



March 12, 2021

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**Re: Goose Prairie Solar, EFSEC Docket No. 210012  
Presentation of Certificate of Land Use Consistency and Compliance**

Dear Chair Drew and Councilmembers:

On January 19, 2021, OER WA Solar 1, LLC (“OneEnergy”) submitted to the Energy Facility Site Evaluation Council (“EFSEC”) an Application for Site Certification (“ASC”) to develop, construct, and operate the Goose Prairie Solar facility (the “Facility”). The Facility is a proposed 80-megawatt (“MW”) solar photovoltaic project with an optional battery energy storage system, proposed to be located approximately eight miles east of the City of Moxee, in Yakima County (the “County”), Washington.

In accordance with RCW 80.50.075 and WAC Chapter 463-43, OneEnergy has requested that EFSEC review the ASC under its expedited review process. To be eligible for expedited review, EFSEC must find “that the project is consistent with and in compliance with city, county, or regional land use plans or zoning ordinances,” RCW 80.50.075(1), as determined at a public land use hearing, RCW 80.50.090(2). A project meets this initial standard so long as it “can be permitted either outright *or conditionally*.”<sup>1</sup> Whether applicable conditional use criteria are in fact met is a question for later EFSEC proceedings,<sup>2</sup> after which EFSEC will recommend and impose conditions of approval in the Site Certification Agreement (“SCA”) to uphold the County’s CUP criteria. *See* RCW 80.50.100(2); WAC 463-64-020.

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<sup>1</sup> In re Columbia Solar Project, Docket No. EF-170823, Council Order – Expedited Processing, ¶ 35 (April 17, 2018) (emphasis added).

<sup>2</sup> In re Columbia Solar Project, Council Order – Expedited Processing, ¶ 36.

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The EFSEC process contemplates that an EFSEC project applicant will coordinate with the local jurisdiction in which the project is proposed to be sited, to attempt to determine whether the project would be consistent and compliant with the jurisdiction's land use plans and ordinances. See WAC 463-26-090. If through these discussions the local jurisdiction determines the EFSEC project is indeed consistent and compliant with its land use plans and ordinances, it may provide, and the applicant may present to the Council, a "certificate ... attesting" to that fact. WAC 463-26-090. Such a certificate provides *prima facie* proof of consistency and compliance with County land use plans and zoning ordinances. *Id.*<sup>3</sup>

Accordingly, OneEnergy has engaged in ongoing conversations with the County to assess and, ultimately, to confirm the Facility's consistency and compliance with local land use plans and zoning ordinances for purposes of RCW 80.50.090(2). On March 11, 2021, the County provided OneEnergy with a Certificate of Zoning Compliance ("Certificate"), evidencing the County's determination that the Facility is consistent and compliant with the applicable Yakima County Comprehensive Plan and Yakima County Code provisions as a Type 3 use that would be authorized subject to conditional use permit criteria.<sup>4</sup> The County's Certificate evidences the Facility's consistency and compliance with County land use plans and zoning ordinances for purposes of EFSEC's land use hearing and expedited processing review under RCW 80.50.090(2) and WAC 463-26-090. The County will further evaluate the Facility's compliance with the County's conditional use criteria and, under RCW 80.50.100(2) and WAC 463-64-020, EFSEC will incorporate and enforce conditions of approval necessary to implement those criteria in the final SCA.

Sincerely,



Timothy L. McMahan  
WSBA No. 16377

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<sup>3</sup> See In re Columbia Solar Project, Council Order – Expedited Processing, ¶¶ 4, 25, 28-30, 35 (describing applicable EFSEC process and land use standards of review).

<sup>4</sup> Additional information regarding the Facility's consistency and compliance with applicable local zoning land use plan provisions is provided in Attachment A to OneEnergy's ASC, available at <https://www.efsec.wa.gov/energy-facilities/goose-prairie-solar/goose-prairie-solar-application> and enclosed with this letter. The project's consistency with the Yakima County Comprehensive Plan is detailed in ASC, Att. A, at 1-15; the project's compliance with Yakima County zoning ordinances is detailed in ASC, Att. A, at 16-65.

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Enclosures:

Yakima County Public Services, Letter Certifying Zoning Compliance – Goose Prairie  
Solar (March 11, 2021)

OneEnergy, Facility Application for Site Certification, Attachment A, Land Use  
Consistency Review

cc: Ann Siqveland, OneEnergy  
Blake Bjornson, OneEnergy  
Ariel Stavitsky, Stoel Rives LLP



# Public Services

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LISA H. FREUND – Director

March 11, 2021

OneEnergy Renewables  
 Attn: Blake Bjornson  
 2003 Western Ave, Suite 225  
 Seattle, WA 98121

RE: Certificate of Zoning Compliance – Goose Prairie Solar (OER WA Solar 1 LLC)

Mr. Bjornson,

OneEnergy Renewables is proposing to construct an 80 MW solar facility in Yakima County. The solar facility is defined as a Power Generating Facility under Yakima County Code (YCC) Title 19, the Unified Land Development Code. The facility is proposed to be within the Agriculture Zoning District (AG). In the AG Zoning District, power generating facilities are a Type 3 Use, pursuant to Table 19.14-1 Allowable Land Uses.

**Table 19.14-1 Allowable Land Uses**

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Power generating facilities	3	3	3	3	3			3									3	3	1

Type 3 Uses are “uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).” (YCC Title 19.19-010(2))

Therefore, the Goose Prairie Solar project is consistent with Title 19 and would be eligible for review and permitting under Yakima County permit processes.

Please contact Byron Gumz of my staff at (509)574-2300 with any questions.

Sincerely,

Thomas Carroll  
 Yakima County Planning Official

# ATTACHMENT A

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## Land Use Consistency Review

# Goose Prairie Solar

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## Land Use Consistency Review

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December 2020

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## ACRONYMS AND ABBREVIATIONS

AG	Agricultural
Applicant	OER WA Solar 1, LLC
BESS	battery energy storage system
BMP	best management practice
BPA	Bonneville Power Administration
CARA	Critical Aquifer Recharge Area
CFR	Code of Federal Regulations
County	Yakima County
CRP	Conservation Reserve Program
CSWGP	Construction Stormwater General Permit
CUP	conditional use permit
DAHP	Washington Department of Archaeology and Historic Preservation
DOH	Washington State Department of Health
Ecology	Washington State Department of Ecology
EFSEC	Energy Facility Site Evaluation Council
ESLU	especially sensitive land use
Facility	Goose Prairie Solar
FEMA	Federal Emergency Management Agency
gen-tie line	interconnection tie line
kV	kilovolt
MW	megawatt
NFPA	National Fire Protection Association
NPDES	National Pollutant Discharge Elimination System
O&M	operations and maintenance
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act
SPCC Plan	Spill Prevention, Control, and Countermeasures Plan
SR-24	State Route 24
SWOT	Strengths, Weaknesses, Opportunities, and Threats
SWPPP	Stormwater Pollution Prevention Plan



UL	Underwriters Laboratories
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
UWHCA	Upland Wildlife Habitat Conservation Area
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WISAARD	Washington Information System for Architectural and Archaeological Records Data
WSDOT	Washington State Department of Transportation
Yakama Nation	Confederated Tribes and Bands of the Yakama Nation
YCC	Yakima County Code
YCCP	Yakima County Comprehensive Plan
YCWRS	Yakima County Water Resource System

## 1.0 Introduction

Goose Prairie Solar (the Facility) is a proposed 80-megawatt (MW) solar photovoltaic project with an optional battery energy storage system (BESS) capable of storing up to 80 MW of energy located in Yakima County (County), Washington. The Facility site is approximately 8 miles east of the city of Moxee in Township 12 North, Range 21 East (see Part 2 of the Application for Site Certificate (ASC), Figures 2-2 and 2-3, for a context map and a site map). The Facility is located just north of Washington State Route 24 (SR-24), also known as Hanford Road, between its intersections with Morris Lane and Desmarais Cutoff.

The Facility Parcels are zoned Agricultural (AG) under the Yakima County Code (YCC). The Facility is consistent with the County's definition of an "energy resource facility" and meets the criteria of a "power generating facility," which is classified as a "Type 3" conditional use in the County's AG zoning district (YCC Table 19.14-010). Type 3 land uses would require a conditional use permit (CUP) from the County, with approval by the Hearing Examiner.

OER WA Solar 1, LLC (the Applicant) has elected to seek Facility approval under the jurisdiction of Washington State's Energy Facility Site Evaluation Council (EFSEC), and the EFSEC Site Certificate Agreement process takes the place of the County CUP permitting process. However, to support the land use analysis in Section 4.14 of the ASC, this attachment has been prepared to address applicable YCC provisions and Yakima County Comprehensive Plan (YCCP) goals and policies. Because demonstrating compliance often requires detailed information covered elsewhere in this application for a Site Certificate Agreement, the following review includes cross-references to other sections, reports, and supporting studies for further analysis and documentation. As discussed below in Section 2, the proposed Facility would further Yakima County's goals to strengthen and diversify its economy in a manner that is protective of natural resources and its agricultural base. Section 3 below demonstrates that construction and operation of the Facility would also comply with YCC requirements, including meeting or exceeding the decision criteria for conditional uses. Accordingly, the Facility would be consistent with local land use policies and regulations.

## 2.0 Yakima County Comprehensive Plan

The following section demonstrates that the proposed Facility is consistent with applicable YCCP (Yakima County 2017) goals and policies. Only goals and policies with direct relevance to the Facility are evaluated in this discussion, including but not limited to those goals and policies identified by the County in early consultation regarding the Facility in April 2020. Moreover, Yakima County is a county required to plan under Washington's Growth Management Act. Within that legal framework, the YCCP goals and policies are intended to inform and guide the later adoption of development regulations (RCW 36.70A.030, 36.70A.040 and 36.70A.170). A comprehensive plan is not a development regulation and cannot itself control land development. In contrast, development regulations are the controls "placed on

development or land use activities” (RCW 36.70A.040(4) and (7)). These controls include the Yakima County Zoning Code addressed in Section 3 (Yakima County Code Provisions).

## **2.1 Chapter 2 Natural Settings**

### **2.1.1 Visioning Goals – Environment**

*Goal 5.F. Consider energy supply alternatives and energy conservation opportunities.*

#### **Response:**

The proposed Facility represents a new supply of alternative, clean, renewable energy generated from Yakima County’s abundant solar resource. In selecting final solar array and BESS technology, the Applicant would choose the best available equipment for efficient, reliable, and environmentally sound energy production. Operation of the Facility would require relatively low use of electricity and fuel to power equipment and vehicles; quantities would be typical for or less than those of commercial facilities of a similar size, and well within the availability of local service providers. Therefore, the Facility is consistent with this goal of the YCCP.

### **2.1.2 Goal NS 3: Make steady improvement in the air quality of the Yakima Valley by reducing dust, odor, auto emissions, smoke, and other contaminants.**

*Policy NS 3.2 Require control of emissions to the air during land development and construction projects.*

#### **Response:**

The proposed Facility would provide a new source of clean, renewable energy. The solar energy generation process does not create an ongoing source of emissions during operation. Construction of the Facility would include appropriate measures to control dust and ensure the efficient operation of construction equipment. See Section 4.2 of the ASC (Air Quality), for further information regarding the Facility’s air quality control measures. Therefore, the Facility is consistent with this goal and policy of the YCCP.

### **2.1.3 Goal NS 4: Promote the identification and protection of archaeological and significant historical sites and structures.**

*Policy NS 4.2 Maintain a process to evaluate impacts of proposed land use actions on County-designated historic, cultural and archeological sites to help ensure that archeological and significant historic sites are not disturbed or destroyed through any action of the county, or through any action permitted by the county.*

*Policy NS 4.5 When available, utilize existing archaeological and cultural resource information from the Washington State Department of Archaeology and Historic Preservation and the Yakama Nation.*

**Response:**

The entirety of the Facility Area Extent was surveyed for cultural resources in May 2019 and April 2020, including subsurface probing (see Cultural Resources Survey Report, Attachment H; this report was also submitted to the Washington Department of Archaeology and Historic Preservation [DAHP]). Prior to the field surveys, a record search of DAHP's online database, Washington Information System for Architectural and Archaeological Records Data (WISAARD) was conducted, as well as review of historic plats and aerial photographs. Please see the Cultural Resources Survey Report, Attachment H, for findings related to cultural resources.

Applicant consulted with the Governor's Office of Indian Affairs (GOIA) in February 2019. Based upon the Facility location, GOIA recommended the Applicant consult with only the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation). The Applicant is in ongoing discussion with the Yakama Nation regarding the Facility. If any archaeological sites cannot feasibly be avoided by the Facility, appropriate mitigation would be developed in consultation with DAHP and the Yakama Nation. An archaeological excavation permit would be obtained prior to any alteration to cultural resources within the Facility Area, in compliance with Revised Code of Washington (RCW) 27.44. See Section 4.19 of the ASC for further analysis as well as avoidance and mitigation measures for cultural resources. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

**2.1.4 Goal NS 5: Promote an environment free from excessive noise that jeopardizes the public health, safety and welfare.**

*Policy NS 5.2 Enforce noise standards.*

*Policy NS 5.3 Enforce the use of standard construction industry practices to control noise, including the use of noise-muffling equipment and observance of normal hours of operation.*

*Policy NS 5.4 Evaluate specific projects for their effects on noise-sensitive uses, such as residences, schools, churches, libraries, and health care facilities, sensitive wildlife species, and establish mitigating conditions.*

**Response:**

The Facility would implement standard construction industry practices to control noise (see also Section 3.1.1 below regarding compliance with YCC Chapter 6.28 Noise Control). The Noise Assessment Report provided along with Section 4.16 (Noise, Light, Glare, Aesthetics) of the ASC evaluates noise from the Facility, including the potential for any noise standard exceedances at noise-sensitive receptors such as nearby residences. Based on this analysis, which modeled noise generated from Facility equipment depicted on the Preliminary Site Plan (Attachment B), no noise standard violations would occur as a result of the proposed Facility. Acoustic modeling results indicate that received sound levels resulting from Facility operations using either BESS option would comply with the applicable WAC 173-6050 dBA daytime and nighttime limits. See Section 4.16 of the ASC for additional discussion and detail regarding proposed control measures for the Facility. Section 4.9 of the ASC addresses potential impacts to wildlife and control measures; in general, noise from the Facility is not expected to adversely affect any wildlife species. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

### **2.1.5 Goal NS 6: Protect property values by improving the appearance of the Yakima Valley.**

*Policy NS 6.1 Protect the natural, historic, and visual quality of remote areas.*

*Policy NS 6.3 Develop standards for light and glare appropriate to each land use designation to minimize incompatibilities.*

*Policy NS 6.6 Assure that lot coverage, height and setback regulations are appropriate to the purpose and intent of the zoning district.*

#### **Response:**

The Facility is sited in an area that is not considered remote and has been previously disturbed from its natural and historic state by current and historic agricultural use, associated commercial and residential development, as well as state highway infrastructure (SR-24) and the existing electrical infrastructure—the Bonneville Power Administration (BPA) 115-kilovolt (kV) Midway-Moxee transmission line. The Facility’s change to existing visual quality, or aesthetics, is analyzed in detail in Section 4.16 (Noise, Light, Glare, Aesthetics) of the ASC and Attachment J (Visual Impact Assessment Report). Based on this analysis, the Facility would have an impact on visual resources, introducing structural elements that would contrast in a minor to moderate degree with the surrounding landscape. From the east and west sides of the Facility, views would be partially obscured by existing hop trellises that are taller than the maximum height of the solar panels, and from the south by existing topography. For these reasons, the Facility would not result in a strong or significant change to the characteristic views of the area and would not obstruct views of either Yakima Ridge or Rattlesnake Hills.

In addition, the Facility would not generate light or glare that is incompatible with existing and neighboring land uses and is not expected to create a substantial new source of nighttime lighting. A detailed Solar Glare Report (Attachment K) was completed for the Facility and found no hazardous glare would occur as a result of the Facility, as further discussed in Section 4.16 (Noise, Light, Glare, Aesthetics) of the ASC.

The Applicant consulted with Department of Defense (DoD) to seek an understanding of any potential risks associated with the Facility site and specifically, to confirm no impacts to DoD activities, including aircraft entering the nearby Yakima Training Center (YTC) airspace along a low-altitude military training route (MTR), as well as no impacts to low and high altitude within the weapons delivery range over/around YTC. This consultation took place in two rounds. First, on July 23, 2018 with a formal reply dated August 9, 2018 from the Naval Air Station (NAS) Whidbey Island staff, which found that the project, “does not appear to pose a direct impact to military operations.” Second, on February 10, 2020 with a slightly modified study area. DoD did not issue a second letter but issued a “No Object” to FAA review for the supplemental 7460-1 FAA submittals, which are detailed below. Please see the correspondence with DoD in Attachment N.

The Applicant conducted outreach to the FAA through its online Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) portal online. As demonstrated by the Letters of Determination of No Hazard (Attachment M), the Facility is not expected to impact aviation.

Section 3.7 below reviews how the Facility complies with applicable lighting, height, and setback regulations under YCC Title 19 Unified Land Development Code, including general requirements and those specific to the AG zoning district. Overall, development of the Facility would comply with applicable regulations of the YCC and is consistent with this goal and corresponding policies of the YCCP.

**2.1.6 Goal NS 7.4: Shorelines areas should be classified into specific environmental designations. The designation system should be based on the existing and future land use pattern as well as the biological and physical character of the shoreline. These environments should include the Urban, Rural, Conservancy, Natural Floodway / Channel Migration Zone (CMZ), and Urban Conservancy environments. Land uses and activities should be limited to those that are consistent with the character of the environment designation.**

*Policy NS 7.23 New development or new uses, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.*

*Policy NS 7.29 Protect shoreline streams, lakes, ponds, and wetlands with a vegetative buffer as described in the Shoreline Master Program.*

**Response:**

There are no floodplains present within the Facility Area Extent, nor any surface waters or wetlands designated under the Shoreline Master Program. Water resources in the Facility Area Extent were confirmed through a wetland delineation completed in July 2020 (see Wetland Delineation Report, Attachment O). On-site water features are ephemeral drainages that would be classified as Type 5 streams under YCC 16C.06.06. The Facility would maintain at least a 50-foot buffer from the delineated ephemeral streams for all Facility components except a stream crossing which may be in the form of a bridge or a culvert and overhead electrical line crossings as shown on the Preliminary Site Map, Attachment B. See Section 4.3 (Water Quality) of the ASC for further information. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

**2.1.7 Goal NS 8: Establish critical areas protection measures to protect environmentally sensitive areas, and protect people and property from hazards.**

*Policy NS 8.1 Use the best available science to develop regulations to protect the functions and values of critical areas.*

**Response:**

The Facility would comply with the County's critical area regulations pursuant to YCC Title 16C Critical Areas. See Section 3.5 below for detailed information regarding Facility compliance, including references to supporting information provided elsewhere in this application. Therefore, the Facility is consistent with this goal and policy of the YCCP.

