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|  | **District 1 Citizens Advisory Board Meeting**  **Minutes**  Monday, February 26, 2024 | 5:30 p.m.  *Bel Aire City Hall, 7651 E. Central Park Ave., Bel Aire, KS* |

**Board Members in Attendance:** Judah Craig, Steven Burt, Jacqueline Kelly, Daniel Bateman, Kathryn Herzog

**County Representatives:** Sedgwick County Commissioner, Pete Meitzner, and Wichita-Sedgwick County MAPD Principal Planner, Justin Constantino

1. **Call to Order**
   1. Chair Judah Craig called the meeting to order at 5:37 p.m.
2. **Approval of Meeting Minutes**
   1. A motion was made by Steven Burt to approve the minutes. Kathy Herzog seconded this motion. **The CAB approved the motion with a vote of 4-0.**
3. **Public Agenda**
   1. Three members of the public came to comment (Tim Mullen, Gene Fields and Leroy Bosch)
4. **New Business**
   1. Judah Craig has been in contact with the District 5 CAB Chair. They had a specific interest in exploring the topic of suicide in their youth group. We can maybe explore it down the road.
   2. MAPD Principal Planner, Justin Constantine begins his presentation on Solar Power.
      * 1. There is currently a moratorium on large scale utility with an expiration date in March.
        2. This is strictly large scale utilities solar.
        3. The comprehensive plan is kind of guiding document. It's for 2035, meant for long range.
        4. Through the town hall and survey’s they were able to dissect four themes like decommissioning, financial assurance, groundwater contamination and urban growth area.
      1. Kathy Herzog asked, they are going to be removing the equipment at a depth of 40 feet, why is that? Is there a concern that there is contamination of the soil from solar panels?
         1. Justin Constantino responded, I don't know if it is necessarily concerned about contamination, but you want to make sure that everything was out of there. I think the four feet has to do with making sure that the land is usable after the fact.
      2. Judah Craig asked, are you looking for specific feedback in regards to the decommissioning as a whole?
         1. Justin Constantino responded, yeah, I mean, really, overall, I'm looking for feedback on the entire thing. I think it's easiest for me to stop at each one of these suggestions because I could talk about this topic for quite a while on all four of these, but I think it's easier for me to at least pause for a moment.
         2. Judah Craig responded, if anybody has something to say, go ahead. I think like you said, it's our first time really hearing it. So I think we're digesting it and we might end up circling back information as it comes through.
      3. Judah Craig asked, commissioner do you have anything to ask at this point?
         1. Pete Meitzner responded, I think it's important that you guys so you know the zoning issues. But this comprehensive plant induction is required to be done every five years, with a projection of what's it going to look like 15 years. So there'll be another one due in 25. It also takes input from all of the cities in the county about what they call their growth, career growth area in an urban growth area. But by having an urban growth designated in that plan and they need to weigh in on it.
      4. Judah Craig asked, have the large scale solar areas like this been factored into the planning and development?
         1. Pete Meitzner responded, that will be part of that.
      5. Judah Craig asked, when we see the maps with the zoning and everything, has that been factored into the development?
         1. Justin Constantino responded, good question, I will get into that.
      6. Kathy Herzog asked, we talked about the four foot limit for renewable but is there anything written that says that installers cannot go below that limit?
         1. Justin Constantino responded, no. I don't know exactly how one of these structures is built. But I do know that there isn't any specific language saying that you can only build to a specific depth.
      7. Kathy Herzog asked, shouldn’t you have it in there?
         1. Justin Constantino responded, yes. I can certainly add that.
