Attachment B. Land Use Consistency Review

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Carriger Solar, LLC Project Land Use Consistency Review

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1.0 Introduction

Carriger Solar, LLC (Applicant), a wholly owned subsidiary of Cypress Creek Renewables, LLC, proposes to construct and operate the Carriger Solar Project (Project) on land located in unincorporated Klickitat County, Washington, approximately two miles northwest of the City of Goldendale. The Project is a proposed solar photovoltaic (PV) electric generating facility with a capacity of 160 megawatts (MW) of alternating current (AC) solar energy and 63 MW of battery energy storage, as well as associated interconnection and ancillary support infrastructure. Land use and potential development of unincorporated lands are ordinarily subject to entitlement review by Klickitat County, pursuant to the zoning regulations and standards of the Klickitat County Code (KCC), and guided by the general goals and policies of the Klickitat County Comprehensive Plan.

The Applicant has elected to seek Project approval by the Governor upon recommendation of a Site Certification Agreement (SCA) by Washington State's Energy Facility Site Evaluation Council (EFSEC or the Council), and thus is submitting an Application for Site Certification (ASC). Pursuant to Revised Code of Washington (RCW) 80.50.040, RCW 80.50.110, and Washington Administrative Code (WAC) Chapter 463-28, EFSEC may recommend to the Governor that she/he permit and authorize an energy generation facility in Klickitat County with appropriate consideration of the Project's consistency with the Klickitat County land use regulations. As such, the EFSEC Site Certification Agreement process takes the place of the County review process. To support the land use analysis in Section 4.14 of the ASC, this land use consistency review has been prepared to address applicable KCC provisions (Klickitat County 2021) and the Klickitat County Comprehensive Plan (Klickitat County 2013). Because demonstrating compliance often requires detailed information covered elsewhere in the ASC, the following land use consistency review includes cross-references to other sections of the ASC, reports, and supporting studies for further analysis and documentation.

1.1 Background

The Project is generally located north of State Route (SR) 142 and along Knight Road, Fairgrounds Road West, Mesecher Road West, Fish Hatchery Road, Butts Road, and Pine Forest Road, approximately two miles west/northwest of the city of Goldendale in Klickitat County, Washington. The Project Site Control Boundary (2,108 acres) is defined as the total of the leased areas for the Project. Within the Project Site Control Boundary, a smaller Project Study Area (2,011 acres) was defined for the land use review. This Study Area also includes a portion of the Klickitat County Knight Road right-of-way (ROW, approximately 9 acres), and a portion of the BPA transmission line right-of-way (approximately 3 acres) where portions of Project collector lines and/or access roads will be sited. The Maximum Project Extent (MPE) is defined as the area that contains the Project Footprint. Refer to Attachment A-1 and A-2 of the ASC for figures depicting these areas.

The Project will use solar modules configured in a solar array to convert energy from the sun into electric power. The solar arrays will be comprised of single axis tracking PV modules, pile driven racking equipment, cabling, power inverters and transformers mounted on concrete pads, and an

electrical collection system of overhead and underground cables. Other Project components include a Battery Energy Storage System (BESS), a Project substation, interconnection equipment, O&M building and employee parking, laydown area, access roads, and fencing. Fencing will be installed around the solar arrays, the Project substation, and the BESS. The exact fence line location will be sited based on final approved design for the Project. The Project will interconnect to the Northwest transmission grid via BPA's existing Knight Substation located adjacent to the Project substation. Project components are described in more detail in Part 2, Section A.2.a of the ASC.

The Project will use existing roads to the extent practicable but will also construct new Project access roads within the MPE. The Project will primarily be accessed from private driveways off Knight Road, Mesecher Road, Butts Road, and State Route 142. The Project's northern and southern solar array areas will be connected by an overhead collection line sited within the existing Klickitat County Knight Road right-of-way. Access roads and collection lines will be sited within a portion of the existing BPA transmission line right-of-way associated with the existing North Bonneville-Midway No. 1 and Wautoma-Ostrander No. 1 transmission lines. An O&M building and employee parking will be located near the Project substation and will include a bathroom.

1.2 Permitting and Regulatory Requirements

1.2.1 Energy Facilities – Site Locations (RCW Chapter 80.50)

In adopting RCW Chapter 80.50, the Washington State Legislature found that "the present and predicted growth in energy demands in the state of Washington requires the development of a procedure for the selection and utilization of sites for energy facilities and the identification of a state position with respect to each proposed site" (RCW 80.50.010). In addition to recognizing the State's energy needs, the intent of the statute was to ensure efficient decision-making with respect to energy facilities and to meet customer demand for energy at a reasonable cost while also protecting the quality, cleanliness, and public enjoyment of the natural environment. The statute created EFSEC, and authorized EFSEC to receive, hear, and make recommendations to the State Governor's Office with respect to disposition on energy facility siting applications (RCW 80.50.040). Pursuant to RCW 80.50.060(2) and 80.50.110(2), applicants for alternative energy facilities may request certification through EFSEC in lieu of pursuing zoning or land use permit approval through the local planning agency. However, in approving a certification request, the Council must give consideration to the purposes of local agency's laws, ordinances, rules, or regulations ((WAC 463-28-070).

1.2.2 Growth Management Act of the State of Washington (RCW Chapter 36.70A)

Initially adopted by the Washington State Legislature in 1990 and subsequently amended, the Growth Management Act (GMA) requires cities and counties to prepare comprehensive land use plans in coordination with the public and other jurisdictions, and which are consistent with statewide land use goals. The GMA requires that local agencies, by way of their comprehensive

plans, "designate critical areas, agricultural lands, forestlands and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forestlands, and mineral resources lands and protecting these designated critical areas" (RCW 36.70A.040[3]). The GMA also requires counties to define urban growth boundaries and to adopt countywide planning policies that define the framework upon which city and county comprehensive plans are developed and adopted.

A comprehensive plan must include, at minimum, a land use element that: 1) designates the general distribution, location, intensity, and extent of agricultural, residential, commercial, industrial, and public uses of land under the respective agency's jurisdiction; 2) provides for protection of groundwater and surface water quality and quantity; and 3) estimates future population growth and land planning approaches that promote physical activity. Other mandatory comprehensive plan elements listed in RCW 36.70A.070 include housing, capital facilities, utilities (including electrical, telecommunications and natural gas lines), rural lands, transportation, economic development, and parks and recreation. Local agencies may include subarea plans or other optional elements (such as conservation or solar energy) that address other topics that the agency determines are relevant to its physical development. Subsequent decisions of the local decision-making body with respect to proposed public and private development projects should be consistent with the overall goals, policies, and objectives of the comprehensive plan.

1.2.3 Klickitat County Comprehensive Plan (2013)

Klickitat County adopted its Comprehensive Plan in 1977 and has amended the plan several times, most recently in October 2013. Section 2 of the Klickitat County Comprehensive Plan (KCCP) provides a set of goals and policies that address concerns related to the environment, natural resources, economy, housing and residential development, transportation, and public services. Section 3 identifies the land use plans for rural Klickitat County and for the designated sub-areas. The Project Study Area is designated as "agricultural/forest" (AF) in the General Land Use Plan in Section 3 of the Comprehensive Plan. The Project Study Area is located outside of the Goldendale sub-area plan. The KCCP goals and policies applicable to the Project are reviewed for consistency in Section 2.1 below.

1.2.4 KCC Title 19, Klickitat County Zoning Ordinance (Ordinance No. 62678

KCC Title 19 establishes the Klickitat County Zoning Ordinance which implements the Klickitat County Comprehensive Plan's objectives through establishment of land use zoning districts in unincorporated Klickitat County and establishment of standards for each district to govern the usage of land and structures in the interest of public health, safety and the general welfare.

The Project is proposed to be located on lands primarily within the Klickitat County Extensive Agriculture (EA) District, with the remainder (approximately 180 acres)being located within the Klickitat County General Rural (GR) Zone (Attachment A-1, Figure 3). The greater, southern, portion of the Project (south of the line that divides Range 15 East Townships 4 and 5) is located in the

Energy Overlay Zone (EOZ) (KCC 19.39) (see Attachment A-1, Figure 3). The EOZ overlays a portion of the underlying EA and GR zoned areas where the Project is proposed (see Attachment A-1, Figure 3).

The Project is reviewed for consistency with applicable sections of the KCC in Section 2.2 below.

1.2.5 Klickitat County Critical Area Ordinance (Ordinance No. O012704)

The Klickitat County Critical Area Ordinance (CAO) establishes regulations governing the use of areas defined by the State of Washington as critical to the public health, safety, and welfare per the requirements of the GMA (RCW Chapter 36.70A). As defined by GMA, "Critical areas" include the following: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas (RCW 36.70A.030(6)). All counties are required to review, evaluate, and, if necessary, revise their critical areas ordinances according to an update schedule. Klickitat County's current CAO was last updated in 2013 (Ordinance #O080613).

Per Chapter 1, Section 1.1 of the CAO, not all critical areas are important for the same reasons; in some cases, the risk posed to the public by use or development of a critical area can be mitigated or reduced with proper engineering or design. The CAO also notes that in all cases, the current rights of landowners need to be weighed in comparison to the benefit/risk to public health, safety and welfare.

The Project's consistency with the CAO is reviewed in Section 2.3 below.

2.0 Land Use Consistency Review

The Klickitat County Zoning Code adopts standards "for particular districts and circumstances" which implement and achieve the objectives of the Klickitat County Comprehensive Plan. (KCC 19.02.050). As discussed in detail in Section 2.2 below, under applicable County zoning, the Project is a conditional use within the EA and GR zones. As defined in KCC 19.04.160, a conditional use is "permitted when authorized by the board of adjustment and subject to the imposition of reasonable conditions and/or restrictions which, when imposed, renders the use compatible with the existing and potential uses in the vicinity which are permitted outright." Under KCC 19.08.050, the board of adjustment should administer the zoning code "in such a way as to carry out the intent and purpose of the comprehensive plan". Thus, context for the "compatibility" standard is provided by applicable portions of the KCCP.

2.1 Klickitat County Comprehensive Plan

2.1.1 Goals and Policies

> *Goals are explanations of purpose; ideas of and for the future. Policies are explanations of the course of action the county intends to take in order to meet the goals. The county's goals and*

policies must be those of its citizens. And, although Klickitat County has a right and a responsibility to set its own course to the future, it must remember that it is part of a larger ship, the "ship of state." Regional and statewide needs, desires and goals and policies must also be considered.

The Comprehensive Plan has been amended multiple times since its 1977 adoption. Notably, the Comprehensive Plan was amended in March, 2005 to include goals and policies specific to Natural Resources/Energy which encourages energy development in locations within Klickitat County that take advantage of the County's energy resources, existing infrastructure, and are sited to minimize environmental impacts. The Project implements the goal and policies described in the Goals and Policies section of the Comprehensive Plan, as further described in the subsections below. The Project is therefore consistent with the overall approach to goals and policies articulated in the Comprehensive Plan.

2.1.2 Concern: Environment/General

Goal: To preserve the environmental quality of Klickitat County

Policies:

1. *The capability of the land, water and air to sustain human activities should be a determining factor in making land use decisions. Land capability maps should be prepared and referred to when decision on land subdivision, development, or zoning must be made.*

Response: The Project is proposed at this location to utilize the abundant supply of cloud-free days per year that is conducive to solar power development. As discussed in Section 2.2, the proposed Project meets the applicable substantive criteria for the KCC, including for the zones in which the Project is located. The Project has been designed to avoid sensitive resources, and avoidance and minimization measures will be implemented during construction and operations as described in the ASC in Parts 2, 3, and 4, including associated figures. Further documentation of the Project's surveys and analyses of sensitive resources and their avoidance is provided in the ASC attachments, including the Habitat and General Wildlife Survey Report (Attachment C), Raptor Nest Survey Report (Attachment D), Wetland Delineation Reports and Amendment (Attachment E), Botanical Survey Report (Attachment F), Cultural Resources Survey Report and Unanticipated Discovery Plan (Attachment I), Preliminary Geotechnical Engineering Report (Attachment K), and Preliminary Hydrologic and Hydraulic Assessment (Attachment L). Documentation of the Project's compliance with the Klickitat County CAO, which was adopted by the County to protect critical resources, is provided in Section 2.3 below.

The Project is therefore consistent with this policy.

2. *Buildings should be located on sites which minimize the need for cutting, grading or the removal of native vegetation.*
    a. *Land surface modifications should be compatible with natural features and processes.*

b. As much natural vegetation as possible, especially large trees, should be preserved as development occurs.

Response: The Project site was selected in part due to its suitable characteristics for this type of development, with an existing topography that requires only minimal areas of grading across the site. The area within the MPE that will be developed for the Project is relatively flat and requires minimal site preparation for the installation of Project infrastructure including structure foundations, interconnection equipment, inverters, BESS, O&M building, parking area, and access roads. Areas of native vegetation have been avoided through Project design, including those areas along wetlands and stream buffers as described in Section 2.3 below and in Part 4 Sections 4.3 and 4.8 of the ASC. Where unavoidable impacts occur, mitigation will be implemented as required, as discussed in the ASC. Vegetation under the panel arrays areas will be mowed prior to construction and temporary construction disturbances will be primarily limited to small areas of clearing around module posts when they are driven into the ground.

Following construction, temporary disturbance areas will be revegetated and long-term vegetation management across the site will be implemented as described in the Draft Habitat Management Plan. The Draft Habitat Management Plan will address Project monitoring and reporting measures to verify the extent of onsite impacts and documentation of post-construction recovery of areas disturbed temporarily or altered as a result of the Project. These monitoring results will be reported to EFSEC. The Applicant will work with EFSEC and WDFW to determine and implement appropriate mitigation. Additional discussion of the Draft Habitat Management Plan and mitigation is provided in Section 2.3.4 below, as well as in Part 4, Sections 4.8 and 4.9 of the ASC, and in Attachment C of the ASC.

The Project is therefore consistent with this policy.

2.1.3 Concern: Environment/Land

Goal: To guide development to areas where soils and geology pose the fewest limitations to quality growth.

Policies:

4. Where severe soil limitations coincide with other limiting factors such as geologic instability or surface flooding, development should be discouraged.

5. On-site geological and engineering studies should be required before development is allowed in areas with potential slope instability or soil settling problems

Response: The geologic and hydraulic conditions of the site have been assessed as part of the Project's development. Details of the site geologic and hydraulic conditions are provided in Attachments K and L of the ASC, and are discussed in detail in Part 4, Sections 4.1 and 4.5 of the ASC. Additional discussion of site geologic hazards is provided in Section 2.3.5 below. The geotechnical report (Attachment K) provides information about geologic hazards and related concerns that may affect the Project, including seismic hazards, slope instability, flooding, ground

subsidence, collapsible soils, corrosive soils, and erosion. Part 4, Section 4.1 of the ASC describes the geological and soil conditions within the Project Area, including any geologically hazardous areas designated by Klickitat County as critical areas, impacts to the Project associated with potential geological hazards, and mitigation strategies that will be implemented to minimize the risks associated with these areas.

The Project design incorporates the findings of the studies and analyses of geologic and hydraulic conditions, including avoiding areas of steep slopes (e.g. avoiding the over 15 percent slopes located in the southwestern most area of the Project Study Area – see ASC, Attachment A-1, Figure 5), avoiding floodplains and wetlands and protecting existing streams and their buffers (see Part 4.3 of the ASC and ASC, Attachment A-1, Figure 5), limiting the creation of impervious surfaces, maintaining existing drainage patterns, and designing Project infrastructure to accommodate geologic hazards such as seismic concerns. Project design will meet all requirements in the Klickitat County and Washington State structural design regulations, including seismic design parameters and the 2015 International Building Code and ASCE 7-10 and ASCE 7-16 which follow the Washington State Building Codes (WAC 463-62-020). Prior to construction, the Applicant will obtain a construction stormwater permit, and during construction will implement an Erosion and Sediment Control Plan and best management practices to minimize the potential for soil erosion. Additionally, water trucks would be used to provide moisture for compaction as well as dust control during construction as required. The Project is therefore consistent with these policies.

2.1.4 Concern: Environment/Water

Goal: To maintain high water quality by insuring that adjacent land uses are compatible with water uses.

