

RESOLUTION 2023-21

A RESOLUTION EXTENDING A TEMPORARY MORATORIUM ON COMMERCIAL RENEWABLE ENERGY PROJECT DEVELOPMENT WITHIN THE UNINCORPORATED AREA OF HARVEY COUNTY, KANSAS.

WHEREAS, a resolution providing for a temporary moratorium on commercial renewable energy project development within the unincorporated area of Harvey County, Kansas was passed by the Board of County Commissioners of Harvey County, Kansas on February 21, 2023, being Resolution 2023-10, and published in the official county newspaper; and

WHEREAS, said moratorium, as set forth in Resolution 2023-10, terminates on August 21, 2023; and

WHEREAS, due to the number of impacts that a Commercial Renewable Energy Project might have on property for both current and future property owners, the Board of County Commissioners recognizes that a need exists to continue to review, consider potential changes and potentially adopt land development regulations and/or standards that may pertain to such property uses; 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 extend said moratorium to allow additional time for the Harvey County Planning Commission to draft certain revisions and amendments to the Harvey County Comprehensive Plan and the Harvey County Unified Development Code with respect to Commercial Renewable Energy Projects; and

WHEREAS, the Board of County Commissioners also 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. MORATORIUM IMPOSED AND EXTENDED. For a period of time from August 21, 2023 until December 5, 2023 the Harvey County Planning and Zoning Department and Harvey County Planning Commission are hereby directed as follows:
 - a) 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. During said suspension period no application for a building permit shall be accepted or building permit issued excepting remodeling building permits that do not substantially change the current use of the property.
 - b) To suspend the establishment of any Commercial Renewable Energy Project in the unincorporated area of Harvey County.
2. The establishment of any Commercial Renewable Energy Project in the unincorporated area of Harvey County 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 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.
4. This Resolution shall take effect from and after its adoption and publication in the official county newspaper and shall remain in effect until December 5, 2023.

PASSED AND ADOPTED by the Commissioners of Harvey County, Kansas, this 1st day of August 2023.


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



Randy Hague, Chairperson



Becky Reimer, Member



Don Schroeder, Member



ATTEST:



Rick Piepho, County Clerk