      8. Judah Craig asked, when they don't have any comments from, like the committee or anything, is that an indication that they felt like the language that was existing was comprehensive?
         1. Justin Constantino responded, yes. As far as a lot of the changes that they were looking at, they specifically went into the zoning code a lot. You'll kind of sense that trend as I go through each of these topics. The comprehensive plan because it's a broader document, as the Commissioner was saying, if the language itself is a bit more comprehensive, it's a bit broader, whereas the unified zoning code specifically is a regulatory document.
      9. Judah Craig asked, did the unified zoning code take into account operations of this size or magnitude for it or was it, did it have something else in mind?
         1. Justin Constantino responded, it’s specifically geared towards large scale standard questions. So yeah, we currently had existing regulations. And the goal was to pause at the moratorium and looking to see if there was anything additional needed from the Advanced Plans Committee and MAPC. At this point, the full Planning Commission has decided that they would like to see some additional text.
      10. Judah Craig asked, why would three miles be too much in one mile not enough? Is it just infrastructure?
          1. Justin Constantino responded, I think the argument made by proponents of solar was that if we do a three minute walk around urban growth area, there's really no location. If you look at that time map on three mile rate, what is shown in white, there would be the spacing.
      11. Steven Burt asked, that means it’s all connected? What’s the argument for three miles?
          1. Justin Constantino responded, I think it was just aesthetics and general growth. I can't speak for the individual that submitted the survey, but I think that there was a general concern of not wanting new those city limits as they grow.
          2. Pete Meitzner responded, because it's their recommendation is to kind of keep it on a case by case basis, which is what happens today with anything. I don't know that there's any industry that's banned in an area of growth today.
      12. Kathryn Herzog asked, I'm looking at that map and see Wichita, and I see it, overflow into that county. We wouldn't have authority to say that somebody couldn't build a company in that gray area in Butler County right?
          1. Justin Constantino responded, it's tough to tell from this map. I don't think our area of influence skills are currently which job would still end up failing. This is specifically for central data engineers. Those were suggestions and the Advanced Plans Committee decided to do both the unified zoning code as well as the comprehensive. They didn't want to add a specific language regardless because they're comfortable with taking on a case by case basis.
      13. Judah Craig asked, is there a blueprint for what a lot of these would look like?
          1. Justin Constantino responded, I think from what we've heard is that at least 600 acres would be financially where are they going to be and as far as size goes. That's the recommendations made by the Advanced Planning Committee. They made recommendations to the full Planning Commission on February 22. The full Planning Commission voted to approve those tax changes in the unified zoning code by 30 to one vote, so they did recommend changes to the unified zoning code. Throughout this process, they made no recommended changes to the comprehensive plan.
      14. Judah Craig asked, are there any unintended consequences associated with this? The building perspective or from the grid?
          1. Justin Constantino responded, yes, in addition to the legal jargon through this text, we've had MABCD looking at this, we've had members from Department of Environmental Health Services looking at this so all of our departments are well aware of the latest shape changes, and they are able and willing to look at how they'd like it in the future.
      15. Kathy Herzog asked, if we have all this energy going to a battery, how is then it transferred to the grid? Are we going to have a giant power bubbles that are out in those areas, or is it all underground cable?