Policies:

1. *Food and sports fisheries should be protected from the impact of increased demand for hydroelectric., municipal and industrial water supplies.*
5. *Control measures should be imposed by county government to regulate land fills, dredging, waste discharges, increased storm runoff, upland erosion, water diversions, or other activities affecting water quality.*
6. *Proposed subdivisions and large site plans should include provisions to protect the natural drainage system. Where the natural system is not adequate, supplemental drainage facilities should be required.*
7. *Areas with limited groundwater quantity or quality should be restricted to low-density uses unless adequate domestic water supplies are available.*
8. *The shorelines of the rivers and streams of Klickitat County are a specialized resource to be protected and enhanced. The shoreline master program for Klickitat County shall serve as the policy governing shoreline use.*

Response: The Project will require limited water during construction, primarily for dust control and soil compaction, and operations will require only limited water for domestic use at the O&M building and for occasional panel washing during the life of the Project. (See ASC Part 3.6a for additional detail.) Water for construction and operations is anticipated to be sourced from an existing on-site well or a diversion associated with a valid water right (to be verified in coordination with Ecology). If adequate amounts of water are not available from the existing water rights on site, water would be purchased from a permitted off-site source (i.e., municipal water source or vendor with a valid water right) and hauled to the Project site. Based on the limited amount of water required to construct and operate the Project, the Project is not anticipated to have any potentially significant effects on any local or regional water purveyor's resources or capacity to supply water.

As described in Sections 2.3.2 and 2.3.3 below, and in Part 4, Section 4.3 of the ASC, the Project has been designed to avoid wetlands and waterbodies. Figures showing proposed Project facilities and their relationship to wetlands and wetland buffers are included in the Wetland Delineation Reports and Amendment (ASC, Attachment E), shown in ASC Attachment A-1, Figure 7, and discussed in the ASC Part 4 Section 4.3. The Project has been designed to avoid wetlands, and no wetland or wetland buffers impacts (temporary or permanent) are proposed in the current Project layout. Impacts to streams and their buffers from crossings of delineated streams are proposed in three locations, including Ephemeral ST-109, Intermittent Stream 4, and Intermittent Stream 6. Additional details of the engineering design of those crossings will be included in the Joint Aquatic Resources Permit Application (JARPA) that will be submitted at a later date, but overall would be designed as either culverts or low water crossings, sized to maintain adequate hydraulic and sediment transport capacity, and designed and installed using appropriate BMPs to avoid impacts to water quality or aquatic life. (See also Section 2.1.9 below).

As described in Part 4, Section 4.5 of the ASC, the Applicant will consult with the Klickitat County Building Department and follow county and state specifications to control surface water runoff. A Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plan would be developed to manage stormwater runoff and reduce potential erosion impacts through best management practices and general construction permitting requirements.

The Project location avoids all identified Shorelines of State-wide Significance described in the Klickitat County Shoreline Master Plan (Klickitat County 2007). Furthermore, the streams and wetlands within the Project Study Area do not meet the definition of "shorelines" in the Klickitat County Shoreline Master Plan or RCW 90.58 as they are "upstream of a point where the mean annual flow is 20 cubic feet per second or less" (see Klickitat County 2007 and RCW 90.58.030(2)(3)(ii)). Most of the streams in the Project Study Area ultimately flow into Spring Creek, which has an annual flow of less than 20 cubic feet per second (Ecology 1990) and is not listed in Appendix E of the Klickitat County Shoreline Master Plan or under WAC 173-18-240 (Klickitat County 2007). Therefore, none of the streams and wetlands in the Project Study Area are covered by the Klickitat County Shoreline Master Plan. However, the Project design has taken

measures to avoid or protect the existing streams and wetlands within the Project MPE, including protecting the stream and wetland buffers as discussed above.

The Project is therefore consistent with these policies.

2.1.5 Concern: Environment/Air

Goal: To Preserve the County's Clean Air and Minimize Noise and Odors

Policies:

1. *Performance standards for air quality, noise and odors should be adopted and enforced. These standards should consider such factors as site location, shape of buildings, and height of emitting stacks, and should prevent degradation of air quality.*
2. *Buffers between noise-generating and odor-generating uses and other uses should be provided through zoning and subdivision ordinances.*

Response: The Project has been designed to comply with all applicable air quality, noise and odor standards. The generation of solar power generation is an emission free energy resource that does not produce odor or significant ongoing air emissions, and is not a significant source of noise.

As described in Part 4, Section 4.2 of the ASC, primary air emissions during construction include vehicle exhaust emissions and fugitive dust. Measures to control air emissions during construction include minimizing vehicle idling, and utilizing water trucks to provide moisture for compaction and dust control, as required. Emissions during operations will be minimal, including low, intermittent, and localized emissions from vehicles used for maintenance, deliveries, and hauling.

The Acoustic Assessment Report (Attachment H) and Part 4, Section 4.16a of the ASC document reflect that the Project will be compliant with county and state noise regulations. Although WAC 173-60-050 exempts temporary construction noise from the state noise limits, the Project will voluntarily implement BMPs to reduce off-site construction noise impacts.

Additionally, as described in Section 2.2.1 below, the Project is compliant with Klickitat County setback distances/yard requirements for the EA District and GR Zone.

The Project is therefore consistent with these policies.

2.1.6 Concern: Natural Resources/General

Goal: To maintain and enhance Klickitat County's natural resource base.

Policies:

1. *Conserve the natural resources required for agriculture, forestry, extractive mining, etc. In order to protect the basic economy.*

Response: The Project is designed to avoid sensitive resources, and will implement avoidance and minimization measures during construction and operations as described in the ASC in Parts 2, 3,

and 4, including associated figures. Further documentation of the Project's surveys and analyses of sensitive resources and their avoidance is provided in the ASC attachments, including the Habitat and General Wildlife Survey Report (Attachment C), Raptor Nest Survey Report (Attachment D), Wetland Delineation Reports and Amendment (Attachment E), Botanical Survey Report (Attachment F), Cultural Resources Survey Report and Unanticipated Discovery Plan (Attachment I), Preliminary Geotechnical Engineering Report (Attachment K), and Preliminary Hydrologic and Hydraulic Assessment (Attachment L). Documentation of the Project's compliance with the Klickitat County CAO, which was adopted by the County to protect critical resources, is provided in Section 2.3 below.

The Project will occupy the land under a long-term lease but will not permanently alter soil conditions, allowing the land to be returned to agricultural use after the Project is decommissioned. In addition, the Project will supplement the landowners' farm income through the lease payments, stabilizing commercial farm uses on other lands in their operation by diversifying their income sources. The Project will not have off-site impacts that would affect agricultural uses on adjacent lands. The Project is therefore consistent with this policy.

2.1.7 Concern: Natural Resources/Agriculture

Goal: To support and protect agriculture.

Policies:

1. *Agricultural lands of long-term commercial significance are parcels within the Extensive Agriculture zoning district. Locally important agricultural lands of long-term commercial significance are parcels within the Resource Lands zoning district which are also classified through the Assessor's Office for farm and agricultural use.*
2. *A plan for preserving prime agricultural land should be developed and land use regulations enforced.*

Response: The Project includes parcels of agricultural lands within the EA District and GR Zone, and the majority of the Project lands are within the adopted EOZ overlay zone. As discussed in greater detail in Section 2.2.1 below, the Project is an allowed conditional use in both the EA and GR land use districts, and therefore can be deemed compatible with surrounding agricultural land uses in the EA District subject to reasonable conditions as identified in the CUP process.

The following analysis provides information on the amount of land within the Project Study Area currently used for agricultural purposes, together with a general discussion of the agricultural potential of the underlying soils.

Approximately 1,727 acres (86 percent) of the Project Study Area has been mapped as the "agriculture, pastures, and mixed environs" habitat type during the Project's 2022 Habitat and General Wildlife Survey ("Habitat Survey") (refer to ASC Part 2 Section B.2 Surface Types and Acreages and ASC Attachment A-1; Figure 8). Four subtypes of the "agriculture, pastures, and mixed

environs" habitat type were mapped and are described and discussed in the Habitat Survey; a description of each plus the number of acres impacted by the MPE is provided below.

- ***Cultivated Cropland***. Approximately 764 acres (38 percent of the Project Study Area) consisted of cultivated dryland cropland. Cultivated croplands within the Project Study Area consisted predominantly of wheat fields that are typically grown on a two-year wheat-fallow cycle. Approximately 634 acres of this habitat type would be impacted by the MPE.
- ***Improved Pastures***. Approximately 493 acres (25 percent of the Project Study Area) were mapped as improved pastures. Improved pastures within the Project Survey Area primarily consisted of fields planted with alfalfa or grasses for the production of hay. Approximately 358 acres of this habitat type would be impacted by the MPE.
- ***Unimproved pastures***. Approximately 295 acres (15 percent of the Project Survey Area) were mapped as unimproved pastures. Unimproved pastures within the Project Survey Area included abandoned fields and areas planted with non-native grasses. Typically, these unimproved pastures were being grazed by cattle. Approximately 98 acres of this habitat type would be impacted by the MPE.
- ***Modified grasslands***. Approximately 176 acres (9 percent of the Project Survey Area) were mapped as modified grasslands. Modified grasslands within the Project Survey Area were dominated by non-native grasses. Approximately 178 acres of this habitat type would be impacted by the MPE.

Approximately 70 acres of the "improved pasture" subtype located in the southwest portion of the Project Study Area were documented as being irrigated during the surveys. According to the US Department of Agriculture, Natural Resources Conservation Service (NRCS) soil mapping survey (NRCS 2023), the majority of the soils in the Project Study Area (78 percent) are considered arable (Capability Class 2, 3 or 4) when not irrigated (see Table 1). Table 1 provides a breakdown of NRCS soil classifications within the Project Study Area and Project MPE. The NRCS capability system also quantifies through assignment of a sub-class rating of "e," "w," "s," or "c," the limitations and risks to soil productivity for field crops. Limitations that reduce productivity include non-optimal soil moisture conditions and erosion risks, soils limited by being shallow, droughty, or stony; and climate limitations (very cold or very dry). As shown in Table 1, the majority of the soils within the Project area lands have erosion limitations. And per the NRCS National Crop Productivity Index, the soils on site have moderate to low inherent productivity.

In summary, the Project will be impacting approximately 70 acres of irrigated farmland. The Project will impact 1,152 acres of arable land, but all arable acres have moderate to low inherent crop productivity. Several of the participating landowners currently farm adjacent lands to the Project Study Area and will continue to farm these lands during construction and operation of the project. The income generated through lease payments to these property owners will supplement their farming incomes and increase the economic viability of continuing their ranching and farming practices in this area.

The solar use will not be in conflict with agricultural activities such as spray, dust, noise, odors, and liability. These activities are not incompatible with solar operations because operation of a solar

energy facility requires minimal on-site activities and staff. Regarding the Project's potential indirect impacts to surrounding agricultural activities such as dust, traffic, or spread of noxious weeds, best management practices, detailed further in Part 2 Section A.5 of the ASC, will be implemented and maintained as needed to avoid and minimize these potential impacts to agricultural activities. Once commissioned, the Project will be largely self-sufficient except for routine operations and maintenance activities by up to four operations employees.

Although the Project will temporarily remove lands within the fenced solar arrays from agricultural production, at the end of the life for the Project, all equipment will be removed, and the land will be restored to substantially the same condition it is at present and be suitable for continued agricultural production.

Klickitat County Code (KCC 19.02.030) provides that "it is the objective of the county to provide for the highest and best use of lands consistent with the needs of most people. Changing conditions and requirements dictate that a flexible policy be exercised within the framework of this title". The county zoning code allows both agricultural and solar energy uses within the Extensive Agriculture and General Rural zones. Therefore, the county has determined that these lands are well-suited to both types of use.

For these reasons, the Project is consistent with this goal and corresponding policies of the Comprehensive Plan.

2.1.8 Concern: Natural Resources/Wildlife

Goal: To identify and preserve wildlife in Klickitat County.

Policies:

1. *A Fish and Wildlife and Habitat Inventory and Management Plan should be developed.*
2. *Significant habitats should be protected and managed.*
3. *Marshes., swamps and bogs one acre or larger in size and covered with water for more than 9 months should be preserved in their natural state, any alteration of a natural marsh., swamp or bog smaller than one acre covered by water for more than 9 months should occur only after it is determined that such action will not result in significant damage to hydrologic systems or the environment.*
6. *Cluster development should be encouraged so that the county can remain in its natural condition.*
7. *Where development occurs, clustered buildings with open space designed for wildllfe should be encouraged.*
8. *All projects should be evaluated for their impact on fish, fowl, and mammals.*

9. *Full compliance with environmental protection laws (NEPA, SEPA, pollution control, Migratory Bird Act, Shoreline Act) should be required prior to issuing permits.*

Response: The Project has been designed to cluster the Project infrastructure within defined boundaries, leaving other areas outside of the Project MPE open and available for open space, agriculture and other uses permitted by the County. The Applicant has included design elements specifically intended to minimize impacts to wildlife habitat, and increase wildlife connectivity and prevent entrapment, such as movement corridors between areas of the Project. As discussed in other sections of this document, the Project has been designed avoid sensitive resources, with avoidance and minimization measures to be implemented during construction and operations as described in the ASC in Parts 2, 3, and 4, including associated figures. See also the ASC attachments, including the Habitat and General Wildlife Survey Report (Attachment C), Raptor Nest Survey Report (Attachment D), Wetland Delineation Reports and Amendment (Attachment E), Botanical Survey Report (Attachment F), Cultural Resources Survey Report and Unanticipated Discovery Plan (Attachment I), Preliminary Geotechnical Engineering Report (Attachment K), and Preliminary Hydrologic and Hydraulic Assessment (Attachment L). Documentation of the Project's compliance with the Klickitat County CAO, which was adopted by the County to protect critical resources, is provided in Section 2.3 below.

As described in Sections 2.3.2 and 2.3.3 below, and in Part 4, Section 4.3 of the ASC, the Project has been designed to avoid wetlands and waterbodies with associated aquatic life. Figures showing proposed Project facilities and their relationship to wetlands and wetland buffers are included in the Wetland Delineation Reports and Amendment (Attachment E), shown in ASC Attachment A-1, Figure 7 and discussed in the ASC Part 4 Section 4.3. The Project has been designed to avoid wetlands, and no wetland or wetland buffers impacts (temporary or permanent) are proposed in the current Project layout. Impacts to streams and their buffers will be avoided or mitigated as discussed above in section 2.1.4 and below in 2.1.9 of this document.

As described in Section 2.3.4 below, a Draft Habitat Management Plan will be prepared by a qualified professional in coordination with WDFW and EFSEC. The Draft Habitat Management Plan will determine appropriate mitigation, and will address Project monitoring and reporting measures to verify the extent of onsite impacts to habitat and document measures for post-construction recovery of areas temporarily disturbed or altered as a result of the Project. These monitoring results will be reported to EFSEC. Once mitigation is determined, a description of the agreed-upon mitigation will be provided to EFSEC as supplemental information in the form of a Final Habitat Management Plan prior to construction, as a condition of approval. The Final Habitat Management Plan will be based on final Project design impacts and will be consistent with Chapter IV Sections 4.3 and 4.4 of the CAO, WAC 463-62-040, WAC 463-60-332(3), and the WDFW mitigation policy.

The Project design clusters the Project infrastructure within the fenced boundary, leaving other areas outside of the Project MPE and available for landowners to continue using for agriculture, open space, or other uses permitted by the County. The Applicant has included design elements specifically intended to increase wildlife connectivity and prevent entrapment, such as movement corridors between areas of the Project.

The Applicant has coordinated with Klickitat County, WDFW, Department of Ecology, U.S. Army Corps of Engineers, and local Tribes to review the Project and solicit input on design and affected resources. The Applicant will continue to work with the agencies, tribes, and stakeholders to identify additional avoidance and impact minimization measures. Further, the Applicant will obtain all required permits and approvals prior to construction. The Project is therefore consistent with these policies.

2.1.9 Concern: Natural Resources/Fishing

Goal: To support and protect commercial and recreational fishing in Klickitat County.

Policies:

1. *Control measures should be adopted and enforced to prevent indiscriminate landfills, dredging, waste discharges, increased storm runoff, upland erosion, water diversions, or other activities or practices which reduce water quality.*
2. *Food and sports fisheries should be protected from the impact of increased demand for hydroelectric, municipal and industrial water supplies,*
3. *Shoreline and upland development should be compatible with fishing activities,*
4. *Department of Fisheries and other programs to manage production of sporting fish and commercial fish in both natural and artificial environments should be supported.*

Response: Although no fishing occurs within the Project itself, there is recreational fishing in downstream Spring Creek. The WDFW-owned and -operated Goldendale Hatchery, immediately to the west of the Project Site Control Boundary, is a restricted-access facility and does not provide on-site fishing opportunities. However, the trout produced at the hatchery are important to recreation opportunities throughout the region, including in Spring Creek, and the Project has been designed to avoid potential impacts to the hatchery. Figures showing proposed Project facilities and their relationship to wetlands, streams, and wetland and stream buffers are included in the Wetland Delineation Reports and Amendment (Attachment E), shown in ASC Attachment A-1, Figure 7, and discussed in the ASC Part 4 Section 4.3.

