

# DRAFT SOLAR REGULATIONS November 17, 2017

## Chapter 17.61C

### COMMERCIAL SOLAR POWER PRODUCTION FACILITIES

#### 17.61C.010 Purpose.

The purpose and intent of these criteria are to establish a process for recognition and designation of properties located in areas of Kittitas County suitable for the location of Commercial Power Production Facilities, 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 these facilities.

#### 17.61C.020 Definitions

1. "Solar Power Production Facilities" or "SPPF" means \_\_\_\_\_
2. "Alternative Analysis Study"

#### Suggested Changes

- Add definition for "Solar Power Production Facility" and use "SPPF" throughout document
- Add any other significant definitions needed

#### 17.61C.030 Siting Overlay

As a rural county the protection of existing agricultural resources is a priority. The purpose of the following tier system is to preserve designated prime agricultural land by separating out areas of the county in which the siting of SPPFs are most and least desirable. As siting moves from a more desirable location to a less desirable location the stringency of the permitting required increases.

1. Tier one (1)
  - a. The placement of a SPPF of any size shall be permitted outright with the approval of a development agreement which includes an environmental review.
2. Tier two (2)
  - a. The placement of a SPPF of any size shall be permitted with an administrative conditional use permit.
3. Tier three (3)
  - a. The placement of a SPPF with a foot print of zero (0) to one hundred forty acres (140) shall be permitted with a conditional use permit. SPPFs larger than one hundred forty acres (140) are prohibited in this tier.
4. Tier four (4)
  - a. The placement of a SPPF with a foot print of zero (0) to one hundred forty acres (140) shall be permitted with a conditional use permit and alternative analysis study. SPPFs larger than one hundred forty acres (140) are prohibited in this tier.

#### Suggested Changes

- Remove definitions and rely on Map to express tiers
- Remove “public lands” language...unnecessary
- Include, “With bonding requirements, enhanced public notification and a visual impact analysis,” In the descriptions of the first three tiers.
- Consider removing the upper county from tier 1 and consult the wind overlay to help establish standards
- Change megawatts to acres, need to determine acreage thresholds
- Take size restriction out of tier 2
- Replace tier descriptions with purpose statement

### **17.61C.040 Permitting**

The following requirements shall be met for all land use permit applications

1. Site and development plans which identify and/or locate all existing and proposed structures, setbacks, access routes, proposed road improvements, residential uses 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.
2. No SPPF 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.
3. 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 a SPPF.
4. Any other relevant studies, reports, certificates, and approvals as may be reasonably requested by Kittitas County Community Development Services.
5. Methodology of site preservation, including soil viability measures, weed control plans, visual impact analysis and any related ecological impact mitigation may be a consideration in the Conditional Use Permit process.
6. Public notice of proposed commercial solar production facility projects shall be subject to an enhanced public notification process which shall include notification of all property owners within \_\_\_feet of the proposed project site.
7. Proponents of any commercial SPPF shall demonstrate decommission assurances to Kittitas County Community Development Services in the form of a bond or escrow account to cover the cost of removal in the event the facility must be removed by Kittitas County. The proponent shall submit a fully inclusive estimate of the costs associated with removal prepared by a qualified engineer. The bond or escrow account shall cover 125% of the qualified estimate to offset increased removal costs as a result of inflation.

### **Suggested Changes**

- Specify the agency to report to as well as any related timelines
- Include evidence of financial surety
- Include, “With bonding requirements, enhanced public notification and a visual impact analysis,”

#### **17.61C.050 Visual Impacts/Aesthetics**

1. SPPF projects shall be enclosed by secured perimeter fencing of \_\_\_\_ feet in height. This fencing shall be consistent with the surrounding character and utilize landscaping and/or native vegetation screening strategies to screen the facility from routine view of public right of ways or adjacent residentially zoned property. Fencing type and style shall also reflect any safety concerns specific to adjacent wildlife.
2. On-site power lines shall, to the maximum extent practicable, be placed underground.
3. 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, wildlife or adjacent livestock
4. Lighting of the SPPF and accessory structures shall be limited to the minimum necessary and night time restrictions may be required when determined necessary to mitigate visual impacts. Lighting shall be contained within the perimeter of the facility whenever possible and any exterior lighting shall face downward.

