

# MEMORANDUM IN SUPPORT OF APPLICATION FOR CONDITIONAL USE PERMIT

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**To:** Adams County Building and Planning Department  
**From:** Innovative Solar 211, LLC (Applicant)  
**Project:** Application # LUA2017-0005  
40 MW(ac) Solar Power Generation Facility/"Solar Farm"  
**Date:** August 2, 2018

Innovative Solar 211, LLC, respectfully requests approval of a Conditional Use Permit (CUP) and SEPA Environmental Checklist for a proposed solar generation facility ("solar farm") to be located on land at the northeast corner of the intersection of North Hills Road and Griffith Road, north of Tokio. This Memorandum provides information in support of the requested Conditional Use Approval in accordance with the general evaluation criteria and general standards that are required to be considered by the County Board of Adjustments.

## **PROJECT OVERVIEW**

Innovative Solar 211, LLC, proposes to develop, construct, and operate a solar photovoltaic electrical generation facility, or "solar farm", that will generate approximately 40 MW (AC) of power (the "Project") north of Tokio, in Adams County. The Project site is owned by Neil and Sandra Telecky and is located at the northeast corner of the intersection of North Hills Road and Griffith Road. The property is further described as a portion of the West Half of Section 11, in Township 20 North, Range 36.

### **1.1 Site Description (see SEPA Check list for an expanded description)**

The Project site is within one tax map parcel (Parcel Number 20361102, measuring approximately 317 acres) and is included in the property described in the Deed included as Attachment E to this Memorandum. The property has historically been farmed and is currently used for cattle grazing. The topography of the Project site is generally flat to rolling, with a gentle slope of approximately 2.8%, from the northwest to southeast.

The Project site is zoned Prime Agriculture (AP) and adjoins the north side of Griffith Road and the east side of North Hills Road. Similar to the Project site, property on the west side of North Hills Road is crop and range land, zoned Prime Agriculture. Property adjacent to the south side of Griffith Road is currently undeveloped and is zoned LI, for light industrial development in the future. This region of Adams County is very sparsely settled. There are a few houses scattered throughout the region and they are associated with the large agricultural tracts. The house closest

to the Project site belongs to the Teleckys, the owners of the Project site. It is approximately 490 feet north of the nearest point on the perimeter of the Project site. To the south, the closest house is across Griffith Road, in the area zoned LI, and is over 1,500 feet away from property line for the site. To the east and west, the nearest houses are over a mile from the Project site. There are four other houses in various directions, at distances ranging from 4,500 feet to approximately 2 miles from the site. Additionally, there are two parcels in the area that are apparently used for oil and/or natural gas storage and transfer. They are about 1.2 and 1.4 miles, respectively, to the south of the Project site and are located adjacent to the railroad tracks that run northeast from their intersection with North Hills Road. Other than these industrial-type sites and the few scattered houses noted above, all surrounding lands are undeveloped farm and range lands.

## **1.2 Zoning (Title 17 of Adams County Code)**

The Project site is zoned Prime Agriculture under the County’s zoning classification system and the proposed solar farm would fall within the Utility Uses and Structures category of land uses. The proposed solar farm requires a Conditional Use Permit (CUP), which we are requesting in the attached CUP application form (Attachment A). Perimeter fencing would be placed on the property lines and solar panels would be placed at least fifty (50) feet behind the fence on all sides of the site, in compliance with the County’s zoning setback requirements.

## **1.3 Conditional Use Review**

Applicable CUP review considerations are contained in Section 17.68.15 of the Adams County Code, which is set forth below. Our responses in support of our application follow each of the applicable criteria and standards and appear in *bold italic typeface* for convenience in identifying our responses.

### **17.68.15 Evaluation Criteria and General Standards**

All conditional uses shall comply with the following evaluation criteria and general standards:

- A. The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all sub-area plans.