The Project has applied wetland buffer widths as defined in Chapter III Section 3.3 of the CAO based on the wetland types and classifications (see ASC Attachment A-1, Figure 7). The Project Study Area includes wetlands categorized as wetland ratings II, III, and IV, and buffers of 200 feet, 75 feet, and 75 feet, respectively, have been applied as specified in Chapter III Section 3.3 of the CAO. The Project has been designed to avoid wetlands, and no wetland or wetland buffers impacts (temporary or permanent) are proposed in the current Project layout. The Project has also applied stream buffer widths as defined in Chapter IV Section 4.3 of the CAO (see ASC Attachment A-1, Figure 7). The Project Study Area includes stream types F and Ns, and buffers of 150 feet and 25 feet, respectively, have been applied in compliance with Chapter IV Section 4.3 of the CAO. Impacts to streams and their buffers from crossings of delineated streams are proposed in three locations,

including Ephemeral ST-109, Intermittent Stream 4, and Intermittent Stream 6. Additional details of the engineering design of those crossings will be included in the JARPA that will be submitted at a later date, but overall would be designed to comply with state HPA criteria, sized to maintain adequate hydraulic and sediment transport capacity, and would be installed using appropriate BMPs to avoid impacts to water quality or aquatic life. The Applicant understands that WDFW will make a determination on whether a HPA is required on the basis of a review of this application and determine if mitigation is required. The Project will comply with both Chapter IV Section 4.3 of the CAO and WAC 463-60-332 that require a fish and wildlife habitat management and mitigation plan, and the "no net loss" standard under WAC 463-62-040.

The risk of impacts to downstream fish-bearing waters, including Spring Creek, will be minimized through a Construction Stormwater General Permit (CSWGP) obtained from Ecology, which requires the development of an Erosion and Sediment Control Plan (ESCP) and a Stormwater Pollution Prevention Plan (SWPPP). The 2019 Stormwater Management Manual for Eastern Washington (SWMMEW) (Ecology 2019) will be used to provide guidance for planning, designing, and implementation of stormwater management practices. Sizing of runoff treatment and flow-rate treatment BMPs by a professional engineer will be in accordance with the methods prescribed in the SWMMEW. The Project will also develop and implement an SPCC plan to prevent spills during construction and to identify measures to expedite the response to a release if one were to occur. As described in Part 4, Section 4.5 of the ASC, the Project will implement BMPs from Ecology's SWMMEW (Ecology 2019), including the appropriate use of temporary erosion and sediment control measures such as straw wattles and check dams, as well as measures such as preserving existing vegetation, covering exposed soils, and revegetation. Where needed, engineered BMPs such as detention basins, conveyance channels, and check dams will be installed. All work within existing ephemeral and intermittent channels will be conducted when dry (e.g., at times when no precipitation is in the forecast and no flows are anticipated to be present), and work areas will be promptly restored to pre-project conditions to prevent any potential impacts to downstream fish-bearing waters. The Applicant will develop a Project Vegetation Management Plan, which will be used to implement revegetation of impacted areas and minimize erosion.

The Project is therefore consistent with these policies.

2.1.10 Concern: Natural Resources/Energy

Goal: To encourage energy development in locations within Klickitat County that take advantage of the County's energy resources, existing infrastructure, and also are sited to minimize environmental impacts.

Policies:

1. *Energy development should be compatible with surrounding land uses.*

Response: The Klickitat County Comprehensive Plan identifies solar energy technology as being "particularly well suited for Klickitat County" and states the following regarding solar energy:

Klickitat County is sparsely populated and is situated on the east, dryside of the Cascade Mountains. Klickitat County's geographic location lends itself to a somewhat predictable number of cloud-free days per year that could be conducive to development of solar power. Solar energy is an emission free energy resource and if sensitively sited with respect to wildlife habitat, stormwater, and other issues, can be sited with less than significant adverse impacts.

As stated earlier, the Project is proposed at this location for a multitude of reasons, including to utilize the abundant supply of cloud-free days per year that is conducive to solar power development, proximity to existing electrical infrastructure, and containing lands identified by private landowners as suitable for long-term solar leases. The Project location was selected in large part due to the proximity of existing electrical infrastructure of the Knight Substation and several existing BPA transmission lines as shown on the Project Site Plan (ASC Attachment A-2, Figure 1). By locating the Project near existing electrical infrastructure, the Applicant was able to avoid the need for a lengthy generation-tie line. The Project has been designed to avoid sensitive resources as described in Section 2.3 below. The Applicant has and will continue to work with agencies, local Tribes, and stakeholders to identify avoidance and impact minimization measures. The Project is therefore consistent with this policy.

2. *Energy development should be designed and sited with informed consideration of environmental impacts.*

3. *Energy development that utilizes wind and solar are preferred and shall be encouraged. These technologies, if sensitively sited, designed, and mitigated can be sited without significant, adverse environmental impacts*

Response: The Project is proposed as a solar energy facility. As described throughout this application, the Project is designed and sited with informed consideration of environmental impacts. Ongoing review from Klickitat County, EFSEC, and state and federal resource agencies will ensure that environmental impacts are considered fully. The Project is therefore consistent with these policies.

4. *Areas particularly suitable for energy development are identified in an "energy overlay zone" which permits preferred energy development "outright." Areas suitable for energy development are those locations that take advantage of the County's energy resources, existing infrastructure, and when sensitively sited will likely result in less than significant adverse, environmental impacts. The "energy overlay" shall include siting standards as a means of addressing characteristics and issues of each site.*

Response: A significant portion of the Project is located within the EOZ. (*See Attachment A-1, Figure 3.)* Solar energy facilities are a permitted use within the EOZ, and benefit from a streamlined permit process. Because a portion of the Project occurs outside of the EOZ; the EOZ process does not apply to the Project, and the requirements of the underlying zones (Extensive Agriculture and General Rural) for permitting utility facilities by a CUP process are applicable. See Section 2.2.1.3 for further discussion on the EOZ.

5. *Energy development in areas not included in the "energy overlay" shall be subject to review through a conditional use permit.*

Response: Since a portion of the Project extends north into areas outside the EOZ boundary, the Project is subject to the Klickitat County Zoning Code requirements for a CUP. The responses provided throughout this application demonstrate how the Project conforms to the Comprehensive Plan and meets the CUP approval criteria for the Extensive Agricultural District and General Rural Zones in which the Project is located. The Project is therefore consistent with this policy.

2.1.11 Concern: Economy/Industry

Goal: To strengthen and diversify Klickitat County's economic base and promote employment.

Policies:

1. *Economic development in Klickitat County should take place in a manner that will enhance regional economic goals.*

Response: A detailed analysis of the Project's economic and fiscal contributions to Klickitat County are provided in Attachment J of the ASC. The analysis found that the proposed Project's construction would provide $3.8 million in associated labor income and $19.2 million in economic output to the county, and each year of Project operations would provide $344,000 in associated labor income and $1.1 million in economic to the county.

In general, the proposed Project will support Klickitat County's regional economic goals by adding a new source of tax revenue while not interfering with the ongoing agricultural uses in the surrounding area. In addition, the proposed Project will supplement the landowners' farm income through lease payments, stabilizing commercial farm uses on other lands in their operation by diversifying their income sources.

The Project will also provide temporary employment opportunities during construction, with an estimated 350-450 full-time construction workers per day at the construction peak. Operation of the Facility will require three full-time employees. These permanent jobs will contribute to the local economy. During construction, workers and their employers will purchase goods and supplies, stay in area hotels, and eat at local restaurants, all providing an economic benefit to the local and regional economy by supporting area businesses. The additional tax revenue generated by the Project will increase the County's ability to provide roadways, police protection, fire protection and emergency response, and other services to its citizens. The Project is therefore consistent with this policy.

2.1.12 Concern: Transportation

Goal: To provide an efficient transportation network in Klickitat County.

Policy:

3. *Land use decisions should consider their impact on adjacent roads. Similarly, road improvements should be consistent with proposed land use densities.*

Response: An analysis of traffic impacts is provided in Part 4, Section 4.20 of the ASC. In general, truck traffic would increase during the limited duration of construction for delivery of materials and worker transportation. During operations, traffic would only see minor changes related to periodic visits by full-time operational staff. If the private road access approach requires improvements, the Applicant will apply for a Road Approach Permit from Klickitat County for access.

The Project would be unlikely to reduce the level of service on area roads, except potentially during brief periods during construction. The Project would not restrict vehicular use or create or increase local safety hazards and would not conflict with local, state, or federal requirements related to traffic and transportation.

The Project is therefore consistent with this policy.

2.1.13 Concern: Public Services/General

Goal: To provide essential public services at the lowest possible cost.

Policy:

1. *Development patterns should be consistent with availability of services and utilities as well as with land capability and neighborhood goals.*

Response: The Project's location is consistent with the available public services, land capability, and neighborhood development of the surrounding area. The Project's impacts to public services will be minimal, largely because the Project is a solar power generating facility that will produce much of its own electricity (i.e., will only require electricity from Klickitat County PUD for the operations and maintenance building), and is located in an area outside of the urban growth boundary where few public services are available or required (e.g., public sewer or stormwater). The Project is not expected to impact the distribution of people and intensity of land use in the county. Additional discussion of the Project's impacts to public services is provided in following subsections.

The Project is therefore consistent with this policy.

2.1.14 Concern: Public Services/Utilities

Goal: To promote provision of utilities sufficient to protect the public health and welfare.

Policies:

9. *Consolidation of power transmission lines with other utility corridors (pipelines etc.) and transportation rights-of-way should be encouraged.*

Response: The Project is located adjacent to the existing BPA Knight Substation and several existing BPA transmission line corridors as shown on the Project's Preliminary Site Plan (ASC Attachment A-2, Figure 2). The Project location was selected to allow for efficient use of transmission infrastructure while minimizing impacts to surrounding lands. The Project is therefore consistent with this policy.

11. Power substations should be screened with mature plantings or be designed to blend visually with their surroundings.

Response: The Project is a solar power facility that includes solar arrays and associated equipment and support structures including a Project substation and interconnection equipment (see section 1.1 of this document). The Project infrastructure generally will introduce low to moderate visual contrast with the surrounding landscape, depending on viewing location, topographic factors, and other landscape features such as existing vegetation and land uses. A visual analysis, including simulations of Project facilities and a glare analysis, will be submitted separately upon completion. The Project components have been designed in such a manner as to minimize contrast with the surrounding vicinity, which includes the existing electrical infrastructure of the Knight Substation and several existing BPA transmission lines as shown on the Project's Preliminary Site Plan (ASC Attachment A-2, Figure 2). The Project facilities are located adjacent to the existing electrical infrastructure in order to visually blend with the existing infrastructure. Vegetative screening is not utilized at the BPA Knight Substation. The Project substation is within 500' of the Knight substation and within the same viewshed area, and thus will not materially change views in this area; for these reasons, vegetative screening for the Project substation is anticipated to not be necessary. Other measures to minimize visual contrast will include using non-reflective materials and finishes on Project components and post-construction vegetation restoration of temporarily disturbed areas. The Project is therefore consistent with this policy.

12. Proposed power generation facilities should study socioeconomic impacts upon the county.

Response: As stated above, detailed analysis of the Project's economic and fiscal contributions to Klickitat County are provided in Attachment J of the ASC. The analysis found that the proposed Project's construction would provide $3.8 million in associated labor income and $19.2 million in economic output to the county, and each year of Project operations would provide $344,000 in associated labor income and $1.1 million in economic output to the county.

In general, the proposed Project will support Klickitat County's regional economic goals by adding a new source of tax revenue while not interfering with the ongoing agricultural uses in the surrounding area. In addition, the proposed Project will supplement the landowners' farm income through lease payments, stabilizing commercial farm uses on other lands in their operation by diversifying their income sources.

The additional tax revenue generated by the Project will increase the County's ability to provide roadways, police protection, fire protection and emergency response, and other services to its citizens. The Project is therefore consistent with this policy.

14. Energy conservation and production should be encouraged in Klickitat County.

Response: As a solar energy facility producing clean, renewable power, the Project is consistent with this policy of encouraging energy conservation and production. The Klickitat County Comprehensive Plan identifies solar energy technology as being "particularly well suited for Klickitat County" and states the following regarding solar energy:

> *Klickitat County is sparsely populated and is situated on the east, dryside of the Cascade Mountains. Klickitat County's geographic location lends itself to a somewhat predictable number of cloud-free days per year that could be conducive to development of solar power. Solar energy is an emission free energy resource and if sensitively sited with respect to wildlife habitat, stormwater, and other issues, can be sited with less than significant adverse impacts*

Therefore, the Project is consistent with this policy.

2.1.15 Concern: Public Services/Police and Fire

Goal: To support adequate and effective police and fire services to all residents and land owners.

Policies:

5. *All proposed development should be review for adequacy of access and circulation by emergency law enforcement and fire vehicles and adequacy of water provision for fire.*

Response: The Project is located entirely within Fire District No. 7 (Goldendale Rural). The Applicant will coordinate with the fire district and the Klickitat County Department of Emergency Management during the Project's development and operations. The Applicant will solicit input on site plans, fire management, access, and fire response training through the development process. Access roads will be sufficiently sized for emergency vehicle access in accordance with the most updated International Fire Code standards and Project plans will be reviewed by the Klickitat County Building Department to ensure compliance with applicable standards. Gate codes to the Project site would be provided to local emergency personnel, and the Project would be monitored remotely by the Applicant to prevent unauthorized access. The site would also be equipped with fire protection equipment in accordance with applicable federal, state, and county requirements. Additionally, vegetation will be cleared and maintained along perimeter roads to provide a vegetation clearance for fire safety.

BMPs will be implemented during construction and operations, including use of spark arrestors on power equipment, avoiding driving vehicles off roads and allowing smoking in designated areas only. Specific fire-related BMPs will be outlined in a Fire Control Plan, which will be made available to the Klickitat County Department of Emergency Management and Fire Protection District 7. The O&M building will be equipped with fire extinguishers as well as smoke detectors tied to the supervisory control and data acquisition (SCADA) system. In addition to fire extinguishers, the O&M building will have basic firefighting equipment for use on-site during maintenance activities including shovels, beaters, portable water for hand sprayers, and personal protective equipment.

The Project BESS will consist of self-contained storage modules placed in racks and will include a cooling system. The BESS has the potential to be a flammable source if the lithium-ion system overheats, thus the facility will contain a fire suppression system in accordance with fire code and National Fire Protection Association (NFPA) Standards, specifically NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems." The system will include monitoring equipment and alarm systems with remote shut-off capabilities. Additionally, the BESS will be mounted on a cement pad which will be encircled with a gravel buffer.

The Project is therefore consistent with this policy.

2.1.16 Concern: Public Services/Open Space, Parks, and Recreation

Goal: To preserve open space for its community-shaping, recreational and ecological value.

Response: This goal applies to the County's planning and zoning for the provision of open spaces and parks and recreation opportunities. The findings under this goal describe how open spaces/green areas can act as buffers between incompatible land uses, transportation corridors for wildlife, bicycles, pedestrians, and equestrians, and can preserve habitat. In response to this goal, Klickitat County has designated certain areas in the County as Open Space District. As the Project is not located in the Open Space District, this goal and its implementing policies are not directly applicable. However, the Project is consistent with several of the findings and policies stated under this goal.

As described in Sections 2.3.2 and 2.3.3 below, and in Part 4, Section 4.3 of the ASC, the Project has been designed to avoid wetlands and waterbodies. The Applicant has designed the Project layout to avoid crossing streams with fences and has excluded streams from the fenced solar array areas to the extent possible to provide wildlife corridors. The solar panels will be laid out and enclosed in several smaller fenced areas, which will allow for wildlife movement through the areas. Also, the Applicant has designed the Project to be set back from adjacent residential uses and the WDFW hatchery. Panels have been set back a minimum of 500 feet from the closet non-participating residential structure.

The Project is therefore consistent with this goal.

2.1.17 Concern: Government

Goal: To develop and maintain a comprehensive plan that is adaptable to changing conditions.

Policies:

1. *Land use decision should conform to an adopted plan.*
7. *A flexible zoning or other land use regulation should be developed that is specifically suitable and applicable to Klickitat County's rural nature.*

Response: As demonstrated throughout this application, the Project has been designed to be consistent with the adopted Klickitat County Comprehensive Plan and the zoning districts in which it is proposed. The Project is therefore consistent with these policies.

2.1.18 Section 3: Land Use Plans

General Land Use Plan

The Project area is designated as "agricultural/forest" (AF) in the General Land Use Plan in Section 3 of the Comprehensive Plan. As defined in the plan,

> *The purpose and intent of this designation is to retain or conserve, insofar as is practicable and desirable, prime agricultural and forest lands for the continued economic welfare of the farm and forest industry and residents of the county.*

Both Extensive Agriculture and General Rural zoning districts are included within areas designated as AF. As described throughout this application, the Project is compatible with the AF designation and the Extensive Agriculture and General Rural zoning districts, and the Project provides benefit for the farm economy and residents of the county.

