

CHAPTER 19.65 – COMMERCIAL SOLAR ENERGY FACILITIES

Section 19.65.010 – Purpose and Intent

- A. To provide areas suitable for the establishment of commercial solar energy facilities based upon where commercial solar energy facilities can be sited and mitigated in relation to the County's adopted agricultural zoning.
- B. To provide site criteria for the utilization of the County's solar energy resources. Each commercial solar energy facility will be subjected to individualized review and the imposition of conditions based on site-specific information that will be tailored to address project impacts in accordance with the adopted site criteria. The ultimate goal is to achieve a predictable but sensitive siting process that effectively addresses project impacts.

Section 19.65.020 – Definitions

Agrivoltaics – The dual use of land for solar energy production and agriculture.

Collector Height – The distance measured from the surface of the foundation to the highest point of the collector face.

Commercial Solar Energy Facility – A solar energy system that connects to the electricity grid that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. Commercial solar energy facilities consist of one or more solar arrays and other accessory structures, equipment, including substations, switchyards, battery storage, electrical infrastructure, generators, transmission lines, communications infrastructure, and other appurtenant structures and/or facilities. This definition shall not include noncommercial solar energy facilities for personal or business use such as roof or ground mounted accessory solar panels associated with a principally permitted structure or use and located on the same parcel as the principally permitted structure or use and designed to primarily serve that structure or use.

Facility Owner – The entity or entities having an equity interest in the commercial solar energy facility, including their respective successors and assign.

Landowner – The individual taxpayer that the deeded property belongs to.

Non-Participating Landowner – Any landowner except those on whose property all or a portion of a solar energy facility is located.

Occupied Building – A primary residence, school, hospital, church, public library, business or other building used for public gathering.

Operator – The entity responsible for the day-to-day operation and maintenance of the commercial solar energy facility.

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Photovoltaic System – A solar energy system that converts solar energy directly into electricity.

Solar Energy — Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Section 19.65.030 – Application of Standards and Criteria

Commercial solar energy facilities may be allowed by conditional use permit. Due to the unique nature of each commercial solar energy facility site, this section sets forth the requirements and standards for the review and granting of a conditional use permit for a commercial solar energy facility.

- A. Purpose. The following standards and regulations are necessary for the health, safety, general welfare and convenience of the inhabitants of the County.
- B. Permits. No person or applicant shall establish a commercial solar energy facility without first complying with the provisions and standards of this ordinance and obtaining all necessary state and local permits and approvals.
- C. A commercial energy generating facility (which includes commercial solar energy facilities) over \$5 million in total value plus associated reasonable costs, the applicant shall be required to enter into a cost reimbursement agreement with the County to cover reasonable costs associated with this application up to actual cost (including in-house and outside legal fees).
- D. Pre-Conditional Use Meeting. Before submitting a conditional use permit application, the project applicant will hold a minimum of one informal community meeting within the County to inform the public [and partner agencies](#) about the proposed facility. Planning staff will take responsibility for arranging these meetings.
- E. Permits Required. A valid conditional use permit must be approved before construction commences. Prior to construction of the project, County road use and right-of-way permits shall be obtained.
- F. Permit Application. Application for a conditional use permit to create a commercial solar energy facility shall be filed with the Planning Office. The application for a conditional use permit shall be in writing, signed by the applicant, and shall include the following:
 1. The name and address of the applicant.
 2. The project site location and a listing of the tax parcels and parcel ownerships of the proposed facility.
 3. [Geographic information system \(GIS\) layers of the proposed site.](#)

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4. A narrative describing the proposed commercial solar energy facility, including an overview of the project; the approximate generating capacity of the project; a copy of the lease document, less financial compensation terms, that shows the developer has entered into an agreement for site control with the landowner; and a copy of the contract with a power company showing permission to connect to the grid.
5. Ten copies of a site plan drawn to an appropriate scale that identifies the project boundaries; all existing and proposed structures (includes solar panels and planned location of each solar panel); Battery Energy Storage Systems if proposed; property lines; setbacks; access routes; proposed road improvements; residences within one quarter of a mile of the project perimeter; existing utilities, pipelines and transmission lines; proposed utility lines; utility and maintenance structures; existing and proposed drainage areas; topography; proposed grading/landscaping; area of natural vegetation removal and any re-vegetation methods; weed control; dust and erosion controls; any critical areas (as defined in WCC Chapter 9.05) on or abutting the project boundaries; and any other relevant items identified by the County Planner.

