

ATTACHMENT D: LAND USE CONSISTENCY REVIEW

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Land Use Consistency Review

Badger Mountain Solar Energy Project

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Acronyms and Abbreviations

A-D	Dryland Agriculture Zoning District
Applicant	Aurora Solar, LLC
ASC	Application for Site Certification
BESS	battery energy storage system
BMP	best management practice
BOCC	Board of County Commissioners
County	Douglas County
CRP	Conservation Reserve Program
CSWGP	Construction Stormwater General Permit
CUP	conditional use permit
DCC	Douglas County Code
DCCP	Douglas County Comprehensive Plan
DNR	Washington Department of Natural Resources
Ecology	Washington State Department of Ecology
EFSEC	Energy Facility Site Evaluation Council
ESCP	Erosion and Sediment Control Plan
FWHCA	fish and wildlife habitat conservation area
gen-tie line	generation-tie transmission line
GIS	geographic information system
GMA	Growth Management Act
HPA	Hydraulic Project Approval
kV	kilovolt
MW	megawatt
NFPA	National Fire Protection Association
NPDES	National Pollutant Discharge Elimination System
O&M	operations and maintenance
POI	Point of Interconnect
Project	Badger Mountain Solar Energy Project
RCW	Revised Code of Washington
ROW	right-of-way

RR-20	Rural Resource-20 Zoning District
SCADA	supervisory control and data acquisition
SEPA	State Environmental Policy Act
SPCC Plan	Spill Prevention, Control, and Countermeasures Plan
SWPPP	Stormwater Pollution Prevention Plan
UGA	Urban Growth Area
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WSDA	Washington State Department of Agriculture

1.0 Introduction

Aurora Solar, LLC (Applicant), a wholly owned subsidiary of Avangrid Renewables, LLC, proposes to construct and operate the Badger Mountain Solar Energy Project (Project). The proposed Project is a 200-megawatt (MW) solar energy generation facility with an optional battery energy storage system (BESS) capable of storing up to 200 MW of energy in unincorporated Douglas County, Washington. This Land Use Consistency Review demonstrates Project consistency and compliance with applicable Douglas County land use plans and zoning ordinances pursuant to Washington Administrative Code (WAC) 463-26-050 and supports the Applicant's streamlined solar Application for Site Certification (ASC) to Washington State's Energy Facility Site Evaluation Council (EFSEC).

The Applicant started developing the Project in 2017, initiated local land use permitting discussions with Douglas County (County) in 2018, submitted a pre-development conference application to the County in 2019, attended a series of pre-development conferences with the County in 2019 and 2020, submitted a Master Land Use Application the County in May 2020, and responded to a series of County information requests on application materials before the County deemed the Master Land Use Application incomplete on September 14, 2020, and imposed a moratorium on solar development on September 15, 2020. Having worked through the County's permitting process in good faith and following the County's notification of a 12 month moratorium on solar development after the Master Land Use Application had been submitted, the Applicant then elected to complete an ASC with Washington State's EFSEC.

As of the date of the Applicant's ASC submittal to EFSEC, the County's zoning code provisions that regulate renewable energy facilities remain uncertain, incomplete and in an "interim" status, without completion of required supporting comprehensive plan revisions, and without the mandatory State Environmental Policy Act (SEPA) process needed to support changes to the zoning code. Because the County's action is inconsistent with the Comprehensive Plan, erodes Washington's climate change policies, and effectively prohibit clean energy development in Douglas County, a full consideration of comprehensive plan policies should have been a precursor to the zoning amendments, not a self-justifying afterthought. This would have allowed a more robust consideration of both statewide and local policy.

1.1 Project Purpose

The Project will generate clean, renewable energy for local and regional energy markets and further Washington's transition to a clean energy future. The Project can reduce carbon emissions in the utility sector and stimulate local economic growth through temporary construction jobs, permanent operations and maintenance jobs, use of local businesses, and long-term tax payments to the County and State. Final Project design will be tailored to customer need and market demand.

1.2 Project Overview

The Project is generally located 3.5 miles east of the city limits of East Wenatchee and south of Badger Mountain Road (ASC Attachment A, Figure A-1). Part 1 Section A.4 of the Applicant's streamlined solar ASC identifies the assessor parcels encompassed by the approximately 4,399-acre

Project Lease Boundary. Within the Project Lease Boundary, the proposed Project is sited within the smaller approximately 2,390-acre Project area. The Project area is the focus of analysis provided in this Land Use Consistency Review and is defined and described in Part 2 Section A.2.a of the Applicant's streamlined solar ASC.

The Project area consists of two micrositing areas: the Solar Array Micrositing Area (approximately 2,274 acres) and the Gen-tie Micrositing Corridor (approximately 116 acres). The Applicant is considering various design layouts for the solar array within the Solar Array Micrositing Area and the final design will encompass a portion within that area. The Gen-Tie Micrositing Corridor will include a 200-foot corridor to site an approximately 3.7-mile-long overhead 230-kilovolt (kV) generation-tie transmission line (gen-tie line) and interconnection switchyard (ASC Attachment A, Figure A-1). Based on preliminary design, the Project may use approximately 1,338 acres for the 50-year life of the Project. However, the Applicant requests flexibility to microsite the Project and its associated supporting components anywhere within the 2,390-acre Project area. The Applicant is evaluating potential resource impacts for the full Project area to ensure the maximum potential effect of the Project is analyzed.

1.3 Regulatory Context

The Project is located on land zoned Dryland Agriculture (A-D) and Rural Resource (RR-20) under Douglas County Code (DCC; Douglas County 2021a) (ASC Attachment A, Figure A-6). At its nearest point at the western end of the Gen-tie Micrositing Corridor, the Project is directly adjacent to the East Wenatchee Urban Growth Area (UGA) boundary; the Solar Array Micrositing Area is on a plateau approximately 2.5 to over 5 miles from the UGA boundary. As noted above, the Douglas County solar energy generation facility development standards have been in a state of flux since the Applicant began efforts to develop the Project. The following provides a summary of these regulatory shifts and current status as of this streamlined solar ASC submittal.

1.3.1 Previous Conditional Use Status

When the Applicant Initially Applied for Local Land Use Approval, the Project Was Allowable as a Conditional Use

In 2017 when the Applicant began to complete lease agreements with local landowners, and in 2018 when the Applicant first met with the County to discuss permitting the Project locally, solar energy generation facilities were allowed in the A-D and RR-20 zoning districts as a conditionally permitted use per DCC 18.80.320 (2018). At that time, there were no specific buffers or other additional overlay requirements. Conditional uses require a conditional use permit (CUP) from the County, with approval by the Hearing Examiner.

In February 2019, the Applicant submitted a pre-development conference application to the County. Incorporating input received from the County in a series of three subsequent pre-development conference meetings, the Applicant then submitted its initial Master Land Use Application in May 2020, pursuant to the 2018 DCC. Following submittal, the Applicant responded to a series of County information requests on the Master Land Use Application prior to September 2020. On September 14, 2020, the County sent a Notice of Incomplete Application citing a lack of

certain ancillary structure site plans and property owner signatures. Attached to that notice was a copy of County Resolution No. TLS 20-45A and Ordinance No. TLS No. 20-05-45B, which established a moratorium on wind and solar energy generation projects on September 15, 2020.

1.3.2 Douglas County Alternative Energy Moratorium

While the Project's Local Application Was Pending, the County Passed a Moratorium on Wind and Solar Energy Generation Projects

Following the Notice of Incomplete Application letter, the Douglas County Board of County Commissioners (BOCC) enacted the moratorium the next day on September 15, 2020. Under the moratorium, “no application for a land use ...[or] other development permit or approval associated with wind and solar energy farms [would] be accepted as complete” (Resolution No. TLS 20-45A and Ordinance No. TLS No. 20-05-45B [“Moratorium”]). Thus, rather than prohibit *future* applications for solar or wind projects, the County structured its moratorium to block even *existing* applications, which most directly impacted the Applicant’s pending Master Land Use Application.

The County stated the moratorium was necessary to allow it to solicit “expert and/or professional recommendations from local, state and federal agencies, and also wind and solar energy farm businesses” to inform amendments to the code “as it relates specifically to wind and solar energy farms.” *Id.* However, as discussed below, based on publicly available information as documented in BOCC minutes (Douglas County 2021b), it is unclear to what extent the County consulted with any such experts or agencies during the moratorium. Though an official hearing was held on the moratorium on October 6, 2020, to approve its continuation for one year, according to the minutes no members of the public attended, and no public comments were provided at the hearing.

1.3.3 Alternative Energy Interim Controls

The County's Patchwork Interim Controls Effectively Ban Wind and Solar Development But Signal Acceptance of EFSEC Siting Approval Process

From fall 2020 to summer of 2021, the BOCC held several meetings and work sessions to discuss solar and wind development in the County. During the meeting on April 6, 2021, County staff appeared to have recommended an approach under which the County would effectively defer renewable energy facility siting to the EFSEC process rather than adopt applicable local zoning requirements for such facilities (Douglas County 2021b). One month later at the May 17, 2021 meeting, the BOCC appeared to shift, suggesting it wished to allow such facilities to be located 3 to 4 miles beyond the County’s UGA (Douglas County 2021b), which represents an exclusion area just large enough to encompass the Project site. On July 13, 2020, the BOCC discussed a draft ordinance setting forth 4-mile buffers from certain jurisdictional boundaries, including the UGA. Before the end of the July 13, 2021, hearing, the BOCC increased the jurisdictional buffers under consideration to 10 miles, and, based on public comment but without referencing any specific biological or

ecological bases, for the first time the BOCC requested consideration of a 10-mile buffer purported to address habitat-related siting restrictions.¹

Ultimately, the County adopted an amalgam of these approaches. The very next week, on July 20, 2021, it ended the Moratorium and adopted Ordinance No. TLS 21-17-47B, establishing Interim Controls for the Placement and Permitting of Alternative Energy-Specific to Wind and Solar Energy Farms (referenced here as the “Interim Controls”).

Under the Interim Controls, *energy generation facilities, including solar projects, are allowed as outright permitted uses in both A-D and RR-20 zones; see DCC 18.40.020 and 18.31.020 (Douglas County 2021a), respectively. However, such projects are now subject to certain avoidance buffers as set forth in DCC 18.16.355 (Douglas County 2021a). Deviating from the 3-4 and then 10-mile buffers initially contemplated by the BOCC, the Interim Controls now state that energy generation facilities are a primary use but cannot be located within:*

- 7 miles from a UGA boundary, city or town limit boundary, municipal airport boundary, Pangborn Airport boundary, and Pangborn Airport outer overlay zone boundary; or
- 7 miles from “habitat associated with sensitive, candidate, threatened or endangered plants or wildlife as identified on state and federal list” (DCC 18.16.355.B-C).

There is significant ambiguity as to how these avoidance buffers are to be interpreted and applied. The Interim Controls ordinance did not include any mapping or other interpretive guidance; particularly unclear is the intended meaning of “habitat associated with sensitive, candidate, threatened or endangered plants or wildlife as identified on state and federal list.” Absent any other specific guidance, this analysis assumes this language intends to reference publicly available data from Douglas County as well as the Washington Department of Fish and Wildlife (WDFW)(i.e., species occurrence information for endangered, threatened, sensitive, and candidate species [WDFW 2021]).²

Applying these habitat data to the County’s map, the Interim Controls’ avoidance buffers functionally preclude development of a renewable energy generation facility anywhere within the County.

As depicted in ASC Attachment A, Figure A-7, the mapped 7-mile buffers set by the Interim Controls cover the entire County and functionally remove all lands from consideration of renewable energy generation facility development.

¹ Audio recording of July 13 hearing is available upon request from the Douglas County Clerk.

² Douglas County data for UGA boundaries, city and town limits, municipal airport boundaries, and the Pangborn Airport boundary and Pangborn Airport outer overlay zone boundary were obtained from the County’s online system (<https://www.douglascountywa.net/240/Geographical-Information-Systems-GIS>). Habitat data were obtained in accordance with WDFW’s Releasing Sensitive Fish and Wildlife Information Policy – 5210, as received by the Applicant August 9, 2021; sensitive information is generalized to the township, quarter-townships, and section layers depending on the species or habitat and includes WDFW information for state and federally listed fish and wildlife species, and candidate species. The 7-mile buffer was applied to the generalized locations. Depending on the County’s intended interpretation, additional data sources may need to be requested to cover all potentially included resources throughout the County.

Absent a full public process or any scientific data accompanying the County's passage of the Interim Controls, it remains unclear exactly what specific concerns the avoidance boundaries are intended to target. For example, if aesthetic concerns are at issue with respect to the UGA buffers, restricting energy facility development within a uniform geographic radius makes little sense given that visual impacts vary greatly between wind and solar facilities, and depend on topographic factors as well as other landscape features such as existing vegetation and land uses. If wildlife habitat concerns are at issue, the County has other more effective and appropriate ways to address them such as supplementing the critical areas regulations. Furthermore, imposing generalized restrictions on both wind and solar facilities without reference to impact footprint or type, while continuing to allow many other types of large-scale commercial and industrial development in these habitat areas, does little to address those concerns and, as demonstrated by the County's record and process, is arbitrary.

The Interim Controls ordinance also makes clear the County's intent to delegate energy generation facility siting decisions to EFSEC. The Interim Controls changed the definition of an "[E]nergy generation facility- primary use" to incorporate by reference EFSEC's definition of the same. See DCC 14.98.277 (Douglas County 2021a). Moreover, DCC 18.16.355(A) now expressly states that "Primary use energy facilities must go through the [EFSEC] per RCW 80.50 to determine appropriate location and mitigation measures."

In sum, through the Interim Measures, the County (1) changed energy generation facility use from a conditional to an outright permitted use in the relevant zones, (2) yet functionally banned the siting of any such uses based on its expansive avoidance buffers, and (3) required that proponents of primary use energy generation facilities must go through the EFSEC process.

These Interim Controls are slated to be in effect for 12 months, ending July 20, 2022 (Ord. TLS 21-17-47B, Sec. 3). To permanently effectuate this change, the County still must adopt Comprehensive Plan amendments and formal zoning and complete the SEPA process. See Revised Code of Washington (RCW) 36.70A and 43.21C.

1.4 Energy Facility Site Evaluation Council Review

The Applicant has elected to seek Project approval under the jurisdiction of Washington EFSEC. As such, the EFSEC Site Certification Agreement process takes the place of the County review process. Pursuant to RCW 80.50.040, RCW 80.50.110, and WAC 463-28, EFSEC is allowed to permit and authorize an energy generation facility with appropriate consideration of the Project's consistency with the Douglas County land use regulations. To support the land use analysis in Section 4.14 of this ASC, this attachment has been prepared to address applicable DCC provisions (2018 and 2021a, as specified below), Interim Controls (Douglas County 2021a), and Douglas County Comprehensive Plan (DCCP) goals and policies (Douglas County 2019). Because demonstrating compliance often requires detailed information covered elsewhere in this streamlined solar ASC, the following review includes cross-references to other sections, reports, and supporting studies for further analysis and documentation.

As discussed below in Section 2.0, the proposed Project will further Douglas County's vision of promoting clean industry that is compatible with and diversifies the economic base. Section 3.0

demonstrates that construction and operation of the Project comports with applicable provisions of the DCC, including meeting the evaluation criteria for conditional uses applicable to the Project prior to the County passing the Interim Controls. While the Project is not consistent with the Interim Controls' avoidance buffers, this pending inconsistency does not change the overall findings that the Project is consistent with the purposes of the A-D and RR-20 zoning districts, complies with the conditional use criteria in effect when the Applicant submitted its local land use application, and complies with all currently applicable substantive provisions and development standards described in Section 3. Accordingly, the Project is substantially consistent with local land use policies and regulations permanently adopted as of this streamlined solar ASC submittal.

2.0 Consistency with Douglas County Comprehensive Plan Goals and Policies

The following section demonstrates that the proposed Project is consistent with applicable DCCP (Douglas County 2019) goals and policies. Only goals and policies with direct relevance to the Project are evaluated in this discussion. Douglas County originally "opted in" to Washington's Growth Management Act (GMA) planning process in October 1990, in anticipation of projected population growth that would mandate such planning. Within the GMA legal framework, the DCCP goals and policies are intended to inform and guide the later adoption of development regulations (RCW 36.70A.030, 36.70A.040 and 36.70A.170). A comprehensive plan is not a development regulation and cannot itself control land development. In contrast, development regulations are the requirements "placed on development or land use activities" (RCW 36.70A.040(4) and (7)). These requirements include the Douglas County Zoning Code (DCC Title 18) addressed in Section 3.

2.1 Chapter 2 The Vision of Douglas County

2.1.1 The Vision

Clean industry is promoted in rural areas that is compatible with and diversifies the economic base.

Public priorities need viable economic generators to provide funds for capital and maintenance spending for recreation and shoreline activities.

