

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE XX-2025

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

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

Attest:

Kyle Curtis, Chair

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

LaDon Linde, Commissioner

Amanda McKinney, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

BOARD OF YAKIMA COUNTY COMMISSIONERS

EXHIBIT A

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 “~~strike~~through” and “underline” format. Deletions made to the proposed text below will be shown in “~~red strike~~through,” additions to the text will be shown in “blue underline.” Line numbers have been provided to the left margin to allow for easier referencing.

19.18.435 Solar Power Production Facilities (SPPF).

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

- (a) Create a clear regulatory path for solar development in Yakima County;
- (b) Encourage all new Solar Power Production Facilities (SPPF) and Community Solar Facilities (CSF) to incorporate agrivoltaics principles;
- (b) Protect the health, welfare, safety, and quality of life of the general public;
- (c) Allow for solar development while protecting existing natural resources and rural character;
- (d) Comply with the goals and requirements of the Washington State Growth Management Act; and
- (e) Ensure compatibility with land uses in the vicinity of these facilities.

(2) Applicability.

(a) Permit Required.

- (i) Solar Power Production Facilities (SPPF) and Community Solar Facilities (CSF), as defined under Section 19.01.070 of this title, are subject to the requirements of this Section in addition to the requirements of the zoning district and other provisions of this Title and shall not be maintained, established, substantially altered, expanded, or improved until the person operating such site has obtained a project permit as provided in the Allowable Land Use Table 19.14-1 in Chapter 19.14.

(b) Uses Permitted Outright. The following uses are permitted outright, without the need for land use review, subject to compliance with other applicable code requirements:

- (i) Small-scale solar systems. Small-scale solar systems are characterized by their generating capacity, typically defined as being less than one megawatt (MW) and installed at the customer's site offsetting the property's own energy consumption. These systems typically include:

(A) Residential small-scale solar systems where the panels are typically mounted on a homeowner's roof but could also be mounted in the backyard on a ground-mounted array or on the roof of another structure on the property, such as a detached garage, carport or shed. A residential solar array typically consists of anywhere from eight to 20 panels.

(B) Commercial small-scale solar systems are often located on parking lots or rooftops of commercial/industrial buildings, cow shades or areas of the property not suited for development.

Project applicants will need to comply with other applicable county requirements, such as setbacks, height requirements, the critical areas ordinance, environmental review regulations, and building and fire code requirements.

Commented [TC1]: Added for discussion during deliberations.

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Auto

(3) Application Requirements.

- (a) Application Submittal. An application for review under this Section shall follow the requirements of this Title and Chapter 19.30 for Type 4 quasi-judicial applications for SPPFs [and Type 3 applications for CPFs](#).
- (b) Project Narrative. A narrative identifying the applicant, owner and operator, and describing the proposed solar energy project, including an overview of the project and its location; approximate rated capacity of the solar energy project; the approximate number, representative types and expected footprint of solar equipment to be constructed; engineering and design information concerning construction of the facility and its foundation, anticipated construction schedule including all proposed phasing, description of operations, including anticipated regular and unscheduled maintenance and a description of any relevant ancillary facilities, and how the proposal meets the decision/approval criteria in YCC 19.30.080(7) and subsections (13), (14), and (15).
- (c) Agrivoltaic Plan. Agrivoltaics maximizes land use efficiency by combining agriculture and solar photovoltaics, offering potential benefits for both energy production and food security. If the proposed SPPF [or CPF](#) utilizes agrivoltaic principles on site, a detailed agrivoltaic plan for the proposed project must be submitted and include the following:
- (i) Information regarding the historical agricultural operational/usage of the parcel, including specific crop type and crop yield, for the last ten years (if no agricultural operation in the last ten years specify when land was last in agricultural use).
- (ii) The amount of land acres that will be removed from agricultural production to accommodate the proposed solar production facility and the amount of land in acres that will be utilized for agricultural uses after the proposed solar production facility is constructed.
- (iii). Information detailing how the dual use of the property will be conducted and measures to ensure the property maintains agricultural production throughout the life of the SPPF. Identify what agricultural use(s) will be utilized on the property whether that involves cultivating crops, utilizing livestock grazing, beekeeping, and planting native vegetation and pollinator habitat.
- (iv) The report needs to list all proposed measures and improvements intended to create a buffer between the proposed solar facility and adjacent agricultural operations (detailed information must be shown on Site Plan) and provide factual/technical data supporting the effectiveness of said proposed buffering measures.
- (d) Water Report: Information shall be submitted that identifies the source of water and rights to said water for the subject parcel (surface water from irrigation district, individual well(s), conjunctive system). If the source of water is via district delivery, the applicant shall submit information documenting the allocations received from the irrigation district and the actual disposition of the water (on-site or moved to other locations) for the last ten years. If an individual well system is used, provide production capacity of each well and a detailed narrative showing how the water will be used for all non-agricultural uses on site (i.e., potable water for structures, fire protection for solar facility). A water rights retention plan, if applicable, needs to be submitted with an 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.
- (e) Site Plan Requirements. The site plan, drawn to an appropriate scale, shall include the following information:
- (i) Property lines, contours, large trees, utility easements, land use, zoning district, ownership of property, and minimum required setbacks under this code, and any proposed setbacks that exceed the minimum requirements.
- (ii) Existing and proposed buildings and structures with square footage and dimensions, including preliminary location(s) of the proposed solar equipment (arrays, substations, batteries, panels, ancillary