***RESPONSE: Solar projects using photovoltaic panels represent a somewhat different kind of farming. As with traditional farming, the energy of the sun is harvested, but instead of being used in photosynthesis to produce food, the sunlight is directly converted into electrical energy. The proposed solar farm will not adversely impact traditional farming on surrounding and nearby properties and will be unobtrusive in operation. Additionally, the solar farm will not have any permanent or significant impacts on the soils at the project site. The site will continue to be owned by a local farm family while the solar farm is on it, so the land could thus be returned to traditional agricultural use***

*to grow crops when the solar farm reaches the end of its useful life in 30 to 40 years, if desired or necessary. The proposed project is therefore consistent with the County's Comprehensive Plan goal of preserving agricultural lands.*

- B. The proposed use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

***RESPONSE:*** *The Project will be composed of approximately 300 acres of photovoltaic solar panels mounted on single-axis tracking frames, wiring, inverters, transformers, and switching and control equipment. The Project site will be surrounded by a chain-link security fence six feet tall with three strands of barbed wire at the top. A graveled entrance road will provide access to the site from North Hills Road through a secured gate in the perimeter fencing. There will be sufficient space (an area at least 50 feet wide) around the inside perimeter of the site, between the perimeter security fencing and the solar panel arrays, to allow for access and maintenance. Also, there will be ample space between the rows of solar panels themselves to allow for maintenance of ground vegetation and cleaning, repair and replacement of solar panels if and as necessary. The solar panels will use low-reflectivity glass to prevent glare and the inverters will be located within the fields of solar panels, rather than along the perimeter of the site, so their low hum will not be audible at or outside of the perimeter fence. Access will be via North Hills Road. During construction, parking and storage areas will be established on-site to accommodate construction workers, supplies and equipment and prevent any traffic backups on North Hills Road. The site will be watered as needed to prevent generation of dust during the construction process. Areas of the site that are cleared for construction will be re-vegetated with approved, certified weed-free seed mix after construction is completed, in order to mitigate potential dust and erosion issues. There will be typical noise from construction equipment while the Project is being built, but upon completion there will be less noise from the Project than there would be from customary agricultural use of the property (tractor, harvester and truck noise, etc.). When the solar farm becomes operational, the site will be monitored and controlled remotely and will not be staffed on a day-to-day basis. One or two technicians will visit the site once or twice a month for a few hours to check and maintain equipment. One or two maintenance workers will visit the site as needed, usually once or twice per month, to trim vegetation, remove any weeds and clean the panels if necessary. Other than these occasional visits by technicians and maintenance workers, there will not be any traffic to or from the solar farm. Additionally, solar panels do not emit any odors or smoke, so they are not intrusive in the way that some commercial and industrial uses can be. During operation the site will not be illuminated at night. There will be lights at the access gates and control buildings that will be controlled by photo sensors and motion detectors, so they would come on only when someone is entering or leaving at night. The light fixtures will be shielded and downcast to prevent glare and light spillage onto public*

*roads and adjoining properties. Considering the above, the Project will be designed, constructed, operated, and maintained to be compatible with the surrounding area and to avoid any significant adverse impacts to the site itself or to surrounding properties or area residents. In all, the solar farm will have very minimal impact on the property and on surrounding properties and neighbors.*

- C. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.

***RESPONSE: Once construction is completed and the facility is operational, it will be monitored and controlled remotely. The site will be unstaffed on a daily basis, with only occasional visits by one or two technicians and maintenance personnel once or twice per month. As a result, the facility will generate almost no traffic after it goes into operation and will not cause any burden to the traffic circulation system in the vicinity.***

- D. The proposed use will be adequately served by facilities and services such as highways, streets, law enforcement, fire protection, stormwater drainage, refuse disposal, domestic water and sanitary sewers and schools; or those persons or agencies responsible for the establishment of the proposed use shall provide adequate services.

***RESPONSE: As noted above, once the facility is operational, it will be monitored and controlled remotely, with only occasional visits by technicians and maintenance for a few hours at a time. As a result, the solar farm will not impose any added burden on public transit, public schools or parks or recreation facilities. The solar farm will not be connected to public water or sewer services, nor will it burden the area healthcare system. Fire protection services will be provided by Adams County Fire Protection District #1 and law enforcement protection will be provided by the Adams County Sheriff's Department. No new roads or highways or traffic control devices will be needed. During operations, the solar farm will not need any trash disposal services. Stormwater will be managed on-site, by maintaining existing drainage patterns and vegetation, allowing for infiltration, without need for County services or facilities. Erosion will similarly be controlled through on-site measures such as vegetation and accepted best management practices. Although the project will not burden the various public services noted above, it will pay significant taxes to support them.***

- E. The proposed use will not create excessive additional requirements at public cost for public facilities and services.

