issues that need to be addressed. We need a comprehensive and concise plan for Sedgwick County

as this will impact our county for years to come. The current plan needs to be updated with comprehensive and detailed guidelines for the development, maintenance and decommissioning of these types of facilities anywhere in Sedgwick County. Do you realize that the proposed massive, large-scale project for NW Sedgwick County could include a million panels? Limiting the size, shape, configuration and site placement is of utmost importance for the future of the growth of both Maize, Colwich and NW Sedgwick County. Listen to your elected leaders of Colwich who have unanimously voted to oppose this large-scale type of production so close to areas of influence and growth. Listen to your residents of Sedgwick County and not the "fluff" being touted by the out of state, billion-dollar companies trying to tell you what is best for the residents of Kansas. We choose to live in Kansas with its beauty and way of life. Please protect that with comprehensive and precise regulations for these types of outside companies to follow according to our way of life.

Sincerely,

Marilyn Fields

**January 8, 2024**

Please restrict solar farms from encroaching on city's future growth areas. Sedgwick County is too populated to have large solar farms taking land that is needed for future homes. Please restrict them to 3 miles from a city's future development plan. Power from any solar farms should be used locally not sent to another state!

Julie Mclain  
Colwich KS



January 9, 2024



1401 17th Street | Suite 1100 | Denver, Colorado 80202

T 312-224-1400 | F 312-224-1444

January 8, 2024

Scott Wadle, Wichita-Sedgwick County Metropolitan Area Planning Department Director  
& Wichita-Sedgwick County Metropolitan Area Planning Commission, Advance Plans  
Committee  
271 W 3rd St  
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Wichita, KS 67202

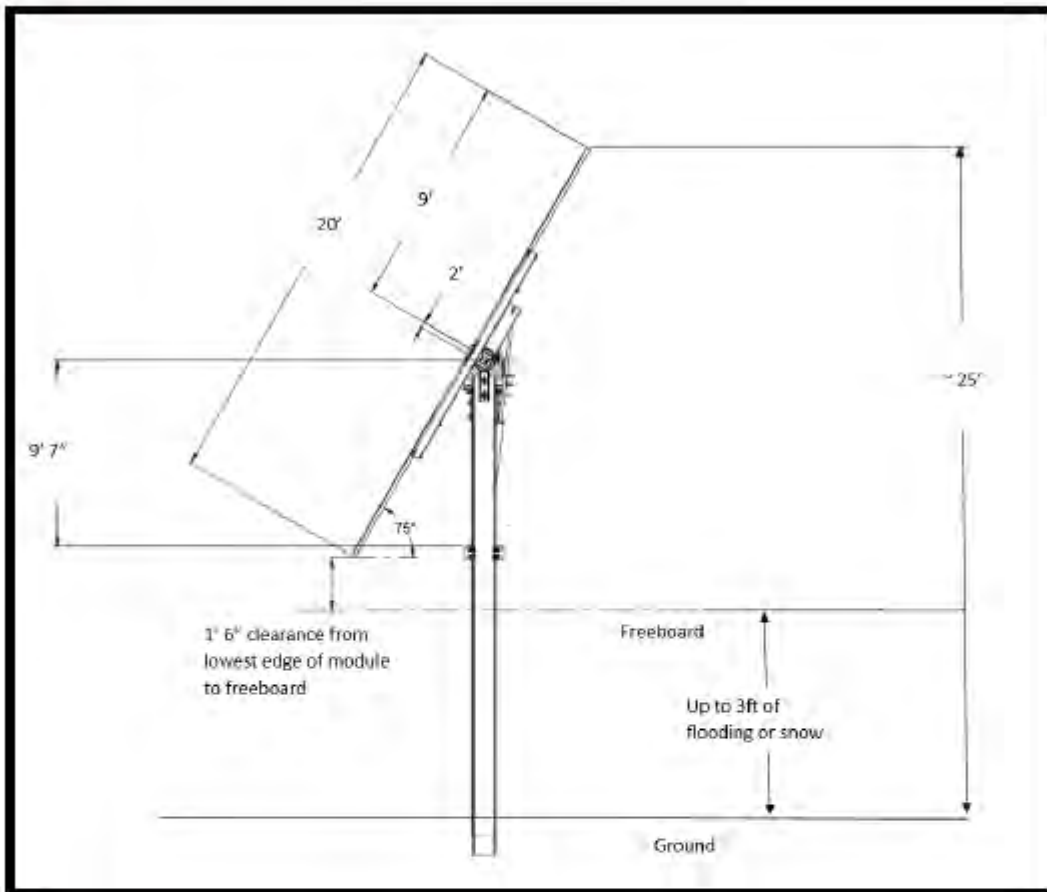
RE: Maximum Solar Panel Height

Mr. Wadle & Committee Members,

During the December 28<sup>th</sup>, 2023 Advance Plans Committee meeting, staff and committee members discussed updating the current Unified Zoning Code solar panel height regulations and requested Invenergy provide a recommended maximum height reflective of industry standards.

After internal review by Invenergy's engineering team, we recommend a maximum solar panel height of 25 feet. This would represent a decrease of 10 feet from the current Unified Zoning Code maximum height 35 feet. Decreasing the maximum panel height to 25 feet would still provide solar engineers the necessary flexibility to tailor designs to various solar panel technologies, best design practices, and site-specific characteristics such as potential floodways. Please see the figure below which visualizes the 25-foot maximum panel height recommendation.

# Invenergy



Invenergy representatives will be present at the January 11<sup>th</sup>, 2024 Advanced Plans Committee meeting and will be happy to answer any further questions on this topic.

Sincerely,

**Mitch Lucas** | Senior Associate, Renewable Development  
Invenergy | 1401 17<sup>th</sup> Street, Suite 1100, Denver, CO 80202  
[mlucas@invenergy.com](mailto:mlucas@invenergy.com) | D 720-617-7306 | C 301-848-2535 | @InvenergyLLC



**January 12, 2024**

January 5, 2024

Wichita-Sedgwick County Metropolitan Area Planning Commission, Advanced Plans Committee  
271 W 3<sup>rd</sup> St  
Suite 201  
Wichita, KS. 67202

Committee Members,

We have heard that the Advanced Plans Committee is considering whether utility-scale solar projects in Sedgwick County should or should not be set back from areas of influence. We own property that overlaps an area of influence and have leased a portion of it for a utility-scale solar project. We want to share our thoughts on this matter because a ban on solar in areas of influence would seriously affect our family and other Sedgwick County landowners. We chose to lease our property for this project over 2 years ago and believed that this was OK based on the existing Sedgwick County zoning code solar regulations.

The area of influence where our property is located already hosts a natural-gas power plant, an ethanol plant, high voltage power lines, and TV towers. Why should our solar project be considered any differently than the existing infrastructure in the area? And why should a city be able to control how our farmland, which is located outside their city limits, is used without even bringing my family into the conversation?

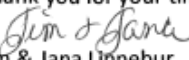
We as landowners will still be paying property taxes on our land. With the solar infrastructure, we understand that our taxes would increase. This project would generate millions of dollars in public revenue over the project's life, supporting our communities and the school districts. During the construction phase, our project would create approximately 200 jobs. Those employees will use hotels, restaurants, bars, grocery stores, gas stations; all within our local area. This would benefit the nearby communities and school districts.

Jim grew up where we currently live. We have raised our family here and have some of our children and grandchildren living in the area. We would not do anything that would be dangerous to our family or our neighbors' families. We thoroughly researched the solar developer and solar panel technology. There is no danger to humans or wildlife, no ground water contamination to the aquifer, and no sterilization to the ground. The area around the solar panels will be well-maintained by full-time employees.

The residents living near the proposed project who you are hearing from have all chosen to buy or build their homes with the power plant, sub stations, TV towers, and high voltage power lines in place when they moved to this area. We as landowners are exercising our property rights by participating in the solar project and have no plans to sell any of our land for housing, commercial, or industrial development. Why are others trying to dictate how private landowners should use their property; especially in an area of Sedgwick County where land use is widely varied?

Enacting a setback in areas of influence would kill the solar project that we chose to participate in over 2 years ago. This would have serious implications for our family's financial future. Enacting such a setback and terminating projects that are already underway would send the message to potential businesses that Sedgwick County will change the rules, even after a company has invested significant time and money into a project. As Sedgwick County residents, we wonder what businesses this may drive away from investing in our community. We ask the APC to support an ordinance that respects our rights as property owners and does not ban solar projects inside areas of influence.

Thank you for your time,

  
Jim & Jana Linnebur  
14715 W. 61<sup>st</sup> St. N.  
Colwich, KS. 67030

**January 12, 2024**

Hello,

We live on N 135th W between 61st and 69th. Our address is Colwich but our three kids go to Maize schools.

If utility scale solar is allowed Invenenergy will have us completely surrounded. Looking to the west, where the bus picks up, we will see solar panels, to the east where the sun rises and out our kids' bedroom windows... more solar.

When we moved to our home 6 years ago it was to get into Maize schools and to have a slice of the country life for our kids. We anticipated growth and have watched our area develop with some industrial businesses. We see many home developments popping up to the south and expected that too. More homes and industrial businesses could continue to grow in our direction offering jobs and the desired suburban living with great Maize and Renwick schools but not if solar takes over. It will be an eyesore and stop promising growth.