1. Justin Constantino responded, I can't answer that specifically, I know that the height limitation on the panels themselves are actually about five feet and the rest of the zoning in relation to the project is based off of that project. So there will be limitations on any accessory structures as part of this.

* + 1. Kathy Herzog asked, but that will only be in the 600 acres, what happens to that power once it leaves that acreage?

1. Justin Constantino responded, I’m not sure. I don’t know how the process itself works.
2. Kathy Herzog responded, if they were going to cut through my land to run those giant poles, I wouldn’t be a happy camper.
   * 1. Judah Craig asked, as far as economic impact, is there a benefit to energy costs, job creation, any of that?

1. Justin Constantino responded, so during the public input process we had several stations laid out and there were like 13 stations and that was one of the things we asked was are you concerned about the economic influence have on the area? There was some good feedback that we have on that particular topic, but it wasn't one of the main topics.

* + 1. Pete Meitzner asked, there are how many counties and regulations?

1. Justin Constantino responded, we looked at about 10. Some of them don't allow solar and others have specific length they want. They have specific language and distance between them or some of them had next acreage.

* + 1. Judah Craig asked, are there any case studies to benefit other communities that have done this and may have helped guide some of this?

1. Justin Constantino responded, it contributed to it. When we were looking at it it's like, well, how big can they get like 600 acres? It seems like a lot, but when you see other communities capping it at 1000, that's like, well, clearly, they're doing research there. We looked at communities outside of Kansas to depending on where the research that we found, what have happened. So the American Planning Association, for example, have a really comprehensive document about what a lot of other communities have done, the benefits and the size recommendations.

* + 1. Tim Mullen (member of the public) asked, Commissioner Dennis said he was in favor of the limitations of the urban city area, could you double check the status of that?

1. Justin Constantino responded, I actually misspoke earlier, I don’t have the numbers on that.

* + 1. Judah Craig asked, just to make sure we summarize your main points here, the groundwater is going to be a concern, the sizing and the spacing in between and like what Butler County has talked about, those would be your main concerns?

1. Tim Mullen responded, yes. Looking more consistent between county to county.

* + 1. Daniel Bateman asked, who is the us and we that you represent?

1. Tim Mullen responded, we are a group that based upon what was going on in our area, where we saw this company out there grinding to the ground trying to figure out what they were doing.

* + 1. Judah Craig asked, say they do drive further into the ground, is there not strict verbiage that we can put in that says it's a four foot scrape and reassures?

1. Justin Constantino responded, yes, the goal was to make sure that our environmental folks employed by the county are comfortable with everything that's being put in the ground. They get a list of construction materials and check that against environmental protection agency standards. It's my understanding that the four feet that is removed, is allowed for the soil and can be used for the property.

* + 1. Judah Craig asked, then the goal of the periodic testing is going to be to monitor and manage?

1. Justin Constantino responded, yes.

* + 1. Judah Craig asked, in regards to a lease, a 235 year term, is that covered?

1. Justin Constantino responded, it would depend on the contract.

* + 1. Jackie Kelly asked, what is the 70 year time limit or could it just be a 120 year limit?

1. Judah Craig responded, that's going to be negotiated in essence between whoever did a private contract.

* + 1. Kathy Herzog asked, does it save it and replace the topsoil or do you scrape it off?

1. Justin Constantino responded, that would be part of the decommissioning plan. It’s based on what the property owner wants to see happen with the land after the fact.

* + 1. Kathy Herzog asked, is this all dependent on an agreement between the property owner and the company and we're not really specifying, we say four feet, but they could scrape it all off?

1. Justin Constantino responded, yes. It has to be removed at least. If the property owner wants more, I would imagine that would need to be included in that contract.

* + 1. Judah Craig asked, just like any zoning case, there is further opportunity for public feedback for specific case, it's not just a blanket approval where they check these boxes, right?

1. Justin Constantino responded, yes, it would all be public.

* + 1. Judah Craig asked, as far as verbiage, if they're going to put it somewhere where it's perhaps bordering an area of influence, could they extend that to where there's more opportunity for the public?

1. Justin Constantino responded, you can make the suggestion would be based on our standard zoning process like a solar is allowed by right. If it's allowed in the agricultural district and someone puts in an application, you're not going to be notified that it's going to go in there. But if it's more or less a rezone property, then that's where the notification process would take.

* + 1. Judah Craig asked, is this something that we need to give a general consensus on from our board on how we feel?

1. Justin Constantino responded, I think general consensus is fine or I'm happy to take back the comments that we've received.

* + 1. Judah Craig asked, as far as size, do we have any input as a CAB that we would say?

1. Steven Burt responded, I don’t.

2. Kathy Herzog responded, depends on the project.

* + 1. Steven Burt asked, the block is one mile by one mile, including the setbacks?

1. Kathy Herzog and Judah Craig responded, yes.

* + 1. Discussion/Housekeeping Items

1. Reminded everyone we moved the March meeting from the 18th to the 25th
2. **Adjournment**
   1. The District 1 Citizen’s Advisory Board adjourned at 6:52 p.m.

*The next Citizens Advisory Board Meeting will be* ***Monday, March 25, 2024, 5:30 p.m.***  *at Bel Aire City Hall, 7651 E. Central Park Ave., Bel Aire, KS*