

C. Permitted Uses – Non-Agricultural Uses (A1, AB, M1, M2, and M3)

1. Solar gardens generating 1 MW or less and not located within ½ mile of an existing solar farm or solar garden

D. Conditional Uses (A1, AB, M1, M2, and M3)

1. A conditional use is required for the following:

- a. Solar Farms
- b. Solar gardens within ½ mile of an existing solar farm or solar garden

A. Site Considerations

- a. A1 – District setbacks shall apply for all property lines and 100' from habitable structures other than those of the lessee
- b. Power and communication lines running between solar panels to nearby substations or other on-site structures shall be buried underground except where environmental conditions would prevent their burial. In the event of adverse environmental conditions, applicant shall document these conditions and submit them with the application.
- c. A screening plan shall be submitted showing the types and extent of screening. Screening shall be required along all property lines abutting residential zoning districts, along all property lines in areas planned for residential uses, along property lines abutting habitable structures other than those of the lessee, and along roadways classified as major collectors or higher. This plan can be included as part of a required site plan
- d. In all cases, existing, natural screening elements (trees, bushes, berms, etc) shall be left undisturbed except where necessary to construct the project.
- e. Solar farms located within 500 feet of an airport or within approach zones of an airport, must include the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- f. A 50 foot undisturbed vegetative zone from the edges of all streams within an established drainage district or included within the most recent Kansas Surface Water Register.
- g. Following construction of the project, a mix of at least 70% native plant species or agricultural use shall be utilized as ground cover between panels, unless Applicant and Lessee agree, in writing, to an alternative ground cover.

B. Site Plan

- a. A site plan is required showing the following:
 - i. Solar arrays
 - ii. Existing structures

- iii. Other on-site structures (including substations and other electrical equipment)
- iv. Property lines
- v. Rights-of-way
- vi. Service roads
- vii. Airport approach zones (if necessary)
- viii. Screening elements
- ix. Topography
- x. Natural elements such as woodlands, creeks, drainage areas, etc
- xi. 100-year floodplain

C. Road Maintenance Plan

- a. This plan shall include, but is not limited to the following:
 - i. A map showing all County roads to be used for the project
 - ii. A pre-development conditions assessment of identified roads
 - iii. A post-development conditions assessment of identified roads
- b. All identified roads must at a minimum meet County standards for gravel roads prior to their use for the project.
- c. Applicant must ensure that all identified roads meet or exceed the pre-development conditions. Any deficiencies or improvements shall be constructed at applicant's expense.
- d. All aspects of the Road Maintenance Plan must be approved by the County Engineer

D. Applicant shall obtain an NPDES Permit from the Kansas Department of Health and Environment, if applicable. In all cases, Applicant shall provide an erosion control plan as part of their submittal

E. Applicant shall complete a drainage study that complies with the requirements of Article 4 of these regulations, as well as any additional data required by the County Engineer

F. Decommissioning Plan

- a. A decommissioning plan shall be submitted with the application
- b. Decommissioning must occur in the event the project produces zero percent of the total estimated capacity of the project for twelve consecutive months, unless a written statement from applicant is submitted to the Planning Commission explaining the reduced energy production and a timeline for restoring production.
- c. The plan shall include provisions for the removal of all structures, restoration of the soil and vegetation to pre-development conditions, and assurances that financial resources will be available to fully decommission the site.
- d. Prior to project construction, applicant shall submit the posting of a bond, letter of credit, or the establishment of an escrow account for an amount 125% of the decommissioning cost, as determined by a licensed third party, and this amount shall increase by 2% each calendar year to ensure proper decommissioning.

Definitions

Solar Garden – A commercial facility producing one (1) megawatt or less of usable electricity, which converts sunlight into electricity, ~~either~~ by photovoltaics (PV), ~~concentrating solar thermal devices (CST)~~, or other conversion technology, for the primary purpose of wholesale sales of generated electricity. This does not include concentrating solar thermal devices (CST), which are prohibited.

Solar Farm - A commercial facility producing more than one (1) megawatt of usable electricity, which converts sunlight into electricity, either by photovoltaics (PV), ~~concentrating solar thermal devices (CST)~~, or other conversion technology, for the primary purpose of wholesale sales of generated electricity. This does not include concentrating solar thermal devices (CST), which are prohibited.

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