

RESOLUTION

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

WHEREAS, pursuant to the authority granted by the statutes of the State of Kansas, in K.S.A. 12-747 et seq., the Wichita-Sedgwick County Metropolitan Area Planning Commission developed a Comprehensive Plan, adopted by the City of Wichita in 2015 and Sedgwick County in 2016, and amended in 2017 and 2019; and

WHEREAS, the Comprehensive Plan may be amended as needed to ensure it reflects timely and relevant information and the needs of the community; and

WHEREAS, the Sedgwick County Board of County Commissioners on February 6, 2019, enacted a moratorium regarding renewable energy systems and directed the Wichita-Sedgwick County Metropolitan Area Planning Commission to consider amendments to the rules and regulations regarding renewable energy systems including the Comprehensive Plan; and

WHEREAS, following the study of the reports prepared by staff, the Wichita-Sedgwick County Metropolitan Area Planning Commission on May 4, 2019, did initiate the development of the Renewable Energy amendment to the Comprehensive Plan to document the agreed upon findings, goals, strategies regarding renewable energy; and

WHEREAS, before the adoption of any Comprehensive Plan or amendment thereto, the Wichita-Sedgwick County Metropolitan Area Planning Commission is required by K.S.A. 12-747 et seq. to hold a public hearing; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission did give notice by publication in the official City newspaper on May 16, 2019 and County newspaper on May 15, 2019, of a public hearing on said amendment concerning Renewable Energy to the Comprehensive Plan; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission, on June 6, 2019 and June 20, 2019, did hold public hearings at which a quorum was present, and did hear all comments and testimony relating to said area plan;

NOW, BE IT THEREFORE RESOLVED, the Wichita-Sedgwick County Metropolitan Area Planning Commission hereby adopts as an official amendment to the Wichita-Sedgwick County Comprehensive Plan entitled Plan Element – Renewable Energy Facilities; and

BE IT FURTHER RESOLVED, that notice of this action be transmitted to the City Council of the City of Wichita and to the Sedgwick County Board of County Commissioners for their consideration and adoption.

ADOPTED at Wichita, Kansas, this 20th day of June, 2019.


Cindy Miles, Chair
Wichita-Sedgwick County
Metropolitan Area Planning Commission

Attest:


Dale Miller, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

**CERTIFICATION OF AMENDMENT
TO THE
WICHITA-SEDGWICK COUNTY COMPREHENSIVE PLAN**

I, Dale Miler, Director of the Metropolitan Area Planning Department, and Secretary for the Metropolitan Area Planning Commission, hereby certify that the attached amendment to *The Wichita-Sedgwick County Comprehensive Plan* of a Plan Element – Renewable Energy Facilities is a true and correct copy of the amendment approved by the Metropolitan Area Planning Commission on June 20, 2019.

A handwritten signature in black ink, reading "Dale Miller", is written over a horizontal line.

Dale Miller, Director
Metropolitan Area Planning Department

RESOLUTION NO. 194-2019

A RESOLUTION APPROVING CERTAIN AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY COMPREHENSIVE PLAN.

WHEREAS, pursuant to the authority granted by the statutes of the State of Kansas, in K.S.A. 12-747 et seq., the Wichita-Sedgwick County Metropolitan Area Planning Commission is authorized to make and amend a Comprehensive Plan subject to the approval of the governing bodies of the City of Wichita, Kansas (the "City") and Sedgwick County, Kansas (the "County"); and,

WHEREAS, pursuant to the authority granted by the statutes of the State of Kansas, in K.S.A. 12-747 et seq., the Wichita-Sedgwick County Metropolitan Area Planning Commission developed a Comprehensive Plan, adopted by the City of Wichita in 2015 and Sedgwick County in 2016, and amended in 2017 and 2019; and,

WHEREAS, the Comprehensive Plan may be amended as needed to ensure it reflects timely and relevant information and the needs of the community; and

WHEREAS, the Sedgwick County Board of County Commissioners on February 6, 2019, enacted a moratorium regarding renewable energy systems and directed the Wichita-Sedgwick County Metropolitan Area Planning Commission to consider amendments to the rules and regulations regarding renewable energy systems including the Comprehensive Plan; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission did give notice by publication in the official County newspaper on May 15, 2019, of a public hearing on said amendment concerning Renewable Energy to the Comprehensive Plan; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission, on June 6, 2019 and June 20, 2019, did hold public hearings at which a quorum was present, and did hear all comments and testimony relating to said area plan and approved a resolution adopting the Plan Element – Renewable Energy Facilities as an amendment to The Wichita-Sedgwick County Comprehensive Plan.

