

RESOLUTION NO. 212

DATE ADOPTED: 9-13-23

DATE PUBLISHED: _____

**A RESOLUTION ESTABLISHING A MORATORIUM AND PROVIDING FOR THE
SUSPENSION OF CERTAIN TYPES OF USE APPLICATIONS AND
CONSIDERATION ON ANY LAND WITHIN THE UNINCORPORATED AREA OF
SEDGWICK COUNTY; AND DIRECTING THAT POTENTIAL LAND
DEVELOPMENT REGULATIONS FOR THE WICHITA-SEDGWICK COUNTY
UNIFIED ZONING CODE BE REVIEWED AND DEVELOPED.**

WHEREAS, the Wichita-Sedgwick County Unified Zoning Code (“Zoning Code”) presently allows commercial solar energy uses subject to Conditional Use review procedures and the regulations and standards in the Zoning Code, including regulations or standards that are specific to Solar Energy Conversion Systems (“SECS”) or Renewable Energy Systems; and

WHEREAS, Kansas statutes authorize counties to establish land development regulations to address their local development concerns and needs; and

WHEREAS, Sedgwick County previously imposed a moratorium in February 2019 on Conditional Use permits for commercial wind and solar energy systems to develop standards and regulations for commercial wind and solar energy uses. The action resulted to changes in the Zoning Code, specifically prohibition of Wind Energy Conversion Systems and the implementation of regulations and standards for SECS; and

WHEREAS, since that time, more municipalities, both nationwide and in the State of Kansas, have considered the potential impacts that commercial solar energy uses might have on both nearby property owners, the region, and future development; and

WHEREAS, due to a number of impacts that SECS have or might have on both nearby property owners, the region, and also future development, the Board of County Commissioners recognize that a need exists to further consider, and potentially adopt, additional land development regulations and/or standards that may pertain to such property uses; and

WHEREAS, the time necessary to complete the task of developing, considering, and potentially adopting any additional or alternative regulations and/or standards for SECS would likely take multiple months; and

WHEREAS, the time necessary to adopt any regulations and/or standards for SECS could result in an influx of such Conditional Use applications that may not be in the best interests of Sedgwick County; that could be detrimental to the health, safety, and general public welfare of the citizens of Sedgwick County; and, that might be inspired to occur only in an attempt to become established before any new land development regulations and/or standards are adopted which might limit, restrict, or prohibit such development; and

WHEREAS, pursuant to K.S.A. 12-741, *et seq.*, and K.S.A. 19-101, *et seq.*, Sedgwick

County has the police power and statutory authority to regulate the conduct of development through this Resolution. This moratorium is a legislative action.

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

SECTION 1.

Within the unincorporated area of Sedgwick County, the consideration and issuance of any Conditional Use permits for applications submitted after this Resolution's effective date and within the Zoning Code that would include SECS is temporarily suspended as indicated within this Resolution.

SECTION 2.

All Sedgwick County and Metropolitan Area Planning Department ("MAPD") officials, agencies, staff, agents, commissions, and/or boards charged with the responsibility to review, hear, approve, license, permit, or otherwise authorize the establishment and/or construction of any SECS on property that lacks the proper zoning authority under the Zoning Code are directed to suspend the receipt, review, hearing, or granting of such applications, approval, licenses, permits, or authorization for the period stated within this Resolution.

SECTION 3.

MAPD staff and the Wichita-Sedgwick County Metropolitan Area Planning Commission ("MAPC") (and any applicable sub-committee(s) thereof) are directed to review the existing Zoning Code provisions pertaining to commercial solar energy uses/SECS. The MAPC may then bring forward any proposed Zoning Code amendments pertaining to SECS and related matters within the Zoning Code pursuant to K.S.A. 12-741, *et seq.* If deemed appropriate by the MAPC (and any applicable sub-committee(s) thereof), potential amendments pertaining to SECS and related matters may be proposed to be made to the Community Investments Plan 2015-2035 (the comprehensive plan for Sedgwick County and the City of Wichita).

SECTION 4.

The moratorium imposed by this Resolution may be extended, amended, or terminated earlier than its expiration date by subsequent resolution approved by the Board of County Commissioners.

SECTION 5.

The Director of the MAPD is hereby directed to be the administrator of the provisions of this Resolution. Any question as to the applicability of any provision of this Resolution shall be administered in accordance with the procedure established within the Zoning Code.

SECTION 6.

If any section of this Resolution shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Resolution as a whole or any part or provision thereof, other than the part so declared invalid or unconstitutional.

SECTION 7.

This Resolution shall take effect and be in full force and effect after its adoption and publication in the official county newspaper and shall remain in effect until March 20, 2024. The County Clerk is directed to publish this Resolution once in the official county newspaper.

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Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

aye
aye aye
aye aye

Dated this 13 day of September, 2023.


ATTEST:


KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

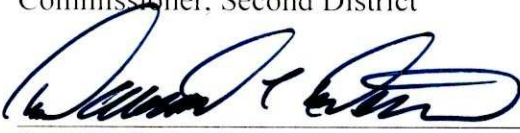

PETER F. MEITZNER, Chairman
Commissioner, First District


JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:


KIRK W. SPONSEL
Deputy County Counselor


SARAH LOPEZ
Commissioner, Second District


DAVID T. DENNIS
Commissioner, Third District


RYAN K. BATY
Commissioner, Fourth District