

BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, WASHINGTON

LAND SERVICES

Ordinance Relating To	)	
Repeal of Ordinance TLS No. 20-05-45B and	)	ORDINANCE TLS NO. 21-17-47B
Replace with Interim Controls for the	)	RESOLUTION TLS NO. 21-47A
Placement and Permitting of Alternative	)	Reference:
Energy- Specific to Wind and Solar Energy	)	ORDINANCE TLS NO. 20-05-45B
Farms and Establishing Severability and	)	RESOLUTION TLS 20-45B
Effective date.	)	

WHEREAS, the Douglas County Zoning Ordinance does not contain specific development and locational standards pertaining specific to wind and solar energy farms; and

WHEREAS, the Douglas County Board of Commissioners held an informational gather from Washington State Department of Commerce and Washington State Energy Facility Site Evaluation Council and Washington State Department of Natural Resources on Tuesday, April 6, 2021 a t9:15 am, regarding large scale renewable energy, which identified state roles and programs on Tuesday; and

WHEREAS, the Board of Douglas County Commissioners held a public hearing on Tuesday, July 13<sup>th</sup>, 2021 at 9:00 am to repeal Ordinance TLS No. 20-05-45B and replace with interim controls for the Placement and Permitting of Alternative Energy-Specific to Wind and Solar Farms; and

WHEREAS, RCW 36.70.795 authorizes counties to establish moratoria; and

WHEREAS, RCW 36.70.795 states the following:

*A board that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the board received a recommendation on the matter from the commission or department. If the board does not adopt findings of fact justifying its action before this hearing, then the board shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section*

*may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.*

WHEREAS, the Douglas County Land Services has been receiving number of inquiries related to the development of wind and solar energy farms within Douglas County unincorporated areas; and

WHEREAS, the Douglas County Land Service Staff are under the development pressure with inquires specific to wind and solar energy farms; and

WHEREAS, the Douglas County Land Services Staff desires expert and/or professional recommendations from local, state and federal agencies and also wind and solar energy farm businesses for drafting proposed amendments to Douglas County Zoning Ordinance as it relates specific to wind and solar energy farms; and

WHEREAS, the Douglas County Board of Commissioners and Staff has been reviewing the Douglas County Zoning Ordinance with respect to wind and solar energy farms and have determined that interim control amendments may be necessary to protect health, safety and general welfare; and;

WHEREAS, this Board of County Commissioners has identified the following issues as of concern:

1. Wind and solar energy farms create undesired visual impacts within certain areas of Douglas County.
2. No clear regulated placement and development standards specific to wind and solar energy farms identified within Douglas County Zoning Ordinance.
3. The large amount of consumptive land desired for the development of wind and solar energy farms are of concern.

WHEREAS, the Board of County Commissioners has assigned the Land Services Division the responsibility to prepare draft zoning ordinance interim control amendments language as it pertains specific to wind and solar energy farms for consideration by the Board of County Commissioners that would address the above concerns, where possible; and

WHEREAS, the Land Services Staff has reported that additional time will be necessary to prepare the proposal request by the Board of County Commissioners and has recommended the interim controls be adopted by the Board of County Commissioners; and

WHEREAS, the Board of Douglas County Commissioners conducted a public hearing on Tuesday, October 6, 2020 at 10:30 am as required by RCW 36.70.795 and RCW 36.70A.390 for Ordinance TLS No. 20-05-45B Moratoria on Permitting of Alternative Energy- Specific to Wind and Solar Energy Farms.

NOW, THEREFORE, BE IT RESOLVED as follows by the Board of Douglas County Commissioners:

Section 1. Review and Evaluation. Douglas County finds that the review and evaluation required for the establishment of interim controls pursuant to RCW 36.70.795 have occurred, as described in the recitals of finds of facts above and are hereby adopted by reference.

Section 2. Ordinance TLS No. 20-05-45B is hereby repealed and replaced with attachment "A" of this ordinance with Interim Controls for the Placement and Permitting of Alternative Energy-Specific to Wind and Solar Energy Farms.

Section 3. The Interim Controls for Placement and Permitting of Alternative Energy-Specific to Wind and Solar Energy Farms shall effective from twelve months from the date of adoption of this ordinance, unless renewed or otherwise extended as provided in RCW 36.70.795; and

Section 4. Pursuance to RCW 36.70.795, the work program for Douglas County Staff is as follows:

August 2021- Planning Commission workshop.
State and Environmental Review adoption process.
September 2021- Planning Commission Public Hearing.
September 2021- Board workshop.
September/ October 2021- Board hearing and adoption.

