



A leading solar and storage energy company that develops, owns and operates projects across the United States

**Land Use
Consistency
Hearing**

Carriger Solar, LLC

May 16th, 2023

Agenda

1. Introduction
2. Land Use Consistency
3. Appendix – Project Description and Application for Site Certification Site Plan Sheets



Hearing to Determine Land Use Consistency

Hearing under RCW 80.50.090(2) “to determine whether ...the proposed site is consistent and in compliance with ...county ...land use plans or zoning ordinances on the date of application”.

EFSEC regulations and past orders establish scope of hearing question – the Applicant’s burden in today’s hearing is to demonstrate that the statutory threshold for land use consistency with local plans and ordinances is met.

EFSEC has established that the test for land use consistency under RCW 80.50.090 is whether local land use provisions “prohibit” a site “expressly or by operation clearly, convincingly and unequivocally.” (*Columbia Solar Order Granting Expedited Processing*, Docket EF-170823, paragraph 35 @ p.12) The Council follows the rule that “if a site can be permitted either outright or conditionally, it is consistent and in compliance with the local land use provisions.” (Id.)

Carriger Application for Site Certification

Overview of Project Site

- 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, and associated interconnection and ancillary support infrastructure.
- Project located in unincorporated Klickitat County, Washington, on agricultural and rural residential lands.
- Project sited and designed to avoid sensitive areas and comply with best practices for solar development.

Application Submittals

- Application for Site Certification
- Attachment B. Land Use Consistency Review
- Attachment C. Habitat and General Wildlife Survey Report
- Attachment D. Raptor Nest Survey Report
- Attachment E. Wetland Delineation Reports and Addendum
- Attachment F. Botanical Survey Report
- Attachment G. Solar Glare Analysis Report
- Attachment H. Acoustic Assessment Report
- Attachment I. Cultural Resources Survey Report & Unanticipated Discovery Plan
- Attachment J. Socioeconomic Review
- Attachment K. Geotechnical Engineering Report
- Attachment L. Hydrologic and Hydraulic Assessment
- Attachment M. Phase 1 Environmental Site Assessment
- Addendum: Visual Assessment

County Moratorium - Not Relevant

Moratorium

- Klickitat County Board of County Commissioners voted on January 10, 2023 -- without prior public notice – to establish a moratorium on the acceptance of applications for large scale solar projects.
- Moratorium is on the acceptance of applications, it does not regulate how land is used, and does not meet the definition of a land use plan or regulation under RCW 80.50.020 that applies in EFSEC proceedings.

Under applicable Washington case law and EFSEC regulations and past orders, this moratorium does not affect today's proceeding.

Klickitat County Comprehensive Plan

Relevant Regulations

Relevance and Interpretation

For EFSEC's land use consistency determination purposes, the relevant portions of a comprehensive plan are those that outline proposals for an area's development by assigning general uses (such as housing) to land segments and specifying desired concentrations and design goals for those uses.

Comprehensive plan elements that do not meet this definition are not relevant for land use consistency purposes. EFSEC has further clarified that comprehensive plan policies are guides not mandates.

- Project site designated "agricultural/forest" (AF) in the General Land Use Plan.
- The AF Land Use Plan designation allows a conditional use for a non-agricultural/non-forest use when the use is not in conflict with agriculture/forest practices and does not take out of production more land than is reasonably needed for the proposed use.
 - Project micro sited to use smallest possible footprint.
 - Sensitive areas avoided.
 - Participating landowner agricultural uses will continue on lands not used for Project.
 - No high value/high production agricultural lands within Project MPE.
 - Minimal irrigated lands within Project MPE.
 - No forest land affected – no trees removed or affected.
- Extensive Agriculture and General Rural zoning districts are included within areas designated as AF.