Section 19.65.040 – Other Applicable Requirements

- A. Project applicants will need to comply with other applicable County requirements, such as critical area ordinances, environmental review regulations, and building code requirements.
- B. All accessory buildings, uses, and structures related to and supporting the operation of commercial solar energy facilities, including utilities and utility infrastructure needed for the principal use, and battery energy storage systems (BESS), shall be considered part of the facility. For purposes of this chapter, accessory uses include any temporary (construction phase) concrete or asphalt batch plant and the mining and utilization of on-site gravel for on-site use only, as necessary for the commercial solar energy facility development, such as for the construction of internal roads.

Section 19.65.050 – SEPA Requirements

Expanded SEPA Checklist

- A. An Expanded SEPA Checklist shall be submitted to the Planning Office for each application for a commercial solar energy facility. The Expanded Checklist shall be submitted simultaneously with any other permit application(s) that may be required by the County; provided that if the County determines that an Environmental Impact Statement (EIS) will be required, an Expanded Checklist will not be required.

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- B. The Expanded Checklist shall (in addition to being consistent with the SEPA Checklist required in this chapter) provide analysis of impacts to elements of the environment as noted in the SEPA Checklist required in this chapter and Chapter 197-11 WAC, and explain the measures proposed to avoid, minimize or mitigate those impacts.
- C. Site specific studies for impacts to habitat/wildlife (including avian species), cultural resources, and a grading and stormwater management plan complying with applicable local or state best management practices and stormwater quality standards, shall be submitted with the Expanded Checklist.
- D. Because additional studies may be required by the Planning Office for effective review and siting, a pre-application meeting with a representative from the Planning Office is strongly recommended. The level of detail and analysis necessary is dependent on the type of project proposed, its location, and the currently available environmental information and review relevant to the proposal.
- E. The Expanded Checklist shall include sufficient information to adequately describe the proposal and its impacts, including but not limited to, information regarding the total square footage of buildings to be constructed, the maximum height and number of solar panels, expected noise generation levels, the location of occupied structures in proximity to the proposed project, the locations and length of new roads and above-ground and below-ground electrical cables and power lines, and transportation impacts.
- F. An application for review under this Chapter shall not be deemed complete until the information required under letter E above is provided. Except for site specific studies for impacts to habitat/wildlife and avian species, upon a clear showing by the applicant that the study is not applicable or is unnecessary, the Planning Office may, within its discretion, waive specific application requirements. Such a determination shall be documented in writing in the project file. Should the applicant prepare an EIS, the Planning Office may waive all requirements for the submittal of individual studies at the time of application and deem the application complete upon submitting the information required in Section 19.65.030 above.

Section 19.65.060 – Commercial Solar Energy Systems Permitted Zoning Districts

- A. Commercial solar energy systems may be permitted in the following zoning districts:
 - 1. Agricultural District.

Section 19.65.070 - Development Standards and Criteria

- A. The maximum number of acres available for commercial solar energy projects shall be 5,000 acres.

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- B. Setbacks. Setbacks for commercial solar energy facilities shall meet a minimum setback distance of 100 feet from all property lines and at least 300 feet from any non-participating occupied building.
- C. Height Limits
1. Maximum structure height for the solar array shall be 20 feet as measured from the highest existing native grade below each panel.
 2. Building structure height limitations shall be in accordance with the standards established for the applicable zoning district.
 3. All structures are to be placed below the highest point of the immediate landscape. Removal of trees is to be avoided.
- D. Site Access and Traffic Management: Prior to commencement of construction, the applicant shall provide the Public Works Department with a traffic management plan. All elements of the traffic management plan shall be reviewed by the County Engineer, who has discretion for determining whether or not the materials are complete or acceptable to the Public Works Department based on state law and prevailing rigorous industry standards. Required elements of the plan shall include:
1. Public roads to be utilized by the applicant shall be identified in the application. A qualified third party engineer shall document road conditions prior to construction and again within thirty (30) days after construction is complete or as weather permits. The applicant shall enter into a County road use agreement for the repair of damage to public roads resulting from project activities.
 2. Ingress and egress points shall be located and improved (if needed) in order to assure adequate structural and operational capacity for existing and projected traffic volumes and to provide efficient movement of traffic, including existing and anticipated agricultural traffic and projected construction traffic.
 3. All applicable governmental permits or approvals shall have been obtained, including permits to access state or county roads (if needed), construction within state or county rights-of-ways, overweight and oversize loads, weight restricted bridges and structures, haul route agreements, etc.
 4. A franchise agreement pertaining to the long-term use of public rights-of-way for underground utilities, above ground utilities, private facility features, and private infrastructure.