Section 4. Summary and Publication. The title of this ordinance is provide as a summary of this Ordinance. The Clerk of the Board is directed to publish a summary of this ordinance in the official paper of record.

ADOPTED in open session during the continued public hearing this 20<sup>th</sup> day of July 2021, at Waterville, Washington.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phase or other portion of this ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

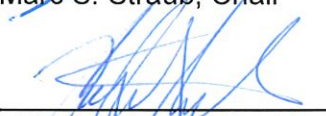
SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately after passage.


Dated this 20th day of July, at the Douglas County Courthouse Waterville, Washington.

BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, WASHINGTON



  
\_\_\_\_\_  
Marc S. Straub, Chair

  
\_\_\_\_\_  
Kyle Steinburg, Vice Chair

  
\_\_\_\_\_  
Dan Sutton, Member

ATTEST

  
\_\_\_\_\_  
Tiana Rowland, Clerk of the Board

SUMMARY OF ORDINANCE NO. TLS: 21-17-47B  
PURSUANT TO RCW 36.70A.290

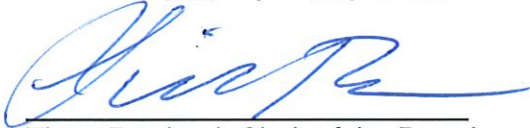
Of Douglas County, Washington

On the 20<sup>th</sup> day of July, 2021 at 9:00 am, the Board of Douglas County Commissioners passed Ordinance No. TLS 21-17-47B. A summary of the content of said Ordinance, consisting of the title, provides as follows:

**Repeal of Ordinance TLS No. 20-05-45B and Replace with Interim Controls for the Placement and Permitting of Alternative Energy- Specific to Wind and Solar Energy Farms and Establishing Severability and Effective Date.**

The full text of this Ordinance will be mailed upon request.

Dated this 20<sup>th</sup> day of July, 2021.



Tiana Rowland, Clerk of the Board

## Ordinance No. TLS 21-17-47B

### Attachment "A"

#### **14.98.277 Energy generation facility- primary use.**

"Energy generation facility" means a facility for the generation and distribution of electricity for ~~on-site use or for the purpose of selling to or adding to the electric power grid~~ and as defined by State of Washington Energy Facility Council; when production is intended to run for a length of time exceeding seven days. This definition is not intended to include backup generators for emergency use.

#### **14.98.277.5 Energy generation facility – accessory use.**

"Energy generation facility as an accessory use" means a facility of not more than 20KW and which is to primarily replace, supplement or reduce the on-site consumption of utility power. Selling or adding to the electric power grid can be a component of this use. This definition is not intended to include backup generators for emergency use.

#### **18.16.350 Energy Generation as an Accessory Use-Solar Energy generation.**

##### A. Solar Energy Generation:

- A. Purpose: To promote the safe, effective and efficient use of solar energy systems installed to reduce/replace the on-site consumption of utility supplied energy.
- B. Where authorized: Solar energy generation systems shall be authorized as an accessory use to a permitted uses in all rural and agricultural zoning districts.
- C. Height: Roof and ground mounted systems shall not exceed the maximum building height of the zoning district.
- D. Setbacks: Roof and ground mounted systems shall observe all front, side and rear setback standards in accordance with DCC Chapter 18.16. In no instance shall any part of a roof mounted solar energy system extend beyond the edge of the roof.
- E. Lot coverage: The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
- F. General standards:
  - 1. Building permits shall be obtained for all roof mounted solar systems.
  - 2. A roof mounted system may be mounted on a principal building or accessory building.
  - 3. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
  - 4. All small energy systems that are connected to the utility grid shall comply with the requirements of Chapter 80.60 of the Revised Code of Washington, Net Metering of Electricity.

##### B. Wind Energy Generation

- A. Purpose: To promote the safe, effective and efficient use of wind energy installed to reduce/replace on-site consumption of utility supplied energy.



## Ordinance No. TLS 21-17-47B

### Attachment "A"

- B. Where authorized: Wind energy generation systems shall be authorized as an accessory use to a permitted use in all rural and agricultural zoning districts.
- C. Height: Turbines shall not exceed 75 feet above grade. Rotors shall not exceed 30 feet in diameter.
- D. Setbacks: The setback for ground mounted systems shall be 1.2 times the height of the system.