**2.1.8 Goal NS 13: Prevent increased flooding from stormwater runoff.**

*Policy NS 13.1 Require on-site retention of stormwater.*

*Policy NS 13.2 Preserve natural drainage courses.*

*Policy NS 13.3 Minimize adverse storm water impacts generated by the removal of vegetation and alteration of land forms.*

**Response:**

No floodplains are present within the Facility Area Extent. Construction and operation of the Facility would include best management practices (BMPs) for stormwater control, including retaining stormwater onsite in compliance with County and state stormwater regulations. See Section 3.2.3 below for specific discussion of YCC Chapter 12.10 Stormwater and Drainage Authority and National Pollutant Discharge Elimination System (NPDES) compliance. As noted above, the Type 5 ephemeral streams, which are considered natural drainage courses, would be avoided by Facility construction with at least a 50-foot buffer except for possible road crossings. Any crossings of the ephemeral streams would follow BMPs developed for stormwater control. The Applicant anticipates overall limited ground disturbance for the installation of the Facility. See also Section 4.1 (Earth) and Section 4.5 (Water Quality – Stormwater Runoff) of the ASC for detailed analysis and mitigation measures to minimize potential impacts associated with stormwater runoff. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

**2.1.9 Goal NS 14: Improve water quality through improved stormwater management.**

*Policy NS 14.2 Control stormwater in a manner that has positive or neutral impacts on the quality of both surface and groundwater.*

**Response:**

Per the above response to Goal NS 13 and its applicable policies, the Facility would control stormwater such that only positive or neutral impacts on the quality of both surface and groundwater would occur. See Section 3.2.3 below for specific discussion of compliance with YCC Chapter 12.10 Stormwater and Drainage Authority. Therefore, the Facility is consistent with this goal and policy of the YCCP.

**2.1.10 Goal NS 15: Provide for the maintenance and protection of habitat areas for fish and wildlife.**

*Policy NS 15.1 Encourage the protection of aquatic, riparian, upland and wetland fish and wildlife habitat. This can be approached from both a region-wide and site specific perspective to ensure that the best representation and distribution of habitats remains to protect the natural values and functions of those habitats. Fish and wildlife habitat protection considerations should include:*

- 1. The physical and hydrological connections between different habitat types to prevent isolation of those habitats;*
- 2. Diversity of habitat types both on a local and regional scale;*

3. *Large tracts of fish and wildlife habitat;*
4. *Connectivity between tracts of habitat;*
5. *Areas of high species diversity;*
6. *Locally or regionally unique and rare habitats.*

**Response:**

The Facility would have no impact to wetland habitat, and negligible impacts to streams related to the potential ephemeral stream crossing. Any impacts to wildlife habitat would be avoided, minimized or mitigated. Portions of the Facility would be built on upland shrub-steppe habitat, a Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species habitat, and in areas with species that are listed on federal and state lists. The Applicant initiated early consultation with WDFW for guidance on site field investigations to inform impact analysis and appropriate minimization measures, as well as identify if mitigation is warranted. The Applicant originally consulted with WDFW in Fall 2017 on the original site for the Facility which was approximately twelve miles east of the current Facility location. WDFW provided feedback regarding the preliminary site's proximity to sage grouse habitat and expressed concern about potential wildlife impacts. This led OneEnergy to initiate avoidance mitigation by moving the Facility. The new (and current) site is in a location that is largely comprised of previously disturbed agricultural land, hemmed in on three sides by land that is actively farmed and on the fourth side by land that is actively grazed. The site is also proximally located to existing disturbances including Highway 24 and the BPA Midway-to-Moxee 115 kilovolt transmission line. Section 4.9 (Animals) of the ASC presents detailed analysis of the Facility's potential impact to wildlife. Section 3.5.7 below reviews the Facility's compliance with related YCC critical area protection for Upland Wildlife Habitat Conservation Areas (UWHCAs). Therefore, the Facility is consistent with this goal and policy of the YCCP.

**2.1.11 Goal NS 19: Protect the public from personal injury, loss of life or property damage from geologic hazards.**

*Policy NS 19.1 Ensure that land use practices in geologically hazardous areas do not cause or exacerbate natural processes which endanger lives, property, or resources.*

*Policy NS 19.2 Locate development within the most environmentally suitable and naturally stable portions of the site.*

*Policy NS 19.4 Prevent the subdividing and development of known or suspected landslide hazard areas, side slopes of stream ravines, or slopes 40 percent or greater for development purposes.*

**Response:**

While there are mapped geologically hazardous areas within the Facility Area Extent, the Facility would not cause or exacerbate hazardous natural processes and would be constructed on the most suitable and stable portions of the site. To inform final design of the Facility and appropriate construction methods, a Geotechnical Site Investigation and Critical Areas/Geohazards Report (Attachment L) has been completed, which concluded that the site is suitable for the proposed Facility. The Facility would not be constructed in any known or



suspected landslide hazard areas, side slopes of stream ravines, or slopes 40 percent or greater. See Section 3.5.5 below for additional discussion of the Facility's compliance with geological hazards criteria under YCC 16C.08, and Section 4.1 (Earth) of the ASC for detailed analysis and mitigation measures to avoid adverse impacts associated with geological hazards. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

**2.1.12 Goal NS 20: Protect life and property in rural Yakima County from fire hazards.**

*Policy NS 20.1 Encourage the development of adequate water supply/storage for new development which is not connected to a community water/hydrant system. A storage facility/fire well should be accessible by standard firefighting equipment and adequate for the needs of the structure(s) and people being protected.*

*Policy NS 20.2 Roofing used in the construction of residential development shall be of a Class "A" fire retardant material when located outside of 5 road miles of a full service fire station.*

*Policy NS 20.3 Encourage, where feasible, the undergrounding of electrical utilities to reduce their exposure to fire.*

*Policy NS 20.5 Require proposed developments to provide sufficient access for heavy-duty firefighting equipment.*

*Policy NS 20.7 Residences and driveways shall be clearly marked and visible with the appropriate address assigned by Yakima County.*

**Response:**

The Facility's proposed domestic water well would be accessible by standard firefighting equipment and provide adequate water for the potential need of the Facility. The Facility is not a residential development and no people would reside onsite. Roofing on the operations and maintenance (O&M) building would nevertheless be of a Class "A" fire retardant material. Electrical collection system cables would be buried wherever feasible throughout the solar array. The approximately 300-foot-long interconnection line would be constructed overhead out of necessity to connect with the existing overhead BPA 115-kV transmission line and avoid existing agricultural operations associated with the orchard on the Martinez Property. Additional areas within the Facility Area may require overhead electrical lines in order to avoid sensitive wildlife areas. Fire access roads at the Facility would be designed pursuant to the current international fire code that supports heavy-duty firefighting equipment. This includes designing fire access roads to be 20 feet wide, with an inner turning radius of 30 feet and outer turning radius of 45 feet. The access road around the perimeter of the Facility would also function as a fire break in the event of a non-Facility fire approaching from surrounding lands. The Facility access would be clearly marked and visible with the appropriate address assigned by Yakima County.

Overall, the risk of fire at the Facility is low. The Applicant would consult with the Yakima County Fire Marshal to ensure compliance with fire code, as well as coordinate with the East Valley Fire Department - Yakima County Fire District #4 to provide the Facility site and equipment information pertinent to emergency response. The proposed BESS option would contain a fire

suppression system in accordance with fire code and National Fire Protection Association (NFPA) Standards, specifically NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.” The system would include monitoring equipment and alarm systems with remote shut-off capabilities. A Fire Control Plan would be developed and provided to EFSEC and County emergency responders as a condition of approval. A copy of the final Fire Control Plan would be maintained onsite in the O&M building and provided to EFSEC and County emergency responders. See Section 4.13 (Environmental Health) of the ASC for further discussion of emergency safety measures for the Facility. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

## **2.2 Chapter 3 Natural Hazards**

### **2.2.1 Goal NH 1-2: Prevent increased flooding from stormwater runoff.**

*Policy NH 1-2.1 Require on-site retention of stormwater.*

*Policy NH 1-2.3 Minimize adverse storm water impacts generated by the removal of vegetation and alteration of land forms.*

*Policy NH 1-2.4 Encourage the use of Low-Impact Development and other best management practices for capturing and infiltrating stormwater.*

#### **Response:**

As stated in the Applicant’s response to Goal NS 13 and corresponding policies above, construction and operation of the Facility would include BMPs for stormwater control, including retaining stormwater onsite in compliance with County and state stormwater regulations. See Section 3.2.3 below for specific discussion of YCC Chapter 12.10 Stormwater and Drainage Authority and NPDES compliance. The Applicant anticipates limited ground disturbance for the installation of the Facility. See also Section 4.1 (Earth) and Section 4.5 (Water Quality – Stormwater Runoff) of the ASC for detailed analysis and mitigation measures to minimize potential impacts associated with stormwater runoff. The Applicant applies relevant BMPs, including those for low-impact development, per regulatory compliance as part of its standard construction and operations practices. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

### **2.2.2 Goal NH 2: Protect the public from personal injury, loss of life or property damage from geologic hazards.**

*Policy NH 2.1 Ensure that land use practices in geologically hazardous areas do not cause or exacerbate natural processes which endanger lives, property, or resources.*

*Policy NH 2.2 Locate development within the most environmentally suitable and naturally stable portions of the site.*

*Policy NH 2.5 Maintain the integrity and moisture regimes of oversteepened slopes and other areas at risk for landslides*

*Policy NH 2.6 Ensure that geologic hazard information is readily available to the public.*

**Response:**

While there are mapped geologically hazardous areas within the Facility Area Extent, the Facility would not cause or exacerbate hazardous natural processes and would be constructed on the most suitable and stable portions of the site. To inform final design of the Facility and appropriate construction methods, a Geotechnical Site Investigation and Critical Areas/Geohazards Report (Attachment L) has been completed, which concluded that the site is suitable for the proposed Facility. The Facility would not be constructed in areas of over-steepened slopes or other areas at risk for landslides. See Section 3.5.5 below for additional discussion in relation to geological hazards compliance under YCC 16C.08, and Section 4.1 (Earth) of the ASC for detailed analysis and mitigation measures to avoid adverse impacts. This application and its supporting materials are public documents as part of the EFSEC review process. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

**2.2.3 Goal NH 3: Protect life and property in rural Yakima County from fire hazards.**

*Policy NH 3.1 Encourage the development of an adequate water supply/storage for new development which is not connected to a community water/hydrant system. A storage facility/fire well should be accessible by standard firefighting equipment and adequate for the needs of the structure(s) and people being protected.*

*Policy NH 3.2 Reflect best practices in structural fire resistance design for new construction.*

*Policy NH 3.4 Encourage, where feasible, the undergrounding of electrical utilities to reduce their exposure to fire.*

*Policy NH 3.6 Require proposed developments to provide sufficient access for heavy-duty firefighting equipment.*

*Policy NH 3.8 Residences and driveways shall be clearly marked and visible with the appropriate address assigned by Yakima County.*

**Response:**

As stated in the Applicant's response to Goal NS 20 and corresponding policies above, the Facility's proposed domestic water well would be accessible by standard firefighting equipment and provide adequate water for the potential need of the Facility. Design of the Facility reflects best practices in structural fire resistance, which would be further reviewed and detailed during the building permitting process pursuant to YCC Title 13. Electrical collection system cables would be buried wherever feasible throughout the solar array. The approximately 300-foot-long interconnection line would be constructed overhead out of necessity to connect with the existing overhead BPA 115-kV transmission line and avoid existing agricultural operations associated with the orchard on the Martinez Property. Additional areas within the Facility Area may require overhead electrical lines in order to avoid sensitive wildlife areas. Fire access roads at the Facility would be designed pursuant to current international fire code that supports heavy-duty firefighting equipment. This includes designing fire access roads to be 20 feet wide, with inner turning radius of 30 feet and outer turning radius of 45 feet. The access road around the perimeter of the Facility would also function as a fire break in the event of a non-Facility fire

approaching from surrounding lands. The Facility access would be clearly marked and visible with the appropriate address assigned by Yakima County.

Overall, the risk of fire at the Facility is low. The Applicant would consult with the Yakima County Fire Marshal to ensure compliance with fire code, as well as coordinate with East Valley Fire Department - Yakima County Fire District #4 to provide the Facility site and equipment information pertinent to emergency response. The proposed BESS option would contain a fire suppression system in accordance with fire code and NFPA Standards, including NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.” The system would include monitoring equipment and alarm systems with remote shut-off capabilities. A Fire Control Plan would be developed and provided to EFSEC and County emergency responders as a condition of approval. A copy of the final Fire Control Plan would be maintained onsite in the O&M building and provided to EFSEC and County emergency responders. See Section 4.13 (Environmental Health) of the ASC for further discussion of emergency safety measures for the Facility. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

#### **2.2.4 Goal NH 4: Limit the impact of drought on property and safety.**

*Policy NH 4.4 Promote design that captures and infiltrates stormwater, meltwater, and irrigation runoff.*

##### **Response:**

The Facility would be designed to retain stormwater and meltwater on-site, per applicable regulations. No irrigation is proposed as part of Facility activities or currently exists within the Facility Area. As noted in Section 2.B.2 (Surface Types and Acreage) of the ASC, the Facility would introduce a limited amount of impervious surface, approximately 30 acres (4 percent) of the total Facility Area. See Section 3.2.3 below for specific discussion of YCC Chapter 12.10 Stormwater and Drainage Authority and NPDES compliance. Therefore, the Facility is consistent with this goal and policy of the YCCP.

## **2.3 Chapter 4 Economic Development**

#### **2.3.1 Goal ED 1: Promote economic growth while maintaining environmental quality.**

*Policy ED 1.2 Encourage economic opportunities that strengthen and diversify the County's economy while maintaining the integrity of the natural environment.*

##### **Response:**

The proposed Facility represents a valuable economic opportunity for Yakima County to strengthen and diversify its local economy while maintaining the integrity of the natural environment. The Facility utilizes the natural solar energy resources of Yakima County that are some of the highest in Washington State. It is sited on previously disturbed land with an existing electrical transmission line that has the capacity to connect the Facility to BPA's regional energy grid. This combination of a good solar resource and direct access to low-cost interconnection constitutes a unique economic development opportunity. In turn, the Facility would provide a

consistent new source of revenue to participating landowners through long-term lease agreements, create new construction and operational jobs, as well as contribute to the County's tax base. Further, as demonstrated throughout this application, the Facility would avoid and minimize impacts to the natural environment while helping achieve Washington State's targets for carbon-free energy infrastructure (RCW 19.405).

In the YCCP, Figure 4.4.1-1 presents a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis that was conducted as a joint effort between Kittitas and Yakima Counties for their Regional Comprehensive Economic Development Strategy. This analysis identified renewable and alternative energy as an economic strength for diversified industry makeup and developing renewable energy facilities as an economic opportunity. It also identified planning and zoning barriers to new investment and alternative energy as an economic threat. The proposed Facility would support the County in its effort to maximize economic strengths and opportunities, while complying with existing zoning regulations. See Section 3.7 below for detailed review and discussion of the Facility's compliance with YCC Title 19 Unified Land Development Code, including how the Facility complies with the decision criteria for conditional uses in the AG zoning district. Therefore, the Facility is consistent with this goal and policy of the YCCP.

### **2.3.2 Goal ED 2: Encourage economic growth within the capacity of the region's public services and public facilities.**

*Policy ED 2.2 Encourage the use of state-of-the-art technology and conservation techniques to minimize demands on scarce resources such as water, energy, and other natural and developed resources.*

#### **Response:**

As discussed in Section 3.6 (Water Quantity – Water Use) and Section 3.10 (Energy and Other Natural Resources) of the ASC, the Facility would not require large quantities of water, energy, or other natural and developed resources. The Facility would generate clean, renewable energy using proven solar and BESS technology to support meeting the region's energy needs in a sustainable manner. As such, the Facility would contribute to economic growth while operating within the capacity of the region's public services and facilities. For these reasons, the Facility is consistent with this goal and policy of the YCCP.

### **2.3.3 Goal ED 4: Preserve and enhance the County's resource-based economy.**

*Policy ED 4.1 Encourage resource-based industries which are consistent with resource lands goals and policies.*

*Policy ED 4.4 Discourage incompatible development in resource areas.*

#### **Response:**

The Facility Area would occupy a nominal portion of the County's AG zoning district (less than 0.15 percent; Yakima County 2020) and would comply with applicable zoning standards and requirements for development of a solar energy generation facility. No active cropland or land otherwise classified as prime farmland (NRCS 2020) would be displaced by Facility construction and operation. Existing grazing activities on the Martinez Property would be able to continue

outside of the fenced Facility Area as well as on neighboring properties owned by the same landowner, S. Martinez Livestock, Inc. Ground disturbance within the Facility Area would be limited, and in accordance with the Initial Site Restoration Plan, which will describe the decommissioning and site restoration options and be submitted to EFSEC for review, the Facility Area could be restored for agricultural activities should that become the preferred use after the Facility's life. Overall, the Facility would not preclude, discourage, or otherwise interfere with ongoing or future agricultural operations on land surrounding the Facility Area and would be compatible with development allowed in the AG zoning district. The Facility's consistency with resource land goals and policies, as well as compatibility with the AG zoning district, is discussed further in Section 3.7 below in response to YCC Title 19, which sets out the applicable zoning and conditional use regulations and approval criteria. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

## **2.4 Chapter 5 Land Use**

### **2.4.1 Visioning Goals – Land Use**

*1A: Promote the growth and development of business related to agriculture, together with other industries which are recognized as playing an important role in the regional economy which may assist and help maintain an economically viable agricultural base.*

#### **Response:**

As stated in the Applicant's response to Goal ED 1 and corresponding policies above, the proposed Facility would support the growth and diversification of Yakima County's rural economy, which helps maintain an economically viable agricultural sector. Through long-term lease payments to landowners, the Applicant would provide a consistent source of revenue that keeps land as part of the current and future agricultural base. The Facility would also contribute to the County's tax base. Similar to agriculture, the Facility is utilizing a vital local natural resource—solar energy—to provide a benefit to the community and region. The availability of electricity from clean, renewable sources is of critical importance to the long-term sustainability of the regional economy, including agriculture. As such, the Facility aligns with the State's effort to balance conservation with resource development in its policies, including implementation of the Washington Clean Energy Transformation Act (2019), which seeks to transition the State's electricity supply to 100 percent carbon-neutral by 2030 and 100 percent carbon-free by 2045 (RCW 19.405.010). Therefore, the Facility is consistent with this goal of the YCCP.