A major part of quality of life is the need for access to employment opportunities.

Response:

As a renewable solar energy generation facility, the proposed Project will introduce a new clean industry in a rural area of Douglas County that is compatible with and diversifies the economic base. Implementation of the Project supports the long-term economic sustainability of participating landowners via direct lease payments, while surrounding agricultural and other rural resource activities can continue unimpeded (see discussion of compatibility of adjacent uses in Section 3.5 below). Property and other tax payments made during the expected 50-year life of the project, as well as local spending spurred by the Project during construction and operations will help provide funding for public priorities in Douglas County. Through the lease between the Applicant and the Washington Department of Natural Resources (DNR), DNR land that may be included in the Project

will generate higher revenue than current uses, which will benefit public services, such as schools and County services, for the people of Washington. As detailed in Attachment N (Socioeconomic Review) of this streamlined solar ASC, the Project may provide up to 400 construction jobs, approximately 10 to 20 percent of which are anticipated to be sourced from local labor. Therefore, the Project is consistent with the above vision statements of the DCCP.

2.2 Chapter 3 Population and General Land Use

2.2.1 Goal: Maintain and improve the quality of life, attitude, and character of Douglas County by encouraging the long-term public commitment to the stewardship of historical/cultural resources, natural resources, critical areas and the full range of land uses desired by the public.

Policy G-11. Establish siting and design criteria to provide buffering or other mechanisms that will protect adjacent land uses from potential conflicts between incompatible uses.

Policy G-14. Encourage efforts to maintain scenic open space, cultural, historic and heritage resources.

Response:

The Project's location away from population centers and near existing electrical transmission infrastructure is ideal to avoid potential conflicts with other land uses, as well as to minimize impacts to natural and cultural resources. The Project location was chosen specifically for its qualities uniquely suited to a solar energy generation facility, including abundant solar exposure, compatible topography (i.e., flat or minimal slope for solar array), adequate size of undeveloped land area, and proximity to existing electrical transmission infrastructure. Early sites considered for the Project's solar array were at a lower elevation below the plateau and closer to the UGA boundary; the Applicant moved the Project solar array to its current location to limit its visibility, and to reduce and minimize potential impacts to residential communities and natural resources. The Project is not within a designated scenic open space area, and the Applicant is committed to avoiding, minimizing, and if needed mitigating potential impacts to cultural resources, described in Part 4, Section 4.19 and the Cultural Resources Survey Report (confidential Attachment Q) to this streamlined solar ASC.

As described in Section 3 below, the Project will substantially comply with applicable zoning regulations, critical areas, and development standards established under the DCC. Provisions of the DCC were designed to provide sufficient protection of adjacent land uses and to promote stewardship of the County's natural and cultural resources. While the Project will be within the countywide restrictive buffers posed by the Interim Controls (DCC 18.16.355(B-C), this inconsistency does not change the Project's overall siting and avoidance and minimization considerations. Indeed, the Project use appropriately falls within the "full range of land uses" contemplated in the DCCP. Overall, as the Project will have a limited need for public services (see Section 2.3.2 below and Part 3, Sections 3.21 and 3.22) and will increase the local property and sales tax revenues over the 50 year life of the Project, the Project will help provide long-term economic stability to sustain or improve the quality of life within the County, including local

residents of the East Wenatchee area. Therefore, the Project is consistent with this goal and corresponding policies of the DCCP.

2.3 Chapter 4 Rural Lands Element

2.3.1 Goal: Provide a balance between maintaining the existing, traditional pattern of uses in the rural areas of Douglas County, including agricultural activities, while still providing opportunities for future, compatible development.

Policy R-3. Establish land use designations that represent rural character and that protect the integrity of rural areas.

Response:

The Project will be partially located within the County's RR-20 zoning district, which is part of the County's rural lands designation in the DCCP. As an "energy generation facility," the Project is an allowed conditional use in the RR-20 district pursuant to DCC 18.80.320 (2018) and but for the arbitrary 7-mile county-wide buffers, is permitted outright under the Interim Controls (Douglas County 2021a). Following construction, the Project will be operated and maintained by two to four employees and generate minimal noise. Furthermore, operation of the Project will be compatible with surrounding rural resource use, including the cultivation of crops and rangeland grazing. The Project represents a new use consistent with rural character, harnessing the power of Douglas County's abundant solar resources. In total, the Project area within the County's RR-20 zoning district represents less than 0.1 percent of the 425,087 acres of land designated as RR-20 in the County. For these reasons, the Project is consistent with this goal and corresponding policy of the DCCP.

2.3.2 Goal: Provide opportunities for continued smaller scale developments outside UGAs that will be compatible with and continue to preserve, maintain and enhance the vital agricultural uses in the County.

Policy RD-4. Rural developments will not impact existing public facilities/services to the extent that the level of service for that facility is reduced below the adopted threshold and/or an acceptable operation capacity.

Policy RD-5. The costs associated with implementing a rural development and providing the necessary utilities, facilities and/or services will be borne by the developer.

Response:

As discussed in Part 3, Section 3.21 and Section 3.22 of the streamlined solar ASC, the Project will not have a significant adverse impact on existing public facilities or services, and 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.

Overall, the risk of fire at the Project is low. Design of the Project incorporates measures to comply with National Electrical Code as well as International Fire Code. The Applicant will initiate discussions with the Douglas County Fire Department regarding potential fire issues, locations and dimensions of access gates and internal access roads, and other issues. The Applicant will provide Project-specific training to fire responders to address questions related to the solar array equipment and potential BESS. As described in Part 4, Section 4.13 of the ASC, if installed, the BESS will contain a fire suppression system that meets International 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. An Emergency Management Plan based on final design and input from local service providers will be prepared prior to construction, and provided to EFSEC for review as a condition of approval. The approved plan will be provided to County emergency responders prior to construction.

A small increase in the number of police calls for service may occur during Project construction as a result of Project-related traffic and temporary on-site workforce. Long-term demand for police services is expected to be minimal. The Project will be secured with fencing that may be topped with barbed wire if needed for security purposes, and gates will be padlocked. As the Project will result in minimal in-migration of residents (see Attachment N [Socioeconomic Review] of this streamlined solar ASC), other public services, such as transit, health care, schools, or other general services in the County, will not be affected by the Project.

Existing fiber optic cable located along Badger Mountain Road and a single-phase overhead transmission line located on Road 10 and Road 11 SW could provide the operations and maintenance (O&M) building with phone, internet, and electricity service from local utility providers. Water and sanitation systems will be provided by the Applicant, as described in Part 2 of the streamlined solar ASC. As further detailed in Part 3, Section 3.6, the Project will not require large quantities of water. All refuse will be disposed of off-site by a licensed contractor at approved facilities. None of the Project's utility requirements will impair the ability of nearby agricultural uses to meet their operational needs. Furthermore, as discussed below in Section 2.4.1, the Project will not impact any agricultural land of long-term commercial significance and be compatible with surrounding agricultural land use. For the reasons outline above, the Project is consistent with this goal and corresponding policies of the DCCP.

2.4 Chapter 5 Resource Lands Element

2.4.1 Goal: *Agricultural uses will be preserved, enhanced and maintained to the greatest extent possible feasible outside of Urban Growth Areas (UGA).*

Policy A-1. The County will encourage the retention of agricultural lands of long-term commercial significance, including rangelands and will prevent haphazard growth into these areas.

Policy A-10. Facilitate resource-based economic activities throughout Douglas County in areas that have poor soils, or are not otherwise suitable for agriculture and that minimize conflicts with agriculture and adjacent agricultural resource lands.

Response:

The Project will be partially located within the County's A-D zoning district, which is part of the County's resource lands designation in the DCCP. As an "energy generation facility," the Project is an allowed conditional use in the A-D zoning district under DCC 18.80.320 (Douglas County 2018) and is permitted outright under the Interim Controls (Douglas County 2021a). The A-D zoning district is not designated by the County as agricultural land of long-term commercial significance. Douglas County completed an analysis of existing land and, per Section 5.2.5 of the DCCP, identified only irrigated agricultural land as agricultural land of long-term commercial significance: Specifically, the Commercial Agriculture - 5 and Commercial Agriculture - 10 designations (and corresponding zoning districts) are designed to "protect lands that meet the criteria for agricultural lands of long term commercial significance and to protect the primary use of the land as agriculture and agricultural related activities" (Douglas County 2019). In contrast, the A-D zoning district does not include land found to meet those criteria. Therefore, the Project will not impede the retention of agricultural lands of long-term commercial significance.

The Project will be a resource-based economic activity—using the abundant solar energy exposure in Douglas County—that minimizes conflicts with agriculture and adjacent agricultural lands. While the Project is not located on prime or unique farmland soils (NRCS 2020) and no irrigation infrastructure exists, the Project area currently includes 965.7 acres in dryland wheat production, 1,103.4 acres of fallow wheat, and 12.5 acres in the U.S. Department of Agriculture Conservation Reserve Program (CRP) (Washington State Department of Agriculture [WSDA] 2020). The Project area in dryland wheat, fallow wheat, or CRP represents a minimal portion of such lands in Douglas County, approximately 0.6 percent of the wheat, 0.6 percent of fallow wheat, and 0.01 percent of CRP land, per available WSDA data (WSDA 2020). In total, the Project area represents less than 0.3 percent of land in the A-D zoning district countywide. The Project will not affect land uses on nearby or adjacent properties, including normal business operations of working farmland (see additional details in response to DCC 18.80.030, Evaluation Criteria, in Section 3.5.4).

For the reasons outline above, the Project is consistent with this goal and corresponding policies of the DCCP.

2.5 Chapter 6 Transportation Element

2.5.1 Goal: Provide efficient use of existing and future transportation facilities through a systematic approach of monitoring and maintaining the road system, integrating all types of transportation systems and facilities, by coordinating transportation facilities planning with other elements of the comprehensive plan, and coordination with other federal, state and local agencies.

Policy T-9. Discourage direct access from individual lots to present and planned future collectors and arterials wherever possible. Access from these sites should be provided through local roadways.

Policy T-15. As development occurs it shall comply with the applicable road standards, and off-site improvements to existing County roads may be required where those existing roads do not currently meet the adopted road standards.

Response:

Main access to the Project will be from two new Project access points proposed off of 9 Road SW (a.k.a. Clark Road SW), with additional access points from U Road SW and Road T SW; these roads are not present or planned future collectors or arterials as identified in the DCCP (Douglas County 2019). Access to the Point of Interconnect (POI) and switchyard options will be off Badger Mountain Road or Rainey Road, depending on the determined Project POI. Badger Mountain Road is a Rural Major Collector and Rainey Road is not identified as a present or planned future collector or arterial (Douglas County 2019). If feasible for the Option 1 POI, the Applicant will use a previously disturbed dirt access driveway off of Badger Mountain Road; however, a new or improved access driveway to the switchyard may be required.

If the final design of the Project includes solar array components on the northern DNR parcels, an additional access approach from U 75 Road SW, which is not a present or planned future collector or arterial, may be required (within the identified Project area). As described in Section 3.2 pursuant to DCC Title 12 Roads Bridges, the Project will comply with applicable permitting requirements and road standards for Project service roads. Prior to construction, as part of the Building Permit and Access Permit process with the County, and conducted in coordination with EFSEC staff as appropriate, the Applicant will confirm if any improvements to existing County roads are required to facilitate Project construction and operation. If improvements to existing County roads are required, design plans will be provided to EFSEC and the County for review and approval. Additional discussion of transportation-related issues for the Project is provided in Part 4, Section 4.20 of the streamlined solar ASC. Overall, the Project will not have a significant adverse impact on local traffic conditions. For these reasons, the Project is consistent with this goal and corresponding policies of the DCCP.

2.6 Chapter 8 Utilities Element

2.6.1 Goal: Development in Douglas County will only occur in conjunction with the availability of adequate, cost effective provision of utilities. The installation and expansion of utilities will be coordinated to minimized cost and disruption of normal activities.

Policy U-2. Develop standards and criteria for locating major types of energy facilities in the County. Energy facilities and associated uses may include: solar, wind, fuel cells, hydroelectric, thermal, waste energy, ethanol, methane, gasification, nuclear and petroleum based facilities. Standards and criteria should address, type, size or scale of development, classes of areas sensitive to differing energy facilities, general layout, cumulative impacts and public input.

Policy U-3. Utility and energy facilities with the least impact to the public health, safety and the environment are encouraged.

Policy U-17. Encourage the installation and use of alternative energy sources such as wind or solar energy systems to reduce on site consumption of utility supplied energy.

Response:

The Project will comply with applicable development standards and criteria for a solar energy generation facility as detailed below in Section 3, including but not limited to DCC Title 18 zoning and conditional use standards and criteria for approval. The Interim Controls, which are tantamount to a county-wide prohibition on renewable energy projects, are inconsistent with these Comprehensive Plan policies.

Solar energy is a clean, renewable form of energy generation with recognized local, regional, and global environmental benefits. Washington State has set a target to transition the state's electricity supply to 100 percent carbon-neutral by 2030 and 100 percent carbon-free by 2045 (RCW 19.405.010). The Project will contribute to meeting this state goal. In addition, the power generated by the Project will contribute to the County's policy to encourage solar energy systems to reduce consumption of utility-supplied energy. Construction and operation of the Project, as described in Part 3, Section 3.21 and Section 3.22 of the streamlined solar ASC, will not have a significant adverse impact on existing public facilities or services, and the Applicant will bear the costs of providing the necessary utilities and related services for the Project. For these reasons, the Project is consistent with this goal and corresponding policies of the DCCP.

2.7 Chapter 9 Economic Development Element

2.7.1 Goal: Preserve the strength of the existing agricultural industry while diversifying the economy by strengthening a wide spectrum of economic activity throughout the County in both rural and urban growth areas and maximize the positive economic impact of tourism and recreational development.

Policy ED-2. Encourage the local agencies and economic development partners to support the County's natural resource-based industries and to attract a more diversified base of non-resource industries.

Response:

The proposed Project represents a valuable economic opportunity for Douglas County to strengthen and diversify its local economy while maintaining a robust agricultural industry. The Project uses the abundant natural solar energy resources of Douglas County and is sited to take advantage of existing regional electrical transmission infrastructure. In combination with the quantity of available undeveloped land and compatible topography, the proposed Project area represents a unique economic development opportunity. Moreover, the Project will provide a stable, long-term new source of revenue to participating landowners through lease agreements, create new construction and operational jobs, as well as contribute to the County's tax base. As demonstrated throughout the streamlined solar ASC, the Project will avoid and minimize impacts to the environment—including avoiding agricultural land of long-term commercial significance—while helping achieve Washington State's target for carbon-free energy infrastructure (RCW 19.405). As noted earlier, the Project area will include minimal percentages of existing dryland wheat (0.6 percent), fallow wheat (0.6 percent), and CRP land (0.01 percent) in Douglas County. Furthermore, no recreational development will be adversely affected by the Project (see Part 3 Section 3.17 of the streamlined solar ASC). For these reasons, the Project is consistent with this goal and corresponding policy of the DCCP.

2.8 Chapter 10 Critical Areas Element

2.8.1 Goal: Douglas County's wetlands will be protected to the greatest extent reasonable because they provide important functions that help define the quality of life in Douglas County.

Policy CA-1. Protection of and preservation of wetlands shall be preferred to alteration and mitigation of impacts to wetlands.

Response:

The Project area does not include any wetlands. See Attachment I (Wetland Delineation Report) of this streamlined solar ASC for full results of the wetlands and waters surveys conducted in 2021. Therefore, the Project is consistent with this goal and corresponding policy of the DCCP.

2.8.2 Goal: Protect fish and wildlife habitat areas as an important natural resource for Douglas County, particularly in regard to their economic, aesthetic and quality of life values.

Policy CA-13. Impacts of new development on the quality of land, wildlife and vegetative resources will be considered as part of the environmental review process and require any appropriate mitigating measures. Such mitigation may involve the retention and/or enhancement of habitats.

Response:

Based on desktop and field surveys, fish and wildlife habitat conservation areas (FWHCA) for talus slopes are within the Project area. In addition, waters of the state, which include ephemeral streams, are considered FWHCAs within the Project area. Compliance with DCC Chapter 19.18C for FWHCAs is discussed in Section 3.6.4 below. Additional information is provided in Part 4, Section 4.9 and Attachment G (2021 Wildlife and Habitat Survey Report) of the streamlined solar ASC. Therefore, potential Project impacts on FWHCAs are being considered in the environmental review process in conjunction with appropriate mitigation measures. The Interim Controls did not change DCC Title 19, and as noted in Section 1.3, it remains unclear how the County intends the “associated habitat” buffer to be interpreted and applied, as mapping based on County and WDFW data shows the entire County may be precluded from energy generation facility development. For these reasons, the Project is consistent with this goal and associated policy of the DCCP.

2.8.3 Goal: Douglas County will manage groundwater resources and aquifer recharge areas to protect the quantity and quality of potable water.

