

Davis, Leslie, PLN

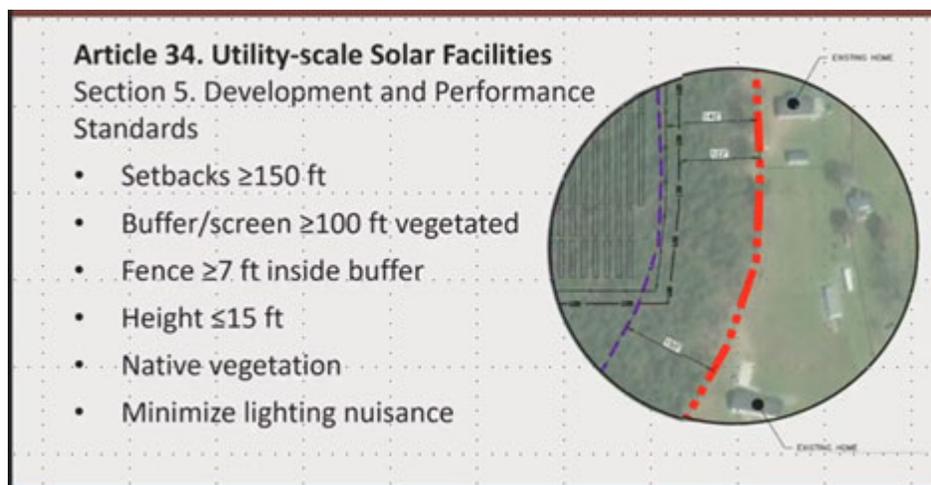
From: Miller, Karen, PLN
Sent: Tuesday, August 3, 2021 4:07 PM
To: Davis, Leslie, PLN
Subject: FW: Proposed Solar Project - Comments on Summary of Draft Application Requirements and Development Standards

From: Alan Anglyn <ahanglyn@gmail.com>
Sent: Sunday, July 25, 2021 10:58 AM
To: Miller, Karen, PLN <Karen.Miller@jocogov.org>
Cc: Pendley, Sean, PLN <Sean.Pendley@jocogov.org>; Leipzig, Jay, PLN <Jay.Leipzig@jocogov.org>; Allenbrand, Shirley, BOC <Shirley.Allenbrand@jocogov.org>
Subject: Re: Proposed Solar Project - Comments on Summary of Draft Application Requirements and Development Standards

Karen,

Thank you for the opportunity to discuss the draft solar farm application requirements. I'd like to provide this feedback from our conversation last Thursday.

First regarding setbacks, I was disappointed to hear that the setbacks in the proposal had been lowered from 100 feet as covered in the memorandum to the Planning Commission dated June 16th, 2021 to just 50 feet from the project boundary. The Berkley consultants had proposed 150 feet.



Nextera in their memo to the Johnson County Planning Staff (dated June 4, 2021) used a Lancaster County, Nebraska example of a 100-foot property line setback from a non-participating property with a dwelling. The Planning Commission

should recognize the impact that such an industrial site will have on adjacent properties and adapt regulations that mitigate these impacts and protect the rural lifestyle and lifelong investment that current residents have in their homes.

Second regarding screening, I was pleased to hear that the screening proposal had been revised and from our discussion I understand the proposed language would provide additional requirements for screening in the vicinity of residential dwellings. I look forward to reading the revised screening requirements in the proposal.

On the topic of erosion control and the use of hazardous chemicals for vegetative control, I appreciate your consultation with other county staff and incorporating their suggestions. One topic we discussed was the overspray of chemicals. With our strong winds in Kansas, overspray onto adjacent properties or onto persons (e.g. children playing outdoors) is quite possible, the regulations should provide protection so that any overspray damage is a violation of county ordinances.

In closing, I seek support for increased setbacks for adjacent properties with dwellings, and I look forward to reading the changes you spoke of in the updated proposal when it becomes available on the Planning Commission's website.

Regards,

Alan Anglyn

913.208.2118

From: Leipzig, Jay, PLN <Jay.Leipzig@jocogov.org>

Sent: Friday, July 9, 2021 9:08 AM

To: Alan Anglyn <ahanglyn@gmail.com>

Cc: Allenbrand, Shirley, BOC <Shirley.Allenbrand@jocogov.org>; Miller, Karen, PLN <Karen.Miller@jocogov.org>; Pendley, Sean, PLN <Sean.Pendley@jocogov.org>; Neufeld, Scott, BFP <Scott.Neufeld@jocogov.org>

Subject: RE: Proposed Solar Project - Comments on Summary of Draft Application Requirements and Development Standards

Mr. Anglyn-

Thank you for your comments on the proposed utility scale solar regulations. We will include these comments in the Planning Commission packet for our upcoming meeting which is scheduled for August 10, 2021 at 5:45 PM at the Johnson County Administration Building, 111 S. Cherry Street in Olathe. The Planning Commission meetings are held in the Board of County Commissioners Hearing Room which is on the 3rd floor. In addition, we have scheduled a formal public hearing on the proposed regulations on September 14th at 5:45 in the same location. The public is invited to speak at all

meetings. I would encourage you to attend this meeting if possible, but as I mentioned, we will include your comments with the Planning Commission packet.