### **2.4.2 Goal LU-ER-AG 1: Maintain and enhance productive agricultural lands and discourage uses that are incompatible with farming activities.**

*Policy LU-ER-AG 1.1 Encourage conservation of the County's high quality agricultural lands for productive agricultural use and protect the opportunity for these lands to support the widest variety of agricultural crops.*

*Policy LU-ER-AG 1.4 Non-agricultural uses shall not be allowed in agricultural resource areas without site-specific review subject to standards related to 1) protections needed for agricultural uses and 2) the nature of the proposed non-agricultural use.*

*Policy LU-ER-AG 1.5 Allow for accessory uses, including non-agricultural accessory uses that support, promote, or sustain agricultural operations and production. Such accessory uses may include bed & breakfasts, boarding houses, restaurants, event facilities and other amenities that are determined to support agriculturally related entrepreneurial efforts.*

*Policy LU-ER-AG 1.7 Non-farm residences and uses within or adjacent to agricultural lands of long term commercial significance shall be located, designed and subject to special setbacks and other appropriate buffers to minimize conflicts with agricultural practices and other activities associated with agricultural lands. A 150-foot setback from the adjoining agricultural activity shall be required for all non-farm related uses, except where it can be demonstrated that a smaller setback will not interfere with accepted farm practices. Considerations in reducing the setback may include the size or shape of the parcel, historic use, natural features, physical barriers, crop type and structures on the adjoining resource parcel, location of structures on adjoining properties, proposed site design, and use of screening, berms, barriers and landscaping.*

*Policy LU-ER-AG 1.8 Require as part of development approval a declarative covenant or plat note to disclose the presence of agricultural activities in the area when property is within 500 feet of an existing agricultural zone. The notification shall disclose that the property is nearby or adjacent to land where farm operations and generally accepted agricultural and management practices are present (as defined under YCC Chapter 6.22, Right-to-Farm) and will be subject to a variety of activities that may not be compatible with non-farm or residential development.*

**Response:**

The proposed Facility would be a “power generating facility” identified as one of the non-agricultural conditional uses allowed in the AG zoning district pursuant to YCC Table 19.14-1 Allowable Land Use Table. Throughout this application, the Applicant demonstrates the Facility’s compliance with site-specific standards set forth under the YCC for the protection of agricultural uses. Construction and operation of the Facility would not take any active cropland out of agricultural use. Through lease payments, the Facility would create a diversified source of revenue for the landowners that helps support ongoing agricultural uses on their holdings outside of the direct Facility Area. Specific compliance with required setbacks in the AG zoning district is discussed in Sections 3.7.2 and 3.7.3 below pursuant to YCC 19.10.040 and 19.11.010. Yakima County did not codify a 150-foot setback from agricultural activity for all non-farm related uses; rather, the 150-foot setback requirement per YCC 19.18.205 only applies to “especially sensitive land uses (ESLU),” which are defined under YCC 19.01.070 to include “dwellings (excluding caretaker dwellings), schools, day care facilities, churches or other places of worship or assembly, medical facilities such as hospitals, clinics and convalescent care facilities, outdoor recreational facilities and similar uses.” The Facility does not meet the definition of an ESLU. The entire area within 500 feet from the outer boundary of the Facility Parcels occurs in the AG zoning district and the Facility would operate adjacent to existing and accepted agricultural practices; therefore, a declarative covenant or plat note to disclose the presence of agricultural activities is not required and Policy LU-ER-AG 1.8 does not apply to the Facility.

The Facility's compatibility with agricultural land use is further discussed in Section 3.7.10 below in response to the conditional use decision criteria per YCC 19.30.080(7). Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

**2.4.3 Goal LU-G-1: Ensure that proposed changes to land uses or zoning regulations do not have a negative impact on the Yakima Training Center's primary mission.**

*Policy LU-G 1.5 All new land uses proposed to be located in proximity to the Yakima Training Center should be evaluated as to their potential impact to the Training Center.*

**Response:**

Per the Applicant's consultation with the Department of Defense and the Federal Aviation Administration (see correspondence in Attachment N and Letters of Determination of No Hazard as Attachment M), the Facility would be compatible with the Yakima Training Center. The Facility would not reduce the ability of the center to complete its mission, undertake new missions, or to increase its cost of operating. Therefore, the Facility is consistent with this goal and policy of the YCCP.

**2.5 Chapter 9 Utilities**

**2.5.1 Goal UT 2: Reasonably protect the physical and natural environment while providing utilities.**

*Policy UT 2.2 Encourage private utility structures (e.g., electric substations) to have design and screening that is compatible in bulk and scale with surrounding land uses.*

*Policy UT 2.4 Encourage energy resource development in locations within Yakima County that take advantage of the County's energy resources, existing infrastructure, and also are sited to minimize environmental impacts.*

**Response:**

The Facility would be compatible in bulk and scale with surrounding land uses and meet applicable County development standards for a "power generating facility" in the AG zoning district, as detailed in Section 3.0. Siting the Facility in proximity to the existing BPA 115-kV Midway-Moxee transmission line takes advantage of the County's existing infrastructure and serves to minimize environmental impacts that would otherwise result from siting the Facility in an area lacking existing transmission infrastructure. Furthermore, the Facility is sited on previously disturbed land with minimal sensitive environmental resources. Where applicable, the Applicant provides measures to avoid, minimize, and mitigate for potential impacts to environmental resources in Part 4 of the ASC. The Facility's location also takes advantage of the County's abundant solar resources to generate clean, renewable energy. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

**2.5.2 Goal UT 3: Ensure cost effective provision of utility services.**

*Policy UT 3.2 Solicit community input prior to county approval of private utility facilities which may significantly impact the surrounding community.*



**Response:**

The EFSEC certification process includes an opportunity for community input prior to approval, including a land use consistency hearing. Therefore, the Facility is consistent with this goal and policy of the YCCP.

**2.5.3 Goal UT 5: Ensure that future development does not exceed the available amount of raw water.**

*Policy UT 5.2 Develop specific guidelines for determining the adequacy of water supplies proposed to serve new parcels and new structures and uses on existing parcels.*

*Policy UT 5.5 Develop a water resource system that addresses the need for domestic water for development in unincorporated Yakima County that meets the water availability requirements of state law.*

**Response:**

During construction, the Facility would obtain water through the construction contractor, with water trucked in from an existing municipal or other source with a valid water right. Operation of the Facility would have minimal water needs for domestic water use in the O&M building, anticipated to be less than 200 gallons per day. For this purpose, the proposed Facility would include a new domestic water well or bring in water from off-site and store it in aboveground water tanks. The Applicant would obtain the required County permit for a new domestic well, as described in Section 3.2.2 below per YCC Chapter 12.08 Water System. See also Section 3.6 and Section 4.22 of the ASC for additional discussion of the Facility's water supply. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

**2.5.4 Goal UT 17: Promote the delivery of electrical services, on demand, within the County consistent with utility's public service obligations.**

*Policy UT 17.5 Work with electrical utility providers and neighboring jurisdictions to meet regional service needs and to accommodate future facility improvements.*

*Policy UT 17.6 Ensure there are sufficient electric utility facilities that are sufficient to support economic development. Foster cooperation among private enterprise, the County, and the utility provider.*

**Response:**

The Facility would generate power for delivery to a utility service provider. Commercial discussions for purchase of power from the Facility are currently in process. In general, the Facility would contribute to the development of clean, renewable energy sources that are necessary for utilities to meet regional service needs and support economic development. Therefore, the Facility is consistent with this goal and corresponding policies of the YCCP.

## **3.0 Yakima County Code Provisions**

This section provides the Applicant's responses demonstrating that the Facility would comply with applicable provisions of the YCC. The provisions addressed below are based on the Applicant's review of the YCC as well as input provided by Yakima County Public Services staff

through early consultation in April 2020. The provisions as they appear in the YCC are copied below in italics, with some titles abbreviated. The provisions are followed by the Applicant's response and statement of compliance.

### **3.1 Title 6 Health, Welfare and Sanitation**

#### **3.1.1 Chapter 6.28 Noise Control**

##### *Section 6.28.030*

*(1) It is unlawful for any person to make, continue, or cause to be made or continued or any person in possession of property to make, continue, or cause to be made or continued or allow to originate from the property any sound which:*

*(a) Is plainly audible within any dwelling unit which is not the source of the sound or is generated within two hundred feet of any dwelling unit;*

*(b) Either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.*

*(2) Sound which is "plainly audible" is sound that can be understood or identified.*

##### *Section 6.28.040 Exemptions*

*The following sounds are exempt from the provisions of this chapter:*

*(12) Sounds created by construction or refuse removal equipment; ...*

*(18) Sounds created by lawfully established commercial and industrial uses.*

#### **Response:**

Sounds generated by the Facility would be classified as exempt from the County's noise control provisions as they would be limited to sounds "created by construction or refuse removal equipment" (YCC 6.28.040(12)) and sounds "created by lawfully established commercial and industrial uses" (YCC 6.28.040(18)). No residences would be located within 200 feet of the Facility Area Extent. The nearest residences not included as participating landowners occur between SR-24 and Desmarais Road approximately 225 feet south of the Meacham Property and Facility Area Extent (see Preliminary Site Plan, Attachment B). The nearest proposed noise generating equipment are the inverters and transformers located approximately 700 feet or more from these residences and within the fenced Facility Area. The Facility is required to comply with Washington State noise regulations pursuant to Washington Administrative Code (WAC) 173-60, as discussed in Section 4.16 (Noise, Light, Glare and Aesthetics) of the ASC. Based on the analysis presented in Section 4.16 of the ASC, the Facility would be in compliance with state noise regulations consistent with a lawfully established commercial and industrial use, and operational noise would not exceed noise standards applicable to nearby residences as demonstrated in the Acoustic Assessment Report (Attachment I). Therefore, the Facility would comply with the County's applicable noise provisions under YCC 6.28.

## **3.2 Title 12 Water and Sewage**

### **3.2.1 Chapter 12.05 Sewer System**

#### *Article IV – Private Sewage Disposal*

YCC Sections 12.05.150 through 12.05.200 detail requirements for constructing and operating a private sewage system, such as an on-site septic system.

#### **Response:**

Pursuant to YCC 12.05.150, a private sewage disposal system is permitted with approval from the County. Prior to construction of the proposed on-site septic system serving the Facility's O&M building, the Applicant would obtain the required permit from the Yakima Health District and meet system recommendations from the Washington State Department of Health (DOH) if provided. Pursuant to YCC 12.05.190, the Applicant would operate and maintain the private sewage disposal facility in a sanitary manner at all times at no expense to the County. Because the septic system would manage wastewater flows of less than 3,500 gallons per day, currently estimated at approximately 200 gallons per day, it is not considered a large on-site sewage system and would not require a permit from the DOH (WAC 246-272B). Therefore, the Facility would comply with the applicable provisions under YCC 12.05.150 through 12.05.200.

### **3.2.2 Chapter 12.08 Water System**

#### *Article V – Yakima County Water Resource System Provisions*

YCC Sections 12.08.390 through 12.08.440 detail requirements for permitting a state groundwater permit-exempt well with a Yakima County Water Resource System (YCWRS) domestic well permit.

#### **Response:**

Prior to construction, the Applicant would follow the domestic well application process to obtain a YCWRS domestic well permit for the proposed new well that would serve the Facility's O&M building. Given that less than 200 gallons per day would be drawn from the well, the Applicant anticipates this permit would be approved. However, depending on final Facility design considerations or in the event that YCWRS determines there is not sufficient water availability, or the Yakima Health District determines the water supply is either not potable or adequate in quantity per YCC 12.08.050, the Applicant would secure an alternate water supply for the O&M building through an existing source with adequate water rights, stored in an onsite, aboveground water tank. See Section 3.6 (Water Quantity) and Section 4.22 (Utilities) of the ASC for further information regarding water use. Therefore, the Facility would comply with the applicable provisions under YCC 12.08.390 through 12.08.440.

### **3.2.3 Chapter 12.10 Stormwater and Drainage Authority**

#### *Section 12.10.210 When a Stormwater Plan is Required*

*(1) General. The approval of applications for land development or redevelopment projects (projects) that are submitted pursuant to Yakima County Codes 12, 13, 19, 16C, and 16D that meet the following criteria shall be subject to the approval of a stormwater plan by the Public Services Director:*

- (a) *Projects that disturb a land area greater than one acre.*

**Response:**

The Facility would disturb a land area greater than one acre and does not fall under any of the exemptions listed in YCC 12.10.210(2); therefore, a Stormwater Plan would be required. The County's design criteria and content requirements for a Stormwater Plan are listed in YCC 12.10.250 and 12.10.260, respectively. Prior to any ground disturbance<sup>1</sup>, the Applicant would develop a Stormwater Plan, separately or in conjunction with the state-level requirement to provide a Stormwater Pollution Prevention Plan (SWPPP) as part of the NPDES Construction Stormwater General Permit (CSWGP) process that fulfills these requirements. The Stormwater Plan would be provided to EFSEC as a condition of approval. An approved Stormwater Plan is also required prior to the County's issuance of building permits (see Section 3.3 below). Per County requirements, in addition to retaining stormwater on site, the Applicant would not alter or impede conveyance of upland flow and would maintain natural drainageways, which include the Type 5 streams delineated within the Facility Area Extent. See Section 4.5 (Water Quality) of the ASC for additional information regarding stormwater management and proposed mitigation measures. Therefore, the Facility would comply with the County's applicable criteria for stormwater management.

*Section 12.10.220 When a Stormwater Pollution Prevention Plan is Required*

- (1) *General. A Stormwater Pollution Prevention Plan (SWPPP) is required to be submitted to the County for a completeness review for all land development or redevelopment projects that meet the stormwater plan requirements outlined in section 12.10.210 and are located within the County Stormwater Utility (YCC 12.09), as a condition of approval.*

**Response:**

The Facility is not located within the County Stormwater Utility Boundary as mapped per Exhibit 1 of YCC 12.09.110; therefore, a SWPPP is not required for the Facility by the County. However, as noted above, pursuant to state NPDES regulations the Applicant would develop a SWPPP to obtain coverage under the CSWGP from the Washington State Department of Ecology (Ecology) and provide this to EFSEC as a condition of approval. Therefore, the Facility would comply with this criterion.

### **3.3 Title 13 Building and Construction**

#### **3.3.1 Chapter 13.04 Enforcement and Administration**

*Section 13.04.010 Authority Designated*

*The Manager of the Building and Fire Safety Division of the Yakima County Department of Public Services is hereby authorized and designated as the Official responsible for the enforcement and administration of this Title, and is appointed as*

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<sup>1</sup> As advised by the County, ground disturbance includes grading, vegetation removal, internal road improvements, construction, and utility installation.

*the public officer, as defined in RCW 35.80.020, with the authority to exercise such powers of enforcement as are authorized in RCW 35.80 and YCC 13.11. The Manager may designate employees within his division to act on his behalf. The use of the terms “Building Official,” “Administrative Authority,” “Code Official,” “Authority Having Jurisdiction” and similar such terms as contained in this Title and in the codes and standards adopted by reference under this Title shall be construed as referring to the Manager of the Building and Fire Safety Division of the Yakima County Department of Public Services and his designees.*

**Section 13.04.020 Correlation with Zoning Ordinance**

*Prior to the issuance of any permit under this Title, the Building Official shall review the proposed work and use for compliance with Yakima County’s Zoning Ordinances, YCC Title 19, as they now exist or as amended. Compliance with applicable zoning requirements shall be a condition precedent to the issuance of any permit subject to land use approval under this Title.*

**Section 13.04.030 Coordination Required with Other Officials**

*The Building Official in the enforcement and administration of this Title is authorized to coordinate with any other appropriate regulatory agency to confirm that the proposed work conforms to the applicable laws or regulations of that agency prior to the issuance of any permit under this Title.*

*Nothing within this section shall otherwise interfere with or limit the discretionary authority of the building official to confer with other departments and jurisdictions prior to the issuance of any permit required under this Title pursuant to applicable sections of the International Building Code, International Residential Code, International Existing Buildings Code, International Mechanical Code, International Fuel Gas Code, International Fire Code, Uniform Plumbing Code, International Wildland-Urban Interface Code, International Property Maintenance Code, ICC Performance Code for Buildings and Facilities, and International Swimming Pool and Spa Code, and International Energy Conservation Code adopted by reference in this Title.*

**Response:**

As confirmed by the County in early consultation conducted in April 2020, building permits would be required for the Facility, including the solar array, security fence, O&M building, and any other structures exceeding 7 feet in height. The Applicant would work with EFSEC staff and the Building Official and follow the County’s process to provide the information needed for building and grading/excavation permitting, including but not limited to two sets of building plans and structural calculations signed and sealed by an engineer licensed in Washington State, and site plans following the requirements of the County’s grading and excavation permit application. Structures would be designed to meet applicable County criteria for snow load, wind load, and seismic category. Grading and excavation work would follow recommendations included in the Geotechnical Investigation and Critical Areas/Geohazards Report (Attachment L) as well as possible additional site-specific soils engineering information developed prior to final design. The Applicant would also develop a Stormwater Plan and obtain a State CSWGP, required prior

to the issuance of building and grading permits. Compliance with the County's Zoning Ordinances, YCC Title 19, is demonstrated in Section 3.7 below. The Facility is designed consistent with applicable sections of international code standards, including but not limited to the current International Building Code and International Fire Code. As noted earlier, access roads are designed to meet or exceed minimum fire apparatus access road standards. The Applicant would provide approved building and grading permits to EFSEC prior to construction as a condition of approval. Therefore, the Facility would comply with applicable provisions of the County's building and construction code under YCC Title 13.

### **3.4 Title 16 Environment**

#### **3.4.1 Chapter 16.04 State Environmental Policy Act**

##### *Section 16.04.120 Environmental Checklist*

*(1) Except as provided in Subsection (5) below, a completed environmental checklist substantially in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempt in this Chapter; except, a checklist is not needed if the County and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The Responsible Official shall use the environmental checklist to determine whether the County should be the lead agency and, if the County is the lead agency, for making the threshold determination.*

##### **Response:**

The Applicant has elected to site the Facility under EFSEC's jurisdiction, and therefore EFSEC serves as the lead agency for State Environmental Policy Act (SEPA) compliance. Information needed for a SEPA determination is incorporated in Part 3 and Part 4 of the ASC. EFSEC has advised the Applicant that they will prepare a SEPA checklist form per WAC 197-11-960 with reference to corresponding sections of Part 3 and Part 4 as appropriate. Therefore, the Facility would comply with the County's applicable criteria under YCC 16.04.120.

### **3.5 Title 16C Critical Areas**

#### **3.5.1 Chapter 16C.03 Application and Review Procedures**

##### *Section 16C.03.01 Critical Area Development Authorization Required*

*(1) No new development, construction or use shall occur within a designated critical area without obtaining a development authorization in accordance with the provisions of this title, except for those provided for in Section 16C.03.05 (Minor Activities Allowed Without a Permit).*

...

