

1 **YAKIMA COUNTY PLANNING COMMISSION**

2 **Amended Meeting Minutes**

3 Wednesday, March 12, 2025, at 5:30 PM

4 Location: Yakima Valley College

5 1704 W. Nob Hill Boulevard, Yakima, Washington, 98902

6 and

7 Microsoft Teams Meeting
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- 10 **I. Call to Order:** Chair Doug Mayo called the meeting to order at 5:30 PM and requested
11 the roll call.
12

13 **A. Roll Call.** A quorum was present at roll call:

- 14 1. **Planning Commission Members Present:** Doug Mayo, Mike Shuttleworth,
15 Holly Castle, Jerry Craig, **Raul Martinez**, and Sergio Garcia (6:14 PM)
16 2. **Planning Commission Members Absent:** Isidra Sanchez (unexcused)
17 3. **Yakima County Planning Staff Present:** Tommy Carroll, Olivia Story, Aaron M.
18 Cohen, Phil Hoge, and **Keith Wolf**
19 4. **Public Present:** Byron Gumz (Yakima Valley Conference of Governments),
20 Keelan Naasz (Yakima Valley Conference of Governments), Erin Lynch
21 (OneEnergy Renewables)
22

- 23 **B. Approval of February 12, 2025, minutes.** Holly moved to approve the minutes for
24 the February 12, 2025 meeting, as presented, Mike seconded, & the motion was
25 approved 6-0.
26

27 **II. Public Comments.** None.
28

29 **III. New Business.**
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- 31 **A.** Mike attended some of the 5-year homeless plan meetings. He asked if it would
32 be possible to invite some members of the homeless plan committee,
33 transportation folks over at YVCOG, and people of the committees relevant to the
34 update of the comprehensive plan. It would be a good idea to learn more about
35 the plans and how they fit into the comprehensive plan.
36

37 **IV. Unfinished Business.**
38

- 39 **A.** Update on LRN2023-00001 – Comprehensive Plan and Development Standards for
40 Moderate to Large-Scale Solar Facilities – Topic Addressed: Agrivoltaics.
41
42 1. Tommy outlined the next steps are for the Planning Commission (PC) to review
43 agrivoltaics development standards and started discussing the draft
44 ordinance that is in front of them. A summary of Tommy's presentation is below:
45 i. The PC has made an official recommendation to the BOCC to not allow
46 moderate to large-scale solar facilities in the Agriculture (AG) Zoning

District. The PC recommendation is still in effect. This recommendation is based on a written letter from the Washington Department of Commerce (DOC) and verbal communication with Futurewise, both indicating that allowing solar facilities in the AG Zoning District is a violation of the Growth Management Act (GMA), and that, an ordinance allowing such would be appealed;

- ii. The BOCC has asked the PC to review standards relating to agrivoltaics as a potential route to site some solar in the county. This would be the only way agrivoltaics could be permitted in the AG Zoning District. The recommendation made on agrivoltaics to the BOCC will be the last time agrivoltaics is brought before the PC. The BOCC will have to decide on the PC's recommendation;
- iii. The ordinance in front of the PC requires facilities that generate more energy than is needed for consumption on the property and sell it back to the grid, to utilize agrivoltaics. Thus, the facility will be a dual use, which should satisfy the GMA. Common agricultural uses include, but are not limited to crop production, grazing, and pollinating species. The DOC has stated the only way to put full scale solar on agriculturally designated land is to go through the de-designation process;
- iv. The ordinance would also require a detailed plan on how the agriculture use will be established, if not already, and will be continually in use along with the agrivoltaics development. A water plan accounting for all water for the facility, existing water rights, and ensuring water rights do not leave Yakima County is also required;
- v. A size limitation and a list of priority crops are not listed in the ordinance. Jurisdictions in other states are not constrained to the GMA requirements enabling them to have more flexibility in their AG zoning districts. There is significant land in the County zoned agriculture due to their prime soils. It was previously discussed to not include a list of priority crops due to the vast diversity of crops grown in Yakima County, it is very difficult to say which are more worthy of saving over others;
- vi. A solar company is looking to establish a small-scale solar farm just outside of Sunnyside to make the ordinance temporary. Their proposal does involve setting a parcel size limit (for example parcels must be 40-acres or less), and, then reevaluating after a specific amount of time to determine if any development standards should be changed and how much agriculture has been affected. Effectively, this would temporarily allow agrivoltaics, and after the sunset date listed in the ordinance no new agrivoltaics could be permitted.

