

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE **XX-2023**

IN THE MATTER OF AMENDING YAKIMA COUNTY CODE TITLE 19 (UNIFIED LAND DEVELOPMENT CODE) PERTAINING TO ADDING DEVELOPMENT STANDARDS FOR SOLAR POWER PRODUCTION FAILITIES.

WHEREAS, first sentence; and,

WHEREAS, second sentence; and,

WHEREAS, final sentence; now, therefore,

BE IT HEREBY ORDAINED by the Board of Yakima County Commissioners:

Section 1. Reasons for Action. Add language.

Section 2. Findings. Add language.

Section 3. Adoption. The Board hereby adopts the amendments to YCC Title 19 to read as set forth in **Exhibit A** to this Ordinance.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 5. Effective Date. This ordinance will become effective after that later of the following dates:

1. 61 days after publication of the notice of adoption pursuant to RCW 36.70A.290(2)(b); or
2. Upon issuance of the growth management hearings board's final order if a petition for review to that board is timely filed.

DONE

LaDon Linde, Chair

Attest:

Julie Lawrence, Clerk of the Board *or*
Erin Franklin, Deputy Clerk of the Board

Amanda McKinney, Commissioner

Kyle Curtis, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

BOARD OF YAKIMA COUNTY COMMISSIONERS

EXHIBIT A

[Note to Code Reviser: Ordinance XX-2023 amends YCC Title 19 as shown below. Added language is indicated by underlined font and ~~deleted language is indicated by strike-through font~~. No changes are made to sections that are not shown below.]

Editing Note: 19.18.435 – The text shown below in “black” represents new code language addressing Solar Power Production Facilities. Edits made during the Planning Commission review process will be shown in a “~~red~~” and “underline” format. Deletions made to the proposed text below will be shown in “~~red~~” additions to the text will be shown in “blue underline.” Line numbers have been provided to the left margin to allow for easier referencing.

1
2 **19.18.435 Solar Power Production Facilities.**

3
4 (1) Legislative Intent. This Section is intended to:

5 (a) Establish a process for recognition and designation of properties in Yakima County suitable for the location
6 of Solar Power Production Facilities (SPPF);
7
8 (b) Protect the health, welfare, safety, and quality of life of the general public;
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10 (c) Allow for development while protecting existing agricultural resources and rural character;
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12 (d) Comply with the goals and requirements of the Washington State Growth Management Act; and
13
14 (e) Ensure compatibility with land uses in the vicinity of these facilities.

15 (2) Applicability.

16 Solar Power Production Facilities, as defined under Section 19.01.070 of this title, are subject to the
17 requirements of this Section in addition to the requirements of the zoning districts and other provisions of this
18 Title.

19 (3) Application Requirements.

20 (a) Application Submittal. An application for review under this Section shall follow the requirements of this
21 Title and Chapter 19.30 for Type 4 quasi-judicial applications.

22 (b) Project Narrative. A narrative identifying the applicant, owner and operator, and describing the proposed
23 solar energy project, including an overview of the project and its location; approximate rated capacity of
24 the solar energy project; the approximate number, representative types and expected footprint of solar
25 equipment to be constructed; engineering and design information concerning construction of the facility
26 and its foundation, anticipated construction schedule including all proposed phasing, description of
27 operations, including anticipated regular and unscheduled maintenance and a description of any relevant
28 ancillary facilities, and how the proposal meets the decision/approval criteria in YCC 19.30.080(7) and
29 subsections (13), (14), and (15).

30 (c) Site Plan Requirements. The site plan, drawn to an appropriate scale, shall include the following
31 information:

32 (i) Property lines, contours, large trees, utility easements, land use, zoning district, ownership of property,
33 and minimum required setbacks under this code, and any proposed setbacks that exceed the minimum
34 requirements.
35 (ii) Existing and proposed buildings and structures with square footage and dimensions, including
36 preliminary location(s) of the proposed solar equipment (arrays, substations, batteries, panels, ancillary
37 equipment and facilities, underground and overhead conductors (including the depth of underground
38 conductors) and fencing.

