

## 17.61.050 Commercial Solar Farms – Siting and Permitting Criteria

The purpose and intent of these criteria is to establish a process for recognition and designation of properties located in areas of Kittitas County suitable for the location of solar farms, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by solar farms.

### 1. Solar Farm Siting Overlay

- a. Tier 1- Includes areas which do not have water mitigation rights and or public lands
  - i. In this tier the placement of a solar farm of any size shall be permitted outright with the approval of a development agreement.
- b. Tier 2- Includes lands not designated as agricultural lands
  - i. In this tier the placement of a solar farm 0 MW to 20 MW shall be permitted with an administrative conditional use permit. Solar farms which create more that 20 MW are prohibited in this tier.
- c. Tier 3- Includes designated agricultural lands without irrigation
  - i. In this tier the placement of a solar farm 0 MW to 20 MW shall be permitted with a conditional use permit. Solar farms which create more that 20 MW are prohibited in this tier.
- d. Tier 4- Includes designated agricultural lands wit irrigation
  - i. In this tier the placement of a solar farm 0 MW to 20 MW shall be permitted with a conditional use permit and alternative analysis study. Solar farms which create more that 20 MW are prohibited in this tier.

### 2. Permitting

- a. The following requirements shall be met for all land use permit applications
  - i. Site and development plans which identify and/or locate all existing and proposed structures, setbacks, access routes, proposed road improvements, residential zoned lots within ¼ mile of the project perimeter, existing utilities, pipelines, transmission lines, proposed utility lines, utility and maintenance structures, existing and proposed drainage areas, topography, proposed grading/landscaping, areas of natural vegetation removal and any re-vegetation methods, dust and erosion controls, any critical areas (as defined in KCC 17A) on or abutting the property, and any other relevant items identified by Community Development Services. All maps and visual representations shall be drawn to an appropriate scale.
  - ii. No commercial solar facility shall be installed until evidence has been given to Kittitas County that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
  - iii. An affidavit or evidence of agreement between lot owner and facilities owner or operator (when applicable) confirming that permission has been granted to construct and operate an urban solar farm.
  - iv. Any other relevant studies, reports, certificates, and approvals as may be reasonably requested by Kittitas County, including but not limited to design review.

- v. Methodology of site preservation, including soil viability measures, weed control plans, and any related ecological impact mitigation may be a consideration in the CUP process.
- vi. Description of financial surety.

## **17.61.060 Commercial Solar Farms – General Requirements and Standards**

### **1. Visual Impacts/Aesthetics**

- a. Commercial solar development projects shall be enclosed by secured perimeter fencing of 10 feet in height. This fencing shall be consistent with the surrounding character and utilize landscaping and/or native vegetation screening strategies to screen from routine view of public right of ways or adjacent residentially zoned property.
- b. On-site power lines shall, to the maximum extent practicable, be placed underground.
- c. Glare resistant solar panels shall be used if the solar facility is located in an airport overlay zone. Additional glare mitigations may be required by Community Development Services in these zones. Appropriate measures may also be taken to ensure glare does not negatively impact surrounding neighbors.
- d. Lighting of the solar plant and accessory structures shall be limited to the minimum necessary and night time restrictions may be required when determined necessary to mitigate visual impacts.

### **2. Setbacks/ Buffers/Standards**

- a. Commercial solar systems shall meet the minimum zoning setback for the zoning district in which they are located, or 25 feet, whichever is strictest. This applies to front rear and side setbacks.
- b. Commercial solar free standing solar infrastructure shall not exceed a maximum 8 feet in height as measured from the grade at the base of the structure to its apex. Associated structures shall comply with the height requirements designated in the zoning district of the proposal.
- c. The construction and operation of any commercial solar installation shall be consistent with applicable local, state, and federal requirements including but not limited to safety, construction, electrical, communication, and fire requirements. All fixtures and buildings shall comply with all local and State building codes.
- d. Lot coverage thresholds shall be consistent with the zoning district of the proposal.

### **3. Environment**

- a. All Conditional Use applications shall require a noxious weed management plan outlining methods, maintenance schedules, and any potential soil viability impacts.
- b. CDS shall consider impacts on areas of environmental concern including but not limited to wildlife habitat, migration routes and critical areas when processing commercial solar land use permits.

- c. All projects will be held to Kittitas County Critical Areas Ordinance and Shoreline Master Program requirements.
- d. All Conditional Use applications shall include a storm water management plan.

#### 4. Crime/Safety

- a. 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 perimeter facing.
- b. All photovoltaic systems shall comply with the most current edition of the National Electrical Code.
- c. All perimeter fencing shall be secured

#### 5. Decommissioning/ Abandonment

##### a. Abandonment Requirements

- i. Solar farms which have not been in active and continuous service for a period of 1 year shall be removed at the owners and operators expense.
- ii. The Planning Official, Building Official, Code Enforcement Officer or designee may issue a Notice of Abandonment to the owner of the Facility. The owner shall have the right to respond to the Notice of Abandonment within 30 days from the Notice receipt date. The Building Official, Code Enforcement Officer or designee may withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides sufficient information to demonstrate that the facility has not been abandoned.
- iii. If the owner fails to respond to the Notice of Abatement or if after review by the Planning Official, Building Official, Code Enforcement Officer or designee it is determined that the facility has been abandoned or discontinued, the owner of the facility shall remove the solar facility at the owner's sole expense within 3-months of receipt of the Notice of Abandonment. If the owner fails to physically remove the facility after the Notice of Abandonment procedure, the County shall have the authority to enter the subject property and physically remove the facility and to recover costs associated with that removal from the property owner.

##### b. Decommissioning Requirements

- i. The site shall be restored to its original condition within 6 months of removal.

#### 6. Severability

- a. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.