Policy CA-28. It is the responsibility of the developer(s) to prove that their proposal would not adversely affect the recharge of an aquifer.

Policy CA-31. Reduce danger to health by protecting surface and ground water supplies from the impairment that results from incompatible land uses by providing safe and sanitary drainage.

Response:

There are no aquifer recharge areas as designated under DCC Chapter 19.18E in the Project area (see Section 3.6.6 below). The Project will implement a Spill Prevention Control and Countermeasure Plan (SPCC Plan), Erosion and Sediment Control Plan (ESCP), and Stormwater Pollution Prevention Plan (SWPPP), which will effectively control the potential for surface and ground water supply contamination. Drainage basins planned for the Project are identified on Figure A-1 in Attachment A of the streamlined solar ASC. Based on the lack of aquifer recharge areas in the Project area and implementation of control measures, as well as limited use of water for the operational life of the Project (see Part 2, Section B.8.e of the ASC), the Project is consistent with this goal and corresponding policies of the DCCP.

2.8.4 Goal: Protect the frequently flooded areas of Douglas County that are known to be critical parts of the natural drainage system by limiting and controlling potential alterations and/or obstructions to those areas.

Policy CA-38. Prevent the development of structures in areas unfit for human usage due to danger from flooding, unsanitary conditions, or other hazards.

Response:

The Project area is not located within a frequently flooded area (i.e., the Federal Emergency Management Agency 100-year floodplain), as indicated on the Flood Rate Insurance Map panels 5300360450A, 5300360555A, 5300360535A, and 5300360420A (Douglas County 2021b). The Project is also at least 600 feet higher in elevation than the Columbia River, located approximately 2.5 miles to the west at its closest point. Therefore, development of the Project will not be in an area unfit for usage due to danger from flooding, unsanitary conditions, or other hazards. For these reasons, the Project is consistent with this goal and corresponding policy of the DCCP.

2.8.5 Goal: The County will provide appropriate measures to either avoid or mitigate significant risks that are posed by geologic hazard areas to public and private property and to public health and safety.

Policy CA-42. Development proposals should be evaluated to determine 1) whether the proposal is located in a geologic hazard area, 2) the project's potential impact on geologic hazard areas, and 3) the potential impact of geologic hazards on the proposed project.

Response:

There are areas identified as geologically hazardous within the Project area, primarily in the Gen-tie Micrositing Corridor (e.g., steep slopes). As such, the proposed Project has been evaluated to determine its potential impact on geologic hazard areas and the potential impact of geologic hazards on the Project. Additional discussion of conducted and planned geotechnical investigations is provided in response to DCC Chapter 19.18D in Section 3.6.5 below (see also Part 4 Section 4.1 of the streamlined solar ASC). The Applicant will comply with applicable evaluation and reporting requirements set forth in DCC Chapter 19.18D. In addition to the legal responsibility to comply with County code, it is in the Applicant's interest to ensure geological hazards are avoided to the greatest extent feasible, and to otherwise follow detailed mitigation measures identified by a qualified professional engineer for the successful construction and operation of the Project. For these reasons, the Project is consistent with this goal and associated policy of the DCCP.

3.0 Compliance with Douglas County Code Provisions

This section provides the Applicant's responses demonstrating that the Project complies with applicable provisions of the DCC. RCW 80.50.040 and 80.50.110 as well as WAC 463-28 allow EFSEC to authorize an energy generation facility, with appropriate consideration of the Project's consistency with the DCCP and land use regulations as necessary to understand the "local

governmental or community interests affected.”³ The provisions addressed below are based on the Applicant’s review of the DCC as well as input provided by Douglas County staff through early consultation in March 2019. To the extent it may be helpful to the Council, in some instances, the Applicant provides an analysis of compliance with the standards in effect in May 2020, when it submitted its local land use application and before the Interim Controls went into effect.

The provisions as they appear in the DCC are copied below in italics, with some titles abbreviated. Except where otherwise noted as from 2018, DCC provisions are current for 2021 (Douglas County 2021a).The provisions below are followed by the Applicant’s response and statement of compliance.

3.1 Title 8 Health and Safety

3.1.1 Chapter 8.04 Noise

Section 8.04.090 Maximum noise levels.

No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth as follows in this section, with the point of measurement being at the property boundary of the receiving property or anywhere within. The noise limitations established are as set forth in the following table after any applicable adjustments provided for in this chapter are applied:

Table 8.04.090

MAXIMUM PERMISSIBLE ENVIRONMENTAL NOISE LEVELS

<i>EDNA of Noise Source</i>	<i>EDNA of Receiving Property</i>		
	<i>Class A</i>	<i>Class B</i>	<i>Class C</i>
<i>Class A</i>	<i>55 dBA</i>	<i>57 dBA</i>	<i>60 dBA</i>
<i>Class B</i>	<i>57</i>	<i>60</i>	<i>65</i>
<i>Class C</i>	<i>60</i>	<i>65</i>	<i>70</i>

Section 8.04.100 Deviations from noise levels.

The following deviations from the maximum permissible noise levels are permitted:

³ See, RCW [80.50.110](#) Chapter governs and supersedes other law or regulations—Preemption of regulation and certification by state. (1) If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule or regulation promulgated thereunder, this chapter shall govern and control and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.(2) The state hereby preempts the regulation and certification of the location, construction, and operational conditions of certification of the energy facilities included under RCW [80.50.060](#) as now or hereafter amended. See also, RCW 80.50.090, authorizing the Energy Facility Site Evaluation Council to “determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans **or** zoning ordinances.” [Emphasis added].

A. Between the hours of ten p.m. and seven a.m. the noise limitations of Table 8.04.090 shall be reduced by ten dBA for receiving property within class A EDNAs.

B. At any hour of the day or night the applicable limitations in Table 8.04.090 and the nighttime restrictions of subsection A of this section may be exceeded for any receiving property by no more than:

- 1. Five dBA for a total of fifteen minutes in any one-hour period; or*
- 2. Ten dBA for a total of five minutes in any one-hour period; or*
- 3. Fifteen dBA for a total of 1.5 minutes in any one-hour period. (Ord. dated 8/27/79 § 5.2)*

Response:

The noise regulations under DCC 8.04.090 and 8.04.100 above are consistent with Washington State regulations pursuant to WAC 173-60-040 and 173-60-050, which set maximum permissible environmental noise levels state-wide. EFSEC routinely imposes these requirements on applicants. In addition, DCC 8.04.110 exempts sound created by blasting, and DCC 8.04.130 exempts vehicle noise for on-site construction of structures, consistent with WAC 173-60-050 exemptions. The Project will implement standard construction industry practices to control noise, such as limiting major machinery use to daytime hours and ensuring all tools and equipment are in good operating order. The nearest proposed operational noise-generating equipment are the inverters and transformers located approximately 1,420 feet (0.27 mile) or more from the closest residence. The nearest residence will be approximately 3,600 feet (0.68 mile) from the nearest BESS unit, and approximately 4,275 feet (0.81 mile) from the nearest Project collector substation transformer. The noise analysis conducted for Part 4, Section 4.16 of the streamlined solar ASC and provided in Attachment O (Acoustic Assessment Report) evaluates operational noise from the Project, including the potential for any noise limit exceedances at sensitive receptors, such as residences. Based on this analysis, projected sound levels from Project operation during both daytime and nighttime hours will comply with the DCC 8.04.090 and 8.04.100 and WAC 173-60-040 and 173-60-050 limitations. Complete modeling results are presented in Attachment O (Acoustic Assessment Report). Therefore, the Project demonstrates compliance with the County's applicable noise provisions under DCC 8.04.

3.2 Title 12 Roads and Bridges

3.2.1 Chapter 12.20 Accommodation of Utilities on Road Rights-of-Way

Section 12.20.050 Permits.

A. General Requirements. For work consisting of any subsurface work, including relocation, upgrading existing service, new service, and work not authorized by franchise, comprehensive plan, or other agreement, a written permit may be required for occupancy of road right-of-way by all utility facilities, including private lines. No facility shall be used for other than the purpose stated, unless written approval is granted by the county.

B. Specific Requirements. When required, permit applications shall be submitted in a standard format as prescribed by the county. The permit application shall include the following information:

- 1. Agreement to all pertinent provisions of this policy and to such special conditions as the county may deem appropriate;*
- 2. Description of the facilities to be installed;*
- 3. Adequate exhibits depicting existing or proposed location of the facility in relation to the road, including right-of-way or easement lines; relationship to currently planned road revisions, if applicable; and all locations and situations for which deviations in depth of cover (including the proposed method of protection) or other locational standards are anticipated. (Ord. PW 94-01-84B § 5.)*

Response:

Prior to construction, the Applicant will obtain a permit from Douglas County in coordination with EFSEC to perform work within a County right-of-way (ROW). This will be required where underground 34.5-kV collector lines cross beneath a county roadway (e.g., connecting the solar array east of U Rd SW back to the Project collector substation to the northwest). The ROW/Utility permit application will be submitted in a standard format as prescribed by the County and include all required information and exhibits depicting the proposed work. Therefore, the Project will meet these requirements.

3.2.2 Chapter 12.24 Approaches to County Roads

Section 12.24.020 Permit—Bond or deposit.

A. No new approach to any county road shall be constructed and no alteration shall be effected on any existing approach to a county road unless and until the person benefited by or desiring such approach has filed with the county road department a request for permit on a form which will be provided; except, that the county may alter or improve any existing approach to a county road when such alteration or improvement is necessary to the proper maintenance of the county road.

B. A bond (or cash deposit) shall be required in an amount to be determined by the engineer. Such bond (cash deposit) shall accompany each application, whether the work is to be done by the applicant or by the county, and will retained until the work is approved by the engineer. (Res. 77-33 § 1)

Response:

Prior to construction, the Applicant will obtain an Access Permit from Douglas County in coordination with EFSEC for each proposed approach to a county road. Main access to the Project will be from two new Project access points proposed off of 9 Road SW (a.k.a. Clark Road SW). Additional access points are proposed from U Road SW and Road T SW. Access to the POI and switchyard options will be off Badger Mountain Road or Rainey Road, depending on the determined Project POI. If final design of the Project includes solar array components on the northern DNR

parcels, an additional access approach from U 75 Road SW may be required (within the identified Project area). In conjunction with the Access Permit process, the Applicant will provide a bond or cash deposit with each application to be retained by the County until the work is approved by the County's engineer, per the above requirement. Therefore, the Project will meet these requirements.

3.2.3 Chapter 12.28 Road Use Restrictions

Section 12.28.045 Public right-of-way, ingress and egress.

A. Ingress and egress to all commercial, industrial, multifamily, and conditional use developments shall have access to a public road with a right-of-way of not less than sixty feet in width (or to the dedicated one-half thereof).

B. Ingress and egress to a lot, tract or parcel shall be a minimum of one hundred fifty feet from the intersecting roads as measured from the property corner. Access shall be prohibited on all roads designated as local access roads that abut a residential or agricultural district.

C. Points of ingress and egress to a lot, tract, or parcel shall have a minimum separation from each other of one hundred feet as measured from the edge of the driveway, unless otherwise approved by the county engineer. In addition, the applicant shall demonstrate that additional driveways are needed due to the amount of traffic generated by the project, traffic distribution patterns, impacts to the county road system and public safety. (Ord. TLS 03-01-01B Exh. B (part))

Response:

The Project's main access will be from two driveways off of 9 Road SW (a.k.a. Clark Road SW), with additional access points off of U Road SW and Road T SW to the solar array. These ingress and egress points will each include an approximately 90-foot-wide right-of-way along the public road, exceeding the 60-foot minimum requirement. Project ingress and egress will meet or exceed the minimum requirement to be 150 feet from intersecting roads as measured from the property corner. The two 9 Road SW driveways will be over 900 feet apart, exceeding the minimum separation of 150 feet. Access to the POI and switchyard options will be off Badger Mountain Road or Rainey Road, depending on the determined Project POI and will meet these standards. For the Option 1 POI, there is an existing approximately 70-foot previously disturbed driveway off of Badger Mountain Road; however, a new or improved access driveway to the switchyard may be required. As noted above, an additional access point may be required off of U 75 Road SW if final design includes solar array components on the northern DNR parcels within the Project area. All new driveways will be designed to meet or exceed each of the above requirements for public right-of-way, ingress and egress, which will be illustrated on plans required for an Access Permit per DCC 12.24 noted above. Therefore, the Project will meet or exceed these requirements.

3.2.4 Chapter 12.52 Design Criteria for Roads and Streets

Section 12.52.020 General requirements.

...

B. Application to Private Roads. Although community road requirements are usually best served by public roads owned and maintained by the county, private roads may be appropriate for some local access roads for either residential or commercial/industrial property. These standards provide suggested design criteria to assure adequate access for normal and emergency vehicles.

Private roads are permitted as follows:

- 1. Permanently established by tract or easement providing legal access to each affected lot, dwelling unit, or business and sufficient to accommodate required improvements, to include provision for future use by adjacent property owners when applicable.*
- 2. All new or revised accesses onto a county road require an approved access permit as per the procedures in DCC Chapter 12.24. Dimensions, slopes and details for all private roads at the connection to a county road shall, at a minimum, meet the standards included on Figure 4-1.*
- 3. Accessible at all times for emergency vehicle use.*
- 4. Not obstructing, or part of, the present or future public neighborhood circulation or arterial plan developed in processes such as the Douglas County Comprehensive Plan, applicable community plan, or capital improvement plan.*
- 5. Designed by a licensed professional engineer for an average daily traffic count (AADT) based upon the traffic generation associated with the projected use of the road.*
- 6. Maintained in accordance with these standards by a capable and legally responsible owner, homeowners' association or other legal entity made up of all benefited property owners. A written road maintenance agreement addressing the rights and responsibilities of all benefited property owners shall be approved by the department prior to final approval of the land development. Said road maintenance agreement shall be recorded with the county and shall become a covenant with the affected properties. The term "benefited property owners" shall include the owners of record of all properties with frontage, including access rights, on the private road or otherwise have legal access, whether constructed or not, to the private road.*
- 7. Clearly described as a private road not maintained by the county on the face of the plat, short plat or other development authorization.*
- 8. Clearly signed at the road location as a private road.*

9. *Designed and constructed in accordance with Chapter 5 and Appendix D of the International Fire Code published by the International Code Council (ICC) as the same now exists or may hereafter be amended.*

10. *Engineer of record shall provide certification that the private road has been designed and constructed in accordance with standards for emergency services as specified by the fire marshal. (Ord. TLS 13-11-40B Exh. B (part); Ord. TLS 09-11-49E (Exh. B) (part); Ord. TLS 07-04-30B Exh. B (part); Ord. TLS 04-02-30B Exh. A (part))*

Response:

Project service roads will be private, with security gates at the proposed access points off County roadways and will be constructed with an all-weather surface. Project service roads will have a minimum permanent width of 16 feet within the fenced solar array, with larger widths (e.g., 20 feet) and turnaround points as necessary to accommodate emergency vehicle access. Project service roads outside the fenced solar array will have a minimum permanent width of 20 feet. Permitting and design of Project service roads will adhere to the above requirements as follows:

1. Project access will be legally established through the applicable lease agreements with the participating landowner, which includes provision for future use by the landowner when requested.
2. An Access Permit will be obtained by the Applicant in coordination with EFSEC staff for each proposed access approach, prior to construction, as described per the response above to DCC Chapter 12.24.
3. The Applicant will coordinate with local emergency responders to provide security gate access codes or keys so that Project roads are accessible at all times for emergency vehicle use.
4. Based on review of the current DCCP (Douglas County 2019), Project service roads will not obstruct any public neighborhood circulation or arterial plans.
5. Project service roads will be designed by a professional engineer licensed to practice in the State of Washington for an average daily traffic count estimated for the projected use of the roads.
6. Project service roads will be maintained by the Applicant or future owner/operator of the Project. Prior to construction, the Applicant, in coordination with EFSEC staff, will enter into a written road maintenance agreement addressing the rights and responsibilities of benefited property owners for approval by EFSEC and the County.
7. Project service roads will be clearly described as private and not maintained by the County as part of the EFSEC Site Certification Agreement as well as ministerial approvals from the County, such as the Building Permit and Access Permits.
8. Each gated Project access point will be clearly signed as a private road.
9. Project service roads will be designed and constructed in accordance with Chapter 5 and Appendix D of the International Fire Code as published at the time applicable to final Project design.

10. The Project's engineer of record will provide certification that the private roads have been designed and constructed in accordance with standards for emergency services as specified by the Douglas County Fire Marshal.

Therefore, the Project will meet the design criteria requirements for private roads.

3.2.5 Chapter 12.56 Construction Control and Inspection

Section 12.56.070 Traffic control.

