

## MEETING MINUTES

<b>Project:</b> Solar Facilities Citizen Advisory Committee: Meeting 5	<b>Meeting Date:</b> November 30, 2017
<b>Facilitator:</b> Dan Carlson	<b>Place/Room:</b> Kittitas Valley Event Center

**Committee Members in Attendance:** Ivan Manley, Andrea Sledge, Howard Lyman, Marlene Pfeifer, Steven England, Jeff Dunning, Theo Leonard, Mary Christensen, Susie Weis

**Committee Members Absent:** Scott Downes, Dave Nerpel, Dick Carkner

**Staff Present:** Dan Carlson (CDS), Chelsea Benner (CDS), Dusty Pilkington (CDS), Jeremy Johnston (CDS), Lindsey Ozbolt (CDS)

**Meeting 4 Minutes Suggested Changes:** Clarification on what had been voted on in previous meeting. Recent news article suggested that a vote had been taken to adopt the proposed tiered system. The vote that was taken regarded allowing the potential for Commercial Solar to ever be developed on irrigated lands.

### **EFSEC Review Discussion:**

- There are upcoming EFSEC hearings regarding commercial solar applications in the county
  - Kittitas County has selected a representative to speak on behalf of the county
  - This representative has requested some direction from the advisory committee regarding any clear themes that have been developed through the regulation formation process.
  - These themes (if any) can be codified by resolution through the BOCC to provide a statement of the general intentions of the county regarding commercial solar.
  - Alternative analysis could be a theme.
  - It is difficult to offer guidance since we came to this meeting prepared to speak to other items. We are not prepared to make these kinds of recommendations.
  - This has been coming at us quickly and there is an understanding that this has not been something in which anyone had time to prepare. Perhaps the committee can think about this during the course of the meeting and we will revisit it toward the end of this meeting.
  - Conversation will reconvene toward the end of the meeting.....
  - Continued from the beginning of the meeting.....
  - Any ideas regarding general themes the committee can speak to for the county EFSEC rep?
    - i. The county wishes to preserve its valuable prime AG lands and prefers to utilize other available land for commercial solar projects.
    - ii. Commercial Solar should be allowed in prime ag areas but only with a more stringent permitting process.
    - iii. Appropriate mitigations should be made for adjacent landowners to limit impacts.

- Committee agrees to these three themes

### **Review Mapping Alternatives**

- Description of the mapping provided to the committee and the tier system it represents by CDS staff
  - The primary difference between the two maps is consideration of the red zone. Based on previous meetings this appeared to be the general consensus to ensure land that could not be irrigated would not be subject to more restrictive standards. If we make it too restrictive, developers can bypass the county with EFSEC.
  - If we make it too restrictive, developers can bypass the county with EFSEC.
  - Alternative 1 seems to be a much clearer and straight forward
  - Call for a vote
  - Does anyone think Alternative 2 is better
  - No votes for Alternative # 2
  - Who votes for Alternative 1? : 6 votes
  - Who is abstaining? 3 votes
  - We will proceed with Alternative #1

### **Review of Draft Regulations**

- Staff had provided draft regulations to the committee on November 21 for review
- Are there any comments on the first section “Purpose” of the draft regulations?
  - No Comments
- Any comments on the “Definitions” section?
  - (CDS staff) We will be developing a definition for the “alternatives analysis”
  - It would be helpful if CDS staff presented a few different examples that we can review to better understand what an alternative analysis looks like.
  - we need better definitions of the tiers
  - Defining the tiers, as discussed in the previous meeting, could create loopholes which would be eliminated with a mapping system that defines the tier boundaries.
  - The group decided in the previous meeting that we could eliminate unforeseen consequences by using the map. The plan is to put the map and description in the code.
  - Part of the regulation adoption process would require that the committee agree on a map. The map will be voted on, not arbitrary.
  - Any change to a solar ordinance would be reflected in a map change when applicable.
  - Committee proceeds to go through the draft regulations and suggested comments.
- Any comment on the Siting Overlay Section?
  - We have not decided whether we will allow solar on irrigated land.

