

**GRANT COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P 19-0342 (SEPA) and P 19-0341 (CUP))	DECISION AND CONDITIONS
Quincy Solar Energy, LLC)	OF APPROVAL

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on August 12, 2020, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. This is an application for a Conditional Use Permit and SEPA checklist to allow the construction of a 120 megawatt photovoltaic solar electric generating facility. The facility components will include solar arrays and DC to AC inverter blocks, an underground electrical collection system, an electrical substation, an energy storage system, an operation and maintenance facility/building, on-site service roads, gates, security fencing, and temporary laydown and constructions areas.
2. The Applicant is Quincy Solar Energy LLC (Laura Miner), One South Wacker Way, Suite 1800, Chicago, IL 60606.
3. The site address of the subject parcel is located at 5010 Rd 10 NE, Moses Lake, WA, 98837. The site is located approximately one mile northwest of the main runway at the Grant County International Airport in Section 1, Township 20 N, Range 27 E.W.M., Grant County, WA. (GC Assessor's Parcel #16-1606-000).
4. The zoning for the property is Agricultural.
5. The zoning for neighboring parcels is: North-Rural Residential 1; South-Rural Residential 1; East-Agriculture; West-Agriculture.
6. The Comprehensive Plan designation for the subject property is Agriculture Rangeland.
7. Environmental Review was completed by Grant County Development Services. A SEPA Mitigated Determination of Non-Significance was issued on June 25, 2020.
8. The property subject to the Conditional Use Permit review was reviewed for Critical Areas and not found to be located within 300 feet of any Critical Area as defined by Grant County Code and associated maps. Washington State Department of Fish and Wildlife and a Habitat Analysis completed by the applicant did indicate there are Priority Habitats and Species present in and around the site. A Habitat Plan was developed by the applicant which includes

mitigation measures and an associated Development Agreement that will satisfy those concerns raised for said critical areas.

9. A Public Hearing Notice containing information on this project was published in the Columbia Basin Herald on July 27, 2020, was mailed to property owners within 300 feet of the subject property, and was posted on the subject property. Information on this project was also mailed to applicable agencies of jurisdiction for their review and comment.

<i>Agencies Notified</i>	<i>Response Received</i>	<i>Agencies Notified</i>	<i>Response Received</i>
Grant County Fire Marshal	10/17/2019	Grant County Noxious Weed Control Board	None
Grant County Building Official	11/18/2019	Grant County P.U.D.	None
Grant County Treasurer's Office	None	U.S. Bureau of Reclamation	11/04/2019 and 5/28/2019
Grant County Health District	10/28/2019	WA State Department of Ecology	11/4/2019
Grant County Public Works Department	10/21/2019 and 6/26/2020	WA State Dept. of Fish & Wildlife	1/17/2020, 11/14/2019 and 11/5/2019
Grant County Assessor's Office	10/17/2020	WA State Dept. of Transportation	10/17/2019
WA State Dept. of Archaeology	10/25/2019	Grant County Conservation District	7/10/2019 8/6/2019
Grant County Auditor's Office	None	Quincy Columbia Basin Irrigation District	None
Grant County Emergency Management	None	Grant County Fire District #3	None

- 9.1 WA State Department of Fish and Wildlife. Comments from the Department of Fish and Wildlife are included in their entirety in the file.
- 9.2 Grant County Fire Marshal. All real development shall comply with all applicable local, state, and federal laws. No other comments or concerns than what was stated in the pre-application meeting.
- 9.3 Grant County Building Official: Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace any gas, mechanical or plumbing system, the installation of which is regulated by International Building Code, International Residential Code, International Mechanical Code, or Uniform Plumbing Code, or to cause any such work to be performed, shall first make application to the Grant County Development Services, Building Division and obtain the required permit.
- 9.4 Grant County Health District: No additional comments.

- 9.5 Grant County Public Works Department: Applicant shall continue to comply with Grant County Public Works, Work in Right of Way permit#19-079-C approved 7/1/2019.
- 9.6 Grant County Assessor's Office: Parcel 16-1606-000 is a 713.28 acre parcel of land only. Owners are John & Alycia Gebbers. No issues.
- 9.7 WA State Department of Ecology: Ecology submitted two informational letters identifying contacts within the agency that may need to be consulted during the construction and operation phases of the project.
- 9.8 WA State Department of Transportation: With this development tying into 10 NE, I reviewed the 10 NE connection with SR 17 and found the existing intersection of 10 NE and SR 17 to already be built appropriately to handle this additional traffic.
- 9.9 WA State Department of Archaeology and Historic Preservation: We agree with the results and recommendations made in the survey report. We do, however, ask that an Inadvertent Discovery Plan be included as part of the construction permit. Should new information become available or the scope of work changes, please resume consultation as our assessment may be revised. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop, the area secured and contact made with concerned tribes and DAHP for further consultation.
- 9.10 U.S. Bureau of Reclamation: The Bureau of Reclamation currently has no surface irrigation facilities near the proposed property site; however, Reclamation has fee title property adjacent to the proponent's project area to the south, east and west. The proponent should be aware of several matters that could impact Columbia Basin Project objectives. Construction storm water or runoff of any type from a construction site should not enter any of Reclamation's facilities at any time and must be contained on site. Surface water runoff resulting from construction activities can potentially enter Project facilities and adversely affect water quality. A General Construction Storm Water Permit from the Washington State Department of Ecology will be needed for any construction project one acre or greater. Construction should be conducted in a manner that minimizes adverse effects to the lands, operations, waters, facilities, and resources of the Project. Upon completion of construction activities, no connections to Project facilities will be allowed that would collect or discharge storm water or any other non-agricultural discharges. Landowners should be aware of existing Reclamation and Quincy-Columbia Basin Irrigation District rights to construct, reconstruct, operate, and maintain Project facilities as necessary. Reclamation and the District must review and approve any work that will involve these facilities or the existing rights-of-way prior to commencing work. Structures are prohibited from encroaching upon existing rights-of-way corridors without Reclamation's and the District's prior approval. This includes, but is not limited to, improvements such as on-site sewage disposal systems, drain fields, domestic wells, paving, fencing, and landscaping. It is important to note that Reclamation's concurrence to this proposal is conditioned upon the assurance that there are no encroachments upon Project facilities or rights-of-way. Should the proponent develop the property with the intent of installing a well for public or private use, be advised that such a well providing ground

water to the public will typically have a wellhead protection zone delineated on the development plans. Wellhead protection zones cannot overlap Reclamation rights-of-way or interfere with Project operations since they would constrain the District's ability to apply aquatic and terrestrial herbicides needed to maintain Project facilities.

10. Public Comments:

- 10.2 Dennis Beich. Construction of an 8 foot high hog wire fence will impede movement of large mammals across the landscape. What is the purpose of excluding large mammals from the area? The development agreement designed to mitigate for impacts to shrub steppe habitat and associated species does not adequately describe how loss of shrub steppe habitat will take place. Shrub steppe habitat in Grant County has been impacted by various development activities over the past 50 plus years. In Grant County there is only 10% of the once extensive shrub steppe habitat remaining and that remaining habitat is often in small patches and degraded. To protect the remaining shrub steppe habitat in Grant County mitigation should focus on preserving the remaining 10% and exploring the potential for corridors in the landscape. Improving the quality of existing shrub steppe habitat may provide some benefit to wildlife but in the long term will not prevent the listing of obligate shrub steppe species. Shrub steppe dependent species both birds and mammals need what remaining shrub steppe habitat exists in Grant County to survive. To prevent the future listing of bird and mammal species associated with shrub steppe habitat, Grant County should be proactive in protecting the remaining shrub steppe habitat within their jurisdiction. Mitigation should take some form of protection of existing habitat either by purchasing existing shrub steppe and placing it under permanent protection, placing a conservation easement over private property or placing Native Growth Protection language that would be a record of survey and run with the property in perpetuity.
11. The application was determined to be technically complete on October 16, 2019.
12. This proposal was processed as a Type III Quasi-Judicial Decision, in accordance with Chapter 25.04 "Permit Application and Review Procedures" and Chapter 25.08 "Conditional Uses and Variances" of the Grant County Unified Development Code.
13. This proposal was reviewed for compliance with Chapter 24.08 "Critical Areas and Cultural Resources" of Grant County Unified Development Code. The project boundary as defined in the site plan was not found to be located within 300 ft. of any mapped Critical Areas on file with Grant County.
14. Washington State Department of Fish and Wildlife and a Habitat Analysis completed by the applicant did indicate there are Priority Habitats and Species present in and around the site. A Habitat Plan was developed by the applicant which includes mitigation measures and an associated Development Agreement that will satisfy those concerns raised for said critical areas.
15. The proposal is not located within any Urban Growth Area.
16. The project site is located in the Agricultural zoning district.

