Agricultural Resources Committee of San Juan County

Memorandum

TO: Mark Santos
Jane Fuller, County Council
Cindy Wolf, County Council
Christine Minney, County Council

From: San Juan County Agricultural Resource Committee (ARC)

Date: 3/12/24

Subject: Review of LANDUSE-23-0122 Bailer Hill Solar Microgrid & Battery Storage Project

Background

The ARC was established by the San Juan County Council with four main objectives:

- Listen to farmers and amplify their voice.
- Advise the SJC Council on agricultural issues and policy.
- Advocate for the preservation of agricultural land the importance of island farms.
- Advance programs, initiatives and policies that strengthen and expand the agricultural economy.

Orcas Power and Light (OPALCO) submitted a conditional use permit to the San Juan County Department of Community Development (DCD) on September 23, 2023 for the Bailer Hill Solar Microgrid & Battery Storage project. The San Juan County Agricultural Resource Committee (ARC) received a request for review on February 21, 2024.

While the Bailer Hill Project is the first project of its kind in San Juan County, “agrivoltaic” projects that place renewable energy infrastructure on

farmland have become highly debated for their advantages and disadvantages in Washington state and nationwide.

Summary

The ARC commends OPALCO for pioneering this agrivoltaic project, working directly with Oak Knoll Farm in the design of the project and working with the San Juan Islands Conservation District to assess the site and create a farm plan. With the urgent need to decarbonize our grid the ARC recognizes the opportunity for agrivoltaic systems in the transition to renewable energy. We see well designed and executed agrivoltaic systems as a possible win/win for addressing climate change, increasing our energy resilience and supporting farmers by providing land access and compensation for maintaining agricultural activity.

Best practices for agrivoltaic design meet the farmers' needs in supporting a viable farm operation for the life of the array (e.g., water wells for grazing animals, adequate water supply and infrastructure for irrigated crops, panel height and spacing changes to allow for farm machinery to pass through). Array design should be optimized to enable the producer to respond to changes in market demand over the life of the project, and to meet other farm goals so as not to lock farmers into only one production system for 25 years. Due to the challenges of the interface between Eastern Washington counties and the energy industry over agrivoltaics, we recommend finding a way forward that supports Agriculture in San Juan County as well as solar energy for our shared future.

At their best, solar farms can provide the landscape with shade that benefits plants, soils, animals, and water conservation efforts. At their worst, solar farms and their installation can easily compact, disturb and degrade soils, spur growth of invasive species and take land out of production for the long term. The tension between the needs of solar energy and food production are fueling debate nationally. There is a growing body of literature that identifies challenges, opportunities and best practices for agrivoltaic projects.

This is the first time that San Juan County has received a conditional use

permit application for a community scale solar project on a parcel with the land use designation of Agricultural Resource (ARL). As stated in the Comprehensive Plan Land Use Element 2.4.a this land use designation is

"*To ensure the conservation of agricultural resource lands of long-term commercial significance for existing and future generations, and protect these lands from interference by adjacent uses which may affect the continued use of these lands for production of food and agricultural products.*"

Additionally, San Juan County Code 18.60.50 Table 6.2, footnote 14 reads:

"*On all agricultural or forest resource lands (AG and FOR), the maximum area of development which is not related to agricultural or forestry uses and activities shall be limited to 20 percent of the parcel area, but not less than one acre, regardless of the assigned density.*"

The agricultural aspect is crucial for project success. Throughout the solar array's lifespan, the farm should maintain production of marketable agricultural products, with the farmer compensated at market rate for maintaining activity. The following recommendations safeguard the land for continued production and support ongoing agricultural activity.

ARC Recommendations

The following recommendations are put forward to support three goals:

Protect and enhance land for continued agricultural use

- OPALCO should implement the Best Management Practices (BMPs) identified in the Bailer Hill Microgrid and Agricultural Site Farmland Evaluation & Assessment Plan including fertility management and replanting of pasture.
- Consider demonstration of farmplan implementation as part of the final inspection.
- Guide placement of access roads, fencing, electric conduits, conductors, overhead collection lines, and other infrastructure to ensure farming can continue within the facility area during and after the life of the array.

Benefit local farmers and agricultural viability

- Before final inspection we suggest a contract be signed with a farmer including market rate compensation for the service of maintaining agricultural activity.
- Infrastructure to support farm operations such as access to water, fencing, and access should be demonstrated
- We suggest a contingency plan in place for future agricultural leases since the eligibility of this permit rests on ongoing agricultural activity.

Avoid detrimental impacts

- As a condition of issuing this permit, consider requiring a decommissioning plan for the site that would bring it back to its full agricultural potential.
- Consider a financial assurance for the decommissioning plan such as a bond or escrow account to insure its implementation.
- Follow BMPs to reduce the spread of invasive weeds and plan for their control
- Before issue of permit, OPALCO needs to demonstrate they will be working with a contractor who can complete the installation in a way that does not mix soil layers and conserves topsoil in place or stockpiles topsoil to be evenly redistributed in order to optimize pasture regrowth. This includes when construction activities take place, and other best practices to reduce compaction.
- Prevent loss of habitat.
- Provides a drainage plan.

Avoiding detrimental impacts such as soil compaction, invasive weed spread, and habitat loss requires thorough planning and adherence to BMPs. OPALCO's demonstration of commitment to these practices is essential for gaining ARC's support for the project.

As this is the first project of its kind in San Juan County, the ARC emphasizes the importance of community outreach to build understanding and capacity for future agrivoltaic projects. Incorporating outreach about agrivoltaics into this project can pave the way for future success and community engagement.

There are two considerations that the ARC recommends the county consider that are outside the scope of this review but important for future projects.

- Consider utilizing the Least Conflict Solar Siting process to answer the question: Where can utility-scale solar be developed in San Juan County while also ensuring that important natural habitat, productive farmlands and ranchlands, and tribal rights and cultural resources are protected?
- Allow conditional use permitting of commercial power-generation facilities on Rural Farm Forest areas.

Thank you for considering our comments and recommendations.

Caitlin Leck, ARC Chair

Faith Van De Putte, ARC Coordinator