

Before the Senate Local Government Committee
Presented by Zack Pistora, Kansas Sierra Club
Written-only Opponent Testimony on SB 325
January 27th, 2022



Madam Chair McGinn and Honorable Members of the Committee,

Thank you for the opportunity to provide written remarks to oppose SB 325, cited as the “Kansas renewable energy transparency act.” This legislation establishes new zoning requirements for wind and solar facilities, including the requirement that these facilities be zoned for *industrial* use to be constructed. **In short, we feel that current opportunities for local governments to determine regulations and procedures for wind and solar projects within their local jurisdiction are wholly appropriate and adequate. Instead, SB 325 would interfere with the autonomy of local governments to decide their best interests when it comes to zoning and wind and solar development.**

The Sierra Club, including the Kansas Chapter, has been very cognizant and involved with renewable energy development for decades now. We urge leaders to assess both the cost of energy development to the landscape, but also the *opportunity cost* of not accelerating our energy dependence toward Kansas-based renewables and allowing our energy system to be more complementary with our ecosystems and social needs. With nearly 5000 members in our organization living in both zoned and un-zoned counties of Kansas, we hold a common interest in seeing renewable energy succeed in helping us transition away from the environmental harms of fossil fuels in a way that’s just and equitable for the people and communities involved.

We feel that local government guidelines and stakeholder negotiations currently suffice for wind siting, and more conversations are happening at the local level with regards to advancing utility-scale solar. **In our view, the renewable industry and local governments involved in the development of the 40+ wind farms in Kansas have done well in being democratic and fair in their siting and development.** Through the current process, Kansas is actualizing its opportunity to capitalize upon the economic, environmental, and community advantages of renewables. The current process for developing renewables has demonstrated its effectiveness in contributing to our nation’s energy supply, while maintaining the balance of community interest and environmental stewardship at the local level. With current siting regulations and zoning status, Kansas has been able to attract *billions* of dollars in economic investment and create thousands of direct and indirect jobs in the last decade. In doing so, rural Kansans and their communities have collectively gleaned millions of dollars in direct lease payments and local donations from wind companies, without selling out the values or land that Kansas holds dear. When it comes to the economic opportunities with solar, we have barely scratched the surface.

Many counties have exercised their authority and democratic powers on wind and solar. As a result, several communities have embraced renewable development, while others have taken pause. This current process of local decision-making allows community leaders to hear, evaluate, and determine the balance of interests for their community as it relates to energy development and associated zoning needs. This is the best process for Kansas, and SB 325 would undo that.

The Sierra Club opposes the changes in statute as offered by SB 325, particularly as it relates to the industrial zoning requirement of these facilities. Agricultural-zoned land is perhaps best suited for wind and solar development because of the commonalities associated with farming and the harvest of renewable energy. Both agriculture and utility-scale renewables require significant portions of open space and are dependent upon outdoor features. Also, it is important to note these two enterprises are occurring more harmoniously, with farmers and ranchers integrating their agricultural activities together these wind and solar farms. Requiring that wind and solar occur only on industrial-zoned land will likely reduce the prospect of development for renewables in Kansas, but also erodes the valuable opportunities afforded to farmers to enhance their farm enterprise.

If landowners or communities are indeed worried about encroachment of utility-scale wind or solar development upon the places they live, the Kansas Chapter, as a grassroots nonprofit, commits to being a fair broker between concerned Kansans, energy companies, and the natural environment to discuss and resolve issues. To that point, perhaps the intentions put forward in this legislation could be discussed as part of a broader dialogue on the energy future of Kansas, and not through a political tug-of-war on individual policy pieces. Kansas has not opted to create a state energy plan as more than forty states have, despite a recent recommendation of the energy consultant London Economics. Therefore, if lawmakers feel further discussion regarding SB 325 is worthwhile, then we would suggest the Legislature pursue a state energy plan task force (like HB 2381) rather than enact SB 325.

Finally, the Kansas Sierra Club encourages all lawmakers and concerned Kansans to realize that renewable power represents an advantageous and *necessary* enterprise for our state. Our state's current role in cultivating clean, renewable energy is of importance and benefit on all levels.

We face a dire reality of extreme weather and climate volatility escalated by human-sourced greenhouse gas pollution. With our top industry of agriculture being highly susceptible to extreme weather and changes in climate, Kansas has a lot at stake when it comes to the worst of climate change. Kansas has a unique advantage among states in the abundance of renewable resources that should be harnessed to help our property owners, state economy, local communities, and ecosystems. We must embrace our opportunity to do what we can to help urgently transition our nation's energy portfolio to mitigate the severe impacts of climate change that have become ever so clear and dangerous. The Legislature would be foolish to support those with unpopular, ideological crusades against anthropogenic climate change or renewable energy create surgical, state mandates like SB 325 to obstruct the good that comes with clean energy development and climate action for Kansas.

In conclusion, there is no question that wind and solar development can provide important opportunities for property owners, host communities, and Kansas as a whole. SB 325 diminishes the autonomy of local governments to decide what's right for their community concerning zoning, while placing unnecessary and inappropriate restrictions on wind and solar development.

Thank you,
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The Sierra Club is the largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for more than forty years.