***RESPONSE: (Please see response to item D, above, confirming that the proposed solar farm would not create any excessive requirements for services at public cost.)***

- F. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare or odors.

***RESPONSE: The Project will not be detrimental to any person, property, or to the general welfare of County residents for the following reasons:***

- a. ***Traffic – Traffic during construction will be temporary (likely 10 – 15 months) and efforts will be made to mitigate it through carpooling or use of vans. A parking area will be designated on site to prevent any parking along public roads, and an on-site laydown/storage yard will provide an area for trucks to wait on-site while making deliveries, to prevent trucks from waiting on public roads. Once the Project is operational, it will be monitored and controlled remotely. No personnel will staff the facility on a daily basis. Routinely, typically once or twice per month, one or two technicians and/or maintenance workers will visit the site for a few hours to inspect and maintain equipment, trim vegetation, manage weeds and clean the solar panels. On average, inspection and maintenance visits associated with the Project are expected to occur less than once per week.***
- b. ***Noise – The only equipment in the solar farm that will generate any noise during operation would be the inverters, which will emit a low hum. However, they will be strategically placed within the panel arrays, far from the perimeter security fencing. As a result, any hum from the inverters will not be audible at the fence line or off site and will be within the standards of WAC Chapter 173-60 for Class C EDNA Noise Sources.***
- c. ***Smoke – The solar farm will not generate any smoke.***
- d. ***Fumes – The solar farm will not generate any fumes.***
- e. ***Vibration – The solar farm will not generate any vibration.***
- f. ***Glare – The solar panels used will be made with low-reflectivity glass to prevent and minimize glare. Consequently, the solar farm is not anticipated to be detrimental in terms of glare. Glare issues sometimes associated with early solar panels have been significantly reduced or eliminated as solar panel technology and materials have improved. Studies of newer solar panels show they are generally less reflective than windows (Riley and Olson 2011; Power Engineers 2013). The potential for glare to surrounding properties will be further reduced by limiting the tracking angles of the solar panels to prevent reflection to surrounding properties at ground level.***
- g. ***Odors – The proposed solar farm will not generate any odors.***

- G. Proposed ingress and egress, driveway widths, parking and street improvements shall be approved pursuant to applicable chapters of the Adams County Code and the county's design standards manual.

***RESPONSE: Access to the Project site will be by driveways off of North Hills Road. One will provide access solely to Avista's substation, as required for security purposes. The other entrance will provide access to the solar panel arrays and to the applicant's substation and laydown yard. The access points will be designed and constructed to meet all of the County's requirements.***

- H. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate and protect adjacent properties from potential adverse impacts of the proposed use, including visual and/or auditory effects.

***RESPONSE: As previously noted, the Project will not produce any noise that would be audible at the perimeter fence. A perimeter fence is required for security purposes. Previous experience has shown us that passersby and surrounding property owners usually prefer an open type of security fence that allows them to see into and through the project site, rather than a solid opaque fence that does not permit any such views. For this reason we typically propose a chain link security fence to allow throughviewing. However, if the County would prefer the fence to be opaque, we can insert slats in the openings of the fence to block the view of and through the solar farm. As a practical matter, any perimeter landscaping would be difficult to establish without irrigation and is therefore not proposed.***

- I. Conditional use permits shall comply with the Adams County Code and all applicable local, state and/or federal regulations.

***RESPONSE: The Project will require CUP review and approval and will comply with the Adams County Code and all applicable local, state, and/or federal regulations.***

- J. A conditional use shall ordinarily comply with the standards of the district within which the use is located and with the other applicable provisions of the Adams County Code, except as modified by the approval of the conditional use permit and the standards of this chapter or as otherwise specified in the Adams County Code.

