



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

## Westside Solar Conditional Use Permit (CU-19-00003)

TO: Kittitas County Hearing Examiner  
FROM: Kittitas County Community Development Services Staff Planner, Jeremy Johnston  
RE: Westside Solar Conditional Use Permit (CU-19-00003)  
DATE: January 23, 2020 (Hearing Date)

### I. GENERAL INFORMATION

Requested Action: The proposed project is a 5MW Solar Power Production Facility. The project site includes 6 parcels, totaling 46.3 acres in an Agriculture 5 zone. The project is located in the Solar Overlay Zone 2, which permits Solar Power Production Facilities with a Conditional Use Permit.

Location: Parcels 19440, 19441, 19442, 10577, 10579, and 10580, located along Westside Road, Cle Elum, WA. In the SW1/4 of Section 33, Township 20N, Range 15E. W.M.

### II. SITE INFORMATION

Total Property Size:	46.3 Acres
Number of Lots:	6
Domestic Water:	2 Wells (proposal does not include any use of wells)
Sewage Disposal:	No facilities onsite
Power/Electricity:	PSE
Fire Protection:	Fire District 7 (Cle Elum)
Irrigation District:	KRD

#### Site Characteristics:

North: Privately owned land, the Palouse to Cascades State Park Trail and some residential uses

South: Privately owned land, primarily residential uses

East: Privately owned land, some agricultural and residential uses

West: Privately owned land, primarily residential uses

Access: The site is accessed from Westside Road, approximately .68 miles south west of the city of South Cle Elum.

### III. ZONING AND DEVELOPMENT STANDARDS

The parcels involved in this proposal are in a land use designation of *Rural Residential* and zoning designation of *Agriculture 5*. The proposed project is classified as a "Solar Power Production Facility" or SPPF. Solar Power Production Facilities are an allowed use within designated solar overlay zones. The solar overlay zones were established to discourage SPPF development on prime agriculture lands, and as such, established based on agriculture related land characteristics rather than traditional zoning characteristics. The project site is categorized as Solar Overlay Zone 2 which permits Solar Power Production Facilities with a Conditional Use Permit under

KCC 17.61C.050.

#### **IV. ADMINISTRATIVE REVIEW**

Deem Complete: A conditional use permit application (See Index #2) for the Westside Solar SPPF (CU-19-00003) was submitted to Kittitas County Community Development Services department on October 22, 2019. The application was deemed complete (See Index #19) on November 14, 2019. The site was posted in accordance with KCC 15A.03.110 on November 21, 2019 (See Index #20).

Notice of Application: A notice of application (See Index #21) for the Westside Solar SPPF Conditional Use Permit (CU-19-00003) was mailed and/or emailed to adjacent landowners located within 5,280 feet (1 mile) of any portion of the boundary of the proposal's tax parcels & applicable agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on December 4, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Index #22).

#### **V. COMPREHENSIVE PLAN**

The Kittitas County Comprehensive Plan has established specific goals and policies associated with Rural Resource lands. The following goals and policies guide activities on Rural Resource lands throughout the County. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

RR-G9: “The County should continue to explore ways to provide rural economic opportunity.”

*Staff Consistency Statement: The development of SPPF’s in rural settings can provide opportunities for local employment and increase tax revenue for underutilized lands.*

RR-P4: “A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service, and rural industrial uses.”

*Staff Consistency Statement: Kittitas County established development regulations and a Solar Overlay Zone Map in KCC 17.61c, to define appropriate locations and standards for Solar Power Production Facilities. SPPF’s are anticipated to be developed in primarily rural areas within Solar Overlay Zone’s 2 and 3.*

RR-P19: “Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character.”

*Staff Consistency Statement: Kittitas County established development regulations and a Solar Overlay Zone Map in KCC 17.61c, to define appropriate locations and standards for Solar Power Production Facilities. SPPF’s are anticipated to be developed in primarily rural areas within Solar Overlay Zone’s 2 and 3.*

RR-P26: “Capital Facilities and Utilities may be sited, constructed, and operated by outside public service providers (or sited, constructed, and/or operated jointly with a Master Planned Resort (MPR), limited area of more intensive rural development (LAMIRD)) on property located outside of an urban growth area if such facilities and utilities are located within the boundaries of such resort or community which is approved pursuant to County Comprehensive Plan policies and development regulations.”