NOW, BE IT THEREFORE RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, under the authority granted in K.S.A. 12-747, the Sedgwick County Board of County Commissioners hereby, adopts the Plan Element – Renewable Energy Facilities as an amendment to The Wichita-Sedgwick County Comprehensive Plan; and

SECTION II. That upon taking effect, a notation of this amendment to the Comprehensive Plan shall be entered in the official Comprehensive Plan records in the offices of the Metropolitan Area Planning Department.

SECTION III. Notice of this action shall be transmitted to the Wichita City Council, and to all other taxing subdivisions in the planning area which request a copy of the plan.

SECTION IV. This resolution shall become effective upon its passage and publication once in the Official County Newspaper.

Commissioners present and voting were:

PETER F. MEITZNER

MICHAEL B. O'DONNELL, II

DAVID T. DENNIS

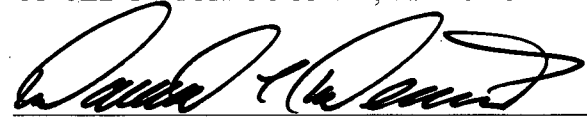
LACEY D. CRUSE

JIM M. HOWELL

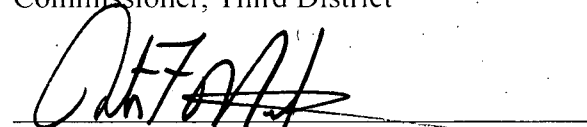
	<u>Aye</u>	
	<u>Aye</u>	<u>Aye</u>
	<u>Aye</u>	
	<u>Aye</u>	<u>Aye</u>
	<u>Aye</u>	

DATED this 21 day of August, 2019.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

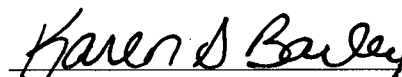


DAVID T. DENNIS, Chairman
Commissioner, Third District



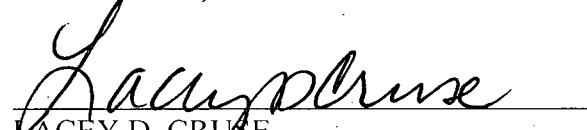
PETER F. MEITZNER
Commissioner, First District

ATTEST:

for 
KELLY B. ARNOLD
County Clerk

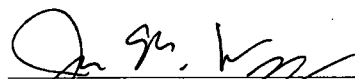


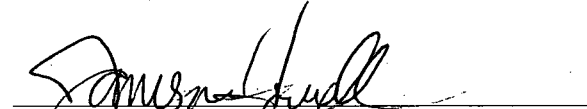
MICHAEL B. O'DONNELL, II
Commissioner, Second District



LACEY D. CRUSE
Commissioner, Fourth District

APPROVED AS TO FORM:


JUSTIN M. WAGGONER,
Assistant County Counselor



JAMES M. HOWELL
Commissioner, Fifth District

ORDINANCE NO. 51-120

AN ORDINANCE ADOPTING AN AMENDMENT TO THE COMMUNITY INVESTMENTS PLAN, ALSO KNOWN AS THE WICHITA-SEDGWICK COUNTY COMPREHENSIVE PLAN, CONCERNING RENEWABLE ENERGY SYSTEMS.

**BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.**

WHEREAS, pursuant to the authority granted by the statutes of the State of Kansas, in K.S.A. 12-747 et seq., the Wichita-Sedgwick County Metropolitan Area Planning Commission is authorized to make and amend a Comprehensive Plan subject to the approval of the governing bodies of the City of Wichita, Kansas (the "City") and Sedgwick County, Kansas (the "County"); and,

WHEREAS, pursuant to the authority granted by the statutes of the State of Kansas, in K.S.A. 12-747 et seq., the Wichita-Sedgwick County Metropolitan Area Planning Commission developed a Comprehensive Plan, adopted by the City of Wichita in 2015 and Sedgwick County in 2016, and amended in 2017 and 2019; and,

WHEREAS, the Comprehensive Plan may be amended as needed to ensure it reflects timely and relevant information and the needs of the community; and

