



Public Services

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LISA H. FREUND – Director

November 1, 2022

EFSEC
Ami Hafkemeyer
PO Box 43172
Olympia, WA 98504-3172

Re: County's position regarding siting of Solar Facilities

Dear Ms. Hafkemeyer,

On October 19, 2022 the Yakima Herald published an article titled, "EFSEC moves forward on two Yakima County solar farms." In this article the reporter made a number of statements, along with the inclusion of specific quotes from Washington State's Energy Facility Siting Evaluation Council (EFSEC) staff, insinuating Yakima County agrees with EFSEC's siting of moderate to large-scale solar farms in the County. We would normally refrain from commenting on statements made in a newspaper article, taking into consideration that reporters often exercise literary license; however, in this situation it is important for us to provide you with Yakima County's opinion regarding the EFSEC's process relating to the siting of moderate- to large-scale solar farms, and the solar farm moratorium we've put in place.

As you may know, when the Goose Prairie solar project was first proposed Yakima County Public Services expressed concerns with the proponents that based on the Growth Management Act's protection requirements for agricultural lands of long-term commercial significance and the lack of an established fire district serving the proposed solar facility, the County's Planning Division would not be able to recommend approval of the project to the Yakima County Hearing Examiner. Subsequently, Goose Prairie applied with EFSEC for approval. In 2021 as well, Yakima County also received inquires from Black Rock Solar to locate near the proposed Goose Prairie facility. Yakima County expressed the same concerns Black Rock as we did with Goose Prairie, however Black Rock choose to have their application reviewed through Yakima County instead. When EFSEC recommended approval for the Goose Prairie project in October 2021, Yakima County Planning Staff knew that the Black Rock proposal would be difficult to evaluate under the County's insufficient land use regulations.

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.

Yakima County's allowable land use table, Table 19.14-1, "Power Generating Facilities" are considered Type 3 uses in the Agricultural Zoning District. Yakima County Code considers Type 3 land uses as conditional uses *generally not appropriate* for that specific zone. Thus, all Type 3 land uses, including power-generating facilities would have to go through the Yakima County Hearing Examiner for approval.

In addition, the "Power Generating Facilities" land use category is a generic, catch-all land use that covers a myriad of land uses, ranging from solar or wind farms to a hydroelectric dam. Current Yakima County Code lacks specific development standards for any of these types of facilities. Applications submitted under this land use category would be subject to the general development standards found in the Yakima County Zoning Code. These general development standards address limited aspects of development like building height, setbacks, lot coverage, fence height, etc., not large-scale solar farms.

When solar companies started reaching out to Yakima County prior to the pandemic, we became concerned with our ability to properly review or evaluate these types of facilities. Unfortunately, the rate at which they arrived far exceeded our ability to adequately address the issue. This points to Yakima County's overwhelming support for House Bill (HB) 1871. The bill would have established a moratorium on the siting of alternative energy facilities through the EFSEC pending a comprehensive performance report on the effects of the energy independence act and, more importantly, the impacts to Central and Eastern Washington, where the VAST majority of these facilities are locating. Though the bill didn't pass, it doesn't resolve the issues that led to the bill's creation, which is clearly the disproportionate development of alternative energy facilities in Central or Eastern Washington.

For the Goose Prairie solar project, Yakima County was asked to provide comments related to the land use analysis provided by EFSEC. Yakima County planning staff reviewed the document and concurred with many of the findings in the document. This concurrence had more to do with the fact that many of Yakima County's comprehensive plan policies can be considered consistent for almost any development. Furthermore, when County staff concurred with EFSEC's evaluation that Yakima County's comprehensive plan policy promoting the development of alternative energy facilities was consistent with the proposed Goose Prairie solar project, it did not mean Yakima County believed the proposed project was suitable for locating in the Agricultural Zoning District.

Solar Moratorium Adopted. As a result of the three EFSEC-reviewed solar farms and the one solar facility Yakima County reviewed, the Board of Yakima County Commissioners adopted a six-month zoning moratorium on accepting any land use applications for the siting of moderate- to large-scale solar facilities. This moratorium's sole purpose is provide Yakima County sufficient time to properly develop goals, policies and land use regulations that specifically address the siting of moderate- to large-scale solar facilities. A major component of this project is to evaluate the impacts these facilities will have on the County's agricultural land base. As you should know, agriculture is not only the leading employer in the County, it is a two billion dollar industry representing almost a quarter of the state's overall agricultural sales. Under GMA, the County's valuable agricultural land, the same land that supports a quarter-of-a-million residents in Yakima

County, must be designated and protected; yet EFSEC has the ability to overlook that state legislative mandate when approving solar facilities.

Yakima County doesn't have that ability when reviewing land use proposals, and faces the potential for appeal on a regular basis. Under a newly adopted amendment to GMA, under certain circumstances, counties now are precluded from adding land that is designated agriculture or WAS at one time designated agriculture to a city's urban growth area. If any of the three solar farms utilizing the EFSEC review process had sought approval under Yakima County Code each would have faced significant push-back from organizations like the Farm Bureau, Cattleman's Association, WDFW, Yakama Nation, neighbors, etc.; but more significantly, they would be subject to local permit appeals. That is clearly why those three proposed solar farms chose the EFSEC review process.

In the newspaper article, EFSEC is quoted as saying Yakima County officials determined the projects are consistent with Yakima County Code. Understandably, EFSEC officials made that quote based on the County's comments to the land use analysis. The question presented with the land use analysis dealt with whether the proposal was consistent with Yakima County Code, NOT whether Yakima County Officials consider the proposal appropriate, or even approvable. Taking into consideration EFSEC is not asking whether a prospective solar project is appropriate or approvable, from this point forward Yakima County will respond more specifically to any future land use analysis and make sure the County's overall view of the proposal is reflected in our response. In addition, Yakima County requests that EFSEC take Yakima County's moratorium into consideration as it reviews future solar projects. If the Board of Yakima County Commissioners deem Yakima County's codes insufficient to effectively address the siting of moderate- to large-scale solar projects in Yakima County, then EFSEC should reflect that position in their decision-making process moving forward.

If you have further questions please feel free contact me at 509-574-2300.

Respectfully



Thomas Carroll
Yakima County Planning Official

Cc: Board of Yakima County Commissioners
Lisa Freund - Public Services Director
Don Anderson - Yakima County Corporate Counsel
Senators Honeyford, Warnick and King
Representatives Cory, Mosbrucker, Chandler
Dufault, Dent and Ybarra