*Staff Consistency Statement: Kittitas County established development regulations and a Solar Overlay Zone Map in KCC 17.61c, to define appropriate locations and standards for Solar Power Production Facilities. SPPF's are anticipated to be developed in primarily rural areas within Solar Overlay Zone's 2 and 3.*

The Kittitas County Comprehensive Plan has established specific goals and policies associated with utilities. Kittitas County has established the following goals and policies to guide utility activities throughout the County. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

U-P5: "Process permits and approvals for all utility facilities in a fair and timely manner, and in accordance with the development regulations that ensure predictability and project concurrency."

*Staff Consistency Statement: The proposed project has been reviewed and processed with strict adherence to all applicable development regulations and application review timelines to ensure predictability.*

U-P6:" Community input should be solicited prior to county approval of utility facilities, which may significantly impact the surrounding community."

*Staff Consistency Statement: The proposed project has been noticed in accordance with KCC 15A and 17.61C.080(2) to solicit community input.*

U-P23: Establish a process to recognize and designate properties in the county that are suitable locations of Solar Power Production Facilities.

*Staff Consistency Statement: The proposed Solar Power Production facility is within the solar overlay zone 2 which has been established pursuant to Kittitas County Code 17.61C.040 as appropriate for Solar Power Production Facilities with conditional use approval. KCC 17.61C outlines siting criteria and design standards for SPPF uses and was developed after considerable public input.*

**This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as outlined above.**

## **VI. ENVIRONMENTAL REVIEW**

A SEPA Checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. During the combined comment period environmental concerns were raised by public agencies as well as private citizens and neighbors. CDS has considered these comments and found no significant environmental risks with the proposed project with the addition of certain mitigating conditions. Following the concurrent comment period, CDS issued a Mitigated Determination of Non-Significance on January 2, 2020 (See Index #48). The appeal period for the SEPA MDNS will conclude on January 17, 2020. As of the time of writing this document no appeals have been filed.

In addition CDS performed a critical areas review of the property. Two (2) wetlands exist on the project site. A critical areas report (See Index #13) was submitted by the applicant which provided an analysis of the critical areas on the project site. CDS utilized this critical areas report combined with applicable comments to establish appropriate mitigation measure to ensure any ecological impacts are mitigated in this determination (See Index #48).

## VII. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. Due to the volume of comments received, CDS staff developed a comment matrix (Index #50) which provides a summary of the comments submitted, applicant responses, and staff responses. All comment submittals can be found in their entirety in Index #s 23-44. The following parties provided comment during the comment period.

Agency Comments: Washington State Department of Archeology and Historic Preservation (DAHP), Washington State Department of Natural Resources, Washington State Department of Health, Washington State Department of Fish and Wildlife, Washington State Department of Ecology, Washington State Parks and Recreation Committee, Bonneville Power Administration, Kittitas County Health Department, and Kittitas County Public Works.

Public Comments: Gary Lohman, Robert Bator, Susan Black, Debbie Hofferber, Rick Hofferber, Fred and Virginia Becker, Melvin and Deborah Kuhlman, Caroline and Gary Kurtz, Lori Nevin, Robbie Schuette, Robert and Teresa Van Lone, Mary Ann Hingst, and Ray and Bunny Rogalski.

## VIII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

### Consistency with the Comprehensive Plan:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section V of this staff report, the following Comprehensive Plan goals and policies apply to this proposal: RR-G9, RR-P4, RR-P19, RR-P26, U-P5, U-P6, and U-P23.

Provided the applicant follows and maintains the goals and policies, they shall be in compliance with the Kittitas County Comprehensive Plan. The applicant is proposing a 5MW Solar Power Production Facility which is consistent with the Utility and Rural Resource Lands goals and policies as described in the Kittitas County Comprehensive Plan. Therefore the County and applicant are in compliance with the Comprehensive Plan.

