

RESOLUTION NO. 016-2019

DATE ADOPTED: 2-6-19

DATE PUBLISHED: _____

A RESOLUTION ESTABLISHING A MORATORIUM AND PROVIDING FOR THE SUSPENSION OF CERTAIN TYPES OF IMPROVEMENTS 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 DEVELOPED.

WHEREAS, the Wichita-Sedgwick County Unified Zoning Code (“Zoning Code”) does not presently include any regulations or standards that are specific to commercial Wind Energy Conversion Systems (“WECS”), often referred to as “wind farms”; and

WHEREAS, the Zoning Code does not presently include any regulations or standards that are specific to commercial solar energy systems; and

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

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

WHEREAS, the current Zoning Code provisions would allow a property owner to apply for a WECS use or a commercial solar energy system use through a conditional use permit; and

WHEREAS, the time necessary to complete the task of developing, considering, and potentially adopting any regulations and/or standards for WECS and commercial solar energy systems would likely take multiple months; and

WHEREAS, the time necessary to adopt any regulations and/or standards for WECS and commercial solar energy systems 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.

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 issuance of any conditional use permits within the Zoning Code for “Utility, Major” uses that would include WECS and/or commercial solar energy systems 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 approve, license, permit, or otherwise authorize the establishment and/or construction of WECS facilities and commercial solar energy system facilities on property that lacks the proper zoning authority under the Zoning Code are directed to suspend the granting of such 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 WECS and commercial solar energy systems. The MAPC may then bring forward any proposed Zoning Code amendments pertaining to WECS, commercial solar energy systems, 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 WECS, commercial solar energy systems, 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. Any person aggrieved by a decision involving such a question as to the applicability of any provision of this Resolution may pursue administrative remedies 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 and after its adoption and publication in the official county newspaper and shall remain in effect until August 12, 2019. 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
MICHAEL B. O'DONNELL, II
DAVID T. DENNIS
LACEY D. CRUSE
JAMES M. HOWELL

Aye
Aye
Aye
Aye
Aye

Dated this 6 day of February, 2019.

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk


BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

David T. Dennis
DAVID T. DENNIS, Chairman
Commissioner, Third District

Peter F. Meitzner
PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER
Assistant County Counselor

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

Lacey D. Cruse
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Commissioner, Fourth District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District