- (iii) Existing and proposed access roads, permanent entrances, description of the routes to be used by construction and delivery vehicles, construction entrances, drives, turnout locations, and parking. If accessing off a state highway written confirmation from the Washington State Department of Transportation ("WSDOT") that all entrances satisfy applicable WSDOT requirements is required.
- (iv) Topography, proposed grading/landscaping, areas of natural vegetation removal and any re-vegetation methods, weed control, dust and erosion controls and existing and proposed drainage areas.
- (v) Any critical areas on or abutting the property including excluded areas resulting from critical area buffers or other necessary setbacks and other requirements of local, state or federal law that may impact the proposal.
- (d) Documentation of Right to Use Property for the Proposed Facility. Documentation shall include proof of control over the proposed site or possession of the right to use the proposed site in the manner requested.
- (e) Noxious Weed Management Plan. A Noxious Weed Management Plan outlining methods, maintenance schedules, and any potential soil viability impacts.
- (f) A Stormwater Management Plan. A stormwater management plan prepared in accordance with YCC 12.10 including any proposed ground disturbance and mitigation measures (such as reseeding with appropriate vegetation) to contain storm water runoff.
- (g) Decommissioning Plan. The applicant shall provide a detailed decommissioning plan that provides procedures and requirements for removal of all parts of the solar energy generation facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned pursuant to subsection (15)(b).
- (h) Water Rights Retention Plan. A water rights retention plan, if applicable, needs to be submitted with the application stating how existing water rights will be put to beneficial use on-site or placed in Washington State Department of Ecology's (DOE) Trust Water Rights Program (RCW 90.42) to avoid the risk of relinquishment.
- (i) SEPA Environmental Checklist Requirements. The checklist shall (in addition to being consistent with the SEPA Checklist required under YCC Chapter 16.04) provide analysis of impacts to elements of the environment, as noted in the SEPA Checklist required by YCC Chapter 16.04 and WAC Chapter 197-11 and explain the mitigation proposed to minimize those impacts. Attached to the checklist shall be site-specific studies, including but not limited to: 1) impacts to habitat/wildlife, 2) a road impact assessment, 3) cultural resource impacts, and 4) a grading and stormwater management plan, complying with state best management practices stormwater quality standards. All required terrestrial habitat, critical area assessments, and cultural resource studies shall be conducted within identified study corridors of sufficient width and dimension to enable comprehensive environmental assessment while allowing flexibility in the final layout.
 - (i) SEPA Checklist if EIS Has Been Prepared. Where the applicant is required to prepare an Environmental Impact Statement (EIS), the site-specific studies may not be required, as this information may be provided as part of the EIS.
 - (ii) EIS Documentation. If an EIS has been prepared under NEPA, the applicant shall document the sufficiency of that EIS's compliance with the requirements of this Title and YCC Chapter 16.04.
 - (iii) Nothing in this Section shall preclude the SEPA Responsible Official from requiring additional studies or supplemental documentation to describe or mitigate potentially significant adverse environmental impacts.
- (j) Determination of Application Completeness. An application for review under this Chapter shall not be deemed complete until the identified reports are provided. Upon a clear showing by the applicant that a study is not applicable or is unnecessary, the Administrative Official/SEPA Responsible Official may

1 waive specific application requirements. Such a determination shall be documented in writing in the project
2 file.

3 (k) **Notification.** The notice for Solar Power Production Facilities shall be sent to agencies with expertise or
4 jurisdiction, to property owners within one-half mile of the subject property and of any contiguous
5 properties owned by the subject property's owner, and to owners adjacent to any private access roads that
6 would serve as haul roads in the manner provided in YCC Section 16B.05.030.

7 (4) **Review Process.** The review process for solar power production facilities shall be as listed in the Allowable
8 Land Use Table 19.14-1 in Chapter 19.14 and as follows:

9 (a) **Pre-application Conference Required.** A pre-application conference as described in YCC Title 16B is
10 required prior to applying for solar power production facilities. Pre-application conferences for solar power
11 production facilities are required prior to the community meeting described in Subsection 19.18.435(4)(b)
12 below. The submittal requirements for pre-application conferences shall include a site plan of the entire
13 project, a written narrative describing the proposal, draft environmental checklist, other information as
14 specified by the Administrative Official, and any additional information that the applicant wishes to
15 provide.