A. The applicant or their contractor shall provide, place and maintain all Washington certified flaggers, flagger protective apparel, barricades, lights, standard signs, cones and other devices, equipment, and personnel necessary for the protection of the public and maintenance of traffic through the limits of the project at the applicant's expense. If the county finds an unsafe condition, the applicant, contractor, and applicant's engineer, if warranted, shall be notified and shall be required to correct the situation immediately. In some circumstances involving an immediate hazard to public safety, the county may make the appropriate corrections. The applicant shall be responsible for all costs incurred by the county.

B. In addition to the requirements contained in the standard specifications, the following will be required:

- 1. The applicant shall maintain at least one-way traffic through the limits of construction at all times and shall open the roadway to two-way traffic during periods when actual work is not in progress.*
- 2. Access to side roads and private driveways shall be maintained at all times unless otherwise authorized by the county engineer.*
- 3. The applicant or his/her contractor shall coordinate with the U.S. Postal Service when construction requires mailboxes to be relocated or rearranged.*
- 4. When it becomes necessary to restrict access to private driveways for construction purposes, as approved by the county engineer, the applicant shall inform affected residents at least twenty-four hours in advance and minimize inconvenience to residents of the area.*
- 5. When temporary road closures cannot be avoided and are approved by the county engineer, the contractor shall post "To Be Closed (insert dates)" signs a minimum of five days prior to the closing. The types and locations of the signs shall be shown on a detour plan. A detour plan must be prepared and submitted to the county engineer at least ten working days in advance of the proposed closure, and be approved prior to closing any county roadway. In addition, the contractor must notify, in writing, local fire, school, law enforcement authorities, postal service and any other affected persons as directed by the county engineer at least five days prior to the closing.*
- 6. If the construction of a proposed development is determined by the county engineer to require special routing of large trucks or heavy construction equipment to*

prevent impacts to surrounding roads, residences or business, the contractor shall be required to develop and use an approved haul route and enter into a haul route agreement as specified in DCC Section 12.28.150 establishing restoration procedures and work to be performed by the contractor upon completion of the haul operation. When required, the haul route plan must be prepared and submitted to the county engineer and approved prior to beginning or continuing construction. The haul route plan shall address routing, hours of operation, signing, flagging and daily maintenance. If the contractor's equipment or suppliers fail to use the designated haul route, the county engineer may prohibit or limit further work on the development until such time as the requirements of the haul route are complied with. (Ord. TLS 09-11-49E (Exh. B) (part); Ord. TLS 04-02-30B Exh. A (part))

Response:

The Applicant or Applicant's contractor will provide traffic control management as outlined by DCC 12.56.070 above during Project construction, at the Applicant's expense. As required, at least one lane of traffic will be maintained on all roadways used for Project construction. No side roads or private driveways will have access blocked unless the Applicant (or Applicant's contractor) obtained prior authorization from the County's engineer. The specific traffic control measures to be implemented during Project construction will be detailed in the Project's Traffic Control Plan, to be prepared and submitted to EFSEC for review and approval prior to construction. The Traffic Control Plan will provide sufficient detail to demonstrate compliance with the above County requirements. The Applicant will work with EFSEC in coordination with County staff to determine if a haul route agreement per DCC 12.28.150 is required. If required, the Applicant will obtain a haul route agreement prior to construction. Therefore, the Project will comply with the construction traffic control requirements.

3.3 Title 14 Development Permit Procedures and Administration

3.3.1 Chapter 14.02 Permit, Applicability and Definitions

Section 14.02.005 Purpose and applicability.

A. The purpose of DCC Chapters 14.02, 14.06, 14.08, 14.10 and 14.12 is to enact the processes and timelines for local land development permitting. The objectives of these chapters are to encourage the preparation of appropriate information early in the permitting process, to process permit applications in a timely manner, to provide the general public with an adequate opportunity for review and comment, and to provide the development community with a standardized process and predictability.

Response:

The proposed Project is consistent with the County's definition of an "energy generation facility" (see below) and, until July of this year, was an allowed conditional use in the A-D and RR-20 zoning districts per DCC 18.80.320 (2018) (Conditional use permit matrix). The proposed Project is now considered an allowed permitted use per the Interim Controls, subject to certain avoidance buffers (Douglas County 2021a).

The Applicant has elected to site the Project under EFSEC’s jurisdiction; therefore, the Applicant has prepared this streamlined solar ASC for review and approval by EFSEC. Similar to the County’s process, the EFSEC process provides for public review and comment before a decision is made. This process takes the place of the development permit procedures under DCC Title 14, which will establish decision-making authority with the Douglas County Hearing Examiner. The Applicant has prepared this attachment to Part 4, Section 4.14 of the streamlined solar ASC to demonstrate how the Project will comply with County regulations if it were not under EFSEC jurisdiction. Specifically, this attachment demonstrates to EFSEC that the Project will be consistent with the applicable goals and policies of the DCCP and will substantially comply with applicable code provisions of the DCC permanently adopted as of submittal of this streamlined solar ASC. To the extent that EFSEC finds that the Project cannot conform with the arbitrary 7-mile county-wide buffers, the Applicant seeks preemption pursuant to RCW 80.50.110. Application materials have been provided pursuant to EFSEC requirements. Prior to construction, updated information, such as a final set of detailed site plans demonstrating compliance with site certificate conditions, will be provided to EFSEC for review and approval.

...

C. Other laws, ordinances, regulations and plans have a direct impact on the development of land. These include, but are not limited to, the Douglas County Resource Lands and Critical Areas Policy Plan, Douglas County Shoreline Master Program, shoreline public access plan, comprehensive plans and sub-area plans, Douglas County Regional Policy Plan, Douglas County Road Standards, International Codes, Douglas County flood damage prevention ordinance, and the laws, ordinances, regulations and plans of federal, state and local agencies. (Res. TLS 06-13 § 1 (part)); Ord. TLS 97-05-34B Exh. B (part))

Response:

There are no designated shorelines under the Douglas County Shoreline Master Program within the Project area (Douglas County 2021c). Consistency with applicable goals and policies of the DCCP is demonstrated in Section 2 of this attachment. Compliance with applicable County standards is demonstrated throughout Section 3. In addition, a summary of compliance with applicable federal and state regulations is provided in Part 2 of the streamlined solar ASC, Table A.7-1.

3.3.2 Chapter 14.98 Definitions

Section 14.98.277 Energy generation facility.

“Energy generation facility” means a facility for the generation and distribution of electricity for on-site use or for the purpose of selling to or adding to the electric power grid; when production is intended to run for a length of time exceeding seven days. This definition is not intended to include backup generators for emergency use. (Ord. TLS 05-02-34B Att. B (part))

The Interim Controls passed on July 20, 2021 propose redefining an energy generation facility to the following:

“Energy generation facility” means a facility for the generation and distribution of electricity for on-site use or for the purpose of selling to or adding to the electric power grid and as defined by the State of Washington Energy Facility Council. (Ord. TLS 21-17-47B Att. A)

Response:

The proposed Project is a facility for the generation and distribution of electricity for the purpose of selling to the electric power grid, for a period longer than seven days. Accordingly, the Project is consistent with both iterations of the DCC definition of an “energy generation facility.” The above definitions encompass associated supporting Project components described in Part 2 Section A.2.a of the Applicant’s streamlined solar ASC, including the proposed 230-kV gen-tie line. The 230-kV gen-tie line is a form of distribution of electricity for the purpose of adding to the electric power grid. If the 230-kV gen-tie line was considered by the County to be a “distribution and transmission facility” instead of part of the “energy generation facility,” it will still be an allowed conditional use in both the A-D and RR-20 zoning districts, pursuant to DCC 18.80.320. For the purposes of the streamlined solar ASC, the Applicant has included associated supporting Project components in its analysis as part of the energy generation facility.

3.4 Title 15 Building and Construction

3.4.1 Chapter 15.12 Permits and Inspections

Section 15.12.010 Permit required—Generally.

A permit issued by the county is required for any work regulated by this title. (Res. TLS 04-41 Exh. A (part); Ord. TLS 01-02-06B Exh. A (part))

Section 15.12.030 Building permit—Plans required.

Every applicant for a building permit shall submit two sets of legible plans drawn to scale, including a plot plan, foundation plan, building elevation plan, floor plan, floor and roof framing plan or truss layout, a section view showing structural and construction details, and other plans and documents as the building official determines to be necessary for complete review. For work that is small and insignificant, some or all of the required plans may be waived, as determined by the building official. (Res. TLS 04-41 Exh. A (part); Ord. TLS 01-02-06B Exh. A (part))

Response:

The Applicant will obtain a Commercial Building Permit from Douglas County, in coordination with EFSEC, prior to construction. The Applicant will work with EFSEC staff and the County to provide the information needed for a building permit, including two sets of building plans and other plans as determined necessary for review. Project structures will be designed to meet applicable County criteria for snow load, wind exposure, seismic class, minimum footing depth, and other weather and environmental factors (e.g., ice, termites, decay) (DCC 15.16 Design and Construction Standards). Construction activities and final Project design will follow recommendations from previous and planned geotechnical investigations for the Project (see Section 3.6.5 below regarding geological hazard critical areas). The Applicant will also develop a SWPPP, contact the Chelan-Douglas Health

District to obtain a permit for the O&M building septic system (CDHD 2021), and obtain County Access Permits and ROW/Utility Permits prior to submittal of the building permit application. Project plans will detail compliance with DCC 15.16 Design and Construction Standards, 15.24 Fire Safety and Access, and 15.36 Grading and Excavation. If the County and EFSEC determine some requirements are not applicable to the Project, per DCC 15.10.040, the authorized official may grant a limited waiver of such requirements.

The Project is designed to be consistent with applicable sections of international code standards, including but not limited to the current International Building Code and International Fire Code. Accordingly, the Project design will incorporate at least 3 feet between solar array strings (i.e., rows of solar modules) to provide emergency service access and a perimeter fire break of 10 feet to be kept clear of brush and other vegetation, among other measures. An Emergency Management Plan will be prepared prior to construction, and provided to EFSEC for review as a condition of approval. However, to meet County fire code requirements, the Emergency Management Plan for the proposed Project will ensure the following elements are adequately described:

- Internal grid system to help identify locations in case of an emergency
- Emergency Evacuation plan
- Egress and Ingress plan
- Emergency shutoff procedures
- Hazardous materials plan
- Layout and inventory of the battery storage system

The Applicant will provide approved building and other related permits (i.e., Access Permit, ROW/Utility Permit) to EFSEC prior to construction as a condition of approval. Therefore, the Project demonstrates the ability to comply with applicable provisions of the County's building and construction code under DCC Title 15.

3.5 Title 18 Zoning

The Project is located within the County's A-D and RR-20 zoning districts (Attachment A, Figure A-6). No overlay districts apply to the Project area. This section addresses the County's zoning code requirements that are applicable to the Project in the A-D and RR-20 zoning districts. As noted earlier, pursuant to RCW 80.50.040, RCW 80.50.110, and WAC 463-28, EFSEC may authorize an energy generation facility with appropriate consideration of the Project's consistency with the DCCP and land use regulations as necessary to understand the "local governmental or community interests affected."

Under Douglas County zoning code, the primary land use will become an energy generation facility-primary use, defined under DCC 14.98.277 (under both 2018 and 2021 versions). To aid EFSEC's review based on the recent fluctuations in the Douglas County solar facility zoning standards, this section provides a zoning analysis under each of the recent iterations of the DCC. As the DCC changes applicable to the Project were limited to a few sections, provisions cited below are current (Douglas County 2021a) except where otherwise noted as from 2018.

3.5.1 Chapter 18.16 General Regulations

Section 18.16.060 Fences.

A. Fence Heights. In any use district outside of an urban growth boundary, except as otherwise provided in that district, or as provided below or in DCC Section 12.28.040, the following height standards apply:

...

5. Solid fences, sight-obscuring fences, and decorative walls shall not exceed a height of six feet; provided, that the height may be increased by one foot for each additional ten feet of setback from a property line, to a maximum height of eight feet. Examples: Six-foot-high solid fences may be constructed at ten feet from a front property line and on a side and rear property line; a seven-foot-high fence or wall can be constructed twenty feet from a front property line and ten feet from a side and/or rear property line; an eight-foot-high fence or wall can be constructed thirty feet from a front property line and twenty feet from a side and/or rear property line.

Response:

The Project is located outside of any UGA boundary, and DCC 18.31 (RR-20) and DCC 18.40 (A-D) do not include their own fence provisions. Chain-link fencing will be installed around the perimeter of the solar array, collector substation area, O&M area, optional BESS area, and switchyard area. The fencing will be up to 8 feet high. Depending on Project security needs, which will be determined prior to construction, the fencing may consist of a 7-foot-high chain-link segment and an additional 1 foot of barbed wire along the top, or it may be a consistent 8-foot-high chain-link segment. This is consistent with the above provision that allows fencing higher than six feet provided associated setback distances are met. The Project's fence line will be designed to meet or exceed the minimum 20-foot setback from a side and/or rear property line, and the 30-foot minimum setback from a front property line. The preliminary design depicted on Figure A-1 in Attachment A meets these setbacks everywhere except for three isolated locations, which will be modified in subsequent design refinement. Prior to construction, setback distances will be field verified as part of a property line survey and demonstrated at final design, subject to EFSEC's jurisdiction. Therefore, the Project demonstrates the ability to comply with this requirement.

Section 18.16.080 Yards and Setbacks.

The minimum yards and setbacks for permitted and accessory uses in all districts, except as enumerated elsewhere in this title, shall be as follows:

A. Front Yard.

1. No building or structure shall be erected nearer than fifty-five feet from the deeded centerline of any public or private road or highway, nor twenty-five feet from the property line of any public or private road or highway, whichever distance is greater, except as provided below:

a. On local access roads in residential subdivisions where sidewalks have been installed, the minimum front yard shall be twenty-five feet from the front property line. Corner lots shall be classified as having two required front yard setbacks.

b. Boundary Roads. No building or structure shall be erected nearer than fifty-five feet from the deeded, monumented or anticipated centerline of a boundary half road right-of-way or twenty-five feet from the property line, whichever is greater, except as provided in subsection (A)(1)(a) of this section.

Response:

The Project components are designed to meet or exceed the applicable front yard setbacks, including a minimum of 55 feet from the centerline of any public and private roads, or 25 feet from public or private property lines, whichever is greater. The preliminary design shown on Figure A-1 in Attachment A sites all Project components (not including fencing that has its own requirement per DCC 18.16.060, above) at least 60 feet from the centerline of an existing roadway and at least 40 feet from property lines, which exceeds the front yard setback requirement under DCC 18.16.080(A). Therefore, the Project complies with this requirement.

B. Side Yard. No building or portion thereof shall be erected closer than five feet to any side property line.

Response:

The Project is designed to meet or exceed the minimum 5-foot side yard setbacks. The preliminary design shown on Figure A-1 in Attachment A sites all Project components (not including fencing that has its own requirement per DCC 18.16.060, above) at least 40 feet from property lines, which exceeds the side yard setback requirement under DCC 18.16.080(B). Therefore, the Project complies with this requirement.

C. Rear Yard. No building or structure used for residential purposes shall be erected within fifteen feet of any rear property line. Detached garages or other detached accessory structures (pertinent to any residence) may be erected within five feet of any side or rear property line if the structure is a minimum distance of ten feet from any other building or structure. Buildings or structures shall cover not more than fifty percent of a required rear yard area.

Response:

The Project does not include development of any residential or accessory structures and therefore is not required to include any rear yard setbacks from property lines. However, the preliminary design shown on Figure A-1 in Attachment A sites all Project components (not including fencing that has its own requirement per DCC 18.16.060, above) at least 40 feet from property lines, which exceeds the rear yard setback requirement under DCC 18.16.080(C). Therefore, the Project complies with this requirement.

Section 18.16.270 Light and Glare

Parking lot lights, security lights, or any exterior lighting shall be of low-intensity and designed to project toward the property, or shall be shielded to keep light from directly

projecting over property lines. Single-family residential dwellings are exempt from this provision. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

Response:

Security lights and any exterior lighting required for the Project will be limited as much as possible, employing motion-detector-activated lighting where appropriate. Lighting will be installed at the Project collector substation, O&M building, and optional BESS as needed. Such outdoor lighting will be limited in intensity, shielded, and hooded in a manner that prevents the lighting from projecting onto adjacent properties and roadways. Therefore, the Project complies with this requirement.

Section 18.16.320 Utilities, Communication and Transmission facilities

The following minimum conditions shall apply:

A. Adequate ingress and egress to the site shall be provided pursuant to DCC Title 12;

Response:

The Applicant has lease or easement agreements in place or in progress with all landowners in the Project area. In addition to meeting the minimum requirements per DCC 12.28.045 as stated earlier in Section 3.2.3, lease agreements include specific terms of ingress and egress for each private parcel. Depending on the parcel, areas will be open for access or certain areas will be indicated as accessible in the lease agreement. Prior to construction, the Applicant will work with EFSEC staff and the County to permit new or improved access roads connecting to County roads. Therefore, the Project meets this requirement.