*(5) Coordination with Other Jurisdictions.*

*(a) Where all or a portion of a standard development project site is within a designated critical area and the project is subject to another local, state or federal development permit or authorization, then the Administrative Official shall determine whether the provisions of this title can be processed in conjunction with, and as part of, that local, state or federal development permit or authorization, or whether a separate critical area development authorization application and review process is necessary. The decision of the Administrative Official shall be based upon the following criteria:*

*(i) The nature and scope of the project and the critical area features involved or potentially impacted;*

*(ii) The purpose or objective of the permit or authorization and its relationship to protection of the critical area;*

*(iii) The feasibility of coordinating the critical area development authorization with the permitting agency;*

*(iv) The timing of the permit or authorization.*

*(b) When a determination has been made that provisions of this title can be handled through another applicable development permit or authorization process, project proponents will be required to provide any additional site plans, data and other information necessary as part of that process to fully evaluate the critical area project and ensure its compliance with this title. The Administrative Official's decision on the critical area development authorization shall be coordinated to coincide with other permits and authorizations.*

**Response:**

The Facility would be entirely or partially located within three designated critical area types, including a geologically hazardous area (YCC 16C.08), Critical Aquifer Recharge Area (CARA; YCC 16C.09), and UWHCA (YCC 16C.11). The Facility would not qualify as a minor activity allowed without a permit under YCC 16C.03.05; therefore, a Critical Area Standard Development Permit is required. However, as the Facility is under EFSEC jurisdiction for development authorization, per YCC 16C.03.01(5) the Applicant is demonstrating compliance with Title 16C through the EFSEC review process. The Applicant consulted with Yakima County in April 2020 regarding expectations for critical areas and the following subsections detail how the Facility complies with applicable requirements.

***Section 16C.03.17 Critical Areas Report Requirements***

*(11) A critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Administrative Official.*

*(12) The Administrative Official may limit the required geographic area of the critical area report as appropriate.*

**Response:**

The Facility would be partially or entirely located in areas designated as geologically hazardous, a CARA, and UWHCA. In lieu of providing a separate critical area report for each resource, these critical areas are addressed in Section 4.1 (Earth), Section 4.5 (Water Quality), and Section 4.9 (Animals) of the ASC, respectively. This Application includes applicable studies and reports as attachments listed in Section 1.E for review in conjunction with the analysis conducted for each respective Part 4 resource section. The Applicant has included the full geographic extent for the Facility in assessing potential impacts to critical areas or required buffer areas. Collectively, these reports and analysis sections provide the information needed to demonstrate critical areas compliance under Title 16C of the YCC.

*(13) Compensatory Mitigation Plans. When compensatory mitigation, as described in Section 16C.03.10 (Mitigation Requirements), is required or proposed for wetland areas, stream channels, or upland habitat areas, the applicant shall submit for approval by Yakima County a mitigation plan as part of the critical area report, which includes:*

*(a) Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the proposed compensation including:*

*(i) A description of the anticipated impacts to the critical areas, mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals and objectives, identification of desired resource functions, dates for beginning and completion of site compensation construction activities, and an analysis of the likelihood of success of the compensation project. The goals and objectives shall be related to the functions and values of the impacted critical area;*

*(b) A review of the best available science supporting the proposed mitigation;*

*(c) A description of the report author's experience to date in restoring or creating the type of critical area proposed;*

*(d) Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained;*

*(e) Detailed Construction Documents. The mitigation documents shall include written specifications and plans describing the mitigation proposed, such as:*

*(i) The proposed construction sequence, timing, and duration;*

*(ii) Grading and excavation details;*

*(iii) Erosion and sediment control features;*

*(iv) A planting plan specifying plant species, quantities, locations, size, spacing, and density;*



(v) *Measures to protect and maintain plants until established; and*

(vi) *Documents should include scale drawings showing necessary information to convey both existing and proposed topographic data, slope, elevations, plants and project limits;*

(f) *Monitoring Program. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years 1, 3, 5, and 7 after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years.*

(g) *Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.*

(h) *Financial Guarantees. The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with Section 16C.03.27(1) (Financial Guarantees).*

(14) *Innovative Mitigation.*

(a) *Yakima County encourages innovative mitigation projects that are based on the best available science. The mitigation plan shall be used to satisfy the requirements of this chapter and provide relief and/or deviation as appropriate from the specific standards and requirements thereof. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein one or more applicants, or an organization with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:*

(i) *Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;*

(ii) *The group demonstrates the organizational and fiscal capability to act cooperatively;*

(iii) *The group demonstrates that long-term management of the habitat area will be provided;*

(iv) *There is a clear potential for success of the proposed mitigation at the identified mitigation site;*

- (v) There is a clear likelihood for success of the proposed plan based on supporting scientific information and demonstrated experience in implementing similar plans;*
- (vi) The proposed project results in equal or greater protection and conservation of critical areas than would be achieved using parcel-by-parcel regulations and/or traditional mitigation approaches;*
- (vii) The plan is consistent with the general purpose and intent of this chapter;*
- (viii) The plan shall contain relevant management strategies considered effective and within the scope of this chapter and shall document when, where, and how such strategies substitute for compliance with the specific standards herein; and*
- (ix) The plan shall contain clear and measurable standards for achieving compliance with the purposes of this chapter, a description of how such standards will be monitored and measured over the life of the plan, and a fully funded contingency plan if any element of the plan does not meet standards for compliance.*

**Response:**

As described further in Section 3.5.7 below, a portion of the Facility would impact a UWHCA. The Applicant is currently working with WDFW to determine what mitigation may be necessary to compensate for construction and operation of the Facility. A mitigation plan would developed for the Facility and would be consistent with the criteria established above under YCC 16C.03.17(13) and (14) for mitigation plans. Section 4.9 (Animals) of the ASC discusses wildlife and mitigation impacts in more detail.

**3.5.2 Chapter 16C.05.20 Flood Hazard Areas**

*Section 16C.05.20.010*

*The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA), in a scientific and engineering report entitled “The Flood Insurance Study for Yakima County, Washington and Incorporated Areas” dated November 18, 2009, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be part of Chapters 16C.05.20 through 16C.05.72 and are established as flood hazard areas. The Flood Insurance Study and maps are on file at the Yakima County Courthouse Building, Yakima, Washington. State defined frequently flooded areas are included within the flood hazard areas. The best available information for flood hazard area identification as outlined in 16C.05.44.060 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under 16C.05.44.060.*

**Response:**

The Facility is entirely outside the 100-year floodplain identified by FEMA, and therefore there are no special flood hazard areas within the Facility Area Extent. Therefore, flood hazard and floodway criteria under YCC 16C.05.20, .28, .32, and .36 do not apply to the Facility, and no further analysis or compliance actions are required.

**3.5.3 Chapter 16C.06 Fish and Wildlife Habitat and the Stream Corridor System**

*Section 16C.06.03 Hydrologically Related Critical Area Features*

*The stream corridor and other hydrologically related critical areas are designated critical areas and include one or more of the following features:*

- (1) Any floodway and floodplain identified as a special flood hazard area. Special flood hazard areas are those identified by the Federal Insurance Administration in the Flood Insurance Study for Yakima County which, together with accompanying Flood Insurance Rate Maps and frequently flooded areas are hereby adopted by reference and declared to be a part of this title as set forth in Chapters 16C.05.20 through 16C.05.72;*
- (2) Perennial and intermittent streams, excluding ephemeral streams, including the stream main channel and all secondary channels within the Ordinary High Water Mark;*
- (3) Naturally occurring ponds under twenty acres and their submerged aquatic beds; and man-made lakes and ponds created within a stream channel designated under (2) above;*
- (4) All wetlands, that meet the definition found in Section 16C.02.425, as required by WAC 365-190-080(1), and as designated in Section 16C.07.02(1) of the wetland chapter;*
- (5) Where specifically cited, any flood-prone area not included in a designated floodway and floodplain, but indicated as flood-prone (i.e. specific flood frequency, stream channel migration), by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data;*
- (6) A buffer area extending on a horizontal plane from the ordinary high water mark of a stream channel, lake, or pond, designated in this section or from the edge of a wetland designated in this section according to the distances set forth in Section 16C.06.16 (Vegetative Buffers).*

**Response:**

Construction and operation of the Facility would not occur within a special flood hazard area, surface water body or wetland, or required vegetative buffers per YCC 16C.06.16. A Wetland Delineation Report (Attachment O) was completed in July 2020 for the entirety of the Facility Area Extent. The report confirms that no wetlands are within the Facility Area Extent and the only waters within the Facility Area Extent are ephemeral stream drainages. These stream drainages would be classified as Type 5 streams under YCC 16C.06.06. Per YCC 16.06.16, no

vegetative buffers are required for Type 5 streams. However, the Facility design would maintain a voluntary 50-foot buffer from the delineated Type 5 streams with the exception of road crossings and overhead electrical lines. Therefore, the Facility would not impact surface water and wetland critical area features. See Section 4.3 of the ASC for additional information regarding wetlands and surface waters. Potentially flood-prone areas not in a designated floodplain are addressed as a geological hazard type (i.e., alluvial fan, high risk) pursuant to YCC 16C.08 and discussed in Section 3.5.5 below. Therefore, the Facility would comply with these criteria.

### **3.5.4 Chapter 16C.07 Wetlands**

#### *Section 16C.07.02 Designating and Mapping*

*(1) Wetlands are those areas that meet the definition found in Section 16C.02.425 as provided in RCW 36.70A.030(21). All areas within Yakima County meeting the wetland definition are hereby designated critical areas and are subject to the provisions of this title. The following clarifications guide the application of the wetland definition:*

*(a) Due to the inherent design of most irrigation systems, such systems are reasonably and foreseeably expected to result in some leakage or seepage. Such leakage or seepage is a normal result of utilization of irrigation systems and is deemed for the purposes of this title to be a nonregulated, artificial wetland.*

*(2) The approximate location and extent of wetlands are shown on maps maintained by Yakima County, which may include information from the National Wetlands Inventory produced by the U.S. Fish and Wildlife Service and soil maps produced by United States Department of Agriculture National Resources Conservation Service that are useful in helping to identify potential wetland areas. These maps are to be used as a guide for Yakima County, project applicants and/or property owners, and may be continuously updated as wetlands are more accurately identified, located and delineated.*

#### **Response:**

As stated above in response to YCC 16C.06, Facility construction and operation would not occur within a wetland or required buffer. A Wetland Delineation Report (Attachment O) was completed in July 2020 for the entirety of the Facility Area Extent and confirms there are no wetlands in the Facility Area Extent; therefore, no impacts to wetlands or associated buffer areas would occur. See Section 4.3 of the ASC for additional information regarding wetlands. Therefore, the Facility would comply with these criteria.

### **3.5.5 Chapter 16C.08 Geologically Hazardous Areas**

YCC Sections 16C.08.01 through 16C.08.05 designate geologically hazardous areas in the County and set out the protection approach, development review procedure, and general protection requirements. Geologically hazardous areas can include hazards from erosion, landslides, oversteepened slopes, alluvial fan/flash flooding, avalanches, stream undercutting, seismic events, and volcanic events (YCC 16C.08.02). In addition to the provisions of YCC

16C.08, when development occurs within a mapped geologically hazardous area, YCC Section 16C.03.18(4) details additional critical area reporting requirements.

**Response:**

A portion of the Facility Area Extent is in an area designated by the County as geologically hazardous. Most of the geologically hazardous area is designated as “Alluvial Fan, High Risk,” and a very small area is designated as “Over-steepened Slopes, Intermediate Risk.” While the Facility would avoid the area of steep slopes, the solar array would overlap the area identified as alluvial fan high risk . This is considered a potentially flood-prone area not in a designated floodplain, per YCC 16C.06.03(5).

In compliance with YCC 16C.08.04 and YCC 16C.03.18(4), as well as to inform design criteria and construction methods for the Facility, a Geotechnical Site Investigation and Critical Areas/Geohazards Report has been completed for the entirety of the Facility Area Extent (Attachment L). This report includes the results from a desktop review and field investigation of site features, geologic processes and hazards affecting the property, the potential vulnerability of the site, and potential hazards as a result of site development, pursuant to YCC 16C.03.18(4). The field investigation included subsurface testing across the Facility Area Extent. Based on the investigation, the report concludes that the site is suitable for the proposed Facility with implementation of geotechnical recommendations for design and construction. Regarding the specific area identified by the County as “Alluvial Fan, High Risk,” the report finds that no geologic hazards are directly associated with the Facility site located on alluvial fan deposits; however, development within the drainage should be avoided. No Facility development is planned within or in proximity to the incised drainage that could pose a risk from potential flooding events. The Applicant would also follow all geotechnical recommendations in Facility design and construction (see Section 4.1 of the ASC and Attachment L).

As a result, the Applicant demonstrates that “the development is structurally safe from the potential hazard, and that the development would not increase the hazard risk onsite or off-site,” pursuant to YCC 16C.08.05. In addition, the Applicant would meet any additional building requirements set by the County during the building permitting process, as noted in Section 3.3 below in response to YCC Title 13 Building and Construction. This would include but not be limited to implementing the appropriate sections of the International Building Code related to construction in alluvial fan areas (YCC 16C.08.03). For the above reasons, the Facility would comply with the County’s critical area protections for geologically hazardous areas. See Section 4.1 (Earth) of the ASC for detailed analysis and mitigation measures related to potentially geologically hazardous areas. Therefore, the Facility would comply with the County’s applicable criteria under YCC 16C.08.

**3.5.6 Chapter 16C.09 Critical Aquifer Recharge Areas**

*Section 16C.09.02 Designation*

*Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARAs are designated as critical areas. CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground*

*water resources or contribute significantly to the replenishment of ground water. The following areas have been identified based on local conditions.*

*(1) Wellhead Protection Areas. Wellhead protection areas shall be defined by the boundaries of the ten-year time of groundwater travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where groundwater time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.*

*(2) Sole Source Aquifers. Sole source aquifers are areas that have been designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.*

*(3) Susceptible Groundwater Management Areas. Susceptible groundwater management areas are areas that have been designated as moderately or highly vulnerable or susceptible in an adopted groundwater management program developed pursuant to Chapter 173-100 WAC.*

*(4) Special Protection Areas. Special protection areas are those areas defined by WAC 173-200-090.*

*(5) Moderately or Highly Vulnerable Aquifer Recharge Areas. Aquifer recharge areas that are moderately or highly vulnerable to degradation or depletion because of hydrogeologic characteristics are those areas delineated by a hydrogeologic study prepared in accordance with the State Department of Ecology guidelines.*

*(6) Moderately or Highly Susceptible Aquifer Recharge Areas. Aquifer recharge areas moderately or highly susceptible to degradation or depletion because of hydrogeologic characteristics are those areas meeting the criteria established by the State Department of Ecology.*

**Response:**

The Facility Area is entirely within a mapped CARA identified by the County as “moderately susceptible to degradation or depletion” per YCC 16C.09.02(6) above. No wellhead protection areas, sole source aquifers, susceptible groundwater management areas, special protection areas, or moderately or highly vulnerable aquifer recharge areas are identified within the Facility Area. See Section 4.5 (Water Quality – Stormwater) of the ASC for additional discussion related to the CARA.

***Section 16C.09.04 Submittal Requirements***

*(1) Applications for any development activity or division of land which requires review by Yakima County and which is located within a mapped Critical Aquifer Recharge Area or Wellhead Protection Area shall be reviewed by the Administrative Official to determine whether hazardous materials (see definitions) will be used, stored, transported, or disposed of in connection with the proposed activity. If there is insufficient information to determine whether hazardous materials will be used, the Administrative Official may request additional information, in addition to the submittal requirements outlined in 16C.03.*

(2) *The Administrative Official shall make the following determination:*

(a) *No hazardous materials are involved.*

(b) *Hazardous materials are involved; however, existing laws or regulations adequately mitigate any potential impact, and documentation is provided to demonstrate compliance.*

(c) *Hazardous materials are involved and the proposal has the potential to significantly impact Critical Aquifer Recharge and Wellhead Protection Areas; however, sufficient information is not available to evaluate the potential impact of contamination. The County may require a Hydrogeologic Report to be prepared by a qualified groundwater scientist in order to determine the potential impacts of contamination on the aquifer.*

**Response:**

As indicated by the County through early discussion regarding the Facility in April 2020, the County largely relies on measures contained in the SWPPP to ensure impacts to CARAs are avoided. The Applicant would prepare a SWPPP to obtain coverage under the CSWGP from Ecology prior to construction (see Section 3.2 above for additional stormwater discussion). In addition, the Applicant would prepare a construction Spill Prevention, Control, and Countermeasures Plan (SPCC Plan) which would be provided to EFSEC for approval as a condition of approval. The SPCC Plan would be implemented to reduce the likelihood of an accidental release of a hazardous or regulated liquid and, in the event such a release occurs, to expedite the response to and remediation of the release. The SPCC Plan would restrict the location of fuel storage, fueling activities, and equipment maintenance and provide procedures for these activities; identify training and lines of communication to facilitate the prevention, response, containment, and cleanup of spills; and identify the roles and responsibilities of key personnel and contractors. The Applicant would also prepare an operations SPCC Plan in consultation with Ecology and submit it to EFSEC for approval. The operations SPCC Plan would be prepared pursuant to the requirements of CFR Part 112, Sections 311 and 402 of the Clean Water Act, Section 402 (a)(1) of the Federal Water Pollution Control Act, and RCW 90.48.080.

Furthermore, the Geotechnical Site Investigation and Critical Areas/Geohazards Report (Attachment L) found that due to the prevailing subsurface soil and rock conditions and significant depth to groundwater across the Facility Area Extent, there is no or negligible risk of groundwater contamination from development of the Facility provided stormwater management is incorporated into the design. Therefore, due to existing site conditions and through implementation of the SWPPP and SPCC, the Facility is not expected to result in impacts to the CARA from hazardous spills. Existing laws and regulations would adequately mitigate any potential impact from hazardous materials involved for the Facility.

Hazardous materials may be involved at the Facility if lead-acid batteries are included as a backup uninterruptible power supply system. Lead-acid batteries contain sulfuric acid within a maintenance-free sealed leakproof exterior. Sulfuric acid is considered an extremely hazardous material by the U.S. Environmental Protection Agency (USEPA) under 40 Code of Federal

Regulations (CFR) §355. As required by regulation, if lead-acid batteries are installed, secondary containment would be employed, and the Applicant would include sulfuric acid as part of its annual Emergency Planning and Community Right-to-Know Act report to local emergency responders. The lead-acid batteries would be replaced at least every 5 years, if not earlier as indicated by system controls. Replacement of lead-acid batteries would be handled by a qualified contractor and adhere to applicable regulations for transport and disposal, including but not limited to 49 CFR §173.159.

Secondary containment is optional for the Facility transformers, as these are classified as qualified oil-filled operational equipment under the USEPA Amended Spill Prevention, Control, and Countermeasure Rule issued in 2006 (EPA-550-F-06-008). Per this amended rule, instead of providing secondary containment for qualified oil-filled operational equipment, an owner or operator may prepare an oil spill contingency plan and a written commitment of manpower, equipment, and materials to quickly control and remove discharged oil; the plan must include an inspection or monitoring program for the equipment to detect a failure and/or discharge. Alternatively, the transformers may be installed on foundations that provide secondary containment, or sorbent materials may be kept on-hand to capture minor leaks. The Facility would comply with this rule and the specific design would be determined prior to construction of the substation and solar array.

