

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF WHITMAN,
WASHINGTON, ADOPTING INTERIM ZONING CONTROLS
REGARDING ESTABLISHMENT, LOCATION, OPERATION,
LICENSING, OR MAINTENANCE OF COMMERCIAL WIND
AND SOLAR ENERGY GENERATION FACILITIES AND
ENERGY STORAGE SYSTEMS**

WHEREAS Whitman County adopted Chapter 19.61 zoning ordinances governing Commercial Wind Energy Generating Facilities in 2009 in the unincorporated areas of Whitman County; and

WHEREAS, Whitman County had not re-examined that code in detail since that time; and

WHEREAS, Whitman County on January 6, 2025, adopted a moratorium on the establishment, location, operation, licensing, or maintenance of any new Commercial Wind Energy Facilities in the unincorporated areas of Whitman County and prohibited the receipt of any application for or issuance of any business license, Conditional Use Permit, building permit, occupancy permit, or other development permit for any purpose or activity regarding establishment of a new Commercial Wind Energy Facility not already permitted and operational; and

WHEREAS the Whitman County Planning Commission is undertaking a comprehensive review of Whitman County Code Chapter 19.61 regarding establishment of Commercial Wind Energy Facilities in the unincorporated areas of Whitman County for the purpose of making recommendations about future establishment of such facilities as permitted use in the unincorporated areas to the Whitman County Board of Commissioners; and

WHEREAS, Whitman County has not adopted provisions in the Whitman County Zoning Code regarding the establishment, location, operation, licensing, or maintenance as a permitted use in any area or zone of the county of any Commercial Solar Energy Facilities, defined here as any device or assembly of devices, including ancillary equipment and structures, that are ground installed and which use solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property; and

WHEREAS, Whitman County has not adopted provisions in the Whitman County Zoning Code regarding the establishment, location, operation, licensing, or maintenance as a permitted use in any area or zone of the county of any Commercial Battery Energy Storage System, defined here as any device or assembly of devices, including ancillary equipment and structures, capable of storing energy in order to supply electrical energy for

a future time and for which the primary purpose of is wholesale or retail sale and not for consumption on the property; and

WHEREAS, the Board of County Commissioners believes that the establishment, location, operation, licensing, or maintenance as a permitted use in any area or zone of the county of Commercial Solar Energy Facilities and Commercial Battery Energy Storage Facilities should be examined by the Planning Commission and the Planning Commission should advise the Board as to whether the Planning Commission believes that provisions for such establishment, location, operation, licensing, or maintenance thereof should be considered for adoption in the Whitman County Zoning Code;

WHEREAS, adoption of interim zoning controls enacted under RCW 36.70.790 are a statutorily authorized method by which local governments, in order to protect the public safety, health and general welfare, may preserve the status quo while the planning commission studies and develops recommendations to the Board of County Commissioners for the establishment, location, operation, licensing, or maintenance as a permitted use in any area or zone of the County of Commercial Wind Energy Facilities, Commercial Solar Energy Facilities and Commercial Battery Energy Storage Facilities; and

WHEREAS the Whitman County Board of Commissioners will hold a duly noticed public hearing within sixty (60 days) hereof, where at such hearing they will take public testimony regarding the necessity of establishing these interim zoning controls for Commercial Wind Energy Facilities, Commercial Solar Energy Facilities, and Commercial Battery Energy Storage Systems and to consider adopting further findings; now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WHITMAN COUNTY AS FOLLOWS:

Section 1. Findings. The Board of County Commissioners adopts all of the "Whereas" sections of this Ordinance as findings in support of this Ordinance. The Board of County Commissioners, in its discretion, may adopt additional findings at the conclusion of the public hearing referenced above.

Section 2. Interim Zoning Controls. Pursuant to RCW 36.70.790, this ordinance is adopted and shall be construed as interim zoning controls which prohibit as an allowed, conditional, special or any other manner of use, within the unincorporated areas of Whitman County, all Commercial Wind Energy Generating Facilities which are not already operating under a Conditional Use Permit, and which prohibit as an allowed, conditional, special or any other manner of use, within the unincorporated areas of Whitman County, all Commercial Solar Energy Facilities and Commercial Battery Energy Storage Systems.

Section 3. Duration. These interim zoning controls shall remain in

effect until July 7, 2025, unless extended as provided in RCW 36.70.790 or unless earlier terminated by the Board of County Commissioners.

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. This ordinance shall be published as soon as practical and shall take effect immediately upon being passed by the Board of County Commissioners.

Dated this 5th day of May 2025

ATTEST:


Corey Mitzimberg
Clerk of the Board

Board of Whitman County Commissioners
of Whitman County, Washington


Tom Handy, Chairman


Arthur D Swannack, Commissioner


Chad Whetzel, Commissioner