WHEREAS, the Sedgwick County Board of County Commissioners on February 6, 2019, enacted a moratorium regarding renewable energy systems and directed the Wichita-Sedgwick County Metropolitan Area Planning Commission to consider amendments to the rules and regulations regarding renewable energy systems including the Comprehensive Plan; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission did give notice by publication in the official County newspaper on May 15, 2019, of a public hearing on said amendment concerning Renewable Energy to the Comprehensive Plan; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission, on June 6, 2019, and June 20, 2019, did hold public hearings at which a quorum was present, and did hear all comments and testimony relating to said plan and approved a resolution adopting the Plan Element – Renewable Energy Facilities as an amendment to The Wichita-Sedgwick County Comprehensive Plan.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, under the authority granted in K.S.A. 12-747, the City of Wichita hereby, adopts the Plan Element – Renewable Energy Facilities as an amendment to The Wichita-Sedgwick County Comprehensive Plan; and,

SECTION 2. That upon taking effect, a notation of this amendment to the Comprehensive Plan shall be entered in the official Comprehensive Plan records in the offices of the Metropolitan Area Planning Department.

SECTION 3. Notice of this action shall be transmitted to the Sedgwick County Board of County Commissioners for its consideration, and to all other taxing subdivisions in the planning area, which request a copy of the plan: and,

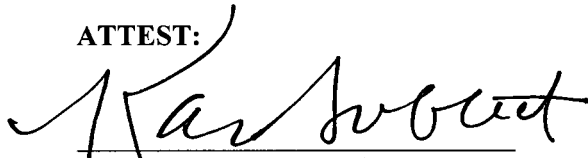
SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication in the official City newspaper.

ADOPTED at Wichita, Kansas, this October 8, 2019.

ADOPTED this 8th day of Oct, 2019.

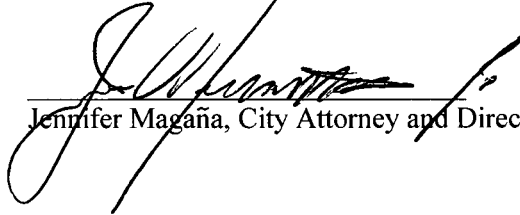

Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Jennifer Magaña, City Attorney and Director of Law



STAFF REPORT
MAPC June 20, 2019

AGENDA ITEM NO. 4-1

CASE NUMBER: DER2019-00001

APPLICANT/AGENT: Metropolitan Area Planning Department ("MAPD")

REQUEST: Amendment to the *Community Investments Plan for the City of Wichita and Sedgwick County, Kansas*, Plan Elements by adding a new Plan Element for Renewable Energy concerning policies referencing Renewable Energy Systems; and Amendment to the July 9, 2009 Edition of the Wichita-Sedgwick County Unified Zoning Code adopted by City of Wichita Ordinance No. 48-431 and Sedgwick County Resolution No. 137-09, as amended, dealing with: Article II-Section II-B-13.k, the definitions of a "utility, major," "renewable energy systems", "wind energy conversion systems", and "solar energy conversion systems"; and establishing Article III, Section III-D.6.pp, Supplementary Use Regulations establishing development standards for renewable energy systems. The proposed amendments will prohibit establishment of (wind energy conversion systems (WECS) within the unincorporated portion of Sedgwick County, and establish development and performance standards for proposed solar energy conversion systems (SECS). The intent of these amendments is to facilitate the compatible development of renewable energy systems with other land use activities.

CURRENT ZONING: N/A

SITE SIZE: N/A

LOCATION: County-wide

PROPOSED CHANGES: The proposed amendments to the Unified Zoning Code and the proposed language for consideration in the *Community Investments Plan for the City of Wichita and Sedgwick County, Kansas*, are detailed below.

BACKGROUND: Metropolitan Area Planning Department (MAPD) staff was requested by the Sedgwick County Board of County Commissioners to review *Wichita-Sedgwick County Unified Zoning Code (UZC)* regulations dealing with renewable energy systems, specifically wind energy conversion systems or WECS and solar energy conversion systems or SECS.

At present, WECS and SECS are not specifically named in the UZC. Wind Energy Conversion Systems 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 U. S. government for McConnell Air Force Base. Except for land controlled by McConnell Air Force Base, the installation of a WECS or a SECS in Sedgwick County will require “conditional use” review and approval by the Metropolitan Area Planning Commission, and if protested or recommended by denial by the MAPC, by the Board of County Commission.

The proposed amendments 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 renewable energy systems.

The proposed amendments to the *Community Investments Plans* and the Unified Zoning Code (UZC) are listed below in detail, with the recommendation of staff at the end. Following the end of those proposed amendments are a series of choices available to the MAPC concerning the proposed amendments. Those choices are to provide the MAPC alternatives regarding these amendments different from the recommendations of staff.