B. If the use requires parking, said parking shall be in accordance with DCC Chapter 20.42;

Response:

Parking for two to four operational employees will be provided in a graveled area near the proposed O&M building. Proposed off-road parking will comply with DCC 20.42 and is further discussed in Section 3.7.5. Therefore, the Project complies with this requirement.

C. If the use involves outside storage, the use shall be enclosed in a view-obscuring fence or total view-obscuring landscape buffer;

Response:

No outside storage is proposed during Project operation outside of the Project perimeter fencing. Operational equipment and supplies will be stored within enclosed buildings and structures at the O&M building, collector substation, and optional BESS area to the greatest extent feasible. Therefore, the Project will comply with this requirement.

D. A plan for the control of noxious and problem weeds must be submitted and implemented upon approval;

Response:

A Vegetation and Weed Management Plan will be developed with measures to monitor for and control infestations of noxious weeds. The plan will be provided to EFSEC prior to construction. The Applicant will implement the plan over the life of the Project. Herbicide application could be a

noxious weed control method used. In addition, habitats temporarily disturbed during construction will be allowed to reestablish vegetation or, if needed, reseeded with an appropriate mix of native plant species developed with input from local landowners and the Douglas County Weed Management Task Force to accelerate the revegetation of these areas and to prevent the spread of noxious weeds. Therefore, the Project will comply with this requirement.

E. The minimum lot size in the district that a utility structure is located in may be waived upon a finding that the waiver will not result in detrimental effects to adjacent properties.

Response:

The Project will not alter any existing lot sizes and the Applicant is not requesting a waiver to change the minimum lot size. Therefore, this requirement does not apply.

F. In general, utility uses in the rural area shall be designed and constructed to harmonize with the character of the surrounding area. Landscaping alternatives incorporating water conservation, such as xeriscaping, are preferred. The land services director is granted broad authority and discretion to approve modifications to landscape standards. (Ord. TLS 05-02-34B Att. B (part))

Response:

The Project will introduce low to moderate visual contrast with the surrounding landscape, depending on viewing location. The Project components will be designed in such a manner as to minimize contrast with the surrounding vicinity. Measures will include, but are not limited to, using non-reflective materials and finishes on Project components and restoring vegetation temporarily impacted during construction. See Part 4, Section 4.16 of the streamlined solar ASC for a complete description of potential impacts related to aesthetics. Furthermore, landscaping standards under DCC 20.40 do not apply to the Project, as discussed in Section 3.7.4. Therefore, the Project will comply with this requirement.

Section 18.16.355 Energy Generation as a Primary Use

A. Primary use energy facilities must go through the Energy Facility Site Evaluation Council per RCW 80.50 to determine appropriate location and mitigation measures.

B. Facilities shall be located at least 7 miles from an urban growth area boundary, or city/town limits boundary, municipal airport boundary, Pangborn Airport boundary and Pangborn Airport outer overlay zone boundary.

C. Facilities shall be located 7 miles from habitat associated with sensitive, candidate, threatened or endangered plants or wildlife as identified on state and federal list. (Ord TLS 21-17-47B Att. A)

Response:

The Project is a primary use energy generation facility, and the Applicant has prepared this streamlined solar ASC for consideration by EFSEC per RCW 80.50. Therefore, the Project will comply with the Interim Control under DCC 18.16.355(A).

As discussed above in Section 1.3, the Interim Controls avoidance buffers or setbacks under DCC 18.16.355(B.-C.) functionally preclude development of an energy generation facility anywhere within the County. The mapped 7-mile buffers set by the Interim Controls, when applied using publicly available data from Douglas County as well as WDFW,⁴ cover the entire County and remove all lands from consideration of energy generation facility development. Applied here, the Project area lies within 7 miles of an UGA boundary, and portions may lie within 7 miles of “habitat associated with” sensitive, candidate, threatened or endangered plants or wildlife as identified on state and federal list” (DCC 18.16.355.B-C) as depicted on ASC Attachment A, Figure A-7.

Again, absent a full public process or any scientific data accompanying the County’s passage of the Interim Controls, it remains unclear exactly what specific concerns the UGA boundaries are intended to target or how the associated habitat buffer language is to be interpreted. What is clear is that the Project was sited to avoid and minimize land use and environmental effects to the greatest extent feasible. The impacts of the Project are being considered in the EFSEC environmental review process in conjunction with appropriate mitigation measures. To the extent the UGA setbacks or buffers may be intended to reduce visual or traffic-related development concerns, those issues are addressed in Part 4, Section 4.16 and Part 4, Section 4.20 of the streamlined solar ASC and the Visual Impact Assessment provided in Attachment P. Pursuant to the Growth Management Act, RCW 36.70A, concerns like these have no rational basis in the determination of land use controls that anticipate future use of areas mapped as UGAs. Habitat and other wildlife related issues are discussed Part 4, Section 4.9 of the streamlined solar ASC and Attachment G (2021 Wildlife and Habitat Survey Report).

Project inconsistency with the Interim Control buffers does not change the overall findings that the Project is consistent with the purpose of the A-D and RR-20 zoning districts and complies with all applicable substantive development standards established for the A-D and RR-20 zoning districts.

3.5.2 Chapter 18.31 RR-20 Rural Resource District

Section 18.31.010 Purpose.

The purpose of the RR-20 rural resource district is to encourage and maintain the county’s rural character; provide opportunities for compatible agriculture, grazing, forestry and other rural land uses that are sensitive to the area’s physical characteristics; and provide greater opportunities for protecting sensitive critical/environmental areas. The RR-20 district may have significant rangeland use and provides a buffer to resource areas from incompatible activities. These areas are generally located in areas utilized for grazing

⁴ Douglas County data for UGA boundaries, city and town limits, municipal airport boundaries, and the Pangborn Airport boundary and Pangborn Airport outer overlay zone boundary were obtained from the County’s online system (<https://www.douglascountywa.net/240/Geographical-Information-Systems-GIS>). Habitat data were obtained in accordance with WDFW’s Releasing Sensitive Fish and Wildlife Information Policy – 5210, as received by the Applicant August 9, 2021; sensitive information is generalized to the township, quarter-townships and section layers depending on the species or habitat and includes WDFW information for state and federally listed fish and wildlife species, and candidate species. The 7-mile buffer was applied to the generalized locations. Depending on the County’s intended interpretation, additional data sources may need to be requested to cover all potentially included resources throughout the County.

livestock, are adjacent to designated agricultural lands, reflect the area's remoteness and/or have limited opportunities for development. Such lands typically are outside of fire service areas, provide minimal improved road access or have other site constraints. Clustering or other innovative techniques for residential lots are encouraged; provided, that the density does not encourage urban levels of service and provides significant open space corridors and protection of critical areas. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 01-04-07B Exh. B (part))

Response:

Prior to the Interim Controls, the proposed Project was allowable as a conditional use in the RR-20 zoning district, per DCC Section 18.80.320 (2018), with no specific buffers or other additional overlay requirements. Section 3.5.4 below provides a discussion of how the Project complies with each of the conditional use evaluation criteria established under DCC 18.80.030. The discussion includes how the Project will be consistent with the objective of the RR-20 zoning district as defined above. The Project also complies with specific development standards established for the RR-20 zoning district, as discussed below in response to DCC 18.31.060.

Under the Interim Controls, the Project is a permitted use in the RR-20 zoning district per DCC 18.31.020(T). However, for the duration of the Interim Controls or if permanently adopted, such projects may be subject to certain requirements set forth in DCC 18.16.355, as discussed earlier in Section 3.5.1.

Section 18.31.040 Conditional uses.

Conditional uses are those uses designated in the conditional use permit matrix as conditional uses and approved pursuant to DCC Chapter 18.80; provided, that the development standards of this chapter are met. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 01-04-07B Exh. B (part))

Response:

Pursuant to the conditional use permit matrix provided in DCC Section 18.80.320 (2018), the proposed Project was consistent with "energy generation facilities as a primary use," and met and continues to meet the development standards under DCC 18.31.060 as described below. As noted earlier, under the Interim Controls the Project is an outright permitted use in the RR-20 district, subject to pending criteria under DCC 18.16.355 (see Section 3.5.1 above).

Section 18.31.060 Development Standards.

Development in the RR-20 district shall meet all of the applicable provisions of the DCC and the following requirements:

A. Yard Area and Setbacks. All buildings and structures shall meet the minimum provisions in DCC Chapter 18.16, except agriculturally related industry buildings, parking areas and all support activities shall be set back one hundred feet from any side or rear property lines when adjoining an urban growth area, RSC or residential district;

Response:

The proposed development within RR-20 parcels complies with minimum required setbacks under DCC 18.16, as previously described in Section 3.5.1. The Project does not include agriculturally related industry buildings, parking areas, or support activities. Therefore, the Project complies with this requirement.

B. Lot Size, C. Lot Width

Response:

The Project will not change any of the existing lot sizes or widths. Therefore, these requirements do not apply.

D. Lot Coverage. The maximum lot coverage shall be calculated at thirty-five percent for the first acre and twenty percent for the remaining land area, except agriculturally related industries shall be determined by compliance with all applicable provisions of county code, including without limitation landscaping, parking, stormwater, setbacks, and building/fire and life safety requirements;

Response:

Based on the preliminary design, the Project will not exceed the maximum lot coverage of 35 percent for the first acre and 20 percent for the remaining land area for any parcel within the Project area. This is based on the impervious surfaces identified for the preliminary post-construction Project footprint within each parcel presented in Part 2, Section B.2 of the streamlined solar ASC. The preliminary post-construction Project footprint is the approximately 66-acre area occupied by the following Project components and structures: solar array posts, inverter and transformer pads, Project service roads (20 feet wide outside the solar array perimeter fence, 16 feet wide within the solar array perimeter fence), O&M building area, collector substation area, switchyard area, optional BESS area, perimeter fence, and overhead 230-kV gen-tie line poles. The percent of each parcel covered by the post-construction Project footprint will range from less than 0.01 percent to 8.5 percent, well under the set thresholds. Lot coverage compliance will be verified prior to construction based on final Project design within the Project area. Therefore, the Project will comply with this requirement.

E. Building Height. Thirty-five feet for all residential structures and forty feet for agricultural structures; grain elevators are exempt from maximum height standards of this chapter;

Response:

The tallest structures proposed for the Project will be the 230-kV gen-tie line poles, which are 60 to 150 feet tall; however, these gen-tie poles do not constitute residential or agricultural structures and therefore are not subject to this building height limitation. Within the Solar Array Micrositing Area only, the tallest structures will be the solar modules, with a maximum height of 14 feet, which is below the maximum building height threshold of 35 feet. The O&M building will be single level, approximately 10 to 14 feet tall, also below the 35-foot limitation. Therefore, the Project complies with this requirement.

G. Landscaping, off-street parking/loading, road improvements and stormwater drainage shall be provided in accordance with DCC Title 20. (Ord. TLS 13-12-40B Exh. B (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 01-04-07B Exh. B (part))

Response:

The Project's parking, service roads, and stormwater management systems will be designed and constructed in accordance with applicable standards under DCC Title 20. Landscaping standards do not apply to the Project. See Section 3.7 for detailed findings of compliance with applicable sections of DCC 20. Therefore, this standard is met.

3.5.3 Chapter 18.40 A-D Dryland Agriculture District

Section 18.40.010 Purpose.

The purpose of the A-D dryland agricultural district is to recognize and acknowledge the importance of dryland agricultural lands and related activities to the economic livelihood of Douglas County. Existing and future agricultural activities are permanent land uses as well as a significant economic function within the community. The predominant uses within this district will be grain crop production and livestock production, with some areas participating in the federal conservation reserve program. This district is intended to preserve and encourage these activities as viable operations and to protect them from the encroachment of incompatible uses. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

Response:

Prior to the Interim Controls (July 20, 2021), the proposed Project was allowable as a conditional use in the A-D zoning district, per DCC Section 18.80.320 (2018), with no specific buffers or other additional overlay requirements. Section 3.5.4 below provides a discussion of how the Project complies with each of the conditional use evaluation criteria established under DCC 18.80.030. The discussion includes how the Project will be consistent with the objective of the A-D district as defined above. The Project complies with applicable substantive development standards established for the A-D zoning district, as discussed below in response to DCC 18.31.060.

Under the Interim Controls, the Project is a permitted use in the A-D zoning district per DCC 18.31.020(T). However, for the duration of the Interim Controls or if permanently adopted, such projects may be subject to certain requirements as set forth in DCC 18.16.355, as discussed earlier in Section 3.5.1.

Section 18.40.040 Conditional uses.

Those uses designated in the conditional use permit matrix as conditional uses and approved pursuant to DCC Chapter 18.80; provided, that the development standards of this chapter are met. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

Response:

Again, prior to the Interim Controls (July 20, 2021), the proposed Project was allowable as a conditional use in the A-D zoning district, per the CUP matrix in DCC Section 18.80.320 (2018).

Under the Interim Controls, the Project is considered an outright permitted use in the A-D zoning district per DCC 18.31.020(T), as discussed earlier in Section 1.3.

Section 18.40.060 Development Standards.

Development in the A-D district shall meet all of the applicable provisions of the DCC and the following requirements:

A. Yard Area and Setbacks. All buildings and structures shall meet the minimum provisions in DCC Chapter 18.16, except agriculturally related industry buildings, parking areas and all support activities shall be set back one hundred feet from any side or rear property lines when adjoining an urban growth area, RSC or residential district;

Response:

Project development within parcels zoned A-D complies with minimum required setbacks under DCC 18.16, as previously described in Section 3.5.1. The Project does not include agriculturally related industry buildings, parking areas, or support activities. Therefore, the Project complies with this requirement.

B. Lot Size, C. Lot Width

Response:

The Project will not change any of the existing lot sizes or widths. Therefore, these requirements do not apply.

D. Lot Coverage. The maximum lot coverage shall be calculated at thirty-five percent for the first acre and twenty percent for the remaining land area, except agriculturally related industries shall be determined by compliance with all applicable provisions of county code, including without limitation landscaping, parking, stormwater, setbacks, and building/fire and life safety requirements;

Response:

Based on the preliminary design, the Project will not exceed the maximum lot coverage of 35 percent for the first acre and 20 percent for the remaining land area for any parcel within the Project area. This is based on the impervious surfaces identified for the preliminary post-construction Project footprint within each parcel presented in Part 2, Section B.2 of the streamlined solar ASC. The preliminary post-construction Project footprint is the approximately 66-acre area occupied by the following Project components and structures: solar array posts, inverter and transformer pads, Project service roads (20 feet wide outside the solar array perimeter fence, 16 feet wide within the solar array perimeter fence), O&M building area, collector substation area, switchyard area, optional BESS area, perimeter fence, and overhead 230-kV gen-tie line poles. The percent of each parcel covered by the post-construction Project footprint will range from less than 0.01 percent to 8.5 percent, well under the set thresholds. Lot coverage compliance will be verified prior to construction based on final Project design. Therefore, the Project complies with this requirement.

E. Building Height. Thirty-five feet maximum height for all nonagricultural buildings and structures and forty feet for agricultural buildings and structures. Grain elevators are exempt from maximum height standards of this chapter;

Response:

The tallest structures proposed for the Project are the gen-tie line poles, which are 60 to 150 feet tall; however, these gen-tie poles do not constitute residential or agricultural structures and therefore are not subject to this building height limitation. Within the Solar Array Micrositing Area only, the tallest structures will be the solar modules, with a maximum height of 14 feet, which is below the maximum building height threshold of 35 feet. The single-level O&M building will be in the RR-20 zoning district, which has the same 35-foot height limitation, as noted earlier. Therefore, the Project complies with this requirement.

G. Development Standards. Landscaping, off-street parking and loading, road improvements and stormwater drainage shall be provided in accordance with DCC Title 20. (Ord. TLS 13-12-40B Exh. B (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 00-02-06 Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

Response:

The Project's proposed parking, service roads, and stormwater management systems will be designed and constructed in accordance with applicable standards under DCC 20. Landscaping standards do not apply to the Project. See Section 3.7 for detailed findings of compliance with applicable sections of DCC 20. Therefore, this standard is met.

3.5.4 Chapter 18.80 Conditional Uses

Section 18.80.030 Evaluation Criteria

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

Response:

As discussed above, under the Interim Controls, the Project is no longer subject to the County's conditional use criteria. However, to the extent it is helpful to the Council, the Applicant provides an analysis of these previously applicable criteria.

Section 2 of this attachment reviews the DCCP goals and policies applicable to the Project, and demonstrates that the proposed Project is harmonious and in accordance with those goals and policies. The comprehensive plan designation for the Project area is the same as the current zoning designations (RR-20 and A-D). There is no subarea plan that applies to the Project area.