### Consistency with the provisions of KCC 17.60A, Conditional Uses:

KCC 17.60A.015 provides the following review criteria to be considered in a conditional use analysis:

- 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 Response: "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.

The 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.” (See Index #5).

Staff Response: Site screening methods, including fencing and planting of native vegetation, have been proposed in the application to mitigate visual impacts in accordance with KCC 17.61C.090(1). After a review of the application materials, no potential safety or public health issues are anticipated. SPPF uses have been identified by the State of Washington as essential to carbon-neutral goals and therefore are “essential or desirable to the public convenience.” The proposed site has been identified through the Solar Power Production Facilities Overlay Map as an appropriate location for SPPF uses with a conditional use permit. CDS staff agrees that the proposed use is consistent with KCC17.60A.015(1).

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 Response: “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.” (See Index #5).

Staff Response: CDS agrees that the proposal should not have any notable impact on public services and facilities. The proposed use is adequately serviced by existing facilities. CDS does not anticipate any significant impacts added to public facilities or services that would require mitigation. CDS staff agrees that the proposed use is consistent with KCC17.60A.015(2).

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 Response: The applicant notes, “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.” (See Index #5)

Staff Response: The project has been reviewed by CDS staff for compliance with the development standards outlined in KCC 17.61C.090. As conditioned, the project proposal is consistent with development standards for an SPPF use within Kittitas County. CDS staff agrees that the proposed use is consistent with KCC17.60A.015(3).

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

Applicant Response: “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.” (See Index #5)

Staff Response: The application, public/agency comments, and staff review have identified potential material impacts and appropriate mitigation measures have been included in the recommended conditions. CDS agrees that the project, as conditioned, mitigates material impacts of the development. CDS staff agrees that the proposed use is consistent with KCC17.60A.015(4).

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

Applicant Response: “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.” (See Index #5)

Staff Response: Kittitas County established a Solar Overlay Zone Map to identify appropriate locations for SPPF uses. The proposed project site is within Solar Overlay Zone 2, which is established as appropriate for SPPF uses with conditional use approval pursuant to KCC 17.61C.040. The development standards in KCC 17.61C.090 address issues of compatibility with neighboring land uses. Kittitas County CDS has determined that the proposal, as conditioned, is consistent with the development standards for Solar Power Production Facilities. CDS has concluded that the project, as conditioned, ensures compatibility with existing neighboring land uses in accordance with KCC17.60A.015(5).

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

Applicant Response: “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.” (See Index #5)

Staff Response: Solar Overlay Zones were established to determine preferred SPPF locations within Kittitas County. Solar Overlay Zone 2 has been identified as appropriate for SPPF uses with conditional use approval. The proposed project is located within Solar Overlay Zone 2 which is consistent with the intention of KCC 17.61C. CDS staff agrees that the proposed use is consistent with KCC17.60A.015(6).

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

- 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;*
- b. *Preserves “rural character” as defined in the Growth Management Act*
- c. *Requires only rural government services ; and*
- d. *Does not compromise the long term viability of designated resource lands.*

Applicant Response:

A. “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 polices 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." (See Index #5).

B. "Preserves "rural character" as defined in the Growth Management Act (RCW 36.70A.030(15)).

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."

*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."

*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. Their 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."

*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."



*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.”

*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.”

*That generally do not require the extension of urban governmental services;*

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

*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

“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.

The Project is not located on designated resource lands. The Project will not have any effect on nearby designated resource lands (See Index #5).

Staff Response: Kittitas County CDS has determined that the project, as conditioned, is consistent with the Comprehensive Plan as described above in the “Consistency with the Comprehensive Plan” section of this Project Analysis. Kittitas County Code 17.61C and the associated Solar Overlay Map were reviewed for consistency with the Growth Management Act of Washington State prior to adoption. The Kittitas County Solar Overlay Map was adopted after an extensive public/agency review process to ensure consistency with the Growth Management Act and definition of rural character. KCC 17.61C was found consistent with the definition of rural character as defined in the Growth Management Act, RCW 36.70A. The proposed project is located in Solar Overlay Zone 2 which is identified under KCC 17.61C as appropriate for SPPF uses with a conditional use permit. The proposed project will not require rural government services beyond that already existing and does not compromise the long-term viability of the lands involved.