17. Pursuant to Grant County Code 23.04, Table 4, "Major Utility Developments" is allowed as a Conditional Use in the Agricultural Zoning District.
18. A site visit was conducted on October 18, 2019 and November 20, 2019 by GC Development Services staff. The proposed lots will be served by individual septic systems.
19. A SEPA MDNS was issued for this project on June 25, 2020.
20. Information about this application was sent to all applicable agencies of jurisdiction for their review and comments. Agency comments and/or requirements specific/applicable to this proposal have been included as Conditions of Approval. All comments received have been included as part of this Staff Report, and will be made available to the applicant. No adverse comments were expressed by any agency that would prohibit development.
21. Grant County Development Services staff has reviewed and considered the application materials and the comments received for the proposal. Based on the proposed Conditions of Approval specified below, and the current design of the project, staff recommended approval of subject Conditional Use Permit.
22. The proposed use **will not** be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
 - 22.1 The QSEP will not be contrary to the intents or purposes and regulations of the GCC for the following reasons. GCC 23.04.560(e) establishes a maximum area that may be converted to non-farm use:
 - 22.1.1 Size Limitations: The maximum area for development which is not related to agriculture uses and activities shall be limited to twenty (20) percent of the parcel area, but not less than one acre, regardless of the assigned density. Further, in the division of a parcel in this zoning district by any means, the allowable area for conversion of the parent parcel to non-farm use shall not be exceeded. This shall not apply to parcels smaller than five (5) acres.
 - 22.2 The QSEP proposes to use approximately three percent of the 750-acre parcel, well within the twenty percent limit allowed for development per GCC 23.04.560(e). While up to 700 acres may be disturbed temporarily during construction, only approximately 22 acres will be permanently disturbed by QSEP components in the Agricultural zone including foundations for solar arrays and inverter blocks, roads, fencing, Operations and Maintenance (O&M) building, substations and the energy storage system. GCC 23.04.560(f) and GCC 23.04.645(1) establish minimum setback distances and maximum height limits in the Agricultural and ASO zoning districts:
 - 22.2.1 Development Standards: Development standards, including allowable density, minimum lot area, minimum setbacks, maximum building dimensions, and set aside requirements, are specified in GCC § 23.12 Table 2.
 - 22.2.2 Development Standards: Development standards, including allowable density, minimum lot area, minimum setbacks, maximum building dimensions, and set aside requirements, are, specified in GCC § 23.12 Table 3.

- 22.2.3 GCC 23.04.645(1), above, appears to incorrectly reference Table 3 instead of Table 2 from GCC 23.12. The applicable setbacks in GCC 23.12 Table 2 are 25 feet for front or road setbacks and 5 to 10 feet for rear or side setbacks. The QSEP include 25-foot setbacks from all property lines as shown on the Site Plan, thereby meeting or exceeding minimum setback distances.
- 22.2.4 Table 2 also establishes a maximum building height of 35 feet. The only improvement associated with the QSEP that will exceed 35 feet in height will be the poles for the 115kV transmission line from the QSEP substation to the Grant PUD Point of Interconnection substation which will be approximately 70 feet high. Note 16 to Table 2 explains that the height limit does not apply to "accessory projections":
- 22.2.5 Height limitations shall generally not apply to accessory projections such as steeples or spires on places of religious assembly, elevator shaft housings, water towers, or chimneys, except as may be limited within the ASO zoning district or a condition of permit approval; provided that the accessory projection is not intended for occupancy, and that it is removed not less than twenty (20) feet from any adjoining lot line.
- 22.3 The transmission line is consistent with this exception to the height limitation, as the transmission poles are not intended for occupancy and will be placed at least 25 feet from the property line.
 - 22.3.1 GCC 23.04.645(k)(2) establishes additional height considerations for development within the ASO:
- 23. Height: Buildings and structures are located such that their height does not impact any Airport Imaginary Surfaces.
 - 23.1 None of the QSEP components will exceed the 35 feet maximum building height in the ASO or penetrate any Airport Imaginary Surface; the 115kV transmission line mentioned previously will be located outside of the ASO.
 - 23.2 Please refer to the Criterion 8 response for how the QSEP will comply with performance standards of GCC 23.04.560(g) and (GCC 23.04.645(m).
 - 23.3 GCC 23.04.645(k)(3) and (4) address noise impacts from airport operations on development:
 - 23.3.1 Siting: Buildings and structures are located when reasonable and feasible at the greatest distance from the noise source, taking maximum advantage of existing topographical features to minimize noise impact; and
 - 23.3.2 Design Consideration Regarding Noise: The amount of passive outdoor recreational space where individuals would be subject to high levels of noise is minimized; construction materials utilized are such that sound attenuation yields an interior average sound level as described in GCC § 23.08.030.
 - 23.4 The QSEP will not be negatively affected by noise from airport operations because it is located two miles north of the airport and is not a residential development. In addition, the QSEP has no "outdoor recreational space."

- 23.5 GCC 23.04.645(n) requires a recorded avigation easement for development in the ASO zoning district:
- 23.5.1 Avigation Easement Required: No permit of any type shall be issued for any development or activity subject to this Section unless and until an avigation easement permitting the right of flight in the airspace above the subject property is provided to the jurisdictional airport authority. Such easement shall be recorded on the title of the subject property.
- 23.6 An avigation easement permitting the right of flight in the airspace above the QSEP in the ASO will be provided to the Grant County International Airport and recorded.
- 23.7 GCC 23.04.645(o) establishes use restrictions for development in the ASO zoning district:
- 23.7.1 Use Restrictions: Notwithstanding any other provisions of this Section, no use may be made of land or water within any zoning district in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
24. The Grant County International Airport and the Washington State Department of Transportation Aviation Division submitted statements with the CUP application to demonstrate that the QSEP will not be a use that endangers or interferes with the landing, takeoff or maneuvering of aircraft intending to use the airport.
25. The QSEP will not be contrary to the intents or purposes and regulations of the Grant Comprehensive Plan (GCP). Certain relevant goals and policies are described here and others in the response to Criteria 2.
- 25.1 Utilities Goal 2 and several policies address how development to minimize impacts:
- 25.1.1 Goal U-2: Minimize impacts associated with the siting, development, and operation of utility services and facilities on adjacent properties, significant cultural resources, and the natural environment.
- 25.1.2 Policy U-2.1: Electric power substations should be reasonably sited, designed, and buffered.
- 25.1.3 Policy U-2.2: Encourage implementation of resource conservation practices and best management practices during the construction, operation, and maintenance of utility systems.