--

Jacque Waite

**January 16, 2024**

I am a resident of Sedgwick county and STRONGLY support a decision to ban utility-scale solar within one-mile of the area of influence from all municipalities in Sedgwick County be adopted in the Unified Zoning Code for Utility-Scale Solar.

Thank you - Ann Burgett

The solar fields near colwich should be stopped. It will severely harm my property value for an unenvironmentally sound experiment and wildlife atrocities

John Ast

I am not in favor of the Chisholm Trail solar project.

Vicky Blasi

Colwich Ks

I am from Colwich and am totally against the solar farm being put near our town. We are trying to expand our community and this will work against that effort. Who would want to build next to or near that? I'm sure you wouldn't build your new home across the road from it. Thanks for listening to our concerns.

Jean Botkin

I support a "prohibition of utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County" to be adopted in the Solar Regulations for Sedgwick County.

Thank you

Myra Curtiss

I support the prohibition of solar power

Darlene

As a resident of Sedgwick County, I am contacting you with reference to the large scale solar projects proposed for our County. I am deeply concerned after having seen first-hand what a developer would like to build in the Maize-Colwich area. I was informed about this planned project over a year ago. Since that time, I have researched large-scale solar facilities, visited a damaged solar farm in Nebraska and attended meetings the developer had in our area. In the three-mile area between Maize and Colwich, (less if you consider the "area of influence"), they have proposed long term leasing on two-three square miles of land and installing solar panels. They have mentioned 750 acres of actual panels. This would be close to many existing homes. Some homeowners would have panels on two or three sides of their property. Our local residents are vehemently opposed to this project. After attending numerous meetings with local residents, I have not met anyone that lives in the area that is a proponent of the project. The only exception are the 3-4 landowners that will benefit financially from the project. Large-scale solar projects have exploded around the country and around the world, but we need more research to help solve our energy needs. Looking at the existing plans proposed for large-scale solar projects in the US, the power grid could not handle it even if there was nothing else currently on the grid. This is a very new industry and 75% of the current solar installations are five years old or less. There is not adequate history to draw from for this type of large-scale projects when you consider the life of the project to be 25-30 years.

There are hundreds of communities having to address these projects and there is a great deal of turmoil. Citizen groups, political action groups and local resident groups are forming to deal with this in their areas. Unfortunately some have ended up in the courts. The number one concern across the country is the location and size of these projects. Providing some type of buffer for the communities will eliminate much of the turmoil. In your last meeting it was discussed to place the boundaries for solar projects to one mile outside the area of influence. I believe a one-mile buffer in Sedgwick County would be a major benefit to the communities involved and their residents. It would protect the communities for future expansion and property values. It would also help potential developers as it would give them clear guidelines in planning projects in the future. I am concerned about the emotion and energy towards solar energy. There are people who believe it will save the world and those who do not want it. There is a third group that feels solar could be useful with careful research, thought and planning. It has been my experience that emotion gets in the way of logic. It is my hope that emotion does not interfere with logic. It is important to note in my research I have not found any examples of a large-scale solar project such as this proposed for Sedgwick County, that is near a developed area as this would be.

Thank you for your consideration of developing precise and comprehensive regulations for this type of project that will impact the well-being of the residents of Sedgwick County for many years to come.

Eugene Fields, III

I am a resident of Sedgwick county and **STRONGLY** support a decision to ban utility-scale solar within one-mile of the area of influence from all municipalities in Sedgwick County be adopted in the Unified Zoning Code for Utility-Scale Solar. Thank you

-Jeff H

Dear Metropolitan Area Planning Department,

I am emailing you regarding the regulations for utility scale solar projects in Sedgwick County.

I understand Invenenergy has proposed the Chisholm Trail utility scale solar project between the cities of Maize and Colwich.

I would like to request that **utility scale solar projects be prohibited within one mile of the area of influence for any municipality in the Solar Regulations for Sedgwick County.** This would still give Maize and Colwich room for future growth without being too restrictive.

Another concern with utility scale solar projects like the proposed Chisholm Trail Solar Project is the negative effect on wildlife.

There are bald eagles, owls, hawks, Canadian and snow geese, pheasants, doves, cardinals, red-winged blackbirds, purple martins, barn swallows, hummingbirds, sandhill cranes, egrets, deer, raccoons, skunks, rabbits, snakes, turtles, toads, barred tiger salamanders and many other animals living within or migrating through the area included in the proposed Chisholm Trail Solar Project. There are also a substantial number of butterflies, bees, moths and other insects living within and migrating through the area included in the proposed Chisholm Trail solar project. Pollinators are important to both crops and healthy ecosystems.

We also need to consider the potential for water and soil pollution. The Equus beds that provide much of the water for Wichita and Sedgwick County flow beneath the proposed Chisholm Trail utility scale solar project.

I appreciate your time and thank you for the opportunity to provide input on the regulations regarding utility scale solar projects in Sedgwick County.

Sincerely,

Vanessa Lane

I am a resident of Sedgwick county and STRONGLY support a decision to ban utility-scale solar within one-mile of the area of influence from all municipalities in Sedgwick County be adopted in the Unified Zoning Code for Utility-Scale Solar. Thank you

Linda Harden

I support a prohibition of utility-scale solar within one-mile of the area of influence for any city in Sedgwick County to be adopted in the Solar Regulations for Sedgwick County.

Julie McLain

I support prohibition of large scale solar etc near municipalities in SG County.

Kathleen Meyer

I am a resident of Sedgwick county and I have some concerns about some possible changes.

I am against allowing utility scale solar or wind in any populated areas. Also I am against allowing either of these in an area where the water table is high. There is too much risk to our environment.

Please take this into consideration when you make your decision. Thank you.

Paul Harden

**to: [Planning@wichita.gov](mailto:Planning@wichita.gov)** supporting a "prohibition of utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County" to be adopted in the Solar Regulations for Sedgwick County.

Sharon Scroggins

First of all, I would like to express my gratitude for Sedgwick County taking time to review solar restrictions. With the Chisolm Trail Solar Project making plans in west Sedgwick county, these restrictions will help protect future growth of the cities. Because of this, I do support the prohibition of utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County.

Thank you

Anthony Weber



Good Morning,

I am completely in support of a regulation that prohibits utility-scale solar **within one-mile of the area of influence for any municipality in Sedgwick County.** This would destroy the community and ruin property values, two things that we cannot allow to happen.

Dane Weninger

I am supporting a prohibition of utility scale solar within one mile of the area of influence for any municipality in Sedgwick county. It is not fair to the people next to these projects to have there homes and properties values greatly reduced. No one will want to buy there house when they try to sell. Please adopt this regulation for utility scale solar projects for Sedgwick County. Thank you.

Mark Weninger

I'm writing to say I support a regulation prohibiting **utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County.** This will ruin the community if we allow these ugly solar panels.

Willow Weninger

I am supporting a "prohibition of utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County" to be adopted in the Solar Regulations for Sedgwick County. I live within a few hundred yard from where these solar farms are to be installed. These panels will provide power to resident's in Oklahoma and do not benefit any Kansans except the land owners leasing to this Oklahoma company. The panels which will be replaced periodically will probably be discarded on our landfill at K96, adding more waste to the Kansas

environment. Keep our Kansas land beautiful and do not allow this Oklahoma company to ruin landscape.

Chad Werner

To whom it may concern –

I would like to voice my concern for the new solar farm that is being considered for Colwich, Kansas. We moved out to the country to have land, trees, grass and beautiful Kansas scenery. We did not sign up to have a huge solar farm within arm's length of our home. I am sure 99% of the other residents that will be affected by this feel the same way and I hope they are reaching out as well. This is going to create even harsher conditions than we already have out there. Increase in temperature, noise, the awful look of them, decrease in our property value and they will probably burn up our beautiful hedgerow. No amount of money or fencing will make this situation any better - especially considering the energy will go to Oklahoma and not even stay in Kansas!!! There is so much desolate land that could be used for this so there is absolutely no reason that a big solar farm should butt up to so many homes and farms.

I appreciate your time and consideration of me and all my neighbors' opinions. Please SAY NO to this solar farm proposal.

Thanks so much!

Wynter Harshbarger

To whom it may concern:

On behalf of a growing community, if utility scale solar is allowed, Invenergy will overtake the rural area to the west of where we live.

We expect growth of the urban life into the rural, but a benefit to living in west Wichita is the country isn't out of touch.

Could these solar panels be put somewhere that is not growing with beautiful homes and acres of people living a country life with urban benefits? Wouldn't this affect the families that chose this area for their country life getaway?

Thank you for your time,  
Lucy Johnson

**Subject: Solar regulations**

Please don't allow large scale solar farms in SG Co! I support a prohibition of utility-scale solar within three-miles of the area of influence for any city in Sedgwick County to be adopted in the Solar Regulations for Sedgwick County.

John McLain

I am a residence of Sedgwick County and I Strongly support a decision to BAN utility scale solar within one mile of the area of influence from all municipalities in Sedgwick County be adopted in the Unified Zoning Code for Utility-Scale Solar

Thank you

**John Nguyen**

Hello,

I am a resident and homeowner in Sedgwick County. I plead for our home (Sedgwick County) to adopt the regulation which prohibits utility-scale solar within one-mile of the city.