16 (b) **Community Meeting Required.**

17 (i) Prior to application submittal for solar power production facilities, the applicant shall conduct a
18 community meeting to discuss the proposal to ensure that potential applicants pursue early and
19 effective citizen participation in conjunction with their proposal, giving the project proponent the
20 opportunity to understand and try to mitigate any real and perceived impact their proposal may have on
21 the neighborhood and ensure that the citizens and property owners of the area have an adequate
22 opportunity to learn about the proposal that may affect them and to work with project proponents to
23 resolve concerns at an early stage of the application process. The community meeting may be
24 combined with other required public meetings. The community meeting shall meet the following
25 requirements:

26 (A) Notice of the community meeting shall be provided by the applicant by first-class mail or postcard
27 and shall include the date, time and location of the community meeting and a description of the
28 project, zoning of the property, site and vicinity maps and the land use applications that would be
29 required.

30 (B) The notice shall be provided at a minimum to property owners of real property, as listed on the
31 most current Yakima County Assessor's records, located within one-half mile of the subject
32 property on which the SPPF would be located and any contiguous properties under the same
33 ownership as the subject property, to interested or affected public agencies with jurisdiction, to
34 affected Indian tribes, to cities and towns within one-half mile of the proposal, and to the Yakima
35 County Planning Division.

36 (C) The notice for solar power production facilities proposals must appear as a display ad in the
37 Yakima Herald-Republic at least 14 days prior to the community meeting.

38 (D) The notice shall be postmarked fourteen days prior to the community meeting.

39 (E) The community meeting shall be held within the geographic boundary of Yakima County.

40 (F) The community meeting shall be held anytime between the hours of 5:30 and 9:30 p.m. on
41 weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.

42 (G) The community meeting agenda shall cover the following items: 1) introduction of community
43 meeting organizer (i.e., developer, property owner, etc.); 2) description of proposed project; 3) ~~list~~
44 of permits that are anticipated for the project; 4) description of how comments made at the

community meeting are used; 5) provide meeting attendees with the County's contact information; and 6) provide a sign-up sheet for attendees.

(ii) The applicant shall provide to the Planning Division a written summary of the community meeting prior to application submittal. The summary shall include:

(A) A copy of the mailed and published notice of the community meeting with a mailing list of property owners notified.

(B) Who attended the meeting (list of persons and their addresses).

(C) A summary of concerns, issues, and problems expressed during the meeting.

(D) A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.

(E) A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting.

(iii) The applicant shall post online and send electronically the summary of the community meeting to those who attended the community meeting, signed in and provided a legible email address and provide Yakima County with proof of the web posting and a list of email recipients. Upon request the applicant shall provide the summary of the meeting by mail to attendees without email access.

(c) Type 4 Review. Review of applications for solar power production facilities shall be according to the procedures for Type 4 review as provided by Section 19.30.030 and YCC Section 16B.03.030 and:

- (i) Following a pre-application conference and a community meeting the applicant may apply under this Chapter and this code.

(5) Review Criteria.

(a) The Reviewing Official shall only approve applications for solar power production facilities that meet all of the following criteria:

(i) The project meets the goals and requirements of the Washington State Growth Management Act as it relates to the conversion of natural resource lands to non-resource related land uses. (THIS IS UP FOR DISCUSSION)

(ii) Be designed to serve a broader community or regional area or to increase reliability or capacity to customers;

(iii) Accommodate the anticipated type and level of traffic for the construction and maintenance of the linear transmission facility project by ensuring state and local transportation systems and private access and service road(s) are adequate;

(iv) Be compatible with existing or planned land use patterns in the area;

(v) Certify that the project will comply with all Federal Energy Regulatory Commission (FERC) requirements and the National Electrical Safety Code (NESC) requirements;

(vi) Certify that the project will comply with the requirements of Subsection 19.18.435(6), Standards of Operation; and

(vii) Incorporate measures identified through environmental review to mitigate impacts as follows:

(A) The applicant shall evaluate the physical, economic and aesthetic impacts of such facilities and measures, to mitigate these impacts provided and implemented;

(B) Incorporate project specific mitigation measures and conditions to mitigate adverse project impacts. The conditions and mitigation measures shall be based on site specific studies provided by the applicant and other relevant environmental review;

(C) Conditions shall be designed to address each element of the environment discussed in the supplement to the environmental checklist (or EIS), including but not limited to, surface/groundwater; plants; habitat/wildlife; cultural resources; health and safety; and traffic/transportation.

