

RESOLUTION 2023-10

A RESOLUTION PROVIDING FOR A TEMPORARY MORATORIUM ON COMMERCIAL RENEWABLE ENERGY PROJECT DEVELOPMENT WITHIN THE UNINCORPORATED AREA OF HARVEY COUNTY, KANSAS; DIRECTING CERTAIN REVISIONS AND AMENDMENTS TO THE HARVEY COUNTY COMPREHENSIVE PLAN; DIRECTING THAT HARVEY COUNTY UNIFIED DEVELOPMENT CODE CURRENTLY IN EFFECT WITH RESPECT TO COMMERCIAL RENEWABLE ENERGY PROJECTS BE REVISED

WHEREAS, the current Harvey County Unified Development Code provisions would allow a property owner to apply for a Commercial Renewable Energy Project in the Unincorporated Areas of Harvey County; and

WHEREAS, due to the number of impacts that a Commercial Renewable Energy Project might have on that property for both current and future property owners, the Board of County Commissioners recognize that a need exists to review, consider potential changes and potentially adopt land development regulations and/or standards that may pertain to such property uses; and

WHEREAS, Harvey County is currently developing the Comprehensive Plan; and

WHEREAS, the Harvey County Planning Commission is reviewing current guidelines outlined in Section 16.14 of the Harvey County Unified Development Code pertaining to Commercial Renewable Energy Projects in the unincorporated areas of Harvey County; and

WHEREAS, the Board of County Commissioners desires to provide adequate time for the Harvey County Planning Commission to properly evaluate and implement the aforementioned actions by providing for the suspension of applications for Conditional Use Permits for Commercial Renewable Energy Projects and for the suspension of construction and erection of Commercial Renewable Energy Projects in the interim; and

WHEREAS, the Board of County Commissioners desires to provide adequate time to consider and potentially hold an advisory election on whether renewable energy projects should be allowed in Harvey County; and

WHEREAS, in accordance with K.S.A. 12-741 et seq. and K.S.A. 19-101 et seq., the County has police power and statutory authority to regulate the conduct of rural development through Zoning Regulations.

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

1. The Harvey County Planning and Zoning Department and Harvey County Planning Commission are hereby directed to suspend acting upon any application received for the issuance of a Conditional Use Permit or for permits for the erection and construction of any Commercial Renewable Energy Project or any component thereof.
2. The establishment of any Commercial Renewable Energy Project in the unincorporated area of Harvey County is hereby suspended and prohibited and the same is hereby declared to be a violation of the public interest of Harvey County so long as this Resolution shall remain in effect.

3. The Harvey County Planning and Zoning Department and the Harvey County Planning Commission, with the assistance of any consultant retained for that purpose, are directed to review and update Harvey County Comprehensive Plan to provide additional guidelines with respect to Commercial Renewable Energy Project development in the unincorporated area of Harvey County, Kansas; to draft and consider text amendments to the Harvey County Unified Development Code.
4. The Moratorium imposed by this Resolution may be extended, terminated earlier than its expiration date or otherwise amended by subsequent resolution of this Board of County Commissioners.
5. This Resolution shall take effect and be in full force and effect from and after its adoption and publication in the official county newspaper and shall remain in effect until August 21, 2023.

PASSED AND ADOPTED by the Commissioners of Harvey County, Kansas, this 21st day of February 2023.

**BOARD OF COUNTY COMMISSIONERS
OF HARVEY COUNTY, KANSAS**

Randy Hague, Chairperson

Becky Reimer, Member

Don Schroeder, Member

ATTEST:

Rick Piepho, County Clerk