I support renewable energy but not at this scale so close to our home.

Thank you for taking the time to read this email.

--

Jacque Waite

Hello.

I am 100% in support of a regulation prohibiting **utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County. We cannot allow our community to be destroyed and property values ruined.**

**Donna Weninger**

Hello,

I am a resident and homeowner in Sedgwick County. I plead for Sedgwick County to adopt the regulation which prohibits utility-scale solar within one-mile of the city.

I support renewable energy but not at this scale so close to our home and our school district.

Thank you for taking the time to read this email.

Melissa Wilson

Dear MAPC APC committee,

I apologize for not being able to be here today. We had a situation arise with our cattle Wednesday afternoon that we have to get taken care of today.

My family owns land in the proposed solar project that we have been working with Inevergy for a few years now. First of all, I believe solar has a permanent place in today's world for clean renewable energy. It doesn't produce tons of carbon that ethanol plants produce nor have leaky generators that wind turbines have. It is quiet and non-polluting to the environment.

When this project was proposed to us, I made it clear that they had to work with my neighbors to ease their view of panels. I believe they have done their best to those that have been willing to work with them and talk. I believe the rules that they were originally presented with to follow are all within reason. Not sure how one can let them invest the amount of money doing their due diligence the last couple years then all of a sudden put a halt to them and think about changing the rules possibly out of reason. Doesn't seem proper

A couple things I have been concerned with is making sure the solar project is presentable to the public as they drive by and see it. I believe this has been addressed. Any undeveloped ground the landowner will still be able to make hay off of the grass so it won't be waste ground. The second is the decommissioning. Our attorney has reviewed and is good with language. This is something that has to be rock solid for the future. I believe any water contamination issues can easily be addressed. Most of the scuttle talk is people don't want to see a change of scenery unless THEY are on the benefitting end. You all should have received a letter that was forwarded to you stating how I feel about property rights.

This solar project fits in well as it is adjacent to the Evergy substation which makes it ideal for the electricity produced to easily get on the grid. A Lot of the parcels in the project have one maybe two transmission lines running through the properties from the substation now going cross country. Solar is a good fit for this ground.

This project has had rules given to them by the county that they have followed. I feel they should be allowed to continue their project under the rules they were given to follow. Yes, there may be room for a minor tweak but don't be going to drastic measures just to try and kill a good project.

Thanks for your time

Alvin Neville



**January 17, 2024**

I am opposed to this idea for future generations and my reasons are in the following short story.

I'm of the opinion that the more vegetation upon the surface of this planet, the more carbon dioxide that will be exchanged with that vegetation and Oxygen produced. Our government wants to handle the excess global carbon situation with wind power and solar power, which will eliminate vast plots of soil. Our government wants to store this collective power in batteries, manufactured by foreign entities, which in a short history, start fires and explode, and reduce more vegetation space. The scenario of the earth starts to have a barren landscape and an evolution trigger on the ecology. The animal kingdom cannot find vegetation to graze and starve. The meat eaters cannot find grazers and turn on other prey (humans, the few that will be left, because there is not enough oxygen to sustain life as we know it). Then evolution kicks in while the ecology is collapsing and the land masses are void of vegetation. The earth resembles the movie "Pitch Black, Vin Diese, 2000". To my knowledge, all this better for the environment that the wealthy barons convince the government to do is NOT well thought out. If "Climate Change" is real, which I am skeptical, why would you choose to do things to escalate it? Why would you take measures to interfere with life cycles? Why for the "Big Money" mess with the balance of life?

I am the author of this and it is my opinion

r.tennyson

"I am a resident of Sedgwick County and I strongly support the adoption of a decision to ban utility-scale solar installations within one mile of the area of influence of all municipalities in Sedgwick County. This should be included in the Unified Zoning Code for Utility-Scale Solar. Thank you."

Kim Williams

I own a home in the city of Wichita. My daughter and her family own a home on north 135th street. Please don't fill the fields around her home and the other residents that live in the area with solar panels. Acres of solar panels should be away from where people live.

My family and I appreciate you considering our thoughts and concerns about the solar energy plan that would fill the fields close to our homes.

Connie Baum

I am writing to express my concern for the large solar project in west Sedgwick County. Please consider adopting solar regulations that would prevent a large utility-scale solar project this close to residential areas.

Thank you for your consideration.

Sincerely,

Shane Harden

NW Wichita resident





January 15, 2024

Metropolitan Area Planning Commission  
271 W. 3<sup>rd</sup> – Suite 201  
Wichita, KS 67202

Sedgwick County Board of Commissioners  
100 N. Broadway, Suite 660  
Wichita, KS 67202

Dear Sedgwick County Board of Commissioners and Planning Commissioners:

On behalf of the Maize City Council, we would like to express our concerns regarding the proposed regulations that will dictate placement of large utility scale solar projects such as the proposed Chisholm Trail Solar Energy Center proposed between the cities of Colwich and Maize within the boundaries of Sedgwick County.

While the City of Maize indeed supports environmentally friendly conservation efforts and renewable energy projects, we feel that any authorization of large utility scale solar projects in Sedgwick County should be given with careful consideration as to how they effect the communities that they are located nearby. The Chisolm Trail project for example in its proposed location would be located within the area of influence for the City of Maize. The proposed project has potential leases with at least 750 acres of developable properties.

As you are aware, Maize is one of the fastest growing cities in the State of Kansas. Maize has grown from an estimated 5,735 residents in 2020 to an estimated population around 7,200 at the end of 2022. Based on new housing starts and ongoing residential development, we expect our population to reach 10,000 residents sometime during the middle of the decade. With forward momentum from this growth, it will require development of additional properties for commercial, industrial and additional residential along the outskirts of the community. Projects such as the proposed Chisholm Trail Solar Energy Project will certainly have a lasting impact on potential to develop in the growth areas west of Maize. With expected leases being identified near the Maize Industrial Park, the location of the solar project in that growth area will certainly deter growth now and into the future, both for residential and for industrial expansion.

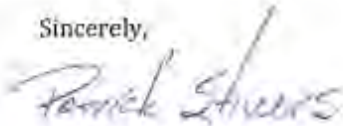
The Utility Scale Solar regulations being considered by the Metropolitan Area Planning Commission will greatly impact the future of expanding suburban cities within the County. Our hope is that the MAPC consider strongly limiting siting of utility scale solar projects being proposed in areas of influence for all of Sedgwick County's communities. If large scale solar is ultimately granted in Sedgwick County, we ask that the cities impacted have an ultimate say in what makes sense for their individual communities for future growth. We hope on-site solar projects such as the one at Maize High School will continue to be allowed,

10100 W Grady Avenue • Maize, KS 67101 • 316-722-7561 • [www.cityofmaize.org](http://www.cityofmaize.org)

but that more scrutiny be given to large scale solar projects that impact long-term growth of the entire county. In order to accomplish this, our preference is that land use regulations for solar energy systems contain provisions that prohibit locating solar energy systems, except one acre or less in size, within urban growth areas as identified in the 2035 map. An alternative land use regulation might be to permit, subject to all other conditions, the locating of a solar energy system, one acre or less in size, within an urban growth area if affected cities find, after conducting a public hearing, determine that the locating of the solar energy system would not be detrimental to future growth of the affected city. The reasoning behind this proposal is that a city is in the best position to decide whether a proposed solar energy system would be detrimental to its future growth.

We greatly appreciate the opportunity to address this policy setting body with our concerns. We would openly support continued dialog on the issue and encourage discussion with our City Manager Nick Gregory on this topic, which will critically shape our community growth.

Sincerely,

A handwritten signature in cursive script that reads "Pat Stivers".

Pat Stivers, Mayor  
City of Maize

**January 19, 2024**

I support a prohibition of utility-scale solar within one-mile of the area of influence for any city in Sedgwick County to be adopted in the Solar Regulations for Sedgwick County.

Kim & Kari Kimbro

409 Homestead Ct

Colwich, KS 67030

To whom it may concern,

I am writing to voice my concerns about large-scale utility solar farms in our area and to support restrictive measures on size and locations. In fact, I think the county should not allow large scale developments at all. They certainly shouldn't be allowed within areas of influence for a city's future growth.

I have heard arguments from the land owners saying it's their land and they should be able to do with it what they want. My reply to that is everyone falls under zoning requirements, and solar farms isn't a permitted use for ag land, which is what they bought. Shoot, id like to park old cars in my yard or start a scrap yard on my land but I cant due to zoning restrictions. Zoning is designed to protect the area and neighboring property owners from someone doing something that could negatively affect their land value. Putting thease large solar farms up will have a negitivte affect on several existing home and land owners. No one ever said, man I wish I had a view of hundreds of thousand solar panels that surrounded my house. But this is exactly what these types of projects will do, they will negatively affect current property owners and stop development in those areas because 99.9% of the population don't want to look at them or live by them. And this is why it's not in the best interest of Sedgwick County to allow them, it just doesn't benefit the vast majority citizens of our community, just a couple land owners.

