

DRAFT SOLAR REGULATIONS December 4, 2017

Chapter 17.61C

COMMERCIAL SOLAR POWER PRODUCTION FACILITIES

17.61C.010 Purpose.

The purpose and intent of this chapter is to establish a process for recognition and designation of properties in Kittitas County suitable for the location of Solar Power Production Facilities, to protect the health, welfare, safety, and quality of life of the general public, allow for development while protecting existing agricultural resources, and to ensure compatibility with land uses in the vicinity of these facilities.

Comment [CB1]: Committee preferred reference to protection of Ag lands also be included in opening statement.

17.61C.020 Definitions

1. "Solar Power Production Facilities" or "SPPF" means an area of land designated for the purpose of producing photovoltaic electricity over one hundred kilowatts (100 KW).
2. "Alternative Analysis Study"

Comment [CB2]: Need def.

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~~ non irrigated land to irrigated land, 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. The intent of this tier is to streamline the development process for such applications, separate from the process already allowed in this chapter by identifying areas where environmental review and public process has already occurred, expediting the siting of proposed SPPFs.
2. Tier two (2)
 - a. The placement of a SPPF of any size shall ~~be permitted with~~ require 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)~~ fifty (50) acres 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)~~ Fifty (50) acres or 8 megawatts whichever is smaller shall be permitted with a conditional use

Comment [CB3]: Acreage and megawatt limits? If so need exact numbers

permit and alternative analysis study. SPPFs larger than ~~one hundred forty acres (140)~~ fifty acres (50) are prohibited in this tier.

17.61C.040 Permit Submittal Requirements

The following requirements shall be submitted for all SPPF 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. Proof of contract between electric company and facilities owner shall be provided.~~
2. 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.
3. Provide a written compliance narrative addressing how the proposal meets the following criteria in KC 17.61C.050, .060, .070, .080, and .090.
- ~~4. Any other relevant studies, reports, certificates, and approvals as may be reasonably requested by Kittitas County.~~

17.61C.045 Procedures

The following procedures shall be followed for all SPPF applications:

1. SPPF applications shall be processed in accordance with the applicable provisions of Kittitas County Code 15A.
- ~~2. 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.~~
- ~~3.~~2. 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 a quarter mile of the proposed project site.

Comment [CB4]: Need justification language

17.61C.050 Visual Impacts/Aesthetics

1. SPPF projects shall screened or be enclosed by ~~secured~~ perimeter fencing of ~~—~~ feet in height which exceeds maximum height of the solar panels by two feet (2). 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 residential ~~ly zoned~~ property. When used, 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 Kittitas County 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.

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.

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. Kittitas County 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 as well as any applicable state or federal agency with jurisdiction.
3. All projects shall comply with 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.
5. [Any other relevant studies, reports, certificates, and approvals as may be reasonably requested by Kittitas County.](#)
- 4-6. [Project shall have a approved fire wise plan prior to permit approval.](#)

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

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.
 - b. Proponents of any commercial SPPF shall demonstrate decommission assurances to Kittitas County 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 be provided prior to installation, and cover 125% of the qualified estimate to offset increased removal costs as a result of inflation.

17.61C.010 Exceptions