The General Land Use Plan outlines criteria for the planning department to use in assessing the suitability of parcels for various forms of development and use. The proposed use of these parcels for the development of the Project is consistent with the criteria outlined in the plan, including existing and adjacent uses, lot sizes, soil types, erosion hazards, wildlife habitat, and existing services.

The plan notes that "A conditional use permit for a non-agricultural or non-forest use within resource lands should only be allowed when such does not conflict with agriculture and forest practices and when such does not take out of production more land than is reasonably needed for the proposed use." As described in Section 2.1.7 above and 2.2.1.1 below, this Project does not conflict with surrounding agricultural practices, does not permanently commit agricultural lands to nonagricultural uses, and does not take out of production during the life cycle of the solar project more land than is necessary. At the end of the Project lifespan, the Project infrastructure will be removed and the land restored to its current condition, allowing for the long-term use of agriculture in the Project site.

The Klickitat County Code (KCC 19.02.030) provides that "it is the objective of the county to provide for the highest and best use of lands consistent with the needs of most people. Changing conditions and requirements dictate that a flexible policy be exercised within the framework of this title". The county has adopted a balance of agricultural uses and clean energy uses with the adoption of an EOZ (where the majority of the Project is located) overlaid on the EA and GR districts. The county code allows both agricultural and solar energy uses within the Extensive Agriculture and General Rural zones, recognizing. that these lands are well-suited to both types of use. Clean energy use does not permanently commit the land to nonagricultural uses, and the land can be returned to agricultural uses upon decommissioning of the project.

Therefore, the Project is consistent with the General Land Use Plan.

2.2 Klickitat County Municipal Code Provisions

The following analysis describes how the Project proposal is consistent with Klickitat County's adopted municipal code provisions, including its zoning ordinance under Title 19-Zoning (Klickitat County 2021). The provisions addressed below are the land use regulations in the KCC anticipated to be considered during the land use consistency phase of EFSEC's review. The provisions as they appear in the KCC are copied below in italics, with some titles abbreviated. The provisions below are followed by the Applicant's response and statement of compliance.

2.2.1 Title 19 - Zoning Ordinance

The Project Site Control Boundary that encompasses the MPE consists of parcels located within the EA District and the GR Zone. Additionally, a majority of the Project lands are within the adopted EOZ overlay zone. As discussed below, the Project is an allowed conditional use in both the EA and GR land use districts.

2.2.1.1 Chapter 19.16 – EA Extensive Agricultural District

19.16.010 – Purpose

The purpose of the extensive agriculture district is to encourage the continued practice of farming on lands best suited for agriculture and to prevent or minimize conflicts between common agricultural practices and various nonfarm uses.

19.16.020 - Permitted uses.

Principal uses permitted outright in an extensive agriculture district are as follows:

A. Farm use;

B. Dwellings (including mobile homes) and other buildings customarily provided in conjunction with a farm use;

C. Home occupation;

D. Commercial or industrial activity directly serving agricultural operations including the preparation and storage of farm products.

19.16.030 – Conditional uses

Conditional uses in an extensive agriculture district are as follows:

A. Public and private school;

B. Church;

C. Golf course;

D. Park, playground, or community center owned and operated by a governmental agency or a nonprofit organization;

E. Utility facilities necessary for public service;

F. Migrant labor and farm-hand housing facilities of more than three dwelling units;

G. Quarries, mines and sand and gravel pits when the proposed subsequent use of the site, after reclamation, is principally agricultural in nature;

H. Any other uses judged by the board of adjustment to be consistent with the purposes and intent of this chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as, the above listed uses.

Response:

As stated in Section 1.2.4 above, the Project is located primarily within the Klickitat County Extensive Agriculture (EA) District (see Attachment A-1, Figure 3). Permitted and conditionally permitted uses of land in the EA District are listed in KCC 19.16.020 and 030 (quoted above). The proposed Project is most accurately categorized under KCC 19.16.030.E. "*Utility facilities necessary for public service*," a conditionally permitted use of land in the EA District. (See Section 2.2.1.5 discussing the conditional use process under KCC 19.60.050.A). "*Utility facilities necessary for public service"* is not defined in the KCC, but as the Project is a facility for the generation of electrical power to be used for public service, it is assumed to meet the definition of this conditional use.

Alternatively, the Project could also be conditionally approved under KCC 19.16.030.H. "*Any other uses judged by the board of adjustment to be consistent with the purposes and intent of this chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as, the above listed uses*." As the other conditional uses listed in KCC 19.16.030 include uses such as "*Utility facilities necessary for public service*" and "*quarries, mines and sand gravel pits when the proposed subsequent use of the site, after reclamation, is principally agricultural in nature,"* the Project would be no more detrimental to the adjacent properties than those other listed conditional uses.

Both KCC 19.16.030.E and KCC 19.16.030.H provide a pathway for conditional approval of the proposed use, a solar energy facility with battery storage, within the EA District. As described in KCC 19.04.160, conditional use is defined as "*an activity specified by this title as a conditional use or exception, permitted when authorized by the board of adjustment and subject to the imposition of reasonable conditions and/or restrictions which, when imposed, renders the use compatible with the existing and potential uses in the vicinity which are permitted outright*." The Project is compatible with existing and potential uses in the vicinity of the project which are permitted outright in the EA District, including farm uses and dwellings and other buildings customarily provided in conjunction with a farm use. Current adjacent land uses surrounding the Project Study Area include crop cultivation and pasturelands as well as electrical infrastructure (including the BPA Knight Substation and three high voltage BPA transmission lines, scattered rural residences, the Goldendale Fish Hatchery and adjacent WDFW lands, WDNR lands, rangelands, and state route 142.

It is reasonable to conclude based on the detailed studies submitted with the ASC and the analysis provided in the ASC and this document that the Project is compatible with the existing and potential

uses in the area, including surrounding agricultural land uses and activities for the following reasons:

- During construction, impacts on agricultural land uses, including the cultivation of crops and pasturelands on lands in the vicinity of the Project Area, will be minimized through the implementation of environmental best practices as described in the ASC in Part 2, Section A.5, Part 3, and Part 4.
- Noise: Project construction may result in short-term noise impacts from construction equipment during the approximately 12-month construction period. Reasonable efforts will be made to minimize the impact of noise resulting from construction activities, including implementation of standard noise reduction measures as described in the ASC Part 4, Section 4.16a.
- Traffic: As described in Part 4, Section 4.20 of the ASC, Project construction will involve a temporary increase in traffic to the site for delivery of materials and worker transportation. While traffic will increase temporarily during construction, peak vehicular and truck traffic is not expected to have a significant impact on SR 142, Knight Road, Fairgrounds Road West, Mesecher Road West, Fish Hatchery Road, Butts Road, and Pine Forest Road. Construction traffic will not block or obstruct access to surrounding lands. The timing of peak construction activity may overlap with the harvest season; however, harvest vehicles typically travel throughout the day and are not limited to prime commuting hours, which is when the highest impact of workers commuting to the Project will occur.
- Erosion Control, Stormwater Management, and Dust Mitigation: The Applicant will implement erosion control, stormwater management measures, and dust control measures to minimize the runoff and soil erosion (refer to ASC Part 4, Sections 4.1, 4.2 and 4.5). Dust will be mitigated using standard dust control practices including, but not limited to, spraying water or a binding agent, and/or applying gravel as necessary.
- Noxious Weed Control: Following construction, temporarily disturbed areas will be revegetated in accordance with a Vegetation and Weed Management Plan that will be developed and submitted to EFSEC prior to construction (refer to ASC Part 4, Section 4.8). Best management practices, such as flagging the limits of construction to minimize vegetation removal and ground disturbance, and implementing measures described in the Project Vegetation and Weed Management Plan, will be uses to control and manage noxious weeds on site to prevent spread onto nearby properties.
- Following construction, the Project will be operated and maintained by up to three employees. Operation of the Project will consist of routine maintenance activities. Impacts to agricultural uses on adjacent lands during operations will be limited to minimal vehicle and truck traffic on area roadways associated with three operations employees and occasional delivery truck traffic (refer to ASC Part 4, Section 4.20). Operations traffic will not block or obstruct access to surrounding lands and therefore will not impact agricultural activities. Overall, sound emissions associated with the operations of the Project are

expected to remain at a low level and will comply with the applicable WAC 173-60, which establishes noise limits (refer to ASC Part 4, Section 16a and ASC Attachment H). The Project will also implement a Vegetation and Weed Management Plan to control noxious weeds. The plan will be developed in coordination with EFSEC, WDFW, and Klickitat County.

Furthermore, Project components will be designed in a manner as to minimize visual contrast with the surrounding vicinity. This will include measures such as using non-reflective materials and finishes on Project components and revegetating temporarily impacted areas as analyzed in detail in Part 4 of the ASC. As discussed in Part 3, Section 3.21 and Section 3.22 of the ASC, the Project will not have a significant adverse impact on existing public facilities or services. The Applicant will bear the costs of providing the necessary utilities and related services for the Project. Unlike other land uses such as residential development typically proposed outside urban areas, the Project will not impose these costs on the County. As discussed in Part 4, Section 4.13 of the ASC, most materials used in construction of the Project will not be hazardous or dangerous, and the risk of fire will be low. Project design incorporates measures to avoid failures and risks of fire or spills and will comply with the applicable requirements of the National Electric Code, National Fire Protection Association (NFPA) standards, and Institute of Electrical and Electronics Engineers Standards. Prior to construction, the Project will develop and maintain an Emergency Management Plan, Fire Control, and Site Restoration Plans based on final design and input from local services providers that will include best management practice for fire prevention. The Applicant will also coordinate with Klickitat County Department of Emergency Management and Klickitat County Fire Protection District 7 regarding potential fire issues, locations and dimensions of access gates and internal access roads, and other issues. Following construction, the Project will be operated and maintained by up to three employees. Operation of the Project will not interfere with surrounding land uses and represents compatible development with surrounding uses, including the agricultural activities. Project design incorporates environmental best practices and complies with state stormwater permitting requirements.

Based on the above response and analysis, the Applicant posits that EFSEC council can conclude, that the Project compatible with surrounding agricultural and rural residential land uses.

19.16.040 - Density provisions.

Density provisions for the extensive agriculture district are as follows:

A. Maximum number of dwelling structures for permanent living per lot, one;

B. Minimum lot area, twenty acres, or forty acres where designated. The forty-acre designation shall not be placed upon an area less than six hundred forty acres in size;

C. Minimum front yard depth, twenty feet;

D. Minimum side yard, five feet;

E. Minimum rear yard depth, twenty feet;

F. Minimum lot width, one hundred feet.

Response:

The Project does not propose to create new primary parcels or construct dwelling units. Therefore, subparts A, B, and F of this provision are not applicable. The MPE fence lines will be set back a minimum of 20 feet (and typically more) from lot lines thereby providing adequate space for the minimum yard depths under subparts C, D, and E of this provision.

19.16.060 - Off-street parking.

At least one permanently maintained off-street parking space or a private garage for one car shall be on the same lot as a dwelling or be attached thereto or made a part of the main building. Adequate parking shall be provided for accessory or conditional uses and may be established by the board of adjustment. See also Section 19.56.020.

Response:

As described in Part 2, Section A.2 of the ASC, the O&M building would include an on-site 10,000-square-foot graveled area for parking for employees and visitors (approximately 10 parking spaces) and an open staging area. KCC 19.56.020 requires one parking space for every 1,000 square feet of a manufacturing establishment and for every 2,000 feet of a wholesale establishment. As the only building proposed by the Project is the O&M building, which is proposed to be a 2,000 square foot building, KCC 19.56.020 would require a maximum of two parking spaces. Therefore, the Project would comply with this requirement.

19.16.070 - Signs.

In an extensive agriculture district, the following signs are permitted:

A. Nonflashing residential nameplates not exceeding sixty-four square inches bearing only the name and address of the occupant;

B. Nonflashing bulletin boards or signs not exceeding thirty square feet for quasi-public institutional or other buildings;

C. See also Section 19.56.050.

Response:

The Applicant currently does not propose to erect any signs in the EA District. However, if a Project sign were erected, it would be nonflashing and would not exceed thirty square feet, and would conform to the general requirements for all signs in all districts in KCC 19.56.050. Therefore, the Project would comply with this requirement.

2.2.1.2 Chapter 19.18 – GR General Rural Zone

19.18.010 – Purpose

The purpose of the general rural zone is to maintain openness and the rural character of the countryside, to protect the county's water and other natural resources, and to provide areas which are appropriate for typical rural development of all kinds.

9.18.020 - Permitted uses.

Principal uses permitted outright in a general rural zone are as follows:

A. Agriculture;

B. Single-family dwelling, including mobile homes;

C. Agricultural produce stands;

D. Home occupation;

E. Dwellings and other buildings customarily provided in conjunction with agriculture.

19.18.030 – Conditional uses

Conditional uses in a general rural zone are as follows:

A. Farm labor camp;

B. Fairground, rodeo ground, or riding stable;

C. Gun club, picnic area, or guest ranch;

D. Excavation, removal and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials;

E. Kennel;

F. Airport or landing strip;

G. Solid waste disposal;

H. Buildings and uses of a public works, public service, or public utility nature;

I. Facilities for the transmission or reception of communication frequencies;

J. Public or private schools;

K. Church;

L. Cemetery;

M. Grange hall or community center;

N. Commercial or industrial activity directly serving agricultural operations, including the preparation and storage of farm products;

O. Mobile home park;

P. Golf course and other open land recreational use, but excluding intensive commercial amusement such as an amusement park or automobile race track;

Q. Any other uses judged by the board of adjustment to be consistent with the purposes and intent of this chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as, the above-listed uses.

Response:

As stated in Section 1.2.4 above, a portion of the Project Study Area – approximately 180 acres of private land and a portion of the Knight Road ROW – is located within the Klickitat County General Rural (GR) Zone (see Attachment A-1, Figure 3). Permitted and conditionally permitted uses of land in is the GR zone are listed in the above-quoted KCC 19.18.020 and 030. The proposed Project appropriately is categorized under KCC 19.18.030.H. "*Buildings and uses of a public works, public service, or public utility nature*," a conditionally permitted use of land in the GR Zone (see discussion of conditional use process in Section 2.2.1.5 of this document). "*Uses of a…..public utility nature"* are not defined in the KCC, but as the Project is a facility for the generation of electrical power to be used for public service, it is assumed to meet the definition of this conditional use.

The Project could also be conditionally approved under KCC 19.18.030.Q. "*Any other uses judged by the board of adjustment to be consistent with the purposes and intent of this chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as, the above listed uses*." As the other conditional uses listed in KCC 19.18.030 include uses such as "*Excavation, removal and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials"* and other industrial and commercial uses, the Applicant posits that the Project would be no more detrimental to the adjacent properties than the other listed conditional uses.

Both KCC 19.18.030.H and KCC 19.18.030.Q provide a pathway for conditional approval of the proposed use, a solar energy facility with battery storage, within the GR Zone. As described in KCC 19.04.160, a "conditional use" is "*an activity specified by this title as a conditional use or exception, permitted when authorized by the board of adjustment and subject to the imposition of reasonable conditions and/or restrictions which, when imposed, renders the use compatible with the existing and potential uses in the vicinity which are permitted outright*." The Project is compatible with existing and potential uses in the vicinity which are permitted outright in the GR Zone, including agricultural uses and dwellings. See the discussion under Section 2.2.1.1 regarding the Project compatibility with existing and potential uses in the vicinity of the Project. The same justification for combability with adjacent agricultural and dwelling uses applies to the Project's conditional approval in the GR Zone.

19.18.040 - Density provisions.

The density provisions for the general rural district are as follows:

A. Minimum lot size, five acres;

B. Minimum lot width, one hundred feet;

C. Minimum lot depth, one hundred feet;

D. Minimum front yard depth, twenty feet;

E. Minimum side yard depth, five feet;

F. Minimum rear yard depth, twenty feet.

Response:

The Project does not propose to create any new primary parcels. Therefore, subparts A, B, and C of this provision are not applicable. The Project fence line will be set back a minimum of 20 feet (and typically more) from lot lines thereby providing adequate space for the minimum yard depths under subparts D, E and F of this provision.

19.18.060 - Signs.

In a general rural district, the following signs are permitted:

A. Nonflashing residential nameplates not exceeding sixty-four square inches bearing only the name and address of the occupant;

B. Nonflashing bulletin boards or signs not exceeding thirty square feet for quasi-public institutional or other buildings;

C. See also Section 19.56.050.

Response:

The Applicant currently does not propose to erect any signs in the GR District. However, if a Project sign were erected, it would be nonflashing and would not exceed thirty square feet, and would conform to the general requirements for all signs in all districts in KCC 19.56.050. Therefore, the Project would comply with this requirement.