In general, the Project will be consistent with the purpose of the RR-20 and A-D zoning districts, as defined in DCC 18.31.010 and DCC 18.40.010, respectively, because of its minimal impact to rural and agricultural activities and compatibility with neighboring land uses. The RR-20 district anticipates the need to provide opportunities for "other rural land uses that are sensitive to the area's physical characteristics," while ensuring uses "do not encourage urban levels of service"

(DCC 18.31.010). As a non-residential and minimally staffed operation, with up to four personnel, the proposed Project will not require or encourage urban levels of service. Aside from the overhead 230-kV gen-tie line support structures, which will appear similar to other existing transmission lines across the Project area, the low profile of Project components and maintenance of ground cover vegetation throughout much of the Project area help ensure the Project will be sensitive to the surrounding area's rural physical characteristics. Furthermore, in total the Project area will include less than 0.1 percent of the RR-20 district that currently covers approximately 425,087 acres of the County (Douglas County 2021d).

The A-D zoning district is intended to “recognize and acknowledge the importance of dryland agricultural lands and related activities to the economic livelihood of Douglas County...and encourage these activities as viable operations and to protect them from the encroachment of incompatible uses” (DCC 18.40.010). Implementation of the Project will directly support the long-term viability of Douglas County's agricultural economy by providing a stable, diversified source of income to participating landowners. Based on available WSDA data (WSDA 2020), while the Project's preliminary design will displace approximately 497.5 acres of dryland wheat crops (up to 965.7 acres in full Project area), this represents only 0.3 percent of such activity in the County (up to 0.6 percent when accounting for the full Project area). Similarly, the Project's preliminary design will displace approximately 801.4 acres of fallow wheat (up to 1,103.4 acres in the full Project area), representing only 0.5 percent of the current fallow wheat extent in the County (up to 0.6 percent accounting for full Project area). The A-D zoning district is also not considered agricultural land of long-term significance, per Section 5.2.5 of the DCCP (see also Part 4 Section 14 of the streamlined solar ASC and above discussion in Section 2.4). As described earlier, operation of the Project will be largely achieved through passive technology, such as the supervisory control and data acquisition (SCADA) system, and onsite personnel will be limited to up to 4 people, resulting in negligible use of area roadways. The low profile of the Project and compliance with setbacks also ensures continued solar access on all surrounding properties. As a result, operation of the Project will not impede the ability of neighboring and other surrounding vicinity landowners to continue agricultural activities, including dryland farming and livestock production. Similar to the RR-20 zoning district, in total the Project area will include less than 0.3 percent of the A-D district that currently covers 665,921 acres of the County (Douglas County 2021d).

In addition to its low impact to existing rural and agricultural lands, per WAC 463-72-040, the Applicant will develop an Initial Site Restoration Plan detailing how the site will be returned to pre-Project condition at the end of the Project's life, including provisions for removal of the solar modules and tracker system, posts, inverter and transformer pad foundations, cables, and other facilities to a depth of 3 feet below grade and return of any disturbed soils to the pre-construction condition. The Initial Site Restoration Plan will be submitted to EFSEC 90 days prior to site preparation as a condition of approval per WAC 463-72-040. Thus, while the Project will be a long-term land use, anticipated to be at least 50 years, it will not irreparably convert agricultural and rural lands, as future agricultural production, grazing, and other rural land uses will be possible upon decommissioning of the Project.

As described above in Sections 3.5.2 and 3.5.3, before July of this year, the Project was an allowed conditional use in the RR-20 and A-D zoning districts, and continues to comply with the substantive

development standards of each district. Outside of the Project area, all land uses currently envisioned by the DCCP and allowed by the underlying zoning districts will be able to continue, as the Project will not impede existing or future land uses, including rural residential development, beyond the land directly used for the Project. Moreover, following decommissioning and site reclamation, the Project will not preclude future development in the Project area, nor will the Project hinder other utility ROW development identified as needed to support future development in the RR-20 and A-D zoning districts, which both allow utility distribution/transmission facilities as an outright permitted use (DCC 18.31.020 and DCC 18.40.020). Additional details regarding the Project's compatibility with the surrounding vicinity are provided below in response to criteria B through J of DCC 18.30.030. For the above reasons, the Project meets this criterion.

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

Response:

The existing and intended character of the general vicinity around the Project area consists of productive rural and agricultural land uses, associated transportation and electrical infrastructure, primarily rural with some suburban residential use (suburban only on western Project area end near the Option 1 POI), and other compatible land uses as allowed under DCC in the surrounding RR-20 and A-D-zoned land (as well as small portions of land zoned Rural Resource-5 and Low Residential East Wenatchee to the west of the Option 1 POI). As described in response to DCC 18.16.320(F) (General Regulations for Utilities, Communication and Transmission Facilities) in Section 3.5.1, Project components will be designed in a manner as to minimize 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, Section 4.16 of the streamlined solar ASC and the accompanying Visual and Glare Impact Assessment (Attachment P), the Project's solar arrays will introduce weak to moderate contrast with the surrounding landscape. The subdivision (i.e., Canyon Hills) near the Option 1 POI is approximately 2.5 miles or more from the Solar Array Micrositing Area, which is located upslope from the community (approximately 2,000 feet higher elevation) and thus largely screened from view, though the edge of the Project will potentially be visible from certain limited viewing locations. Other views from the west toward the Project area will also typically occur at a distance and below the elevation of the Project area, resulting in limited visibility generally screened by existing topography and terrain features. While other Project components, such as the overhead 230-kV gen-tie line, collector substation, O&M building, and optional BESS, will represent new built features in the landscape, they will be consistent with existing electrical and agricultural infrastructure in and around the Project area.

The Project will not block views of any significant landmarks such as Saddlerock, the Wenatchee Valley from Skyline Drive, and the Columbia River. The Project will not be visible from the Cascade Loop Byway. While portions of the Project may be visible from Skyline Drive, the foothills to the west of Wenatchee, Apple Capital Recreation Loop Trail, and the Stevens Pass Greenway – U.S. 2 National Scenic Byway, they will not attract attention and will be a subordinate feature in the landscape setting with weak visual contrast. For these reasons, the Project is anticipated to be

harmonious and appropriate in appearance with the existing and intended character of the general vicinity of the area. Therefore, the Project meets this criterion.

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

Response:

Potential Project impacts to traffic are analyzed in detail in Part 4, Section 4.20 of the streamlined solar ASC. Based on this analysis, incorporating the implementation of appropriate mitigation measures, the Project's temporary average daily trips during construction (381 round-trips; 300 trips in the peak hour) are not expected to have a significant adverse effect on local roadways. During operations, up to four personnel may be required to periodically conduct on-site maintenance. Even when using the conservative assumption of eight daily trips for O&M personnel, Project operations will introduce a negligible amount of traffic to local roadways. Prior to construction and based on final design, a Traffic Control Plan will identify the exact routes for transporting Project materials, equipment, and personnel to the site, with a description of anticipated traffic volumes, vehicle weights, trip frequencies, and shipping schedules that will be used during construction of the Project. The Traffic Control Plan will also identify safety measures for traffic management during construction. This plan will be provided to EFSEC for review prior to construction as a condition of approval. For these reasons, the Project will not burden the traffic circulation system in the vicinity. Therefore, the Project meets this criterion.

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

Response:

The Project will be served adequately by existing public facilities and services. Details are summarized below in response to criterion E. See Part 4, Section 4.20 and Part 3, Sections 3.21 and 3.22 of the streamlined solar ASC for a complete description of potential impacts related to transportation, public services, and utilities. While the Project will represent a limited new source of demand for facilities and services, with the implementation of appropriate mitigation measures, existing public facilities and services have sufficient capacity to support the Project. Therefore, the Project meets this criterion.

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

Response:

Because it is not anticipated that construction and operation of the Project will result in the permanent relocation or in-migration of any of the direct or indirect construction or operational workforces, there will be no impacts to public transit, health care, schools, or other public services in the County or the Wenatchee area. As discussed above in response to criterion C, the Project will not burden the traffic circulation system in the vicinity. The Applicant will be responsible for the acquisition of sufficient water supplies and installation and maintenance of a permitted septic

system, at no cost to the County. The Applicant will coordinate with the Douglas County Fire Department to provide photovoltaic and BESS training to fire responders. With the implementation of fire protection measures, potential impacts from on-site fires during construction and operation of the Project will be minimal. Key elements of the Applicant's proposed control measures are described in Part 4, Section 4.13 of the streamlined solar ASC, and will be detailed in an Emergency Management Plan prepared prior to construction and provided to EFSEC for review and approval. Similarly, security at the Project site will be maintained and is not expected to result in excessive use of state or County law enforcement. See Part 4, Section 4.20 and Part 3, Sections 3.21 and 3.22 of the streamlined solar ASC for a complete description of potential impacts related to transportation, public services, and utilities. The streamlined solar ASC analysis demonstrates that the Project will not have a significant adverse effect on public facilities and services, including avoiding creating excessive additional requirements at public cost. Therefore, the Project meets this criterion.

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

Response:

During the up to 18-month construction period, the Project could temporarily impact surrounding residents due to temporary increases in traffic, dust, and noise. Construction is not expected to generate smoke, fumes, vibration, glare, or odors detectible from outside the Project area. With the implementation of control measures to maintain the regular flow of traffic, suppress dust, and minimize noise from construction equipment and vehicles, none of the potential impacts will be excessive to the point of causing detriment to surrounding residents' general welfare. Operation of the Project will not generate any fumes, vibration, smoke, or odors, and operational noise will be below the County and state limits (per the response to DCC 8.04 Noise in Section 3.1.1). Project components are designed to minimize glare and, in the case of the solar arrays, to absorb sunlight. As demonstrated in Attachment P (Visual and Glare Impact Assessment), surrounding residences will experience no glare during Project operations. Only one segment of roadway (i.e., 9 Road SW) may experience a negligible amount of glare, which will not create a hazard to drivers (see Attachment P of the ASC). The relevant sections of the streamlined solar ASC provide a complete description of potential impacts and proposed mitigation measures related to traffic (Part 4, Section 4.20), noise and glare (Part 4, Section 4.16), and dust (Part 4, Section 4.2). Overall, the Project will not be detrimental to any persons, property, or the general welfare. Therefore, the Project meets this criterion.

G. Proposed ingress and egress, driveway widths, parking, and road improvements shall be approved pursuant to DCC Title 20 and to the satisfaction of the county engineer.

Response:

The Applicant has lease or easement agreements in place or in progress with all landowners in the Project area. Lease agreements include specific terms of ingress and egress for each private parcel. Depending on the parcel, areas will be open for access or certain areas will be indicated as

accessible in the lease agreement. The Applicant will also obtain access permits from the County for any new or improved access roads connecting to County roads. Specific compliance with ingress and egress, driveway widths, parking, and road improvements is addressed in response to DCC Title 12 Roads and Bridges (see Section 3.2) and DCC Title 20 Development Standards (see Section 3.7). As detailed in those responses, the Project will be designed and constructed in accordance with applicable standards under DCC 12 and 20. Therefore, the Project meets this criterion.

H. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate, and protect adjacent properties from potential adverse impacts of the proposed use, including visual or auditory effects. (Refer to DCC Chapter 20.40, Landscaping standards, for specific requirements.)

Response:

Chain-link fencing will be installed around the perimeter of the solar arrays, collector substation area, O&M area, optional BESS area, and switchyard area for safety and security purposes. The fencing could be up to 8 feet high, consisting of 7 feet of chain-link segments with an additional 1 foot of barbed wire along the top if needed for security purposes, or solid chain-link. Potential visual and auditory effects to adjacent properties are expected to be minimal and therefore will not require any mitigation beyond standard visual and noise control measures and setback compliance, such as landscaped buffering devices (see Part 4, Section 4.16 of the streamlined solar ASC). Landscaping standards under DCC 20.40 do not apply to the Project. See Section 3.7 for detailed findings of compliance with the applicable sections of DCC 20. Therefore, the Project meets this criterion.

I. Conditional use permits shall comply with the DCC and all applicable local, state, or federal regulations.

Response:

Again, the Project is no longer subject to the conditional use permitting requirement under the Interim Controls. Nevertheless, project compliance with applicable sections of the DCC is demonstrated throughout Section 3. The Applicant will coordinate with EFSEC to ensure compliance with all applicable local, state, and federal regulations. Table A.7-1 in Part 2 of the streamlined solar ASC summarizes where applicable federal and state requirements are addressed in the streamlined solar ASC. Key items include:

- The Applicant will work with EFSEC staff and Douglas County Department of Transportation and Land Services to obtain local ministerial permits prior to construction. These include Commercial Building Permit, Access Permits, and ROW/Utility Crossing Permits.
- The Applicant will work with EFSEC staff to apply for a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit (CSWGP). Instead of the Washington Department of Ecology (Ecology), EFSEC has jurisdiction to oversee the Project's compliance with NPDES requirements pursuant to WAC 463-76.

- For ephemeral streams anticipated to be impacted by the Project's final design and if required by WDFW, the Applicant will complete a Hydraulic Project Approval (HPA) for permitting and mitigating impacts.
- The Applicant will obtain an Electrical Construction Permit from the Washington Department of Labor and Industries, and complete required inspections prior to initiating Project operations.
- The Applicant or the Applicant's licensed contractor will apply for oversized/overweight permits from Washington State Department of Transportation if needed.

For the above reasons, the Project meets this criterion.

J. The hearing examiner is the review authority and may approve, conditionally approve or deny a request for changing the minimum lot size of a conditional use. Any waiver of minimum lot size shall not be construed as an exemption from the requirements of DCC Title 17 and RCW Chapter 58.17. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 01-04-07B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

Response:

The Applicant does not propose to change the minimum lot size as part of the proposed Project. Therefore, this criterion does not apply.

Section 18.80.140 Utilities, Communication and Transmission facilities

The following minimum conditions shall apply:

A. Facilities shall be designed and constructed in accordance with all applicable provisions of the DCC;

Response:

Project compliance with applicable sections of the DCC is demonstrated throughout Section 3. Therefore, the Project complies with this condition.

B. The facility and site shall be designed to be compatible with the surrounding neighborhood;

Response:

The Project will be designed to be compatible with the surrounding neighborhood, avoiding significant impacts related to traffic, noise, dust, and aesthetics. Surrounding land uses will be able to continue unimpeded. Additional details are provided above in response to DCC 18.80.030 evaluation criteria A, B, C, and F that also address neighborhood compatibility. Therefore, the Project complies with this condition.

C. Landscaping shall be in accordance with DCC Chapter 20.40;

Response:

The Project complies with DCC 20.40, which states that landscaping standards do not apply to "Changes or expansions in use(s) requiring less than five parking stalls or less than ten percent of the required parking stalls." Since the Project's proposed use (energy generation facility) does not

have any minimum parking stall requirements under DCC 20.42, the Project is therefore exempt from landscaping requirements. See Section 3.7 for detailed findings of compliance with applicable sections of DCC 20. Therefore, the Project complies with this condition.

D. The site shall be maintained in a clean and orderly manner free of weeds;

Response:

As described in the previous response to DCC 18.16.320(D) (General Regulations for Utilities, Communication, and Transmission Facilities) in Section 3.5.1, a Vegetation and Weed Management Plan will be developed with measures to monitor for and control infestations of noxious weeds, to be provided prior to construction. Implementation of this plan will keep the Project site maintained in a clean and orderly manner and as free of weeds as any large rural/agricultural property. Therefore, the Project will comply with this condition.

E. Adequate ingress and egress to the site shall be provided in accordance with DCC Title 12;

Response:

As described in the previous responses to DCC 12.28.045 (Public right-of-way, ingress and egress) and DCC 18.80.030(G) (Evaluation Criteria for Conditional Uses) in Section 3.2.3 and 3.5.4, the Project will comply with this condition.

F. If the use requires parking, said parking shall be in accordance with DCC Chapter 20.42;

Response:

Parking for two to four operational employees will be provided in a graveled area near the proposed O&M building. Proposed off-road parking will be in compliance with DCC 20.42 and is further discussed in Section 3.7.5. Therefore, the Project will comply with this condition.

G. Minimum lot size waiver.

Response:

The Applicant does not propose to change the minimum lot size as part of the Project. Therefore, this criterion does not apply.

3.6 Title 19 Environment

3.6.1 Chapter 19.04 State Environmental Policy Act Implementation

Section 19.04.130 Environmental Checklist

A. Except as provided in subsection C of this section, 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 proposed action, permit, license, certificate or other approval not specifically exempted in the chapter; except, that 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 and, if the county is the lead agency, for determining the responsible official and for making the threshold determination.

B. For private proposals, the county will require the applicant to complete the environmental checklist for private proposals. The department initiating a proposal shall complete the environmental checklist for county proposals.

Response:

The Applicant has elected to site the Project under EFSEC's jurisdiction, and therefore EFSEC serves as the lead agency for SEPA compliance. Information needed for a SEPA determination is incorporated in Part 3 and Part 4 of the streamlined solar ASC. EFSEC has advised the Applicant that they 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.