***RESPONSE: The proposed solar farm will comply with the standards of the Prime Agriculture district and with all other applicable provisions of the Adams County Code.***

- K. The board of adjustment may, in addition to the standards and regulations specified in the Adams County Code, establish other conditions found necessary to protect the health,

welfare, safety and interest of surrounding properties, the neighborhood and the city as a whole. These conditions may address the following:

1. Increasing the required lot size or yard dimensions;
2. Limiting the coverage or height of buildings;
3. Mitigating traffic impacts through on-site and off-site improvements;
4. Increasing the number of off-street parking and loading requirements;
5. Limiting the number, location, design and size of signs and illumination devices;
6. Increasing required landscaping components to reduce noise and visual impacts, including glare;
7. Specifying time limits for construction and operation;
8. Requiring performance assurances acceptable to the city attorney;
9. Specifying time frames for compliance review; and
10. Other conditions deemed appropriate to address the requirements and intent of this chapter, this code, and the comprehensive plan (Ord. O-01-05 § 2 (part)).

***RESPONSE: We believe the Project as proposed will be a benefit to the Town and will not impair the health, safety or welfare of residents. If the Board of Adjustment believes that conditions must be added to any approval, we will work with the Board to constructively address any concerns with reasonable conditions that will at the same time preserve the viability of the Project.***

## **17.76 General Standards (See Applicant's Responses Following Section 17.76.130)**

### **17.76.020 General Requirements**

In order to provide for orderly development and to ensure the public health, safety, and welfare of the community, any land use activity, buildings or structures shall not be erected, moved or utilized on any lot, tract or parcel of land, except in compliance with this chapter and other applicable ordinances (Ord. O-01-05 § 2 (part)).

### **17.76.30 Building Height Measurement**

- A. Any building or structure or portion thereof hereafter erected in any use district shall not exceed the maximum height specified in the district, except as provided in subsection B of this section, or as enumerated elsewhere in this title.

The following types of structures or structural parts are not subject to the building height limitation of this title: aerials, belfries, chimneys, church spires, cupolas, domes, fire and hose towers, flagpoles, grain elevators, monuments, radio or television antennas, communication towers and associated antennas, water towers, windmills and other similar projections (Ord. O-01-05 § 2 (part)).

**17.76.90      *Off-Street Parking***

- A. Off-street parking as required by this title shall be provided when:
  - 1. A new principal building is constructed;
  - 2. A principal building is relocated; and
  - 3. The use or building is changed or expanded to the extent that the number of required parking spaces is increased by fifteen percent.
- B. In determining the gross area required for off-street parking spaces, two hundred and fifty square feet shall be required for each off-street parking space. The gross area shall include area required for driveways. The net area required for each off-street parking area shall be determined on the basis of two hundred square feet. Area required for offstreet parking may be figured on a gross or net basis, but if the net area basis is used, driveways cannot be included as off-street parking, and driveways shall be designated and kept free from all structures.
- C. All required parking spaces shall remain open and accessible for parking during the hours the use is open to the public or residents.
- D. Off-street parking shall be provided based on the following requirements:
  - 1. Dwelling unit: one space for each dwelling unit;
  - 2. Agricultural industrial uses: one space for each employee plus one additional space for each company-owned vehicle;
  - 3. Auction yards must provide sufficient off-street parking space to accommodate all vehicles of those attending auctions, off the public right-of-way;
  - 4. Airfield parking must be sufficient to accommodate all parked vehicles off the public right-of-way;
  - 5. Convalescent and retirement homes: one space for each three beds;
  - 6. Hotels or motels: one space for each unit or room;
  - 7. Public assembly: one space for each six seats and one for every employee;
  - 8. Medical or dental clinics: four spaces for each doctor or dentist;