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5. All weather access roads (including graveled roads) suitable to accommodate year-round emergency response vehicles and equipment, shall be provided to within 150 feet of any built structure or surface activity area.
 6. Engineering studies, plans, reports necessary to substantiate any engineering related elements of the plan.
 7. Planned phasing requirements of the traffic management plan (if required) to accommodate multi-phase or multi-year construction plans.
- E. Noise: State noise standard compliance: During construction and operations, the project shall comply with WAC 173-60-040, maximum permissible environmental noise levels.
- F. Air quality: All applicable air emission permits shall be obtained, and all conditions complied with. The applicant shall re-vegetate any disturbed areas that are not permanently occupied by the project features. The applicant shall comply with County road standards for dust control and erosion. The applicant shall maintain a water truck on-site during construction for dust-suppression.
- G. Vegetation and wildlife construction limitations: Based upon the information provided in the Expanded SEPA Checklist, the applicant shall consult with WDFW prior to construction and have the project site evaluated by a qualified biologist to ~~determine the extent of and type of~~ characterize vegetation and wildlife existing on the site and a qualified soil scientist to determine the soil conditions on site prior to construction of the facility; ~~limit construction disturbance by flagging sensitive areas~~ Sensitive areas should be flagged to limit construction disturbance and ~~conduct~~ ongoing environmental monitoring during construction should occur to assure that flagged areas are avoided. The applicant shall develop a reseeding/restoration and weed management plan done by a qualified biologist.
- H. Overhead and underground electrical transmission and collector lines: Overhead electrical transmission and collector lines should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for raptor protection on power lines and such other commonly accepted industry or regulatory standards. Underground collector lines that link rows of panels to transformers within the solar facility should be constructed to limit soil and vegetation disturbances and prevent wildlife entrapment. Coordination with WDFW should occur to address these issues.
- I. Avian and bat studies and requirements: The County shall consider recommended conditions listed in the current, and as amended, Washington State Department of Fish and Wildlife ~~Solar Power Guidelines~~ Guidelines for Utility-Scale Solar & Onshore Wind Energy. However, any recommended conditions taken from the

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Guidelines or recommended by the Department of Fish and Wildlife must be reasonable and objective and address project impacts. The following conditions and requirements shall be mandatory:

1. The applicant shall conduct project pre-assessment studies consistent with the Washington Department of Fish and Wildlife ~~Solar Power~~ Guidelines for Utility-Scale Solar & Onshore Wind Energy effective on the date of submitting a complete permit application. Project applicants ~~shall~~ ~~are further advised to~~ consult with WDFW and local habitat/wildlife experts regarding solar panel siting and results of any biological surveys before making final site decisions.
2. The applicant shall assess and monitor raptor nests on the project site for activity with a qualified professional prior to construction and modify construction timing and activities to avoid impacts to nesting raptors, consistent with the most current Washington Department of Fish and Wildlife Guidelines for Utility-Scale Solar & Onshore Wind Energy effective on the date of submitting a complete permit application. At a minimum, and prior to construction one full year of raptor nest and bat surveys within 1-mile of the project site ~~during breeding season within 1-mile of the project site~~ should be conducted to determine the location and species of active nests, roosts, and flight routes, potentially disturbed by construction activities, and to identify active and potentially active nest sites with the highest likelihood of impacts from the operation of the solar facility. A larger survey area (e.g., a 2-mile buffer) is recommended if there is some likelihood of nesting occurrence of state and/or federally threatened and endangered ~~avian raptor~~ species (e.g., ferruginous hawk, bald eagle, golden eagle), or if empirical data on displacement impacts may be monitored after construction.
3. A minimum of three years ~~one full season~~ of avian use surveys is recommended following the start-up of the project utilizing current state-of-the-art protocols to estimate the use of the project site by avian species/groups of interest during the season of most concern (usually spring/early summer). Additional seasonal data (e.g. fall or winter) is recommended in the following cases: 1) use of the project site for the avian groups of concern is estimated to be high relative to other projects, and 2) there is very little existing data regarding seasonal use of the project site. This additional avian use data should be collected to refine impact predictions and ~~make decisions on project layout~~ 3) a minimum of three years of specific wildlife species monitoring may be recommended and if needed, an adaptive management strategy developed between WDFW and the project to ensure wildlife conservation and project productivity.
4. The County shall require the applicant to identify and remove all carcasses of big game, birds and bats, etc. from within the project that may attract foraging bald eagles or other raptors.