19.18.070 - Off-street parking.

At least one permanently maintained off-street parking space or a private garage for one car shall be on the same lot as a dwelling or be attached thereto or made a part of the main building. Adequate parking shall be provided for accessory or conditional uses and may be established by the board of adjustment. See also Section 19.56.020.

Response:

As described in Part 2, Section A.2 of the ASC, the O&M building would include an on-site 10,000-square-foot graveled area for parking for employees and visitors (approximately 10 parking spaces) and an open staging area. KCC 19.56.020 requires one parking space for every 1,000 square feet of a manufacturing establishment and for every 2,000 feet of a wholesale establishment. As the only building proposed by the Project is the O&M building, which is proposed to be a 2,000 square foot building, KCC 19.56.020 would require a maximum of two parking spaces. Therefore, the Project would comply with this requirement.

2.2.1.3 Chapter 19.39 Energy Overlay Zone

19.39:1 – Purpose

A. To provide areas suitable for the establishment of energy resource operations based on the availability of energy resources, existing infrastructure, and locations where energy projects can be sensitively sited and mitigated.

B. To provide siting criteria for the utilization of wind and solar energy resources. Each energy resource project will be subjected to individualized review and the imposition of conditions based on site specific information which will be tailored to address project impacts in accordance with the siting criteria. The ultimate goal is to achieve a predictable but sensitive siting process which effectively and efficiently addresses project impacts.

19.39:2 - Applicability

A. The energy overlay zone is an overlay over existing zones. Projects permitted through the energy overlay zone shall comply with the standards of this chapter rather than the standards of the existing zone.

B. The energy overlay zone applies to the area demarcated on the zoning map. The energy overlay does not apply to lands within the Columbia River Gorge National Scenic Area, except that lands within the urban areas designated by 16 U.S.C. § 544b(e), may utilize the provisions in section E below for siting small-scale energy systems.

C. Any applicant who has applied for a conditional use permit for an energy project authorized by this chapter, may, in the alternative, elect to be sited through the procedures in this chapter. The applicant need not re-apply for a permit under this chapter. However, the county may require any supplementary information needed to complete review under this chapter and comply with its requirements.

D. Energy systems listed in KCC 19.39:4 are subject to the requirements of this chapter.

E. Small-Scale Energy Systems. An energy system listed in KCC 19.39:4 with a rated capacity of not more than one hundred kilowatts (kW) and which is intended to primarily generate power for on-site consumption is permitted outright by KCC 19.39:4, but is not subject to 19.39:6-9(B) or 20.08.080. Wind turbines exceeding one hundred forty feet in height, as measured from the uppermost point, shall not be considered a small-scale energy system. The mitigation summary developed in the Klickitat County Energy Overlay Environmental Impact Statement, and the conditions listed in this chapter, shall be used as a guide by the county to develop conditions that are appropriate and reasonable to mitigate project impacts. Conditions shall include setbacks from property lines, public rights-of-way, and public utility lines to address public safety, noise, aesthetics, and compatibility among land uses. All other code requirements still apply.

19.39:3 – Other Applicable Requirements

A. Project applicants will need to comply with other applicable county requirements, such as the critical areas ordinance, environmental review regulations, and building code requirements.

19.39:4 – Permitted Uses

B. Solar energy facilities

Response:

The southern (and greater) portion of the Project Study Area (south of the line that divides Range 15 East Townships 4 and 5) is located in the EOZ (KCC 19.39) (see ASC Attachment A-1, Figure 3). Per KCC 19.39:2.A, the EOZ is an overlay over existing zones, and projects permitted through the EOZ process shall comply with the standards of KCC chapter 19.39 rather than the standards of the existing zone. Under KCC 19.39:2.A and 19.39.4.B, solar energy facilities are a permitted use in areas located in the EOZ.

However, as a portion of the Project is located within the EOZ (where the Project is a permitted use) and a portion is located outside of the EOZ (where the Project is a conditional use), pursuant to KCC 19.08.070, the most restrictive requirements shall prevail in the event of conflict between code provisions. Here, the most restrictive process is the conditional use permit process, and thus Project compliance with local zoning for purpose of the land use consistency determination has been evaluated using the conditional use permit process, pursuant to KCC 19.16.030.E (EA District, see Section 2.2.1.1) and 19.18.030.H (GR Zone, see Section 2.2.1.2).

Although the EOZ standards do not apply to the Project as it is held to the more restrictive conditional use permit process, the Applicant has evaluated the Project's consistency with the solar specific development standards in KCC 19.39:8 and 19.39:9, because the solar standards could be used to evaluate whether the use is compatible with the existing and potential uses in the vicinity which are permitted outright (i.e. the conditional use standard per KCC 19.04.160).

19.39:8 – Development Standards

A. Setbacks.

1. …. Solar panels shall be sited a minimum of five hundred to one thousand five hundred feet from existing residential structures. The setback shall be determined during permitting based upon factors including aesthetic impacts, geography, and project size. The location and density of residential uses in the vicinity and the nature of the project may require increased setback requirements. See Figure 1

Response:

As shown on the Preliminary Site Plan (see ASC Attachment A-2, Figure 2), all solar panels are sited a minimum of 500 feet from existing residential structures not owned by project-participating land owners. (Setbacks from some participating landowner residences will be less than 500 feet; however, those landowners have by their participation accepted the existence of the Project). The primary factor related to setback distance referenced in 19.39:8 is aesthetic impacts. Visual impacts of the Project are being evaluated in the Project's Visual Impact Assessment Report, to be submitted in support of the ASC. The Applicant anticipates that the Project will result in weak to strong contrast with the surrounding landscape, depending on which of the Project's structural components are visible and how the surrounding landscape appears from that viewpoint.

19.39:9 – Use and construction standards

A. Project Conditions Tailored to Energy Resource Operation.

1. Permits shall incorporate project specific mitigation measures and conditions to mitigate adverse project impacts. The conditions and mitigation measures shall be based on site specific studies provided by the applicant and other relevant environmental review.

2. Conditions shall be designed to address each element of the environment discussed in the expanded checklist (or EIS), including but not limited to surface/groundwater; plants; habitat/wildlife (including avian impacts); cultural resources; health and safety; and traffic/transportation.

3. The expanded checklist (or EIS) shall assess habitat type and value, presence of sensitive species, and the relative abundance of vulnerable species. Based on the expanded checklist (or EIS), an assessment will be made as to the sensitivity of various areas of the site for impacts to wildlife habitat, and a management plan ("plan") shall be prepared. The plan may be utilized *to also address critical areas ordinance requirements. The plan shall describe existing habitat conditions and the project's impacts on the habitat. The plan shall detail mitigation measures to be implemented for temporary and permanent losses of habitat. Mitigation may include participation in a county habitat banking program, or other county approach to facilitate and better coordinate mitigation strategies among projects.*

Response:

The Applicant has elected to pursue siting the Project under EFSEC's jurisdiction, and therefore, EFSEC serves as the lead agency for the Washington State Environmental Policy Act (SEPA) compliance. Information needed for a SEPA determination is incorporated in Part 3 and Part 4 of the ASC. The Project has been designed to avoid and minimize impacts to each of the environmental components and mitigation measures are for each environmental component are identified in Part 3 and Part 4 of the ASC.

EFSEC will prepare a SEPA checklist form per WAC 197-11-960 with reference to corresponding sections of Part 3 and Part 4 as appropriate. Therefore, the Project will comply with the County's SEPA checklist requirement.

B. Conditions and Standards Applicable to all Energy Resource Operations.

Noise

(a) Maintain sound levels at project boundaries that are under the maximum levels for the adjacent receiving properties based on the receiving properties' environmental designation for noise abatement per state regulations.

(b) Comply with applicable noise control regulations.

Response:

The Project has been designed to comply with the applicable noise control regulations. The Acoustic Assessment Report (Attachment H) and Part 4, Section 4.16a of the ASC document conclude that the Project will be compliant with county and state noise requirements. Although

WAC 173-60-050 exempts temporary construction noise from the state noise limits, the Project will voluntarily implement BMPs to reduce off-site construction noise impacts.

Air Quality

(c) All applicable air emission permits shall be obtained and all conditions complied with.

(d) Revegetate any disturbed areas that are not permanently occupied by the project features.

(e) Provide a minimum of fifteen-cm (six-inch) gravel surface on project roads to reduce wind erosion.

(f) Maintain a water truck on-site during construction for dust-suppression.

Response:

As described in Part 4, Section 4.2 of the ASC, a Prevention of Significant Deterioration (PSD) permit would not be required for the Project because the generation of electricity by solar arrays does not produce air emissions. Primary air emissions during construction include vehicle exhaust emissions and fugitive dust. Measures to control air emissions during construction include minimizing vehicle idling and utilizing water trucks to provide moisture for compaction and dust control, as required. Emissions during operations will be minimal, including low, intermittent, and localized emissions from vehicles used for maintenance, deliveries, and hauling.

The Applicant will implement dust control measures to minimize soil erosion and the generation of fugitive dust during construction (refer to ASC Part 4, Sections 4.1, 4.2 and 4.5). Dust will be mitigated using standard dust control practices including, but not limited to, spraying water or a binding agent, and/or applying gravel as necessary. Following construction, temporarily disturbed areas will be revegetated in accordance with a Vegetation and Weed Management Plan that will be developed and submitted to EFSEC prior to construction. Long-term vegetation management across the site will be implemented as described in the Draft Habitat Management Plan.

Access roads would have a compacted gravel surface and water will be available on site for dust-suppression.

Vegetation and Wildlife

(g) Limit construction disturbance by flagging the limits of construction and conduct ongoing environmental monitoring during construction to assure that flagged areas are avoided.

(h) Develop a reseeding/restoration and weed management plan in consultation with the Klickitat County Weed Control Board.

(i) Compliance with all applicable local requirements is required.

(j) Overhead collector lines and transmission lines should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for raptor

protection on power lines (including minimum conductor spacing and the use of anti-perch guards).

Response:

As described in Sections 2.3.2 and 2.3.3 below, and in Part 4, Sections 4.3 and 4.8 of the ASC, the Project has been designed to avoid wetlands and waterbodies and sensitive habitats.

The Habitat Management Plan will specify the avoidance, minimization, and mitigation obligations and implementation plans, including those for Project construction, operations, and decommissioning. The plan will address the applicable requirements of WAC 463-60-332 and applicable guidelines such as WDFW's Mitigation (M-5002) Policy. Best management practices, such as flagging the limits of construction to minimize vegetation removal and ground disturbance, and implementing measures described in the Project Vegetation and Weed Management Plan, will be uses to control and manage noxious weeds on site to prevent spread onto nearby properties. Any overhead power lines required to connect the Project to the grid will be designed and constructed to minimize avian electrocution, according to guidelines outlined in Avian Power Line Interaction Committee standards (APLIC).

Stormwater

(l) Design and implement stormwater drainage systems in consultation with a professional engineer to ensure that minimal erosion will occur.

(m) After construction, monitor the site for erosion on a weekly basis and after large rainfall or snowmelt events, and take corrective action as necessary.

Response:

Prior to construction, the Applicant will obtain a construction stormwater permit and during construction will implement an Erosion and Sediment Control Plan and best management practices to minimize the potential for soil erosion. A Construction Phase Stormwater Pollution Prevention Plan (SWPPP) and Operational Phase SWPPP will be implemented at the Project site. Both SWPPPs will follow the Washington Department of Ecology's SWPPP template and will address stormwater runoff, flooding, and erosion to ensure compliance with state and federal water quality standards. The SWPPP will include BMPs from Ecology's Stormwater Management Manual for Eastern Washington.

Geologic and Flood Hazards

(n) Design structural foundations and buildings in accordance with International Building Code requirements for appropriate seismic zone.

(o) Compliance with all applicable local requirements is required.

Response:

As discussed in Section 2.3.4 below, the Project design will meet all requirements in the Klickitat County and Washington State structural design, including seismic design parameters and the 2015

International Building Code and ASCE 7-10 and ASCE 7-16 which follow the Washington State Building Codes (WAC 463-62-020).

Water Resources

(p) Except for wind projects, water availability shall be demonstrated as needed for the project.

(q) For all projects, water required for onsite use shall be obtained in accordance with state and local requirements.

Response:

As described in Section 3.6 of the ASC, water will be required for the following Project purposes: construction activities (including dust control and soil compaction), and operations activities (including panel washing and O&M building water needs).

Water for construction and operations is anticipated to be sourced from an existing on-site well or diversion associated with a valid water right (to be verified in coordination with Ecology). If adequate amounts of water are not available from the existing water rights on site, water would be purchased from a permitted off-site source (i.e., municipal water source or vendor with a valid water right) and hauled to the Project site. The Applicant or the Applicant's construction contractor will verify the source and availability of water prior to Project construction and operations.

Water use associated with the Project will be fully offset (i.e., mitigated) by existing water rights. No net increase in either total or consumptive water use will occur as a result of the Project construction or operation.

Cultural Resources

(r) Complete a cultural resource survey of areas of the project site that will be disturbed temporarily or permanently. The cultural resource survey shall be submitted to the county planning department for review at least sixty days prior to any kind of land disturbing activities.

(s) During construction, flag and avoid cultural resources and monitor construction activities to ensure that all cultural properties are avoided.

(t) An approved inadvertent discovery plan (IDP) shall be prepared for each project. The IDP will outline the procedures to be followed in the case of inadvertent archaeological finds and/or human remains. 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.

(u) If any previously unidentified cultural resource properties are encountered during construction, cease construction activities in the immediate vicinity of the site pending evaluation by a professional archeologist and consultation with the county planning department and Washington State Department of Archaeology and Historic Preservation to

identify appropriate mitigation measures such as avoidance or scientific data recovery. All projects shall develop a cultural resources management plan.

Response:

As discussed in ASC Part 4, Sections 4.18 and 4.19, an Archaeological, Historical, and Cultural Resource Survey was completed for the Project in 2022 and is included in the ASC as Attachment I.

The Project has been designed to avoid direct impacts to cultural resources that are eligible or unevaluated/potentially eligible for listing on the NRHP.

These resources include the following: CA-KB-03, CA-KB-09, CA-KB-15 and CA-KB-17, Knight-Ostrander No. 1 and North Bonneville-Midway No. 1. The historic buildings are outside the Project Study Area on adjacent parcels so there will be no disturbance to these sites. The two transmission lines that cross through the Project Study Area will not be directly impacted.

Twenty-two archaeological sites are not avoided by the current design: 45KL02598, 45KL02597, 45KL02599, 45KL02600, 45KL02601, 45KL02602, 45KL02617, 45KL02603, 45KL02604, 45KL02605, 45KL02619, 45KL02606, 45KL02607, 45KL02608, 45KL02609, 45KL02610, 45KL02611, 45KL02612, 45KL02613, 45KL02616, 45KL02618, and 45KL02620. These sites are historic-era archaeological sites that have been recommended in ASC, Attachment I as not eligible for listing on the NRHP. The sites are not considered significant register-eligible resources and, pending concurrence by DAHP, any impacts on them would not be considered significant impacts and would not require a permit under RCW 27.53.

Visual Resources

(v) Lighting for security shall be minimized and lighting fixtures shall be directed away from adjacent properties.

(w) Provide a clean looking facility free of debris and unused or broken down equipment by: storing equipment and supplies off site, promptly removing damaged or unusable equipment from the site.

(x) Coordinate paint colors and use non-reflective paints to reduce glare.

(y) A bond, letter, or other security acceptable to the county is required to ensure proper decommissioning of energy resource facilities*, including turbines and solar panels. The amount of the security shall be determined on the basis of the site-specific conditions affecting the costs of decommissioning, access, depth of foundation, terrain, etc., to include credit for salvage value of the equipment. Security shall be coupled with a decommissioning plan approved by the county planning department.*

(aa) Except to the extent clearly demonstrated by the project applicant to not be feasible, developers shall use common transmission easements and facilities*. Every practicable effort shall be made to consolidate transmission infrastructure.*

Response:

As discussed in ASC Part 4, Section 4.16b, the Project is not expected to create a substantial new source of nighttime lighting. The Project will provide external safety lighting for both normal and emergency conditions at the primary access points, Project substation, BESS, and O&M building. However, lighting will be designed to provide the minimum illumination needed to achieve safety and security and will be downward-facing and shielded to focus illumination in the immediate area. As discussed in Section 2.2.1.2 below, the Project will install compliant shielded lighting, and therefore will be consistent with the requirements of KCC Chapter 19.48.

The Project construction site will be kept organized and free of debris and the operational facility will provide a clean looking facility free of debris and unused or broken down equipment. Paint colors for the O&M building will use non-reflective paints to reduce glare.

