



COUNTY SOLAR REGULATIONS

Kansas is experiencing unprecedented growth in renewable energy production, including many new commercial-scale solar projects. It's not quite the "Wild, Wild, West," but there is minimal regulation of solar energy development at the state level. Meanwhile, county governments have the ability to regulate solar development within their county through their zoning regulations, but many do not. County solar regulations can address things like project size, setbacks, decommissioning, visual buffers, drainage, noise, safety, protection of prime agricultural lands, and more.

One way landowners can protect their interests is by engaging in or with their county government, on local planning and zoning boards and commissions. About one-half of Kansas counties have zoning regulations, and most of the zoned counties lack robust solar regulations that can guide how and where solar energy development should occur, and what assurances and practices should be in place when a project is decommissioned. Working with your county government to get reasonable regulations in place can help ensure that solar energy growth can continue in a responsible manner, consistent with local goals and plans.

We have gathered some resources on our Legal Foundation website to provide information to our members, and local governments, considering solar regulations. Summaries and links to county solar regulations can be found on the next page.

FIND THESE HELPFUL RESOURCES ON THE LEGAL FOUNDATION'S WEBSITE:

- Additional guidance on local solar regulations
- Resources on solar leasing
- Information about decommissioning of electric energy generation projects
- Links to current statutes applicable to renewable energy and transmission



COUNTY SOLAR REGULATION, EXAMPLES

We are often asked for guidance, or a place to start, when a county begins writing or reviewing their solar regulations. Unfortunately, we do not have a gold standard set of regulations to share. Additionally, all counties are different, so regulations that are successful in one county, may not work well in others. In an effort to provide a little bit of the legwork to research the types of solar regulation in Kansas, we have identified a few counties that have developed solar regulations, and provided links and summaries below. In providing these examples, we are not endorsing them over other local controls (or lack thereof). We are simply providing them as a place to start discussion in your county.

FINNEY COUNTY

Finney County's regulations contain a 20' height restriction, require perimeter fencing of at least 6' high (when adjacent to commercial or residential), and have setback requirements of 50' (front and rear) and 30' (side), plus setbacks for accessory structures. There are also noise mitigation and security lighting requirements.

SEWARD COUNTY

Seward County's regulations contain a 35' height restriction, require perimeter fencing of at least 8' high, and have a 40' setback requirement. Additionally, all commercial solar structures shall be setback from any non-participating landowner's residential structure by at least 250'. The regulations also prohibit the placement of solar projects in such a way that would cause concentrated solar glare casting onto adjacent property and roadways. They also require electrical lines to be buried underground in certain circumstances.

SEDGWICK COUNTY

Wichita-Sedgwick County's unified solar regulations are quite developed, but here are some of the high points. They contain a 35' height restriction, require perimeter fencing of at least 8' high, and a 40' setback. Lighting for the project is limited in height and brightness. The regulations also prohibit the placement of solar projects in such a way that would cause concentrated solar glare casting onto adjacent property and roadways. The project must include a site and facility reclamation and decommissioning plan that is recorded with the Register of Deeds, and updated every 5 years for the life of the project.

The county requires a Conditional Use Permit (CUP). An application for the CUP must include, among other things, details of materials used, height, total acreage, transmission line requirements, and whether a new substation will be required. The application also requires proof of FAA approval if within 1 mile of an airstrip, plus solar glare hazard analysis (and mitigation), an environmental assessment, information regarding stormwater drainage and soil conservation, and a socio-economic analysis.

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