#### **Suggested Changes**

- Section (1), specify standards in fencing that protects wildlife
- Section (3), add “both human and adjacent livestock.” At the end of the paragraph
- Section (4), installed lighting should face downward

#### **17.61C.060 Setbacks/ Buffers/Standards**

1. SPPFs 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.
2. SPPF free standing infrastructure shall not exceed a maximum \_\_ 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.
3. The construction and operation of any SPPF 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.
4. Lot coverage thresholds shall be consistent with the zoning district of the proposal.

#### **Suggested Changes**

- If placed along creeks, facilities shall also adhere to CAO setbacks according to the type of stream adjacent to the project. (note: this concern is addressed in section 3c)
- Discuss maximum height thresholds

#### **17.61C.070 Environment**

1. All SPPF applications shall require a noxious weed management plan outlining methods, maintenance schedules, and any potential soil viability impacts.
2. CDS shall review 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. If the project is found to have potential environmental impacts to the environment, the applicant shall work to prepare sufficient mitigation strategies to the satisfaction of Kittitas County Community Development Services as well as any applicable state or federal agency with jurisdiction.
3. All projects will be held to Kittitas County Critical Areas Ordinance and Shoreline Master Program requirements.
4. All SPPF applications shall include a storm water management plan which shall include any proposed ground disturbance and mediation measures (such as reseeded with appropriate vegetation) to contain storm water runoff.

#### **Suggested Changes**

- This section should apply to all tiers
- Add “If a project is found to have potential impacts to the environment, the applicant shall work to prepare sufficient minimization and potentially mitigation strategies. The proposed strategies shall be reviewed by the agency (s) of jurisdiction to the critical area.”
- Add language that involves outside environmental agencies
- Apply to all tiers : Add “Areas that were cleared as part of installation shall be reseeded with appropriate vegetation that reduces storm water runoff and is an appropriate vegetation mix as agreed to by the landowner and CDS

#### **17.61C.080 Security/Safety**

1. 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. Signage shall be \_\_\_wide and \_\_\_height
2. All photovoltaic systems shall comply with the most current edition of the National Electrical Code.
3. All perimeter fencing shall be secured and the facility shall maintain an alarm system.

#### **Suggested Changes**

- Replace title “Crime/Safety” with (Security/Safety)
- (1) Consider size, font, color recommendations

- (3) Should alarms be a requirement

#### **17.61C.090 Decommissioning/ Abandonment**

##### **1. Abandonment Requirements:**

- a. SPPFs which have not been in active and continuous service for a period of 1 year (365 days) shall be removed at the owner/ operator's expense.
- b. The Planning Official, Building Official, Code Enforcement Officer or designee may issue a Notice of Abandonment to the owner/operator of the facility. The owner/operator 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/operator that the Notice has been withdrawn if the owner/operator provides sufficient information to demonstrate that the facility has not been abandoned.
- c. If the owner/operator 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/operator of the facility shall remove the SPPF at the owner/operator's sole expense within 3-months of receipt of the Notice of Abandonment. If the owner/operator fails to physically remove the facility after the Notice of Abandonment procedure, the County shall have the authority to enter the subject property, physically remove the facility and recover costs associated with that removal from the property owner/operator.

##### **2. Decommissioning Requirements:**

- a. The site shall be restored to its original condition within \_\_ months of removal.

#### **Suggested Changes**

- (1)(c) What is a realistic decommissioning timeframe?
- (2)(a) Reconsider the time frame associated with restoring the site to original

#### **17.61C.010 Exceptions**

#### **Suggested Changes**

- Add exemption opportunities for applicants