ASC Part 2, Section A.2.a describes the Project's decommissioning in subsection 6.0.

As the Project will be interconnecting with the existing Knight Substation, the Project successfully consolidates electrical infrastructure with existing transmission infrastructure.

Public Safety

(bb) Develop and maintain an on-site health and safety plan that informs employees and others on-site what to do in case of emergencies, including the locations of fire extinguishers and nearby hospitals, telephone numbers for emergency responders, and first aid techniques. Employees shall be trained to address healthy and safety emergencies, and to safely operate and maintain the turbines and other mechanical equipment.

(cc) For projects in which hazardous substances are stored or used, a spill prevention and emergency cleanup plan will be designed to assist on-site workers with accidental releases. Any large spill will require emergency response through the local fire department or designated contractor.

(dd) During project construction and all project welding operations, have a readily accessible water truck and chemical fire suppression materials available on-site to allow immediate fire response.

(ee) Provide project staff with cellular or on-site phones to enable timely communication with the fire department and other emergency services.

(ff) Fence site as appropriate and post signs warning of electrical dangers/with emergency contact numbers e.g. phone numbers of emergency responders.

(gg) Monitor the site for evidence of unauthorized use and provide additional security as appropriate.

Response:

As noted in ASC Part 2, Section A.6, at least 90 days prior to construction, the Applicant will provide the following:

- An Emergency Management Plan to EFSEC that will address worker health and safety, as well as fire prevention and control measures for construction and operation.
- A Construction Phase Spill Prevention Control and Countermeasure (SPCC) Plan to prevent spills during construction and to identify measures to expedite the response to a release if one were to occur. Preventative procedures and rapid response measures will address/prevent potential water quality issues. The plan will be prepared pursuant to the requirements of CFR Part 112, as well as Sections 311 and 402 of the Clean Water Act, and Section 402(a)(1) of the Federal Water Pollution Control Act.

Also, as noted in ASC Part 2, Section A.6, at least 90 days prior to commercial operations, the Applicant will provide the following:

- An Operations Phase SPCC Plan to prevent spills during operations and to identify measures to expedite the response to a release if one were to occur. Preventative procedures and rapid response measures will address/prevent potential water quality issues. The plan will be prepared pursuant to the requirements of CFR Part 112, Sections 311 and 402 of the Clean Water Act, Section 402(a)(1) of the Federal Water Pollution Control Act, and RCW 90.48.080.

Fire-related BMPs will be implemented, including developing Emergency Management, Fire Control, and Site Restoration Plans, and providing training to fire responders and construction staff during the life of the Project. This training also will include techniques for fire suppression of PV and high voltage technology. Coordination will occur with the Klickitat County Department of Emergency Management and Klickitat County Fire Protection District 7. During construction, water trucks on site for dust suppression will also be available for fire suppression if needed.

Project staff would have cell phones and be provided emergency response procedures and contact information. Permanent chain-link security fencing would be installed around the Project in order to restrict public access and would have a height of up to 7 feet in accordance with the National Electric Code (NFPA 70) requirements. The Project would be remotely monitored 24 hours a day by the Applicant with remote shutoff capabilities and automatic, redundant, continuously operating combustion prevention systems supported by an independent power supply capable of operating without auxiliary or internal BESS power. Access roads would provide access for fire and emergency vehicles. Gate codes to the Project site would be provided to local emergency personnel, and the Project would be monitored remotely by the Applicant to prevent unauthorized access. The site would also be equipped with fire protection equipment in accordance with applicable federal, state, and county requirements.

Roads

(ii) A road impact assessment shall be prepared for roads to be used by the project. The assessment shall include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning (i.e. traffic volumes, weights, frequency, time of year of use, etc.); the plan shall include an assessment of existing road conditions (e.g. pavement width, intersection designs, subgrade condition, surface

conditions, existing traffic use/volumes). The assessment should also address project-related developments of new surface aggregate mines and batch plants necessary for road construction.

(jj) A road haul agreement shall be prepared in consultation with the county public works department. The agreement shall address impacts to county-maintained roads.

Response:

A Traffic Control Plan will be prepared in coordination with the Klickitat County Public Works Department for traffic management during construction and for construction of access approaches from County ROW. The plan will be developed consistent with Klickitat County Transportation Standards for traffic control (KCC 12.30.070).

2.2.1.4 Chapter 19.48 – IC Illumination Control District

19.48.010 - Purpose.

The purpose and intent of the illumination control district is to prevent excessive illumination, glare, and reflection in areas adjacent to astronomical research facilities, such as observatories, where such light intrusion would hinder use of sensitive optical devices.

19.48.020 – General Requirements.

A. Shielding. All outdoor light fixtures, installed on or after ninety days from the enactment of the ordinance codified in this title, shall be shielded from above in such a manner that the edge of the shield shall be level with or below the center of the light source, so that any direct light emitted above the horizontal is minimized. Light directing refractors shall be considered to be light sources.

B. Lighting Replacement. All replacements of existing mercury vapor lamps with other lighting sources shall meet the requirements of this section.

19.48.030 - Prohibited acts.

It is unlawful for any individual to engage in the following activities:

A. The operation of a search light for advertising purposes between midnight and sunrise;

B. The illumination after midnight of an outdoor public recreation facility unless a specific recreational activity is already in progress;

C. The outside illumination of any building, public or private, by floodlight projected above the horizontal, between midnight and sunrise; provided, that this prohibition shall not apply to any emergency lighting as may be required by any public agency engaged in the performance of their duties;

D. The illumination of outdoor signs by floodlighting projected above the horizontal, between midnight and sunrise;

E. The use of quartz or metal halide lamps for outdoor illumination.

Response:

KCC Chapter 19.48 applies to areas within the Illumination Control District. Although a map of the Illumination Control District is not publicly available, based on available information the Project site appears to be within the district, so Chapter 19.48 is assumed to apply. The chapter requires the installation of shielded fixtures with the edge of the shield level with or below the center of the light source, so that any direct light emitted above the horizontal is minimized. The Project will install compliant shielded lighting and will not engage in any of the prohibited acts listed under KCC Chapter 19.48.030, and therefore will be consistent with this standard.

2.2.1.5 Chapter 19.60 – Adjustments, Variances and Appeals

19.60.050 - Board of adjustment—Duties and powers.

The jurisdictional duties and powers of the board of adjustment are as follows:

A. Hearing and deciding applications for conditional uses (principal and accessory) expressly provided for in certain districts;

19.60.090 - Conditional use permit—Notice of time and place of hearing.

Upon the filing of an application for a conditional use permit or a variance, the board of adjustment shall set the time and place for a public hearing in such matter, and written notice thereof shall be mailed to all property owners of record within a radius of three hundred feet of the exterior boundaries of subject property. The written notice shall be mailed not less than fourteen days' prior to the hearing.

19.60.100 - Board of adjustment—Action final.

The action by the board of adjustment on an application for a conditional use permit or a variance, or on an appeal from the decision of the director of planning or an administrative officer shall be final and conclusive unless within twenty-one days from the date issuance the original applicant or an adverse party files an appeal to a court of competent jurisdiction.

19.60.110 - Inclusion of findings of fact.

The board of adjustment shall, in making an order, requirement, decision or determination, include in a written record of the case the findings of fact upon which the action is based.

19.60.130 - Application procedure.

An application for a variance, conditional use permit, or appeal shall be filed with the director of planning on a form provided by the director. Application must be accompanied by a check made payable to the county in the sum set by ordinance of the board of county commissioners which shall be nonrefundable and used to cover costs incurred in processing such application.

Response:

The Applicant is seeking Project approval by and under the jurisdiction of EFSEC, and therefore, the EFSEC Site Certification Agreement process takes the place of the County review process. This Land Use Consistency Review demonstrates how the Project is consistent with a "*Utility facilities*

necessary for public service" as a conditional use in the EA District and a "*Buildings and uses of a public works, public service, or public utility nature"* in the GR Zone. Specifically, the Project's compatibility with surrounding land uses is addressed in Section 2.2.1.1, and 2.2.1.2 above. The Project's potential impacts on the surrounding area, including impacts to the environment, public infrastructure or adjacent properties, and/or possible safety hazards are described throughout Sections 2.1, 2.2 and 2.3 of this Land Use Consistency Review and in the ASC Parts 2, 3, and 4.

2.2.2 Other Applicable KCC Provisions

Chapter 20.16 Environmental Impact Statement

20.08.070 - General environmental review procedure and applicant's responsibilities.

The following general descriptions of the environmental review process are intended to aid users of this title in understanding the basic procedures, sequence of events, and responsibilities of the applicant and the county in obtaining an environmental threshold determination and, if required, submitting an environmental impact statement.

A. *Applicant submits a completed environmental checklist to the planning department. Applicant need not submit a checklist in cases for which applicant has determined to prepare an environmental impact statement.*

…

20.12.030 - Environmental checklist.

A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this title; except, a checklist is not needed if the county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The county shall use the environmental checklist to determine the lead agency.

…

Chapter 20.16 – Environmental Impact Statement (EIS)

…

20.16.020 - Preparation of EIS—Additional considerations.

A. Preparation of draft and final EIS's (DEIS and FEIS) and draft and final supplemental EIS's (SEIS) is the responsibility of the planning department under the direction of the responsible official. Before the county issues an EIS, the responsible official shall be satisfied that it complies with this title and Chapter 197-11 WAC.

B. The DEIS and FEIS or draft and final SEIS shall be prepared by county staff, the applicant or by a consultant selected by the county or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the county will prepare the EIS,

the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the county's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

…

Response:

The Applicant is seeking Project approval by and under EFSEC's jurisdiction, and therefore, EFSEC serves as the lead agency for the Washington State Environmental Policy Act (SEPA) compliance. Information needed for a SEPA determination is incorporated in Part 3 and Part 4 of the ASC. EFSEC will prepare a SEPA checklist form per WAC 197-11-960 with reference to corresponding sections of Part 3 and Part 4 as appropriate. Therefore, the Project will comply with KCC Chapter 20.16 and the County's SEPA checklist requirement.

2.3 Critical Area Ordinance

Under Washington State's GMA, all cities and counties are directed to adopt critical areas regulations. Counties and cities are required to include the best available science in developing policies and development regulations to protect the functions and values of critical areas (RCW 36.70A.172). Klickitat County's Critical Areas Ordinance (CAO) was developed to comply with the requirements of the GMA, and was most recently updated on August 6, 2013, consistent with the GMA periodic review requirement in RCW 36.70A.130. The provisions of the CAO apply to all activities (unless exempted) in unincorporated Klickitat County that require permits or land use approves from the County. Chapter II of the Klickitat County CAO defines critical areas as including the following areas and ecosystems: 1) wetlands, 2) areas with a critical recharging effect on aquifers used for potable water, 3) fish and wildlife habitat conservation areas, 4) frequently flooded areas, and 5) geologically hazardous areas.

The CAO specifies required steps to avoid, minimize, or compensate for adverse impacts upon the functions and values of critical areas. In some cases, the CAO specifies the required mitigation, such as providing for buffer widths. In other instances, the applicant will develop mitigation. Where a project is proposed within a critical wildlife/fish habitat conservation area, and the habitat functions and values are likely to be impaired by the project, a habitat management plan is required.

2.3.1 Chapter I - General Provisions

1.2 Applicability

These provisions apply to all activities, unless exempted, in unincorporated areas of Klickitat County; they are, in effect, an over-lay on existing land use regulations. Classifying, inventorying, and designating lands or areas does not imply a change in a landowner's right to use his/her land under current law. However, development permits may be conditioned, or denied to ensure that the proposed action is consistent with this title, as well as current ordinances. This ordinance applies to all permits or land use approvals issued by the County

and grading/clearing activity as specified in Section 1.3. Grounds maintenance, and routine weeding activity is not subject to this title. Compliance with the provisions of this Title does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, Hydraulic Project Approval, Army Corps of Engineer Section 404 permits, National Pollution Discharge Elimination System permits, Endangered Species Act compliance, etc.). The applicant is responsible for complying with these requirements, apart from the process established in this Title.

If an applicant has already performed a critical areas review under other laws for other permitting agencies, the county will not require duplicative review but will consider whether the review previously taken, including mitigation conditions and any buffer requirements imposed, is satisfactory to comply with the critical areas ordinance.

1.3 General Exemptions.

The following activities shall be exempt from filing permits required by this chapter. Exempted activities authorized by the county shall be consistent with all policies and provisions set forth by this chapter and shall require written approval from the county where applicable.

A. Activities or uses conducted pursuant to RCW Chapter 76.09 (Forest Practices)except for Class IV timber harvest practices-and WAC Chapter 222 (Forest Practices Board), whereby state law specifically limits local authority, except with regard to developments and conversions requiring local approval;

B. Existing agricultural or ranching activities, including farming, irrigation, and ranching; existing agricultural or ranching activities are those that have been conducted during two of the past five years.

C. All reconstruction, normal and routine maintenance, operation, and repair of existing public and private right-of-way and utility infrastructure, and other existing structures or appurtenances provided that reconstruction of any such facility does not extend outside the previously disturbed area;

D. All normal and routine survey, control, or removal of noxious weeds as authorized by the Klickitat County Noxious Weed Control Board, unless temporary or permanent destruction of critical area habitat functions and values will occur;

E. Any project approved by the Washington State Department of Fish and Wildlife via Hydraulic Project Approval (HP A) for restoration of an eroded or unstable stream bank or shoreline that employs principles of bioengineering; including limited use of rock as a stabilization only at the toe of a bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water;

F. Minimal site investigative work required by a landowner, local, state or federal agency, such as surveys, soil logs, percolation tests and other related activities. This does not include activities related to oil, gas, or mineral exploration and associated activities;

G. Construction or modification of navigational aids such as channel markers and anchor buoys;

H. Maintenance of artificially created wetlands or surface water systems, which were intentionally created on uplands, including irrigation and drainage ditches, grasslined swales and canals, farm ponds and stock watering facilities, detention facilities, and landscape or ornamental amenities; and

I. All emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance with this ordinance when it is necessary to:

- prevent an imminent threat to public health or safety; or

- prevent imminent danger to public or private property.

Adverse impacts to ecological functions resulting from emergency actions shall be adequately mitigated after the threat or danger has been addressed.

J. The critical areas ordinance applies to all grading activity which takes place on 10,000 square feet or more. For grading on 4,000-10,000 square feet a critical areas checklist will be filled out, which will be used to assess whether the critical areas ordinance should be applied. If the activity will adversely impact the functions and values of critical areas then the critical areas ordinance applies as it would to any other activity involving over 10,000 square feet of grading. The purpose of this exemption is to allow activities which would otherwise be subject to the critical areas ordinance but which are unlikely to adversely impact the functions and values of critical areas, and so do not require additional mitigation under this chapter.

1.10 Process for Critical Areas Review.

Critical areas review is required for permits or land use approvals issued by the County and for certain grading/clearing activity. See Section 1.2 - Applicability, and Section 1.3 - Exemptions. When review is triggered because a land use approval or development permit is required, the review procedures of the other permit(s) or approval(s) will apply.

Response:

The Project meets the criteria in Chapter I Section 1.2 of the CAO for the requirement for critical areas review as provided in Chapter I Section 1.10 of the CAO, including the criteria in Chapter I Section 1.2 of the CAO for issuance of other county development and land use permits, as well as the grading criteria in Chapter I Section 1.3 of the CAO. The Project does not qualify for any of the exemptions from critical areas review provided in Chapter I Section 1.3 of the CAO. Therefore, Chapter 1 Sections 1.2, 1.3, and 1.10 of the CAO apply to the Project.

2.3.2 Chapter III - Wetlands

3.2 Classification and Designation.

Approximate wetland locations shall be identified using National Wetlands Inventory maps, information furnished by the applicant (per a checklist provided by the county), and/or other information provided by qualified professionals or other agencies.

