



Douglas County, KS - Solar Ordinance

Key Protections for Landowners

12-306-49.02(b)(3)(i) – Standards are provided to minimize impact of the system on nearby properties.

12-306-49.05 – Standards

Subsection 12-306-49 of Zoning and Land Use Regulations for the Unincorporated Territory of Douglas County, Kansas.

Height

Panels shall not exceed fifteen (15) feet in height, measured when oriented at maximum tilt.

Size

In order to maintain the rural character and preserve agricultural land the CSECS Site Area shall be limited to no more than 1,000 acres total.

Glare

All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard as per any Local, State, and Federal laws and regulations.

Vegetation

The surface of the project site shall be prepared as shown on the approved Vegetation Management and Agrivoltaic Plan. For the remainder of the Project Area, disturbed soils shall be seeded to prevent erosion and manage runoff.

Any pesticides used on the site shall be applied only by a pesticide applicator certified by the Kansas Department of Agriculture. If the vegetation plan has been designed to minimize the use of pesticides or herbicides, those practices should be clearly stated on the site plan and noted in the operation plan.

Setbacks

The solar panels/Array and appurtenant structures shall be located a minimum of 500 feet from any existing residence (building permit plans have been submitted or the residence is on-site at time of conditional use permit approval), as measured from the dwelling, unless a lesser setback is agreed to by the owner of the residence.

Battery storage shall not be located within 500 feet of an existing residence (building permit plans have been submitted or the residence is on-site at time of conditional use permit approval).

Battery energy storage system

All battery energy storage systems shall comply with requirements of the National Fire Protection Association (NFPA) 855 and all other local, state, and federal regulations.

Fencing/Screening

Properties containing CSECS may be enclosed by perimeter fencing to restrict unauthorized access. Wildlife friendly fencing, such as a barb-wire fence with smooth wires for the top and bottom strings, or woven wire or other permeable fencing, as illustrated in this section, shall be used where possible.

Unless waived by the property owner, a 25-foot deep buffer area shall be provided, and maintained, along property lines between the systems and adjoining non-participating residential properties, or along the Site Area fencing for participating residential properties, for the purpose of screening the residential portion of the property.

Lighting

Security or safety lighting relating to the CSECS and appurtenant structures shall be limited to the minimum necessary to mitigate visual impacts.

No exterior lighting fixture shall be installed that exceeds fifteen (15) feet in height unless proven necessary by the applicant and approved as part of the conditional use review process.

No light source shall be directed off-site. All external lighting shall be shielded and downcast such that light does not encroach upon adjacent properties or the night sky.

All exterior lighting, where used, shall be motion activated and on a timer, or switch-operated.

Noise

The operational noise generated from the solar installation equipment, including inverters, battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 decibels (60 dBA) as measured at the property line or 500 feet from an existing residence, (building permit plans have been submitted or the residence is on-site at time of conditional use permit approval).

Applicants shall submit equipment and component manufacturer noise ratings at the time of application to demonstrate compliance with the maximum permitted noise level, as noted above.

Transformers, inverters, or other sound or vibration generating equipment must be placed so that low level recurring ambient noise does not exceed the limit noted above. Noise levels can be minimized with type of equipment or the placement of equipment interior to the site, shielded by proposed solar panels and/or by specifically placed noise- and vibration- deadening fence, landscape, or other efforts.

Construction noise shall be analyzed and mitigated as outlined in the Construction Impact Assessment, Section d 'Additional Materials'.

Ground Water Testing

With each approved CSECS conditional use permit application, an optional water analysis of active wells within one-quarter mile of the Site Area shall be offered by the operator prior to the installation of the equipment.