3.6.2 Chapter 19.18 Resource Lands/Critical Areas-General Provisions

Section 19.18.090 Special Reports

A. In order to maintain and protect critical areas, as well as to assist in classifying and designating such areas, site-specific environmental information will be required when evaluating a development proposal.

B. Special reports shall be submitted for review and approval in conjunction with development applications when required by the review authority. Each chapter dealing with a specific resource or critical area contains a description of when special reports may be required. The department shall establish and maintain a list of qualified consultants for the different types of reports, plans, studies, etc.

...

Response:

Site-specific investigations for critical areas have been completed for the Project area and results are summarized in Part 4, Section 4.1, Section 4.3, and Section 4.9 of the streamlined solar ASC. Both the site investigations and associated report sections were completed by qualified professionals with relevant expertise in geological hazards, wetlands and waters, and wildlife habitat. Supporting field studies include the Stage 1 Report of Expected Geotechnical Conditions (Attachment H-1), Geotechnical Engineering Report (Attachment H-2), Wetland Delineation Report (Attachment I), 2021 Wildlife and Habitat Survey Report (Attachment G), 2021 Rare Plant Survey Report (Attachment F), and Draft Wildlife Habitat Management and Mitigation Plan (Attachment M). These materials are provided with the streamlined solar ASC for EFSEC's review, and are thus also available for the County's and general public review. Therefore, the Project will comply with DCC 19.18.090 for special reports.

Section 19.18.110 Drainage and Erosion Control Plan

During project development the following standards apply:

A. All drainage and erosion control plans shall be prepared by an engineer or other qualified person as approved by the reviewing authority.

B. All drainage and erosion control plans shall address methods to minimize and contain soil within the project boundaries during construction and to provide for stormwater drainage from the site and its surroundings during and after construction.

C. All drainage and erosion control plans shall be prepared using the Type 2 SCS model, taking into account a storm event equal to or exceeding a SCS Type 2, one-hundred-year storm. (Ord. TLS 14-09- 31C Exh. B (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. G (part))

Response:

A drainage and erosion control plan will be covered by the ESCP and SWPPP required for NPDES permitting, which will be provided to EFSEC for review and approval prior to construction. The ESCP and SWPPP will be prepared by a qualified engineer to show proposed construction best management practices (BMPs) and stormwater management methods that the Applicant proposes to implement throughout construction, and proposed drainage patterns that will be maintained throughout Project operation. Additional information is provided in response to DCC 20.34 Stormwater Drainage, in Section 3.7.2 below. Therefore, the Project will comply with this requirement.

Section 19.18.130 Grading and Excavation Plan

All grading and excavation plans shall be prepared by an engineer, and shall contain the following information:

A. A cover sheet showing the general vicinity and specific location of work, the name and address of the owner and the licensed civil engineer who prepared the plans;

B. Property limits and accurate contours of existing ground and details of terrain and area drainage;

C. Limits of proposed excavation and fill sites, finished contours and proposed drainage systems and/or facilities, including an estimated runoff served by the systems and/or facilities;

D. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which is within fifteen feet of the property;

E. Recommendations included in any soils engineering report and/or an engineering geology report shall be incorporated in the grading plans or specifications. (Ord. TLS 11-02-02B Exh. B (part); Ord. TLS 03- 01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. G (part))

Response:

Grading and excavation plans will be prepared by a qualified engineer to show property limits, existing and proposed contours, proposed limits of excavation and grading, and existing structures or sensitive resources which will be flagged off and avoided. The Applicant will work

with EFSEC staff and the County to ensure information needed is provided for review and approval prior to construction. These plans will be provided to EFSEC as part of coordinating compliance with DCC Title 15 Building and Construction as a condition of approval, described earlier in Section 3.4. Therefore, the Project will comply with this requirement.

3.6.3 Chapter 19.18B Wetlands

Section 19.18B.020 Identification and rating.

A. All wetlands shall be identified and delineated in Douglas County to reflect the relative function, value and uniqueness of the wetland using the Washington State Wetlands Identification and Delineation Manual (WDOE, March 1997, as amended) in conjunction with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1987, as amended). Douglas County may use the following information sources as guidance in identifying the presence of wetlands and the subsequent need for a wetland delineation study:

- 1. Hydric soils, soils with significant soil inclusions, and "wet spots" identified within the Douglas County soil survey;*
- 2. National Wetlands Inventory;*
- 3. Previous wetland rating evaluation; and,*
- 4. On-site inspection.*

B. Wetland boundary surveys and rating evaluations shall be conducted by a biologist and use the Washington State Wetland Rating System for Eastern Washington (Ecology Publication #02-06-019, as amended). The wetland boundary shall be field staked by the biologist and surveyed by a land surveyor for disclosure on all final plats, maps, etc.

Response:

The Applicant has performed site-specific desktop and field inspections for wetlands to determine the extent of wetlands within the Project area. A wetland and waters delineation was conducted for the full Project area from April 19 to 23, 2021. The surveys were conducted by a qualified biologist/wetlands specialist in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual and regional supplement for the arid west (USACE 1987, 2008). Within the Project area, no wetlands were found to occur. The only surface water features within the Project area are ephemeral streams (i.e., no intermittent or perennial streams); a total of 46 ephemeral stream segments were identified during field surveys. None of the ephemeral stream segments are fish-bearing (Part 4, Section 4.3 of the streamlined solar ASC). See Attachment I (Wetland Delineation Report) for a detailed description of wetland and water determination methods and results, including maps. Therefore, the Project complies with this requirement.

C. The director may waive the requirement for the survey for development if:

- 1. The proposed development is not within three hundred feet of the associated wetlands; or*

2. There is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures.

D. The wetland boundary and any associated buffer area shall be identified on all plats, maps, plans and specifications submitted for the project.

E. An evaluation of any unrated wetland is necessary when there is a proposed development or activity to be located adjacent to, or within an area containing a wetland. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. G (part))

Response:

As noted above, no wetlands occur within the Project area, as verified in the updated field wetland delineation (see Attachment I [Wetland Delineation Report]). No impacts to wetlands will occur, and no buffers are warranted. Therefore, the Project complies with these requirements.

3.6.4 Chapter 19.18C Fish and Wildlife Habitat Conservation Areas

Section 19.18C.010 Permitted uses and activities.

Uses and activities allowed within designated habitat conservation areas are those uses permitted by the zoning district, subject to the provisions of this chapter. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. G (part))

Response:

As described above, the proposed Project was an allowed conditional use in both the RR-20 and A-D zoning districts pursuant to DCC 18.80.320 (2018) and permitted use pursuant to the Interim Controls (Douglas County 2021a). Therefore, the Project is an allowed use and activity within designated habitat conservation areas, subject to the provisions of DCC 19.18C, as addressed in the remainder of this section. The Project will avoid talus slopes and their required 50-foot-buffer, but may impact ephemeral streams which are waters of the state and are FWHCA under DCC 19.18C.020. No other FWHCAs are identified within the Project area.

Section 19.18C.020 Identification.

A. All fish and wildlife habitat conservation areas shall be identified by Douglas County to reflect the relative function, value and uniqueness of the habitat area as established through an approved habitat ranking evaluation submitted by the applicant for any development permit in accordance with the DCC. Douglas County may use the information sources in DCC Section 19.18.040 as guidance in identifying the presence of potential fish and wildlife habitat conservation areas and the subsequent need for a habitat boundary survey along with an on-site inspection, if necessary.

B. Fish and wildlife habitat conservation areas include:

1. Areas in which endangered, threatened, and sensitive species have a primary association;

2. Habitats and species of local importance;
3. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
4. Waters of the state;
5. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; or
6. State natural area preserves and natural resource conservation areas.

Fish and wildlife habitat conservation areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

Identification and regulation of all wetlands, riparian areas, lakes, ponds, streams and rivers shall be in accordance with DCC Chapter 19.18B, Resource Lands/Critical Areas—Wetlands. (Ord. TLS 17-06-18B Exh. B (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. G (part))

Section 19.18C.030 Designation

All existing areas of unincorporated Douglas County identified as stated in DCC Section 19.18C.020, as determined by the review authority, are designated as fish and wildlife habitat conservation areas. (Res. TLS 04-39 Att. (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. G (part))

Response:

The Project area includes FWHCAs as identified through desktop and field survey information (see below) consistent with DCC 19.18C.020(B)(1) and (4). This is based on FWHCAs for talus slopes and waters of the state (i.e., the ephemeral streams delineated within the Project area). A wetland and waters delineation was conducted, as described in response to DCC 19.18B, as well as a wildlife habitat boundary survey, discussed below in response to DCC 19.18C.035. As described in Part 4, Section 4.9 of the streamlined solar ASC, talus slopes identified during surveys will be avoided by a minimum of 50 feet and, therefore, there will be no impacts on areas in which endangered, threatened, and sensitive species have a primary association, or on habitats and species of local importance. There are no naturally occurring ponds; lakes, ponds, streams, and rivers planted with game fish; or state natural area preserves or natural resource conservation areas within the Project area, and as a result there will be no impacts to these types of critical areas. Surveys for the Project identified 46 ephemeral stream segments (which are considered waters of the state) within the Project area; as described in Part 4, Section 4.3 of the streamlined solar ASC, some of these may be impacted during construction. No fill of surface waters is anticipated; however, some excavation and impacts to ephemeral streams are anticipated to occur (see Part 4, Section 4.3 of the streamlined solar ASC). The extent of this excavation (e.g., cubic yards and the exact locations) will be determined with completion of final Project engineering. The Applicant is designing the Project to minimize impacts to ephemeral streams to the extent feasible and will obtain an HPA through

WDFW if necessary, once potential stream impacts are verified with final design prior to construction. See the Wetland Delineation Report (Attachment I), 2021 Wildlife and Habitat Survey Report (Attachment G), and Draft Wildlife Habitat and Mitigation Plan (Attachment M) for a complete description of FWHCAs identified for the Project area.

Section 19.18C.035 Habitat Boundary Survey

A. A wildlife habitat boundary survey and evaluation shall be conducted by a fish or wildlife biologist, as appropriate, who is knowledgeable of wildlife habitat within North Central Washington. The wildlife habitat boundary shall be field staked by the biologist and surveyed by a land surveyor for disclosure on all final plats, maps, etc.

B. The director may waive the requirement for the survey for minor development if:

- 1. The proposed development is not within the extended proximity of the associated habitat;*
- 2. There is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures; and*
- 3. The applicant provides voluntary deed restrictions that are approved by the director.*

C. The wildlife habitat boundary and any associated buffer shall be identified on all plats, maps, plans and specifications submitted for the project. (Ord. TLS 03-01-01B Exh. B (part))

Response:

The Applicant has performed site-specific desktop and field inspections for wildlife and habitat to determine the likely species presence and extent of habitat types within the Project area. Results from desktop evaluations and the field surveys conducted in the spring of 2021 are presented in the 2021 Wildlife and Habitat Survey Report (Attachment G). This report includes field-verified habitat mapping. The Applicant met with WDFW staff on March 3, 2021, prior to conducting field surveys, and received concurrence that the wildlife surveys as proposed, including methods, timing, and extent, were appropriate. Survey work was performed by qualified wildlife biologists knowledgeable of wildlife habitat within North Central Washington. Results of the survey will inform avoidance and minimization measures for wildlife habitat in final design of the Project, and have informed draft mitigation measures, as discussed below. Therefore, the Project complies with these requirements.

Section 19.18C.037 Fish/Wildlife Habitat Management and Mitigation Plan

A. A fish/wildlife habitat management and mitigation plan shall be prepared by a biologist who is knowledgeable of wildlife habitat within North Central Washington.

B. The fish/wildlife habitat management and mitigation plan shall demonstrate, when implemented, that the net loss of ecological function of habitat is minimal.

C. The fish/wildlife habitat management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the habitat conservation area and any associated buffer.

D. The fish/wildlife habitat management and mitigation plan shall contain a report containing, but not limited to, the following information:

- 1. Location maps, regional 1:24,000 and local 1:4,800;*
- 2. A map or maps indicating the boundary of the habitat conservation areas; the width and length of all existing and proposed structures, utilities, roads, easements; wastewater and stormwater facilities; adjacent land uses, zoning districts and comprehensive plan designations;*
- 3. A description of the proposed project including the nature, density and intensity of the proposed development and the associated grading, structures, roads, easements, wastewater facilities, stormwater facilities, utilities, etc., in sufficient detail to allow analysis of such land use change upon the habitat conservation area;*
- 4. A detailed discussion of surface and subsurface hydrologic features both on and adjacent to the site where the review authority determines appropriate;*
- 5. A description of the vegetation in the habitat conservation area, on the overall project site and adjacent to the site;*
- 6. A detailed description of the proposed project's effect on the habitat conservation area, and a discussion of any federal, state or local management recommendations which have been developed for the species or habitats in the area;*
- 7. A discussion of the following mitigation alternatives as they relate to the proposal:*
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;*
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;*
 - c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;*
 - d. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;*
- 8. A plan by the applicant which explains how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:*
 - a. Establishment of buffer zones,*
 - b. Preservation of critically important plants and trees,*

c. Limitation of access to the habitat conservation area,

d. Seasonal restriction of construction activities,

e. Establishment of a timetable for periodic review of the plan;

9. A detailed discussion of on-going management practices which will protect the habitat conservation area after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs.

10. All reports will be provided in an electronic format (word processor) and all geographic entities (maps etc.) will be provided in a geo-coded format for use in GIS systems (ArcView, MapInfo, AutoCad etc.). (Ord. TLS 03-01-01B Exh. B (part))

Response:

A Draft Wildlife Habitat Management and Mitigation Plan (Attachment M) has been prepared for the Project by a qualified biologist knowledgeable of wildlife habitat within North Central Washington. This plan provides 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, and exceeds the County standard of “minimal” net loss under DCC 19.18C.037(B). The Applicant will employ a suite of measures, including actions to avoid, minimize, and mitigate impacts. Techniques include but are not limited to those listed under DCC 19.18C.037(D)(8) (see further description of measures in Part 2, Section A.5; Part 4, Section 4.9; and Attachment M).

The Draft Wildlife Habitat Management and Mitigation Plan (Attachment M) addresses Project monitoring and reporting measures to verify the extent of onsite impacts and document post-construction recovery of areas disturbed temporarily or altered as a result of the Project (see Sections 7.2 and 7.4 of Attachment M). These monitoring results will be reported to EFSEC. Funding for compensatory mitigation will cover costs for the conservation project steward to monitor and report on how they have implemented the funding to meet the mitigation needs of the Project. The Applicant will work with EFSEC and WDFW to determine appropriate compensatory mitigation. The Applicant plans to begin meeting with EFSEC and WDFW within 15 business days of the submission of this ASC aimed at conclusion of the discussion within 90 days of the first meeting and prior to 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 Wildlife Habitat Management and Mitigation Plan prior to construction, as a condition of approval. The Final Wildlife Habitat Management and Mitigation Plan will be based on final Project design impacts and will be consistent with DCC 19.18C.037, WAC 463-62-040, WAC 463-60-332(3), and the WDFW mitigation policy.

Reports attached to the streamlined solar ASC or to be provided prior to construction are being submitted in electronic format to EFSEC. The Applicant will provide related geographic information system (GIS) data to EFSEC upon request.

For the above reasons, the Project will comply with both DCC 19.18C.037 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.

Section 19.18C.040 Application Requirements

Development permit applications shall provide appropriate information on forms provided by the review authority, including without limitation the information described below. Additional reports or information to identify potential impacts and mitigation measures to fish and wildlife habitat conservation areas may be required if deemed necessary.

Projects processed according to DCC Section 14.10.030 or Section 14.10.040 within a fish or wildlife habitat conservation area or its buffer shall provide the following information:

1. The location and dimensions of all existing and proposed buildings, roads and other improvements, and their physical relationship to the habitat conservation area;

Response:

Figures showing proposed Project facilities and their relationship to habitat conservation areas are included in the Wetland Delineation Report (Attachment I) and 2021 Wildlife and Habitat Survey Report (Attachment G). Therefore, the Project will comply with this requirement.

2. The location and type of any proposed buffers, including the identification of any other protective measures;

Response:

Applicable FWHCA buffers and protective measures are presented in the Draft Wildlife Habitat Management and Mitigation Plan (Attachment M). In particular, the Project will avoid the 50-foot buffer required for talus slopes under DCC 19.18C.050. No wetlands occur within the Project area, and thus no related buffers are required. As noted earlier, where unavoidable, impacts to ephemeral streams will be permitted and mitigated via the HPA process prior to construction. Therefore, the Project will comply with this requirement.

3. Habitat boundary survey and ranking evaluation pursuant to DCC Section 19.18C.035;

4. Habitat management and mitigation plan pursuant to DCC Section 19.18C.037;

Response:

See above responses to DCC 19.18C.035 and 19.18C.037, which demonstrate that the Project will comply with these requirements.

