

## WESTSIDE SOLAR

### COMPLIANCE NARRATIVE

Westside Solar, LLC (the “**Applicant**”) in furtherance of its conditional use permit application to construct and operate a Solar Power Production Facility (“**SPPF**”) in Kittitas County (the “**Project**”) submits this Compliance Narrative. This Compliance Narrative is intended to meet the submittal requirements of Section 17.61C.070 of the Kittitas County Code (the “**Ordinance**”). In particular, Applicant addresses how the SPPF meets the approval criteria in (i) Section 17.60A.015, (ii) Section 17.61C.080, (iii) Section 17.61C.090 and (iv) 17.61C.100.

Below is the Applicant’s analysis of the review criteria outlined in the Ordinance. The review criteria as they appear in the Ordinance are copied below in italics and are followed by the Applicant’s response.

***I. The proposed SPPF is consistent with the conditional use permit review criteria contained in Section 17.60A.015***

***1. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.***

**APPLICANT ANALYSIS:**

The State of Washington has enacted ambitious policies in support of renewable energy generation in the state. On May 7, 2019, Governor Jay Inslee signed the Clean Energy Transformation Act (“**CETA**”). CETA requires all electric utilities in Washington to transition to carbon-neutral electricity by 2030 and to 100-percent carbon-free electricity by 2045. This Project has executed a Power Purchase Agreement with Puget Sound Energy to help the utility achieve its clean energy goals.

In addition to supporting the clean energy initiatives of Washington, the Project promotes several benefits for the local community, including without limitation, creating temporary construction jobs and increasing tax revenue. The benefit to the local community is not just clean energy, but real tangible benefits in the shape of jobs and increased property tax revenue. These real benefits come at little to no cost to Kittitas County. This Project will not put any additional strain on the community’s infrastructure or resources. No new schools, roads or other infrastructure are needed by Kittitas County.

This Project further fits in with the rural character of the surrounding community. Due to the topography and existing vegetation surrounding this site, the Project is largely shielded from view. There is a large tree buffer that blocks the view of the site mostly from Westside Road. In addition, the natural vegetative buffer to the north will remain in place and largely shield the view of the Project.

This Project also ensures the property will not be developed for more intrusive development. This Project leaves approximately 46 contiguous acres intact and will preserve the rural nature of the community. At the end of the life of the Project, in approximately 30 to 40 years, the solar equipment will be removed and the land will be restored to substantially the same condition it is at present – thus, continuing to preserve the rural nature for decades.

**2. *The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that***

**A. *The proposed use will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or***

**B. *The applicant shall provide such facilities; or***

**C. *The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.***

**APPLICANT ANALYSIS:** The Project will not be unreasonably detrimental to the economic welfare of Kittitas County, nor create excessive public cost for facilities and services. The Project will not create any additional strain on existing infrastructure or public resources. Construction will not require upgrades to public roads. Once constructed, the Project will generate less traffic than a single-family home and will not require any upgrades to schools, public safety, infrastructure or emergency services. The Project will bear the cost for any refuse disposal off-site during construction and for the duration of the Project.

**3. *The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.***

**APPLICANT ANALYSIS:** The Project complies with the development standards and criteria for approval set forth in applicable provisions of the Ordinance, specifically Chapter 17.61C which address SPPFs.

**4. *The proposed use will mitigate material impacts of the development, whether environmental or otherwise.***

**APPLICANT ANALYSIS:** The Project is a low impact development with minimal impacts to the environment or otherwise. In the SEPA checklist, Applicant identifies the mitigation techniques the Applicant is prepared to implement.

**5. *The proposed use will ensure compatibility with existing neighboring land uses.***

**APPLICANT ANALYSIS:** The Project is compatible with existing neighboring land uses. The neighboring land uses are primarily rural residential. All adjacent and nearby property can continue to use their property as-is, and the Project will not limit future property use. The permitted conditional use of a SPPF is compatible and consistent with the zoning regulations of the Ordinance for this property.

**6. *The proposed use is consistent with the intent and character of the zoning district in which it is located.***

**APPLICANT ANALYSIS:** The Project is located in the Agriculture 5 zoning district within Solar Overlay 2. SPPFs are permitted within this jurisdiction with a conditional use permit. The intent of the Agriculture 5 zoning district “is to provide for an area where various agricultural activities and low-density residential developments co-exist compatibly.” SPPFs are compatible with agricultural activities and low-density residential developments.

This Project leaves approximately 46 acres intact and will preserve the rural nature of the community. At the end of the life of the Project, in approximately 30 or 40 years, the solar equipment will be removed and the land will be restored to substantially the same condition it is at present – thus, continuing to preserve the rural nature for many years to come.

**7. *For conditional uses outside of Urban Growth Areas, the proposed use:***

**APPLICANT ANALYSIS:** The Project is outside an Urban Growth Area and otherwise complies with the applicable requirements herein.