- We did vote on that last week (7-5) that we would allow for the possibility of solar facilities on irrigated land.
- I am concerned that allowing this on irrigated land will open the door for a variety of problems and render the land useless for intended purposes in the future.
- We need to be realistic so we are not bypassed through EFSEC
- Remember that someone owns that land. We should leave some power in the hands of the people that actually own the land.
- I cannot find anyone that wants these facilities in commercial ag zones.
- Can we emphasize the priority use of these irrigated lands for AG?
- Can we clarify this in the purpose section as a guiding principle?
- Yes
- What is the point of going through this process if EFSEC can site in prime ag lands anyway. Is this just for show?
- Nothing prevents anyone from bypassing us for EFSEC, that is the reality, regardless of our regulations being adopted. The hope is that once these regulations are in place developers will be cooperative and willing to work with the county. We need to be realistic and balanced to prevent bypassing our permitting for the state. EFSEC was put in place to site energy facilities of statewide significance without having local considerations.
- Even if they do go through we are trying to address future applications.
- From a PR perspective it seems that ignoring county is a bad move.
- I believe that due to incentive deadlines some developers have lost patience with the county and that is why they went through EFSEC. It is important that we take the appropriate time to create good regulations.
- Is the goal to preserve the land or maximize its use?
- Preservation of Ag land means different things to different people. There are no simple answers to that question, but we do have strong regulations in our code to preserve ag land and character as we understand it.
- What are the tax implications?
- Most farmlands do qualify for a tax shelter as long as they are in specific land use designations. Solar farms are new to us so we are not yet sure how that will be taxed, but generally speaking they will likely render a larger tax return to the county than general ag land does. That is what happened with wind energy.
- Does the land need to be taken out of specific designations (i.e. open space)?
- Its personal property taxes that will increase from solar. The Assessor would have a better idea of those specific types of questions.
- Anymore question on the Siting Overlay section?
- So tier 4 would allow for up to 140 acres?
- Yes, we came up with 140 by 7 acres per MW.
- Should we change “shall” to “may”
- That change would provide no teeth to the code.
- Due to increases in technology the acreage may be more important than the MW.
- We should put both in

- Our impacts are in acres, as discussed previously, which is why we generally decided on this.
- Can we put threshold limitations on both MW and acreage?
- Sure what do you propose?
- No response
- Can we create geographical separation to prevent all of the facilities from going in one general area?
- There are two schools of thought: 1) do you want spacing 2) would you rather they cluster and limit the impacts as a whole to one general area. These decisions can certainly be considered but they should be justified and well thought out, not arbitrary.
- Does the committee prefer a lower maximum in the tier 4?
- 50 Acres
- 70-140 Acres
- Isn't the goal to make it difficult in tier 4?
- Should we address contiguous acres in this section too, to prevent leasing 3 farms next to each other to build a much larger facility? This should be better defined.
- We need to work out some of these buffer/ interconnection/ separation issues. Look into contiguous limitations to clarify the regulations.
  - 1) We have a couple decisions to make: 1) Should we put a cap on MW or acreage?
  - 2) Do we have a cap that is lower than 140 acres in tier 4 and do we look at spacing?
  - 3) (CDS staff) We will put something together for the next meeting
- We had a comment from Scott regarding the Environmental Review. His comment will be addressed in the SEPA process that is triggered by CUP applications.
- Any other comments on the Overlay Section?
- No Response
- We will move on to the "Permit Submittal Requirement" section.
  - Do we want to add other requirements to section 3 (open space removal when necessary, or water rights issues, etc.)?
  - There is another requirement in this draft that deals with these issues. This section just outlines the minimal submittal requirements to accept a permit.
  - What about fire management plans?
  - We can add something related to this under the environment section.
  - Section 2 and 3 should be more clear in what is required
  - Like contract or affidavit?
  - Why do we need #2? Any developer would not risk moving forward without a BPA. We don't need to see it because they won't pursue development without those assurances.
  - That is a good question. It may not be necessary. **Strike #2**
  - Should we add decommissioning language to the permit submittal requirements?
  - We can add a requirement for a decommissioning plan.
  - We can also add a statement saying they must meet the requirements/address sections later listed in the code and how the applicant is meeting them.
  - Any other submittal requirement comments?
  - No response.

- Next Section “Procedures”
  - Can we justify an enhanced public notice and if so what does that look like?
  - The visual impacts are justification.
  - How far should the notification buffer be increased?
  - ½ mile
  - Maybe as staff we can do some test buffers to see what a half mile looks like in terms of notification.
  - There will be an increase in fees to the developer for such an increase.
  - Rewrite section #2 without the “may” language.
- Next Section “Visual Impacts.”
  - Scott had a recommendation that the fence be at least 8 feet in height.
  - I recommend 10 foot fence because panels can be 8 feet.
  - Do we want mandatory fencing or some kind of screening/vegetation?
  - Maybe fencing should depend on siting, but no specific requirements.
  - Anything we write in code will be required. If we want flexibility we may need to be specific with the language.
  - Can we get some pictures or visual representation of what has been done with fencing and borders?
  - Wouldn't a pre app be a good chance to define the characteristics that would determine the necessity of a fence?
  - We need to balance predictability for the applicant with county flexibility. Often “consistent landscaping” will need to be demonstrated at a pre app.

Left off Here until next meeting

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- **Future Meeting Schedule**
  - 14<sup>th</sup> and 28<sup>th</sup> of December 1-4. We will provide a draft by the 7<sup>th</sup>.
- **Public Comments**
  - Comment: EFSEC informational, public comment, and hearing meeting December 12 at 5 pm at fairgrounds.
  - Comment: I am an adjoining landowner to one of the EFSEC projects. Barriers are important to us. I would like to know what is being proposed. For future reference this should be considered.
  - Comment: We need to have an argument prepared when we require tall foliage that impacts solar collection.