Klickitat County Goals and Policies

Guidelines Compliance

Environment

- ✓ MPE designed to avoid sensitive areas including wetlands and waters
- ✓ Layout designed to be compliant with county and state noise regulations
- ✓ Best practices to avoid impacts during construction and operations
- ✓ Visual resources preserved

Housing and Residential

- ✓ Minimum 500' setbacks from nonparticipating homes
- ✓ Existing residential uses and views preserved

Natural Resources

- ✓ County policies support state-wide goals for renewable energy development
- ✓ Project compatible with adjacent agricultural areas
- ✓ Preserves family farm longevity
- ✓ Land remains suitable for future agricultural production following Project decommissioning
- ✓ No irretrievable loss of agricultural land

Transportation

- ✓ Minimal impacts to level of service on area roads

Economy

- ✓ Project will provide 300+ jobs during construction
- ✓ Operations and maintenance jobs during Project life
- ✓ Significant addition to County tax base

Public Services

- ✓ Utilities Element goals encourage energy production in Klickitat County
- ✓ Project relies on existing utility corridors as encouraged by goals
- ✓ Public safety plans coordinated with local agencies
- ✓ Recreational opportunities preserved

Klickitat County Goals and Policies

Public Services – Deep Dive

Hazardous Materials BMPs

- Best management practices will contain the small amounts of hazardous materials (e.g., petroleum-based fuels, mineral-based transformer oils, and oil-based lubricants) used to operate equipment.

Herbicides Use BMPs

- Project will only use herbicides approved by the EPA and the Washington State Department of Agriculture. As needed, herbicides will be transported and applied by a licensed applicator to the Project Area but will not be stored in the Project Area.
- Herbicides use on solar facilities similar or less per acre than commercial agriculture operations.

Stormwater Management BMPs

- The Project will result in minor changes to existing runoff patterns.
- Minimal grading proposed in the solar array locations and where possible existing vegetation root structure will be left intact to enhance soil stability and infiltration rates.
- Solar panels spacing and revegetation of surface under the solar panels allows natural infiltration of rainwater
- Project will be designed and constructed to comply with Ecology requirements in retaining stormwater on-site and maintaining natural drainage patterns for conveyance of upland flow.

Fire Safety

- Project operations monitored 24/7.
- BESS containers include state of the art fire prevention and suppression systems.
- 20-foot fire break established along perimeter fence line.
- Emergency Response Plan provided to Fire Protection District and County.

Visual Character

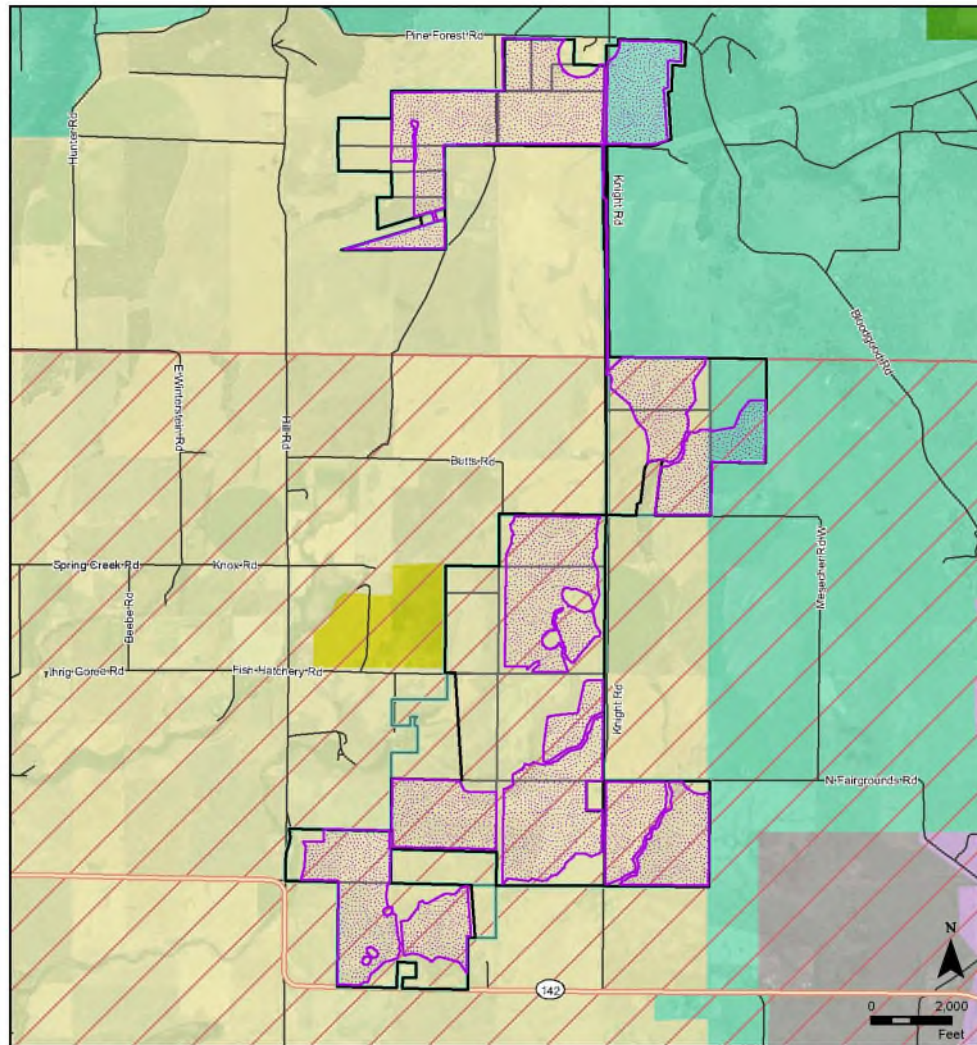
Project will integrate into the existing landscape and be consistent with other horizontal and vertical lines and geometric shapes associated with existing electric transmission lines, roads and the built environment visible throughout the existing landscape.