(6) Standards of Operation. All solar power production facilities authorized by this Chapter must conform to the following standards:

- (a) Application Materials, Site Plan and Narrative. Solar power production facility operations shall be conducted in substantial conformance to the application materials provided under Subsection 19.18.435(3) above and conditions of permit approval.
- (b) Responsible Party. The SPPF owner and operator of the facilities shall be held responsible for compliance with this Title. The SPPF owner and operator of the facilities shall be required to maintain in the County's file a designated agent residing within Washington State to receive notice in compliance matters and to address complaints.
- (c) Visual Impacts. The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes visual impacts to adjoining and nearby residents or public roads.
- (d) Water Quality. Solar power production facility operations shall be operated in compliance with all local, state, federal and tribal water quality regulations.
- (d) Air Quality. Solar power production facility operations shall be operated in compliance with all local, state, federal and tribal air quality regulations.
 - (i) Re-vegetate any disturbed areas not permanently occupied by the project features to avoid fugitive dust;
 - (ii) Maintain a water truck on-site during construction for dust suppression;
 - (iii) Control, to the greatest extent practicable, the emission of gases or matter odorous at any point beyond the property line of the use emitting the odor shall be controlled to the greatest extent practicable, as may be usual and customary for the specific use or industry; and
 - (iv) Comply with the Washington State Department of Ecology or Yakima Regional Clean Air Agency requirements.
- (e) Noise.
 - (i) Maintain sound levels at project boundaries under the maximum levels for the adjacent receiving properties based on the receiving properties' environmental designation for noise abatement per WAC 173-60; and
 - (ii) Comply with applicable state and federal noise control regulations and YCC Title 6.28.
- (f) Vegetation and Wildlife.
 - (i) Limit construction disturbance by flagging the limits of construction and conduct ongoing environmental monitoring during construction to assure that flagged areas are avoided;
 - (ii) Projects located within agricultural areas must develop and utilize a reseeding/restoration and weed management plan in consultation with the Washington State or Yakima County Noxious Weed Control

1 Board during construction of the project. In addition, construction or maintenance activities shall not
2 result in the unabated introduction or spread of noxious weeds as identified by the Yakima County
3 Noxious Weed Control Board. Eradication and control of noxious weeds in addition to the
4 requirements of RCW 17.10 (Noxious Weeds—Control Boards) may be required by the Reviewing
5 Official in consultation with the Yakima County Noxious Weed Control Board, the Department of Fish
6 and Wildlife, or other agencies with expertise.; and

7 (iii) Overhead collector lines and transmission lines (defined in Section 19.01.070) should be constructed
8 consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for
9 raptor protection on power lines (including minimum conductor spacing and the use of anti-perch
10 guards).

11 (g) Critical Areas and Shorelines. Solar power production facilities shall comply with YCC Title 16C and, as
12 applicable, YCC Title 16D.

13 (h) Water Resources. Water availability shall be demonstrated as needed for the project. For all projects, water
14 required for onsite use shall be obtained under state and local requirements. Any water rights associated
15 with the subject property for an SPPF shall be retained through the life of the facility.

16 (i) Cultural Resources.