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5. The CUP shall require the applicant to monitor the project for a minimum of one year following project start-up to estimate bird and bat fatality rates using standard protocol. The applicant shall report bird fatalities observed for the life of the project to WDFW and USFWS on a quarterly basis, unless and until these wildlife agencies waive or reduce this reporting requirement.
- J. Stormwater: Design and implement stormwater drainage systems in consultation with a professional engineer to ensure that minimal erosion will occur. After construction, monitor the site for erosion on a regular schedule as approved by Whitman County, and after large rainfall or snowmelt events, and take corrective action as necessary.
- K. Geologic and Flood Hazards: The applicant shall design structural foundations and buildings in accordance with applicable International Building Code requirements for the relevant seismic zone. Compliance with all applicable local requirements is required.
- L. Water Resources: Water required for onsite use (construction phase work, restroom facilities and general maintenance) shall be obtained in accordance with state and local requirements.
- M. Cultural Resources: The applicant shall complete a cultural resource survey of areas of the project site that will be disturbed temporarily or permanently. During construction, the applicant shall flag and avoid cultural resources and monitor construction activities to ensure that flagged cultural properties are avoided. The applicant shall train construction workers on the need to avoid cultural properties and procedures to follow if previously unidentified cultural properties, including Indian graves, are encountered during construction. If any previously unidentified cultural resource properties are encountered during construction, the applicant shall cease construction activities in the immediate vicinity of the site pending evaluation by a qualified archeologist and consultation with the Department of Archaeology and Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery.
- N. Visual Resources:
 1. The applicant shall prepare visual simulations of the solar facility from key viewpoints, chosen in consultation with the Planning Office.
 2. Lighting for security shall be minimized. Lighting fixtures must be shielded, hooded, and oriented towards the ground so that direct rays of light don't shine

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onto neighboring properties or serve as a source of light pollution. Unnecessary lighting should be turned off at night to limit attraction of migratory birds and bats.

3. Solar panels shall not display advertising, except for reasonable identification of the Panel manufacturer, Facility Owner and Operator.
 4. On-site transmission and power lines between solar panels shall, to the maximum extent practicable, be placed underground.
 5. Commercial solar energy facilities shall incorporate glare reducing materials. Glare reducing materials shall be maintained over the life of the facility. In all instances, no fugitive glare shall be permitted to emit onto adjacent properties and/or rights-of-way. Additional glare analysis may be required when a commercial solar energy facility may have the potential to affect flight paths of local aircraft activity. Also, PV panels shall be non-reflective in order to prevent a 'lake effect' in which birds and their insect prey can mistake a reflective solar facility for a water body.
 6. The entire facility shall be enclosed by fencing a minimum of eight (8) feet in height. Screening and/or fencing shall be consistent with the surrounding character and utilize landscaping and/or native vegetation strategies to screen the facility from routine view of public rights-of-way or adjacent residential property. A locking gate will be provided at each access road to prevent entry by non-authorized persons and shall make provisions for knock box type of entry if requested by emergency services. All access to substation or high voltage electrical equipment shall be locked or fenced, as required by any applicable safety standard.
 7. Additional vegetative screening may be required at the discretion of the County Planner.
 8. The applicant shall provide a clean looking facility free of debris and unused or non-functioning equipment by storing equipment and supplies off-site (post-construction) and removing damaged or unusable equipment from the site.
- O. Decommissioning:
1. The applicant is required to enter into a Site Restoration Financial Assurance agreement with the County (as stated in Section 19.65.070(O)(5)). The Site Restoration Financial Assurance shall be transferred to any future owner of the facility or project site. The applicant or any future facility owner shall, at their expense, complete decommissioning of the commercial solar energy facility within twelve (12) months after the end of the useful life of the facility. The commercial solar energy facility will presume to be at the end of its useful life if

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no electricity is generated for commercial production and distribution for a continuous period of twelve (12) months. If, however, the project is owned and operated by an investor-owned electric utility regulated by the Washington Utility and Transportation Commission, such financial assurance requirements as described in this section may be waived and the removal and restoration obligations hereunder shall be a general obligation of the investor-owned utility as defined in a contractual agreement with the County.