- Not visible from the City of Goldendale.
- Not visible from the Columbia River Gorge National Scenic Area.
- Views of significant landmarks, mountains and hills will not be blocked.



Zoning and EOZ

Figure 3





Klickitat County Zoning Code

Project Compliance

Project Site Zoning

- Extensive Agriculture (EA)
- General Rural (GR)
- Energy Overlay Zone - greater, southern, portion of Project site within the Energy Overlay Zone (EOZ)

Solar Energy Facilities Are an Allowed Use

- EOZ overlay allows solar energy facilities as a permitted use.
- EA Zone - “Utility facilities necessary for public service” allowed as a conditional use.
- GR Zone - “Buildings and uses of a ...public utility nature” allowed as a conditional use.

Klickitat County Zoning Code

Project Compliance

Project Site both within and outside of EOZ – County process: Conditional Use Permit process.

KCZC 19.04.160 - Conditional use. "Conditional use" means an activity ... 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.

- ❖ Essence of a conditional use is a use that is permitted subject to conditions.
 - Klickitat County code does not have specific conditional use approval standards, thus look to environmental analysis under SEPA and any use-applicable zoning standards for reasonable conditions to ensure compatibility.

EOZ Guidance for Conditions:

- ❖ EOZ overlay zone establishes siting and mitigating conditions criteria for wind and solar energy projects.
- ❖ EOZ use and construction standards apply to both wind and solar projects:
 - Noise,
 - Air Quality,
 - Vegetation and Wildlife,
 - Stormwater,
 - Geologic and Flood Hazards,
 - Water Resources,
 - Cultural Resources,
 - Visual Resources,
 - Roads

Klickitat County Critical Area Ordinance

Project Compliance

Chapter I General Provisions

- Project required to conduct a critical area review and this was completed and included in the ASC and the Land Use Consistency Review document (Attachment B of the ASC).

Chapter III: Wetlands

- Wetland and surface water delineations completed in 2020, 2021, and 2022 by qualified professionals as defined in Chapter II of the CAO.
- Delineation reports and amendment to reports included as Attachment E of the ASC.
- Total of 18 wetlands and 5 vernal pools documented within Study Area.
- Project facilities designed to avoid wetlands, vernal pools, and streams and their associated buffers required by the CAO:
 - Category II wetlands: 200 feet
 - Category III and IV wetlands: 75 feet
- No impacts to wetlands/vernal pools or their associated buffers anticipated.

Klickitat County Critical Area Ordinance

Project Compliance

Chapter IV: Critical Fish/Wildlife Habitat Conservation Areas

- The Project Study Area includes critical fish/wildlife habitat as defined in Chapter II and Chapter IV Section 4.2 of the CAO.
- Project will work with WDFW and EFSEC on a Habitat Management Plan to identify mitigation measures to address impacts to critical fish/wildlife habitat and achieve "no net loss" of habitat functions and values.
- 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 avoiding the wetland buffers, the Project has applied stream buffer widths as defined in Chapter IV Section 4.3 of the CAO. 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.