17 (i) Complete a cultural resource survey of areas of the project site that will be disturbed temporarily or
18 permanently. The cultural resource survey shall be submitted to the County Planning Division and the
19 Washington State Department of Archaeology and Historic Preservation for review at least sixty days
20 prior to any land disturbing activities;

21 (ii) During construction, flag and avoid cultural resources, and monitor construction activities to ensure all
22 cultural properties are avoided;

23 (iii) An approved Inadvertent Discovery Plan (IDP) shall be prepared for each project. The IDP will outline
24 the procedures to be followed in the case of inadvertent archaeological finds and/or human remains.
25 The IDP shall include training for construction workers on the need to avoid cultural properties and
26 procedures to follow if previously unidentified cultural properties, including Indian graves, are
27 encountered during construction; and

28 (iv) If any previously unidentified cultural resource properties are encountered during construction, cease
29 construction activities in the immediate vicinity of the site pending evaluation by a professional
30 archeologist and consultation with the County Planning Division and the Washington State Department
31 of Archaeology and Historic Preservation to identify appropriate mitigation measures such as
32 avoidance or scientific data recovery.

33 (j) Setbacks.

34 (i) Solar power production facilities shall observe the minimum setbacks allowed through the National
35 Electrical Safety Code (NESC) and the Federal Energy Regulatory Commission (FERC). Additional
36 setback distance may be required for addressing public safety or based upon other project impacts, as
37 determined by the Reviewing Official as a result of the environmental review. Substations,
38 transformers, and other components of solar power production facilities shall be subject to greater
39 setbacks as determined necessary to provide compatibility with existing uses.

40 (ii) Especially Sensitive Land Uses shall observe the following minimum setbacks.

41 (A) Construction or expansion of Especially Sensitive Land Uses shall be setback a minimum of 25
42 feet from the edge of the solar power production facility project area.

(B) Additional setback distance may be required for Especially Sensitive Land Uses to address public safety or based upon project impacts, as determined by the Reviewing Official as a result of the application review.

(iii) The Administrative Official may reduce the setback due to site-specific conditions and an applicant's demonstration that the purpose of this Section will be met.

(iv) If the Administrative Official reduces the setback, the following applies:

(A) The setback shall be a minimum of 30 feet from the solar power production facility and shall comply with applicable National Electrical Safety Code (NESC) and Federal Energy Regulatory Commission (FERC) setback requirements.

(B) The setback shall be measured from the nearest edge of the solar power production facility's project area.

(C) Applicants shall show the location of a solar power production facility and setbacks on site plans and subdivision plats.

(v) Setback Protection. Setbacks shall be identified and protected during construction of Especially Sensitive Land Uses by placement of a temporary barricade and on-site notices. Barricades and on-site notices are subject to review by the Building Official.

(vi) As a condition of any relief granted under this Section, the applicant shall be required to record a declarative covenant notifying all subsequent purchasers that a lesser setback from the solar power production facility has been approved and of any and all conditions placed on the grant of relief.

Public Safety.

(i) The applicant shall develop and maintain an On-Site Health and Safety Plan that informs and trains employees and others on site what to do in case of emergencies, including the locations of fire extinguishers and nearby hospitals, telephone numbers for emergency responders, first aid techniques, and other safety procedures and information.

(ii) For projects in which hazardous substances are stored or used, a Spill Prevention and Emergency Cleanup Plan will be designed to assist on-site workers with accidental releases. Any large spill will require emergency response through the local fire department or designated contractor.

(iii) Signs warning of electrical dangers with emergency contact numbers (e.g. phone numbers of emergency responders) must be posted in compliance with all applicable standards.

Roads.

(i) When required, a Road Impact Assessment shall be prepared by an independent qualified consultant selected by Yakima County and paid for by the applicant for roads to be used by the project. The Assessment shall include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning (i.e. traffic volumes, weights, frequency, time of year of use, etc.); the Plan shall include an assessment of existing road conditions (e.g. pavement width, intersection designs, subgrade condition, surface conditions, existing traffic use/volumes). The Assessment should also address project-related developments of new surface aggregate mines and batch plants necessary for road construction.

(ii) A Road Haul Agreement addressing impacts to county-maintained roads may be prepared in consultation with the County Engineer and approved prior to approval.

1 (n) Signage.

2 (i) Solar equipment shall not be used for displaying any advertising except for reasonable identification of
3 the manufacturer or operator of the solar energy project.

4 (ii) A manufacturer or operator identification sign must be placed in a location easily accessible and
5 provide a 24-hour emergency contact and phone number.

6 (iii) Warning signs shall be placed on solar equipment to the extent appropriate.