If information indicates the presence of a wetland in excess of 2,500 square feet, the applicant shall either:

- *Agree to a buffer in excess of 300', for all development, from the wetland location. The wetland buffer shall be delineated on all maps submitted to the county, including short and long plats; or*
- *If the applicant wishes to develop within 300' of a wetland or it appears that sufficient area does not exist for development beyond the buffer, Wetland boundaries shall be delineated using the currently approved federal manual and supplements and impacts shall be mitigated as specified below. All wetlands greater than 2,500 square feet shall be designated wetlands. Wetlands identified through the permitting process shall be mapped and shall provide guidance in the land use decision-making process. All sites which maintain wetlands, including those wetlands which are not mapped, shall be subject to wetland review so stated in this chapter.*

Response:

Wetland and surface water delineations were conducted within the Project Study Area over several survey periods in 2020, 2021, and 2022. The delineations were conducted by qualified professionals as defined in Chapter II of the CAO, and the delineations followed the U.S. Army Corps of Engineers Wetland Delineation Manual and regional supplement for the arid west (USACE 1987, 2008) to identify wetlands and waters as defined in Chapter II of the CAO. Delineation reports were developed in 2020 and 2022 (provided in Attachment E). After further review of the 2020 and 2022 delineation reports, the need for additional information on fish use and hydroperiods for the delineated streams was identified. On April 5, 2022, additional field work was completed and an addendum to the 2020 and 2022 Delineation Reports with additional information on fish use and hydroperiods for the previously delineated streams was prepared (Attachment E). During the May 2022 botanical surveys, additional potential wetland and stream features were identified in the southern portion of the Project Study Area that had not previously been mapped in the 2020 and 2022 Delineation Reports. The Applicant directed the completion of additional delineation work in June 2022 at the Project site necessary to supplement the 2020 and 2021 Delineation Reports and ensure the final reports are comprehensive. The information from the June 2022 field work was incorporated into the Amendment to the delineation reports. A copy of this Amendment (dated October 28, 2022) along with the 2020 and 2022 Delineation Reports for the Project are included in Attachment E, and information from the reports is summarized in the ASC Part 4 Section 4.3.

A total of 18 wetlands and 5 vernal pools were found within the Project Study Area. The wetlands have varying levels of disturbance, likely because of previous agricultural uses throughout the Project Study Area. The majority of the wetlands were found in drainages and are classified as riverine wetlands. The remaining wetlands were palustrine emergent and vernal pools. The

delineations found that there are 14 stream segments within the Project Study Area. The majority of the streams start out as ephemeral, and some of these streams become intermittent and/or perennial further downstream. There is one section of Stream 1 with perennial flow and one intermittent stream (Stream 4) which have the potential for fish use based on their physical characteristics and, in the case of Stream 1, presence of macroinvertebrates (see Attachment E, Appendix B). Both streams are connected downstream to known fish-bearing streams. However, actual fish use is currently unknown, and no fish were observed during wetlands or wildlife site surveys. Table 3 in Attachment E details the wetland and waterway characteristics.

Therefore, the Project is in compliance with Chapter III Section 3.2 of the CAO.

3.3 Performance Standards.

*A. The following buffe*rs *shall be maintained between the delineated wetland and the activity triggering critical area ordinance review:*

Category	***Buffer***
I	*300'*
II	*200'*
III	*75'*
IV	*75'*

Averaging of required wetland buffer width shall be allowed if the applicant demonstrates that wetland functions and values will not be reduced. In no case shall the total area within the averaged buffer area be less than the area contained within the required buffer area without averaging, and no portion of an averaged buffer area shall be reduced by more than 50% of the standard buffer width or be less than 50 feet wide, except for buffers between Category IV wetlands and adjacent uses. This would mean that buffer averaging would result in the minimum width for each of the categories being:

Category I = 150 feet

Category 2 = 100 feet

Category 3 = 50 feet

Category 4 = 37.5 feet

B. Wetland Classification Wetland rating shall be consistent with the critical areas ordinance, and shall use the Department of Ecology's Washington State Wetland Rating System for Eastern Washington, Revised Version (2004). Subsequent revisions to the Ecology Rating System will also be used as guidance to the extent they do not present significant departures

from the document as adopted in 2004. Wetlands over 2,500 square feet shall be classified consistently with the below definitions:

1. Category 1 wetlands are not common and make up a small percentage of the wetlands in the state. These are wetlands that (a) provide irreplaceable functions and values, i.e., they are impossible to replace within a human lifetime, if at all (such as mature and old-growth forested wetlands over ¼ acre in size dominated by slow growing native trees); or (b) represent a high quality of a rare wetland type such as alkali wetlands, which are characterized by shallow saline water, or bog wetlands, which are low nutrient, acidic wetlands that have organic soils, and whose water regime is based on precipitation; or (c) are extremely high quality, relatively undisturbed, provide significant high quality wildlife habitat for sensitive plant and animal species, and provide important water quality and hydrologic functions; or (d) the wetland scores more than 69 points under the Ecology Rating System.

2. Category 2 wetlands are wetlands which occur more commonly than Category 1 wetlands, and need a high level of protection. They provide very high functions and values, particularly for wildlife habitat: They include (a) forested wetlands within the flood plain of a river; (b) mature forested wetlands containing fast growing trees which are over ¼ acre in size; or (c) vernal pools present within a mosaic of other wetlands; or (d) the wetland scores 51-69 points under the Ecology Rating System.

3. Category 3 wetlands are wetlands which are important for a variety of wildlife species. Generally, these wetlands will be smaller, less diverse and/or more isolated than Category 2 wetlands. A moderate level of protection is required. They include, for example: (a) vernal pools that are isolated; or (b) wetlands which are either rare, or sensitive to disturbance; or (c) the wetland scores 30-50 points under the Ecology Rating System.

4. Category 4 wetlands are wetlands which do not meet the criteria for categories 1-3, and score less than 3 0 points under the Ecology Rating System. In some areas these wetlands may be providing important groundwater recharge and water pollution prevention functions. However, they are characterized by the lowest level of functions and are often heavily disturbed. They should be replaceable, and may be improved.

C. If a proposal is located within 300 feet of a wetland, the applicant shall provide the following reports prior to development authorization:

1. Wetland boundary delineation/survey;

2. Wetland rating; and

3. Wetland mitigation plan if the proposed development will encroach upon a wetland or its buffer.

D. If it is determined that a proposed development is not within 300 feet of a wetland, then the proposed development will not be reviewed for impacts to wetlands under this Chapter.

Response:

Figures showing proposed Project facilities and their relationship to wetlands and wetland buffers are included in the Wetland Delineation Reports and Amendment (Attachment E), and shown in ASC Attachment A-1, Figure 7, and discussed in the ASC Part 4 Section 4.3. In addition to the stream buffers discussed below, the Project has applied wetland buffer widths as defined in Chapter III Section 3.3 of the CAO based on the wetland types and classifications (see ASC Attachment A-1, Figure 7). The Project Study Area includes wetlands categorized as wetland ratings II, III, and IV, and buffers of 200 feet, 75 feet, and 75 feet, respectively, have been applied as specified in Chapter III Section 3.3 of the CAO. The Project has been designed to avoid wetlands, and no wetland or wetland buffers impacts (temporary or permanent) are proposed in the current Project layout.

Therefore, the Project is in compliance with Chapter III Section 3.3 of the CAO.

3.4 Wetland Mitigation.

Mitigation of wetland losses and impacts shall be in the following descending order of preference:

1. Complete restoration.

2. In-kind replacement in the same functional area.

3. In-kind replacement outside the area.

4. Out-of-kind replacement inside the area.

5. Out-of-kind replacement outside the area.

B. Wetland Mitigation Plan

1. The wetland mitigation plan shall identify how the proposed mitigation will adequately mitigate for the loss of wetland area and function at the impact site.

2. If mitigation is located off-site, the wetland mitigation plan shall assess whether an appropriate location has been identified to adequately replace lost wetland functions at the site of impact. The mitigation plan will evaluate the site to assess if a site has a high likelihood of success due to an adequate source of water, ability to control invasive species, appropriate adjacent land uses and development pressures, adequate buffers, connectivity to other habitats and other relevant factors.

C. Alteration of wetlands shall require the creation, restoration or enhancement of wetlands to provide equivalent or greater area, functions and values. The below standard ratios shall apply to the creation of new wetlands or restoration of former wetlands. The first number specifies the area of wetlands requiring replacement and the second number specifies the area of wetlands altered. When impacts to wetlands are mitigated by enhancement of existing significantly degraded wetlands the ratio shall generally be higher than for creation or restoration because enhancement does not replace wetland area and only improves some wetland functions. Applicants proposing to enhance wetlands must identify how enhancement will increase the functions of the degraded wetland and how this increase will adequately

mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.

Category I …….. 6:1

Category II …….. 3:1

Category III …….. 2:1

Category IV …….. 2:1

1. The standard replacement ratio may be decreased under the following circumstances:

(a) Findings of special studies coordinated with agencies and/or other qualified individuals with expertise which demonstrates that no net loss of wetland function or value is attained under the decreased ratio.

(b) In all cases, a minimum acreage replacement ratio of 1 :1 shall be required.

2. The standard replacement ratio may be increased under the following circumstances:

(a) High degree of uncertainty as to the probable success of the proposed restoration or creation;

(b) Significant period of time between destruction and replication of wetland functions; (

c) Projected losses in functional value; and/or

(d) Off-site compensation.

D. The applicant shall develop a plan that provides for land acquisition, construction, maintenance, and monitoring of replacement/compensatory wetlands. Mitigation shall be completed prior to wetland destruction or concurrent with development. Any restored, created, purchased, or enhanced wetland shall be maintained as a wetland in perpetuity. All wetland restoration, creation and/or enhancement projects required pursuant to this ordinance either as a permit condition or as the result of an enforcement action must be approved by the Planning Department prior to commencement of any wetland restoration, creation or enhancement activity.

Response:

As described above, the Project has been designed to avoid wetlands, and no wetland or wetland buffers impacts (temporary or permanent) are proposed in the current Project layout (see ASC Attachment A-1, Figure 7). Therefore, no Wetland Mitigation Plan as described in Chapter III Section 3.4 of the CAO would be required and Chapter III Section 3.4 of the CAO does not apply to this Project.

2.3.3 Chapter IV - Critical Fish/Wildlife Habitat Conservation Areas

4.2 Classification and Designation.

A. Critical Wildlife Habitat Conservation Areas

Critical wildlife habitat conservation areas are:

- *Areas with which known federal or state endangered, threatened, or sensitive species have a primary association (See Chapter II - Definitions);*
- *Habitats of local importance (this is a habitat in which a species of local importance has a primary association, See Chapter II - Definitions);*
- *Areas designated by the Washington State Department of Natural Resources as state natural area preserves and natural resource conservation areas;*

Critical fish habitat conservation areas-are:

- *Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;*
- *Waters of the State as defined in Title 222 WAC;*
- *Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity.*

B. Mapping

Those lands which meet the established criteria for critical fish/wildlife habitat conservation areas are to be designated as such. Critical fish/wildlife habitat conservation areas identified through the permitting process shall be mapped and shall provide guidance in the land use decision-making process. All sites which maintain critical fish/wildlife habitat conservation areas, which are not mapped, shall be subject to critical fish/wildlife habitat conservation area review.

The identification and location of habitats and species of local importance shall be based upon scientifically valid methods and studies, which may include materials submitted by the applicant, Washington State Department of Fish and Wildlife Priority Habitats and Species database maps, or other appropriate methods and studies.

Response:

The Project Study Area includes critical fish/wildlife habitat as defined in Chapter II and Chapter IV Section 4.2 of the CAO. Critical fish/wildlife habitat was identified through desktop and field survey information consistent with Chapter IV Section 4.2. Critical fish/wildlife habitat identified included habitat and primary association areas for species of local importance (as defined in Chapter II of the CAO), Priority Habitats and Priority Habitat Features mapped by WDFW, WDFW Priority Species, and Waters of the State as defined in Title 222 WAC.

The Project would include disturbance in critical fish/wildlife habitat. These impacts are described in the ASC Part 4, Section 4.3, Section 4.8, and Section 4.9, along with the supporting Habitat and General Wildlife Survey Report (Attachment C), Raptor Nest Survey Report (Attachment D), Wetland Delineation Reports and Amendment (Attachment E), and Botanical Survey Report (Attachment F). Therefore, Chapter IV Section 4.2 of the CAO applies to the Project. The Draft Habitat Management Plan (to be provided in a future addendum) will discuss and identify mitigation measures to address impacts to critical fish/wildlife habitat.

4.3 Performance Standards.

A. Wildlife/Fish Habitat Conservation Areas:

1. Where a project is proposed within a Wildlife/Fish Habitat Conservation Area, and habitat functions and values are likely to be impaired by the project, a habitat management plan will be required, unless the exception noted below is met. The limits of development and other related activities within the conservation area shall be based on the recommendations of the plan. The plan shall be prepared by a qualified professional. A plan is not required if the applicant places a particular emphasis on protecting the conservation area by avoiding the impact by not taking a certain action or part(s) of an action or minimizing impacts by limiting the degree or magnitude of the action and its implementation. If complex mitigation which requires the expertise of a qualified professional is necessary, a habitat management plan will be required.

2. Activities may be permitted within a conservation area subject to conditions designed to avoid probable, significant adverse impacts to the conservation area and to protect the functions and values of the conservation area, provided that the county may deny a project if probable, significant impacts to the conservation area cannot be avoided or if critical area function and value cannot be protected with mitigation

B. Fish Habitat Conservation Areas:

1. Standard Buffers

(a) Buffers Buffer (Measured horizontally from OHWM)

Type S Waters	*200 feet*
Type F Waters	*150 feet*
Type Np Waters	*50 feet*
Type Ns Waters	*25 feet*

(b) Definitions of "Waters"

Water type shall be determined using the criteria set forth in WAC 222-16-030. Artificially created structures, ditches, canals, ponds, irrigation return ditches, and stormwater channels shall not be considered a stream for purposes of this section.

(c) Averaging. Averaging of required buffer widths shall be allowed if the applicant demonstrates that buffer functions and values will not be reduced. In no case shall the total area within the averaged buffer area be less than the area contained within the required buffer area without averaging, and no portion of an averaged buffer shall be reduced by more than 50% of the standard buffer width or be less than 25 feet wide

(d) Active Setback Maintenance. Buffer width reductions not exceeding 50%, and in no event less than 50 feet, may be approved if: a qualified professional prepares a management plan identifying landscaping and buffer maintenance measures, based on site characteristics (including the slope of the site, the uses on the site and proximate to the site, the ability of vegetation to uptake pollutants and runoff on the site) which effectively filters sediment and pollutants, and for fish bearing streams, protects fish habitat through incorporation of reasonable shading and vegetation/woody debris. The management plan must protect habitat functions and values, ensure no net loss of habitat, be maintained for the life of the project, and be recorded against the property.

2. Riparian vegetation in buffers shall not be removed, with the exception that a view/access corridor to the OHWM may be cleared to a width not to exceed 25' if habitat values will not be impacted and/or migration will be unaffected. If the functions and values of critical areas are impaired, mitigation will be imposed, such as widening the riparian buffer at the same location, or widening or enhancing the buffer at another location.

3. Buffers shall be delineated on all permits.

Response:

A Draft Habitat Management Plan will be prepared for the Project and will be submitted at a later date. The Draft Habitat Management Plan will be prepared by a qualified professional as defined in Chapter II of the CAO. The plan will provide a framework for determining the compensatory mitigation required to achieve "no net loss." The standard of "no net loss of habitat functions and values" is required by WAC 463-62-040. The Applicant will employ a suite of measures, including actions to avoid, minimize, and mitigate impacts.

Figures showing proposed Project facilities and their relationship to habitat conservation areas are included in the Habitat and General Wildlife Survey Report (Attachment C), Raptor Nest Survey Report (Attachment D), Wetland Delineation Reports and Amendment (Attachment E), and Botanical Survey Report (Attachment F). In addition to the wetland buffers discussed previously, the Project has applied stream buffer widths as defined in Chapter IV Section 4.3 of the CAO (see ASC Attachment A-1, Figure 7). The Project Study Area includes stream types F and Ns, and buffers of 150 feet and 25 feet, respectively, have been applied in compliance with Chapter IV Section 4.3 of the CAO.

Impacts to streams and their buffers from crossings of delineated streams are proposed in a minimum of three locations, including Ephemeral ST-109, Intermittent Stream 4, and Intermittent Stream 6. Additional details of the engineering design of those crossings will be included in the JARPA that will be submitted at a later date, but overall would be designed to comply with state HPA criteria, sized to maintain adequate hydraulic and sediment transport capacity, and would be installed using appropriate BMPs to avoid impacts to water quality or aquatic life. The Applicant understands that WDFW will make a determination on whether a HPA is required on the basis of a review of this application and determine if mitigation is required. For the above reasons, the Project will comply with both Chapter IV Section 4.3 of the CAO and WAC 463-60-332 that require a fish and wildlife habitat management and mitigation plan, and the "no net loss" standard under WAC 463-62-040.