- 25.1.4 Policy U-2.4: Where practical, utilities should be encouraged to place facilities underground and encourage the reasonable screening of utility meter cabinets, terminal boxes, pedestals, and transformers in a manner reasonably compatible with the surrounding environment.
 - 25.1.5 Policy U-2.5: Where possible, the joint use of transportation rights-of-way and utility corridors should be encouraged, provided that such joint use is consistent with limitations as may be prescribed by applicable law and prudent utility practice.
26. The QSEP, including the substations, will be located on private land with few neighbors. Best management practices for sound, light, dust and stormwater, will be employed during construction and operations. Collector lines between the onsite QSEP solar arrays and the onsite substation will be underground. The POI substation will loop in the existing 115-kV transmission line and not require any new additional utility corridors to be established.
27. Transportation Goal 6 and Policy 1 address minimizing financial impacts on the County:
- 27.1 Goal T-6: The costs of transportation improvements associated with new development should be within the County's funding capacity and equitably assigned to the developer and County.
 - 27.2 Policy T-6.1: New developments should be prohibited unless transportation improvements to accommodate the impacts of development or funding strategies for such improvements are made concurrent with the development or will be financially planned to be in place within 6 years.
28. The Applicant will build a private access driveway to serve the new development and will not place any new funding requirement on the County. Utilities Goal 5, Natural Setting Goals 5 and 12 and related policies address minimizing wildlife and habitat impacts:
- 28.1 Goal U-5: Site utility facilities in conformance with the Land Use Element
 - 28.2 Policy U-5.1: Utility providers should avoid placement of facilities in areas designated as environmentally sensitive or critical areas unless no feasible alternative exists and only after a site assessment and mitigation plan has been approved under the provisions of Grant County's Resource Lands and CAO.
 - 28.3 Goal NS-5: Protect fish and wildlife habitat areas as an important natural resource, particularly in regard to their functions and economic, ecological, aesthetic, and quality of life values.
 - 28.4 Policy NS-5.2: Consider the impacts of new development on the quality of land, wildlife, and vegetative resources as part of the environmental review process, and require appropriate mitigating measures. Such mitigation may involve the retention and/or enhancement of habitats.

29. The Applicant has conducted surveys with input from Washington Department of Fish and Wildlife (WDFW) to demonstrate how it has avoided, minimized or mitigated impacts on wildlife.
30. Surveys included a site characterization study conducted in January 2019 by Western Ecosystems Technology, Inc. (WEST). Results of the site characterization study were used to design threatened, endangered, and sensitive species surveys for wildlife species with input: from WDFW. These species included Washington ground squirrel and burrowing owl, which are both candidate species for state listing. The surveys for threatened, endangered, and sensitive species were conducted in April and May 2019, also by WEST.
31. There are a few threatened, endangered of sensitive species that have the potential to occur in 'the QSEP; however, none were observed during surveys. Washington ground squirrels, a state candidate species, may be in the area but were not detected during surveys. Another state candidate species, burrowing owl, may nest in the area but only sign (feathers and casting) were observed, no active burrows or individuals were recorded. No blown big game migration routes were identified in the QSEP, but there are two nearby mule deer habitat concentration areas so some mule deer may use the area. The ferruginous hawk, a state threatened species, has the potential to forage in the QSEP and may use the adjacent transmission line to nest. A raptor nest survey was conducted by WEST as .part of the threatened, endangered and sensitive species survey and no ferruginous hawks were found nesting on the transmission line.
32. To further preserve and enhance wildlife during Project construction and operation, the Applicant will implement certain mitigation measures as described in the State Environmental Protection Act (SEPA) environmental checklist included with this CUP application.
33. Natural Setting Goal 12 and several policies address minimizing cultural resource impacts:
 - 33.1 Goal NS-12: Identify, preserve, and protect historic, cultural, and archaeological resources found to be significant by recognized local, state, or federal processes.
 - 33.2 Policy NS-1: Identify known, recorded archaeological, cultural, and historic resources.
 - 33.3 Policy NS-12.2: Develop a local process for evaluating the significance of historic, cultural, and archaeological resources.
 - 33.4 Policy NS-12.3: Preserve areas that contain valuable historical or archaeological sites of federal, state, tribal, or local significance. Maintain and enforce provisions to the Resource Lands and CAO requiring conditioning of project approval on findings made by a professional archaeologist for development activities on sites of known cultural, historical, or archaeological significance.

- 33.5 Policy NS-12.4: Prior to demolition, moving, or alteration to any designated historic, cultural, and archaeological landmark, ensure that due consideration is given to its preservation or, at a minimum, documentation of its historic, cultural, or archaeological value.
34. The Applicant has worked with potentially affected tribes and conducted a cultural resource study to identify, preserve and protect cultural resources.
35. In March 2019, the Applicant notified seven Native American tribes of the Project: the Confederated Tribes of the Colville Reservation, the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe, the Puyallup Tribe, the Spokane Tribe, and the Wanapum Tribe. Of these, the Spokane Tribe and the Confederated Tribes of the Umatilla Indian Reservation requested copies of survey reports, and the Confederated Tribes of the Colville Reservation requested to participate in the Phase I cultural resources survey for the Project.
36. The Applicant retained Tetra Tech, Inc., with the assistance of the Confederated Tribes of the Colville Reservation, to conduct a "non-collection" extended Phase I cultural resources survey in two phases. An initial pedestrian survey of the Project site was conducted in April 2019, followed by a survey consisting of subsurface probes at one location in June 2019. In addition to participating in and monitoring of the fieldwork, the Confederated Tribes of the Colville Reservation completed an assessment of traditional cultural plant communities, conducted cultural property research, and provided input regarding standing structures, archeological sites, and Traditional Cultural Properties.
37. A total of four isolated finds and five historic sites were identified during the surveys. The isolated finds include a pre-contact tool and historic refuse: a pre-contact biface, a historic vent hole can, a historic pail, and a historic sanitary can. The historic sites all consist of U.S. Bureau of Reclamation survey markers. Shovel probes were placed around the pre-contact biface. No additional archaeological materials were identified in the probes. None of the identified resources are recommended as eligible for listing on the National Register of Historic Places or the Washington Heritage Register. However, the survey markers are protected from disturbance by state laws. No areas of poor ground surface visibility or areas of high probability for buried archaeological resources were identified by the survey.
38. The Project is not anticipated to impact significant cultural resources. An inadvertent discovery plan, included in the cultural resources survey report, will be implemented to address any resources that may be discovered during construction.
39. Economic Development Goal 1 and several related policies address job creation:

- 39.1 Goal ED-1: Encourage diverse employment opportunities that satisfy the socioeconomic needs of Grant County residents.
 - 39.2 Policy ED-1.1: Facilitate the creation and retention of family wage jobs that meet the needs and demands of Grant County residents.
 - 39.3 Policy ED-1.2: Encourage business investment as a means to provide job opportunities for Grant County residents.
 - 39.4 Policy ED-1.4: Encourage diverse job options and entrepreneurial opportunities.
40. The QSEP will provide a new employment opportunity with family wage jobs. Approximately 300 workers will be employed during peak construction, and 2 full-time employees will be employed during operations.
41. Economic Development Goal 7 and Policy 1 encourage environmentally responsible industrial development:
- 41.1 Goal ED-7: Promote economic growth that conserves natural resources and open spaces, maintains environmental quality and rural character, and enhances the overall quality of life.
 - 41.2 Policy ED-7.1: Encourage commercial and industrial developments that incorporate innovative and/or experimental applications and demonstrate an ability to conserve natural resources and/or protect or enhance environmental quality.
42. The QSEP is a "utility development," not an "industrial development." Nonetheless, by building a major utility development that does not emit any air or water emissions, the QSEP will protect environmental quality while promoting economic growth.
- 42.1 The Solar Energy Project is an allowed use provided the applicant obtains a Conditional Use Permit in the Agricultural Zoning District for a Major Utility Development that generates 10 or more megawatts of output. The goals of the Grant County Comprehensive Plan support Major Utility Developments.
 - 42.2 The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
 - 42.3 The QSEP is appropriate in design, character and appearance with the goals and policies for the GCP land use designation which is Resources Lands Agricultural Rangeland for the reasons listed below.
43. Agricultural Resource Lands Goal 1 and Policy 1 support preservation of rangeland:
- 43.1 Goal RE-1: Preserve Agriculture Lands of Long-Term Commercial Significance.
 - 43.2 Policy RE-1.1: Identify, classify, and designate Agriculture Land of Long-Term Commercial Significance.
 - 43.3 Policy RE-1.8: Support the continued designation and use of agricultural lands for agricultural activities to maintain the viability of the agricultural economy in the County.
44. The QSEP site, which is designated Agricultural Rangeland, is on Agriculture Lands of Long-Term Commercial Significance (ALLCS).

