



Senate Local Government Committee  
January 27, 2022  
SB 325

Kansas Association of Counties  
Opponent Testimony

Chairwoman McGinn and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer opponent testimony on SB 325, which would create zoning requirements for wind and solar facilities, and provide procedures to overturn zoning decisions for wind and solar facilities.

**1. SB 325 attacks local control**

The Kansas Association of Counties has long stood on the principle that government closest to the people will best understand and serve the community's needs. This belief shapes what the KAC does. SB 325 would take that ability away with regard to wind and solar facilities, instead mandating certain zoning requirements for wind and solar projects. These mandates remove the element of local control by instead enacting a statewide, one-size-fits-all solution.

**2. SB 325 intrudes on personal property rights**

New Section 2(b) allows for a protest petition to be signed by only 10% of the qualified electors that are contiguous to the re-zoned parcels. This means that in some cases, a petition could be successful if just one or two landowners protest. This is an intrusion on personal property rights. This also sets the stage for potential neighbor disputes.

**3. SB 325 creates new expenses and confusion for counties**

If a protest petition is successful, a ballot question must be included on the next primary or general election ballot. Adding questions to the ballot is not without cost. Additionally, landowners are not always voters in a specific county, which could create confusion as to the validity of a protest. Further, it is not clear in the bill language as to whether this election would be countywide, or just for the contiguous parcels.

**4. SB 325 requires counties to interfere in private business dealings**

New Section 2(b)(2) says "If any such lease or easement is not recorded in accordance with the requirements of this subsection or is fraudulently recorded, the developer of such facility shall be prohibited from recording any subsequent lease or easement involving wind or solar resources and technology upon such property." This section would require a county to consider an untimely filing fraudulent and prohibit the recording of any future recording of a lease or easement for that developer on that property. While an untimely filing could rightly be rejected, forbidding the correction of such an error

does not make sense. This requirement forces counties to interfere in private business dealings between landowners and developers that may want to pursue a business relationship. That is not a situation that the county should be placed in.

#### **5. SB 325 creates confusion in unzoned counties**

SB 325 states that no “facility may be constructed on any parcel of land that is not zoned for industrial use by the county...” Roughly half the counties in Kansas are not zoned. This language creates confusion, as it appears to create zoning requirements for unzoned counties. Unzoned counties do not have any zoning, or re-zoning processes or procedures. The language of SB 325 creates confusion as to whether counties that are not zoned would need to be zoned in order to have wind or solar development in the future.

For these reasons, KAC would respectfully ask that the committee not recommend this bill for passage. Thank you.

Jay Hall  
Deputy Director and General Counsel  
Kansas Association of Counties  
[hall@kansascountries.org](mailto:hall@kansascountries.org)  
(785)272-2585