



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



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CONDITIONAL USE PERMIT APPLICATION

Unincorporated Territory-Douglas County

Application materials must be submitted, in both print and electronic formats, to the Lawrence-Douglas County Planning Office, at the address noted in heading.

If you are unable to provide the materials in electronic format please contact the Planning Office at 785-832-7700

Date of Pre-application Meeting: August 3, 2023 Planner: Mary Miller

PROPERTY INFORMATION

Project name & description (if applicable): Kansas Sky Energy Center

Total site acreage: 1,105 +/-

Present zoning: AG-1

Proposed zoning: AG-1

Present land use: Agricultural

Proposed land use:

Commercial/Utility Scale Solar
Energy Conversion System

Number and description of existing structures and improvements: See Existing Conditions Site Plan, Document 8.

Legal description

(May be attached as separate sheet): See Document 3, attached

Project address/General location:

See description in Document 8

as further depicted on Exhibit AA

PROPERTY OWNER INFORMATION Multiple Owners – See Supplement to CUP Application, Document 4, attached

Property owner's name:

Property owner's email:

Phone No.:

Property owner's address:

City:

State:

APPLICANT'S INFORMATION *(if different from owner's)*

Applicant's name:

Free State Solar Project, LLC

d/b/a Kansas Sky Energy Center

Applicant's email:
bbaca@savionenergy.com

Phone No.: 816-652-9520

Applicant's address: 422 Admiral Blvd.

City: Kansas City State: MO
64106

Please indicate the reason for requesting the conditional use permit. (*Attach additional sheets if needed.*)

Response: Free State Solar Project, LLC (d/b/a Kansas Sky Energy Center) (the "Applicant") proposes to develop a Commercial/Utility Scale Solar Energy Conversion System ("CSECS") known as the Kansas Sky Energy Center (the "Project"). The Applicant is a wholly owned subsidiary of Savion, LLC ("Savion"). As proposed, Evergy, through its regulated utility subsidiaries ("Evergy"), will build, own and operate the Project, pending regulatory approvals. The Project as proposed is an up to 159-megawatt alternating current ("MWac") photovoltaic ("PV") solar energy facility, located on approximately 1,105 acres of real property located in Grant Township (the "Project Area"), as more particularly described on Document 3 and depicted on the Proposed Conditions Site Plan, Document 9. Within the Project Area, approximately 604 acres will consist of "Site Area" (i.e., the footprint of the solar facility excluding the fence, as defined in 12-306-49.i.3 of the County Code (the "Zoning Regulations")). Once operational, the Project is anticipated to produce clean, renewable energy capable of supplying electricity to approximately 30,000 Kansas homes annually. The Applicant requests a 25-year CUP term.

The Project complies with the requirements of the CSECS regulations (the "Solar Regulations") adopted in 2022. Code Sections 12-306-49 *et seq.* Please refer to the Table of Contents included in this Application for additional information about the Project. All of the materials described in the Table of Contents (the "Application Materials") are, by reference, incorporated in this Application.

REVIEW CRITERIA:

In reviewing and making decisions on proposed conditional use permits, the Planning Commission and the Board of County Commissioners are required to consider the following criteria. The Zoning Regulations place the burden on the applicant to show that an application complies with such criteria. Please respond to the following criteria to the best of your knowledge. (*Attach additional sheets if needed.*)

1. Is the proposed use compatible with the nearby zoning and land uses?

Yes. All of the Project Area is located within the AG-1 zoning district. The adjacent zoning districts include AG-1 (Agricultural), AG-2 (Transitional Agricultural), GI (General Industrial), and CP (Clustered Preservation).

CSECS have proven to be compatible with agricultural and rural residential land uses. The standards adopted by the County in the Solar Regulations are provided to (i) ensure the land remains viable for agricultural uses during the life of the Project and following decommissioning; (ii) minimize the impact on the system on nearby properties; (iii) minimize negative environmental impacts; (iv) ensure reclamation of the site; and (v) provide appropriate decommissioning and disposal measures. Section 12-306-49.02.b.3. The Application and the Application Materials demonstrate the Project's compliance with the Solar Regulations. Please refer to the CUP Application Supplement, enclosed as Document 4, for more detailed responses specific to CSECS projects.

2. Is the proposed use compatible with the character of the area?

The character of the area is agricultural, with a relatively low residential density. The area is generally located along or proximate to State Highway 24-59, and also includes an adjacent quarry to the north, active railroad tracks, and the Lawrence Regional Airport. The Project meets or exceeds setback requirements between the Site Area and nearby residences, with buffering and landscaped screening. The Visual Simulations (Exhibit S) demonstrate that the solar panels will be either adequately screened from residences or far enough away to create little to no impact on the area's agrarian character. The Environmental Sound Study (Exhibit D) confirms the Project is anticipated to produce noise far below the thresholds set forth in the Solar Regulations. Applicant has coordinated with numerous stakeholders and consultants to develop an environmentally appropriate project, including wildlife corridors, an agrivoltaic plan, and re-seeding with native and naturalized seed mixes that are appropriate to the area and will support local wildlife.