Last point, if solar is the answer, why is there not more money being invested in roof top sysyems for residential or commercial? Why is the industry a wild wild west of scammers and with little regulation? I will tell you; this is all smoke and mirrors to make people happy that we are saving the planet, but in reality, we don't have enough land, especially farm land to put enounh panels up to make a noticable diffrence. The fact is they utility companies want to make money, if everyone put solar on their houses they would lose out big time, thus the reason it's not being developed and pushed. They say they want solar but they really don't, they just want the illusion of solar... in the end its all about their pocket books.

Eric

I support a prohibition of utility-scale solar within one-mile of the area of influence for any city in Sedgwick County to be adopted in the Solar Regulations for Sedgwick County.

Shirlene Simon  
205 Homestead Court  
Colwich, KS 67030

I am a resident of Sedgwick County, Kansas and own two properties at 3515 and 3601 W. 79<sup>th</sup> St. S. Haysville, Ks.

I strongly urge that your new policy / rule / code ban utility scale solar planning and installation with at LEAST a one mile minimum area of influence. This would be good policy for most of Kansas, but I understand at present we are only looking at Sedgwick County Kansas. Not only solar zoning for Utility Scale but I would like for you to put some thought into Wind Mill Utility Scale locations near areas of influence also.

Greg and Dianne Fenster  
3515 W. 79<sup>th</sup> ST. S.  
Haysville, KS. 67060

To Whom It May Concern:

I am writing in opposition of the proposed solar farm near Colwich. As a community bank and a stakeholder in the area, I don't see any value in having this project move forward. To the contrary; we are actively working with area landowners and real estate developers to identify sites for new residential development that would benefit the tax base, schools and other area businesses for many years to come. A solar farm would inhibit the ability for the Colwich community to grow.

I would welcome any conversation on the topic if you deem it necessary. Thanks in advance for your consideration.

Steven F. Suellentrop  
President / CEO  
Legacy Bank | 3711 N Ridge Rd | Wichita, KS 67205  
P: (316) 260-3711 | F: (316) 260-3791  
[stevens@legacy.bank](mailto:stevens@legacy.bank) | [www.legacy.bank](http://www.legacy.bank)



**January 21, 2024**

Hello,

I am a current Sedgwick County resident and I am writing to let you know that I strongly support a decision to BAN utility-scale solar within one mile of the area of influence from all municipalities in Sedgwick County be adopted in the Unified Zoning Code for Utility-Scale Solar.

Thank you,

Nicole Fenoglio

I strongly support the decision to ban large scale, solar collector farms, or any size solar collector farms within 1 mile of any municipal Sedgwick County municipal areas of interest.

Judy Meek  
Sedgwick County resident and taxpayer.

My name is John Von Waldner and I am a resident of Sedgwick County and I live within the area of influence of a projected large scale utility solar farm. I strongly support a decision to change or modify the zoning code to ban large utility scale solar projects within a mile or more of areas of influence. These projects do not provide any monetary gain for the county such as taxes, no electrical power upgrades or usage for our county or citizens and takes away from real substantial residential development opportunities for Sedgwick County. With these things to consider, why would anyone be in favor of projects of this size and magnitude that provide NO benefit to our county???

Thank you,

John Von Waldner

Hello,

My name is Jason Fenoglio and I live in Wichita near 37<sup>th</sup> and Maize, and within Sedgwick County. I wanted to voice my support for the ban of utility-scale solar within the one mile area of influence from all municipalities of Sedgwick County.

I hope you and the county commissioners uphold the ban to protect our communities from this corporate misuse of land in a deceptive alternative energy campaign.

Thank you,

Jason Fenoglio

I have attended planning meetings and many local meetings dealing with large scale solar. In addition I have spent time and effort researching the subject. The more I have learned the more questions I have. In some cases it becomes a genuine concern.

The number one issue both locally and nationally is the location as it relates to communities. Having some kind of buffer or boundary would eliminate many of the concerns. It would protect the residents, local developers, and potential developers of solar. A clear boundary would benefit everyone involved. I



have heard numbers like three to five miles. Five miles is probably a little much. A one mile buffer outside the area of influence was discussed at the last county meeting. Honestly I would like to see something more than a mile but a mile would be helpful.

Thank You

Eugene Fields

I support regulations prohibiting utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County.

Beverly Jones  
Bel Aire, KS

### **January 22, 2024**

Please ban large solar farms in this the most populous and fastest growing county in our state. There are better suited sites for such.

Especially concerning is the proposed Chisholm Trail Project that would benefit only a few leasing farmers to the detriment of many area families, not to mention Maize and Colwich communities. And the energy is going to Oklahoma!! Northwest Sedgwick County would be basically cut off from what would be the efficient and natural residential growth area. And there are concerns about that solar field placement over equus beds that supply Wichita water.

At a bare minimum , ban utility solar within one mile of the area of influence of municipalities.

Thank you,  
Jan Faroh  
Resident of Sedgwick Co

Mr. Wadle and the Planning Committee,

I am a resident of Sedgwick County and would like to voice my support to ban Large Scale Solar projects within AT LEAST a one mile area of influence of any municipalities in Sedgwick County. I feel strongly that this will stunt the growth of our smaller communities as well as growth in these areas.

Thank you for your support and serving to better our community,

Grace Ethridge

12220 W Hunters View Street

Wichita, KS 67235

I support a "prohibiting utility scale solar for 1-3 miles outside the area of influence of any municipality". This buffer to provide for growth and development in the next 30-70 years. The 2015 Comprehensive (Community) Plan states that protecting cities is part of the #1 goal and new regulations are for the UNINCORPORATED areas of the county.

A county wide BAN may be in the best interest of the county but due to considerations for interest of the developing companies versus citizens in the unincorporated areas and municipalities of the county, it is not even a point of discussion.

Leroy Bosch

6716 N 135 W

Colwich, Ks

I'll make this short and simple. But it's very important to us.

I support a "prohibition of utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County" to be adopted in the Solar Regulations for Sedgwick County. Please stop this. It will destroy our committee, our churches and our schools. It will stop the growth of our area.

Thank You.

ANN



*Ann Allaire*

Vision Homes

405 West Wichita

P.O. Box 608

Colwich, Kansas 67030

Mbl - 316.308.6670

*"It is never too late to be what you might have been." George Eliot*

I am a member of Sedgwick county

I support the proposed ban on utility scale solar within a one mile of any municipalitys area of influence in Sedgwick County

I am a resident of Sedgwick county and I also own additional land in Sedgwick county. My wife and I have been actively involved in the process to modify the zoning regulations regarding utility scale solar. We would STRONGLY support a decision to **ban** utility-scale solar within one-mile of the area of influence from all municipalities in Sedgwick County. We would prefer you consider a **total ban** of utility-scale solar within the ENTIRE county be adopted in the Unified Zoning Code for Utility-Scale Solar.

Thank you

Anthony and Betty Wetzel

**January 23, 2024**

I support a "prohibition of utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County" to be adopted in the Solar Regulations for Sedgwick County.

Roy Thieding

I support a "prohibition of utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County" to be adopted in the Solar Regulations for Sedgwick County.

Keith Robertson

Please support a prohibition of utility scale solar within one mile of the area of influence for any municipality in Sedgwick county.

Thank you

Jennifer Burkhardt

Please support a prohibition of utility scale solar within one mile of the area of influence for any municipality in Sedgwick County. Thank you. Chris Clark, Colwich.

Mr. Scott Wadle

I am a resident of Sedgwick county and I strongly support a decision to ban large scale solar projects/facilities within the cities Area of Influence plus at least one-mile beyond the cities Area of Influence in Sedgwick County. The purpose of this ban would help ensure the safety, health and future growth of our urban cities.

Thank you for your time.

--

Tim Mullen

6718 N. 135th West

Colwich, KS

We appreciate your voting for the below regulations. We do not want solar panels in our neighborhood where we have lived for 30+ years and have raised our family. We have retired and plan to live out our years in the peaceful beautiful country atmosphere. Thank you!

Metropolitan Area Planning Department (MAPD) is seeking additional input from Sedgwick County residents on regulations prohibiting utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County.

Ronald and Patricia Owings

6512 N 135th st west

Colwich Kansas

Mr. Scott Wadle

I am a resident of Sedgwick County and I strongly support a decision to ban large scale solar projects/facilities within the cities Area of Influence plus at least one-mile beyond the cities

Aarea of Influence in Sedgwick County. The purpose of this ban would help ensure the safety, health and future growth of our urban cities.

Cindy Mullen

6718 N. 135 West

Colwich, KS

**January 24, 2024**

Please support a "prohibition of utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County" to be adopted in the Solar Regulations for Sedgwick County .

Angela Banz

Colwich, KS



# Invenergy

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1401 17th Street | Suite 1100 | Denver, CO 80202  
T 312-224-1400 | F 312-224-1444

Scott Wadle, Wichita-Sedgwick County Metropolitan Area Planning Department Director  
& Wichita-Sedgwick County Metropolitan Area Planning Commission, Advanced Plans  
Committee  
271 W 3rd St  
Suite 201  
Wichita, KS 67202

January 22, 2024

## **RE: Urban Areas of Influence & Ongoing Solar Project Development**

Mr. Wadle & Committee Members,

My name is Mitch Lucas, and I am a Senior Associate of Renewable Development with Invenergy. I work on a team at Invenergy that develops utility-scale electricity generation projects across Kansas, including in Sedgwick County.