Several other policies in support of Goal RE-I discourage subdividing, residential development, spot rezoning, tax reclassification and utility expansion, and the QSEP does not do any of those things. Rather the QSEP is a low intensity use consistent with the area in that there will be few vehicle trips during operations, vegetation and soils will be preserved for future agricultural activities, and less than 20 percent of the parcel will be developed for non-agricultural purposes.

45. Agricultural Resource Lands Goal 2 and several policies support development that mitigate conflict between agricultural and non-agricultural uses:
 - 45.1 Goal RE-2: Mitigate conflicts between agricultural and non-agricultural land uses in designated agricultural resource lands.
 - 45.2 Policy RE-2.3: Anticipated conflicts between a proposed new or modified land use and existing agricultural activities should be mitigated by the newer proposed use prior to issuance of development permits.
 - 45.3 Policy RE-2.5: Require setbacks and buffers as part of new, non-agricultural development proposals on lands within or adjacent to Designated Agricultural Lands. Such buffer areas should be of sufficient size to protect Designated Agricultural Lands from the impacts of incompatible development and to mitigate against the effects of agricultural operations on adjacent land uses. Such buffers should occur on the non-agricultural parcel for which a development right or permit is being sought.
46. There are not currently existing irrigated or other agricultural activities on the parcels immediately adjacent to the QSEP with which to conflict. However, the QSEP will be setback a minimum of 25 feet from parcel boundaries.
47. Agricultural Resource Lands Goal 4 and Policy 4 supports diversifying landowner income:
 - 47.1 Goal RE-4: Facilitate a healthy, diverse, and competitive agricultural industry.
 - 47.2 Policy RE-4.4: Permit on-farm enterprises including, but not limited to, direct marketing of unprocessed and value-added agricultural products and agricultural support businesses, to allow farmers to supplement the farm income, improve the efficiency of farming, and provide employment for farm family members.
48. The QSEP supports a healthy, diverse and competitive agricultural industry by allowing the landowner to supplement their farm income.
 - 48.1 The proposal is appropriate in design, character and appearance with the goals and policies for the applicable land use designation. Pursuant to Chapter 4.4.3.1 of the Comprehensive Plan, the primary land uses in the Agricultural land use designation includes resource-oriented activities such as farming and mineral extraction. The large area required for a Solar Project Facility and the limited amount of neighbors and incompatible uses in the surrounding area support the projects placement. The project is a passive facility with only a few on site workers once construction is complete supporting the sparsely populated nature of the area. The Port of Moses

Lake and the Washington State Department of Transportation, Aviation Division provided letters indicating the proposed use would not be detrimental to Airport operations.

49. The proposed use **will not** cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
- 49.1 A SEPA environmental checklist was prepared pursuant to Washington Administrative Code (WAC) Title 197, Chapter 11, Section 960 (197-11-960) for Grant County to consider the environmental impacts of the QSEP prior to granting approval of the CUP.
- 49.2 Based on the SEPA environmental checklist responses, the QSEP is not anticipated to cause significant adverse impact on the human or natural environment, including potential impacts to earth, air, water, plants, animals, energy and natural resources, environmental health, land and shoreline use, housing, aesthetics, light and glare, recreation, historic and cultural preservations, transportation, public services, and utilities, The SEPA environmental checklist is included as an attachment to this CUP application.
- 49.3 The proposal has been conditioned so that the application meets all Department of Ecology and other local and state requirements regarding the use of the property and its effects on surrounding uses. Provided that the applicant complies with the conditions mentioned above, staff believes that this application will not have adverse impacts. Additionally, the proponents have requested and received approval of a Developer Agreement that will allow a Habitat Conservation Plan to be completed between multiple agencies and that is supported by the Washington State Department of Fish and Wildlife concerning critical areas found at and near the site.
50. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) **will not** produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
- 50.1 There is not currently any indication that cumulative impacts of additional solar electrical generating facilities in Grant County will have significant adverse effects to the environment that cannot be mitigated by conditions of approval. That being said, due in large part to the limits of the transmission infrastructure, it is unlikely that Grant County will be host to more than a handful of similar facilities over time.
- 50.2 The cumulative impact of additional requests for like actions will not produce significant adverse effects to the environment, provided those similar requests are adequately conditioned, or have appropriate mitigation measures applied to them at the time of approval.
51. The proposal **will be** served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
- 51.1 The QSEP will be served by adequate access, fire protection, water, stormwater control, and sewage disposal facilities. The private access driveway from Road 10 NE will be built and maintained by QSEP. It will be large enough to allow for emergency vehicles, but with 2 operations staff, a negligible increase in service from Grant County Fire District 5 or the Grant County Sheriff is expected.
- 51.2 The QSEP O&M building will get water from an on-site well. For dust control during construction and for washing the panels during operations, water will be sourced from the City of Moses Lake. The Applicant confirmed the City of Moses Lake can

supply water (personal communication, Chad Strevy, Moses Lake Water Division Supervisor, June 28, 2019). Very little of the surface of the parcel will be impervious, allowing stormwater to infiltrate. During construction, stormwater will be managed through best management practices in accordance with an NPDES 1200-C permit. Sanitary sewage will be managed with an onsite septic system next to the O&M building.

- 51.3 The proponent is building the access road to the site from existing county roads at their cost. Additionally, Grant County Public Works has issued a Work in the Right-of-way Permit (#19-079-C) for this project. Washington State Department of Ecology also submitted a letter indicating the closest access point to a state highway at SR 17 and Rd 10 NE is sufficient to handle the expected traffic. Fencing and access roads surrounding the project will provide access for emergency responders and limited combustible materials will be present on site.
52. The location, size, and height of buildings, structures, walls and fences and screening vegetation for the proposed use **shall not** unreasonably interfere with allowable development or use of neighboring properties.
 - 52.1 The location, size and height of QSEP components will not unreasonably interfere with the allowable uses of neighboring properties. The subject parcel is surrounded by lands zoned either Resource Lands -Agriculture or Rural Lands- Rural Remote. The QSEP will be a low-intensity use. The PV modules will be mounted on a metal framework structure and will range between 7 and 15 feet above grade, depending on topography. The QSEP will have only insignificant impacts outside the project boundary.
 - 52.2 All buildings, the substation, inverters and panels will be below the height limit. Transmission lines to and from the site may encroach into the height restriction but are consistent with existing electrical facilities in the area.
53. The pedestrian and vehicular traffic associated with the conditional use **will not** be hazardous to existing and anticipated traffic in the neighborhood.
 - 53.1 Pedestrian and vehicular traffic associated with the QSEP will not be hazardous to existing and anticipated traffic in the vicinity. There is minimal existing and anticipated traffic in the vicinity of the subject parcel. Added traffic during operations will generally only be from the two O&M staff accessing the QSEP. Construction-related traffic will be heavier but also limited in time and is not anticipated to be hazardous to neighbors.
 - 53.2 Pedestrian and vehicular traffic resulting from this project should not significantly change from the existing amount of traffic once construction is complete. Construction traffic will be an increase however comments received from Grant County Public Works Department and the Washington State Department of Transportation do not indicate any issue with road traffic and no comments were received from neighbors indicating that there is an issue with traffic.
 - 53.3 Land uses, activities, and structures that are allowable as conditional uses must also comply with any required performance standards in GCC § 23.08.
54. The QSEP will comply with the required performance standards specified for Major Utility Developments in GCC 23.08.430 as follows:
 - 54.1 The need for the particular location proposed shall be demonstrated by the

applicant to the satisfaction of the Decision Maker, including a full accounting of alternative locations and sites.