9. Retail commercial buildings: one off-street parking space for each employee and each company-owned or operated vehicle. Not less than four customer parking spaces;
  10. Industrial buildings: one off-street parking space for each three employees of the largest shift and one off-street parking space for each company-owned vehicle. Not less than four customer parking spaces;
  11. Wholesale warehouse and office: one off-street parking space for each employee and each company-owned or operated vehicle. Not less than four customer parking spaces;
  12. Buildings exempt from property tax: one space for each four people accommodated by the building, except for those used as a residence, in which case one space for each dwelling unit;
  13. Outdoor or other recreational uses: sufficient space so that all vehicles are accommodated in off-street parking and off the public right-of-way. This includes parking space for boats, luggage and camping trailers and all other parked vehicles.
- E. Cooperative arrangements may be made among two or more establishments to provide off-street parking.
  - F. Where lighting is done the lights shall not glare or reflect into adjoining areas which permit residential uses.
  - G. Where off-street parking abuts residential zones, a fence, wall or ornamented screening hedge will be built and maintained by the owner of the off-street parking area.
  - H. All retail commercial, offices, personal service, health care, community facilities, multifamily buildings with dwelling units for rent and other places of public accommodation which are subject to these parking regulations shall provide barrier-free spaces as required by the Federal Americans with Disabilities Act and state of Washington barrier-free parking standards.
  - I. Improvement of Parking Spaces. Any off-street parking in the commercial, industrial and public use zone districts for ten or more vehicles shall be developed in accordance with the following requirements:
    1. Off-street parking facilities shall be surfaced with a concrete, asphalt/concrete or similar surface approved by the county, and shall include a drainage system to dispose of surface water, and shall be maintained in a condition free of weeds, dust, trash, and debris, and shall be landscaped;
    2. If the parking area is located adjacent to residentially zoned property, illumination of all street parking facilities shall be so arranged as to deflect light away from adjoining residential premises (Ord. O-01-05 § 2 (part)).

**17.76.100 Clear View Triangle**

- A. The fencing and planting standards in the residential zone shall be sight-obscuring fencing and plantings along the front property line and extending rearward from the front property line for a distance of thirty feet, and along street-bordered side yards, and shall not be in excess of thirty inches high.
- B. No fence or hedge over thirty-six inches in height may be erected within the front yard of any lot used for residential purposes. No fence shall exceed a height of six feet without a special permit from the board of adjustment (Ord. O-01-05 § 2 (part)).

**17.76.110 Sign Standards**

- A. Off-premises signs (billboards), and signs within the commercial and industrial districts shall comply with the following standards:
  - 1. Maximum area per sign of four hundred fifty square feet;
  - 2. Maximum height above ground of thirty-five feet;
  - 3. Light control to exclude directed light or bright glare onto streets in such a manner as to be a traffic hazard;
  - 4. No signs placed on public rights-of-way;
  - 5. No sign structures or parts to extend over any part of street traffic ways, including curbside parking;
  - 6. One sign may be permitted as a freestanding structure to identify each establishment or place of business;
  - 7. All signs and sign structures shall be of permanent-type construction conforming to the building code of the county;
  - 8. Plans for such signs and their proposed location shall be submitted as a part of the development permit;
  - 9. The location and structural design of freestanding signs shall be such as not to interfere with the safe and efficient use of off-street parking and loading areas including aisleways and access driveways thereto, or with public roads within or adjoining the restricted commercial zone;
  - 10. Any illuminated sign which does not maintain, when in operation or use, a stationary light of constant intensity and color shall be prohibited.
- B. Within the agricultural and residential zones, off-premises signs (billboards) and other advertising displays or structures, except as they identify home occupations, home industries, permitted and conditional uses, are prohibited. Identification signs and advertising must be on the buildings on the premises or in the vicinity of the use that they identify or advertise (Ord. O-01-05 § 2 (part)).

**17.76.120      *Development and Control Plan***

Departments and officials charged by this title with the enforcement thereof shall assure that all access and egress driveway locations, off-street parking and loading areas, screening areas, and other improvements required in the approved development and traffic control plan are indeed established, constructed and maintained. Such administrative procedures may include the requirement that an owner or lessee of property, upon application for a building or occupancy permit, post a good and sufficient bond or surety running to the county in an amount equal to the estimated cost of construction of any improvements required in the approved development permit. Development within the commercial and industrial zones, and for other development as deemed necessary by Adams County, shall require a development and control plan consisting of the following components:

- A. Not increase traffic congestion so as to break down the design of the limited-access highway interchange nearest to the proposed restricted commercial zone;
- B. Provide for the proper handling of traffic on the county road providing direct access to the proposed restricted commercial zone;
- C. Prevent or minimize adverse effects upon adjoining land developed or zoned for residential use. Such development and traffic control plan shall show the use, location and extent of the proposed:
  - 1. Building and other improvements including sign structures;
  - 2. Off-street parking and loading spaces;
  - 3. Access and egress driveway locations;
  - 4. Street dedication and/or widening, if any;
  - 5. Such other information as may be required by the planning commission or the board of county commissioners (Ord. O-01-05 § 2 (part)).

