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RESOLUTION NO. 16 2024

A RESOLUTION BY THE CHEROKEE COUNTY, KANSAS BOARD OF COMMISSIONERS ENACTING A MORATORIUM ON COMMERCIAL SOLAR ENERGY PROJECTS.

WHEREAS Cherokee County, pursuant to K.S.A. 19-101 et seq., has the authority to determine its local affairs and to establish such regulations as are necessary for the protection of the public health, safety, and welfare;

WHEREAS Cherokee County does not presently provide regulations or standards that are specific to Commercial Solar Energy Projects;

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

WHEREAS due to a number of impacts that Commercial Solar Energy Projects 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 Board requires additional time to complete the task of developing, considering and potentially adopting any regulations and/or standards; and

WHEREAS the time necessary to adopt any regulations and/or standards for Commercial Solar Energy Projects could result in an influx of such projects that may not be in the best interests of Cherokee County; that could be detrimental to the health, safety, and general public welfare of the citizens of Cherokee 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. 19-101, et seq., Cherokee County has the police power and statutory authority to regulate the conduct of development through this Resolution.

NOW THEREFORE be it resolved by the Cherokee County, Kansas Board of Commissioners:

Section 1. Definitions

- (a) "Commercial Solar Energy Project" means the construction or installation of any improvement, facility, structure, or device upon real property intended to convert sunlight to electricity for off-site use or sale.

Section 2. Temporary Prohibition and Suspension

- (a) Any Commercial Solar Energy Project in the unincorporated area of Cherokee County is hereby suspended and prohibited and the same is declared to be a violation of the public interest of Cherokee County so long as this Resolution shall remain in effect.
- (b) The suspension and prohibition of Commercial Solar Energy Projects includes any construction or installation of roads, foundations, transmission poles, lines, cables or wires, or other infrastructure intended to be used for any Commercial Solar Energy Project in the unincorporated area of Cherokee County, Kansas.

Section 3. Prohibition and Suspension Period.

- (a) **Effective Date.** The prohibition and suspension of Commercial Solar Energy Projects Shall be effective upon adoption by the Cherokee County Board of Commissions and publication in the official county newspaper.
- (b) **Expiration.** The prohibition and suspension of Commercial Solar Energy Projects shall expire on August 10, 2024.
- (c) **Extension, Termination, or Amendment.** The prohibition and suspension of Commercial Solar Energy Projects may be extended, terminated earlier than the expiration date stated herein, or otherwise amended by subsequent resolution of this Board of County Commissioners.

BE IT RESOLVED this 10th day of June 2024 by the Cherokee County Board of Commissioners.

Approved:

Myra Carlisle Frazier
 Myra Carlisle-Frazier
 County Commissioner

Lorie Johnson
 Lorie Johnson
 County Commissioner

Cory Moates
 Cory Moates
 County Commissioner

Attest

Rebecca Brassart
 Rebecca Brassart
 County Clerk