At the January 11<sup>th</sup>, 2024 Advanced Plans Committee meeting, there was lengthy discussion about whether utility-scale solar projects in Sedgwick County should or should not be set back from Urban Areas of Influence. Prior to the meeting, we submitted a letter, dated January 5<sup>th</sup>, 2024, from a Sedgwick County resident and farmer, Alvin Neville, who is participating in an Invenergy solar project. In his letter, Alvin expresses deep concern for the potential property rights implications of restricting land development in Urban Areas of Influence. Additionally, at the January 11<sup>th</sup> meeting during the public comment period, I discussed the potential negative impacts that imposing setbacks in or around Areas of Influence would have on Sedgwick County landowners and ongoing solar project developments. We think it's important to expand on these thoughts and document them for the committee members in writing.

We strongly urge the Committee not to impose setbacks or ban solar in Urban Areas of Influence. We do not believe that the Committee's intention is to prevent solar development. Therefore, it's important to inform the Committee that imposing setbacks within Areas of Influence would cause serious harm to Sedgwick County landowners and ongoing solar project developments. If the Committee is interested in seeing utility-scale solar projects come to fruition in Sedgwick County, they must not impose setbacks or ban solar in Urban Areas of Influence.

We appreciate the Committee's interest in improving the existing regulations for solar in the county broadly and is not focusing on individual projects. However, Invenergy is actively developing a project which overlaps an Area of Influence. We are also aware of several other ongoing utility-scale solar project developments in Sedgwick County that overlap Areas of Influence or are directly adjacent. Invenergy has invested millions of

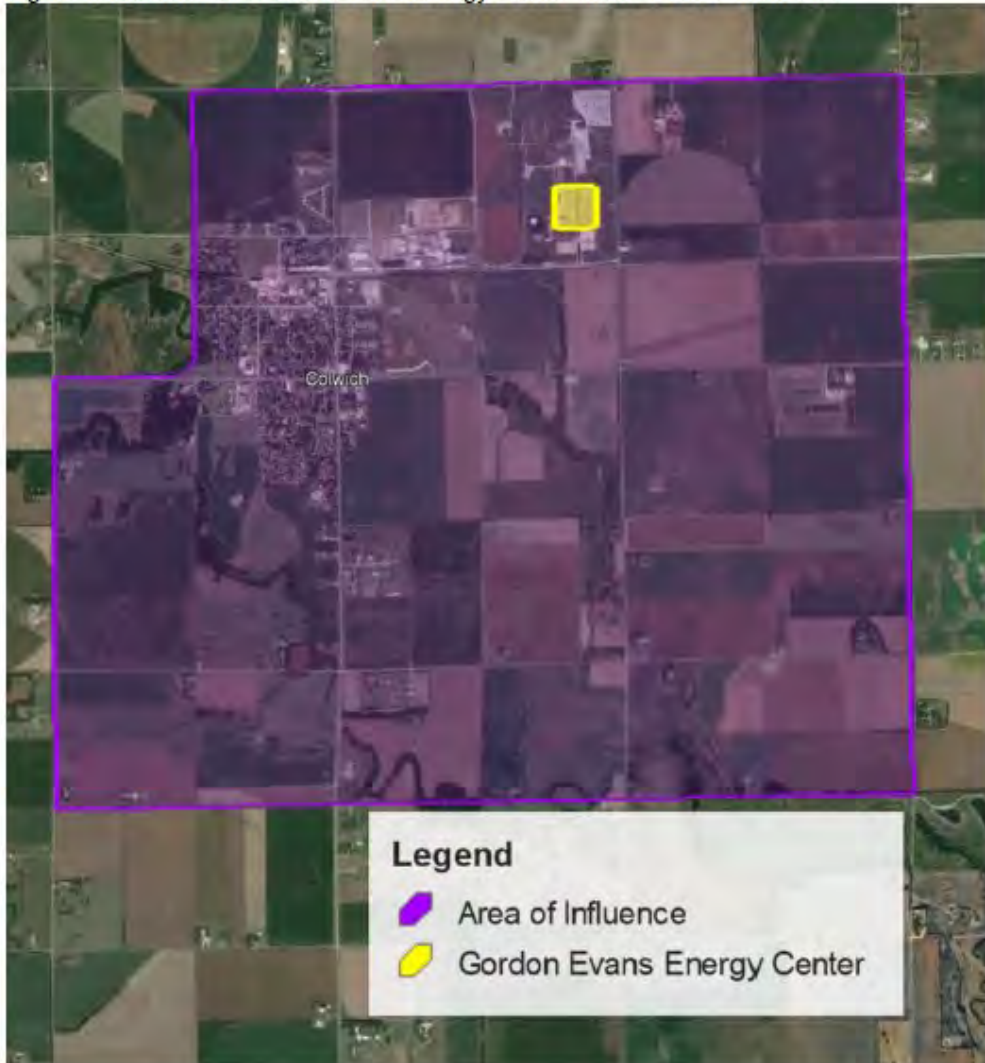
## Invenergy

dollars in the development of a solar project in and around an Area of Influence. Invenergy began development on this project in 2019, when the solar ordinance was originally passed, because it provided a solid framework to drive the siting and design of the project. Based on the existing 2019 regulations, our local landowner partners believed that a solar project could be developed on their land. Imposing a setback or banning solar inside Areas of Influence now would terminate our project and several others already underway in Sedgwick County. This would harm local landowners and eliminate the potential for hundreds of millions of dollars in capital investment in Sedgwick County communities.

Invenergy chose the location for its Sedgwick County solar project due to the presence of the existing electrical substations and overhead transmission line infrastructure associated with the Gordon Evans Energy Center. Gordon Evans is located inside an Area of Influence. Utility-scale solar projects deliver the power they generate to the electrical grid. This means that these projects must be located near existing high-voltage electrical grid infrastructure, such as the Gordon Evans Energy Center. Developers will only choose to site solar projects inside Areas of Influence if those areas are close to substantial electrical grid infrastructure. It is unnecessary to ban solar inside Areas of Influence because utility-scale solar will likely not be built in these areas if they do not already contain high voltage electrical grid infrastructure. Banning solar inside Areas of Influence would eliminate utility-scale solar development in the area around Gordon Evans, which is one of only two 345 kilovolt high-voltage substations in Sedgwick County. In the select areas where it may be desirable to site utility-scale solar near existing transmission and substations inside Areas of Influence (such as near the Gordon Evans plant), Sedgwick County should leverage their existing zoning and land use permitting process to evaluate individual proposals on a case-by-case basis.



Figure 1: Location of Gordon Evans Energy Center inside Area of Influence



The Sedgwick County zoning and land use permitting process already provides a unique and powerful mechanism for cities to weigh in on developments proposed in their Urban Areas of Influence by increasing the threshold for County Commission approval of a Conditional Use Permit. Additionally, the existing process allows cities' planning boards to review and make official recommendations regarding proposed developments in their Urban Areas of Influence. The existing process allows for individual projects to be judged on their merits, for conditions of approval to be applied, or even for proposals to be denied.

## Invenergy

It would be unfair to Sedgwick County landowners for the County to delegate even more authority to cities by banning certain land uses outright within Areas of Influence. If utility-scale solar were banned within Urban Areas of Influence in Sedgwick County, it would be the only land use banned within Urban Areas of Influence.

We urge the Committee not to impose setbacks or ban solar in Areas of Influence. Sedgwick County should continue to leverage their existing zoning and land use permitting process to evaluate individual solar project proposals on a case-by-case basis, just as it does for every other type of land use. If utility-scale solar is banned inside Areas of Influence, projects that have been underway for several years would be terminated. This would cause serious harm to local landowners and eliminate sizeable capital investment in these areas.

Sincerely,

**Mitch Lucas** | Senior Associate, Renewable Development  
Invenergy | 1401 17<sup>th</sup> Street, Suite 1100, Denver, CO 80202  
[mlucas@invenergy.com](mailto:mlucas@invenergy.com) | D 720-617-7306 | C 301-848-2535 | @InvenergyLLC



# Unified Zoning Code & Solar Update

Comment Form

## Sedgwick County Association of Cities (SCAC)

Date: January 20, 2024

Time: 8:30 am – 10:00 am

Location: 615 N. Main. ArkValley Room

### INSTRUCTIONS:

1. Please fill in your name and affiliation.
2. Please write your comment on this form and return it to the Comment Box on the registration table or send to one of the following:  
**Mail:** 271 W. 3<sup>rd</sup> St. N., Wichita Kansas, 67202 c/o Justin Constantino, MAPD  
**E-mail:** jconstantino@wichita.gov

Name: Nick Gregory

Affiliation (Company or Organization): City of Marze

### Please provide written comments below:

Zoning code as it pertains to solar is a difficult issue. Solar is an important issue going forward. However, solar in Sedgwick County should be limited in size, scope, and location. The growth of municipalities adjacent to Wichita has and continues to be significant. ~~Zoning~~ <sup>Large</sup> scale utility solar, should strongly be limited to protect the continue growth and momentum of this growth. Zoning regulation need to limit the scale of solar at minimum ~~to~~ within the area of influence and ~~the~~ even better 1 mile outside the area of influence. Recognizing

Back

that solar continues to be important when it serves on site development through net metering. ~~By~~ It is possible that some on-site development <sup>of solar</sup> for some larger industries could be one to 1.5 acres in size. A limitation of 1.0 to 1.5 acres <sup>of</sup> solar developments ~~plans~~ seem reasonable for the areas of influence. To avoid multiple solar development there need to be some proximity limitation to avoid wind corridors for large utility scale solar.