The Applicant is considering the development of an optional BESS using lithium-ion or flow battery technology. These technologies are typically encased in steel containers. The flow battery technology uses an electrolyte solution circulated through two tanks. The electrolyte solution would be nontoxic, nonflammable, and nonexplosive and is not considered a hazardous material. Nonetheless, the electrolyte solution would be contained within the encased steel container to avoid the risk of soil contamination in the unlikely case of a leak. The lithium-ion battery technology is composed of individual cells that are hermetically sealed and would not be opened onsite for any installation or maintenance purposes and do not have any wastewater discharges. Lithium-ion batteries contain flammable liquids that can become heated during operation. Accordingly, each lithium-ion BESS would contain a fire suppression system in accordance with fire code and NFPA standards. The system would include monitoring equipment and alarm systems with remote shut-off capabilities. Installation, maintenance, and decommissioning of BESS components would be done in compliance with 49 CFR §173.185, which regulates the transportation of lithium-ion batteries. The Facility would use thoroughly proven, financeable batteries, inverters, and related equipment, including battery products that are listed or certified by Underwriters Laboratories (UL), the industry's foremost safety and sustainability third-party standard. Therefore, the Facility would comply with these criteria by adhering to the existing laws and regulations addressed herein.

*Section 16C.09.05 Performance Standards – General Requirements*

- (1) Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of the aquifer.*



*(2) The proposed activity must comply with the water source protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, and the Yakima County Health District.*

**Response:**

As described above in response to YCC 16C.09.04, given existing regulations and compliance actions by the Applicant, including but not limited to preparation and implementation of a SWPPP and SPCC Plan, the proposed Facility would not cause contaminants to enter the aquifer. Based on the results of the Geotechnical Site Investigation and Critical Areas/Geohazards Report (Attachment L), depth to groundwater at the Facility site is approximately 100 feet, which further reduces the potential for contamination as compared to more shallow groundwater levels. As described in Section 3.7 of the ASC, the Facility would not adversely affect the recharging of the aquifer. The Facility would comply with water source protection requirements of the USEPA, DOH, and Yakima County Health District. Therefore, the Facility would comply with these criteria.

*Section 16C.09.06 Performance Standards – Specific Uses*

*(1) Storage Tanks. All storage tanks proposed to be located in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:*

...

*(2) Vehicle Repair and Servicing.*

*(a) Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.*

*(b) No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the State Department of Ecology prior to commencement of the proposed activity.*

*(3) Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.*

*(4) Use of Reclaimed Water for Surface Percolation or Direct Recharge. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the State Departments of Ecology and Health.*

...

*(5) Proposed new groundwater uses must provide evidence that the proposed water source is physically and legally available and meets drinking water standards.*

**Response:**

The Facility would not include any storage tanks of hazardous materials. While the optional flow battery technology would use an electrolyte solution circulated through two tanks, the electrolyte solution is not considered a hazardous material as defined under YCC 16C.02.261 and would nevertheless include primary containment within the encased steel container. Vehicle repair and servicing would occur offsite at appropriate repair facilities. If minor repair is needed onsite, impermeable pads would be used to contain any leaks. No dry wells are proposed as part of the Facility. Herbicides would be used sparingly and would be applied following manufacturer label recommendations and warnings in accordance with the application and handling guidelines provided in the Applicant's Vegetation and Weed Management Plan (Attachment D). The Facility does not include use of reclaimed water for surface percolation or direct recharge. Lastly, the new domestic well for the O&M building would be permitted through the County's process per YCC 12.08 as discussed in Section 3.2 above.

The Facility does not entail any of the uses listed as prohibited from CARAs under YCC 16C.09.07. Therefore, the Facility would comply with these criteria.

**3.5.7 Chapter 16C.11 Upland Wildlife Habitat Conservation Areas**

*Section 16C.11.040 Upland Wildlife Habitat Conservation Areas*

*(1) Upland Wildlife Habitat Conservation Areas are those areas within which state or federally designated endangered, threatened, or sensitive species have a primary association and are designated as critical areas. State listed species are those native fish and wildlife species legally designated as Endangered (WAC 232-12-014), Threatened (WAC 232-12-011) or Sensitive (WAC 232-12-011) by the Washington Fish and Wildlife Commission. Federal listed Threatened, Endangered or Sensitive species means all species of wildlife listed as such by the United States Secretary of the Interior or Commerce.*

*(2) Upland Wildlife Habitat Conservation Areas include State Natural Area Preserves and Natural Resource Conservation Areas.*

*(3) Upland Wildlife Habitat Conservation Areas include Species and Habitats of Local Importance. These are habitats or species that due to their declining population, sensitivity to habitat manipulation or other values make them important on a local level. Habitats of Local Importance may include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.*

*(a) Species and Habitats of Local Importance may be identified, for protection under this title. State or local agencies, individuals or organizations may identify and nominate for consideration specific species and habitats, or a general habitat type, including streams, ponds or other features. The WDFW Priority Habitat and Species list for Yakima County is included in this Title as Appendix B.*

**Response:**

Facility components within the Facility Area on the Martinez Property would be located within the County's mapped UWHCA (Figure 4.9-4). Within the UWHCA, the Facility may partially be built on shrub-steppe habitat, a WDFW Priority Habitat and Species habitat, and in areas with species that are listed on federal and state lists, which are considered UWHCAs under YCC 16C.11.040(1) and (3). The Facility would not be sited in a State Natural Area Preserve or Natural Resource Conservation Area. Compliance with associated UWHCA critical area requirements is discussed below.

*Section 16C.11.060 Permit and Critical Areas Report Requirement*

*(1) Developments proposed within an upland wildlife habitat conservation area with which state or federally endangered, threatened, or sensitive species or a species of local importance has a primary association may be required to submit Critical Areas Identification Form and site plan as per 16C.03.02(1). The Administrative Official shall require a habitat assessment to be submitted if it is determined that the development proposal could impact the UWHCA. A habitat assessment is an investigation of the project area to evaluate the presence or absence of such species, and areas with which such species has a primary association.*

*(2) In addition to the general critical area report requirements of Section 16C.03.17, habitat assessments and habitat management plans must be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant species and habitat. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.*

*(3) If the habitat assessment determines that such species or habitat area is present on site, and are likely to be impacted by the development proposal, then a standard development permit and management plan are required.*

*(4) If a standard development permit and management plan are required, as determined by the habitat assessment, it shall follow management recommendations published by federal or state agencies developed for species or habitats located on or adjacent to the project area. Management plans developed by an independent third party shall be provided for review by the Department of Fish and Wildlife or the responsible federal agency. The Administrative Official shall consult with the appropriate agency and consider their comments through the review process.*

**Response:**

The Applicant contracted with Western EcoSystems Technology, Inc. (WEST) to complete a Wildlife and Habitat Survey Report (Attachment F), which includes a habitat assessment and meets the requirements of YCC 16C.03.17. The Applicant has identified the impacts and mitigations related to wildlife in Section 4.9 of the ASC. Included in the list of mitigations is development of a Habitat Restoration and Mitigation Plan in consultation with WDFW.

*Section 16C.11.070 Upland Wildlife Habitat Conservation Area Development Standards*

*Projects located within an Upland Wildlife Habitat Conservation Area as designated in Section 16C.11.040 shall meet the following standards listed below, rather than the*

*development standards in Sections 16C.06.10 through 16C.06.23 for Hydrologically Related Critical Areas, unless review is also needed for Hydrologically Related Critical Areas.*

*Projects shall be designed using management recommendations established for the species or habitat by federal and state agencies, or those adopted for Species and Habitats of Local Importance by Yakima County. The department shall consider the extent such recommendations are used in its decision on the proposal, and may consider recommendations and advice from the agencies with expertise.*

### **Response**

The Applicant has consulted with WDFW on the Facility since September 2017. The consultation informed the Wildlife and Habitat Survey Report (Attachment XX) and has helped identify appropriate mitigation measures at the site including avoidance and minimization measures. Section 4.9 of the ASC describes these measures in more detail. The Applicant will also work with WDFW to develop a Habitat Restoration and Mitigation Plan.

## **3.6 Title 16D Shoreline Master Program**

### **3.6.1 Section 16D.10.03 Shoreline Jurisdiction**

*Pursuant to the authority of RCW 90.58.030(2)(f) and WAC 173-22-040(2) and (3), the jurisdictional limits of the Shoreline Master Program within Yakima County for areas that are subject to these regulations, are listed below. Yakima County has developed maps to generally depict the extent of shoreline jurisdictional boundaries for all shorelines within the county. These maps are for informational and illustrative purposes only and are not regulatory in nature. Where such maps are not available or do not correspond with physical features on the ground, jurisdictional boundaries shall be controlled by the criteria listed below, WAC 173-22, and the Act itself. It is understood when the maps and the actual physical features do not correspond, the physical features will dictate the extent of the jurisdictional boundaries. It is understood that the actual physical features may change. The physical features will dictate the extent of the shoreline jurisdictional boundaries. Shoreline jurisdictional area shall include:*

- (1) Those Shoreline lakes, ponds and stream lengths identified in Appendices B and C of this title.*
- (2) Subject to Subsection 7 below, wherever the “floodway” has been established by a flood insurance study prepared by the Federal Emergency Management Agency (FEMA), shorelines jurisdiction shall be the floodway plus 200 feet, measured on a horizontal plane, or the 100-year floodplain, whichever is lesser.*
- (3) Subject to Subsection 7 below, whenever the 100-year floodplain has been identified by a flood insurance study prepared by the Federal Emergency Management Agency but where no “floodway” has been identified, shorelines jurisdiction shall be the 100-year floodplain boundary or 200 feet, measured in a horizontal plane, from the ordinary high water mark, whichever is greater.*

(4) *Whenever there are no detailed floodplain or floodway studies, shoreline jurisdiction shall be 200 feet, measured on a horizontal plane, from the ordinary high water mark.*

(5) *Where a Channel Migration Zone (CMZ) has been identified, and extends beyond the jurisdiction established by subsection (2) above, jurisdiction shall extend to the extent of the CMZ, but not beyond the limits of subsection (3).*

(6) *Those wetlands and river deltas which are in proximity to and either influence or are influenced by the shorelines. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.*

(7) *Under no circumstances shall shoreline jurisdiction be less than 200 feet, measured on a horizontal plane, from the ordinary high water mark of the shoreline water body.*

**Response:**

There are no shorelines or associated jurisdictional buffers designated under the Yakima County Shoreline Master Program within the Facility Area Extent. See Section 4.3 of the ASC and the Wetland Delineation Report (Attachment O), for additional information regarding wetlands and surface waters. Therefore, YCC Title 16D does not apply to the Facility and no further analysis or compliance actions are required.

### **3.7 Title 19 Unified Land Development Code**

The Facility is located entirely within the County's AG zoning district. No overlay districts cross the Facility Area Extent. This section addresses the County's unified land development code requirements that are applicable to the Facility in the AG zoning district. The Applicant demonstrates compliance with the applicable criteria and requirements under the following chapters and sections of YCC Title 19 (Unified Land Development Code):

- Title 19 Unified Land Development Code
  - Chapter 19.01 General Provisions
  - Chapter 19.10 General Zoning Requirements
    - Section 19.10.040 General Development Regulations
  - Chapter 19.11 Resource and Rural Districts
    - Section 19.11.010 Forest Watershed and Agriculture Districts (FW, AG)
  - Chapter 19.14 Allowable Land Use Table
  - Chapter 19.18 Special Uses and Standards
    - Section 19.18.480 Temporary Use Permits
  - Chapter 19.20 Signs
    - Section 19.20.030 Development Authorization Required
  - Chapter 19.21 Sitescreening and Landscaping
    - Section 19.21.030 Specific Requirements
  - Chapter 19.22 Parking and Loading

- Section 19.22.040 General Provisions
- Section 19.22.050 Calculation of Parking Standards
- Section 19.22.060 Location and Design of Parking and Loading Facilities
- Section 19.22.070 Construction and Maintenance
- Chapter 19.25 Sewer and Water
  - Section 19.25.040 Satellite Utility Systems and Individual Systems
- Chapter 19.30 Applications
  - Section 19.30.030 Application and Use Categories
  - Section 19.30.060 Application Requirements
  - Section 19.30.070 Site Plans for Project Permits – Form and Contents
  - Section 19.30.080 Application Review Procedures
  - Section 19.30.100 Conditions of Approval of Type 2, 3, and 4 Applications

As described above, RCW 80.50.110 and WAC 463-28 allow EFSEC to permit and authorize an energy generation facility with appropriate consideration of the Facility’s consistency with the Yakima County land use regulations.

### **3.7.1 Chapter 19.01 General Provisions**

#### *Section 19.01.070(5) “E” Definitions*

*“Energy resource facility” means those land uses involved in the production, distribution and sale of energy products by utilizing either renewable or nonrenewable energy resources such as: wind, solar, hydroelectric, geothermal, biomass, coal, oil or natural gas.*

#### **Response:**

As a land use involved in the production, distribution, and sale of renewable solar energy, the proposed Facility would be consistent with the above definition of an “energy resource facility.”

### **3.7.2 Chapter 19.10 General Zoning Requirements**

#### *Section 19.10.040 General Development Regulations*

*(3) Access Required. All new development shall have a minimum of 20 feet of lot frontage upon a public road or be served by an access easement conforming to the dimensional requirements of Sections 19.23.040 and 19.23.050 to provide for access to the development. The approach location shall be reviewed by the County Engineer for compliance with YCC Chapter 10.08. Approach connections to other public roads are subject to review by the applicable agency. Verification of legal access and a valid road approach permit shall be required prior to final approval of any permit granted under this Title.*

#### **Response:**

The access gates to the Facility would be 20 feet wide. Access to the Facility would be via a private road off SR-24, and the Facility would not use or cross any public road right-of-way under County jurisdiction; therefore, YCC Chapter 10.08 and related road approach and right-of-way use permits do not apply. While no permits are required to utilize this access, the Applicant would obtain the necessary permits to upgrade the access off SR-24 from the Washington State

Department of Transportation (WSDOT) prior to construction. The Facility access roads and gates would be designed to comply with the applicable edition of the International Fire Code adopted by the State of Washington which is consistent with YCC 13.10.085 as well as standards set by the Yakima County Fire Marshal's Office. The final Facility layout would be provided to the Yakima County Fire Marshal's Office. Therefore, the Facility would comply with this criterion.

*(4) Land Uses. Uses allowed within a zoning district are listed as permitted, administrative or conditional uses in the Allowable Land Use Table 19.14-1 within Chapter 19.14.*

**Response:**

The Facility is consistent with the County's definition of an "energy resource facility" and meets the criteria of a "power generating facility" which is classified as a "Type 3" conditional use in the County's AG zoning district (YCC Table 19.14-010). Absent EFSEC review, a Type 3 land use would require a CUP from the County, with approval by the Hearing Examiner.

*(5) Building Permits Required. No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the Building Official under RCW 19.27 and YCC Title 13. No building permit shall be issued, except in conformity with this Title.*

**Response**

As discussed in Section 3.3 above in response to YCC Title 13, the Applicant would work with EFSEC staff and the County's Building Official and obtain required building/grading permits and necessary temporary permits prior to construction of the Facility. The Applicant would provide approved building permits to EFSEC prior to construction as a condition of approval. Therefore, the Facility would comply with this criterion.

*(6) Setbacks, Easements and Right-of-Way.*

*(a) Setbacks. Chapters 19.11 through 19.18 list standard minimum setbacks for buildings or other structures and uses. Exceptions to certain setbacks are listed in Subsection 19.10.040(6)(b) below.*

*(i) Front and side setbacks from public roads other than alleys shall be measured from the planned centerline of a public road other than an alley, as designated by the County Engineer. However, where the planned or existing right-of-way exceeds 60 feet in width (as in the case of designated classified roads such as arterials and collectors shown on Tables 19.23.045-2 and 19.23.050-1), the minimum setback shall be 25 feet measured from the property line abutting the planned road right-of-way.*

**Response:**

The Facility is designed with an approximately 60-foot or greater setback from existing roads, and therefore complies with the above minimum 25-foot setback requirement. See the

Preliminary Site Plan for an illustration of incorporated setbacks in the Facility layout (Attachment B). Therefore, the Facility would comply with these criteria.

*(ii) The front lot line shall be determined as described in the definitions in Section 19.01.070. Where the front lot line does not border a right-of-way or vehicular access easement, as is the case with flag lots the setback shall be 25 feet from the end of a driveway or the remainder of the front lot line, see Flag Lot definition 19.01.070.*

*(iii) Front and side setbacks outside Urban Growth Areas shall be a minimum of 50 feet from the planned centerlines of private roads and ten feet from private, shared driveways and public alleys measured from the edge of the access easement or right-of-way of such a road, driveway or alley, except garage and carport entrances that face the front setback, which are a minimum of 20 feet from the edge of the right-of-way or easement. Front and side setbacks vary as listed in Chapters 19.12 and 19.13 for Urban Growth Areas.*

*(iv) Rear setbacks from public and private roads shall be the same as the front yard setback requirement from public and private roads when the rear lot line abuts a right-of-way or vehicular access easement, provided the required rear setbacks shall not be less than the required setbacks from the property line.*

...

**Response:**

The Facility is outside the County Urban Growth Area, and is designed with a minimum 50-foot setback from parcel boundaries to the Facility fence line across the entire Facility. Therefore, the Facility complies with the above front, side, and rear setback requirements, the largest of which is 50 feet. See the Preliminary Site Plan for an illustration of incorporated setbacks in the Facility layout (Attachment B). Therefore, the Facility would comply with these criteria.

*(c) Access Easements and Right-of-way. No building, fence or structure, other than a gate permitted by the easement owner, shall be located within or encroach on any public or private access easement or road right-of-way.*

*(d) Other Easements. The applicant shall provide the easement grantee or owner's written permission with the primary permit application for any structure proposed to be built or located on or in an easement other than an access easement.*

**Response:**

The Applicant is entitled to possession of the Facility site through its lease agreements with landowners Estate of Willamae G Meacham and S. Martinez Livestock, Inc. Facility use of BPA's easement for the Facility interconnection with the existing 115-kV Midway-Moxee transmission line would be covered by an executed Interconnection Agreement. The Applicant can provide memorandums of leases if requested by EFSEC prior to construction as a condition



of approval. As stated earlier, the Applicant would obtain all needed permits from WSDOT for upgrading the access off SR-24. Therefore, the Facility would comply with these criteria.

