

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

Condition Use (A1, AB, M1, M2, and M3)

5.1.5.x. Solar Farms

1. A conditional use is required for all solar farms and any solar garden located within ½ mile of an existing solar farm or solar garden
2. Solar farms shall be subject to existing setback requirements from rights-of-way and boundaries of non-participating landowners
3. Components of Solar farms shall be setback 200 feet from the outer walls of the nearest non-participating dwelling unless a lesser setback is agreed to in writing.
4. Solar farms shall comply with the goals of the Pottawatomie County Comprehensive Plan
5. Solar farms shall go through the regular Conditional Use process as determined in Article 3.2 of these regulations with the following changes:
 - a. Planning Commission shall accept applications for new solar farms, make findings related to solar farms, and provide a recommendation to the Board of County Commissioners
 - b. The Board of County Commissioners shall either approve the Planning Commission's recommendation, override the Planning Commission's recommendation, or return the recommendation to the Planning Commission with specific requests to the Planning Commission.
6. The following information is required at the time an application is submitted to the Planning Commission:
 - a. A site plan of the existing conditions including:
 - i. Existing property boundaries within the project area and extending one hundred (100) feet from the exterior boundaries
 - ii. Existing uses of property within the project area and extending one hundred (100) feet from the exterior boundaries
 - iii. Existing buildings and their use
 - iv. Topography at two (2) foot intervals
 - v. 100-year Floodplain
 - vi. Waterways, watercourses, lakes, drainage districts, and ponds
 - vii. Soil Map
 - viii. Existing trees, vegetated areas (including areas of native grass), and berms
 - b. A preliminary development plan including:
 - i. Estimated location and spacing of solar panels
 - ii. Proposed location and width of access roads
 - iii. Planned locations of underground and overhead electrical lines connecting the solar farm to any building, substation, or other location
 - iv. New electrical equipment, on- or off-site, related to the solar farm

- v. A description of the method of connecting the array to a building or substation
 - c. An operation and maintenance plan that includes measures for maintaining safe access to the site as well as general procedures for the operation and maintenance of the installation
 - d. A landscaping plan that includes:
 - i. Any removal of vegetative areas required for the construction, operation, and maintenance of the project
 - ii. Proposed seed mixes and planting schedules for ground cover following the construction of the project
 - iii. A description of the procedures used for the maintenance, including plans for replacing vegetative elements when necessary, of the screening elements and ground cover
- 7. Each component of the CUP Application shall clearly identify the stated goals of the Pottawatomie County Comprehensive Plan it is intended to achieve.
- 8. The following is required as part of the site plan approval by Planning Commission and building permit:
 - a. A final development plan that includes:
 - i. Final location and spacing of solar panels
 - ii. Location and width of access roads
 - iii. Final locations of underground and overhead electrical lines connecting the solar farm to any building, substation, or other location
 - iv. Location, type, caliper, and planting schedule of any screening elements
 - v. Project development timeline
 - vi. New electrical equipment, on- or off-site, related to the solar farm
 - vii. Location of stormwater management best management practices
 - viii. A description of the method of connecting the array to a building or substation
 - ix. The posting of a bond, letter of credit, or the establishment of an escrow account for an amount 110% of the decommissioning cost, as determined by a licensed third party.
 - x. Planning Commission may permit the Applicant to factor in the salvaging value of the project components into the total cost of decommissioning.
 - xi. Decommissioning and, if permitted, salvage value, shall be reviewed every five (5) years to ensure the decommissioning costs are sufficient to fully remove the project, and restore the ground to productive, non-hazardous use.
 - b. A stormwater management plan that includes a drainage study that complies with Article 4.4 of these regulations and a copy of the NPDES Permit from KDHE.
 - c. A road maintenance plan that includes the following:
 - i. Proposed designated haul routes for trucks and equipment during the initial construction and decommissioning process

- ii. Any necessary improvements needed to bring all roads up to at least the minimum county gravel road standards
 - iii. If required, a road maintenance agreement with the County for the maintenance and repair of roadways during construction and decommissioning which may include dust control, added rock, ditch and shoulder repair, etc
 - iv. A project schedule
 - v. Approval by the County Engineer
 - d. A soil sampling plan that includes:
 - i. Locations of a minimum of five (5) baseline samples to be utilized during each sampling event
 - ii. Baseline data collected, at applicant's expense, at the baseline sample sites that includes testing for, but not limited to, EPA Target Analyte List metals (TAL), volatile organic compounds, semi-volatile organic compounds, soil pH, phosphorus levels, nitrogen levels, potassium/potash levels, percent organic material
 - e. An emergency services plan that includes:
 - i. All means of shutting down the installation
 - ii. Procedures for inspection and testing of associated alarms and controls
 - iii. All access points to the site
 - iv. Emergency contact information
 - v. A description of how the fire safety system and its associated controls will function and be maintained in properly working order
 - vi. Copies of the emergency services plan shall be provided to the Fire Supervisor, Emergency Management Director, Sheriff of Pottawatomie County, and any city emergency services upon request.
 - f. Upon receiving all required elements of a site plan, Planning Commission shall approve a site plan and the Zoning Administrator shall issue a building permit once all applicable fees and applications are received.
9. The following information is required no later than six (6) months prior to decommissioning:
 - a. Written letter to the Planning Commission indicating the project owner's intent to begin the decommissioning process
 - b. A decommissioning plan that includes the following:
 - i. The plan shall include provisions for the removal of all structures, restoration of the soil and vegetation to pre-development conditions or better, and a timeline for the full decommissioning of the project.
 - ii. The plan shall include any part of the project on a leased property that shall remain as part of an agreement with the landowner. The agreements must be presented to the Zoning Administrator prior to the decommissioning process.
 - iii. The most recent review of the decommissioning, and if applicable, salvage costs. If that review is more than three (3) years old,

Planning Commission may require an updated review prior to decommissioning

- c. The results of all soil samples using the below criteria:
 - i. Samples shall be taken at the established baseline locations immediately following the construction of the project, five years after the construction of the project, then every ten years through the life of the project
 - ii. Samples shall be taken in any case where a panel is damaged and not replaced within thirty (30) days and limited to only TAL metals, volatile, and semi-volatile organic compounds
 - iii. Samples shall be taken following decommissioning
 - iv. Soil remediation plans shall be provided to the Planning and Zoning Office for review if contamination or soil degradation has occurred. Remediation measures shall be implemented during the reclamation process, and reclamation shall not be considered complete until soil testing results are within an acceptable range established within the soil remediation plans
- d. Confirmation from the County Engineer that the road maintenance plan established during the site plan and building permit process remains in good standing

Definitions

Solar Garden – A commercial facility producing one (1) megawatt or less of usable electricity, which converts sunlight into electricity by photovoltaics (PV), 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), 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.

Decommissioning, Solar Farms - Decommissioning shall 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.