- 54.2 The particular location for the QSEP was selected based on access to transmission infrastructure, willing landowner, flat buildable land, appropriate zoning and minimal environmental conflicts. Alternatives in the county were considered but were ruled out due to not having this confluence of factors.
- 54.2.1 The physical and economic impacts of such facilities shall be evaluated, and measures to mitigate these impacts provided and implemented.
55. The QSEP is a low intensity use with insignificant impacts outside the project boundary. The discussion of environmental impact minimization is provided in the SEPA checklist included as an attachment to this CUP application.
- 55.1 Development shall comply with all Federal Energy Regulatory Commission (FERC) and EFSEC Requirements.
56. The QSEP will comply with all applicable Federal Energy Regulatory Commission (FERC) requirements. This includes registering the QSEP with FERC prior to operations. Because the QSEP is seeking a Grant County CUP in lieu of a Washington Energy Facility Site Evaluation (EFSEC) Site Certificate, there are no applicable EFSEC standards with which to comply.
- 56.1 Development shall comply with the requirements of Section 23.08.230, Industrial Uses - Standards for Site Development.
57. The QSEP will also comply with the required performance standards for Industrial Uses specified in GCC 23.08.230 and related sections as follows:
- 57.1 The use of chemicals, industrial solvents, or other noxious or hazardous substances shall comply with all federal, state, and county safety, fire, structural, storage, and disposal standards.
58. The QSEP will manage all chemicals, solvents or other hazardous substances in compliance with all federal, state and county safety, fire, structural, storage, and disposal standards. This will be documented in the Spill Prevention Control and Countermeasure (SPCC) Plan. Handling of these materials will be approved prior to the issuance of any building permit in accordance with GCC 23.08.230(b)(4).
- 60.1 Water supplies, wastewater, and sewage disposal facilities adequate to serve the proposed use shall be provided as specified in GCC § 23.12.
59. Included with this CUP application is an application to the Grant County Health District for an onsite well and septic system.
60. Electrical Disturbance. No activity shall emit electrical disturbance adversely affecting the operation of equipment or appliances at any point beyond the boundaries of the location site of the use creating such disturbance.
- 62.1 The QSEP will not emit electrical disturbance within or beyond its boundary.
61. Noise. On-site sound levels shall not exceed levels established by noise control regulations of the Department of Labor and Industries. Maximum permissible

environmental noise levels shall be determined in accordance with WAC 173-60, Maximum Environmental Noise Levels, Noise levels emitted to adjacent properties shall not exceed levels of the environmental designations for noise abatement (EDNA) as established by the State of Washington, Department of Ecology as now exist, or hereafter amended. Provided that EDNA classifications will conform to certain zone designations based on classification of use as established under this UDC as follows:

- 61.1 Class A EDNA: Residential Uses;
- 61.2 Class B EDNA: Commercial Uses, Institutional Uses, Recreational Uses; and
- 61.3 Class C EDNA: Industrial Uses, Utility Uses, Transportation Uses, Agricultural Uses.
- 61.4 The QSEP will comply with WAC 173-60, Maximum Environmental Noise Levels. The analysis of sound levels is provided in the SEPA checklist included as an attachment to this CUP application.

62. Vibration. Every use shall be so operated that the ground vibration inherently and/or recurrently generated from use and/or equipment other than vehicles is not perceptible without instruments at any point on or beyond any zoning district boundary in which the use is located.

- 62.1 The QSEP does not include equipment or Uses that will generate ground vibration. The PV tracking assemblies will adjust the .angle of the panels throughout the day; changes are gradual and do not create perceptible ground vibration.

63. Smoke and Particulate Matter. Air emissions shall comply with the requirements of the Washington State Department of Ecology or local air control authority requirements.

- 63.1 Air emissions will only occur from equipment exhaust and fugitive dust and comply with state and local air control authority requirements.

64. Odors. The emission of gases or matter that are 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.

- 64.1 The QSEP does not include any equipment that will generate odors.

65. Heat, Glare and Steam. Except for exterior lighting, uses producing heat and glare shall be conducted entirely within an enclosed building. Any activity producing steam, heat or glare shall be carried on in such a manner that the steam, heat or glare shall not create a nuisance beyond the boundary lines of the zoning district within which the use is located. Building materials with high light reflective qualities shall not be used in construction of buildings where reflected sunlight would throw intense glare on adjacent areas. Artificial lighting shall use full cut-off fixtures so that direct light from high intensity lamps will not result in glare. Lighting shall be directed away from adjoining properties to the greatest extent practicable. Exterior lighting shall meet the requirements of GCC. § 23.12.190.

- 65.1 The QSEP will not create heat, steam or glare. The PV panels are designed to absorb sunlight rather than reflect it; therefore, they should not produce glare. Use of exterior lighting will be limited to the extent practicable for safety and security. Lighting will be shielded, directed downward and non-blinking.

66. Erosion. Property owners must take all reasonable steps to prevent erosion by either wind or water that will carry objectionable substances into or through neighboring properties.
- 66.1 Disturbed areas of the subject parcel will be replanted to minimize exposed soils. Most of the subject parcel will remain as pervious surface, allowing stormwater to infiltrate. Vegetation and stormwater management will minimize impacts of erosion on neighboring properties.
67. Use of a County access road or private road for access to new industrial development shall be permitted only if the application demonstrates that public health, safety and welfare will be protection, and if traffic and maintenance impacts to the private road are minimized by conditions on the permit; and
68. Grant County Public Works has approved the use and improvement of an undeveloped County right-of-way as an access driveway to the QSEP. This driveway will be sufficient to construct and then operate the QSEP.
69. Development standards, including parking, visual screening and landscaping requirements, shall be as specified in GCC § 23.12.
- 69.1 Please refer to the Criteria 10 response for how the QSEP will meet development standards specified in GCC23.12.
70. Landscaping installation. All required landscaping shall be installed prior to occupancy. In lieu of such installation, security may be given assuring the installation of the landscaping in an amount and form approved by the Administrative Official, provided that the security may not be for a period exceeding nine (9) months from the issuance of an occupancy permit, at which time installation shall have occurred.
- 70.1 Landscaping will be installed prior to occupancy of the O&M building unless security is provided given assurance that installation will occur within 9 months. This may occur depending on construction timing and weather. For example, if occupancy occurs in the middle of summer, landscaping may be installed in the fall to ensure vegetation can be better established.
72. Maintenance. The owner, lessee or user shall be responsible for maintaining an orderly appearance of all properties and shall be responsible for the care and maintenance of all installed landscaped areas and any natural growth retained on the site. All required yards, parking areas, storage areas, operation yards and other open uses on the site shall be maintained at all times in a neat and orderly manner, appropriate for the zoning district.
- 72.1 During construction and operations, the QSEP will be kept neat and orderly including maintenance of landscaping and retained vegetation.
73. Outside Storage. Outside storage is permitted; however, sight-obscuring screening shall be required. Stored materials shall not exceed the height of the screening.
- 73.1 Outside storage will only include spare parts for the QSEP, be limited and will be kept interior to other components in the QSEP to provide screening.
74. Hazardous materials and bulk petroleum products. Plans for the handling, storage, disposal and spill control of hazardous materials, hazardous wastes, and bulk petroleum products shall be approved prior to the issuance of any building permit.

- 74.1 The QSEP will manage all chemicals, solvents, or other hazardous substances in compliance with all federal, state and county safety, fire, structural, storage, and disposal standards to meet GCC 23.08.230(a)(1). This will be documented in the Spill Prevention Control and Countermeasure (SPCC) Plan. Handling of these materials will be approved prior to the issuance of any building permit.
75. The proposal, as conditioned, will meet all applicable performance standards found in GCC § 23.08.
76. The proposal **does not** include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70).
- 76.1 Please refer to the Criteria 1 response for how the QSEP will not be incompatible to an airport or airfield.
- 76.2 This proposal is near the Grant County International Airport and was reviewed by both the Port of Moses Lake and the Washington State Department of Transportation, Aviation Division which both submitted letter indicating that the use as proposed would not have a detrimental effect on airport operations.
77. The proposal conforms to the standards specified in GCC § 23.12.
- 77.1 The QSEP will conform with the standards included in GCC 23.12.160 for Utilities as follows:
- 77.1.1 Environmental impacts resulting from installation or maintenance of utilities shall be minimized. Areas disturbed during construction shall be replanted with native Vegetation and maintained until firmly established, unless waived by the Administrative Official. Clearing shall be confined to that necessary to allow installation and to prevent interference by vegetation once the system is in operation.
78. Project installation is not expected to change the current stormwater regime. The Project will implement eastern Washington stormwater best management practices (BMPs) that will reduce the potential for compaction and runoff during and after construction. The Applicant will also follow all guidelines required in the Washington Construction Stormwater General Permit (1200-C) administered by the Washington State Department of Ecology.
79. Utilities and transportation facilities shall be installed in the same rights-of-way when the effect will be to reduce the adverse impacts on the physical environment.
80. The Grant County PUD POI substation will loop in the existing 115-kV transmission line and therefore not require any new utility rights-of-way.
81. Solid waste transfer and disposal facilities shall be located and designed in accordance with WAC 173-301, Department of Ecology Minimum Functional Standards for Solid Waste Handling, the Grant County Comprehensive Solid Waste Management Plan, and applicable local health, safety, and fire protection codes.
82. The QSEP is not a solid waste transfer or disposal facility. The cited standards do not apply.
83. Utility lines within Agricultural (AG) zoning district shall be designed and located to minimize disruption of existing and potential agricultural uses.