**A. *Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;***

**APPLICANT ANALYSIS:** The Project is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan (“**Comprehensive Plan**”). The Comprehensive Plan cites three main goals relevant to land use (i) promote urban growth, (ii) reduce sprawl and (iii) protect private property rights. The Project accomplishes the overarching goals and policies associated with the Comprehensive Plan.

The Project does not otherwise discourage development in urban areas. SPPF’s are best suited for rural areas where there are large tracts of lands. Siting an SPPF in an urban area poses challenges because of land constraints. However, having an SPPF in a nearby rural area can help attract industries who desire to promote clean energy initiatives. In addition, Puget Sound Energy is excited about this

Project and desires to locate this Project in its territory to meet its clean energy goals.

The Project does not contribute to sprawling development. Instead, it preserves approximately 46 acres of contiguous land for future use. For the duration of the Project, expected to be 30-40 years, there will be a predictable and sustainable use of the land. At the end of the Project's useful life, the Project can be easily decommissioned, and the property can be restored to its predevelopment condition. The Project prevents rural sprawl and preserves the rural character of the surrounding community.

The Project does not involve the taking of private property for public use without just compensation. The current property owner, the Dunn Family Corporation, has not utilized the property for agricultural purposes for years. When the Dunn Family Corporation decided to market the property, they wanted to ensure the character of the community was retained. The Dunn Family Corporation believes the Project helps maintain the rural character.

Chapter 8 of the Comprehensive Plan outlines the policies and goals for rural land. The overarching intent of the policies and goals is to enhance and protect the County's rural character and to encourage appropriate rural land use patterns and service levels. The Project supports the intent and goals associated with rural land.

SPPFs are compatible and analogous to other rural land uses. SPPFs preserve the rural character of the land and further protect it for years to come. The Project contains limited impervious surfaces and are otherwise similar to agricultural uses seen on rural land. The Project requires no additional county services and thus preserves the appropriate rural service levels in the area.

The Project is inline with RR-G3: Spaces and development should be compatible with fish and wildlife habitat. The Project's development has taken great care to ensure the Project is compatible with fish and wildlife habitat. Below are some of the actions the Applicant is taking to further protect or mitigate the affects of the Project:

- Planting 5,400 plants including 200 Quaking Aspens to extend an on-site Aspen forest
- Removing invasive species from the site
- Removing shed from wetland area
- Removing farm equipment from wetland area
- Installing a wildlife friendly fence
- Creating two (2) 25-foot-wide wildlife corridors to allow wildlife to traverse the project area

- Excavating an upland island to re-establish wetland conditions

Under Chapter 8, the Project falls under the Rural Residential designation. RR-P27 goal states “Electric and natural gas transmission and distribution facilities may be sited in any areas of Kittitas County including “Rural” designated areas, municipalities, UGAs, Master Planned Resorts, and LAMIRDs.” The Project is a distribution-level electric facility located in a rural designated area.

***B. Preserves “rural character” as defined in the Growth Management Act (RCW 36.70A.030(15));***

**APPLICANT ANALYSIS:** The Project preserves the “rural character” as defined in the Growth Management Act. Each general characteristic of the “rural character” definition is addressed below as it relates to the Project.

***(a) In which open space, the natural landscape, and vegetation predominate over the built environment;***

The Project preserves the natural landscape of the property as it currently exists. The property is currently large open land with a natural buffer surrounding it. The Project will maintain the natural landscape as much as possible. There will be minimal grading during construction. The Project will avoid wetlands wherever possible and minimize the construction of impervious surfaces. The posts that hold the panels displace minimal acreage and are easily removed at the end of the life of the Project. The Project will utilize existing vegetation as a buffer for the Project.

***(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;***

The Project preserves the rural lifestyle. The Project will help Puget Sound Energy meet its clean energy goals while supporting the local community. There will be a short-term employment gain in the rural economy with the need for construction worker for the Project. In the long-term, the tax revenue from the Project will support Kittitas County and the community to fund community initiatives. These benefits are achieved while retaining the rural nature of the community and not creating any additional strain on resources.

***(c) That provide visual landscapes that are traditionally found in rural areas and communities;***

The Project is consistent with the visual landscape found in rural areas and the community. SPPFs are common in rural areas. In addition, this Project is a low-profile design that is naturally screened from the road by an existing natural buffer. The immediately adjacent neighbor has a large barn with solar panels on

its roof. For more information about the visual impact, please see a Visual Impact Assessment Report included as part of the application.

***(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;***

The Project is compatible with the existing wildlife on the property. The Project intends to retain the natural area and wetlands on the property. The design of the Project has considered the native species and existing wildlife.

As part of the wetland mitigation plan, the Project will plant thousands of native species and construct a wildlife corridor to enhance on-site wildlife habitat. The use of wildlife-friendly fencing and minimal on-site traffic will ensure a safe space for wildlife to thrive.