Proposed Amendments to the *Community Investments Plan for the City of Wichita and Sedgwick County*:

Plan Element - Renewable Energy Facilities

Plan Context and Perspective - Local renewable energy sources have enormous potential value for landowners within Wichita and Sedgwick County when developed at a large scale. Several renewable technologies are already cost-effective when compared to conventional fossil and nuclear fuels; while others are projected to be cost-effective in the near future. Because of the increase in interest by landowners in making their property available for large-scale, renewable energy development; it is prudent to become aware of these renewable resources opportunities and to have some idea of the potential energy and economic viability of these resources, as well as the potential impacts and mitigation measures to be taken as this technology is introduced to the region.

The improvements in technology have made the development of Solar Energy Conversion Systems (SECS) economically viable and the potential for such development on a large scale is a reality in Wichita and Sedgwick County. Wind Energy Conversion Systems (WECS) have already been established in many locations within Kansas; some in close proximity to Wichita and Sedgwick County. While provisions already exist within the adopted local laws governing small facilities serving only one property; it is important that Wichita and Sedgwick County establish viable rules and regulations to manage the introduction of these new uses within the community.

For Wichita and Sedgwick County, the challenge will be to manage the placement of these facilities in a manner that protects the larger interests of the diverse ownerships existing within the community. The unincorporated areas of Sedgwick County have seen diverse development over the years as more people have acquired home sites that are not tied to an agricultural use. These have created a pattern of rural uses that often make the introduction of large-scale develop that is designed to utilize natural resources...or in this case, renewable resources such as solar and wind resources...challenging to site. It is also recognized that the potential for further development of rural home sites in increasing densities is growing and will most likely result in greater non-agricultural land uses throughout the County. Provided such development complies with the existing rules, regulations and policies of the County, that development is acceptable and will generally be allowed.

Additionally, the history of aviation development in Wichita and Sedgwick County has resulted in numerous airports and landing strips being established. Those uses are historically important to the community and must remain viable irrespective of other uses that might be presented. This fact is further accentuate by the presence of major aviation facilities at McConnell Air Force Base, Dwight D. Eisenhower National Airport, Colonel James Jabara Airport, Raytheon Airport, and numerous smaller airports and landing strips throughout the County. These facilities add significant value and importance to the aviation industry to this community. As such, the objective of the policies and plans outlined herein need to remain cognizant of the importance and value of existing investments in the community as new uses and other changes are evaluated; especially regarding the protection from potential uses that would conflict or hinder the mission of McConnell Air Force Base, or harm and existing and future uses of the facilities in place today.

Given these facts, and in the interest of eliminating the potential of deleterious affects on existing land uses, the continuing potential for more non-agricultural development, and the growth and further development of aviation interests, the introduction of wind energy conversion systems (WECS) is deemed incompatible within the City of Wichita and all of Sedgwick County and, therefore, should be prohibited.

It is recognized that solar energy conversion systems (SECS) may be acceptable within the City of Wichita and Sedgwick County; however, design and performance standards need to be established that can be used in determining the location and size of all proposed facilities.

Finally, as renewable energy facilities are proposed, the continued protection of the viability of the existing cities within Sedgwick County and their ability to grow remain a priority and, as such, the placement of such facilities must not endanger the life of the existing cities.

Our Renewable Energy Goals and Strategies

Goal 1 - Protect existing cities, land uses, aviation interests and other private investments as new renewable energy facilities are considered for development.

Strategies:

- A. Prohibit Wind Energy Conversion Systems (WECS) within the City of Wichita and Sedgwick County.
- B. Develop and implement specific rules, regulations and procedures that protect people and property from all negative impacts associated with acceptable renewable energy facilities.

- C. Develop and implement specific rules, regulations and procedures that protect existing aviation facilities, especially airports and landing strips within Sedgwick County from all negative impacts associated with acceptable renewable energy facilities.

Goal 2 - Evaluate renewable energy development proposals based on the best information available as the technology continues to evolve and change.

Strategies:

- A. Continually evaluate and update rules, regulations and procedures concerning renewable energy facilities based on research of the changing standards and principles associated with development of these facilities.