83.1 There will not be any new utility lines and therefore no disruption to existing and potential agricultural uses.

84. The QSEP will also comply with certain general development standards specified in GCC as follows:

84.1 23.12.050 Water Supply.

84.1.1 Water supply facilities shall be adequate to provide potable water from a public or community water supply source and shall be constructed in conformity to standards of the jurisdictional governmental authority, unless the Grant County Health Officer approves the use of individual, onsite water supply wells.

84.1.2 The QSEP will only have an O&M building with two on-site technicians during weekdays, so it will only have an onsite water supply well. Furthermore, it is more than ¼ mile from an existing water system service area and more than 200 feet from a public system water line, so it would be more cost effective to supply water for this use on-site. The application to the Grant County Health Officer is included with this permit application.

84.2 23.12.060 Sewage Disposal

84.2.1 All development shall be provided with a sanitary sewer system connection approved by the Jurisdictional governmental authority, unless the Grant County Health Officer approves the use of individual, onsite septic systems and drain-fields.

84.2.2 Design and construction standards for on-site sewage disposal shall conform to the requirements of the Rules and Regulations of the Grant County Board of Health Regarding Onsite Sewage Disposal.

84.2.3 The QSEP will only have an O&M building with two on-site technicians during weekdays, so it will only have an onsite septic system for sewage disposal. The application to the Grant County Health Officer is included with this permit application.

84.3 23.12,080 Clearing, Grading and Drainage Standards

84.3.1 Clearing and grading activities shall be conducted so as to minimize potential adverse effects on offsite property, surface water quality, and critical areas as delineated in GCC § 24.08.

84.3.2 Stormwater runoff from developments shall not adversely affect offsite property, surface water quality and quantity, and/or critical areas as delineated in GCC § 24.08. Provisions shall be made to control the release of surface water runoff from the development both during and following construction.

84.3.3 Clearing and grading, including drainage and erosion control measures, shall conform to the requirements of the Washington State Department of Ecology Stormwater Management Manual for Eastern Washington, or as specified

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- by the County Engineer.
- 84.3.4 All development shall ensure that soil erosion and sedimentation of drainage-ways will be controlled to prevent damage to adjoining property and downstream drainage channels and receiving waters.
- 84.3.5 Surface drainage shall not be directed to or discharged onto County Roads or ditches within County rights-of-way unless approved by the County Engineer.
- 84.3.6 Drainage controls may be required to regulate velocities of runoff water and to control pollutants, erosion, and sedimentation if the County Engineer determines that it is probable that damage could occur downstream to property or water quality of receiving water bodies. Such controls may include landscaping or re-establishing native vegetation, ponds, catch basins, bio-filters, and other control structures or systems.
- 84.3.7 If required by the County Engineer, a drainage analysis shall be prepared. A drainage report, prepared under the direction of and sealed by a Professional Engineer, shall be submitted by the applicant for review as part of the permit application. The drainage report shall clearly define the measures proposed to control stormwater runoff so as to avoid offsite, downstream impacts to adjacent property and receiving water bodies. The County Engineer shall have the authority to approve or reject the adequacy of drainage reports and stormwater control measures, which decision is final and not subject to administrative appeal.
- 84.3.8 The Decision Maker may condition any approval of a development permit so as to require clearing, grading and drainage controls to meet the requirements of this section.
- 84.4 The QSEP will not require significant grading due to the relatively flat topography as seen on the Site Plan. The QSEP will put in place a Stormwater Pollution Prevention Plan with best management practices for minimizing stormwater pollution during construction in accordance with an NPDES 1200-C permit.
- 84.4.1 23.12.110 Road Access
- 84.4.1.1 When a proposed use requires access to a County Road, the approach location shall be reviewed by the County Engineer for compliance with the Grant County Road Standards. The County Engineer shall have the authority to approve or deny all driveway and approach permits, which decision is final and not subject to administrative appeal.
- 84.4.1.2 The QSEP driveway approach apron from County Road 10 NE has been designed in accordance with Grant County Road Standards as evidenced by the Grant County Public Works permit.

- 84.5 23.12.130 Parking
 - 84.5.1 General Parking Standards: The following standards shall apply in all zoning districts to all development under this UDC.
 - 84.5.2 Off-street parking shall be established prior to occupancy of any new or expanded building or before a change occurs in the use of an existing building. The minimum number of parking spaces provided shall be according to the square footage or any fraction thereof or other criteria as specified in Table 5 and as follows: (A) Off-street parking ratios expressed as the number of spaces per square feet means the usable or net square footage of floor area, exclusive of non-public areas, such as building maintenance areas, storage areas, closets, or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of spaces shall be rounded to the nearest higher whole number;
 - 84.5.3 Off-street parking and access for physically handicapped persons shall be provided in accordance with Section 7503 of the regulations adopted pursuant to RCW 19.27, State Building Code, and RCW 70.92, Public Buildings-Provisions for Aged and Handicapped.
 - 84.5.4 Off-street parking areas containing five (5) or more spaces shall be landscaped according GCC § 23.12.170.
 - 84.5.5 Off-street parking areas shall not be located more than 1,000 feet from the building they are required to serve, subject to the following: (A) Where the off-street parking areas do not abut the buildings they serve, the allowable maximum distance shall be measured from the nearest building entrance along the walking path to the parking areas.
 - 84.5.6 If lighting is provided, it shall be designed to minimize direct illumination of abutting properties and adjacent streets.

- 84.6 The 2,520 square foot O&M building will have 8 parking spaces located directly outside the building, which equates to 1 space for every 315 square feet. One of the parking spaces will be designed for physically handicapped persons pursuant to RCW 19.27 and RCW 70.92. The area around parking and the O&M building will be landscaped and minimally lighted as described in the next two sections.

- 84.7 Landscaping Standards
 - 84.7.1 Landscaping shall be provided for all multi-family residential, commercial, industrial and institutional land uses, parking lots, and as required in other sections of this UDC.
 - 84.7.2 Landscaping shall be designed, installed and maintained

to provide a visual separation between uses and zoning districts, aesthetic enhancement, retain the rural character and soften the appearance of streets, parking areas and building elevations, or provide relief and shade in parking areas, as appropriate.

84.7.3 Landscaping shall be a mix of living plants, and/or other natural materials and features interspersed throughout the landscaped area and spaced to provide the desired function(s).

84.7.4 Landscaping definition: Landscaping may be a mix of natural materials throughout the landscaped area designed to enhance the site street appearance. Xeriscapes and existing natural features may be included in the design and plan.

84.7.5 Landscaping requirements: (A) Landscaping shall be a minimum of 8% of the developed area. Landscaping shall be located near or around buildings, facility entrance, parking areas and public/employee access/use areas, (B) Developed Areas Greater Than 20 Acres: The Administrative Official shall have discretion in reducing the minimum required landscaping for developed areas greater than 20 acres.

84.8 Visual Screening: Side and rear lot line visual screening shall be required between non-similar (non-compatible) uses and/or zoning districts pursuant to 23.12.180, Visual screening is intended to provide a visual filter or screen type between properties. The installation of visual screening shall be no closer than 5 feet parallel to the property line and not within recorded utility easements.