(7) *Vision Clearance Triangles at Intersections and Driveways.*

(a) *Intersections. All corner lots at controlled or uncontrolled public or private street intersections or railroads shall maintain for safety vision purposes a triangular area; one angle of the triangle shall be formed by the planned right-of-way edges adjacent to the street or railroad, under the planned right-of-way width required for the functional classification of the road, listed in Chapter 19.23. The sides of such triangle forming the corner angle shall be 30 feet in length measured along the sides of the aforementioned angle, as illustrated below. The third side of the triangle shall be a straight line connecting the last two mentioned points. Within the area comprising the triangle nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of two and one-half and ten feet above the centerline grades of intersecting streets and/or railroads. Landscaping meeting the height limits of this Section is encouraged within the vision clearance triangle. The Administrative Official may consider the landscaped triangle area as part of any landscape requirement if planted and continuously maintained by the property owner. The County Engineer may enforce the landscaping requirements and may require a larger area to be reserved for vision clearance at road intersections and railroad crossing where necessary to provide vision clearance.*

(b) *Driveways, Curbscuts and Alleys. This Subsection applies only to uses established under this Title. A vision clearance triangle shall be maintained at all driveways and curbscuts, and the intersection of an alley with a public street for vision and safety purposes. The vision clearance triangle shall measure 15 feet along the perpendicular street curb lines or pavement edge, or travel lane of the public street and 15 feet along the driveway or alley, as illustrated below. The third side of the triangle shall be a straight line connecting the 15 foot sides described above. No sign or associated landscaping shall be placed within this triangle so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.*

**Response:**

As illustrated on the Preliminary Site Plan (Attachment B), the Facility would include a minimum 50-foot setback from all external parcel boundaries and a minimum 60-foot setback from existing roadways. These setbacks, in combination with vegetation maintenance in cooperation with the current landowners, would ensure vision clearance triangles would be maintained during Facility construction and operation. Therefore, the Facility meets these criteria.

(8) *Maximum Building Height.*

(a) *Maximum Building Height Determined by Zoning District. The maximum building height is intended to maintain building and structure heights compatible with the character and intent of the district. The height of buildings is measured in*

*the manner defined in Section 19.01.070. The height of other structures not containing a roof is the vertical distance from the base of the structure to its highest point. Chapters 19.11 through 19.18 list the maximum building and structure heights.*

*(b) Exceptions. Height limitations shall generally not apply to accessory projections located at least 20 feet from any adjoining lot line and that are not intended for human occupancy or storage, such as steeples or spires on places of religious assembly, elevator shaft housings, heating/cooling or mechanical systems, water towers, chimneys, belfries, cupolas, domes, smoke-stacks, flagpoles, asphalt/concrete batch plants, grain elevators, cooling towers, solar energy systems, monuments, fire house towers, elevator shafts, or outdoor theater screens, except as limited within the Airport Safety Overlay, by Section 19.18.490 Towers, by a condition of permit approval or by the Shoreline Master Program.*

**Response:**

Per YCC Table 19.11.010-2 (see Section 3.7.3 below), there is no maximum building height specified in the AG zoning district, except as limited within the Airport Safety Overlay. The Facility is not located within the Airport Safety Overlay. Therefore, the Facility complies with applicable height limitations.

*(9) Fences, Walls and Recreational Screens.*

...

*(a)(iii)(C) The maximum fence height is not specified for nonresidential uses in the RS districts, or for any use in the AG, FW, MIN, R/ELDP-40 and R-10/5 districts; and*

*(a)(iii)(D) No fence, hedge or wall exceeding two and one-half feet in height shall be placed in the vision clearance triangles established in this Section.*

...

*(a)(vi) No combination of a fence and retaining wall shall exceed a height of ten feet, measured from the lower elevation, except, existing retaining walls greater than ten feet in height at the time of adoption of this Title will be allowed a fence above the retaining wall consistent with Subsection (a)(iii) above.*

**Response:**

The Facility would be enclosed by a security fence up to 8 feet in height. The Facility fence would not be placed in the vision clearance triangles and no retaining walls are proposed as part of the Facility. Accordingly, the Facility would comply with the above general development requirement for fences, walls, and screens.

*(10) Exterior Lighting. Exterior lighting is regulated to minimize light pollution to neighboring properties and encourage true-color, full-spectrum light rendition in projects. Exterior lighting for all uses and signs shall be directed downward and*

*otherwise arranged, fully shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles.*

**Response:**

Lighting is needed for security and occasional after-hours work. However, the Applicant would limit the amount of lighting as much as possible, and instead of continuous lighting the Applicant would employ motion-detector-activated lighting. Lighting would be shielded and directed onto the site to avoid glare or light intrusion into any adjacent or nearby residential use, which would also avoid interference with the safe operation of motor vehicles. Therefore, the Facility would comply with this requirement.

*(11) Floodplain Development. A pre-application meeting and a Flood Hazard Permit application is required for all new developments in floodplains in order to minimize and mitigate potential adverse impacts to property and infrastructure while reducing risks to public health and safety. Yakima County will utilize existing flood hazard data and mapping to assist applicants with the layout and design of their proposal. If the potential adverse impacts cannot be mitigated through the Flood Hazard Permit under YCC 16C.05 and 16D.05, a critical areas and shoreline permit will be required under Yakima County Critical Areas and Shoreline codes.*

**Response:**

As noted earlier per YCC 16C.05.20 Flood Hazard Areas, there are no designated floodplains within the Facility Area Extent. Therefore, a Flood Hazard Permit is not required.

*(12) Stormwater Requirements. This section is intended to ensure public and private development projects comply with the National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable. Stormwater quality and quantity concerns for project permits shall be addressed through:*

- (a) YCC Chapter 12.10;*
- (b) The environmental review process established by RCW 43.21C and YCC Chapter 16.04; or*
- (c) The requirements of the Washington Department of Ecology.*

**Response:**

As noted in response to YCC Chapter 12.10 in Section 3.2.3 above, the Applicant would develop a Stormwater Plan, separately or in conjunction with the SWPPP required to obtain a CSWGP from Ecology. Through the measures detailed in the SWPPP and required under the CSWGP, the Facility would follow all applicable stormwater control requirements. Therefore, the Facility would comply with these criteria.

**3.7.3 Chapter 19.11 Resource and Rural Districts**

*Section 19.11.010 Forest Watershed and Agriculture Districts (FW, AG)*

*(1)(b) Agriculture District. The purpose of the Agriculture (AG) district is to preserve and maintain areas for the continued practice of agriculture by limiting the creation of small lots, permitting only those new uses that are compatible with agricultural activities, protection of agricultural lands of long-term commercial significance, and providing measures to notify and separate especially sensitive land uses from customary and innovative agricultural land management practices. The AG district implements the Comprehensive Plan that calls for the preservation of agricultural lands.*

**Response:**

The proposed Facility would be a conditional use in the AG district, per YCC Table 19.14-1. Section 3.7.10 below provides a discussion of how the Facility would meet or exceed each of the decision criteria established for Type 3 conditional uses under YCC 19.30.080. The discussion includes how the Facility would meet the intent of the AG district as defined above. As noted earlier in Section 2.4, the Facility would not be considered an ESLU as defined under YCC 19.01.070. The Facility would comply with all development standards established by the AG zoning district, as discussed below.

*(2) Development Standards Table 19.11.010-2*

**Table 19.11.010-2. Setbacks, Lot Coverage and Building Height**

Subject		Zone	
		AG	FW
<b>Maximum lot coverage</b>		<i>Not specified, however sitescreening may be required under Subsection 19.21.030(2)(f) and (g)</i>	
<b>Maximum building height<sup>(1)</sup></b>		<i>Not specified</i>	<i>35 feet</i>
<b>Minimum vision clearance triangle at intersections, railroads, curbcuts and driveways</b>		<i>See Subsection 19.10.040(7)</i>	
<b>Minimum setbacks</b>			
<b>Front and street side setbacks<sup>(2)*</sup></b>	<i>Designated classified road (arterial or collector)*</i>		<i>25 feet from planned edge of right-of-way or easement</i>
	<i>Roads with a right-of-way or vehicular access easement more than 60 feet in width</i>		
	<i>Turnaround or cul-de-sac bulb</i>		
	<i>Right-of-way or vehicular access easement 60 feet or less in width</i>	<i>Local access or private road<sup>(3)</sup></i>	<i>50 feet from centerline</i>
<i>Private, shared driveway or alley <sup>(3)</sup> (see Chapter 19.23)</i>		<i>10 feet from edge of right-of-way or easement</i>	
<b>Interior side setback</b>	<i>Primary structure*</i>		<i>10 feet from property line</i>
	<i>Accessory structure*</i>		<i>5 feet from property line</i>
<b>Rear setback*</b>	<i>Right-of-way or vehicular access easement</i>		<i>Same as front setback</i>

**Table 19.11.010-2. Setbacks, Lot Coverage and Building Height**

Subject	Zone	
	AG	FW
Adjoining lot	10 feet from property line	
<i>*Dwellings and other especially sensitive land uses (ESLU) adjacent to designated resource lands and/or activities are subject to additional setbacks</i>	See Section 19.18.205	
Additional setback to accommodate required sitescreening	See Subsection 19.21.030(2)(f) and (g)	

Notes:

- (1) Additional restrictions may apply within the Airport Safety Overlay (See Chapter 19.17) and Shoreline Jurisdiction (see YCC Title 16D).
- (2) When there is no right-of-way, the front setback shall be 20 feet from the front property line.
- (3) Gates restricting vehicular access, garage and carport entrances must be set back 20 feet from the edge of a right-of-way or easement other than an alley.

**Response:**

The Facility would comply with the setbacks and other parameters established in Table 19.11.010-2. As there is no specified building height in the AG zoning district and the Facility is not located within the Airport Safety Overlay, the height of the Facility would comply with develop standards for the AG zoning district. The Facility is designed with a minimum 50-foot setback from parcel boundaries and a 60-foot or greater setback from existing roadways, which exceed the required setbacks in Table 19.11.010-2 (see Preliminary Site Plan, Attachment B). As stated earlier, the Facility does not meet the definition of any ESLU covered in YCC 19.18.205; therefore, additional related provisions do not apply. Site screening is addressed below in Section 3.7.6 per the Table 19.11.010-2 cross-reference to YCC 19.21.030(2)(f) for the AG zoning district. Therefore, the Facility would comply with applicable development standards in the AG zoning district.

**3.7.4 Chapter 19.14 Allowable Land Use Table**

(1) *The following Table 19.14-1 indicates those uses which may be permitted through Type 1, 2, 3 or 4 review in the various zoning districts defined in this title. In addition to Table 19.14-1, reference to the individual zoning districts and, where indicated, the notes following the table and definitions of 19.01.070, is necessary in order to determine if any specific requirements apply to the listed use.*

(2) *Uses. The uses set out in Table 19.14-1 are examples of uses allowed in the various zoning districts defined in this title. The appropriate review authority is mandatory. See YCC Title 16B for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.*

*“Type 3” Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing*

*Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).*

**Response:**

The Facility would be considered a “power generating facility,” which is identified as a “Type 3” use within the AG zoning district in Table 19.14-1. The definitions in YCC 19.01.070(1) includes “Energy resource facility”, which means “those land uses involved in the production, distribution and sale of energy products by utilizing either renewable or nonrenewable energy resources such as: wind, solar, hydroelectric, geothermal, biomass, coal, oil or natural gas.” The Allowable Land Use Table 19.14-1, however, does not list “energy resource facility” under any category, but does include “Power generating facilities.” While the term “power generating facilities” is not defined in YCC 19.01.070(1), it can be assumed to cover the Facility as a solar power generating facility, as the YCC clarifies that “where terms are not defined, they shall have the ordinary accepted meaning within the context with which they are used,” YCC 19.01.070. The short interconnection tie line (gen-tie line) would be approximately 300 feet in length and connect the Facility’s substation to the point of interconnection at BPA’s Midway-to-Moxee 115-kV transmission line. The gen-tie line would be 115 kV, which is less than the 150-kV threshold per YCC 19.01.070 for a “linear transmission facility.” Therefore, the Facility’s gen-tie line does not meet the definition of a linear transmission facility and YCC 19.18.260 (Linear Transmission Facilities) does not apply.

For the purpose of analysis under applicable provisions of the YCC, the Applicant evaluates the Facility and associated major equipment together as the solar power generating facility (Facility). The associated major equipment components described in Section 2.A.2 of the ASC include the following: solar modules, tracking system, posts, cabling, inverters and transformers, collector lines, Facility substation, O&M building, access and service roads, fences, gates, and security lighting, gen-tie line, and the optional BESS. These associated major equipment components are land uses involved in the production, distribution, and sale of the solar energy product and are therefore consistent with the ordinary accepted meaning of the Facility for which they are used. In addition, these components are included in the comprehensive analysis of potential environmental impacts conducted for the overall Facility in this application.

Section 3.7.10 below reviews the requirements for conditional uses in the AG zoning district and specifies how the overall Facility complies with the decision criteria for Type 3 applications per YCC 19.30.080(7). Therefore, the Facility with associated major equipment described in Section 2.A.2 of the ASC would be an allowable conditionally permitted use in the County’s AG zoning district.

**3.7.5 Chapter 19.18 Special Uses and Standards**

*Section 19.18.480 Temporary Use Permits*

*The Building Official may issue temporary use permits for the following uses:*

- (1) Major Construction Projects. Temporary structures and associated site improvements for housing equipment or containing supervisory offices for major construction projects may be erected and maintained during the progress of such construction projects. Provided, that such temporary structures may not be*

*maintained for a period exceeding one year. The Building Official may extend this period for one additional year if a valid active permit is maintained according to a firm schedule and the project does not constitute or cause a nuisance or violation of County code. A site plan showing the location, size and type of structure must be submitted at the time of application for a Temporary Use Permit.*

**Response:**

During construction, the Applicant's construction contractor may maintain a temporary supervisory office or similar structure within the Facility Area. The construction contractor would obtain the necessary temporary use permit from Yakima County, and any other temporary permits determined necessary by the Building Official, prior to commencing construction. Therefore, the Facility would comply with this requirement.

**3.7.6 Chapter 19.20 Signs**

*Section 19.20.030 Development Authorization Required*

*Signs governed by this Chapter shall receive a development authorization from the Reviewing Official before being erected, structurally altered, replaced, or relocated after the adoption of this Title.*

*(1) New Signs. All on-premises signs are accessory uses and shall be subject to the same procedural and review requirements as the principal use, except that new signs accessory to existing or approved uses may be reviewed as modifications to existing or approved uses under Section 19.35.030. Off-premises signs and billboards are permitted as shown in Section 19.20.130. New signs for legal nonconforming uses shall be approved under 19.33.*

**Response:**

The Applicant does not currently propose to construct any signs that require review or development authorization under YCC 19.20. If any such signs are later determined to be needed for the Facility for commercial or other reasons, the Applicant would review and comply with relevant code provisions. As a condition of approval, prior to posting any signs covered under YCC Chapter 19.20, the Applicant would obtain review and approval from Yakima County and provide the related documentation to EFSEC.

**3.7.7 Chapter 19.21 SITESCREENING AND LANDSCAPING**

*Section 19.21.030 Specific Requirements*

*(2) Standards. Sites shall be planted under the following standards:*

...

*(f) SITESCREENING FOR OTHER PROJECTS. SITESCREENING may be required in all zones as a condition of approval for the projects listed below. The function of such sitescreening is to mitigate the impacts of dust, odors, noise, glare, lights, buildings, parking lots, and traffic on especially sensitive land uses. The sitescreening and landscaping design guidelines authorized by Section*

*19.21.020(3) may include a list of preferred species and site layout recommendations for effective sitescreening for the following project types:*

- (i) Setback reductions from resource land for especially sensitive land uses (See Section 19.18.205);*
- (ii) Especially sensitive land uses, other than the first dwelling to be located on a lot in AG or FW zones (Section 19.18.205);*
- (iii) Clustered lots in rural and resource areas (Section 19.34.035);*
- (iv) Special exception lots (Section 19.11.010(3)); and*
- (v) Concentrated animal feeding operations.*

**Response:**

No specific site screening and landscaping design guidelines apply to the Facility pursuant to YCC 19.21.030(2)(f). The Facility would not include a setback reduction (project type (i)), would not be an ESLU (project type (ii)), would not be a clustered lot (project type (iii)), would not be on a special exception lot (project type (iv)), or create a concentrated animal feeding operation (project type (v)). The Applicant would apply vegetation management BMPs consistent with the Vegetation and Weed Management Plan (Attachment D) following construction and decommissioning, and for on-site maintenance during Facility operations. The BMPs are intended to apply erosion control and minimize stormwater runoff, promote plant communities that are more resistant to non-native plant invasion, and control noxious weeds. Therefore, the Facility would comply with these criteria.

**3.7.8 Chapter 19.22 Parking and Loading**

*Section 19.22.040 General Provisions*

- (1) The off-street parking and loading facilities required by this Section shall be established prior to any change in the use of land or structures and/or prior to the occupancy of any new or enlarged structure.*
- (2) Required off-street parking spaces shall provide vehicle parking only for residents, customers, patrons, and employees. Required parking during business hours shall not be used for the storage of vehicles or materials, the parking of company or business vehicles used in conducting the business, or for the sale, repair or servicing of any vehicle.*

**Response:**

The Facility would accommodate construction vehicle parking within the approximately 2-acre temporary staging area identified on the Preliminary Site Plan (Attachment B). During operations, gravel parking would be available for employees within the O&M building area. Further details regarding parking are discussed in response to specific code requirements below. Therefore, the Facility would comply with these criteria.

*Section 19.22.050 Calculation of Parking Standards*

*A site plan for every new or enlarged off-street parking lot or motor vehicle sales area shall be approved by the Reviewing Official prior to construction. The site plan shall*



*show the proposed development, locations, size, shape and design of the parking spaces, parking circulation plan, curb cuts, lighting, landscaping, irrigation and other features of the proposed parking lot. The site plan shall be filed under Chapter 19.30.*

*(1) Table of Required Off-Street Parking. The parking standards in Table 19.22-1, Table of Off-Street Parking Standards are established as the parking standards for the uses indicated. These parking requirements are based on gross floor area. Gross floor area means the total square footage of all floors in a structure as measured from the interior surface of each exterior wall of the structure and including halls, lobbies, enclosed porches and fully enclosed recreation areas and balconies, but excluding stairways, elevator shafts, attic space, mechanical rooms, restrooms, uncovered steps and fire escapes, private garages, carports, and off-street parking and loading spaces. Storage areas are included in gross floor area. However, the required off-street parking for storage areas shall be calculated at the rate of one space per 500 square feet rather than the specific parking standard established in Table 19.22-2, except when the parking standard for the principal use would require fewer parking spaces (i.e., one space per 600 square feet). All required off-street parking shall be subject to the procedures of this Code and the standards of this Section.*

*(2) Land Uses Not Listed in Table 19.22-1. The Reviewing Official can make a determination to evaluate a proposed land use based closely on similar land uses listed in Table 19.22-1. If there is none the Reviewing Official will reference the Recommended Parking Ratio Requirements developed by the Institute of Transportation Engineers (ITE). The applicant can provide at time of application an alternative parking standard for consideration from an industry standard reference, such as ITE. The Reviewing Official will make a determination on the appropriate standard to use based on the context of local conditions, parking requirements, and other factors that may affect the actual number of parking and off-street loading spaces needed.*

### **Response**

The Applicant notes that Table 19.22-1 presents the “Minimum Queuing Spaces for Drive-Up, Drive-In and Drive-Through Services,” and the above code sections appear to have been intended to reference Table 19.22-2 “Off-Street Parking Standards.” The Facility would be a power generating facility, which is a land use not listed in Table 19.22-2. Parking needs during operations would be limited to one or two employees at the O&M building, with occasional visitors and deliveries by other vehicles. A gravel parking area of sufficient size to accommodate at least three vehicles would be included within the O&M building area. Additional temporary parking for deliveries would be possible as needed within the Facility Area along site access roads. Therefore, the Facility would comply with these criteria.