Staff Conclusions: Kittitas County CDS finds the application, as conditioned, consistent with KCC 17.60A Conditional Uses, as described above.

Consistency with the provisions of the KCC Title 17.61C, Solar Power Production Facilities:  
Kittitas County Code 17.61C.100 outlines specific review criteria that must be met for SPPF approval:

1. The proposed SPPF is consistent with the conditional use permit review criteria contained in KCC 17.60.015.

Staff Conclusion: The project, as conditioned, is consistent with KCC 17.60.015 as described above in section VIII of this staff report.

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).

Staff Conclusion: The project, as conditioned, is consistent with the Kittitas County Critical Areas Ordinance and Voluntary Stewardship Program. The project site is not in a shoreline designation and in turn, consistency with the Shoreline Master Program is not applicable.

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.

Staff Conclusion: A critical areas study from a third-party consultant was submitted by the applicant identifying several critical areas at the project site. CDS reviewed the study and consulted the Washington State Department of Ecology and the Washington State Department of Fish and Wildlife to better understand the potential environmental impacts associated with this project. As conditioned, the project impacts will be mitigated to ensure all ecological impacts are addressed appropriately.

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

Staff Conclusion: A Storm Water Management Plan was submitted with the application materials in compliance with KCC 12.06. Kittitas County Public Works stated in a comment letter that the project will not require a stormwater plan.

Consistency with the provisions of the KCC Title 17A, Critical Areas:  
CDS conducted an administrative critical areas review in accordance with KCC 17A and found two wetlands on the project site. After consultation with the Washington State Department of Ecology, appropriate buffer thresholds were identified to ensure protection of the wetlands. The project has been conditioned to ensure consistency with KCC 17A.

Consistency with the provisions of the KCC Title 14.04, Building Code:  
Any future buildings must be consistent with International Building Codes. As proposed the project does not include any structures. The project does include an eight (8) foot screening fence that will require a building permit.

Consistency with the provisions of KCC Title 12, Roads and Bridges:  
As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:

As conditioned, the proposal is consistent with the provisions of KCC Title 20.

Agency Comments:

The following agencies provided comments during the comment period: Washington State Department of Archeology and Historic Preservation (DAHP), Washington State Department of Natural Resources, Washington State Department of Health, Washington State Department of Fish and Wildlife, Washington State Department of Ecology, Washington State Parks and Recreation Committee, Bonneville Power Administration, Kittitas County Health Department, and Kittitas County Public Works (See Index #'s 23-31). All comments are available for public review through Kittitas County Community Development Services. Additionally, a comment matrix was created by staff summarizing the comments submitted as well as the applicant and staff responses (Index #50).

Public Comments:

The following citizens submitted comments during the comment period: Gary Lohman, Robert Bator, Susan Black, Debbie Hofferber, Rick Hofferber, Fred and Virginia Becker, Melvin and Deborah Kuhlman, Caroline and Gary Kurtz, Lori Nevin, Robbie Schuette, Robert and Teresa Van Lone, Mary Ann Hingst, and Ray and Bunny Rogalski. These comment letters are provided in their entirety in the review materials provided (See Index #'s 32-44). Additionally, a comment matrix was created by staff summarizing the comments submitted as well as the applicant and staff responses (Index #50).

**IX. Findings of Fact**

1. The proposed project is a 5MW Solar Power production Facility. The project site includes 6 parcels, totaling 46.3 acres in an Agriculture 5 zone. The project is located in the Solar Overlay Zone 2, which permits Solar Power Production Facilities with a Conditional Use Permit.

2. Site Information

Total Property Size:	46.3 Acres
Number of Lots:	6
Domestic Water:	Two (2) Wells (proposal does not include any use of wells)
Sewage Disposal:	No facilities onsite
Power/Electricity:	PSE
Fire Protection:	Fire District 7 (Cle Elum)
Irrigation District:	KRD

3. Site Characteristics:

North: Privately owned land, the Palouse to Cascades State Park Trail, and residential uses.

