



Memo to: Planning Commission
From: Douglas County Food Policy Council
Subject: Savion Request for Permit & Agricultural Land
Date: November 6, 2023

On behalf of the Douglas County Food Policy Council (DCFPC), I first want to express our appreciation of the Planning Commission's ad hoc committee for inviting our Council to consult on the drafting of the Solar Regulation in 2022, for listening to our priorities and concerns, and for including highly encouraging agrivoltaics in the regulations.

Since our Council utilizes the Douglas County Food System Plan (FSP) as its chief guiding document, we ask the Commission to prioritize protecting high quality agricultural lands (Goal 2, Objective 1), more importantly utilize the protection of High Quality Agricultural Land as a key assumption in the sector planning process. The proposed location for the Kansas Sky Energy Center (KSEC) is also protected from commercial development by the North East Sector Plan (NESP) adopted by the City of Lawrence and Douglas County in 2012. Additionally Plan 2040 states the need to maintain working lands and high-quality agricultural soils for future generations (Goal 3A 1.6). While the proposed KSEC project includes the co-location of agricultural operations (grazing) into solar energy production site plans, also known as agrivoltaics, we ask projects to prioritize protecting high quality agricultural lands above all. We continue to strongly support agrivoltaics within regulations and acknowledge that the permit applicant has created an extensive vegetation management plan that advances these principles. However, we are concerned about proposed activities that locate large-scale agrivoltaic projects in existing high quality soils and prime farmland and thus largely removing these lands from food production. Particularly on the proposed site taking up high acreage of the most capable soils in Douglas County. This is supported in the FSPs effort to "establish tools to protect High Quality Agricultural Land for farming that are economically feasible for the land-owner" (Goal 2, Objective 1, Policy 3).

The DCFPC along with The National Young Farmers Coalition, Kansas Rural Center, and other agricultural entities locally and across the nation are working towards a big shift in equitable land transition as many farmers reach retirement age. The 2017 Census of Agriculture Overview of Douglas County shows that 40% of farmers in Douglas county are age 65 & older. With millions of acres across the USA on the verge of changing hands and possibly leaving agriculture forever, right now is our last chance to ensure this land transitions equitably to the next generation of farmers. Access to High Quality Agricultural Land for young and beginning farmers is integral to the continuation of food production in Douglas County. (Goal 2, Objective 4, Policy 1)

Because of the potential impacts the Kansas Sky Energy Center could have on prime farmland and to refresh our knowledge of the existing Douglas County Solar Regulations, the DCFPC held a special meeting on November 6th, 2023, where Mary Miller, Planner for the County, provided information on the regulations and Conditional Use Permit process, while Ashton Martin and Brianna Baca from Savion presented about the project. About a dozen members of the public also attended in-person. After the meeting, several contacted us providing comments and concerns to consider. The large majority of community input the DCFPC has received during our public meeting and via email has regarding the preservation of High Quality Agricultural Land. Through the public community meeting the DCFPC learned about the unintended consequences of the Douglas County Solar Regulations steering solar proposals towards Douglas County's High Quality Agricultural Lands. We believe that the limits set on grading (12-306-49.05 Standards Part B Farmland) are leading Limited Scale and Commercial Solar to propose projects on our flat land which require minimal grading. While this does follow our solar regulations; these flat lands also overlap with our High Quality Agricultural Lands. The DCFPC would like to recommend the Commission, City, and County staff to:

- 1) Research, design, and implement a method for evaluating what constitutes adequate protection of local resources and how to prioritize the use of High Quality Agricultural Soils (cf. FSP Goal 2, Objective 1, Policy 2). Without creating guidelines for what to prioritize in the capability vs utilization of our high quality soils, it is unclear how to direct policy. It seems reasonable that CUPS of this size and term would not only be required to demonstrate *minimal harm* done to the soil's capability and ecological function, but that the objective must also be that the soil's properties should generally be *improved* (Goal 3, Objective 2). Without a toolkit to make those evaluations, the ability to make any effective recommendations remains difficult.
- 2) Revisit regulations and conditions for solar developments regarding grade. As long as the <5% grade requirement remains, any development will be likely to heavily affect crop production, specialty crop production, and the availability of arable land in the county.

Sincerely,

Chair and Vice Chair, Douglas County Food Policy Council