The Application Materials provide additional information detailing compliance with the Solar Regulations, including extensive stakeholder outreach efforts.

3. Discuss the suitability of the property to the uses to which it is restricted and for the uses which are being proposed. (*special consideration shall be given to properties in the AG-1 District that are well suited for agricultural uses*)

The Project Area is an ideal location for a CSECS because it has several unique qualities. The Project proposes to interconnect to the transmission grid located at the Midland Junction substation (2024 E. 1400 Road). Consequently, the Project Area has convenient access to the electrical grid, minimizing the need for new overhead transmission lines. The Project Area's level grade requires only a minimum of site grading. The Project's Area's location relative to nearby residences enables the Project to meet or exceed minimum setbacks from residences. Furthermore, the Project Area satisfies the Solar Regulation's location requirements. Namely, the Project's location: (1) does not impede the future growth of the City of Lawrence; (2) provides additional screening; (3) contains no steep slopes and requires minimal grading; and (4) has no negative material impact on environmentally sensitive lands. Section 12-306-49.05.c. Thus, the Project Area is very well suited for use as a CSECS.

4. What impact would the proposed use have on the natural environment?

The Project will have a long-term beneficial effect on the natural environment. Engaging in post construction re-vegetation treatment with native and naturalized seed mixes will preserve and enhance the soils within the Project Area. The Erosion and Sediment Control Plan and proposed Vegetation Management and Agrivoltaics Plan (Document 9 and Exhibit L, respectively) will reduce erosion and improve local water quality. The Project has been designed to avoid disrupting natural features such as wetlands and mature stands of trees. Further, the Project will provide wildlife habitat and ecosystem services with inclusion of wildlife corridors.

The Project is located outside of regulatory floodways and flood hazard areas. The Applicant contracted with Westwood Professional Services ("Westwood") to perform a hydrology study for the proposed Project Area to assess the pre-development hydrologic conditions for a 100-

year/24-hour storm event in accordance with the requirements of the County Engineer. The results of the hydrology study (Exhibit G) establish design requirements for the CSECS and support the development of the Stormwater Management Plan. The Stormwater Management Plan (Exhibit G) was created to identify and quantify the impacts to drainage patterns, depths, and flow velocities for the proposed Project Area accounting for post-development conditions including proposed grading, changes in land use and ground cover, and the proposed layout of the CSECS which includes stormwater management features that maintain existing drainage patterns and significantly reduce runoff rates. Vegetation growth and management will also help improve water infiltration rates.

Applicant has worked closely with stakeholders while developing the Project, including the Kansas Department of Wildlife and Parks and the United States Fish and Wildlife Service. Both agencies have provided response letters (Exhibit U). The Kansas Department of Wildlife and Parks determined that the Project poses no significant impact to critical wildlife habitat, public recreational areas, or any endangered or threatened species. There is similarly no anticipated negative impact on environmentally sensitive lands.

5. Will the use cause significant adverse impacts on community facilities, the transportation network, or utilities in the area?

No. Because the Project will be an unstaffed facility, with occasional visits for operations and maintenance, the Project will have no impact on the transportation network after construction is complete. During construction, the Traffic Study (Exhibit J) concludes that the transportation network will operate at acceptable levels, with no capacity improvements needed to address the increased levels of traffic during construction. Applicant will coordinate with applicable road authorities to document road conditions and needed improvements prior to construction, and to ensure that roadway conditions will be restored to their original condition at the completion of construction. Community facilities and utilities will not be adversely affected by the Project. The Project will reduce the impact on stormwater facilities in the area.

6. Is the use in conformance with the comprehensive plan or adopted plans for the area.

Yes. The Project conforms with multiple goals and objectives set forth in Plan 2040, including the following:

Plan 2040, Chapter 2:

Water. The Project would have a beneficial impact on water in the area, consistent with Plan 2040, Chapter 2, Goal 1, because the Project will reduce runoff rates in the Project Area. See Stormwater Management Report, Exhibit G. The Project requires minimal water use as compared to other potential uses.

Land Resources. The Project will preserve and maintain soils, create wildlife habitat, and will not result in significant grading, all consistent with Plan 2040, Chapter 2, Goal 2. The Vegetation Management and Agrivoltaic Plan, Exhibit L, describes how the Project will encourage the use of native and naturalized plantings, promote agricultural practices that mitigate erosion and preserve and enhance soil fertility.

Air Pollution. The Project produces energy without creating greenhouse gases, consistent with Plan 2040, Chapter 2, Goal 3.