- 2.** A discussion on the agrivoltaics ordinance occurred and the topics and questions raised discussed are summarized below:
- i. Both small and large-scale solar facilities are included in the ordinance without numerous separate development criteria currently;

- 1 ii. The Washington State Department of Commerce (DOC) did not initially
2 address issues with GMA regarding sitting solar on agriculturally zoned
3 land. They thought people were anti-solar because farmers could not
4 make a profit. The Energy Facility Site Evaluation Council (EFSEC) was
5 approving the solar on agriculturally zoned land because the state
6 legislature allowed their decisions to be exempt from the GMA, which
7 DOC did not know at the time. DOC thought if people could profit all the
8 issues would go away. DOC needs to work with the legislature to change
9 GMA or allow such things to happen if they would like to see these uses
10 on agriculturally zoned land. Additionally, as EFSEC does not have to
11 follow GMA, any GMA compliant ordinance passed by Yakima County
12 will not necessarily be followed by EFSEC. A frequent question is, is there a
13 point in putting in the effort to create a GMA compliant ordinance if
14 EFSEC can do what it would like?;
- 15 iii. If Yakima County allows agricultural tourist operations in the AG Zoning
16 District then we need to allow agrivoltaics;
- 17 iv. Is the only solution to go through an AG de-designation process to
18 remove those properties not conducive to farming and grazing? If so,
19 what is the de-designation process? The GMA is straightforward regarding
20 the designation process; however, it is difficult to de-designate ag land
21 because one of the criteria of having good soil, water, or ag commodity
22 area are often met nullifying the ability to de-designate. The last time the
23 Planning Division did a countywide agricultural assessment was in 2002.
24 Any agricultural de-designation must be done on a countywide basis per
25 GMA. The ag designation and de-designation criteria come from our
26 comprehensive plan and WAC365-190-050. The WAC informs the
27 development of criteria in the Comprehensive Plan. The designation of
28 'prime soils if irrigated' for land outside irrigation districts could be a way
29 to delineate when AG zoned land available for solar;
- 30 v. When the Planning Division started this renewable energy project 15 years
31 ago the same issues that came up then that are being raised now. There
32 are areas that are zoned ag though they have rock out crops and lack
33 of water rights. If we only zoned based on the productive areas then we
34 would have R-10/5 zoned property scattered between ag zoned
35 property, which would place incompatible rural uses closer to ag uses.
36 This yields a this or that option: ag or not ag. This can adversely affect land
37 use and designation due to loss and conflicting uses between rural and
38 ag districts;
- 39 vi. There is a market for small-scale solar facilities (i.e., 40-acre properties).
40 Requiring the facility to be one-acre to be GMA compliant is a possibility,
41 but the company most likely wouldn't meet any break-even costs. The
42 solar companies also do not want the rock out crops either because of
43 the amount of money needed to blast through the rock to place the
44 posts. There is a concern that if a solar company goes bust and they