In addition, I will ask Karen Miller, our Senior Planner to reach out to you for further discussion on your comments.

Thanks again, Mr. Anglyn. I appreciate your interest in this important topic.

Jay

Jay C. Leipzig, AICP, CEcD

Director

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From: Alan Anglyn <ahanglyn@gmail.com>

Sent: Thursday, July 8, 2021 5:57 PM

To: Leipzig, Jay, PLN <Jay.Leipzig@jocogov.org>; Pendley, Sean, PLN <Sean.Pendley@jocogov.org>

Cc: Allenbrand, Shirley, BOC <Shirley.Allenbrand@jocogov.org>

Subject: Proposed Solar Project - Comments on Summary of Draft Application Requirements and Development Standards

This message came from outside of Johnson County Government - please use caution when opening attachments or links.

I've reviewed the June 16th, 2021 memorandum to the Planning Commission regarding "Utility-Scale Solar Facilities – Summary of Draft Application Requirements and Development Standards" and have comments to share on the following topics:

- Buffers from dwellings and human activity
- Screening from dwellings
- Erosion control
- Storm damage liability and repair
- Environmental impact
- Acquiring materials and goods in the USA

As a resident on land adjacent to the Nextera-proposed facility, I am disappointed by the draft development standards as they lack adequate protections for neighbors of the facility. My suggestion would be a minimum of 500 feet from dwellings in existence at the time of the project application. In open country, the proposed 250 feet from a potential 12-foot tall security fence and rows of 15-foot tall panels will look and feel extremely close and impact the attractiveness and appeal of affected homes.

Additionally, the screening standards are proposed for ground level views. To protect residents, I suggest that such screening standards apply for views from ground-level floors inclusive of patios, porches and decks. Most residential activity will be within this area and any prospective buyers of a home within view of a solar farm are going to specifically look at the views from the home more so than ground level at some point outside the home. Furthermore, for dwellings on sloping terrain, using the ground floor as a reference point prevents the solar farm applicant from selectively picking the lowest ground level point from which to determine compliance to the standard.

On the topic of screening, stronger measures are needed in proximity to dwellings. The applicant will be motivated to comply with the absolute minimum standards to save on costs. As written in the summary, the applicant could simply plant one single 5' tall tree for every 15 linear feet as a screen for a 12-foot chain link fence and 15-foot tall solar panels that could extend for thousands of feet. Even Nextera's recommended screening standards (reference "Comments of NextEra Energy Resources to the Johnson County Planning Staff" dated June 4, 2021) were more favorable as they called for 100% vertical coverage up to a point of 8 feet from ground level. For landscaping, there should be a standard to plant multiple rows of trees and a requirement that the applicant commit to maintaining living trees as a buffer for the duration of the project. The Berkley consultants recommended greater than or equal to 100 feet of vegetative buffer. One 5' tall tree every 15 feet will not, when used without other screening, impede views of the solar farm.

Another area of concern is that of erosion control. Solar farms are well known to create additional runoff given the significant coverage of impervious solar panels. The proposed Nextera site slopes downhill toward my property and erosion control is a major concern. The summary is silent on erosion control measures or responsibilities of the applicant to protect adjacent properties from runoff issues created by their actions.

Kansas is a beautiful state; however, we are subject to extreme weather. Johnson County should require the applicant to clean up and restore damage caused by storms. Such restoration should include nearby properties when impacted by damage to the solar farm. My fear is of solar panels being strewn across the property line putting my family and our home at risk and the applicant shirking responsibility to clean up and pay for damages. Johnson County should be proactive in protecting its residents from such potential harm by inserting protective language into the standard.

The Environmental Impact Assessment should include: a) ensuring responsible use of herbicides which are commonly used to control plant growth in solar farms and ensure safety of nearby residents and livestock, b) an evaluation of the safety of chemicals and compounds used in the solar panels to avoid dangerous dust or runoff which could also pose risks to nearby residents or livestock.

Green energy companies and organizations tout solar farms as zero emissions and good for the environment. Applicants should be required to commit to ensuring their proposed facilities achieve the goals they boast of during the planning phase. As well, they should commit to being good neighbors to adjacent landowners and nearby communities. My experience thus far with Nextera has been disappointing with difficulty establishing dialog and receiving essentially zero updates about the project.

Lastly, in this internationally competitive era, the applicant should buy products made in the USA. Too many products are sourced from China. China is a communist country that continues belligerent talk toward the US. Johnson County should not support China's government or economy by permitting solar farm applicants to use products and materials procured from Chinese companies.

In closing, I ask for serious consideration of these suggestions and I welcome an opportunity to discuss these with you and the county planning staff. Of note, as communicated to you previously, I remain of the opinion that with the exception of specific tracts of land like the Sunflower brownfield, that Johnson County is a poor choice for a utility scale solar farm. Johnson County is the economic engine of the state of Kansas and land tied up for decades in a solar farm is a lost opportunity for more intense development.

Regards,

Alan Anglyn

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Edgerton