Klickitat County Critical Area Ordinance

Project Compliance

Chapter V: Geologically Hazardous Areas

- The Project Study Area includes geologically hazardous areas as defined in Chapter II and Chapter V Section 5.2 of the CAO.
- Area of slopes over 15 percent will be avoided.
- Geotechnical Report (Attachment K of ASC) outlines recommended mitigation measures that will be implemented as appropriate to prevent impacts from potential on-site geohazards. Additional mitigation measures will include developing an Erosion and Sediment Control Plan (ESCP), a Construction Phase Stormwater Pollution Prevention Plan (SWPPP), and an Operations Phase SWPPP, and installing and maintaining the necessary BMPs to prevent erosion in compliance with all permit conditions and Ecology's Stormwater Management Manual for Eastern Washington.
- The Project will result in minor changes to existing runoff patterns. Minimal grading proposed in the solar array locations and where possible existing vegetation root structure will be left intact to enhance soil stability and infiltration rates.
- Solar panels spacing and revegetation of surface under the solar panels allows natural infiltration of rainwater.
- Project will be designed and constructed to comply with Ecology requirements in retaining stormwater on-site and maintaining natural drainage patterns for conveyance of upland flow.



Klickitat County Critical Area Ordinance

Project Compliance

Chapter VI: Aquifer Recharge Areas

- 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.
- Project will follow all applicable performance standards listed in Section 6.3 of the CAO.

Chapter VII: Frequently Flooded Areas

- The Project Study Area falls entirely outside of the FEMA-designated 100-year floodplain. Therefore, Chapter VII of the CAO does not apply to the Project.

Carriger Solar Project Land Use Consistency

Test for land use consistency under RCW 80.50.090 is whether local land use provisions “prohibit” a site “expressly or by operation clearly, convincingly and unequivocally.”

- **Essence of a conditional use is a use that is permitted subject to conditions which, when imposed, render the use compatible with the existing and potential uses in the vicinity which are permitted outright.**
- **EFSEC rule “if a site can be permitted either outright or conditionally, it is consistent and in compliance with the local land use provisions.”**
 - ❖ 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.”
 - ❖ County has adopted a balance of agricultural uses and clean energy uses with the adoption of an EOZ (where majority of Project is located) overlaid on the EA and GR districts.
 - ❖ 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.
 - ❖ Project has been sited and designed to avoid/minimize environmental impacts and comply with CAO.
 - ❖ Project is an allowed conditional use in both the EA and GR land use districts, fully complies with policies and ordinances to protect the environment, and therefore can be deemed compatible with surrounding agricultural land uses subject to reasonable conditions.