Recycling. The operation of the Project does not produce any material quantities of solid waste. Approximately 85% of the materials used in Modern PV panels are fully recyclable, and 100% of the metals are recyclable, consistent with Plan 2040, Chapter 2, Goal 5. See Abandonment, Decommissioning and Reclamation Plan (Exhibit R)

Environmental Protection. The Project will help Douglas County adapt to and mitigate the effects of climate change by creating clean, renewable energy. Plan 2040, Chapter 2, Goal 6.

Plan 2040, Chapter 3:

Rural Character. Solar projects have been found to be compatible with agricultural production and rural character. The Project will not result in the commercial or industrial development of the Project Area, create significant areas of impervious surface, or otherwise cause the Project Area to urbanize. Plan 2040, Chapter 3, Part A, Goal 1.

Growth. The location of the Project Area does not impede or interfere with the planned growth of the City of Lawrence. Plan 2040, Chapter 3, Part A, Goal 2.

Residential. Plan 2040 promotes a balanced mix of housing, while conserving the overall rural character of Douglas County. The Project will not increase demand for housing in the unincorporated areas of the County. Plan 2040, Chapter 3, Part B, Goal 1.

Plan 2040, Chapter 6:

Diversify Economic Base. Plan 2040 promotes the creation and recruitment of green and environmentally friendly jobs. Plan 2040, Chapter 6, Goal 1.

Strengthen Tax Base. Plan 2040 encourages a diverse economy and tax base. The Project is anticipated to generate significant additional tax revenue to the local taxing jurisdictions. Plan 2040, Chapter 6, Goal 3.

Promote Technology. This Project implements modern clean energy production technologies and has the potential to advance the field of agrivoltaics. Plan 2040, Chapter 6, Goal 5.

Plan 2040, Chapter 7:

Preserve and Enhance Natural Areas. The Project preserves natural elements such as stream corridors, wetlands and stands of mature trees. Plan 2040, Chapter 7, Part B, Goal 5.

Northeast Sector Plan:

Environmental Conditions. The Project will reduce runoff rates in the Project Area and will preserve and maintain soils, consistent with Section 2.4 and Goals 3.1.2.1.a and 3.1.4.1.b of the Northeast Sector Plan.

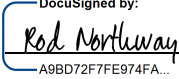
Land Use. The Applicant has proposed various dual use vegetation management and agrivoltaic treatments that have been selected to preserve and enhance the soils within the Project Area to be suitable for agricultural use after the Project is decommissioned, consistent with Goal 3.1.1. Proposed landscaping buffers have been included in Project design to provide additional screening from adjacent existing residences. Details are included in the Landscaping Plan (Exhibit K) and Visual Simulations (Exhibit S), consistent with Goal 3.1.1.1.f.

Agricultural Economy. Potential grazing and other agrivoltaic applications promote the agriculture economy, consistent with Goal 3.1.3.1.c.

SIGNATURES

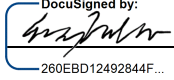
To be considered complete, the application must be signed by the owner of the property, or an owner authorization form must accompany the application.

I/We, the undersigned am/are the **(owner(s)), (duly authorized agent), (Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for rezoning as indicated above.

Signature:  _____ Date August 21, 2023
DocuSigned by:
A9BD72F7FE974FA...

Free State Solar Project, LLC, Authorized Person

Printed Name: Rod Northway

Signature:  _____ Date August 21, 2023
DocuSigned by:
260EBD12492844F...

Free State Solar Project, LLC, Authorized Person

Printed Name: Emily Truebner

UTILITY COMPANIES AND OTHER REVIEW AGENCIES

WATER:

- City Water
- Rural Water: RWD #13 No. of meters _____
- Well Water

WASTE MANAGEMENT:

- Septic System
- Sanitary Sewer

ELECTRIC:

- KCP&L
- Kaw Valley Electric
- Westar
- Other

TELEPHONE:

- AT&T/Southwestern Bell
- Sprint/Embarq
- Other: Lumen f/k/a Level 3 Communications f/k/a Century Link

GAS COMPANY AND/OR GAS LINES CROSSING PROPERTY

- Black Hills Energy/Aquila
- Atmos Energy (aka: Greeley Gas, United Cities Gas Co.)
- Kansas Gas Service
- Magellan Midstream Partners
- Southern Star Central Gas
- Williams Pipeline Co.
- Other: Renewable Power Producers, LLC

List township the property is in: Grant Township

List fire district the property is in: LDCFM

Is property adjacent to State or Federal Highway? yes no

Is property located within a drainage district? yes no

If yes, which drainage district:

- Douglas County - Kaw
- Wakarusa - Kaw
- Wakarusa – Haskell - Eudora

Is property located within the floodplain? yes no

Is property located within 3 miles of one of the following cities?

- Baldwin City
- Eudora
- Lecompton

(PLEASE ATTACH COPY OF SURVEY IF AVAILABLE.)