#### *Section 19.22.060 Location and Design of Parking and Loading Facilities*

*(1) Off-Street Parking Facilities Location. Off-street parking facilities shall be located according to the following:*

...

*(c) Other Uses. For uses other than those specified above, parking facilities shall not be located over 300 feet from the buildings they are required to serve, unless they are part of an approved Master Plan or Campus Plan.*

*(d) Right-of-Way. Groups of three or more parking spaces shall be served by a driveway so no vehicular backing or maneuvering movement will occur within a public right-of-way other than an alley.*

*(e) No parking lot or driveway serving a nonresidential use in a resource, commercial or industrial zoning district shall be located in a residential zoning district.*

*(2) Off-Street Parking Facilities Design Standards. Off-street parking facilities shall be designed under Table 19.22-3.*

**Response:**

The Facility's gravel parking area would be located less than 300 feet from the O&M building. As the O&M building is internal to the Facility Area, no vehicular backing or maneuvering would occur within a public right-of-way (see Attachment B, Preliminary Site Plan). The proposal does not create a parking lot or driveway serving the Facility in a residential zoning district. All Facility components would be within the AG zoning district. The size of parking spaces would meet or exceed the minimum dimensions provided in Table 19.22-3. The Applicant would develop a site plan at a scale specific to the O&M building that illustrates parking area dimensions as part of the building permit process pursuant to Title 13, discussed above in Section 3.3. Therefore, the Facility would comply with these criteria.

*(3) Off-Street Loading Locations. Off-street loading and unloading spaces and parking for truck queuing shall be required for any commercial, industrial and public utility building, restaurant, office building, overnight lodging facility, hospital, institution, school, college, public building, recreation or entertainment facility, and any similar use requiring loading or unloading from trucks or other large vehicles. The off-street parking and loading spaces/berths required by this Chapter are based on minimum numbers and design guidelines published by the Institute of Transportation Engineers in the latest editions of Transportation and Land Development and Traffic Engineering Handbook.*

**Response:**

During Facility construction, most loading and unloading would take place within the approximately 2-acre staging area. Once construction is complete, only occasional deliveries are anticipated during operations and would be accommodated within the O&M building area, or along site access roads within the Facility Area. Therefore, loading and unloading would be accommodated within the Facility Area and would not project into the right-of-way of any public or private road. Therefore, the Facility would comply with this criterion.

**Section 19.22.070 Construction and Maintenance**

*All off-street parking lots, driveways, travel ways, parking aisles, vehicle storage and vehicle sales lots having a capacity of three or more vehicles, shall be constructed in the following manner:*

*(1) Surfacing. All parking and loading spaces and related access drives, maneuvering, and vehicle storage areas shall be built to standards approved by the Reviewing Official as follows:*

...

*(b) Rural Standards. Parking facilities within all other rural zones shall be surfaced with a minimum of screened gravel or crushed rock, or better, except that the Reviewing Official may require paving and/or landscaping of the parking facility when necessary to protect the public health or safety.*

**Response:**

Space for parking by the O&M building and all site access roads would be surfaced with all-weather gravel and comply with drainage, load bearing, fire access, and other applicable standards identified by the County. Therefore, the Facility would comply with these criteria.

*(2) Grading and Drainage. Parking areas shall be graded and drained so all surface water is disposed of on-site. Grading and drainage facilities shall be designed according to accepted engineering standards, YCC Title 12.10 and the Stormwater Management Manual for Eastern Washington, which will require review by the Public Services Director or designee.*

**Response:**

Pursuant to YCC Chapter 12.10, grading and drainage throughout the Facility Area would be designed so that all surface water is disposed of on-site and following accepted engineering standards. The Applicant would prepare a Stormwater Plan separately or in conjunction with the SWPPP required to obtain a CSWGP from Ecology prior to construction. This would be provided to the County during the building permit process as noted above in Section 3.3 per YCC Title 13, as well as to EFSEC as a condition of approval. Therefore, the Facility would comply with this criterion.

*(3) Wheel Stops and Curbs.*

...

*(b) The perimeter of a parking or loading area and access and maneuvering drives associated with them shall be improved with a curb, rail or equivalent so vehicles do not extend over a property line, sidewalk or public or private street.*

**Response:**

As noted above, parking and loading associated with the Facility would be accommodated within the Facility Area and no vehicles would extend over a property line, sidewalk, public, or private street. Therefore, the Facility would comply with these criteria.

*(4) Markings. All paved parking spaces (except motor vehicle sales areas) shall be marked by durable painted lines at least four inches wide and extending the length of the stall or by curbs or other means approved by the Reviewing Official to indicate individual parking stalls. Signs or markers located on the parking lot surface shall be used as necessary to ensure safe and efficient use of the parking lot. All accessible parking spaces shall be marked and signed in compliance with the currently adopted International Building Code. Wheel stops may be required by the Administrative Official as needed on graveled surfaces to designate spaces in parking and loading areas.*

*(5) Lighting. Lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties and comply with Subsection 19.10.040(10). Parking lots adjacent to residential districts or uses shall be designed with down-shielding and luminaries creating no lighting pollution upon those properties. A Photometric Lighting Plan may be required if the parking lot is located adjacent or abutting residential properties. Further requirements and restriction are required when the property is located within the Airport Safety Overlay District. See Chapter 19.17.*

**Response:**

Given the minimal parking needs of the Facility, it is not anticipated wheel stops would be needed in the gravel parking area by the O&M building. However, they can be added if requested during the building permit process. Lighting would comply with YCC 19.10.040(10) as described above in Section 3.7.2. Facility parking would not be located adjacent to any residential properties. The Facility is not within the Airport Safety Overlay District. Therefore, the Facility would comply with these criteria.

*(6) Landscaping of Parking Areas. Parking facilities must be landscaped under the standards listed in Chapter 19.21.*

**Response:**

Landscaping of parking areas is not required in the AG zoning district pursuant to YCC Section 19.21.030(2)(e).

*(7) Maintenance. The owner or lessee of a required parking area shall maintain the paved surface, drainage facilities, landscaping and irrigation facilities in conformance with the standards of this Chapter and the approved site plan.*

**Response:**

The Applicant would maintain the gravel surface and drainage facilities in conformance with YCC Chapter 19.22 and approved site plan. Therefore, the Facility would comply with this criterion.

### **3.7.9 Chapter 19.25 Sewer and Water**

#### *Section 19.25.040 Satellite Utility Systems and Individual Systems*

*If regional sewer and/or area-wide public water service is not “available” to serve a proposed project the following satellite utility or individual systems may be used, provided that they meet the requirements of this Section and have been approved by the agency with jurisdiction. The systems authorized for such projects are listed in order of priority, as provided in Subsections (1) and (2) below and Tables 19.25-1 and 19.25-2:*

*(1) Sewage Disposal Systems.*

...

*(c) Individual On-Site Sewage Disposal System. An individual on-site storage disposal system shall be approved by the Yakima Health District. Each individual system shall be entirely contained on the same lot as the proposed dwelling that it is intended to serve or on another parcel on which the lot owner possesses an easement interest for that purpose.*

**Response:**

As noted in response to YCC Chapter 12.05, the Applicant would obtain the required permit from the Yakima Health District. The septic system for the O&M building would be contained within the same parcel as that facility. Therefore, the Facility would comply with this criterion.

*(2) Water Systems. RCW 58.17.110 requires applicants for land divisions provide documentation of adequate potable water supplies to the Reviewing Official prior to final development approval. RCW 19.27.097 requires each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. In Urban Growth Areas, the public water systems required under this Title shall be sited and designed to become incorporated into, and be accepted by, the associated area-wide public water supply system designated for that portion of the Urban Growth Area.*

...

*(d) Individual Well, as Defined in Section 19.01.070. An individual well is required when Group A or B public water systems or two-party shared water systems are not “available” or otherwise required; provided, that:*

*(i) Documentation. The applicant shall demonstrate prior to final development approval that:*

*(A) An authorization for a groundwater withdrawal from the appropriate agency with jurisdiction has been obtained;*

*(B) Each individual well will provide an adequate source of potable water for the proposed development including:*

*1. A water quality analysis report from the Yakima Health District or a State of Washington certified laboratory indicating compliance with the State Board of Health and locally adopted standards for domestic water; and*

2. *As required by local, state or federal agencies, a water quantity report from a well driller, pump supplier, or other qualified person. The report must be in the form of an industry standard pump test, bailer test or air test for wells or a flow test for springs. The test must assure that a minimum quantity of 350 gallons per day is available for each dwelling unit.*

(C) *The individual well has or will be designed in accordance with well siting and contamination standards as determined by the appropriate agency with jurisdiction.*

...

(iii) *Availability Criteria. Yakima County will consider an adequate source of potable water to be “available” at the time of a development when the applicant provides documentation showing that the individual well for the proposed development has been approved by the appropriate agency with jurisdiction.*

**Response:**

A public water system connection is not available at the Facility site. Prior to construction and issuance of a County building permit, the Applicant would follow the domestic well application process to obtain a YCWRS permit for the well that would serve the O&M building. The O&M building would not be a dwelling unit, and anticipated water needs are less than 200 gallons per day. As noted earlier, as an alternative to a new domestic well, the Applicant may also bring in water from an off-site source with an existing water right and store it in aboveground water tanks. Therefore, the Facility would comply with these criteria.

**3.7.10 Chapter 19.30 Applications**

*Section 19.30.030 Application and Use Categories*

(3) *Type 3 Applications.*

(a) *The Hearing Examiner reviews applications subject to Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).*

(b) *Applications subject to Type 3 review include:*

...

(vi) *Uses shown on the Allowable Land Use Table 19.14-1 in Chapter 19.14, Type 3 Conditional Uses are not generally appropriate throughout the zoning district.*

**Response:**

As described above in response to YCC 19.14, the Facility and associated major equipment described in Section 2.A.2 of the ASC are consistent with the County’s definition of a “power generating facility” and would be a Type 3 conditional use in the AG zoning district (YCC Table 19.14-1). The Applicant has elected to site the Facility under EFSEC’s jurisdiction; therefore, the

Applicant has prepared this application for site certificate agreement for review and approval by EFSEC. This process takes the place of the Type 3 review procedures under YCC 19.30.100 and YCC 16B.03.030(1)(c), which would typically establish decision-making authority with the Yakima County Hearing Examiner. The Applicant has prepared this attachment to Section 4.14 (Land Use) of the ASC to detail how the Facility would comply with County regulations if it were not under EFSEC jurisdiction. Specifically, this attachment demonstrates to EFSEC that the Facility would be consistent with applicable goals and policies of the YCCP and would comply with applicable code provisions of the YCC.

*Section 19.30.060 Application Requirements*

*All of the following documents and elements must be submitted as requirements for a fully completed application for project permits where specified in the particular application form or as determined necessary by the Administrative Official due to applicability of the specific requirement to the proposal:*

*General Information. The items required under YCC Section 16B.04.020.*

**Response:**

The Facility's complete EFSEC application provides the items or the functional equivalent to those required under YCC 16B.040.020 which include: 1) a completed permit application with letters of support from the owners of the property (see Attachment C); 2) a single contact person or entity (see Section 1.A.1 of the ASC); 3) a site plan showing all parcels containing the site in the application (see the Preliminary Site Plan, Attachment B); 4) the applicable fee (Applicant provided EFSEC's applicable review fee with application submittal); and 5) SEPA documents (SEPA checklist to be completed by EFSEC). In addition, YCC 16B.04.020 generally requires "all other items listed as application requirements in the relevant Sections of the ordinance requiring review." The Applicant has sought to address all such requirements in responses to applicable code provisions in this attachment. Therefore, the Facility would comply with this criterion.

*(2) Site Plan. A site plan, in conformance with Section 19.30.070.*

**Response:**

The Preliminary Site Plan for the Facility is provided as Attachment B. See below for the Applicant's response to the site plan requirements under YCC 19.30.070. Therefore, the Facility would comply with this criterion.

*(3) Optional Consolidated Permit Review. Under YCC Section 16B.03.060, two or more project permits relating to a proposed project action may be processed collectively under the highest numbered category of project permit required for any part of the proposal or processed individually under each of the procedures identified by the code. The applicable fee for each application will be required.*

**Response:**

The Applicant would coordinate with the County to consolidate required permit review to the extent practicable for those remaining approvals needed following EFSEC site certification, such

as building permits. All required fees would be paid by the Applicant. Therefore, the Facility would comply with this criterion.

*(4) Contents. Individual chapters of this Title and YCC Title 16B contain additional information required for a particular type of application review process.*

...

*(b) All applications shall include the following information:*

- (i) Yakima County taxation parcel number and, for land divisions, a legal description;*
- (ii) Description of proposed action;*
- (iii) Size of subject property;*
- (iv) Explanation of any administrative adjustment or design modification sought from the standards of this ordinance; and*
- (v) Draft of any proposed covenants, restrictions and easements.*

**Response:**

Parts 1 and 2 of the ASC provide the Facility parcel numbers and legal description, a description of the proposed Facility, and the size of the subject properties. No administrative adjustment or design modification from YCC standards are being sought in this application. No other land covenants, restrictions, or easements are proposed for the Facility. Therefore, the Facility would comply with these criteria.

*(c) All necessary documents, narratives, detailed project development schedule or special studies identified at the time of pre-application conference must be included with the site plan at the time of submittal;*

**Response:**

This application provides the necessary documents, narratives, project schedule, and special studies identified as needed in pre-application review with EFSEC and as identified through early discussion with the County. This application also includes the Applicant's review of applicable YCC provisions as detailed in this attachment. Therefore, the Facility would comply with this criterion.

*(d) A comprehensive sign plan meeting the requirements of Section 19.35.020(7), if an administrative adjustment or variance to the sign standards is requested;*

**Response:**

As noted earlier, the current proposed Facility plans do not include signs covered under YCC 19.20. If signs are proposed in the future, the Applicant would follow applicable standards and procedures, including providing a comprehensive sign plan if an administrative adjustment or variance to the sign standards is requested at that time. Therefore, the Facility would comply with this criterion.



- (e) *Special studies, such as soil and geological analyses as determined necessary by the Administrative Official to address specific site constraints; and*

**Response:**

Due to the presence of mapped geological hazards within the Facility Area Extent, a geotechnical investigation was completed for the Facility and the full report is provided in Attachment L. See Section 3.5.5 above for further discussion of geological hazards and the Facility's compliance with protection and safety standards. In addition, studies related to waters and wetlands, soils, plants and wildlife, cultural resources, solar glare, onsite environmental hazards, and airspace have been completed for the Facility (See Section 1.E of the ASC). Therefore, the Facility would comply with this criterion.

- (f) *Any other information specified by the Administrative Official, such as:*
  - (i) *Existing ownership pattern;*
  - (ii) *Operation and maintenance proposals (i.e. homeowner's association, condominium, co-op or other);*
  - (iii) *Solid waste disposal facilities;*
  - (iv) *Lighting;*
  - (v) *Water supply and fire hydrants;*
  - (vi) *Public transportation;*
  - (vii) *Community facilities;*
  - (viii) *Flood proofing or other measures to protect against flooding; or*
  - (ix) *Information on design methods to conserve energy.*

**Response:**

All information specified by EFSEC during the pre-application review process and otherwise required by applicable state and local regulations has either been provided with this application or, when dependent on final Facility design or a later step in the local permitting process, would be provided prior to construction as a condition of EFSEC approval. Therefore, the Facility would comply with these criteria.

- (5) *Covenants, Conditions and Restrictions. A copy of any existing covenants, conditions and restrictions (CC&Rs) or deed restrictions pertaining to or affecting the property.*

...

**Response:**

The Applicant has executed an Option to Lease with each landowner for the Facility parcels. The Applicant is not aware of any CC&Rs or deed restrictions that would impair development of the properties for a solar energy generation facility.

(7) *Stormwater Site Plan. A stormwater site plan, if required by YCC Chapter 12.10.*

**Response:**

As discussed above in Section 3.2.3, the Applicant would develop a Stormwater Plan separately or in conjunction with the SWPPP required to obtain a CSWGP from Ecology. This would be provided to EFSEC prior to construction, as well as to Yakima County as a prerequisite for issuing building permits. Therefore, the Facility would comply with this criterion.

(9) *SEPA Environmental Checklist. Any application not exempt under YCC Section 16.04.110, WAC 197-11-800(6) or Chapter 43.21C RCW, State Environmental Policy Act, shall include an environmental checklist unless the SEPA Responsible Official determines one is not needed.*

**Response:**

As noted above in Section 3.4 per YCC 16.04, a SEPA checklist form will be prepared by EFSEC with reference to corresponding sections of Part 3 and Part 4 of the ASC where needed for further analysis and proposed control measures. Therefore, the Facility would comply with this criterion.

(10) *Written Narrative and Other Information.*

(a) *A written narrative shall be submitted that addresses the following:*

(i) *Project description including project phases and timeframes from project authorization to project completion;*

(ii) *How the application meets or exceeds each of the applicable approval criteria and standards;*

(iii) *How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site; and*

(iv) *Whether any development standards are proposed to be modified from the underlying zoning district requirements.*

**Response:**

The Facility project description is provided in Part 2 of the ASC. This attachment describes how the Facility meets or exceeds each of the applicable approval criteria and standards pursuant to YCC 19.30.080(7) (see below). Information provided throughout this application addresses issues identified in pre-application review with EFSEC. No development standards of the AG zoning district are proposed to be modified for construction and operation of the Facility. Therefore, the Facility would comply with these criteria.