***(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;***

The Project is not considered sprawling development. Instead it retains the rural agricultural nature of the land.

***(f) That generally do not require the extension of urban governmental services; and***

The Project will not require the extension of any urban governmental services.

***(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas."***

The Project will use the natural lay of the land and minimize any redirection of natural surface water. There are minimal impervious surfaces with a SPPF. Water runoff from the panels is discharged on to the ground surface immediately below the panels. By utilizing the existing natural flow, the Project remains consistent with the natural surface water flow of the rural community.

***C. Requires only rural government services; and***

**APPLICANT ANALYSIS:** The Project does not require anything beyond the existing rural government services. Since the Project, will not generate traffic, trash, or wastewater, and will not require water, it will not require an extension of any of the existing rural government services in the area.

***D. Does not compromise the long term viability of designated resource lands.***

**APPLICANT ANALYSIS:** The Project is not located on designated resource lands. The Project will not have any effect on nearby designated resource lands.

**II. *The proposed SPPF is submitted according to the procedures outlined in Section 17.61C.080 of the Ordinance.***

- 1. *SPPF applications shall be processed in accordance with the applicable provisions of Kittitas County Code 15A.***

**APPLICANT ANALYSIS:** Applicant is following the approval process outlined in Chapter 15A of the Ordinance. Prior to this application, Applicant submitted a pre-application and had a pre-application conference on September 4, 2019 with the Kittitas County Community Development Services. Applicant has submitted the conditional use permit application consistent with the submittal requirements outlined in Section 17.61C.070 and conditional use permit applications in general outlined in Chapter 15A of the Ordinance. Due to the nature of the Project, Applicant has submitted several additional documents, including a SEPA Checklist. Applicant intends to follow the procedures outline in Chapter 15A for the comment period, notices, posting, public hearing and other applicable provisions.

- 2. *Public notice of proposed SPPFs shall be provided to all property owners within one (1) mile of the proposed project site. (Ord. 2018-018, 2018)***

**APPLICANT ANALYSIS:** Kittitas County has confirmed to Applicant that it is prepared to provide notice to all property owners within one (1) of the Project. Applicant will likewise be reaching out to property owners to hold information session and community meetings to address any questions regarding the Project.

**III. *The SPPF complies with the Development Standards outlined in Section 17.61C.090***

**APPLICANT ANALYSIS:** The Project complies with all the development standards outlined in Section 17.61C.090. For additional details, please see the Site Plan submitted as part of the CUP Application. Below, please find some additional commentary that addresses each of the development standards outlined in Section 17.61C.090.

- 1. *SPPFs shall be screened or shall be enclosed by fencing a minimum of eight (8) feet in height. Screening and/or fencing shall be consistent with the surrounding character and utilize landscaping and/or native vegetation strategies to screen the facility from routine view of public right-of-ways or adjacent residential property. When fencing is used, the type and style of fencing shall also reflect any safety concerns specific to the general public and adjacent wildlife.***

**APPLICANT ANALYSIS:** The Project will have an eight (8) foot fence. Applicant is working with an environmental consultant, Department of Ecology and Washington Department of Fish and Wildlife (“WDFW”) on the best type of fence for the Project, considering the landscape and adjacent wildlife. Rather than selecting a traditional chain link fence, Applicant has selected a wildlife-permeable fence. This fence is a wider spaced wire of fence as shown in the comparison picture below. The fence will consist of woven wire, as opposed to welded wire because woven wire is more structurally sound and less likely to break apart. Applicant will continue to work with Department of Ecology and WDFW to incorporate measures to ensure the Project addresses concerns associated with adjacent wildlife.



Comparison of a standard chain-link fence (left) with a wildlife-permeable fence (right). © Liz Kalies/TNC

**2. *Glare shall not negatively impact surrounding properties, wildlife, or livestock.***

**APPLICANT ANALYSIS:**

The Project will not produce glare that would negatively impact surrounding properties, wildlife, or livestock. Solar panels are designed to absorb light and not reflect light. An anti-glare coating will be applied to high transmission glass to increase light absorb and reduce the reflection of light. Modern solar panels have a lower glare potential than regular glass, flat water, or snow.

**3. *Glare resistant panels shall be required for SPPFs located within an airport overlay zone.***

**APPLICANT ANALYSIS:**

The Project is not located in an airport overlay zone. Nonetheless, as noted above, the solar panels are designed to absorb light and have a lower glare potential than regular glass, flat water or snow.



**4. Any lighting shall be shielded and downward-facing to contain light within the perimeter of the facility to the maximum extent possible.**

**APPLICANT ANALYSIS:**

No permanent lighting is proposed as part of the Project. However temporary lighting may potentially be used during construction. All temporary lighting will be shielded and downward-facing to the maximum extent possible in accordance with Kittitas County Code development standards.