- 1 equipment and facilities, underground and overhead conductors (including the depth of underground
2 conductors) and fencing.
- 3 (iii) Existing and proposed access roads, permanent entrances, description of the routes to be used by
4 construction and delivery vehicles, construction entrances, drives, turnout locations, and parking. If
5 accessing off a state highway written confirmation from the Washington State Department of
6 Transportation ("WSDOT") that all entrances satisfy applicable WSDOT requirements is required.
- 7 (iv) Topography, proposed grading/landscaping, areas of natural vegetation removal and any re-vegetation
8 methods, weed control, dust and erosion controls and existing and proposed drainage areas.
- 9 (v) Any critical areas on or abutting the property including excluded areas resulting from critical area
10 buffers or other necessary setbacks and other requirements of local, state or federal law that may
11 impact the proposal.
- 12 (f) Documentation of Right to Use Property for the Proposed Facility. Documentation shall include proof of
13 control over the proposed site or possession of the right to use the proposed site in the manner requested.
- 14 (g) Noxious Weed Management Plan. A Noxious Weed Management Plan outlining methods, maintenance
15 schedules, and any potential soil viability impacts.
- 16 (h) A Stormwater Management Plan. A stormwater management plan prepared in accordance with YCC 12.10
17 including any proposed ground disturbance and mitigation measures (such as reseeded with appropriate
18 vegetation) to contain storm water runoff.
- 19 (i) Decommissioning Plan. The applicant shall provide a detailed decommissioning plan for [SPPF's and](#)
20 [CPF's](#) that provides procedures and requirements for removal of all parts of the solar energy generation
21 facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned
22 pursuant to subsection (8)(a).
- 23 (j) SEPA Environmental Checklist Requirements. The checklist shall (in addition to being consistent with the
24 SEPA Checklist required under YCC Chapter 16.04) provide analysis of impacts to elements of the
25 environment, as noted in the SEPA Checklist required by YCC Chapter 16.04 and WAC Chapter 197-11
26 and explain the mitigation proposed to minimize those impacts. Attached to the checklist shall be site-
27 specific studies, including but not limited to: 1) impacts to habitat/wildlife, 2) a road impact assessment, 3)
28 cultural resource impacts, and 4) a grading and stormwater management plan, complying with state best
29 management practices stormwater quality standards. All required terrestrial habitat, critical area
30 assessments, and cultural resource studies shall be conducted within identified study corridors of sufficient
31 width and dimension to enable comprehensive environmental assessment while allowing flexibility in the
32 final layout.
- 33 (i) SEPA Checklist if EIS Has Been Prepared. Where the applicant is required to prepare an
34 Environmental Impact Statement (EIS), the site-specific studies may not be required, as this
35 information may be provided as part of the EIS.
- 36 (ii) EIS Documentation. If an EIS has been prepared under NEPA, the applicant shall document the
37 sufficiency of that EIS's compliance with the requirements of this Title and YCC Chapter 16.04.
- 38 (iii) Nothing in this Section shall preclude the SEPA Responsible Official from requiring additional studies
39 or supplemental documentation to describe or mitigate potentially significant adverse environmental
40 impacts.
- 41 (k) Determination of Application Completeness. An application for review under this Chapter shall not be
42 deemed complete until the identified reports are provided. Upon a clear showing by the applicant that a
43 study is not applicable or is unnecessary, the Administrative Official/SEPA Responsible Official may
44 waive specific application requirements. Such a determination shall be documented in writing in the project
45 file.