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We support the prohibition of the utility-scale solar within one-mile of the area of influence for any municipality in Sedgwick County.

Dennis & Glenda Ebert  
102 Centennial Place  
Colwich, KS 67030

Mr. Wadle and the Planning Committee,

I am a resident of Sedgwick County and would like to voice my support to ban Large Scale Solar projects within AT LEAST a one mile area of influence of any municipalities in Sedgwick County. I feel strongly that this will stunt the growth of our smaller communities as well as growth in these areas.

Thank you for your support and serving to better our community,

Grace Ethridge  
12220 W Hunters View Street  
Wichita, KS 67235



Mr. Wadle and the Planning Committee;

I am a resident of Sedgwick County and would like to voice my strong support for a decision to ban utility-scale solar within AT LEAST one mile of the area of influence from all municipalities in Sedgwick County.

I am not at all against solar, but I think within the areas of influence it is not logical when looking at development and growth of Sedgwick County. We want our county to have the option to be progressive in growth of our communities, this would drastically limit and stunt growth of smaller communities that are within areas of influence. If it is outside the one mile plus area of influence, it can still allow for growth outside those areas, but leave plenty of opportunity for these small towns within our county to flourish and grow as we have seen over the past many years.

Imagine in we had placed large scale solar at 127<sup>th</sup> East and 21<sup>st</sup> street 15-20 years ago. Or what about 29<sup>th</sup> and Maize Rd, 37<sup>th</sup> and Webb...I could go on?! There are many examples of how large scale projects such as this would have stunted growth in these high growth areas when they would have been within the area on influence. I assure you we would not have the multi-millions, maybe billions, of dollars worth of growth and revenue in those areas. Please do not choose to stunt and limit our opportunities in these areas, please listen to your constituents who you represent.

Thank you for your time,

Brooke Ethridge

12220 W Hunters View Street

Wichita, KS 67235

(316) 841-2587

[fields\\_b@hotmail.com](mailto:fields_b@hotmail.com)

I have attended planning meetings and many local meetings dealing with large scale solar. In addition I have spent time and effort researching the subject. The more I have learned the more questions I have. In some cases it becomes a genuine concern.

The number one issue both locally and nationally is the location as it relates to communities. Having some kind of buffer or boundary would eliminate many of the concerns. It would protect the residents, local developers, and potential developers of solar. A clear boundary would benefit everyone involved. I have heard numbers like three to five miles. Five miles is probably a little much. A one mile buffer outside the area of influence was discussed at the last county meeting. Honestly I would like to see something more than a mile but a mile would be helpful.

Thank You

Eugene Fields

### **January 31, 2024**

I am a Colwich resident. This particular project will NOT benefit anyone in Kansas. This would be a monstrosity that would take up WAY too much land and would devalue owner properties around. We don't know what it might do to the water. It will also affect the birds, killing many. We are already landlocked here in many ways.

Once this company is finished, it will belong to Oklahoma. When the solar farm is not working, NOONE in Oklahoma will be coming here to tear it down. PLEASE do not allow this to happen to our precious land!!!!

Sincerely

Judy Jemison

### **February 2, 2024**

To whom it may concern,

I have expressed past concerns about the future of water in Sedgwick County and the residents there of. Specifically, solar projects that are proposed in the Cheney Lake drainage basin and above the aquifer in the Maize/Colwich pose a risk.

More are on the way! Invenenergy letter to Advanced Plans, Jan 22, 2024, "We are aware of several other ongoing utility-scale solar projects in Sedgwick County that overlap Areas of Influence or are directly adjacent".

The potential for contamination is real and should be a consideration in regulations for Sedgwick County. Along with lead, cadmium, zinc, and others, there are the "forever chemicals", polyfluoroalkyl substances (PFAS). The attached article on PFAS' provides some useful insight from others around the United States. It is educational and well referenced.

I ask that the content be considered for regulatory input in construction and testing for the safety of all Sedgwick County residents, municipalities and collectively, our water.

Thank you for your time and consideration,

Leroy Bosch



900 W. 48th Place, Suite 900, Kansas City, MO 64112 • (816) 753-1000

February 2, 2024

Alan Claus Anderson  
Shareholder  
816.572.4761  
816.817.7310 Fax  
[aanderson@polsinelli.com](mailto:aanderson@polsinelli.com)

Scott Wadle  
Director of Planning  
Wichita-Sedgwick County Metropolitan Area Planning Commission  
271 W. 3rd Street  
Wichita, KS 67202

Advance Plans Committee Members:

Thank you for the opportunity to provide the following written comments as part of Sedgwick County’s process of re-evaluating the county-level zoning ordinances applicable to solar energy conversion systems (“SECS” or “solar projects”) previously approved by the Metropolitan Area Planning Commission Advance Plans Committee (the “Committee”). The recently proposed revisions added provisions related to soil and groundwater testing to the Committee’s previously approved, thoroughly vetted, and well-reasoned zoning ordinance. We appreciate the Committee’s desire to address community concerns around solar projects and protect the health and safety of Sedgwick County’s citizens. However, the soil and groundwater testing provisions suffer from two fundamental issues: 1) they are not narrowly-tailored and specific; and 2) they increase the burden on both the County and developers without providing a material benefit to the health and safety of Sedgwick County’s citizens.

The following discussion addresses each of these issues and is intended to be helpful context from the perspective of a solar developer.

*The Soil and Groundwater Testing Provision Should be Revised to be Narrowly-Tailored, Specific, and Based Upon Scientific Authority*

From the perspective of a solar developer, the primary issue with the recently proposed provision is there does not appear to be an evidentiary basis to support the soil and groundwater testing provisions. Solar projects are built primarily using common, household materials which have been proven safe, and developers are eager to demonstrate the safety of modern solar energy technology

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to their host communities. However, complying with provisions like the proposed soil and groundwater testing provision can be difficult when there is no clearly articulated purpose. Without an evidentiary basis or clearly articulated purpose, it is difficult for solar developers to respond to the County's concerns and provide revisions to the proposed ordinance provisions that are thoroughly vetted and well-reasoned. Further, with an evidentiary basis and articulated purpose the solar developer can better comply with the proposed ordinance.

Because an evidentiary basis and articulated purpose have not been provided, the soil and groundwater testing provisions are not narrowly tailored to meet the ordinance's objective. For example, the proposed testing provision does not make clear what the soil and groundwater needs to be tested for. Further, if soil and groundwater testing needs to occur, then it should be conducted only in defined circumstances or if certain thresholds are exceeded.

Information that would be helpful to a solar developer in providing revisions and feedback might include: identifying specific contaminants of concern; identifying the scientific basis for why it is of concern; identifying science-based contamination levels of concern; providing relevant scientific studies and analyses connecting solar projects to the concern; and identifying unique circumstances within the County that are particularly susceptible to contamination. At this time, none of that information has been provided for the Committee to make an informed decision. In fact, this Committee's own Staff has presented information to the Committee demonstrating that shifting land use from agriculture purposes to solar results in an improvement to soil and groundwater.<sup>1</sup>

This information would also assist in addressing other proposed revisions, such as the proposed revision that would require solar developers to provide information on construction materials to be used in the solar project. That provision should also be narrowly tailored with a clearly articulated purpose. If that provision is meant, as it appears, to address alleged soil and groundwater contamination from steel piles, then we would propose that the scope be limited to providing material data sheet for those steel piles. A broad requirement to provide data sheets for all materials, at the time a CUP application is submitted and well before all of that information is known, unnecessarily increases the burden on staff and applicants without providing a tangible benefit for the health and safety of citizens in return.

Getting that information before the Committee now is essential because the solar opposition groups will make a full-range of claims about solar project contamination without any evidentiary basis. If the Committee acquires that information now, then the Committee and the County can implement a thoroughly vetted and well-reasoned ordinance as it did previously.

Finally, while we recognize that precisely-defined and scientifically-based soil and groundwater testing can be appropriate, testing that is ill-defined and not backed by scientific evidence is overly burdensome for both the County and solar developers. The solar developer has to conduct soil

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<sup>1</sup> See slide 33 of the January 10, 2024 Unified Zoning Code + Solar – Update presentation, available at: <https://www.wichita.gov/DocumentCenter/View/23333/Solar-Presentation-2024-01-11-PDF>.



and groundwater testing, each are individually expensive, over the course of the life of a project, which makes solar projects less economic. The County will have to employ and dedicate Staff with sufficient expertise to review the studies. A tremendous amount of cost and effort is incurred with any soil and groundwater testing provision. That cost is another reason for the testing provisions to be narrowly-tailored and backed by science so time and money is not wasted.