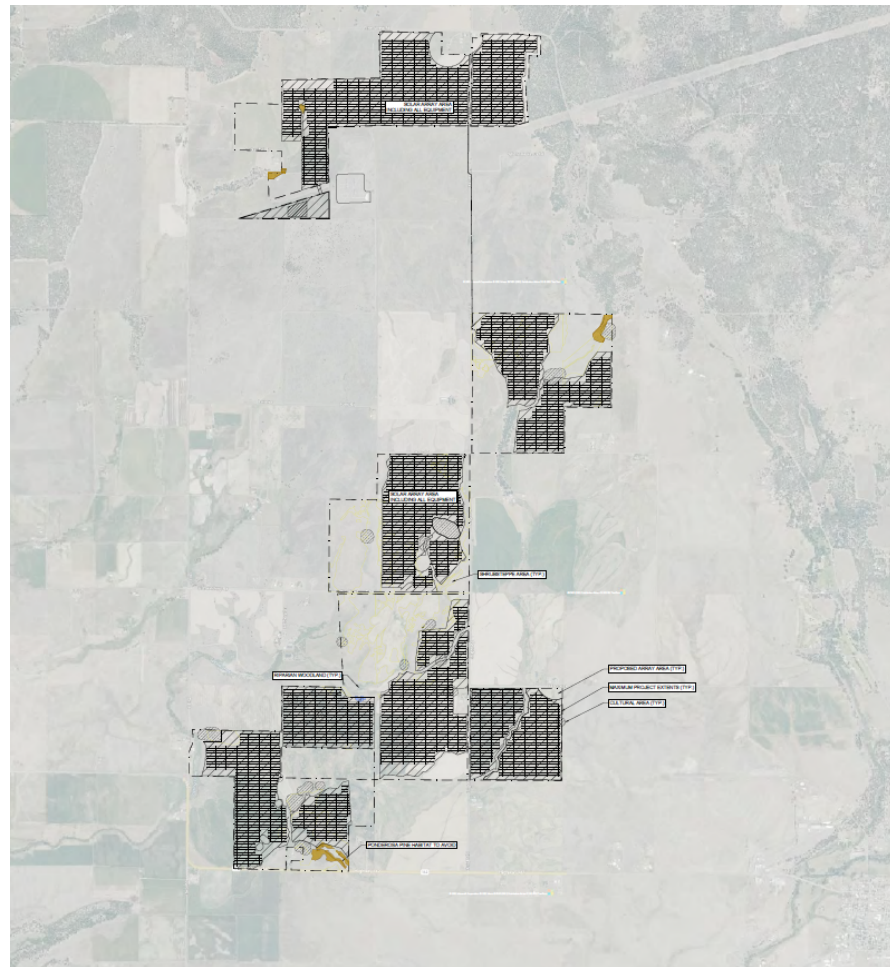
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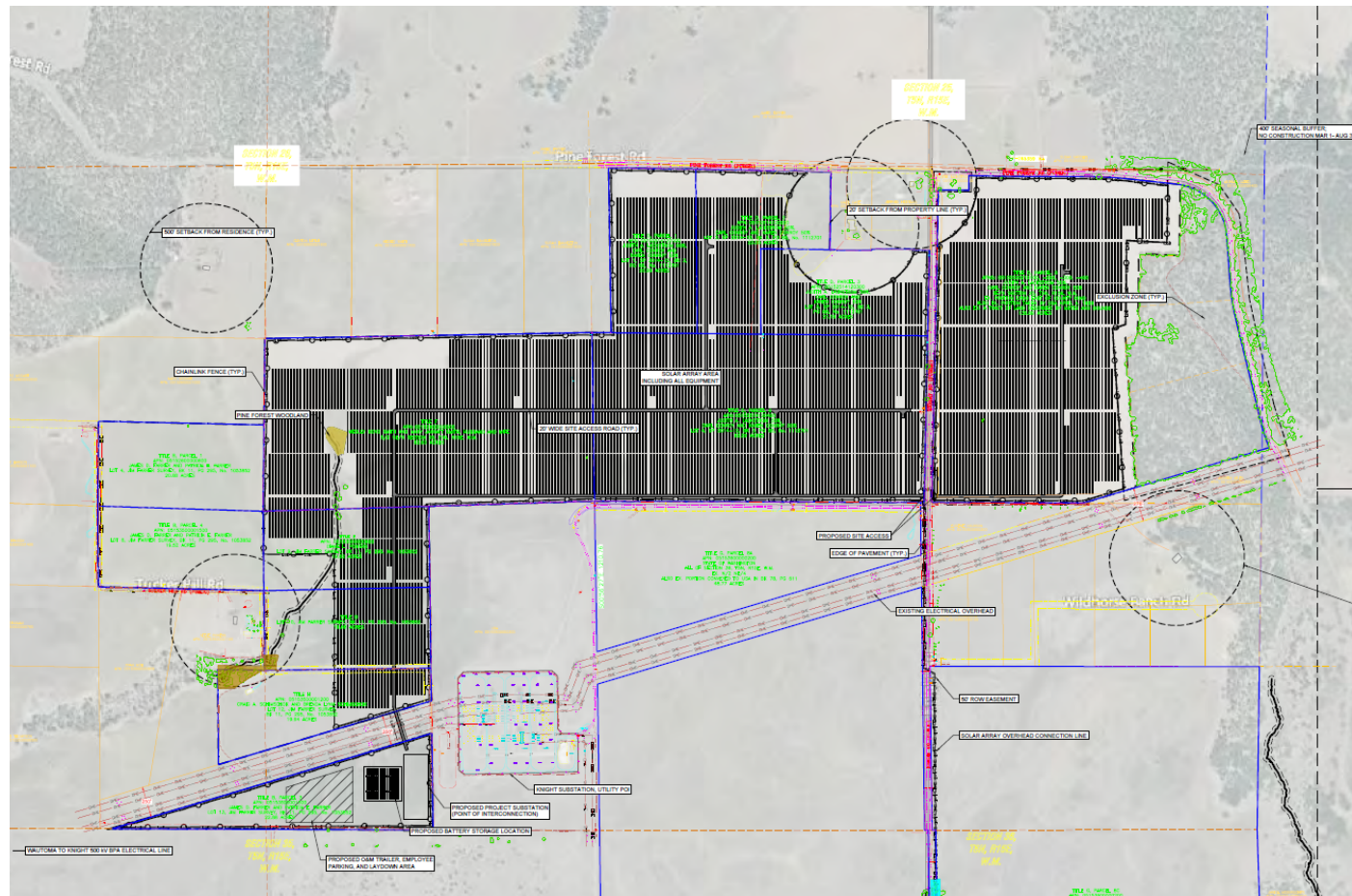
Appendix