7 (iv) All signs, flags, streamers, or similar items, both temporary and permanent, are prohibited on solar
8 equipment except as follows:

9 (a) manufacturer's or installer's identification;

10 (b) appropriate warning signs and placards;

11 (c) signs that may be required by a federal agency; and

12 (d) signs that provide a twenty-four-hour emergency contact phone number and warn of any danger.

13 (v) Educational signs providing information about the project and benefits of renewable energy may be
14 allowed as provided in the YCC Title 19.20.

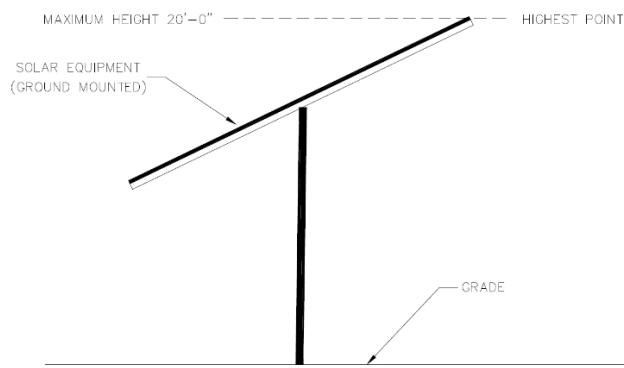
15 (o) Site-Screening. SPPFs shall be screened or shall be enclosed by fencing a minimum of eight (8) feet in
16 height. Screening and/or fencing shall be consistent with the surrounding character and utilize landscaping
17 and/or native vegetation strategies to screen the facility from routine view of public rights-of-way or
18 adjacent residential property. When fencing is used, the type and style of fencing shall also reflect any
19 safety concerns specific to the general public and adjacent wildlife.

20 (p) Glare.

21 (i) Glare shall not negatively impact surrounding properties, wildlife, or livestock.

22 (ii) Glare resistant panels shall be required for SPPFs located within a primary airport safety overlay zone.

23 (q) Height Limitations. SPPF solar equipment shall not exceed a maximum of 20 feet in height as measured
24 from grade at the base of the equipment to its highest point during operation. (See Figure 19.18.435-1)



25 Figure 19.18.435-1

1 (r) Regulatory and Permit Compliance. The construction and operation of all SPPFs shall be consistent with
2 applicable local, state, and federal regulations, including but not limited to, safety, construction, electrical,
3 communication, and fire requirements. All SPPFs and their accessory structures shall obtain and comply
4 with local and state building and fire codes.

5 (7) Compliance with Project Conditions.

6 (a) A request to transfer a solar power production facility development authorization to a new permit holder
7 requires confirmation of compliance with project conditions and may require re-execution of agreements or
8 other documents entered into during and after project permitting to address impacts or related issues.

9 **(8) Siting Criteria for Solar Power Production Facilities.**

10 Need to discuss with PC

12 (9) Permitting Exceptions. The placement or construction of an SPPF on properties in the following areas may be
13 allowed subject to Type 4 conditional use permit approval:

14 (a) Lands that have been converted to roads, parking lots, runways, landfills, or similar uses.

15 (b) Powerline, pipeline, road, trail, railroad, canal, and drainage rights-of-way.

16 (c)

17 (d)

18 (e)

19 (12) Review Criteria. Yakima County may approve an SPPF application only when the following requirements have
20 been met:

22 (a) The proposed SPPF is consistent with the conditional use permit review criteria contained in YCC
23 19.30.080(7).

24 (b) The proposed SPPF is in compliance with the Yakima County Critical Areas Ordinance (YCC Title 16C)
25 and Shoreline Master Program (YCC Title 16D), and Voluntary Stewardship Program (VSP).

26 (c) Environmental impacts including but not limited to wildlife habitat, migration routes and critical areas have
27 been mitigated. If the project is found to have probable significant adverse environmental impacts, the
28 applicant shall provide sufficient mitigation strategies to the satisfaction of Yakima County.

29 (d) The proposed SPPF is in compliance with the Storm Water Management Standards of YCC 12.10.

30 (13) Abandonment and Decommissioning.