#### **18.16.355 Energy Generation as a Primary Use**

- A. Primary use energy facilities must go through the Energy Facility Site Evaluation Council per RCW 80.50 to determine appropriate location and mitigation measures.
- B. Facilities shall be located at least 7 miles from an urban growth area boundary, or city/ town limits boundary, municipal airport boundary, Pangborn Airport boundary and Pangborn Airport outer overlay zone boundary.
- C. Facilities shall be located 7 miles from habitat associated with sensitive, candidate, threatened or endangered plants or wildlife as identified on state and federal list.

#### **18.31.020 Permitted uses.**

The following uses are permitted outright in the RR-20 district:

- A. Agricultural uses such as the cultivation of fruit and nut trees, grape vines, row crop production, non-retail greenhouses and nurseries or other horticultural stock, and the keeping of livestock and poultry, subject to the provisions of DCC Chapter 18.16;
- B. Agriculturally-related industry;
- C. Aquaculture;
- D. Single family dwelling;
- E. Duplex dwelling subject to the density provisions established in DCC Section 18.31.080;
- F. Shop buildings, barns, and/or home storage facilities for the storage of harvested crops and/or machinery, equipment and supplies necessary to agricultural operations including product from other agriculturists for compensation;
- G. Agriculture support activities for ag-to-ag transfers, family farm support divisions, and limited land segregations pursuant to DCC Chapter 18.16;
- H. Structures for the storage of personal property, such as private garages and carport structures, equipment buildings or storage sheds, not intended for human habitation as living quarters;
- I. Secondary, satellite chemical fertilizer/pesticide storage facility;
- J. Community halls and granges;
- K. Riding stables, horse boarding/training facilities.
- L. Bed and breakfast operations with three (3) or fewer rooms;
- M. Clustering of existing lots in accordance with DCC 18.16.044; and
- N. Cluster divisions in accordance with DCC 18.16.046.

## Ordinance No. TLS 21-17-47B

### Attachment "A"

- O. Short term inert waste storage/treatment piles
- P. Utility distribution/transmission facility in accordance with DCC 18.16.320.
- Q. Grain storage (commercial elevator).
- R. Agricultural market, in conformance with the standards of DCC Section 18.80.300 and on a parcel located adjacent to a state highway.
- S. Marijuana production and processing facilities subject to the standards of DCC chapter 18.86.
- S.T. Energy generation facilities as a primary use subject to the standards to DCC 18.16.355.

#### **18.40.020 Permitted uses.**

The following uses are permitted outright in the A-D district:

- A. Agricultural uses such as the cultivation of fruit and nut trees, grape vines, row crop production or other horticultural stock, non-retail greenhouses and nurseries, and the keeping of livestock and poultry, subject to the provisions of DCC Chapter 18.16;
- B. Agriculturally-related industry;
- C. Aquaculture;
- D. Single family dwelling;
- E. Duplex dwelling subject to the density provisions established in DCC Section 18.40.080;
- F. Shop buildings, barns, and/or home storage facilities for the storage of harvested crops and/or machinery, equipment and supplies necessary to agricultural operations including product from other agriculturists for compensation;
- G. Agriculture support activities for ag-to-ag transfers, family farm support divisions, and limited lot segregations pursuant to DCC Chapter 18.16;
- H. Structures for the storage of personal property, such as private garages and carport structures, equipment buildings or storage sheds, not intended for human habitation as living quarters;
- I. Secondary, satellite chemical fertilizer/pesticide storage facility;
- J. Community halls and granges;
- K. Bed and breakfast operations with three (3) or fewer rooms; and
- L. Riding stables, horse boarding/training facilities.
- M. Clustering of existing lots in accordance with DCC 18.16.044.
- N. Cluster divisions in accordance with DCC 18.16.046.
- O. Short term inert waste storage/treatment piles
- P. Utility distribution/transmission facility in accordance with DCC 18.16.320
- Q. Grain storage (commercial elevator).
- R. Agricultural market, in conformance with the standards of DCC Section 18.80.300 and on a parcel located adjacent to a state highway.
- S. Marijuana production and processing facilities subject to the standards of DCC chapter 18.86.
- S.T. Energy generation facilities as a primary use subject to the standards of DCC 18.16.355.



Ordinance No. TLS 21-17-47B  
Attachment "A"

	R-REC	RR-2	RR-5	RR-20	RSC	AC-5	AC-10	A-D	R-EPF	I-G
Utilities:										
Distribution/transmission facility	C	C			C				C	
Energy generation facilities as a primary use	€	€	€	€	€	€		€	€	