***Section 19.30.070 Site Plans for Project Permits – Form and Contents***

(1) *Form. All site plans for project permits shall be drawn to scale and be legibly drawn, prepared, or printed on paper. The paper size shall be 8 ½" x 11" or 11" x 17" to show required improvement at an appropriate scale that can be read and reproduced. The County may also accept electronic submittals, as appropriate. The scale of the drawing shall be a standard engineering scale as further defined for*

*each application type, unless a different scale is authorized by the Administrative Official, and shall reasonably utilize the paper size. Site plans must include the items listed in Subsections (2) through (7) below for the specific application. The site plan may be on several sheets accompanied by an index sheet showing the entire site.*

*(2) Contents. The Administrative Official may require the following site plan contents in Table 19.30.070-1 as necessary to review applications for project permits. The contents in Table 19.30.070-1 are intentionally broad and inclusive in order to comply with RCW 36.70B.080 and disclose all submittal requirements. This Title is implemented through use of forms tailored to submittal information related to specific application or case types under consideration.*

**Table 19.30.070-1. Site Plan Submittal Requirements**

<i>(a) General Information.</i>	
<i>(i)</i>	<i>The project boundaries of the site and of each affected lot, tract, or parcel, with all Assessor's tax parcel numbers for the subject property. (solid lines for existing lots, broken lines for proposed lots);</i>
<i>(ii)</i>	<i>Engineer Scale, north arrow, legend and date;</i>
<i>(b) Existing Conditions.</i>	
<i>(i)</i>	<i>All major physiographic features, such as, critical areas and shorelines, on or abutting the site;</i>
<i>(ii)</i>	<i>When ground slopes exceed ten percent, the site plan shall depict existing topographic contours at intervals of not more than five feet, extending one hundred feet beyond the boundaries of the site;</i>
<i>(c) Existing and Proposed Development.</i>	
<i>(i)</i>	<i>The location, shape, size, gross floor area, height and types of all existing and proposed structures, structures to be removed, minimum building setbacks, lot coverage, lot area, and the boundary lines of all proposed and existing lots, tracts, and easements;</i>
<i>(ii)</i>	<i>Proposed location and dimension of community and other open space;</i>
<i>(iii)</i>	<i>The location and dimensions of any existing and proposed utilities, streets, railroads, irrigation and drainage canals, easements and dedication of property within the subject property or adjacent to any affected lots;</i>
<i>(iv)</i>	<i>The location, right-of-way widths, pavement widths, curbs, gutters, culverts and names of all existing or platted streets or roads, whether public or private, and other public ways within the subject property or adjacent to any affected lots;</i>
<i>(v)</i>	<i>Location, dimension and design of off-street parking facilities, showing points of ingress to and egress from the site;</i>
<i>(vi)</i>	<i>Existing and proposed land uses, including primary and accessory;</i>
<i>(vii)</i>	<i>Existing and proposed pedestrian and vehicular circulation patterns, and where specified, sidewalks, trails and bicycle paths;</i>
<i>(viii)</i>	<i>Existing and proposed landscaping, sitescreening and street trees, where required;</i>
<i>(ix)</i>	<i>The proposed contours and grading as they affect lot layout, streets, and drainageways as set forth in YCC 12.10, 16C and 16D;</i>
<i>(x)</i>	<i>Existing and proposed public and private utility infrastructure including sewer or other waste disposal facilities, water mains, irrigation, fire protection systems and other underground utilities;</i>

(xi)	<i>The existing on-site sewage system components and reserve areas and the proposed location for on-site sewage systems and soil test pits for all affected lots not served by an on-site sewage system or other approved wastewater treatment system. The location of structures on the adjoining lots when within 100 feet of a well or on-site sewage disposal system;</i>
(xii)	<i>The location of all existing and proposed storm drainage facilities;</i>
(d)	<i>Floodplain Development.</i>
	<i>A site plan for development in the 100-year floodplain shall also include the following information:</i>
(i)	<i>Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.</i>
(ii)	<i>The boundaries of the 100-year floodplain, the boundaries of floodways where floodways have been established, and the 100-year base flood elevations where base flood elevations have been established.</i>
(iii)	<i>The boundaries of the 10 and 25-year floodplain using the flood risk maps provided by Yakima County as part the mandatory pre-application conference.</i>
(iv)	<i>Other information as may be required by YCC Titles 13, 16C or 16D.</i>

**Response:**

The Facility’s Preliminary Site Plan is provided as Attachment B. The Facility would not be developed in a 100-year floodplain. Additional figures showing the Facility layout in relation to designated critical areas have been provided in compliance with YCC Title 16C, discussed earlier in Section 3.5. While the Preliminary Site Plan and other resource figures provided with this application provide sufficient detail for EFSEC review and approval, the Applicant would provide additional site plan information based on final design if specified by EFSEC as a condition of approval. Additional site plan information may also be requested by Yakima County during the building permit process per Title 13, and the Applicant would provide such information at that time.

YCC subsections 19.30.071 through 19.30.075 do not apply to the Facility, because the Facility does not entail a boundary line adjustment, short plat, preliminary plat, binding site plan, or master planned resort. Therefore, the Facility would comply with applicable criteria under YCC 19.30.070.

***Section 19.30.080 Application Review Procedures***

*(7) Decision Criteria. Decision criteria for Type 1 permits are listed below in Section 19.30.090. For all Type 2, 3 and 4 reviews, the Reviewing Official shall prepare written findings and conclusions stating the specific reasons, upon which the decision or recommendation to approve, approve with conditions or deny the application is based. The findings shall, at a minimum, address the following criteria:*

*(a) The present and future needs of the community will be adequately served by the proposed development and that the community as a whole will be benefited rather than injured;*

**Response:**

The Facility would provide a new source of clean, renewable energy, supporting Washington State’s policy to transition the electricity supply to 100 percent carbon-neutral by 2030 and 100 percent carbon-free by 2045 (RCW 19.405.010). This supports the community’s present and future need for sustainable energy generation. It also creates short- and long-term economic opportunities for the community to support construction and operation of the Facility. A peak of up to 300 workers would be employed during construction, with one to two part-time personnel during operation. As detailed in this application, the Facility would not cause any harm to the community’s water supply or water quality (see Sections 3, 3.4, 3.6, 3.7, 4.3 and 4.5 of the ASC), pose a threat to environmental health (see Section 4.13 of the ASC), cause significant traffic (see Section 4.20 of the ASC) or create a burden for public services (see Section 3.21 of the ASC). The Facility would also be compatible with local land uses, further discussed below under criterion (b). No “injury” to the “community as a whole” is anticipated. Therefore, the community as a whole would benefit rather than be injured by the proposed Facility and this criterion is met.

*(b) The proposed use is compatible with neighborhood land uses, the goals, objectives and policies of the Comprehensive Plan, and the legislative intent of the zoning district;*

**Response:**

In general, the Facility would be consistent with the legislative intent of the AG zoning district as defined in YCC 19.11.010 because of its minimal impact to active agricultural activities and compatibility with neighboring agricultural uses. According to the YCCP, lands within the AG district generally meet the criteria for lands of long-term commercial significance, which may also include “pockets” of non-agricultural land uses (Yakima County 2017). It is through the establishment of an AG zoning district that Yakima County implements protection for agricultural natural resource land as defined in RCW 36.70A.030. The Growth Management Act does not directly regulate non-agricultural use of agricultural resource lands. In its adoption of regulations for the AG zoning district, Yakima County has chosen to allow energy generation as a conditional use. . The Facility Area would disturb up to 625 acres of AG district land for the life of the Facility, following which the land would be restored for potential future agricultural use. The Facility Area represents less than 0.15 percent of the current AG zoning district in Yakima County (Yakima County 2020). Of the Facility Area, approximately 30 acres (4 percent) would include impervious surfaces post-construction.

During the site selection process for the Facility, the Applicant prioritized lands that are not productive farmland. None of the Facility’s disturbance would entail the conversion of irrigated cropland. Approximately 272 acres of the Facility Area Extent, which is larger than the Facility Area disturbance footprint to allow for micrositing, is on land currently in active agricultural use; specifically, for livestock grazing (i.e., the Martinez Property). The Facility Area footprint of up to approximately 140 acres on the Martinez Property represents approximately 13.5 percent of the Martinez Property parcels’ total area within the Facility Area Extent, the remainder of which would remain available for ongoing grazing operations. The Martinez family is a large landowner in Yakima County, managing roughly 12,000 acres overall. Thus, the Facility Area would represent a nominal portion, approximately 1.2 percent, of their total holdings.

The remaining 517 acres of the Facility Area Extent, the Meacham Property, is not in active agricultural use; instead, for over 15 years it has been voluntarily enrolled in the U.S. Department of Agriculture (USDA) Conservation Reserve Program (CRP). The CRP provides payment landowners to remove land from agricultural production and maintain vegetative land cover (USDA 2020). Currently, land cover within the Meacham Property consists predominantly of non-native plant species, and soils are not considered prime farmland (NRCS 2020). The Meacham Property's CRP enrollment is set to expire in September 2022, and the Facility lease payments would effectively replace CRP payments as a valuable revenue source for the landowner. This is also a more economically viable plan for the Meacham Property than active agriculture because, lacking irrigation infrastructure and prime soils, the land would not be readily convertible to commercially significant agricultural production.

In addition to its minimal on-site impact to active agricultural land, per WAC 463-72-040, the Applicant would develop an Initial Site Restoration Plan detailing how the site would be restored to pre-Facility condition or better at the end of the Facility's life, including provisions for removal of the solar panels and racking system, foundations, cables, and other facilities to a depth of four feet below grade, and restoration of any disturbed soils to the pre-construction condition. The Initial Site Restoration Plan would be submitted to EFSEC as a condition of approval. Thus, while the Facility would be a long-term land use, anticipated to be at least 35 years, it would not irreparably convert agricultural land to non-agricultural use, as future agricultural production would be possible upon decommissioning of the Facility.

Land adjacent to the Facility is also within the AG zoning district and includes a mix of rangeland and cropland. The parcels directly neighboring the west, north, and east side of the Facility Parcels within the Martinez Property, as well as directly east of the Meacham Property parcels, are also owned by S. Martinez Livestock, Inc. As a participating landowner, S. Martinez Livestock, Inc. supports the proposed Facility and has not expressed any concern regarding the compatibility of the Facility with their existing and planned agricultural activities adjacent to the Facility Parcels. The lease payments for the Facility help S. Martinez Livestock, Inc. diversify their revenue sources and support ongoing agricultural activities on their properties. The Applicant is also in consultation with the neighboring landowner west of the Meacham Property to address any potential concerns; to date, none have been raised by the landowner. The Applicant would continue to coordinate with participating and neighboring landowners during construction and operations to avoid any impacts to agricultural activities.

Furthermore, this application effectively evaluates compatibility with agricultural activities and associated rural residences in the vicinity by providing analysis of potential Facility impacts related to noise, light, glare, and aesthetics (see Section 4.16 of the ASC), air emissions (see Section 4.2 of the ASC), environmental health – hazardous waste (see Section 4.13 of the ASC), and traffic and transportation (see Section 4.20 of the ASC). Aside from short-term noise generated during construction, due to the inherently quiet nature of solar energy generation, minimal noise would be generated during operation; no noise exceedances would occur, as demonstrated by detailed noise modeling (Section 4.16 of the ASC). No significant adverse impacts from light and glare or visual characteristics of the Facility are expected (see the Visual Impact Assessment [Attachment J] and Solar Glare Report [Attachment K]). Importantly, the glare analysis confirmed no glare would be experienced by aircraft or motorists along SR-24.

Additionally, the Department of Defense has reviewed the project and confirmed no concern for their operations. Due to the clean energy nature of the Facility, no substantial air emissions or hazardous waste would be generated as a result of its operation. By implementing appropriate traffic control measures during construction, the Facility would not impede offsite agricultural activities, and the Facility would generate minimal traffic during operations. Overall, the Facility would not impede ongoing agricultural operations, would not disrupt farm-to-market transportation, and would not increase the cost of agricultural operations on neighboring properties. The Facility would not cause any negative impacts to any known, accepted surrounding agricultural practices, including the cultivation of specialty crops and other sensitive agricultural uses and practices. Moreover, based on the results of the environmental analysis, the Facility would be at least as compatible or more so with neighborhood land uses as other uses permitted in the AG zoning district, for example, a hazardous waste treatment facility or petroleum exploration and production, both of which are allowed in the AG district with generally less extensive review (Type 1 and Type 2, respectively, per YCC 19.14).

The Facility's consistency with the goals and policies of the YCCP is discussed in detail in Section 2.0 of this attachment. In summary, by providing a new source of clean, renewable energy, the Facility would help achieve Yakima County's goals for economic growth and diversity, including the continued success of its rural agricultural economy, while protecting natural resources and public health. For this reason, as well as the other reasons described above, this criterion is met.

*(c) The site of the proposed use is adequate in size and shape to accommodate the proposed use;*

**Response:**

As shown on the Preliminary Site Plan (Attachment B), the site of the proposed use is adequate in size and shape to accommodate the proposed Facility, including setbacks and other features required pursuant to YCC Title 19 and addressed in response to YCC 19.30.080(7)(d) below. Therefore, this criterion is met.

*(d) All setbacks, spaces, walls and fences, parking, loading, sitescreening, landscaping, and other features required by this Title;*

**Response:**

The Facility's compliance with setbacks, spaces, walls and fences, parking, loading, sitescreening and landscaping, as well as signs and sewer and water is described above in the preceding Sections 3.7.2 through 3.7.9 pursuant to the applicable provisions of YCC Chapter 19.10 General Zoning Requirements, YCC Chapter 19.11 Resource and Rural Districts, YCC Chapter 19.20 Signs, YCC Chapter 19.21 Sitescreening and Landscaping, YCC Chapter 19.22 Parking and Loading, and YCC Chapter 19.25 Sewer and Water. As described in this attachment and demonstrated throughout the full application, the Facility has been designed to comply with applicable County code provisions. The Applicant would continue to work with EFSEC and Yakima County to ensure local approvals subsequent to EFSEC site certification are obtained and conditions are met prior to construction of the Facility. Therefore, the Facility would comply with this criterion.

*(e) The proposed use complies with other development and performance standards of the zoning district and this Title;*

**Response:**

Per the above response to criterion (d), the proposed Facility would comply with applicable development and performance standards of the AG zoning district and YCC Title 19 generally. Specific standards are addressed above throughout Section 3.0 in response to additional code provisions that are related to the Facility and further demonstrate compliance with YCC Title 19. Therefore, the Facility would comply with this criterion.

*(f) The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;*

**Response:**

The Applicant is currently working with WSDOT to confirm design requirements and obtain approval for upgrading the Facility access from SR-24. The approach from SR-24 would include upgrading an existing private gravel road to accommodate Facility construction. Section 4.20 of the ASC provides further information regarding the quantity and kind of traffic generated by construction and operation of the Facility. Facility access roads would be constructed with all-weather road surface and designed in accordance with accepted engineering practices to support Facility traffic. While overall risk of fire is low at the Facility, access roads and gates would comply with the current version of the International Fire Code as adopted by Washington State, as well as standards set by the Yakima County Fire Marshal's Office. This includes gates that are 20 feet wide with accessible hardware per fire department requirements, as well as fire access roads that are 20 feet wide, with inner turning radius of 30 feet and outer turning radius of 45 feet to accommodate emergency vehicles. The Applicant would consult with the Yakima County Fire Marshal to ensure compliance with fire code, and provide the final layout to the Fire Marshal's Office. Therefore, the Facility would comply with this criterion.

*(g) The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof;*

**Response:**

As noted above in response to criterion (b), except for one parcel, property abutting the Facility Parcels is owned by S. Martinez Livestock, Inc., one of the two participating landowners for the Facility. S. Martinez Livestock, Inc. is supportive of the Facility and has not expressed any concerns regarding adverse effects to their properties or permitted uses thereof. Regarding the remaining abutting property west of the Meacham Property, the Applicant has reached out to the landowner, who has expressed no concern with the proposed Facility. The Applicant would continue to coordinate with abutting landowners during construction and operations to avoid adverse impacts to their properties and land uses.

In addition to landowner coordination, as described above in response to criterion (a) and (b), the environmental analysis provided in this application in compliance with EFSEC and County requirements demonstrates that operation of the Facility would have no substantial adverse effect on abutting property or the permitted uses thereof. Any minor disturbance due to



construction noise or traffic would be limited to the temporary construction period, and would not inhibit the ongoing use of abutting properties. Furthermore, the Facility's siting in proximity to the existing BPA 115-kV transmission line enables the Facility to avoid a lengthy transmission line to interconnect with the regional grid. In this way, the Facility avoids potential adverse effects to abutting properties that could be caused were it located further from existing electrical infrastructure serving the community. For the above reasons, this criterion is met.

*(h) In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the Comprehensive Plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties; and*

**Response:**

The Facility is not a residential use and no housing is proposed; therefore, this criterion does not apply.

*(i) The development complies with all criteria in Chapter 19.18 applicable to the proposed use, unless otherwise administratively adjusted.*

**Response:**

The Facility does not meet the definition of any of the special uses identified in YCC Chapter 19.18. Pursuant to YCC 19.18.480, discussed in Section 3.7.5 above, the Applicant's construction contractor would obtain any needed temporary use permits. Therefore, this criterion is met.

***Section 19.30.100 Conditions of Approval of Type 2, 3, and 4 Applications***

*(1) The Reviewing Official is authorized by development standards of this Title and other applicable Titles of County code to require conditions for approval of Type 2 Administrative, Type 3 Conditional or Type 4 Quasi-judicial Uses or Actions. The Reviewing Official may impose additional or greater requirements as conditions of approval on any use, development or modification being reviewed to ensure that the proposal meets the standards and criteria for approval.*

*(2) Except, as otherwise expressly provided, a Reviewing Official may impose conditions to:*

*(a) Comply with any development standard or criteria for approval set forth in this Title or other relevant provisions of Yakima County Code;*

*(b) Mitigate material impacts of the development, whether environmental or otherwise;*

*(c) Ensure compatibility of the development with existing neighboring land uses; assure consistency with the intent and character of the zoning district involved;*

*(d) Ensure that the structures and areas proposed are surfaced, arranged and screened in such a manner that they are compatible with and not detrimental to*

*existing or reasonable expected future development of the neighborhood, or resource uses, consistent with the Comprehensive Plan; and*

*(e) Achieve and further the intent, goals, objectives, and policies of the Comprehensive Plan and this Title.*

**Response:**

This Land Use Consistency Review Attachment (Attachment A) demonstrates that the Facility would comply with applicable development standards and criteria for approval in the YCC. Where items are needed for specific compliance with YCC that due to their nature cannot be provided with this application, for example when dependent on final Facility design or a permitting process step following site certification, the Applicant has committed to providing further information as a condition of EFSEC’s approval. The Applicant would comply with all conditions set by EFSEC in the Site Certification Agreement for the Facility. Based on the resource analysis provided in Parts 3 and 4 of the ASC, with the implementation of identified control and mitigation measures, the Facility would not have a significant adverse effect on the environment. As discussed above, the Facility would be compatible with existing or reasonably expected future neighboring land uses and be consistent with the intent and character of the AG zoning district. The proposed Facility utilizes a vital local resource—solar energy—to provide a clean, renewable source of electricity and grow and diversify Yakima County’s economy, while ensuring the long-term protection of natural resources. In this way, the Facility serves to further the intent, goals, objectives, and policies of the YCCP while complying with applicable provisions of YCC Title 19 Unified Land Development Code.

## **4.0 References**

- NRCS (Natural Resources Conservation Service). 2020. Web Soil Survey. Farmland Classification – Yakima County Area, Washington. Survey Area Data Version 20, Jun 4, 2020. Available online at: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed August 27, 2020.
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- Yakima County. 2017. Horizon 2040. Yakima County, WA Comprehensive Plan. Yakima County Public Services, Planning Division. Originally adopted May 20, 1997. Update adopted June 27, 2017 (Ord. No. 4-2017). Available online at: <https://www.yakimacounty.us/846/Horizon-2040-Comprehensive-Plan>
- Yakima County. 2020. Yakima County Zoning. Feature Layer by YakimaGIS. Data last updated October 21, 2020. Available via Yakima County, WA Open Data Portal: <https://qis-yakimacounty.opendata.arcgis.com/>. Accessed November 2, 2020.