



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT Iron Horse Solar Farm Conditional Use Permit

TO: Kittitas County Board of County Commissioners
FROM: Kittitas County Community Development Services Staff
RE: Iron Horse Solar Farm Conditional Use Permit (CU-15-00006)
DATE: December 20, 2016 (Hearing Date)

I. GENERAL INFORMATION

Requested Action: OneEnergy (sic) Development LLC authorized agent for Bill Hanson, landowner, has submitted a conditional use application for a Major Alternative Energy Facility on approximately 68 acres. The subject property is zoned Agriculture 20. This "Utility" (KCC 17.61.010{1}) is subcategorized as a major alternative energy facility (KCC 17.61.010{9}), and as such is a conditional use for the zone (KCC 17.61.020(4)(b)).

Location: 4 parcels, located approximately 1 mile east of the City of Kittitas at 320 South Caribou Road, in a portion of Section 01, T17N, R19E, WM in Kittitas County, bearing Assessor's map numbers 17-19-01000-0023, 17-19-01000-0028, 17-19-01000-0042, and 17-19-01000-0043.

II. SITE INFORMATION

Total Property Size: 68 acres
Total project size: 47.5 Acres
Number of Lots: 4; no new lots are being proposed
Domestic Water: None required or planned at this time
Sewage Disposal: None required or planned at this time
Fire Protection: Kittitas Valley Fire and Rescue
Irrigation District: Kittitas Reclamation District

Site Characteristics:

North: Private Residential Farming and Grazing

South: Private Residential Farming and Grazing

East: Private Residential Farming and Grazing

West: Private Residential Farming and Grazing

The subject property is generally flat and consists of disturbed ground used for farmland.

Access: The site is accessed from Caribou Road; Kittitas County Public Works has conditioned that the access be constructed to commercial standards if approved.

Zoning and Development Standards: The subject property is located within the Agriculture 20 zone. The agriculture (A-20) zone is an area wherein farming, ranching and rural life styles are dominant characteristics. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses; and protect the rights and traditions of those engaged in agriculture. The Agriculture 20 zone allows for an array of permitted and conditional uses, this project is being proposed under KCC 17.61 Utilities as a major alternative energy facility, a conditional use for the zone.

Conditional Uses: This application is consistent with KCC 17.60A. There are a number of requirements that must be met; these are addressed under Project Analysis below. Conditional use permits are required to have a public hearing before the Hearing Examiner for a recommendation and then a closed record hearing before the Board of County Commissioners (BOCC), where the BOCC will make the final decision.

III. ADMINISTRATIVE REVIEW

Notice of Application: The conditional use permit application was submitted to Kittitas County Community Development Services (CDS) on November 12th, 2015. On December 17th, 2015 the application was deemed incomplete following a mandated pre-application meeting between county staff and representatives of the applicant. Materials required at that time included a transportation concurrency application. On March 3rd, 2016 revised project materials were submitted by the applicant who included the required information as well as an updated narrative and SEPA checklist. The application was deemed complete on May 12th, 2016. The Notice of Application for the conditional use permit was issued on May 23rd, 2016. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on June 7th, 2016.

IV. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. A variety of agencies and individuals commented on the application. All comments were included as Exhibits in the Hearing Examiner packet.

V. ENVIRONMENTAL REVIEW

Kittitas County acted as the lead agency for the SEPA Environmental Checklist and threshold determination. As per WAC 197-11-355 and KCC 15A.04.010 the county utilized the optional DNS process. Notice was given that the County was expecting to issue a Determination of Non-Significance, and that the notice of application comment period (14 days) may be the only opportunity to provide comment on the environmental impacts of the proposal. The checklist was reviewed by staff in conjunction with the project narrative. On June 27th, 2016 the application was placed on hold by the applicant and review was temporarily suspended. On July 15th, 2016 the applicant requested that review continue and submitted supplemental documentation with respect to comments received. After a detailed review of the SEPA checklist, the project narrative, supplemental submission, and proposed mitigation measures the SEPA official determined that there would be no significant adverse environmental impacts under the provisions of WAC 197-11-350. A Mitigated Determination of Non-Significance (MDNS) was issued for this project on August 10th, 2016. The appeal period for this SEPA determination ended on August 24th, 2016 at 5:00 p.m. A timely appeal was filed with the BOCC on August 24, 2016 by "Save Our Farms! Say No to Iron Horse". The appeal was heard before the Kittitas County Hearing Examiner on Thursday October 20, 2016. The Hearing Examiner issued a decision on November 8, 2016 which, based on listed findings, held that "*...the August 10, 2016 SEPA determination by the responsible official in the above referenced matter is affirmed in every respect*".

VI. OPEN RECORD PUBLIC HEARING

The Hearing Examiner open record public hearing was held on October 20, 2016. Representatives of the applicant presented materials and testified at the hearing. Members of the public testified. On November 9, 2016, the Kittitas County Hearing Examiner returned a recommendation that the Iron Horse Solar Farm Conditional Use Permit (CU-15-00006) be approved with the staff recommended conditions plus an additional two conditions. The recommendation documentation (findings, conclusions, and conditions) has been included in the record for review.

VII ACTION

Staff places the matter before the Kittitas County Board of Commissioners to accept, deny, or to accept with modified conditions the hearings examiner's recommended findings, conclusions, and conditions with respect to the Iron Horse Solar Farm, CU-15-00006.