

RESOLUTION NO. 2025-20

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, KANSAS, REGULATING THE OPERATION OF COMMERCIAL-SIZED SOLAR ENERGY CONVERSION PROJECTS, PURSUANT TO THE COUNTY'S GENERAL POLICE POWERS.

WHEREAS, the Board of County Commissioners of Brown County, Kansas ("Board"), is vested with authority under Article 12, § 5 of the Kansas Constitution and applicable Kansas statutes to enact regulations to protect the public health, safety, and general welfare of the inhabitants of the County; and

WHEREAS, the Board recognizes the potential benefits of solar energy development, but also the potential impacts on, among other things, aviation safety, drainage, stormwater management, and emergency preparedness; and

WHEREAS, it is in the best interests of the County and its citizens to establish reasonable operational requirements for commercial-sized solar energy conversion projects, in order to balance renewable energy development with protection of the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, KANSAS, AS FOLLOWS:

Section 1. Definitions.

"Solar Energy Conversion Project" means a facility, or group of facilities, consisting of photovoltaic panels, equipment, or structures primarily intended to generate electricity for off-site commercial sale, distribution, or wholesale supply, and not for on-site personal or agricultural use.

Section 2. Setback Requirements.

- (a) Airstrips. No Solar Energy Conversion Project shall be located within one (1) mile of any existing public or private airstrip.
- (b) Roads and Property Lines. No project facilities shall be located closer than three hundred (300) feet from any public road right-of-way or any adjacent property line.
- (c) Residences. No project facilities shall be located within one mile of any existing inhabited dwelling without the written consent of the owner and resident at the time operation is commenced.

Section 3. Fencing.

All project perimeters shall be secured with fencing of a type and design approved by the County.

Section 4. Plans Required.

The operation of a Solar Energy Conversion Project shall require, in addition to compliance with any applicable zoning regulations, the following plans approved by the Board of County Commissioners of Brown County:

- (a) Stormwater Drainage Plan – prepared by a licensed professional engineer, demonstrating adequate drainage and erosion control.
- (b) Disaster Response Plan – outlining fire suppression, emergency shutdown, and coordination with local emergency responders.
- (c) Decommissioning Plan – providing for the removal of all above-ground equipment and restoration of the site upon cessation of operations.
- (d) Decommissioning Funding Mechanism – including financial assurance acceptable to the County sufficient to cover the full cost of decommissioning the project at the end of the life of the project, discontinuation of the project or abandonment of the project.

Section 5. Enforcement.

Any violation of this Resolution may be enforced by injunction, abatement, or other remedies available at law or in equity.

Section 6. Severability.

If any section of this Resolution is held invalid, the remainder shall remain in full force and effect.

Section 7. Effective Date.

This Resolution shall take effect upon passage, approval, and publication in the official county newspaper.

Adopted this 26th day of November, 2025.

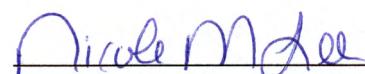
BOARD OF COUNTY COMMISSIONERS
BROWN COUNTY, KANSAS


Lucas W. Heinen, Chair


William Pollock, Commissioner


Richard Tesoriero, Commissioner

ATTEST:


Nicole M. Lee, County Clerk