Proposed Amendments to Unified Zoning Code:

It is recommended the UZC be amended as follows:

1. Amend Article II, Section II-B.13.k of the Wichita-Sedgwick County Unified Zoning Code as follows:

Section II-B. **Utility, Major** means generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; renewable energy systems, and radio, television and microwave transmission towers; and similar facilities ~~of agencies that are under public franchise or ownership to~~ that provide the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term Utility, Major shall not be construed to include corporate or general offices; gas or oil processing facilities that are accompanied by office uses, telecommunication carrier with transmission equipment for long-distance calls and high-speed Internet connections with one or more telecommunication carrier located within a Building, or other uses defined in this section.

(11.i)

Renewable Energy Systems means either a Wind Energy Conversion System (WECS) or a Solar Energy Conversion System (SECS) as defined in this section.

(14. P)
(14. P)

Wind Energy Conversion System (WECS) means the combination of mechanical and structural elements used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind Energy Conversion Systems consist of the turbine apparatus and any other buildings, support structures and other related improvements necessary for the generation of electric power from wind and intended for wholesale sales of generated electricity.

(12. z)

Solar Energy Conversion System (SECS) means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity and includes all associated support facilities including, but not limited to, roads, substations, operation and maintenance buildings, as specified in the application.

2. Amend Article III, Section III-D.6. Supplementary Use Regulations of the Unified Zoning Code

by adding the new section establishing development standards for renewable energy systems as follows:

pp. Renewable Energy Systems. All renewable energy systems, as defined by this Code shall always be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures). Renewable energy systems shall be subject to the following development and operational standards.

- (1)** A site plan shall be submitted in compliance with the requirements provided by the Site Plan Guidelines for Conditional Use Application for all applications for a renewable energy system and shall provide the following supplemental information:

 - (a)** As part of the application for conditional use review, the applicant shall submit an Environmental Impact Statement to EPA standards that addresses the project's impact, if any, on: wildlife habitat; bird migration; the projects potential to cause bird and bat strikes or death; officially listed flora and fauna; and flood zones.
 - (b)** At the time of application, the applicant shall provide information that addresses: stormwater drainage, soil erosion, sediment control, and will detail how same will be addressed, prevented or enhanced by grading, re-vegetation or other standard construction practices in accordance with the reclamation recommendations of the Sedgwick County Conservation District. Damage to existing vegetation shall be minimized. Disturbed areas shall be reseeded in accordance with the reclamation recommendations of the Sedgwick County Conservation District. Weed control shall be maintained as directed by the Sedgwick County Noxious Weed Department.
 - (c)** The applicant shall provide an evaluation of potential impacts together with any plans and proposals for alleviating social and economic impacts upon local governments or special districts and alleviating environmental impacts which may result from the proposed facility.
 - (d)** The applicant or developer shall meet with the appropriate department of public works, and/or Kansas Department of Transportation to determine what roads may be used as transportation routes for construction and maintenance, and shall provide a map of the route(s) to be used in Sedgwick County. No building or construction permit shall be issued until the applicant submits proof that appropriate permits and any required guarantees dealing with road damage or maintenance can be provided.
 - (e)** The applicant shall provide a list of all Local, State and Federal agencies requiring approval and a copy of such approval, including all required studies, reports and certifications. In the event that a State or Federal Agency has not yet approved a required study, report or certification, then the enforcement of the conditional use permit shall be subject to receipt of a copy of such approval, unless good cause is shown to the satisfaction of the Planning Director.

- (f) No lighting over 15 feet in height shall be installed on renewable energy facilities unless approved as part of the conditional use review process and is required by local, state or federal requirements. No light source greater than one foot-candle shall be directed off-site. Security or safety lighting of the SECS and accessory structures shall be limited to the minimum necessary and full cutoff lighting (e.g., dark sky compliant) may be required when determined necessary to mitigate visual impacts. Lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
- (g) The Applicant(s) shall provide a site and facility reclamation and decommissioning plan which indicates the planned life of the SECS and the means by which the facility and its site will be decommissioned and reclaimed at the end of the facility's life. Said reclamation and decommissioning plan shall certify that any owner of land within the SECS and its site who is not the Applicant(s) has been consulted in development of the reclamation and decommissioning plan. If the permit is granted, the plan shall be updated every five (5) years until site reclamation and decommissioning is complete. Before final inspection by public officials, the applicants shall provide evidence that the decommissioning plan, and amendments thereto, have recorded with the Register of Deeds. The reclamation and decommissioning plan shall provide that, at the end of the project's life; or an individual turbine's or tower's useful life, or array component of an SECS, all, or the appropriate portion, of the site's equipment and access roads shall be removed from the site and the site shall be returned to original condition, or restored to such condition as to allow a use compatible with surrounding uses as determined by the Planning Director, or to such condition as agreed to by the landowner and the SECS owner, developer, and/or operator. The landowner may choose to have access roads left intact.
- (i) Upon final approval of the Conditional Use, construction shall begin within two years from the date of final approval; otherwise, the conditional use approval shall be deemed to be null and void unless an extension to begin construction is administratively approved by the Director of Planning. The Director of Planning is authorized to administratively grant a one-time, up-to-one year extension for construction to begin. Extensions for more than one year require a public hearing and approval by the Metropolitan Area Planning Commission. Construction for a SECS will be considered to have begun once the first array of solar panels has begun to be installed.
- (i) Any other issues or concerns that are identified relative to a specific request for a Renewable Energy System may be included within the information required for consideration of the Conditional Use Permit.
- (2) All wind energy conversion system (WECS) are prohibited within the unincorporated portion of Sedgwick County and the City of Wichita.