**17.76.130      *Exterior Lighting***

Exterior lighting must be so controlled as to prevent glare on public streets and adjoining property (Ord. O-01-05 § 2 (part)).

**RESPONSES TO GENERAL STANDARDS PROVISIONS:**

***17.76.030 – Building Height Measurement. The Project will meet these standards. The maximum height of the solar panels will not exceed 15 feet, and the other equipment will***

*likewise comply with the County's height limitations, including the proposed wireless communications facility at Avista's substation.*

*17. 76.090 – Off-Street Parking. With regard to parking, the Project will provide temporary off-street parking for workers and delivery trucks during construction. After construction is finished, sufficient permanent native-surface parking area will be preserved on site for parking of service and maintenance vehicles that will occasionally visit the site after the solar farm is operational.*

*17.76. 100(b) – Clear View Triangle. As to the fencing requirements of 17.76.100(b), the Project would not be located in a residential zone and experience has shown us that fencing which permits an open view of and through the solar farm is generally preferred. For that reason, the proposed security fencing would be an open chain link fence that will not exceed 6 feet in height.*

*17.76.110(b) - Sign Standards. The Project site is located within the agricultural zone. Off-premises signs are prohibited. The Project will not include any off-premises signage. The only signs at the site will be identification signs with emergency phone numbers at the entrance gates and safety warning signage (e.g.: “Danger – High Voltage”) near the transformers and other equipment as appropriate.*

*17.76.120 - Development and Control Plan. The applicant will prepare a development and control plan if Adams County finds it is necessary. As previously noted, after the project has been constructed and is operational, it will be remotely monitored and controlled. No personnel will staff the site on a daily basis. There will be regular visits by technicians and maintenance workers to inspect, test and repair equipment to assure proper operation, and to trim vegetation and manage weeds, and clean the solar panels as necessary. Overall, the frequency of such visits is anticipated to be less than once per week. In view of the infrequent visits, we do not anticipate that a development and control plan will be necessary for the proposed Project.*

*Per 17.76.130, Exterior Lighting. Parts of the Project site may be illuminated in the early mornings or at night during construction. However, once the facility is operational, it will not be illuminated at night. There will be light fixtures at the access gates and control buildings which will be controlled by photocells and motion detectors, so the lights would come on only when someone is entering or leaving at night. The light fixtures will be shielded and downcast, to prevent glare and light trespass to other properties and public roads on the rare occasions when the lights are on.*

## 1.4 Consistency with Comprehensive Plan

This section sets forth the portions of the Comprehensive Plan relating to agricultural lands and discusses the Project's consistency with relevant Policies of the Plan. *(See Applicant's Responses following the enumerated Policies.)*

### **Chapter 3: Land Use Element Resource Lands: Agriculture**

Agriculture was and is a vital economic mainstay of Adams County. The diversity of the agricultural industry provides the County with not only a relatively stable economic base, but also a cultural heritage and quality of life. This quality of life is created and defined through physical, environmental aspects as well as through lifestyles, attitudes, and the sense of community that is unique to a rural area. Adams County, through its past as well as the future expressed in this comprehensive plan, will provide an example of how this quality of life can be maintained through progressive, innovative techniques.

The intent of this section is to recognize and acknowledge the importance of agricultural lands and related activities to the economic well-being of Adams County. Existing and future agricultural activities are permanent land uses as well as serving a significant economic function within the community. It is important to preserve and encourage these activities as viable operations and to protect them from the encroachment of incompatible uses, particularly through innovative development techniques. This section also contains Adams County's response to the requirements of the Growth Management Act to identify and classify agricultural lands of long term commercial significance.

### **Goals and Policies**

**GOAL: Because of their importance to the continued economic viability of the County, agricultural lands will be preserved and maintained to the greatest extent possible.**

**Policy 1:** Encourage the retention of agricultural lands and prevent haphazard growth into these areas.

**Policy 2:** Encourage the maintenance and viability of the family farm.

**Policy 3:** Adopt a "right-to-farm" attitude whereby the County recognizes that agricultural uses and activities enjoy historical or prescriptive rights to normal farm practices such as early and late hours of operation, noise, dust generation, crop dusting, odors, slow moving vehicles and livestock on rural roads.

