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Agenda Staff Report

File Number: 19-2422

Agenda Date: 08/21/2019

Section: NEW BUSINESS

All Districts

File Type: Planning Dept.

Meeting of: Board of County Commissioners

Agenda Item:

DER2019-00001- AMENDMENT TO THE SECTION II-B-13.k AND SECTION III-D.6 OF THE UNIFIED ZONING CODE CONCERNING NEW DEFINITIONS AND NEW STANDARDS AND REQUIREMENTS FOR RENEWABLE ENERGY SYSTEMS.

Presented by: Dale Miller, Director of Planning.

Recommended Action: Approve the Amendments to the Unified Zoning Code as recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC, and authorize the Chairman to sign the prepared resolution.

Background: The Metropolitan Area Planning Department (MAPD) staff was requested by the Sedgwick County Board of County Commissioners (BOCC) to review *Wichita-Sedgwick County Unified Zoning Code (UZC)* and the *Community Investments Plan for Wichita-Sedgwick County* with respect to the applicable rules, regulations, and policies dealing with renewable energy systems, specifically wind energy conversion systems (WECS) and solar energy conversion systems (SECS). At present, WECS and SECS are not specifically named in the UZC nor is there any specific language with the *Community Investments Plan for Wichita-Sedgwick County*.

WECS and SECS fall within the UZC defined term "utility, major," (shown below) because WECS and SECS are "...generating plants, electrical switching facilities and primary substations...that provide the general public with electricity..." All proposed "utility, major" uses require "conditional use" review and approval in every zoning district except the AFB Air Force Base (AFB) district. The AFB district has been applied only to property used by the United States government for McConnell AFB. Except for land controlled by McConnell AFB, the installation of a WECS or a SECS in Sedgwick County will require "conditional use" review and approval by the MAPC, and if protested or recommended for denial by the MAPC, by the BOCC.

The proposed amendments to the UZC do not change the requirement for "conditional use" review and approval for a "utility, major." The proposed amendments are an addition to the UZC's definitions and to the supplementary use regulations, Article III, Section III-D.6.pp that specify the minimum development and operation standards for the permitted renewable energy systems. The amendments do prohibit the development of WECS within the unincorporated area of Sedgwick County as well as the City of

Wichita. SECS are permitted with restrictions. The UZC provides for small wind and solar systems on individual properties, subject to certain standards and compliance, with the adopted building codes.

Alternatives: The resolution for consideration by the BOCC deals with the amendments to the UZC. The options for the proposed UZC amendments Resolution are as follows:

1. Approve the amendments to the UZC as recommended by the MAPC, adopt the findings of the MAPC, and authorize the Chairman to sign the prepared resolution. (Requires a simple majority vote, or three of the five County Commissioners); or
2. Override the MAPC recommended amendment to the UZC and make modifications to the language or other findings. (Requires a two-thirds majority, or four of the five County Commissioners); or
3. Deny the amendments to the UZC and override the MAPC recommendation. (Requires a two-thirds majority, or four of the five County Commissioners); or
4. Return the amendments to the Unified Zoning Code to the MAPC for further consideration with a statement specifying the basis for the BOCC's failure to approve or deny the matter. (Requires a simple majority vote, or three of the five County Commissioners)

Financial Considerations: There are no additional financial considerations to the County associated with this application.

Legal Considerations: Authority for this action is pursuant to K.S.A. 12-747, et seq. The potential actions and vote requirements are included within the "Alternatives" portion of this agenda item.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Outside Attendees: None

Multimedia Presentation: Powerpoint