4.4 Fish and Wildlife Mitigation.

Wildlife Habitat Management Plans shall meet the following criteria:

A. Plans shall be prepared by a qualified professional, at the expense of the applicant;

B. Relevant background information shall be documented and considered;

C. Critical fish/wildlife habitat conservation areas shall be delineated if applicable;

D. The size, scope, configuration or density of new uses and developments within a core habitat and wildlife buffer zone shall be designed to protect threatened, endangered, or sensitive wildlife species, and habitats and species of local importance. The timing and duration of uses and developments may be regulated to ensure that they do not occur during a time of year when species are sensitive to disturbance;

E. Developments shall be generally discouraged within critical wildlife/fish habitat conservation areas. Any development permitted shall be mitigated as outlined in Section 4.3(A) and (B). Development may be conditionally authorized when the critical wildlife/fish habitat conservation area is inhabited seasonally; provided the development will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns;

F. If rehabilitation and enhancement actions are required, then they shall be documented in the wildlife management plan and shall include a map and text;

G. The Plan shall include an analysis of the effect of the proposed use or activity upon critical wildlife and fish habitat conservation areas;

H. The Plan shall explain how the applicant will avoid, minimize or mitigate adverse impacts to critical wildlife and fish habitat conservation areas created by the proposed use or activity. Mitigation measures within the plan may include, but are not limited to:

(i) Establishment of buffer areas;

(ii) Preservation of critically important plants and trees;

(iii) Limitation of access to habitat area;

(iv) Seasonal restriction of construction activities;

(v) Conservation easements.

I. The Plan shall incorporate use of scientifically valid methods and studies in the analysis of date and field reconnaissance.

Response:

As described above, the Draft Habitat Management Plan will be prepared by a qualified professional. The Draft Habitat Management Plan will address Project monitoring and reporting measures to verify the extent of onsite impacts and documentation of post-construction recovery of areas disturbed temporarily or altered as a result of the Project. These monitoring results will be reported to EFSEC. The Applicant will work with EFSEC and WDFW to determine appropriate mitigation. The Applicant will continue to coordinate with EFSEC and WDFW on the Draft Habitat Mitigation Plan and with a goal of completing these discussions prior to EFSEC's completion of SEPA review. Once determined, a description of the agreed-upon mitigation will be provided to EFSEC as supplemental information in the form of a Final Habitat Management Plan prior to construction, as a condition of approval. The Final Habitat Management Plan will be based on final Project design impacts and will be consistent with Chapter IV Sections 4.3 and 4.4 of the CAO, WAC 463-62-040, WAC 463-60-332(3), and the WDFW mitigation policy. Reports attached to the ASC or to be provided prior to construction will be submitted in electronic format to EFSEC. The Applicant will provide related geographic information system data to EFSEC upon request. Therefore, the Project complies with Chapter IV Section 4.3 of the CAO.

2.3.4 Chapter V - Geologically Hazardous Areas

5.2 Classification and designation.

All geologically hazardous areas shall be divided into one of the following risk categories; erosion, landslide, seismic, volcanic, or mine hazard areas.

A. Erosion - areas identified as having slopes in excess of fifteen percent or soils rated by the Natural Resource Conservation Service (NRCS) as having moderate to very severe erosion potential.

B. Landslide - areas identified as subject to mass movements due to their geologic, topographic, and/or hydrologic factors. Areas subject to landsliding are the following:

- *areas of historic failure of potentially unstable slopes;*
- *areas with any combination of the following:*
    - *slopes of fifteen percent or greater;*
    - *permeable soils frequently overlying impermeable surfaces or soils; or*

- *springs or groundwater seepage;*

- *any slope forty percent or greater and with a vertical relief of ten plus feet, except areas composed of consolidated rock;*
- *slopes greater than eighty percent subject to rockfall during seismic shaking;*
- *unstable areas resulting from stream incision, erosion, or undercutting;*
- *any area located on an alluvial fan; or*
- *slopes that are parallel or subparallel to planes of weakness in subsurface materials such as bedding planes, fault planes, etc.*

C. Seismic - Klickitat County is located within a 2B seismic zone, with no known active faults. All new development shall conform to the applicable provisions of the Uniform Building Code which contain structural standards and safeguards to reduce risks from seismic activity.

D. Volcanic - Volcanic risk is low, although ashfall could be expected during a volcanic event.

E. Mine - The likelihood of the presence of underground mines within the County is believed to be remote.

Those lands which meet the established criteria for geologically hazardous areas are to be designated as such. Geologically hazardous areas identified through the permitting process shall be mapped and shall provide guidance in the land use decision-making process. All sites which maintain geologically hazardous areas, including those geologically hazardous areas which are not mapped, shall be subject to geologically hazardous areas review so stated in this chapter.

Response:

The Applicant reviewed available data to identify geologically hazardous areas (as defined under CAO Chapters II and V and designated under Chapter V Section 5.2) within the Project Study Area. As described in Part 4, Section 4.1 of the ASC, the Project Study Area includes a small area (approximately 5 acres) with slopes in excess of 15 percent, and the majority of soils mapped in the Project Study Area are classified by the NRCS as moderately (85.1 percent of the Project Study Area) to severely (11.0 percent of the Project Study Area) prone to water erosion. Therefore, based on available information, geologically hazardous areas are present with the Project Study Area, and the Applicant has completed additional investigations as due diligence to inform the Project design, described in the response below. Therefore, Chapter V Section 5.2 of the CAO applies to the Project.

5.3 Performance Standards.

Upon receipt of a complete development application, U.S.G.S. topographic maps and NRCS soil information shall be reviewed to determine if the proposed development is in a geologically hazardous area. If the proposed site is in a geologically hazardous area, the applicant shall be

responsible for securing the services of a professional engineer/geologist who shall provide information as follows:

A. Maximum and average on-site slopes;

B. Identification of groundwater seepage areas;

C. Any known on-site landslide activity;

D. Identification of any stream incision and/or erosion points; and

E. The extent of any applicable alluvial fan.

A. Proposed developments shall be designed in accordance with the requirements of the Uniform Building Code as written now or hereafter amended when a geologically hazardous area is found on or near the proposed development.

B. Development sites for new structures identified with intermittent or perennial stream-side incision or erosion points shall have all structures located a minimum of 100 feet away from such points.

C. Any disturbance to erosion hazard areas will require revegetation and stabilization with native plant materials.

Response:

As described in Part 4, Section 4.1 of the ASC, the Project Study Area includes a small area (approximately 5 acres) with slopes in excess of 15 percent, however, the MPE and panel arrays are sited almost entirely outside of the areas with slopes over 15 percent. The majority of soils mapped in the Project Study Area are classified by the NRCS as moderately (85.1 percent of the Project Study Area) to severely (11.0 percent of the Project Study Area) prone to water erosion. Due to the presence of soils with moderate to severe erodibility, the Project contains geologically hazardous areas as designated in Chapter V Section 5.2 of the CAO. The Applicant has prepared a Geotechnical Engineering Report (Attachment L) that describes the site geology, soils, groundwater, and topography. The report provides information about geologic hazards and related concerns that may affect the Project, including seismic hazards, slope instability, flooding, ground subsidence, collapsible soils, corrosive soils, and erosion. Part 4, Section 4.1 of the ASC describes the geological and soil conditions within the Project Area, including any geologically hazardous areas designated by Klickitat County as critical areas, impacts to the Project associated with potential geological hazards, and mitigation strategies that will be implemented to minimize the risks associated with these areas. Project design will meet all requirements in the Klickitat County and Washington State structural design, including seismic design parameters and the 2015 International Building Code and ASCE 7-10 and ASCE 7-16 which follow the Washington State Building Codes (WAC 463-62-020). Therefore, the Project will comply with Chapter V Section 6.5 of the CAO.

2.3.5 Chapter VI - Aquifer Recharge Areas

6.2 Classification and designation.

Aquifer recharge areas that have a high susceptibility to aquifer contamination shall be designated as such on the basis of:

A. Land use activities which pose a threat to aquifer quality; or

B. Land use activities which pose a threat to community water systems; or

C. Aquifers with characteristics conducive to contamination.

Designated areas include wellhead protection areas, sole source aquifers, susceptible ground water management areas, moderately or highly vulnerable areas, moderately or highly susceptible areas. Susceptibility can be estimated using soil permeability, geologic matrix (underlying soils), infiltration rate, and depth to ground water.

Those lands which meet the established criteria for aquifer recharge areas are to be designated as such. Aquifer recharge areas identified through the permitting process shall be mapped and shall provide guidance in the land use decision-making process. All sites which maintain aquifer recharge areas, including those aquifer recharge areas which are not mapped, shall be subject to aquifer recharge areas review so stated in this chapter.

Response:

Chapter II of the CAO defines areas with a critical recharging effect on aquifers used for potable water as "areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water." Locations and extents of areas meeting the CAO criteria for aquifer recharge areas were identified from Klickitat County information and confirmed with desktop and field surveys. See Part 4, Sections 4.1 and 4.5 of the streamlined ASC and Attachment E (Wetland Delineation Reports and Amendment), Attachment K (Hydrologic and Hydraulic Assessment), and Attachment L (Geotechnical Engineering Report), for additional details. Based on available data, the Project Study Area contains areas of high and moderate susceptibility in the form of shallow bedrock with perched groundwater and alluvial aquifer; hydrologic soil groups B, C, and D, and irrigated agriculture; and colluvial soils derived from basalt mixed with loess. Therefore, Chapter VI Section 6.2 of the CAO applies to the Project.

6.3 Performance Standards.

Mitigation measures shall be utilized to minimize the risk of contamination. These will be tailored to each proposal but will be designed to ensure that development does not present a significant risk of aquifer recharge area contamination. All hazardous materials must be handled to minimize risk of leakage or accidental spills, and emergency response plans must be prepared.

The following performance standards shall apply to all regulated uses in areas designated with high susceptibility to aquifer contamination.

A. Parcels requiring septic systems shall be subject to the minimum lot size requirement of the Klickitat County Health Department, in order to prevent groundwater contamination;

B. All new development activities shall comply with the requirements of the Washington State Department of Health and the Department of Ecology, as they pertain to ground and surface water protection;

C. The applicant shall comply with any state or federally required well-head protection program for public water supplies;

D. Wells shall be set back at least 100 feet from adjacent property lines;

E. Commercial and Industrial uses which process, use, store or produce hazardous, toxic, or otherwise dangerous materials shall meet all applicable federal, state, and local regulations within any aquifer recharge area to prevent groundwater contamination; and

F. Any application which utilizes or generates hazardous or toxic materials shall be required to comply with state and federal regulations pertaining to hazardous or toxic material.

Response:

The Project will include an O&M building that may include a bathroom, breakroom, and sink(s) that will drain into a new on-site septic system. The septic system would be located to meet the minimum land area requirements provided in KCC 8.10.220 and minimum horizontal separations provided in KCC 8.10.080. The on-site septic system will be permitted, installed by a licensed professional, and maintained in compliance with applicable regulations including WAC 246-272A and Klickitat County Environmental Health Services rules and regulations for on-site septic systems. No well head protection zones have been identified in the Project vicinity, but if one is identified, state and/or federal protections will be followed.

During construction, small amounts of hazardous materials (e.g., petroleum-based fuels, mineral-based transformer oils, and oil-based lubricants) will be transported, stored, or used to operate equipment. Storage and use of these materials will be in accordance with the manufacturer's specifications and applicable hazardous material regulations. These materials will be stored in compliance with a SPCC Plan consistent with requirements of 40 CFR Part 112, and WAC 463-60-205, that provides preventative procedures and rapid response measures to handle hazardous spills if one were to occur, and reduce the risk of potential soil or groundwater contamination to negligible. During operations, oil-based materials will be used and stored in accordance with the SPCC Plan, applicable regulations, and best practices. The amount of petroleum fuels or lubricating oils stored on site or used to operate equipment during O&M will be minimal, further limiting any risk of contamination. The Project BESS will consist of self-contained storage modules placed in racks and will include a cooling system. The BESS has the potential to be a flammable source if the lithium-ion system overheats, although the facility will contain a fire suppression system in accordance with fire code and National Fire Protection Association (NFPA) Standards, specifically NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems." The system will include monitoring equipment and alarm systems with remote shut-off capabilities. Additionally, the BESS will be mounted on a cement pad which will be encircled with a gravel buffer.

All applicable state and federal regulations pertaining to hazardous materials will be followed, including WAC 463-60-352 (2 through 4), which addresses fire and explosion, hazardous materials release, and safety standards compliance; WAC 463-60-352(6), which describes emergency plans to ensure public safety and environmental protection; 49 CFR §173.185m, which regulates the transportation of lithium-ion batteries; 49 CFR §173.159, which regulates the transportation of lead-acid batteries; and International Fire Code suppression measures associated with the Project.

Therefore, the Project will comply with Chapter VII Section 6.3 of the CAO.

2.3.6 Chapter VII – Frequently Flooded Areas

7.2 Classification and Designation.

Frequently flooded areas shall be classified as all areas within the floodplain subject to a one percent or greater chance of flooding in a given year. All lands, shorelands, and waters which are under the jurisdiction of Klickitat County and which are identified as within the one hundred-year floodplain by the Federal Emergency Management Agency for Klickitat County, Washington (Unincorporated Areas) are designated frequently flooded areas. Frequently flooded areas identified through the permitting process shall be mapped and shall provide guidance in the land use decision-making process. All sites which maintain frequently flooded areas, including those frequently flooded areas which are not mapped, shall be subject to frequently flooded areas review so stated in this chapter.

Response:

As documented in the Hydrologic & Hydraulic Assessment (Attachment L), the Project Study Area falls entirely outside of the FEMA-designated 100-year floodplain. Therefore, Chapter VII of the CAO does not apply to this Project.

3.0 References

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Tables

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Table 1. NRCS Soil Classifications in Project Study Area and MPE

Map Unit Symbol	Map Unit Name	Non-Irrigated Capability Class and subclass	Farmland Classification[1]	National Commodity Crop Productivity Index Rating[2]	Total Acres in Study Area	Total Acres in MPE
12D	Lyville bouldery loam, 2 to 20 percent slopes	6s	Not prime farmland	0.278	1.2	0.3
23	Gunn loam, 2 to 8 percent slopes	2e	Prime farmland	0.492	102.9	41.0
23A	Gunn stony loam, 8 to 30 percent slopes	4e	Farmland of statewide importance	0.379	9.8	5.8
23B	Gunn loam, 8 to 30 percent slopes	4e	Farmland of statewide importance	0.419	4.8	0
25A	Leidl extremely cobbly ashy loam, 2 to 30 percent slopes	7s	Not prime farmland	0.114	128.2	39.7
30A	Rockly-Lorena complex, 2 to 15 percent slopes	7s	Farmland of statewide importance	0.076	6.4	4.8
30B	Rockly-Lorena complex, 2 to 15 percent slopes, extremely stony	7s	Not prime farmland	0.075	92.6	42.7
69	Goldendale silt loam, basalt substratum, 2 to 5 percent slopes	2e	Prime farmland	0.393	771.6	607.0
69A	Goldendale silt loam, basalt substratum, 5 to 10 percent slopes	3e	Farmland of statewide importance	0.385	52.9	7.0
93	Goldendale silt loam, 2 to 5 percent slopes	2e	Prime farmland	0.441	215.8	168.8
93A	Goldendale silt loam, 5 to 10 percent slopes	3e	Farmland of statewide importance	0.432	167.7	136.4
93B	Goldendale silt loam, 10 to 15 percent slopes	3e	Farmland of statewide importance	0.400	73.4	69.3
93C	Goldendale silt loam, 15 to 30 percent slopes	4e	Farmland of statewide importance	0.302	5.3	5.3

Map Unit Symbol	Map Unit Name	Non-Irrigated Capability Class and subclass	Farmland Classification[1]	National Commodity Crop Productivity Index Rating[2]	Total Acres in Study Area	Total Acres in MPE
94	Lorena silt loam, 2 to 5 percent slopes	3s	Prime farmland	0.343	1.1	0.1
95A	Konert silt loam, 0 to 2 percent slopes	5w	Prime farmland if drained and protected from flooding or not frequently flooded during growing season	0.225	10.1	0.4
96	Blockhouse silt loam, 0 to 5 percent slopes	2e	Prime farmland	0.506	101.2	67.2
97	Munset stony silt loam, 0 to 5 percent slopes	6w	Farmland of statewide importance	0.135	203.2	85.8
97A	Setnum silt loam, 0 to 3 percent slopes	3s	Prime farmland	0.292	68.3	44.3
				Total Arable Soils	1,575 acres (78 percent of Study Area)	1,152 acres (57 percent of Study Area)
				Total Non Arable Soils	442 acres (22 percent of Study Area)	174 acres (9 percent of Study Area)

[1] Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. Farmland of statewide importance generally includes those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. In some States, additional farmlands of statewide importance may include tracts of land that have been designated for agriculture by State law. (NRSC 2022)

[2] National Commodity Crop Productivity Index is a method of arraying the soils of the United States for non-irrigated commodity crop production based on their inherent soil properties. Soil, site, and climate properties that influence the growth of crops are major considerations. Numerical ratings indicate the overall productivity of the soil. The ratings are shown in decimal fractions ranging from 1.00 to 0.01. They indicate gradations between the point at which the combination of soil, site, and climate features has the greatest positive impact on inherent productivity (1.00) and the point at which the soil features are very unfavorable (0.01) (NRCS 2023).