- (l) Notification. The notice for SPPF's shall be sent to agencies with expertise or jurisdiction, to property owners within one-half mile of the subject property and of any contiguous property owned by the subject property's owner, and to owners adjacent to any private access roads that would serve as haul roads in the manner provided in YCC Section 16B.05.030.
- (4) Review Process. The review process for SPPF's and CPF's shall be listed in the Allowable Land Use Table 19.14-1 in Chapter 19.14 and as follows:
- (a) Pre-application Conference Required. A pre-application conference as described in YCC Title 16B is required prior to applying for SPPF's and CPF's. Pre-application conferences for SPPF's are required prior to the community meeting described in Subsection 19.18.435(4)(b) below. The submittal requirements for pre-application conferences shall include a site plan of the entire project, a written narrative describing the proposal, draft environmental checklist, other information as specified by the Administrative Official, and any additional information that the applicant wishes to provide.
- (b) Community Meeting Required.
- (i) Prior to application submittal for SPPF's, the applicant shall conduct a community meeting to discuss the proposal to ensure that potential applicants pursue early and effective citizen participation in conjunction with their proposal, giving the project proponent the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood and ensure that the citizens and property owners of the area have an adequate opportunity to learn about the proposal that may affect them and to work with project proponents to resolve concerns at an early stage of the application process. The community meeting may be combined with other required public meetings. The community meeting shall meet the following requirements:
- (A) Notice of the community meeting shall be provided by the applicant by first-class mail or postcard and shall include the date, time and location of the community meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.
- (B) The notice shall be provided at a minimum to property owners of real property, as listed on the most current Yakima County Assessor's records, located within one-half mile of the subject property on which the SPPF would be located and any contiguous properties under the same ownership as the subject property, to interested or affected public agencies with jurisdiction, to affected Indian tribes, to cities and towns within one-half mile of the proposal, and to the Yakima County Planning Division.
- (C) The notice for SPPF's proposals must appear as a display ad in the Yakima Herald-Republic at least 14 days prior to the community meeting.
- (D) The notice shall be postmarked fourteen days prior to the community meeting.
- (E) The community meeting shall be held within the geographic boundary of Yakima County.
- (F) The community meeting shall be held anytime between the hours of 5:30 and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.
- (G) The community meeting agenda shall cover the following items: 1) introduction of community meeting organizer (i.e., developer, property owner, etc.); 2) description of proposed project; 3) list 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 the Planning Division with a written summary of the community meeting prior to the 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 people 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 3 and Type 4 Review. Review of applications for SPPF's and CPF's shall be according to the procedures for Type 3 (CPF's) and Type 4 (SPPF's) 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 recommend approval of applications for SPPF's and CPF's that meet all of the following criteria:

(i) The proposed SPPF project is located in the Agricultural zoning district and is outside of an established irrigation district;

(ii) The proposed CPF project is in the Agricultural, Industrial, or General Commercial zoning districts, provided that they do not exceed ten (10) acres in total project area and demonstrate compatibility with surrounding land uses.

(iii) The proposed project has been designed to serve a broader community or regional area or to increase reliability or capacity to customers;

(iv) The CPF facility shall demonstrate a contractual mechanism to allocate energy output or financial benefits among participating members.

(v) ~~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;

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

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

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

(ix) ~~iii~~ Incorporate measures identified through environmental review to mitigate impacts as follows:

Formatted: Highlight

Commented [TC2]: Added for CPF's. Is 10 acres too large or not large enough?

Commented [TC3]: For CPF's.

(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 SPPF's and CPF's authorized by this Chapter must conform to the following standards:

(a) Application Materials, Site Plan and Narrative. SPPF operations shall be conducted in substantial conformance to the application materials provided under Subsection 19.18.435(4) 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. SPPF and CPF operations shall be operated in compliance with all local, state, federal and tribal water quality regulations.

(e) Air Quality. Solar power ~~productions 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.

(f) 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.