South: Privately owned land, primarily residential uses

East: Privately owned land, some agricultural and residential uses

West: Privately owned land, primarily residential uses

4. Access: The site is accessed from Westside Road, approximately .68 miles south west of the city of South Cle Elum.

5. The Comprehensive Plan land use designation is Rural Residential and the zoning designation is Agriculture 5.

6. The project is within Solar Overlay Zone 2, which allows SPPF uses with a Conditional Use

Permit.

**7.** A conditional use permit application (See Index #2) for the Westside Solar SPPF (CU-19-00003) was submitted to Kittitas County Community Development Services department on October 22, 2019. The application was deemed complete (See Index #19) on November 14, 2019. The site was posted in accordance with KCC 15A.03.110 on November 21, 2019 (See Index #20).

**8.** A notice of application (See Index #21) for the Westside Solar SPPF Conditional Use Permit (CU-19-00003) was mailed and/or emailed to adjacent landowners located within 5,280 feet (1 mile) of any portion of the boundary of the proposal's tax parcels & applicable agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on December 4, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Index #22).

**9.** A SEPA Checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. During the combined comment period environmental concerns were raised by public agencies as well as private citizens and neighbors. CDS has considered these comments and found potential environmental risks can be mitigated with the proposed project. Following the concurrent comment period, CDS issued a Mitigated Determination of NonSignificance on January 2, 2020 (See Index #48). The appeal period for the SEPA MDNS will conclude on January 17, 2020. As of the time of writing this document no appeals have been filed.

**10.** The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section V of this staff report, the following Comprehensive Plan goals and policies apply to this proposal: RR-G9, RR-P4, RR-P19, RR-P26, U-P5, U-P6, and U-P23.

**11.** The proposal is consistent with Kittitas County Review Criteria 17.60A.015 as described in section VIII "Project Analysis" of this determination. SPPF development is a permitted use in the Solar Overlay Zone 2 with a conditional use permit.

**12.** Road Standards and access requirements are subject to the standards outlined in Kittitas County Code Title 12.

**13.** The following agencies provided comments during the comment period: Washington State Department of Archeology and Historic Preservation (DAHP), Washington State Department of Natural Resources, Washington State Department of Health, Washington State Department of Fish and Wildlife, Washington State Department of Ecology, Washington State Parks and Recreation Committee, Bonneville Power Administration, Kittitas County Health Department, and Kittitas County Public Works (See Index #'s 23-31) .

**14.** CDS received several public comments from neighbors and interested parties. The following individuals submitted comment during the comment period: Gary Lohman, Robert Bator, Susan Black, Debbie Hofferber, Rick Hofferber, Fred and Virginia Becker, Melvin and Deborah Kuhlman, Caroline and Gary Kurtz, Lori Nevin, Robbie Schuette, Robert and Teresa Van Lone, Mary Ann Hingst, and Ray and Bunny Rogalski (See Index #'s 32-44).

**16.** The proposal, as conditioned, is consistent with the goals and policies of the Kittitas County Comprehensive Plan.

**17.** This proposal, as conditioned, is consistent with the provisions of KCC Title 12, Roads and

Bridges as conditioned.

**18.** This proposal, as conditioned, is consistent with the provisions of KCC Title 14, Buildings and Construction as conditioned.

**19.** This proposal, as conditioned, is consistent with the provisions of KCC Title 17.61C, Solar Power Production Facilities.

**20.** This proposal, as conditioned, is consistent with the provisions of KCC 17.60A, Conditional Uses and meets the criteria of KCC 17.60A.015 (7).

**21.** This proposal, as conditioned, is consistent with the provisions of KCC 17A, Critical Areas.

**22.** This proposal, as conditioned, is consistent with KCC 20, Fire Life and Safety.

**X. Conclusions:**

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14.04 Building Code, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.

**XI. Recommendation and Conditions of Approval:**

Kittitas County recommends *preliminary approval* of the Westside Solar SPPF CU-19-00003 based on the above staff analysis, findings of fact, and conclusions with the following conditions of approval.

