



# KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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“Building Partnerships – Building Communities”

## KITTTITAS COUNTY PLANNING COMMISSION STAFF REPORT

TO: Kittitas County Planning Commission  
FROM: Lindsey Ozbolt, Community Development Services Planning Official  
RE: Proposed Amendments to Kittitas County Code Title 17.61C Regarding Overlay  
Zone 3 Solar Regulations  
HEARING DATE: March 12, 2019

### I. SUMMARY OF PROPOSED AMENDMENTS

The proposed amendments to Kittitas County Code Title 17.61C Solar Power Production Facilities (SPPFs), specifically, KCC 17.61C.030, 17.61C.040, and 17.61C.050, include the following:

- All lands within Overlay Zone 1 will remain the same. These lands are designated by the Washington State Department of Agriculture (database) as agricultural land uses on its agricultural land use geodatabase regardless of their location within or outside of an irrigation district. SPPFs are prohibited in this zone unless they meet the permitting criteria in KCC 17.61C.060 which is not proposed to change.
- The current Solar Overlay Zone 2 is being proposed to split between the Overlay Zone 2 and Overlay Zone 3.
  - Overlay Zone 2 is proposed to consist of lands that are not designated as agricultural lands in the database and are located within an irrigation district boundary. Permitting requirements will remain the same in this Zone. Overlay Zone 2 permitting requires Conditional Use Permit approval.
  - The proposed Overlay Zone 3 will consist of lands that are not designated as agricultural lands in the database and are not located within an irrigation district boundary. Overlay Zone 3 permitting will require Administrative Conditional Use Permit approval.
- This proposed amendment includes updating the existing Solar Overlay Map to accommodate the new proposed Overlay Zone 3.

### II. BACKGROUND

In March of 2018, the Solar Facilities Citizen Advisory Committee recommended three overlay zones to address SPPFs. Overlay Zone 1 contained irrigated agricultural lands, Overlay Zone 2 contained non-irrigated agricultural lands, and all other lands were included in Overlay Zone 3. SPPFs would require conditional use permit approval in Overlay Zones 1 and 2, with a Rural and resource Lands analysis required for Zone 1. SPPFs in Overlay Zone 3 would require an administrative conditional use permit up to 7 megawatts of energy produced. SPPFs that would generate more energy than that would require a conditional use permit.

On May 22, 2018, the Kittitas County Planning Commission conducted a public hearing to consider the proposed Solar Power Production Facilities regulations. The Planning Commission recommended approval of the regulations by a unanimous vote, with an amendment that SPPFs be prohibited in Solar Overlay Zone 1, and permitted outright in Solar Overlay Zone 3.

At the June 25, 2018 Board of County Commissioners public hearing, the Board directed staff to make revisions to the proposed map and ordinance to prohibit SPPFs on all agricultural lands, including irrigated and non-irrigated. In response to this direction, staff combined Overlay Zones 1 and 2 into one overlay zone, where all SPPFs are prohibited. All of the remaining lands became Overlay Zone 2, where SPPFs require conditional use permit approval.

The Board held a public hearing on September 10, 2018 to consider the revised map and ordinance. At that hearing, the Board approved the overlay map and ordinance as proposed, but directed staff to begin work on creating a new Overlay Zone 3 that would have less stringent permitting requirements, in order to incentivize SPPF development in areas where the County would like to direct this type of development.

On October 31, 2018, CDS Staff had a conversation with the Board during their Special CDS Study Session to discuss the potential amendments to Title 17.61C Solar Power Production Facilities. On November 26, 2018, CDS Staff further discussed potential criteria and permitting requirements for an Overlay Zone 3 with the Board during the regularly scheduled CDS Study Session. Board directed staff to move forward with the process for code amendment.

### **III. AUTHORITY AND PUBLIC NOTICE**

#### **A. Authority:**

Any change to development regulations shall be consistent with and implement the comprehensive plan in accordance with KCC 15B.04.010 & RCW 36.70A.040. According to KCC 15B.04.020, amendments to development regulations may be considered outside of the annual docket, provided appropriate public participation takes place in accordance with KCC 15B, Table B. Table B requires an open record Planning Commission public hearing. At that hearing the Planning Commission shall review the proposed amendments and make a recommendation to the Board of County Commissioners in accordance with KCC 15.B.01.030(3). The Board will act on the recommendation at a later public hearing.

#### **B. Public Notice:** Notice of the public hearing was published in the Daily Record on February 26, 2019 and March 5, 2019 and in the Northern Kittitas County Tribune on March 7, 2019. A press release announcing the public hearing was issued on February 26, 2019.

### **IV. COMPREHENSIVE PLAN**

KCC 15B.04.010 & RCW 36.70A.040 require development regulations to be consistent with and implement the comprehensive plan. The following Goals, Policies, and Objectives (GPO) from the Kittitas County Comprehensive Plan relate to the proposed amendment:

GPO 6.36 Develop a study area encompassing the entire county to establish criteria and design standards for the siting of solar farms.

GPO 8.3 The County shall promote the retention of its overall character by establishing zoning classifications that preserve rural character identified to Kittitas County.

GPO 8.5 In order to protect and preserve Resource Lands, non-resource development and activities on adjacent Rural lands shall require preservation of adjacent vegetation, existing landforms (e.g. ravines) or use of other methods that provide functional separation from the resource land use.

GPO 8.8 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.

GPO 8.9 Protecting and preserving resource lands shall be given priority. Proposed development allowed on and adjacent to resource lands shall be conditioned to protect resource lands from negative impacts from that development.

GPO 8.17 Land use development within the Rural area that is not compatible with Kittitas County rural character or agricultural activities as defined in RCW 90.58.065(2)(a) will not be allowed.

GPO 8.21 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.

## **VI. ENVIRONMENTAL REVIEW**

Kittitas County issued a Determination of Nonsignificance (DNS) for the proposed amendments on February 21, 2019 in accordance with WAC 197-11-340(2) and KCC 15A.04.020(2). Any action to set aside, enjoin, review, or otherwise challenge the administrative SEPA action on the grounds of noncompliance with the provisions of 43.21C RCW, is due on or before March 8, 2019 at 5:00pm.

## **VII. AGENCY AND PUBLIC COMMENTS**

At the time of writing this staff report, no comments have been received from the public or any agency. Any comments received prior to the Planning Commission Meeting will be provided to the Planning Commission the night of the hearing.

## **VIII. ANALYSIS AND RECOMMENDATION**

KCC 15B.04.010 & RCW 36.70A.040 require development regulations to be consistent with and implement the comprehensive plan. The proposed amendment is consistent with and implements the comprehensive plan, because an Overlay Zone 3 encourages Solar Power Production Facility development outside of irrigated agricultural lands through a less strenuous administrative permitting process. Additionally, no changes are being proposed to Overlay Zone 1, thereby protecting agricultural lands as designated by the database regardless of their location within or outside of an irrigation district. Therefore, staff recommends that the Planning Commission **recommend approval** of these amendments to the Board of County Commissioners.