(g) 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 Board during construction of the project. In addition, construction or maintenance activities shall not result in the unabated introduction or spread of noxious weeds as identified by the Yakima County Noxious Weed Control Board. Eradication and control of noxious weeds in addition to the requirements of RCW 17.10 (Noxious Weeds—Control Boards) may be required by the Reviewing Official in consultation with the Yakima County Noxious Weed Control Board, the Department of Fish and Wildlife, or other agencies with expertise.; and
- (iii) Overhead collector lines and transmission lines (defined in Section 19.01.070) should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for raptor protection on power lines (including minimum conductor spacing and the use of anti-perch guards).
- (h) Critical Areas and Shorelines. Solar Power Production Facilities shall comply with YCC Title 16C and, as applicable, YCC Title 16D.
- (i) Water Resources. Water availability shall be demonstrated as needed for the project. For all projects, water required for onsite use shall be obtained under state and local requirements. Any water rights associated with the subject property for an SPPF shall be retained throughout the life of the facility.
- (j) Cultural Resources.
- (i) Complete a cultural resource survey of areas of the project site that will be disturbed temporarily or permanently. The cultural resource survey shall be submitted to the County Planning Division and the Washington State Department of Archaeology and Historic Preservation for review at least sixty days prior to any land disturbing activities;
- (ii) During construction, flag and avoid cultural resources, and monitor construction activities to ensure all cultural properties are avoided;
- (iii) An approved Inadvertent Discovery Plan (IDP) shall be prepared for each project. The IDP will outline the procedures to be followed in the case of inadvertent archaeological finds and/or human remains. The IDP shall include training for construction workers on the need to avoid cultural properties and procedures to follow if previously unidentified cultural properties, including Indian graves, are encountered during construction; and
- (iv) If any previously unidentified cultural resource properties are encountered during construction, cease construction activities in the immediate vicinity of the site pending evaluation by a professional archeologist and consultation with the County Planning Division and the Washington State Department of Archaeology and Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery.
- (k) Setbacks.
- (i) ~~Solar Power Production Facilities~~ PPF's and CPF's shall observe the minimum setbacks allowed through the National Electrical Safety Code (NESC) and the Federal Energy Regulatory Commission (FERC). Additional setback distance may be required for addressing public safety or based upon other project impacts, as determined by the Reviewing Official as a result of the environmental review. Substations, transformers, battery systems and other components of SPPF's shall be subject to greater setbacks as determined necessary to provide compatibility with existing uses.
- (ii) 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.

1 (l) Public Safety.

- 2 (i) The applicant shall develop and maintain an On-Site Health and Safety Plan that informs and trains
3 employees and others on site what to do in case of emergencies, including the locations of fire
4 extinguishers and nearby hospitals, telephone numbers for emergency responders, first aid techniques,
5 and other safety procedures and information.
- 6 (ii) For projects in which hazardous substances are stored or used, a Spill Prevention and Emergency
7 Cleanup Plan will be designed to assist on-site workers with accidental releases. Any large spill will
8 require emergency response through the local fire department or designated contractor.
- 9 (iii) Signs warning of electrical dangers with emergency contact numbers (e.g. phone numbers of
10 emergency responders) must be posted in compliance with all applicable standards.

11 (m) Roads.

- 12 (i) A Road Approach Permit (RAP) will be required for all new SPPF's and CPF's.
- 13 (ii) A Road Haul Agreement addressing impacts to county-maintained roads may be required in
14 consultation with the County Engineer.

15 (n) Signage.

- 16 (i) Solar equipment shall not be used for displaying any advertising except for reasonable identification of
17 the manufacturer or operator of the solar energy project.
- 18 (ii) A manufacturer or operator identification sign must be placed in a easily accessible location and
19 provide a 24-hour emergency contact and phone number.
- 20 (iii) Warning signs shall be placed on solar equipment to the extent appropriate.
- 21 (iv) All signs, flags, streamers, or similar items, both temporary and permanent, are prohibited on solar
22 equipment except as follows:
- 23 (a) manufacturer's or installer's identification;
- 24 (b) appropriate warning signs and placards;
- 25 (c) signs that may be required by a federal agency; and
- 26 (d) signs that provide a twenty-four-hour emergency contact phone number and warn of any danger.
- 27 (v) Educational signs providing information about the project and benefits of renewable energy may be
28 allowed as provided in the YCC Title 19.20.

29 (o) Site-Screening.

- 30 (i) A screening plan shall be submitted that identifies the type and extent of screening. Site-screening
31 shall be consistent with the Site-screening requirements of YCC Title 19.21. Screening shall not be
32 required along property lines within the same zoning district, except where the adjoining lot has an
33 existing residential use within 150 feet.

34 (p) Fencing.