84.9 The QSEP 2,520-square-foot O&M building will have at least 200-square-feet (8%) of landscaping for aesthetic enhancement and to provide shade. Additional landscaping will be placed at the facility entrance and parking areas. Landscaping will include vegetation selected to grow well in this environment with limited water.

84.10 Lighting Standards

84.10.1 Exterior lighting for all uses and signs shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel. Exterior lighting shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures shall be appropriate in scale; intensity, and height to the use they are serving. Any lighting installed in parking areas shall be of direct cutoff design so that the source is not visible from adjacent property.

84.10.2 Lighting will be designed for security purposes only, will be downward facing, shielded and motion activated when possible.

84.10.3 The project, as conditioned, complies with all applicable development standards found in GCC § 23.12.

85. An open record public hearing after due legal notice was held via Zoom teleconference on August 12, 2020.
86. Appearing and testifying at this hearing on behalf of the applicant was Laura Miner, the agent for Quincy Solar Energy LLC. Ms. Miner testified that she was authorized to appear and speak on behalf of the applicant and property owner. Ms. Miner testified that she had reviewed the proposed conditions of approval and had the following suggestions. She suggested that proposed condition of approval No. 23 be eliminated and replaced with a sentence from the Habitat Management Plan. She requested that proposed condition of approval No. 25 be modified to add “during the first five years” after “annual basis.” Finally, she suggested on proposed condition of approval No. 29(c) to strike the words “and reclamation.” All remaining conditions of approval were acceptable as proposed.
87. The Hearing Examiner has reviewed the comments from the Washington State Fish and Wildlife, as well as the Habitat Management Plan. The Hearing Examiner is not going to strike the proposed condition of approval No. 23 in its entirety, but will instead add a subpart to this condition indicating that the applicant shall be required to comply with the requirements of Section 4.4 of the Habitat Management Plan.
88. No member of the public testified at this hearing.
89. Staff indicated that they had no objection to the applicant’s requested changes to the proposed conditions of approval.
90. The Hearing Examiner has reviewed and considered the application materials and the comments received for the proposal.
91. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Grant County Code and Comprehensive Plan.
3. The proposal conforms to the standards specified in Grant County Code § 23.08, Grant County Code § 25.08.060 and Grant County Code § 23.12.
4. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, P 19-0342 (SEPA) and P 19-0341 (CUP) is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns:

1. Site preparation will include minor grading, and all cut and fill will be balanced on-site such that no fill will be imported and no soil will be exported from the site.
2. Detailed grading, storm-water, and erosion control plans will be prepared for the construction of the facility. Washington State Department of Ecology standards will be met throughout the construction including erosion control fencing, the use of lightweight equipment, and efforts to minimize total ground disturbance.
3. Construction of the project will require the use of diesel powered equipment. All diesel-powered equipment will use ultra-low sulfur diesel as feasible, and would be operated with Best Management Practices to reduce engine idle times. Fugitive dust will be minimized through the application of water with approved dust control additives as needed and vehicle speed reduction. If necessary, the construction contractor will arrange for delivery of water and/or suppressants to the active construction site. Permanent and temporary reseeding will be performed to reduce soil erodibility.
4. Applicant will follow guidelines required in the Washington Construction Storm-water General Permit (1200-C) administered by Washington State Department of Ecology. Best Management Practices will be in place to minimize possible impacts from erosion or other impacts to soil and water.
5. Construction vehicles will limit activities to service roads, laydown areas and location of necessary construction activity and will follow a 25 mile per hour speed limit.
6. Existing vegetation will be preserved to the extent possible. Additionally, Invenergy will follow the Development Standards in the Grant County Code, Section 23.12.160 in regards to revegetation of the site.
7. Following construction, the Applicant will follow the Development Standards in the Grant County Code, Chapter 23.12.160. Specifically, any areas temporarily disturbed by construction that will not be covered in gravel or by permanent structures would be replanted with native vegetation and maintained until firmly established. Additionally, storm-water management and erosion control Best Management Practices would be implemented during and after construction to reduce potential for compaction and erosion that could affect existing conditions.
8. Vegetation clearing will occur outside of the Washington State Department of Fish and Wildlife recommended burrowing owl nesting season (February 15 to September 25) to avoid potential impacts to burrowing owl and other nesting birds.
9. If vegetation clearing outside of the burrowing owl nesting season is not feasible, pre-construction nest surveys will be conducted. If nests are observed, construction will be

avoided within ½ mile of occupied active burrowing owl nests, based on WDFW recommendations.

10. Power line facilities will be designed based on current guidelines and methodologies (APLIC 2006 and 2012) to minimize the potential for avian electrocutions or collisions.
11. Revegetation of temporary disturbed areas using native vegetation and management of existing vegetation with input from agencies such as WDFW and the Grant County Conservation District.
12. Eight-foot high heavy gauge hog wire fence with 4 x 4 inch openings and no barbed wire on top of the fence will be installed around the solar project area to allow small mammals and birds to enter/exit and to safely keep mule deer out. The substation will be fenced separately with a 6 foot high security fencing with barbed wire.
13. Compensatory mitigation for use of the mixed shrub-steppe and grassland habitat will be accomplished by contributing to a nearby land conservation project as defined in the Development Agreement signed by the Grant County Board of Commissioner on June 23, 2020, between Quincy Solar Energy LLC, the Grant County Conservation District and Grant County. The specific project will be identified as stated in Development Agreement.
14. Prior to construction, all supervisory construction personnel will be instructed on the HMP and wildlife resource protection measures, including: 1) applicable federal and state laws. 2) the importance of these resources and the purpose and necessity of protecting them, and ensure this information is disseminated to applicable contractor personnel, including the correct reporting procedures. Personnel will also be instructed on how to use an incidental reporting process to document bird or bat casualties during construction within the project area.
15. All vehicle parking and storage of any space equipment will be confined to the O & M facility area.
16. Mowing and other treatment of vegetation will be conducted only if it will help encourage desired vegetation and/or to avoid shading the panels, otherwise vegetation will be encouraged to grow up to 18 inches to provide structure and diversity for wildlife.
17. If mowing is required, it will occur outside of the WDFW recommended period of April 1 – June 30 to provide nesting habitat and to allow grasses and forbs to pollinate and set and drop seed, which provides food to birds and wildlife.
18. All unnecessary lighting at night will be turned off to limit attracting wildlife, particularly migratory birds.
19. All personnel will be instructed to avoid harassment and disturbance of local plants and wildlife.
20. Reclamation will begin as soon as possible to reduce the likelihood of ecological resource impacts in disturbed areas.
21. Any areas temporarily disturbed by construction or decommissioning that will not be covered with gravel or by permanent structures will be replanted with native vegetation and maintained until firmly established.
 - 21.1 Vegetation will consist of weed free native or naturalized shrubs, grasses, and forbs from local sources where available to help control non-native vegetation. Quincy Solar will consult with a native vegetation restoration company to develop a seed mix

that may include bluebunch wheatgrass, Sandberg bluegrass and Thurber needlegrass. Planted seed will have good seed-soil contact for germination and growth rates to enable vegetation to become firmly established.