**5. All solar equipment associated with a SPPF shall meet the minimum zoning setbacks for the zoning district in which the SPPF is located, or 25 feet, whichever is greater.**

**APPLICANT ANALYSIS:** The Project meets the minimum zoning setback requirements of 25 feet and often far exceeds these setback requirements. See attached site plan for details.

**6. SPPF solar equipment shall not exceed a maximum of 20 feet in height as measured from grade at the base of the equipment to its highest point during operation. (See Figure 17.61C-1)**

**APPLICANT ANALYSIS:**

The tallest structure will be the solar panel arrays, which will have a maximum height of no more than 13 feet. The Project will at all times comply with the development standards of Kittitas County and will not exceed a maximum height of 20 feet as measured from grade at the base of the equipment to its highest point during operation.

**7. The construction and operation of all SPPFs shall be consistent with applicable local, state, and federal regulations, including but not limited to, safety, construction, electrical, communication, and fire requirements. All solar equipment and other structures shall comply with local and state building codes.**

**APPLICANT ANALYSIS:** Applicant confirms that the construction and operation of the Project will comply with applicable local, state, and federal regulations.

**8. Construction or maintenance activities shall not result in the unabated introduction or spread of noxious weeds and other undesirable weed species.**

**APPLICANT ANALYSIS:** Consistent with the Noxious Weed Management Plan submitted as part of the CUP Application, Application will take all commercially reasonable steps to

ensure the Project will not introduce or spread noxious weeds or other undesirable weed species.

**9. *A Kittitas County Fire Marshal-approved fire management plan shall be provided by the applicant prior to building permit approval.***

**APPLICANT ANALYSIS:** Applicant confirms that when it submits its building permit application that it will submit a fire management plan approved by the Kittitas County Fire Marshal.

**10. *The manufacturers' or installers' identification and appropriate warning signage shall be posted at the site in a clear and visible manner at the entrance and along any fencing.***

**APPLICANT ANALYSIS:** Applicant confirms that the manufacturers' or installers' identification and appropriate warning signage will be posted at the site in a clear and visible manner at the entrance and along any fencing.

**11. *A sign consistent with KCC 17.70 shall be provided that shall identify the owner of the facility and provide a 24-hour emergency contact and phone number.***

**APPLICANT ANALYSIS:** Applicant confirms that the Project will have a sign identifying the owner of the SPPF and provide an emergency contact and phone number.

**12. *All solar equipment shall comply with the most current edition of the National Electrical Code.***

**APPLICANT ANALYSIS:** The Applicant confirms that the Project will comply with the most current edition of the National Electrical Code applicable to the Project.

**13. *Any water rights associated with the subject property for an SPPF shall be retained through the life of the facility.***

**APPLICANT ANALYSIS:** Per the Water Rights Retention Plan submitted with the CUP Application, Applicant will retain the water rights for the duration of the Project.

**IV. *The proposed SPPF is in compliance with the review criteria outlined in Section 17.61C.100***

**1. *The proposed SPPF is consistent with the conditional use permit review criteria contained in Section 17.60A.015***

**APPLICANT ANALYSIS:** Please see Applicant Analysis in Article I of the Compliance Narrative.

**2. *The proposed SPPF is in compliance with the Kittitas County Critical Areas Ordinance (KCC Title 17A) and Shoreline Master Program (KCC Title 17B), and Voluntary Stewardship Program (VSP).***

**APPLICANT ANALYSIS:** The Project is in compliance with the Kittitas County Critical Areas Ordinance (KCC Title 17A) and Shoreline Master Program (KCC Title 17B), and Voluntary Stewardship Program (VSP). Please see enclosed Critical Areas Report for more details.

**3. *Environmental impacts including but not limited to wildlife habitat, migration routes and critical areas have been mitigated. If the project is found to have potential environmental impacts, the applicant shall provide sufficient mitigation strategies to the satisfaction of Kittitas County.***

**APPLICANT ANALYSIS:** Applicant has worked with environmental consultant, Ecology and Environment, to ensure that any environmental impacts of the Project are mitigated. As part of that process, Applicant has completed the SEPA checklist and submitted several supporting environmental reports. Applicant has identified several areas of mitigation in the accompanying documents which, to name a few, include, fence selection, using native vegetative buffer, selecting the less impactful access point for the Project and rigorous wetland rehabilitation. For more information about the mitigation proposals, please refer to the SEPA checklist, and accompanying reports including the Critical Areas Assessment Report.

**4. *The proposed SPPF is in compliance with the Storm Water Management Standards of KCC 12.06.***

**APPLICANT ANALYSIS:** The Project is in compliance with the Storm Water Management Standards of KCC 12.06. Please see the Stormwater Management Plan submitted with this application for additional details.