**Policy 4:** Protect and retain existing and future agricultural lands from conflicting non-farm uses and influences.

**Policy 5:** Support the existing economic base by discouraging the unnecessary or speculative rezoning of agricultural lands to non-farm use.

**Policy 6:** Agricultural lands considered desirable for acquisition for public, recreational, scenic and/or park purposes, or for wildlife habitat, will first be evaluated for its impacts on the commercial agricultural and social-economic structure of the immediate area, and of the County as a whole.

**Policy 7:** Encourage the use of agricultural value assessment, open space designations, and/or other tax benefits that help retain the economic viability of farming practices.

**Policy 8:** Clustering of residential development may be carefully allowed in areas designated for agriculture, promoting a balance between future non-farm development and protecting agricultural activities from incompatible uses.

**Policy 9:** Encourage farm-based businesses as accessory uses in agricultural areas that supplement farm income. Farm-based businesses are those that occur on-farm and are devoted to the direct marketing of unprocessed and/or value-added agricultural products that are produced, processed and/or sold on-site.

**Policy 10:** Preserve agricultural tracts that are adequate in size, in relation to the particular activity, to maintain the economic viability of farming operations.

**Policy 11:** Land divisions that are needed to support the operation for the family farm will continue to be expedited through an administrative review process. Said, divisions may include situations where a second residence at the farmstead is needed to accommodate family members who are expected to take over the farm operations. Land divisions of residences existing as of the date of adoption of the comprehensive plan may be permitted on less than the minimum lot size requirement of the particular agricultural zone.

**Policy 12:** Allow recreational activities and other commercial and/or industrial uses that can be conducted in a manner that results in no negative impacts to agricultural operations.

**Policy 13:** Small “hobby farms” should be allowed to serve as a buffer between the more densely populated residential areas and lands devoted to agriculture as commercial enterprise.

**Policy 14:** Require some level of subdivision review process for any proposal that would

create lots/parcels/tracts that are less than 20 acres in size, except that in those areas designated Prime Agriculture, require a review process for any proposal creating lots/parcels/tracts that are less than 60 acres in size.

**Policy 15:** Allow existing parcels created through a process previously exempt from County subdivision review standards to be developed consistent with applicable health, building and zoning standards, even though they may not meet the density and/or minimum lot size standards.

*RESPONSE: As noted earlier in this Memorandum, solar projects are a somewhat different kind of farming. Similar to traditional agriculture, they harvest the energy of the sun but do so to produce electricity rather than food. Fortunately, solar farming is entirely compatible with traditional agriculture, both in principal and in practice. Using property for a solar farm does not constitute a permanent conversion of the land. The land under a solar farm can be returned to traditional farming, if desired, when the solar panels reach the end of their useful life (typically 30 to 40 years). Agricultural lands are thus retained and protected, consistent with Policy #1 and Policy #4 of the County's Comprehensive Plan. The land continues to be owned and occupied by local farm families, not a large, faraway corporation. The rental income from solar farming supports farm families and the viability of family farms and the local agricultural economy, consistent with Policy #2 and Policy #10. Solar farms are fully in keeping with the "right to farm" approach in agricultural areas. The operation of a solar farm does not in any way negatively impact on raising crops or livestock on surrounding lands. Solar farms are not occupied, so they do not bring in new residents from cities and suburban areas who might object to traditional farming practices. For these reasons, solar farms are thus consistent with Policy #3 and Policy #4. In view of the compatibility of solar farms with traditional farms, the financial support that solar farms provide to the agricultural economic base can help prevent speculative re-zoning of agricultural lands to non-farm uses that would result in permanent conversion of lands away from agriculture. In this way solar farms are consistent with Policy #5. Although they produce a product (electricity) that might be considered non-traditional from an agricultural perspective, there is a long tradition of energy generation on the farm. Today, solar farms can provide an economic foundation for traditional agricultural activities and supplement farm income, consistent with Policy #9. Overall, solar farming is consistent with the goal and relevant policies of the Comprehensive plan as they relate to agricultural lands. A Conditional Use Permit for a solar farm at the Project site is therefore justified under the Adams County Code.*

## REFERENCES CITED

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