31 (a) Abandonment Requirements:

32 (i) SPPFs which have not generated electricity that is sold for commercial use over any 18-month period
33 shall be deemed abandoned and removed at the SPPF owner's/operator's expense. SPPF
34 owners/operators shall provide proof of electricity generation when requested by Yakima County.

35 (ii) The Reviewing Official or designee may issue a Notice of Abandonment by certified mail to the SPPF
36 owner/operator. The SPPF owner/operator shall have the right to respond to the Notice of
37 Abandonment within 30 days from the Notice receipt date. The Reviewing Official or designee may

1 withdraw the Notice of Abandonment and notify the SPPF owner/operator that the Notice has been
2 withdrawn if the SPPF owner/operator provides sufficient information to demonstrate that the facility
3 has not been abandoned. Such information may include documentation or certification by the electrical
4 grid operator that the SPPF has met the requirement of subsection(16)(a)(i).

5 (iii) If the SPPF owner/operator fails to respond to the Notice of Abandonment, or if the information they
6 provide does not demonstrate non-abandonment after review by the Reviewing Official or designee,
7 the SPPF owner/operator shall remove the SPPF at the SPPF owner's/operator's sole expense within 6-
8 months of receipt of the Notice of Abandonment. If the SPPF owner/operator fails to physically
9 remove the facility after the Notice of Abandonment procedure and meet the decommissioning
10 requirements, the County shall have the authority to pursue a legal action to have the project removed
11 at the owner's or operator's expense or enter the subject property, physically remove the facility, and
12 recover costs associated with that removal from the property owner/operator.

13 (b) Decommissioning Requirements:

14 (i) The site shall be restored in accordance with the applicant's approved Decommissioning Plan within
15 six (6) months of removal.

16 (ii) Restoration of the site shall consist of the following:

17 (A) Dismantle and removal of all photovoltaic solar power generation facilities and accessory
18 structures and equipment.

19 (B) Private off-site access roads shall be restored by removing gravel and restoring surface grade and
20 soil, unless the landowner directs otherwise.

21 (C) After removal of the structures and roads, the area shall be graded as close as is reasonable
22 possible to its original contours or contours advantageous for agricultural operations and the soils
23 shall be restored to a condition compatible with farm uses or consistent with other resource uses.
24 Re-vegetation shall include plant species suited to the area, or planting by landowner of
25 agricultural crops, as appropriate, and shall be consistent with noxious weed control measures.

26 (iii) The SPPF owner/operator shall provide removal, restoration, and decommissioning assurances to
27 Yakima County in the form of a surety bond or escrow account to cover the cost of removal,
28 restoration, and decommissioning in the event the facility must be removed, restored, and
29 decommissioned by Yakima County. The intent of this requirement is to guarantee performance or to
30 provide the financial resources to protect the public interest and the County budget from an
31 unanticipated, unwarranted burden to decommission a SPPF. The proponent shall submit a fully
32 inclusive estimate of the costs associated with removal, restoration, and decommissioning prepared by
33 a qualified Washington State licensed engineer that is accepted by Yakima County. The
34 decommissioning funds shall be equivalent to 125% of the engineer's estimated cost for the purpose of
35 guaranteeing completion of the work. The decommissioning assurance shall be reevaluated every five
36 (5) years to ensure sufficient funds for decommissioning, and if deemed appropriate at that time, the
37 amount of decommissioning funds shall be adjusted accordingly. If the proponent does not provide the
38 adjusted guarantee within one month of the engineer's estimate, Yakima County may declare the SPPF
39 abandoned, which will trigger removal, restoration, and decommissioning.

1 **20.01.070 Yakima County Planning Division.**

2
3 *[Note to Code Reviser: The only change to YCC 20.01.070 made by Ordinance XX-2023 is to add the fee listed
4 below to Table 20.01.070-4. Type 4 permits. No changes to other fees or portions of YCC 20.01.070 are made by
5 Ordinance XX-2023.]*

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| | 2016 Base Fee |
|---|------------------------------------|
| <u>Solar Power Production Facility (SPPF) (YCC 19.18.435)</u> | <u>\$10,000.00</u> |

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DRAFT