



Planning Commission Memorandum

To: Planning Commission
From: Planning and Zoning Staff
Subject: Solar Farm Regulations Update
Date: September 23, 2021

Planning Commissioners

Attached is the latest draft for potential solar farm regulations in the County. Unlike the last several drafts, this update contains two elements: amendments to the Unified Development Regulations, and an amendment to the Comprehensive Plan. These two items would work in concert with each other to provide detailed requirements, but allow some flexibility when needed by the either the Applicant or the County.

The regulations dictate a wide range of studies and information that is required when submitted a CUP application. These requirements are a combination of requirements taken from Douglas County and Johnson County, conversations with Planning and County Commissioners during this process, and conversations with the solar companies during this process. The regulations would require the following plans and studies:

1. A site plan of existing conditions
2. A preliminary development plan
3. A stormwater management plan
4. A road maintenance plan
5. A operations and maintenance plan
6. A landscape plan
7. An emergency services plan
8. A soil sampling plan
9. A decommissioning plan

Each of these studies has fairly detailed requirements for what needs to be included.

Accompanying the UDR amendment is an amendment to the Comprehensive Plan. This amendment states the goals that any solar farm must adhere to in order to be constructed. There are 16 different goals covering land use, screening, decommissioning, and the environment. Each of these sections and goals has accompanying strategies for implementation that Planning Commission and County Commission can use to determine whether or not a project is meeting those goals.

These strategies are not set in stone, however, so when a project is proposed, the Planning Commission has the discretion to require solar projects to make adjustments so long as those adjustments are reasonable and adhere to the goals of the Comprehensive Plan.

Together the two components provide the Planning Commission flexibility to respond to site specific conditions that they otherwise might not be able to if it



were all within a set of regulations. It also balances the flexibility between the Planning Commission and the project owners.

For example, Johnson County has a waiver clause at the end of almost every section of their draft regulations. This waiver allows the project owner to deviate from the regulations so long as the County Commission makes a series of findings, but there is no equal provision that allows the County Commission to respond to conditions that might require stricter requirements.

With the Comprehensive Plan amendment, this gives both parties a more equal method of flexibility that ultimately puts the authority in the hands of the Planning and County Commissions.

Staff is available for questions or comments regarding these changes. There is no action requested for these changes, rather this is a discussion about whether or not this is a viable approach to solar regulations, should the County move forward with them.

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