- 1 abandoned the site the solar facility remains, therefore, there should be
2 reclamation standards;
- 3 vii. Regarding pollinator species, bees fly an average of one to two miles for
4 pollen. It does not make sense to require or allow pollinators species to
5 qualify if there are not any bees within a one-to-two-mile radius. The local
6 beekeepers may also be against agrivoltaics because new bees could
7 bring disease;
- 8 viii. A solar facility approved before the moratorium went into effect is looking
9 to extend their permit because PacificCorp has not stated when the
10 facility can start connecting to the grid, so they need more time as they
11 wait for the permission. The utility wants the battery storage done first
12 before the panels as they are more beneficial in balancing the grid. Solar
13 companies want open-ended permit dates because they cannot
14 guarantee when they can connect to the grid. Smaller facilities may be
15 able to connect faster, but that is not a guarantee. The Bonneville Power
16 Administration (BPA) does have a lot of existing, unused right-of-way,
17 right-of-way acquisition may not be as big as an issue as previously
18 thought;
- 19 ix. Sheep will eat all the brush on a property fast. Flock owners need a lot of
20 acres to graze sheep, which is why the Yakima Sheep Company had a
21 lot of land. The question became, is it worth taking out crops for a few
22 months of grazing out of the year, especially as a lot of land is needed for
23 grazing? Additionally, it was recently learned that the fire code does not
24 allow brush or high grass under panels because that becomes a fire
25 hazard;
- 26 x. Whatever factors that are established to qualify for agrivoltaics, people
27 will come to the counter and want to learn exactly what they are to take
28 their orchards out for solar. There is a concern that farmers will convert
29 land, or get out of farming altogether, which will change the landscape
30 of the AG Zoning District and affect the economic base in Yakima
31 County;
- 32 xi. There is significant land that is zoned AG, specifically the land that does
33 not have a water right. Many Junior Right owners are not getting their full
34 water right this year, and if they don't have water now, they may not be
35 able to get full allocations in the future. It would be beneficial to utilize the
36 property for other economic development projects to many owners;
- 37 xii. Irrigation districts are also not getting bigger. They do not have the water
38 rights to service existing properties. We should not make specific decisions
39 that prioritize individual crops. For example, some hop farmers are pulling
40 out hops (not the trellises) to plant feed corn for surrounding dairies;
- 41 xiii. When the solar company puts in the facility they utilities and infrastructure
42 which require water rights. The Washington State Department of Ecology
43 (DOE) has made a stance on this issue. It came up from a meeting with a
44 dairy looking to consolidate their operations into one lot. Per the RCW you

1 have the right to drill the well, but not the right to withdraw water from the
2 well. So, you can spend thousands on drilling but you cannot draw the
3 water out without water right because the Yakima Basin is overallocated.
4 Past residential exemptions do not apply, this is where Yakima County
5 Water Resources System (YCWRS) comes into play. They would need to
6 mitigate the water use by leasing water from Yakima County through the
7 YCWRS process or demonstrate they have the water right for required
8 water. A water right is required at the time of the application, and will be
9 evaluated by our Water Resources Division;

- 10 xiv. One solar facility reached out to Yakima County and the City of Moxee
11 to see if either were willing to sell their water rights, and both said "no."
12 The solar company's idea was for fire prevention;
- 13 xv. The pollution risks were also discussed. Specifically, any pollution emitted
14 by the solar panels if they were to catch on fire, and if any of that pollution
15 would seep into stormwater systems, ground and or surface water. Some
16 areas, especially east of Moxee, often have fires every other year;
- 17 xvi. Tommy's direction on moving forward is to bring forward agricultural
18 ordinance for the PC to make a recommendation after a hearing based
19 on the discussion held today; and,
- 20 xvii. Tommy, we will create maps that show the agriculturally zoned areas
21 outside of irrigation districts and without any water rights for the PC to
22 consider before the hearing. If the PC also wants, Tommy can inquire if a
23 BOCC commissioner can speak further to the PC on their thoughts for the
24 topic.

25 26 **V. Communications**

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28 **A. Reports of subcommittees and study groups.** None.

29 **B. Status report of cases before the BOCC.**

- 30 1. Tommy indicated he would provide an update to the Planning Commission
31 regarding the ATO ordinance at a later date.
- 32 2. Tommy went over the stock restricted ordinance and changes, and the brief
33 history of the boundaries. The boundaries before the changes today were set
34 in 1986. The BOCC recently enlarged the boundaries based on a request
35 from the public. The Cattlemen's Association did not like the change and
36 after the change requested the BOCC to revert the boundaries to the 1986
37 area. The BOCC then did that, the boundaries are as they were in 1986.
38 Tommy is working with the BOCC to create a workgroup to examine what
39 the boundaries should be. Per the RCWs, the BOCC can only set the
40 boundaries. The Planning Commission members are invited to attend the
41 workgroup meetings.

42 **C. Secretary's Report.** None.
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1 **VI. Adjournment or continuance to a date, time, and place.**

2 1. Raul moved to adjourn, Mike seconded, and the motion was approved
3 without objection. The meeting adjourned at 7:28 PM.

4
5 Minutes approved by the Planning Commission on _____.

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7 Signed: _____
8 Planning Commission, Chair

DRAFT