1. The project shall proceed in substantial conformance with the plans and application materials on file with CDS dated October 21, 2019 and subsequent information included in the complete file index except as amended by the conditions herein.
2. All new construction must meet the International Building Code requirements.
3. A three (3) year monitoring plan of site screening vegetation shall be submitted to Kittitas County CDS prior to vegetation planting.
4. Wetland buffers shall be clearly marked during construction and clearing to ensure no encroachment.
5. Any impacted wetlands, as a result of access construction or site development shall be mitigated in accordance with the applicable replacement ratios outlined for the wetland type in KCC 17A. All wetland mitigation shall require a three (3) year wetland vegetation

monitoring plan to be submitted to CDS for review and approval prior to final CUP issuance.

6. The applicant shall work with the Washington State Department of Fish and Wildlife to determine an appropriate fence design to protect wildlife corridors. The final fence design shall be submitted to Kittitas County CDS for approval prior to building permit submittal.
7. Any water rights associated with the subject property for an SPPF shall be retained through the life of the facility.
8. 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.
9. 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.
10. The applicant shall obtain an FPA permit through the Washington State Department of Natural Resources prior to any clearing/grading and Timber Harvest.
11. The SPPF will require an address/access permit from Public Works prior to operation.
12. The access road and road system serving the inverters and interconnection equipment will be a minimum of 20' wide with a compact gravel surface layer.
13. A grading permit is required for any dirt work exceeding 100 cubic yards of material prior to any ground disturbance.
14. Access Roads and Fire Apparatus Turnarounds will need to meet Kittitas County Code Chapter 12 and International Fire Code Appendix D requirements.
15. All development, design and construction shall comply with the International Fire Code requirements.
16. Decommissioning assurances, in the form of a surety bond or escrow account, shall be provided to Kittitas County in the amount of \$386,375 prior to any ground disturbing activity. Beginning from the date of decision, this amount shall be reevaluated every 5 years and readjusted when deemed appropriate by Kittitas County. All abandonment and decommissioning requirements outlined in KCC 17.61C.110 shall apply.
17. It is a proponent's responsibility to demonstrate compliance with the approval conditions of a conditional use permit. Compliance with all conditions must be demonstrated in writing to Kittitas County CDS prior to Final Conditional Use Permit issuance. Final approval of a Conditional Use Permit is required within 5 years of the approval date pursuant to KCC 17.60A.090.

**Established MDNS Conditions:**

The following conditions have been established for this project pursuant to an MDNS issued by Kittitas County CDS on January 2, 2020.

- 18.** Wetland 1, as is identified in the critical areas report submitted with the application, shall maintain a 200-foot buffer from development. This 200-foot Wetland 1 buffer may be reduced within the range established in KCC 17A.04.020, if the applicant can demonstrate that the two items in Chapter 6.6.1.1 of Wetland Mitigation in Washington State Manual Part 1 can be met. Wetland 2, as identified in the critical areas report submitted with the application, shall maintain a minimum 100-foot buffer from development. An updated site plan along with any relevant documentation demonstrating compliance with this condition shall be required prior to any construction on the site. Any wetland impacts from access construction shall be mitigated according to the appropriate ratio for the wetland type as established in KCC 17A.04.050 prior to final permit approval.
- 19.** The applicant shall comply with all local, State and Federal environmental standards and regulations in place at the time of building application submittal.
- 20.** The Critical Areas Report submitted with this application shall be updated through consultation with the Washington State Department of Fish and Wildlife (WDFW) to ensure protection of wildlife habitat as identified in the WDFW comment letter dated December 18, 2019. The updated Critical Areas Report shall be submitted to Kittitas County Community Development Services and WDFW for review. Kittitas County Community Development Services shall approve the updated report and mitigation prior to building application submittal.
- 21.** Cultural Resource Survey Report submitted to CDS on October 22, 2019 shall be updated to meet the standards outlined by DAHP in their comment letter dated December 10, 2019 and resubmitted to Kittitas County CDS and DAHP for review. Kittitas County CDS shall approve the updated survey and any associated mitigation plan prior to building application submittal.