- 35 (i) Perimeter fencing for the site shall not include barbed wire or woven wire designs, and shall preferably
36 use wildlife-friendly fencing standards. Alternative fencing can be used if deemed necessary to
37 accommodate the specific use on site such as agrivoltaics.

(q) Glare.

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

(ii) Glare resistant panels shall be required for SPPFs, CPF's and Small-scale Solar Facilities located within a primary airport safety overlay zone.

(r) Height Limitations. SPPF, CPF and Small-scale Solar Facility solar equipment shall not exceed a maximum of 20 feet in height as measured from grade at the base of the equipment to its highest point during operation. (See Figure 19.18.435-1)

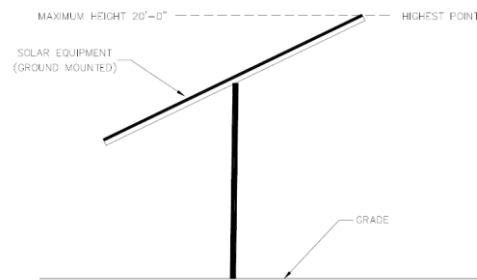


Figure 19.18.435-1

Formatted: Indent: Left: 0.25"

(s) Regulatory and Permit Compliance. The construction and operation of all ~~SPPFs~~ solar facilities authorized by this Title shall be consistent with applicable local, state, and federal regulations, including but not limited to, safety, construction, electrical, communication, and fire requirements. All SPPFs and their accessory structures shall obtain and comply with local and state building and fire codes.

(7) Compliance with Project Conditions.

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

(8) Abandonment and Decommissioning.

(a) Abandonment Requirements:

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

(ii) The Reviewing Official or designee may issue a Notice of Abandonment by certified mail to the SPPF/CPF owner/operator. The SPPF/CPF owner/operator shall have the right to respond to the Notice of Abandonment within 30 days from the Notice receipt date. The Reviewing Official or designee may withdraw the Notice of Abandonment and notify the SPPF owner/operator that the Notice has been withdrawn if the ~~SPPF~~ owner/operator provides sufficient information to demonstrate that the facility has not been abandoned. Such information may include documentation or certification by the electrical grid operator that the SPPF/CPF has met the requirement of subsection(8)(a)(i).

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

(b) Decommissioning Requirements:

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

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

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

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

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

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

Formatted: Indent: Left: 0.5", Hanging: 0.25", Space After: 10 pt, Line spacing: single, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers, Tab stops: 0.75", Left + 0.88", Left

1 **19.01.070 Definitions**

<u>Agrivoltaics (Agrisolar or Dual-use Solar)</u>	<u>“Agrivoltaics” means a Solar Power Production Facility co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.</u>
<u>Small-scale Solar</u>	<u>“Small-scale Solar Facility” means a solar facility characterized by their generating capacity, typically defined as being less than one megawatt (MW) and installed at the property owner’s site offsetting the property’s own energy consumption.</u>
<u>Solar Power Production Facility</u>	<u>“Solar Power Production Facility” means a utility-scale solar facility characterized by their size, typically covering many acres and generating tens to hundreds of megawatts (MW) of electricity.</u>
<u>Community Solar Facility</u>	<u>“Community Solar Facility” means a solar energy facility that is owned, operated, or subscribed to by multiple customers—such as households, businesses, or institutions—who receive credits on their electricity bills for their share of the power produced, enabling broader access to renewable energy generation within a community.</u>

Commented [TC4]: We received a considerable number of comments related to Community Solar being added to our code. Here is a new proposed definition if the PC is inclined to add one.

2
3
4 **19.14.010 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.

	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
UTILITIES																			
<u>Small-scale Solar Systems *¹</u>	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
<u>Solar Power Production Facilities *²⁽³⁾</u>	4																		
<u>Community Solar Facility</u>	1																1	1	1

Formatted: Superscript

(5) Solar Power Production Facilities are allowed only in agriculturally zoned areas outside of an established irrigation district.

11 **20.01.070 Yakima County Planning Division.**

[Note to Code Reviser: The only change to YCC 20.01.070 made by Ordinance XX-2025 is to add the fee listed 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 Ordinance XX-2025.]

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

1
2
3
4 \\nt2\Planning\Long Range\Projects\Plan Amendments\2023 Plan Amendments\LRN23-001 Solar
5 Amendments\proposed ordinance\LRN23-001Proposed_Solar_Ord_with_Community_Solar.docx
6

DRAFT