- 21.2 Quincy Solar will report to Grant County and WDFW on the success of such efforts annually during the first five years of operation and once within two years after decommissioning.
22. Compensatory mitigation amount will be \$166,577.87, pursuant to approved Development Agreement filed with the Grant County Auditor under Auditor File Number 1429140.
23. A new section shall be added to the HMP, entitled "Site Restoration, Monitoring, and Reporting." and will include the following:
 - 23.1 Site Restoration, Monitoring, and Reporting. The overall objectives of this section are to provide a measurable framework to restore disturbed areas into functioning wildlife habitat to:
 - 23.1.1 promote recovery of disturbed areas,
 - 23.1.2 re-establish native grassland communities and enhance existing grasslands, provide suitable wildlife habitat, and
 - 23.1.3 control non-native vegetation.
 - 23.2 The vegetation characteristics of the QSEP area are a result of the low annual precipitation and soil types. With an annual average precipitation of approximately 10 inches and soils derived from glacial outwash, the QSEP supports mostly grasses, but limited shrubs where soils are deeper. The soils are combinations of cobbly, gravelly, stoney, and sandy loams that are well drained and based on NRCS data, total native vegetative cover ranges from 32-73%; with higher native vegetation cover where soils have deeper sandy loams. Additionally, the WDFW PHS database identifies the QSEP and surrounding habitats as Eastside Steppe with drier sites having a sparse cover of grasses and forbs and a shrub layer that is scattered or absent.
 - 23.3 The applicant shall comply with Section 4.4 "Reclamation and Decommissioning, as set forth in the Habitat Management Plan filed with Grant County Planning Department July 2, 2020.
24. The objectives listed above will be achieved by stockpiling top soil and reapplying once ground disturbing activities are complete, seeding via drill seeding or hydro seeding with an appropriate native grass seed mix, controlling existing and new non-native vegetation, and monitoring revegetation areas.
25. Seed mixes that are matched to the soil types and annual precipitation will increase the likelihood for successful revegetation. The seed mix shall be composed of primarily bluebunch wheatgrass, Sandberg bluegrass, and Thurber needlegrass. The QSEP shall consult with a native vegetation restoration company to develop a seed mix for the site,
26. Revegetation monitoring should be conducted by a qualified botanist on an annual basis, during the first five years, to quantify the vegetation changes as a result of reseeding and weed treatments. We recommend that this study design be coordinated with WDFW to ensure that suitable habitat metrics are measured and reported.

27. The applicant will use BMPs for chemicals used during the construction and operation of the project. A Spill Prevention Control and Countermeasures (SPCC) plan will be implemented during construction and operations. All of the fluids will be monitored periodically and stored within the O & M Building in compliance with the SPCC plan. Any oily waste, rags, or dirty or hazardous solid waste would be collected in sealable drums and removed for recycling or disposal by a licensed contractor. Project infrastructure will be fenced and gated, and monitored to prevent unauthorized access. Project infrastructure will meet National Electric Safety Code for ground clearance. The site will be equipped with fire protection equipment in accordance with the Washington State fire code, and the Applicant will provide mutual assistance to local fire departments in the case of fire in or around the Project area during construction. Temperature sensors would detect internal fires and send an alarm signal to the central supervisory control and data acquisition system at the O&M facility, which would notify Projector operators of the situation. The lithium battery storage units will be housed in standard shipping containers or inside an air-conditioned building to reduce flammability of the units. The batteries will have integrated safety systems to monitor battery performance and will be housed in standard, leak-proof containers to prevent inadvertent releases of hazardous materials. The Applicant will coordinate with the local fire department throughout the life of the project. The Applicant will coordinate with local medical service provider in case of a remote emergency evacuation within the Project area.
28. To the extent practicable, construction and operation activity would be scheduled during daytime hours (7 a.m. – 10 p.m.). All equipment will be maintained in good operating order to minimize sound emissions.
29. During construction and operation of the project any unanticipated discovery of archeological resources found within the property and associated areas the applicant shall follow the following Unanticipated Discovery Plan for the Quincy Solar Energy Project on Reclamation Lands
- 29.1 In the unlikely event unrecorded archaeological resources are identified during Project construction or operation, work within 30 meters (100 feet) of the find shall be halted and directed away from the discovery until a Secretary of the Interior-qualified archaeologist assesses the resource and its significance (i.e., NRHP eligibility). The archaeologist, in consultation with Reclamation, DAHP, any interested Tribes, and any other responsible public agency, shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be eligible for listing on the NRHP.
- 29.2 If human remains and/or associated grave goods are inadvertently encountered during Project activities, the Washington State protocol for inadvertent discovery of human remains per RCW 68.50, RCW 27.44, and RCW 68.60 must be immediately initiated. All activity that may cause further disturbance to the remains shall cease and the area secured and protected from further disturbance. The presence of skeletal remains will be immediately reported to the County Coroner and local law enforcement. The remains will not be touched, moved, or further disturbed. The County Coroner will assume jurisdiction over the human skeletal remains and determine whether those remains are forensic or non-forensic. If the County Medical Examiner or Coroner determines the remains are non-forensic, then they will report that finding to DAHP who will then take jurisdiction over the remains. DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will decide whether the remains are Native American and report that finding to any appropriate cemeteries and the affected tribes. DAHP will

then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

- 29.3 Although excavation work in the immediate area of a human remains find will not resume until assessment has been completed, excavation work may continue in other parts of the Project that have been surveyed for cultural resources. Due to the sensitive nature of such a find, human remains should never be left unattended. No work will resume in the area of a human remains discovery until written authorization has been received from DAHP.
30. During construction and operation of the project any unanticipated discovery of archeological resources found within the property and associated areas the applicant shall follow the following Unanticipated Discovery Plan for the Quincy Solar Energy Project on Private Lands.
- 30.1 In the unlikely event unrecorded archaeological resources are identified during Project construction or operation, work within 30 meters (100 feet) of the find shall be halted and directed away from the discovery until a Secretary of the Interior-qualified archaeologist assesses the resource and its significance (i.e., NRHP eligibility). The archaeologist, in consultation with Grant County, DAHP, Project personnel, any interested Tribes, and any other responsible public agency, shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be eligible for listing on the NRHP.
- 30.2 If human remains and/or associated grave goods are inadvertently encountered during Project activities, the Washington State protocol for inadvertent discovery of human remains per RCW 68.50, RCW 27.44, and RCW 68.60 must be immediately initiated. All activity that may cause further disturbance to the remains shall cease and the area secured and protected from further disturbance. The presence of skeletal remains will be immediately reported to the County Coroner and local law enforcement. The remains will not be touched, moved, or further disturbed. The County Coroner will assume jurisdiction over the human skeletal remains and determine whether those remains are forensic or non-forensic. If the County Medical Examiner or Coroner determines the remains are non-forensic, then they will report that finding to DAHP who will then take jurisdiction over the remains. DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will decide whether the remains are Native American and report that finding to any appropriate cemeteries and the affected tribes. DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.
- 30.3 Although excavation work in the immediate area of a human remains find will not resume until assessment has been completed, excavation work may continue in other parts of the Project that have been surveyed for cultural resources. Due to the sensitive nature of such a find, human remains should never be left unattended. No work will resume in the area of a human remains discovery until written authorization has been received from DAHP.
31. Appropriate transportation mitigation measures such as the use of flagging, signage, and carpooling will be implemented. Although some heavy construction equipment and materials will be hauled to the site during construction, they would have direct access to the parking area on site and should not have impacts on area roads and access. The location directly off the main highway allows for minimal traffic-flow disruption. If increased traffic levels

warrant additional signage or manpower to control and direct traffic, any such measures deemed necessary by Grant County Public Works Department to reduce traffic impacts will be supplied.

32. The proposed development shall not inflict upon adjacent land(s) smoke, dust, glare, dirt, steam, vibration, noise, electrical interference, excessive hazards, or pollution which exceeds applicable local, state, or federal standards.
33. Applicant shall continue to comply with Grant County Public Works, Work in the Right-of-Way permit #19-079-C approved July 1, 2019.
34. Applicant shall comply with the recommendations as set forth in the original comments from the Grant County Fire Marshal, including but not limited to:
 - 34.1 Ground below panels shall be non-combustible.
 - 34.2 Provide a fire access road around perimeter of the facility.
 - 34.3 Provide turn-around or hammer head in compliance with Appendix D of the International Fire Code.

Dated this 14th day of August, 2020.

GRANT COUNTY HEARING EXAMINER



Andrew L. Kottkamp

EXCEPT AS PROVIDED BY GRANT COUNTY UNIFORM DEVELOPMENT CODE, SECTION 25.32.150, THE DECISION OF THE HEARING EXAMINER IS FINAL AND CONCLUSIVE UNLESS APPEALED TO THE GRANT COUNTY SUPERIOR COURT WITHIN TWENTY-ONE (21) DAYS AFTER THE ISSUANCE OF THIS DECISION AS PROVIDED BY RCW 36.70C.040 AND GRANT COUNTY UNIFORM DEVELOPMENT CODE, SECTIONS 25.32.160 AND 25.04.430.