2. The applicant or future facility owner shall notify the County of its intent to terminate the project. The applicant or future facility owner shall submit a detailed Site Restoration Plan to the County (90) days from the time the County is notified of the termination of the project. Site Restoration shall involve removal of the solar panels and mounting structures; removal of all project installed underground materials; restoration of any disturbed soil to pre-construction condition; and removal of project access roads and overhead poles and transmission lines (except for any roads and/or overhead infrastructure that project landowner wishes to retain) (all of which shall comprise "Site Restoration"). Site Restoration shall also include the use of appropriate precautions during decommissioning and removal and safe disposal of any hazardous material and remediate any soil contamination resulting from the hazardous materials.

At the time of Site Restoration, the Project Site will be evaluated by a qualified biologist to determine the extent of and type of vegetation existing on the site and a qualified soil scientist to determine the soil conditions on site. Success criteria for Site Restoration will be established prior to commencement of decommissioning activities, based on the documented preconstruction conditions, experience gained with re-vegetation during operation and the condition of the Project Site at the time of Site Restoration. The restoration success criteria will be established in the Detailed Site Restoration Plan approved by the County in consultation with the designated biologist and soil scientist. Once restoration of the Project Site is determined to be complete, a final report of restoration activities and results will be submitted to the County in consultation with the designated biologist and soil scientist, for review and approval.

3. If the landowner(s) waives any part of the Site Restoration Plan they must also agree to assume responsibility for all permitted facilities with the appropriate regulatory agency. Copies of the approved permit transfers must be provided to the Planning Department.
4. The applicant shall provide financial assurance sufficient, based on detailed engineering estimates, for required Site Restoration costs in the form of a surety

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bond, irrevocable letter of credit, or guaranty. The applicant must also provide pollution liability insurance coverage at an amount justified for the project. The applicant shall include a detailed engineering estimate, prepared by a licensed professional engineer, of the cost of Site Restoration in its Initial Site Restoration Plan submitted to the County. The estimate must be based on the costs of the County hiring a third party to carry out Site Restoration. The estimate may not be reduced for “net present value” and may not include any salvage value that may be realized from the sale of facility structures or equipment, property interests, or other assets associated with the facility at the time of decommissioning and Site Restoration. During the active life of the facility, the applicant or Transferee must adjust the Site Restoration cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument used to provide financial assurance and must increase the financial assurance amount accordingly to ensure sufficient funds for Site Restoration.

5. The duty to provide such financial assurance shall commence sixty (60) days prior to the beginning of Construction of the Project and shall be continuously maintained through to the completion of Site Restoration. Construction of the Project shall not commence until adequate financial assurance is provided. On or before the date on which financial assurance must be established, the applicant shall provide the County with one of the following financial assurance mechanisms that is reasonably acceptable to the County:

- a. *Surety Bond.* The applicant or any Transferee shall provide financial security for the performance of its Site Restoration obligations through a Surety Bond issued by a surety listed as acceptable in Circular 570 of the U.S. Department of the Treasury. The Performance Bond shall be in an amount equal to the Site Restoration costs. An irrevocable Standby Site Restoration Trust Fund shall also be established by the applicant or Transferee to receive any funds that may be paid by the surety to be used to complete Site Restoration. The surety shall become liable for the bond obligation if the applicant or Transferee fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least one hundred twenty days after the applicant or Transferee and the County have received notice of cancellation. If the applicant or Transferee has not provided alternate financial assurance acceptable under this Site Restoration Plan agreement within ninety days of the cancellation notice, the surety shall pay the amount of the bond into the Irrevocable Standby Site Restoration Trust Fund: or

- b. *Irrevocable Letter of Credit.* The applicant or any Transferee shall provide financial security for the performance of its Site Restoration obligations through an Irrevocable Letter of Credit payable to or at the direction of the County, that is issued by an institution that has the authority to issue letters of

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credit and whose letter of credit operations meet the requirements under FAR 52.228-14. The letter of credit shall be in an amount equal to the Site Restoration costs. An Irrevocable Standby Site Restoration Trust Fund shall also be established by the applicant or Transferee to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit. The letter of credit shall be irrevocable and issued for a period of at least one year, and renewed annually, unless the issuing institution notifies the applicant or Transferee and the County at least one hundred twenty days before the current expiration date. If the applicant or Transferee fails to perform Site Restoration, or if the applicant or Transferee fails to provide alternate financial assurance acceptable to the County within ninety days after notification that the letter of credit will not be extended, the County may require that the financial institution provide the funds from the letter of credit to be transferred to the Irrevocable Standby Site Restoration Trust Fund: or

c. *Guaranty.* Applicant or any Transferee, as the case may be, shall provide financial assurance from a Third-Party Entity for the performance of its Site Restoration obligations by delivering a guaranty by either a. or b. above to fund the applicant or Transferee's Site Restoration obligations hereunder.