(3) Specific requirements for all solar energy conversion system (SECS) applications are as follows:

- (a) Information shall be provided relative to the solar technology to be used (i.e. polycrystalline PV, monocrystalline PV, Cadmium Telluride PV, evacuated tube solar thermal, flat plate solar thermal, etc.); approximate number of solar modules/panels; system mounting (i.e. fixed-tilt on flat roof, fixed-tilt ground-mount, 1-axis tracking groundmount, etc.); the maximum height of the array from the ground or roof surface; the maximum height of any new utility poles; and power capacity of the system, in both DC and AC Watts where applicable; total acreage of array and acreage of total project; manner in which the project will connect (i.e. net meter to existing distribution line, to new distribution line, to transmission line); and, whether a new substation will be constructed. (If so, provide location and size).**
- (b) If a SECS is proposed to be placed within one (1) mile of any airport or airstrip as shown on the Airport and Airstrip Map incorporated herein by reference, the applicant shall provide acknowledgement of location approval from the Federal Aviation Administration prior to construction.**
- (c) The applicant shall provide a Solar Glare Hazard Analysis utilizing the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), or its equivalent, per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information, shall be submitted to the Planning Director at least 30 days before the required public hearing for the Conditional Use Permit for the SECS. Any applicable SECS design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the Planning Director for accurate records of the as-built system. The analysis shall provide an assessment of when and where glare will occur throughout the year.**

 - 1. If solar glare is predicted, the applicant shall provide mitigation measures to address the impacts of solar glare. Mitigation measures may include and are not limited to textured glass, anti-reflective coatings, screening, distance, and angling of solar PV modules in a manner that reduces glare to surrounding land uses of non-participating property owners.**
- (d) The SECS shall not exceed thirty-five feet (35') in height; provided, however, said height restriction shall not apply to substation facilities or transmission lines.**
- (e) All SECS structures shall be setback from the project boundary lines and public rights-of-way at least forty (40) feet. Additional setbacks may be required to mitigate site specific issues or to provide for access, road or commercial corridors.**

- (f) The SECS shall be enclosed by perimeter fencing at least 8 feet tall to restrict unauthorized access. No outdoor storage of any materials or equipment is permitted.
- (g) On-site communication lines and power collection lines are to be installed underground. Above ground utility or power lines may be used only in public rights-of-way, easements or other legally dedicated land permitting such uses, or when conditions on-site are found to make installation of such lines or facilities impractical or infeasible, such as existing underground pipelines, utilities or high groundwater.
- (h) There shall be no signage allowed on the SECS with the exception of safety and emergency contact signs, warning signs, directional or project identification signs.
- (i) The SECS should be located to make maximum use of existing terrain, vegetation and structures to screen the Project from off-site views. To the greatest extent possible, SECS should be sited such that non-shading vegetation and/or existing structures are located between the facility and public and private viewpoints. Landscaping and/or screening may be required to help screen the SECS.
- (i) The applicant shall identify the potential fire risk associated with the project, including both prescribed burning and non-prescribed burning.
- (k) No SECS shall be placed such that concentrated solar glare casts onto adjacent properties or roadways.

RECOMMENDATION:

It is the recommendation of Staff that the above amendments to the Unified Zoning Code have been recommended by the Metropolitan Area Planning Commission for adoption.

ALTERNATIVES:

1. Adopt the proposed amendments to the *Community Investments Plan for the City of Wichita and Sedgwick County, Kansas* regarding Renewable Energy Systems.
2. Modify the proposed amendments and adopt as amended.