ASC
Maximum
Project Extent

ASC
Maximum
Project Extent

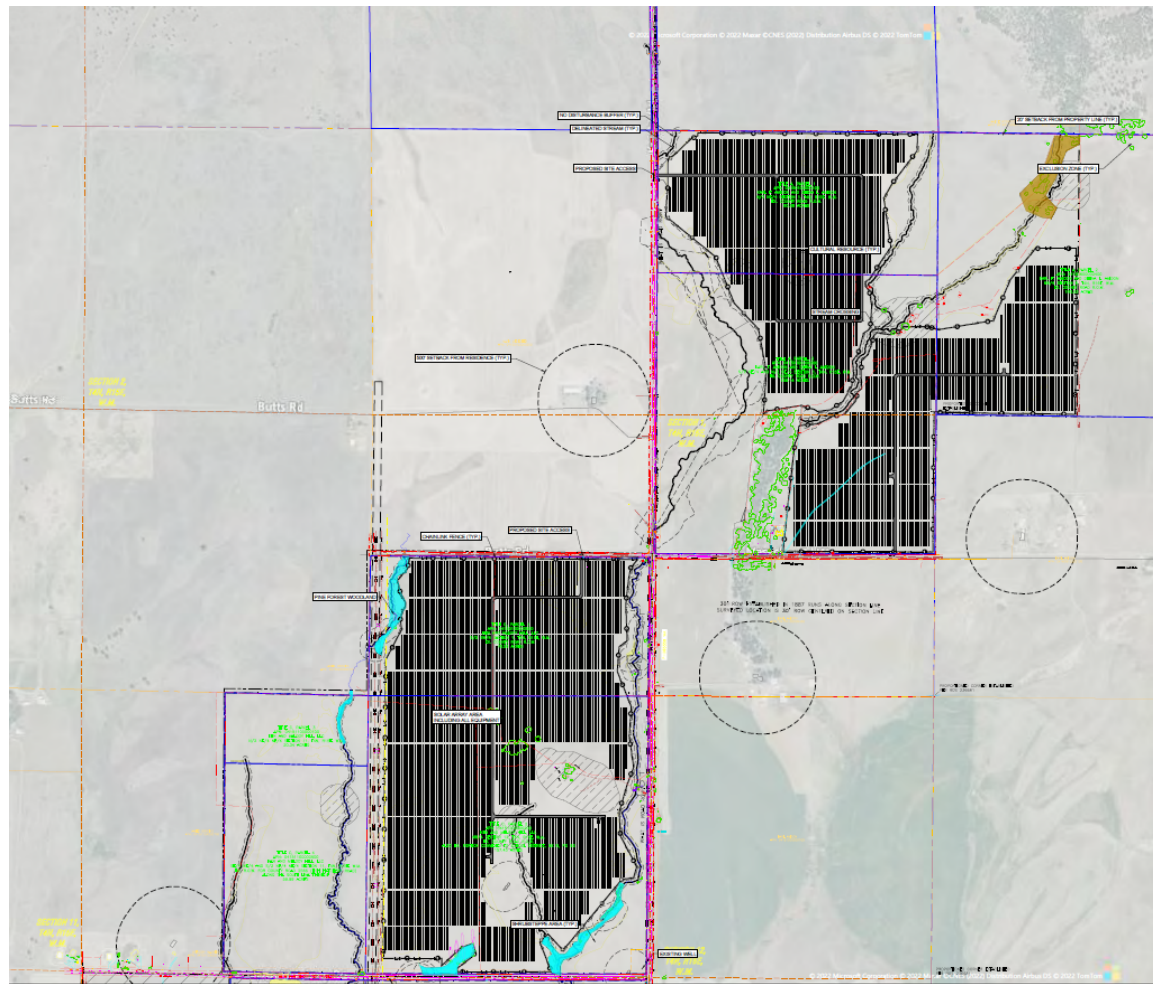


ASC Site Plan Detail North



CARRIGER SOLAR SITE PLAN

ASC Site Plan
Detail Mid



ASC Site Plan Detail South