*Material Safety Regulations Pertaining to Steel Piles Should be Narrowly Tailored*

Regarding the use of steel piles, it is important to remember that steel in the ground is not new and has been used in various industries for many decades. Buildings, roadways, bridges, guiderails, light poles, sign structures, etc. all commonly utilize steel piles.

Far from presenting risks to public safety and health, the steel piles used for the project are made using modern advanced technology with public health and safety in mind. Steel and iron are commonly coated with zinc to prevent rust and corrosion through the process of galvanization.<sup>2</sup> Hot-dip galvanizing is the factory-controlled process of immersing steel or iron into a bath of molten zinc, where the zinc reacts with the iron in steel to form a series of zinc iron intermetallic alloy layers.<sup>3</sup> This zinc coating resists steel corrosion and provides protection to the steel for many decades in most environments.<sup>4</sup> During galvanization, a metallurgical reaction takes place as the coating grows perpendicular to all surfaces, creating a coating that is uniform and tightly bonded to the steel.<sup>5</sup> The tightly bonded layers have a bond strength of approximately 3,600 pounds per square inch (psi), making the layers of the coating abrasion resistant and difficult to damage and wear.<sup>6</sup> The resulting product is both strong and durable, which is why it is broadly utilized by a wide variety of industries in Sedgwick County.

*Solar Projects Are Already Subject to Substantial Environmental Oversight, So Additional Burdens on the County Are Unnecessary*

It is important to remember that there are robust mechanisms already in place that ensure citizens are safe from contaminants in the environment. Solar developers and their projects are already subject to robust federal and state environmental reviews. The federal environmental reviews, permits, and statutory protocols to which a solar project is subject can include, among others: consultation with the United States Fish & Wildlife Service on Protected Species and Habitat pursuant to the Endangered Species Act, Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act; Incidental Take Permit for Federally Listed Species; Compliance with the Migratory Bird Treaty Act; United States Army Corps of Engineers ("USACE") Section 404 Clean

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<sup>2</sup> See generally American Galvanizers Association, *Hot-Dip Galvanized Steel's Contribution to Zinc Levels in the Soil Environment* (2023), available at: <https://galvanizeit.org/education-and-resources/publications/hot-dip-galvanized-steels-contribution-to-zinc-levels-in-the-soil-environment>.

<sup>3</sup> *Id.* at 4.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 5.

<sup>6</sup> *Id.*



Water Act Nationwide Permit; and United States Environmental Protection Agency (“EPA”) Spill Prevention Control and Countermeasures Plan; USACE Wetland Delineation Report for the Proposed Project Area; and EPA Phase I Environmental Site Assessment.

The state environmental reviews and permits required for a solar project can include, among others: the Kansas Department of Wildlife and Parks Consultation on Protected Species and Habitat pursuant to the Endangered Species Act and Migratory Bird Treaty Act; Kansas Natural Heritage Inventory Natural Heritage Review; Kansas Historical Society National Historic Preservation Act/ Section 106 Consultation; Kansas Department of Health & Environment – Bureau of Water Kansas Water Pollution Control General Permit / NPDES Permit; Kansas Department of Health and Environment – Bureau of Air Combined Construction and Class II Operating Permit; Kansas Department of Agriculture, Division of Water Resources Floodplain Fill Permit; and Kansas Department of Agriculture, Division of Water Resources Stream Obstruction Permit.

In short, solar projects exist in a highly regulated environment and are designed to protect the public health and safety.

*Final Remarks*

The Sedgwick County solar ordinance as passed by the Committee prior to the Sedgwick County solar moratorium was thoroughly vetted and well-reasoned. The soil and groundwater testing provision needs the same level of vetting and reasoning. Therefore, I suggest the County review the evidentiary basis for the testing provision and only approve a provision that is in conformance with relevant scientific studies and advances that scientific objective.

I appreciate your consideration of these comments and of all the information included herein. All of the information included in this correspondence is intended to be helpful in the Committee’s decision-making process. We look forward to continuing the dialogue regarding revisions to Sedgwick County’s solar ordinance.

Sincerely,



Alan Claus Anderson

## February 5, 2024

To: Scott Wadle

Re: Solar Moratorium

I would like to address the issue of Urban Growth & Development and the discussions that have taken place at the Advance Plans Committee meetings. Specifically, the conversation relating to the ban of large scale solar in the Urban Growth Area, one mile outside of the UGA, or no change to the current UZC or Comprehensive Plan.

January 11<sup>th</sup> meeting:

- Chair Foster would look at 1-mile, “makes some sense.”
- Chair Foster would look at no solar in Area of Influence or AOI plus at most 1-mile, not 3-5 miles.
- Chair Foster presented motion for no solar in AOI plus 1-mile.
- Mr. Warren agreed.
- Two committee members seconded the motion.
- Mr. Wadle reminded the committee of the CUP process that already allows for small city input.
- Members begin back tracking on previous motion.
- Mr. Wadle suggests getting additional public input.

Public input, according to information in the agenda packets, shows the Planning Dept received sixty-nine emails/letters from 1/1/24 – 1/16/24. The results show:

- 2- suggests stricter site regulations
- 4- ban all utility-scale solar in Sedgwick County
- 51- ban all utility-scale solar in AOI plus 1-mile
- 1- ban utility-scale solar in the Area of Influence
- 5- opposed to a particular project
- 6- no changes to the UZC or Comp Plan

January 25<sup>th</sup> meeting comments as stated in the Agenda for the February 8<sup>th</sup> meeting:

Commissioner Johnson suggested we have consensus on a regulation of a one-mile buffer beyond the Area of Influence or just ban utility scale solar projects from the County.

Commissioner Warren considered the one-mile buffer limit beyond the Area of Influence; however, he recommends the Committee remain with the current Area of Influence boundary. (there is no current AOI in the UZC or Comp Plan pertaining to solar)

Chair Foster agreed with Commissioner Warren and added we do not need more processes when we have the Conditional Use process available currently. (??)

Commissioner Johnson said he favored no solar projects within the Area of Influence and an additional one-mile buffer that could allow solar projects. (See Chair Fosters recap of this below)

He followed that he would be unable to attend the February 8, 2024, Advance Plans Committee meeting.

Commissioner Nicks said he supports cities being able to protect their communities from solar projects.

Commissioner Miles said she is open to either the one-mile buffer or remaining with the current Urban Area of Influence only. (again, what are we referring to?)

Chair Foster reminded the Committee they will need to make a final recommendation to the full MAPC.

Chair Foster confirmed that Commissioner Johnson favors treating the one-mile buffer the same as the Urban Area of Influence of each city for utility solar projects only. (See Mr. Johnson's comment above)

The committee was reminded on several occasions of the existing CUP process that allows small cities to have input on proposed projects within their Area of Influence. Why was this brought up so many times? Was this meant to steer the committee away from the idea of banning solar in the AOI plus one mile? It is apparent from the above comments that there is confusion among the committee members on this issue. Introducing the Conditional Use Approval Process simply "muddied the waters."

It is my understanding that the committee was charged with the task of reviewing the current UZC & Comp Plan as it relates to Utility-Scale Solar and making recommendations, if any, to each of those. The Solar Moratorium does not reference discussing the Conditional Use process.

I am asking that before a final recommendation is made to the MAPC, please ensure that the committee is only making a recommendation, if any, to the UZC or Comprehensive Plan. It has nothing to do with the current CUP process.

In closing, I would like to confirm my position that I support a change to the Unified Zoning Code to BAN UTILITY-SCALE SOLAR IN THE AREA OF INFLUENCE PLUS ONE MILE OF ALL MUNICIPALITIES IN SEDGWICK COUNTY.

Thank you for your time.

Mary Bosch

Sedgwick County Resident

**February 7, 2024**

Justin Constantino - Principal Planner,

We would like our land-owners' rights to be honored as you move forward with your review of the Solar Project Regulations. We feel the regulations that have been in place since 2019 are fair and adequate to the landowners and communities. While we do agree with the adding of decommissioning bond, battery storage regulations, and material safety data sheets for panels and racking, we would ask that you do not impose a mile setback beyond the area of influence the county has in place, or ban solar in areas of influence.

The area of influence where our property is located already hosts a natural-gas power plant, an ethanol plant, high voltage power lines, and TV towers. Why should a solar project be considered any differently than the existing infrastructure in the area? Why should a city be able to control how our farmland, which is

located outside their city limits, is used? There has been much talk about current homeowners losing their country view, however, there is never a guarantee of what the land around our homes can be used for in the future, nor is your view promised to be the same forever. The land these homes sit on was once a country view as well.

Jim grew up where we currently live. He is a 4<sup>th</sup> generation farmer and rancher of our land. The urban area of influence is something that came into play long after our family farm was established. This should not be a part of the Colwich area of influence; it is an established homestead.

We thoroughly researched the solar developer and solar panel technology. There is no danger to humans or wildlife, no ground water contamination to the aquifer, and no sterilization to the ground. We would not support a project that could pose a danger to our family or anyone else.

We strongly feel that with the time, money, and resources that Invenergy and participating landowners have invested to date, the project should be able to submit an application under existing regulations and be judged on its own merits.