6. If the applicant or any Transferee fails to perform Site Restoration covered by the guaranty in accordance with the approved Initial or Final Site Restoration plan, the guarantor will be required to provide funding from the Surety Bond or Irrevocable Line of Credit to complete the appropriate activities. The guaranty will remain in force unless the guarantor sends notice of cancellation by certified mail to the applicant or Transferee and the County. Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by the applicant or Transferee and the County. If the applicant or Transferee fails to provide alternate financial assurance as specified in this section and obtain the written approval of such alternate assurance from the County within ninety days after receipt of a notice of cancellation of the guaranty from the guarantor, the guarantor will provide such alternative financial assurance in the name of the applicant or Transferee by means of depositing the required funds into the Irrevocable Standby Site Restoration Trust Fund. If the Standby Site Restoration Trust Fund is funded for any reason above, the County Treasurer shall be named the Trustee, and the County shall be the sole Beneficiary.
7. The guarantor entity's chief financial officer shall provide a corporate guaranty that the corporation passes the financial test at the time the Initial Site Restoration Plan is filed. This corporate guaranty shall be reconfirmed annually ninety days after the end of the corporation's fiscal year by submitting to the County a letter signed by the guaranteeing entity's chief financial officer that:

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- i. Provides the information necessary to document that the guarantor entity passes the following financial test:
 - a) If the Guarantor is providing a bond that they are in good standing and meet the requirements pursuant to Circular 570 of the U.S. Department of the Treasury
 - b) If the Guarantor provides an Irrevocable Line of Credit they shall provide and certify the following information:
 - a. Federal Deposit Insurance Corporation verification of good standing.
 - b. Investment grade credit rating from a Nationally Recognized Statistical Rating Organization (NRSRO).
 - ii. Guarantees that the funds to finance the required Site Restoration activities are available.
 - iii. Guarantees that the required Site Restoration assurances will be available until Site Restoration is completed.
 - iv. Guarantees that the entity's chief financial officer will notify in writing the applicant or Transferee and the County within ten days any time that the entity no longer passes the financial test or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy. Such a proceeding under Title 11 will cause the entity to fail the financial test.
 - v. Guarantees that after written notification is delivered to the applicant or Transferee and the County that the entity no longer passes the financial test the entity shall deposit the restoration funds into the Standby Trust Fund if so directed by the County.
8. If the guarantor should not pass the required tests, the applicant or transferee must obtain an alternate financial assurance method as described in this section within 15 days of notification from the guarantor in order to provide continuous financial assurance coverage.
9. If the financial assurance agreement is transferred after its effective date, pursuant to applicable County laws and regulations, the County has the right to require, consider, and approve an alternate financial security as described in section 5 above that would provide for the applicant's performance of its Site Restoration obligations pursuant to the Site Restoration Plan.

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P. Public Safety:

1. The applicant shall comply with state occupational health and safety standards.
2. During project construction and all project welding operations, the applicant shall have a readily accessible water truck and chemical fire suppression materials available on site to allow immediate fire response.
3. Ensure that there is a spill response plan and containment strategy for toxic spills and waste management during construction.
34. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
45. A fire management plan shall be provided by the applicant as part of the SEPA review. This plan shall be provided by a County-approved qualified third-party fire marshal.
56. The applicant shall monitor the site for evidence of unauthorized use and provide additional security as appropriate.
67. A sign consistent with WCC Chapter 19.53 shall be provided that shall identify the owner of the facility and provide a 24-hour emergency contact telephone number.

Q. Battery storage units included as part of a commercial solar operation shall be placed on a concrete slab inside the solar facility fenced area and shall be in accordance with WCC Chapter 19.66 – Battery Energy Storage System (BESS).

Section 19.65.080 - Compliance with Project Conditions

- A. Upon providing reasonable notice to the applicant or Transferee, County officials shall have the right to enter the project site to verify compliance with project conditions.
- B. Compliance with project conditions and code requirements is required. In addition to such other remedies available under law, any County department or other decision maker issuing any decision, environmental determination (such as a mitigated determination of non-significance), approval, authorization, or other determination, including a determination on the conditions to apply to a particular project under this chapter ("authorization"), may conduct enforcement activities in accordance with County code and Washington State law.

Section 19.65.090 – Severability

Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

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unconstitutionality shall not affect the validity or constitutionality of any other section, sentence clause or phrase of the ordinance.