Thank you,

Jim & Jana Linnebur

Dear Sedgwick County Commissioners, Planning Director Wadle and Mr. Constantino,

My name is Brent Randolph and I am a city council member in Garden Plain, KS in western Sedgwick County. I have been following this project in Colwich fairly closely and it has come to my attention that there is a chance that a vote for new regulations regarding industrial solar in Sedgwick County may be coming soon so I wanted to get my opinion out there.

About me, I have been a city council member in Garden Plain for 2+ years. I have also worked in the land services business for oil, gas and renewable energy for the past 14 years. I have acquired everything from oil and gas leases to solar easements. I did not work on the project in Colwich, nor do I do any work for Invenergy at this moment. Admittedly, I did work on a project for them in a different area about 3 years ago for a few months.

About 18 months ago I was at a renewable energy conference in Manhattan, KS and actually listened to Commissioner Dennis encourage developers that Sedgwick County was a county that was open to industrial solar development. Although now looking at his current recommendations, I don't believe that to be true.

A recommendation of limiting industrial solar farms to 640 acres or less is essentially a ban on industrial solar in Sedgwick County. The proposal by Invenergy is half the size of almost all other proposed solar projects currently in the Southwest Power Pool queue and still couldn't be accomplished with only 640 acres. Limiting these solar farms to 640 acres basically tells developers "industrial solar is not welcome in Sedgwick County".

A recommendation for no industrial solar within a city's area of influence...what happened to all the small government minded people in Kansas? Shouldn't we leave that up to each individual city's Conditional Use Permit process? I don't want Colwich and Maize setting policy for something maybe Garden Plain or Mulvane or Haysville might want. If Colwich and Maize don't want industrial solar within their city's area of influence, then that is absolutely their right to debate and vote on that, but they shouldn't get to make that decision for folks in Garden Plain or any of the other 20 cities in Sedgwick County.

A recommendation to not allow industrial solar within 3 miles of a city's area of influence is also a quasi-ban on industrial solar in Sedgwick County. You tell me where an industrial solar farm can go in this county if they are banned from being placed within 3 miles of a city's area of influence?

In my opinion, these recommendations are a way for a county to say out of one side of their mouth "hey we tried, the developer just wouldn't conform" while out the other side of their mouth "don't worry we set such stringent regulations they won't build here". This is Sedgwick County saying "Hey we don't disagree with solar energy, we just don't want it here, take it to (insert rural county name)." And that is not very forward thinking of the 2nd most populous county in Kansas.

Lastly, I encourage you to reach out to the landowners that actually signed these easements. We do still have individual property rights in this country. These projects can be life changing and sometimes life saving for these landowners.

Thanks for reading.

Brent Randolph

Garden Plain City Council



**THE CITY of MOUNT HOPE**

**316-661-2211**  
FAX 316-661-2212  
112 West Main  
Mount Hope, Kansas 67108

February 12, 2024

Metropolitan Area Planning Commission  
271 W. 3<sup>rd</sup>, Suite 201  
Wichita, Kansas 67202

Sedgwick County Board of County Commissioners  
100 N. Broadway, Suite 660  
Wichita, Kansas 67202

Dear Sedgwick County Board of County Commissioners and Planning Commission:

The City of Mount Hope City Council would like to express our concerns centered around the zoning regulations pertaining to the proposed utility scale solar project near Maize and Colwich, Kansas.

The significant restriction that reduced the Area of Influence around our community, due to action by the BOCC, a few years ago, to the “realistic growth” of the city as determined by the comprehensive plan. This created a scenario of limiting the growth to within the city limits and no authority outside those limits. The city is taking steps to rectify this situation, but, under current regulations, potential projects such as the proposed Chisholm Trail Solar Energy Center would severely hinder the ability of Mount Hope to protect the quality of life for its residents and create a barrier for expansion and growth of the community.

With the growth pattern in the western portion of Sedgwick County, it shows considerable development of industrial, commercial, and residential properties. A cautionary note should be expressed in recognizing the vast number of homes being built in the unincorporated areas and progressing toward the northwestern part of the county and the impact a Utility Scale Solar project would impart.

Another item of concern in the near future is what will the development pattern be when the Northwest Bypass is built. There is every potential a robust move toward the northwest portion of the county will take place. Zoning regulations should reflect this potential by restricting land use provisions utilizing sections of land, not acres of land for projects such as being considered to the positive industrial, commercial, and residential development most community’s desire.


The City Council of Mount Hope does not support large Utility Scale Solar projects as being proposed. The large quantity of wonderful agricultural land taken out of production is detrimental to the economy of the smaller communities. In addition, the potential barriers created by such large spatial requirements are a major negative towards positive growth and impact the quality of life for our residents. Each community



should have the authority through Home Rule to judge the necessity, size and location that coincides with the community's needs. Hence, the necessity of creating zoning regulations to assist the communities in Sedgwick County with positive growth instead of negative barriers to growth by removing sections of land from positive production, negative aesthetics, reduction in property values and lack of knowledge in the long-term environmental impact of such a project.

Thank you for your time and consideration in this matter.

Sincerely,



Terry Somers, Mayor  
City of Mount Hope, Kansas

## **February 14, 2024**

Metropolitan Planning Department Staff,

My wife and I have been residents of Sedgwick County district 3 for over 40 years, and we are farm owners though it lies outside the County. I strongly support solar in Sedgwick County. Solar development can bring financial benefits to land owners, boost local communities' tax revenues, increase energy security, and provide additional employment opportunities. When considering changes to the zoning code on solar, the County needs to ensure we do not miss out on these benefits. We have the opportunity to embrace solar and we should not pass it up. I urge you to work for an ordinance that welcomes solar, not one that would limit it.

Best Regards,  
Darrel Hart  
Wichita, Kansas

## **February 15, 2024**

Good Afternoon,

I have either attended or watched all public meetings since the Solar Moratorium started. It has been a frustrating process. I have written several letters, spoke publicly, and have given a TV interview. I have never felt like the Advance Plans Committee has seriously listened to the Sedgwick County Residents. Obviously, the majority that have spoken out and/or sent emails & letters to the planning department are mostly from the Maize/Colwich area. I believe this stands to reason given the fact that there are currently no utility-scale solar farms in Sedgwick County. How would the entire County be well versed on this? Members of the Advance Plans Committee, CAB's, DAB's, & SCAC are not well versed on the topic. We in the Maize/Colwich area have had to do our homework over the past year since we are facing it.

Secondly, the comment that was made by Chair Foster in the February 8th meeting was disturbing to me. I could be wrong but this is what I was able to capture:

"We on this committee and the staff that have been working on this for the last 6 months are far more experts in aspects of regulating solar farms than the city commission members are. And I want to hear what they have to say and react to it but don't necessarily intend to agree with everything they say." This was in response to the presentation of concerns that came from the Sedgwick County Commissioners (elected officials) Staff Meeting on February 6th,

For the County as a whole, several concerns that came from the Sedgwick County Association of Cities did not appear to have much effect either.

In closing, I have many, many concerns about utility-scale solar farms being developed in such a densely populated area. I will address a number of those in separate emails.

Thank you for your time,

Mary Bosch

Sedgwick County Resident, Voter, & Taxpayer

**February 21, 2024**

Scott, I apologize for not being able to be present at the meeting February 22, 2024. My mom's husband's health has drastically slipped the last couple days and we are moving him to a house with 24/7 help. Wished we didn't have to. I am asking that you allow a landowner with the solar project or with Inevergy to be able to read a letter I have written on my behalf. As you may recall during the APC meetings I am for this project and its plans in place. Also I am very concerned as you may recall about PROPERTY RIGHTS OF LANDOWNERS within a city's influence area and I DO NOT agree with them having the right to control what a landowner can or cannot do with their property now because a city has a vision for it years down the road. Denying a property owner the right to gain revenue now versus years from now. If so a landowner shall be compensated in some way for their lost revenue. THIS DOESN'T ONLY PERTAIN TO THIS PROJECT BUT ALL FUTURE POSSIBILITIES landowners in Sedgwick County may have the opportunity to have with THEIR property.

Thank you all for your time on this project. Thank you for allowing someone to read my letter.

Alvin Neville

Commissioner Meitzner,

I am supportive of Solar projects in Sedgwick County. With the solar ordinance under review, we need to take a step back and assess all of the people who are positively affected by a solar project.

To start, farmers across the county can benefit from these projects by leasing some of their land to harvest energy from the sun rather than crops. This can help them supplement their time to focus on areas that may produce a larger yield all the while letting their land rest in the areas that need it most. When it's time to construct a solar project, there are hundreds of workers employed to install the panels, lay the wiring, etc.

There are also workers who will stay onsite to operate and maintain these projects long term. As you can see there are plenty of opportunities for these projects to directly benefit the working people here in Sedgwick County.

Please do not pass up on this opportunity and work toward an ordinance that allows solar to benefit us.

Thank you,

Ericka Cameron

Hello,

I am writing to encourage you to support a solar ordinance that benefits all residents of Sedgwick County. Our county needs to embrace this type of industry for all of the benefits it provides. Solar farms bring in new jobs, new tax revenue, and provide energy that is generated locally to the grid. We should not regulate solar into extinction in this county by enforcing strict limitations to these developments. A town should be able to decide what best suits them, not the county. Limiting where a solar project can go could limit a town's resources to grow.

Sincerely,

Denise Chavez

Wichita, Kansas