5. A drainage and erosion control plan pursuant to DCC Section 19.18.110;

Response:

See response to DCC 19.18.110 in Section 3.6.2 of this attachment, which demonstrates that the Project will comply with this requirement.

6. A grading and excavation plan pursuant to DCC Section 19.18.130. (Ord. TLS 03-01-01B Exh. B (part): Ord. TLS 97-10-71B Exh. G (part))

Response:

See response to DCC 19.18.130 in Section 3.6.2 of this attachment, which demonstrates that the Project will comply with this requirement.

3.6.5 Chapter 19.18D Geologically Hazardous Areas*19.18D.010 Permitted uses and activities*

Uses and activities allowed within designated geologically hazardous areas are those uses permitted by the zoning district, subject to the provisions of this chapter. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. G (part))

Response:

As described earlier, the proposed Project was an allowed conditional use in both the RR-20 and A-D zoning districts pursuant to DCC 18.80.320 (2018) and is a permitted use pursuant to the Interim Controls (Douglas County 2021a). Therefore, the Project is an allowed use and activity within designated geologically hazardous areas, subject to the provisions of DCC 19.18D, as addressed in the remainder of this section.

19.18D.040 Determination process—Geologically hazardous area

Douglas County shall review each development permit application to determine if the provisions of this chapter shall be initiated. In making the determination, the County may use any resources identified in DCC Section 19.18.040, as well as any previously completed special reports conducted in the vicinity of the subject proposal. The following progressive steps shall occur upon a determination by the County that a geologically hazardous area may exist on a site proposed for a development permit:

A. Step One. Douglas County staff shall determine if there is any possible geologically hazardous areas on-site designated by DCC Section 19.18D.030. This determination shall be made following a review of information available and a site inspection if appropriate. If no hazard area is determined to be present, this chapter shall not apply to the review of the proposed development.

Response:

The Applicant reviewed available County data to identify mapped geologically hazardous areas (as defined under DCC 19.18D.020 and designated under DCC 19.18D.030) within the Project area and results are summarized in Part 4, Section 4.1 of the streamlined solar ASC. As mapped geologically hazardous areas are present with the Project area, the Applicant has completed additional investigations as due diligence to inform Project design, described in the response below.

Therefore, this chapter applies to review of the proposed Project.

B. Step Two. If it is determined that a geologically hazardous area may be present, the applicant shall submit a geologic hazard area risk assessment prepared by an engineer or a geologist. The risk assessment shall include a description of the geology of the site and the proposed development; an assessment of the potential impact the project may have on the geologic hazard; an assessment of what potential impact the geologic hazard may

have on the project; appropriate mitigation measures, if any; and a conclusion as to whether further analysis is necessary. The assessment shall be signed by and bear the seal of the engineer or geologist that prepared it. No further analysis shall be required if the geologic hazard area risk assessment concludes that there is no geologic hazard present on the site, nor will the project affect or be affected by any potential geologic hazards that may be nearby.

C. Step Three. If the professional preparing the risk assessment in step two concludes that further analysis is necessary, the applicant shall submit a geotechnical report consistent with the provisions of DCC 19.18.120.

D. The geotechnical report shall include a certification from the engineer preparing the report, including the engineer's professional stamp and signature, stating all of the following:

- 1. The risk of damage from the project, both on- and off-site is minimal;*
- 2. The project will not materially increase the risk of occurrence of the hazard; and*
- 3. The specific measures incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard.*

All mitigation measures, construction techniques, recommendations and technical specifications provided in the geotechnical report shall be applied during the implementation of the proposal. The engineer of record shall submit sealed verification at the conclusion of construction that development occurred in conformance with the approved plans.

E. A proposed development cannot be approved if it is determined by the geotechnical report that either the proposed development or adjacent properties will be at risk of damage from the geologic hazard, or that the project will increase the risk of occurrence of the hazard, and there are no adequate mitigation measures to alleviate the risks. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. G (part))

Response:

To evaluate geologically hazardous areas within the Project area and inform Project design, a Stage 1 Report of Expected Geotechnical Conditions and a Geotechnical Engineering Report (Attachment H) have been completed for the majority of the Project area. In the Project area, the potential for surface fault rupture is considered low, liquefaction potential is low, and proposed components are adequately set back from or traverse steep slopes. While there are collapsible and corrosive soils and areas of erosion hazard, these conditions can be readily mitigated. As a result, the report findings indicate that the risk of damage from the Project on- and off-site is minimal, that the Project will not materially increase the risk of occurrence of the hazard, and specific measures can be incorporated into Project design that eliminate or reduce the risk of damage due to the hazard. Additional discussion is provided in Part 4, Section 4.1 of the streamlined solar ASC. Prior to construction, an updated geotechnical engineering report will be developed based on near-final design to ensure final Project design incorporates all techniques, specifications, and mitigation measures necessary to alleviate geological hazard risks. The updated report will be provided to

EFSEC for review as a condition of approval. Therefore, the Project will comply with DCC Chapter 19.18D.

3.6.6 Chapter 19.18E Aquifer Recharge Areas

Section 19.18E.020 Classification.

All aquifer recharge areas shall be classified by Douglas County as any area located within the ten year capture zone identified by the Douglas County wellhead protection program. (Ord. 98-05-63B Exh. C (part))

Section 19.18E.030 Designation.

All existing areas of unincorporated Douglas County classified as stated in Section 19.18E.020 of this chapter, as determined by the review authority, are hereby designated as aquifer recharge areas. The provisions of this chapter are specific to the following described areas: ...

Response:

Per DCC 19.18E.020 and DCC 19.18E.030 Douglas County has identified wellhead protection areas, defined as the 10-year capture zone, as aquifer recharge areas. Based on available County data, there are no aquifer recharge areas in the Project area or on adjacent properties (Douglas County 2021b). Therefore, no impacts to aquifer recharge areas will occur and the Project will comply with DCC Chapter 19.18E.

3.7 Title 20 Development Standards

3.7.1 Chapter 20.30 Traffic Impact Analysis

Section 20.30.020 Applicability.

A. A traffic impact analysis shall be submitted with a development permit application when it is determined by the county engineer that a development meets any of the following:

- 1. Generates twenty peak hourly trips or two hundred average daily trips;*
- 2. Significantly affects or exceeds the current or projected level of service of the roadway system adjacent to the development; or*
- 3. The proposal would affect existing traffic problems in the local area of the project such as an area with a high accident ratio, confusing intersection, or other problems identified by the county engineer; or*
- 4. A traffic impact analysis may also be required by the county engineer or the director when it is determined that a development proposal may significantly impact adjacent areas, or in the discharge of their responsibilities in the administration of DCC Chapter 19.04.*

B. Traffic impact analyses shall be prepared by a qualified engineer approved by the county engineer. (Ord. TLS 97-10-71B Exh. H (part))

Response:

The Project will primarily use passive technology, such as the SCADA system, for remote operation, and will require minimal on-site maintenance. Normal operation of the Project may require up to four operations staff. Thus, for the purposes of a conservative traffic analysis, it is assumed the Project commute for four personnel could result in up to eight daily trips. As such, Project operations will not exceed 20 peak hourly trips or 200 average daily trips per DCC 20.30.020(A)(1). The limited number of daily trips estimated for Project operations will be negligible relative to current and projected levels of service on roadways leading to the Project, including U.S. Highway 2, Eastmont Avenue, Badger Mountain Road, and Clark Road SW (U 75 Rd SW and 9 Road SW) (see Attachment R and Part 4 Section 4.20 of the streamlined solar ASC). For these reasons, the Project will not have a significant effect on existing traffic and a traffic impact analysis under DCC 20.30.020 is not required.

During Project construction, the Project will generate an estimated 762 average daily trips (381 round-trips) during the up to 18-month construction period, with up to approximately 300 trips in the peak hour. A traffic count estimate prepared by a qualified engineering firm and impact analysis pursuant to EFSEC requirements (Part 4, Section 4.20 of the streamlined solar ASC) have been prepared that demonstrate no significant adverse impact to the level of service of roads used by the Project will occur during construction. Furthermore, the Project will not hinder the County's progress towards achieving the targets set forth in the 2020 Chelan-Douglas Regional Transportation Plan Update (CDTC 2020). The information and analysis provided in Part 4 Section 4.20 of the streamlined solar ASC is consistent with the substantive traffic analysis requirements under DCC 20.30.030. Other background information in the report outline provided by DCC 20.30.030, such as site location, Project description, and land use and zoning, is provided in Part 1, Part 2, and Part 4, Section 4.14. Prior to construction and based on final design, the Applicant will provide EFSEC with a Traffic Control Plan to identify the exact routes for transporting Project materials, equipment, and personnel to the site, with a description of anticipated traffic volumes, vehicle weights, trip frequencies, and shipping schedules that will be used during construction of the Project. The plan will also identify safety measures for traffic management during construction. Therefore, the Project will comply with the applicable requirements under DCC 20.30.

3.7.2 Chapter 20.34 Stormwater Drainage

20.34.010 General.

All stormwater runoff shall be retained and disposed of on-site or disposed of in a system designed for such runoff and which does not flood or damage other properties. Stormwater systems shall be designed by an engineer using the one-hundred-year twenty-four-hour Type II SCS synthetic rainfall event. Stormwater retention, collection and disposal systems shall be reviewed and approved by the county engineer. (Res. TLS 11-32: Ord. TLS 97-10-71B Exh. H (part))

Response:

Prior to construction, a SWPPP will be provided for review and approval as part of the Applicant's coordination with EFSEC and the County to obtain a Commercial Building Permit, as discussed in Section 3.4 per DCC Title 15. Runoff within the Project area will be limited to stormwater runoff, which will be allowed to either naturally infiltrate or flow into controlled drainage basins within the Project area, proposed as part of the Project design (see Attachment A, Figure A-1). The SWPPP will include BMPs from Ecology's *Stormwater Management Manual for Eastern Washington* (Ecology 2019). The additional estimated 65.5 acres of impervious surface area created by the Project (2.7 percent of Project area) will create a limited increase the total amount of stormwater runoff within the Project area. Given control measures in the SWPPP and as required for a construction stormwater permit (see below), the Project's stormwater measures will avoid adverse impacts to properties outside of the Project area. Additional discussion is provided in Part 4, Section 4.5 of the streamlined solar ASC. Therefore, the Project will meet this requirement.

20.34.020 Plans Required.

When required by the county engineer, conceptual storm drainage plans and supporting documentation prepared in accordance with DCC Section 20.34.010 shall accompany an application for a development permit. Final plans and supporting documentation shall be submitted for approval by the county engineer as a component of final plans prepared subsequent to preliminary development approval. (Ord. TLS 97- 10-71B Exh. H (part))

Section 20.34.030 Construction and installation.

All stormwater plans shall be implemented and systems constructed prior to final development approval. Performance assurance in lieu of actual construction may be provided in accordance with DCC Chapter 14.90. (Ord. TLS 97-10-71B Exh. H (part))

Response:

Prior to construction, the Applicant will provide ESCP and SWPPP for review and approval by EFSEC, in coordination with the County during the building permit process. Furthermore, these plans are both required for the Project to obtain coverage under the NPDES CSWGP requirements per WAC 463-76. The CSWGP is designed to ensure that temporary stormwater impacts associated with construction activities will not cause any significant downstream or off-site impacts. As noted above, planned BMPs include those from Ecology's *Stormwater Management Manual for Eastern Washington*. Performance assurance for the implementation of stormwater plans, including the ESCP and SWPPP and any other requirements identified by the CSWGP, will be provided by including an appropriate condition in the Site Certification Agreement with EFSEC. Therefore, the Project will meet the requirements for stormwater drainage under DCC 20.34.

3.7.3 Chapter 20.36 Construction and Post-Construction Stormwater*Section 20.36.030 Applicability.*

A. This chapter shall be applicable to all land-disturbing activities, new subdivisions, and redevelopment projects disturbing greater than or equal to one acre and to projects of less than one acre that are part of a common plan of development or sale.

...

Section 20.36.060 General requirements.

All land-disturbing activities, new development and redevelopment unless otherwise exempted shall be required to comply with the standards and requirements set forth by this chapter and the:

- A. Douglas County Stormwater Manual; and*
- B. Stormwater Management Manual for Eastern Washington (SWMMEW), as now exists or is hereafter amended, including specified local options approved by the county engineer.*

Projects meeting the regulatory threshold and not qualifying for an Erosivity Waiver from the Washington State Department of Ecology shall prepare a stormwater pollution prevention plan (SWPPP).

...

Response:

As stated in response to DCC 20.34 above, the Applicant will develop an ESCP and SWPPP prior to construction as part of the County building permitting process as well as to obtain a CSWGP. These documents will be provided to EFSEC for review and approval. The Project's SWPPP will comply with the Douglas County Stormwater Manual, Ecology's *Stormwater Management Manual for Eastern Washington*, and any additional specific requirements under DCC 20.36.070 that apply to the Project and are not already covered by other County or state requirements. Therefore, the Project will meet the requirements for construction and post-construction stormwater under DCC 20.36.

3.7.4 Chapter 20.40 Landscaping Standards

20.40.020 Application of Requirements

A. This chapter shall apply to all permitted, accessory, and conditional uses. Landscape plans shall be submitted with a development permit application prior to the issuance of any building permit or other land use action. This chapter does not apply to:

...

- 5. Changes or expansions in use(s) requiring less than five parking stalls or less than ten percent of the required parking stalls.*

Response:

The Project constitutes a change in use, where the majority of proposed components, such as the solar arrays, will not require parking stalls. A minimum number of parking stalls is not specified for the proposed use (energy generation facility) under DCC 20.42, and the Applicant has provided a rationale for EFSEC's consideration that supports a determination of no minimum parking requirements for the Project (see Section 3.7.5 below). Therefore, landscaping requirements are not applicable to the Project and are not proposed.

The Project's design will include retaining as much of the existing vegetation on-site as possible, with respect to the selected technology and at the Applicant's discretion. Any herbaceous vegetation that is temporarily disturbed during construction will be allowed to reestablish vegetation or, if needed, reseeded with an appropriate mix of native plant species developed with input from participating landowners and the Douglas County Weed Management Task Force as soon as possible after construction is completed. Timely implementation post-construction will accelerate the revegetation of these areas and help prevent the spread of noxious weeds. A Vegetation and Weed Management Plan will be developed for the Project prior to construction, which will include measures for monitoring and controlling noxious weeds. For all of the above reasons, the Project will comply with DCC 20.40.

3.7.5 Chapter 20.42 Off-Street Parking and Loading

20.42.030 Off-street Parking Standards

A. Off-street parking and loading spaces shall be provided as established in DCC Section 20.42.040. These parking requirements are referenced to spaces per square foot and are to be computed on the basis of gross floor area unless otherwise specified in this chapter.

B. Where the use is undetermined or not listed in DCC Section 20.42.040, the director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the director may require the submission of relative survey data or additional information from the applicant, collected at the applicant's expense.

...

Response:

The proposed use, an energy generation facility, or a functional equivalent (other utility uses) is not listed in DCC Section 20.42.040; hence, the minimum number of parking and loading spaces is intended to be determined by the County. As the Applicant has elected to be approved under EFSEC jurisdiction, EFSEC makes this determination instead of the County.

During Project operation, while many functions and systems will be operated or monitored remotely, it is conservatively assumed that up to four personnel could travel to and from the Solar Array Micrositing Area daily to conduct the on-site operations and maintenance functions. These staff will likely use water trucks, utility vehicles, and pickup trucks to conduct maintenance activities. The graveled area near the proposed O&M building, located within the approximately 5-acre O&M facility area identified on Figure A-1 in Attachment A, will be more than adequate to accommodate parking needs for operational employees. Designated parking spaces are also not necessary for maintenance employees to perform their duties, as it is common practice for maintenance workers to park along Project service roads, as needed, to access different areas within the Project site. Between the graveled area near the O&M building and Project service roads, the Project design will accommodate anticipated parking needs for operations off of public streets. Therefore, the Project will comply with the requirements under DCC 20.42.

3.7.6 Chapter 20.48 Water Supply and Quality

20.48.020 Applicability.

This chapter shall apply to all building permits proposing to use a Group B water system, a shared well or an individual well. This chapter shall not apply to lots or permits:

- A. Connected to an approved Group A water system;*
- B. Proposing to use a water storage or cistern system where the water source is approved by the Chelan-Douglas Health District; or*
- C. For structures that will not have potable water plumbing. (Ord. TLS 17-06-18B Exh. B (part))*

Response:

Water required during Project construction and operations will be trucked in from off-site sources with existing water rights (i.e., a municipal water source or vendor with a valid water right) or through a new, appropriately permitted individual on-site groundwater well. The Project will not require a connection to a new or existing Group B water system. The water supply for use at the O&M building, though not a structure intended for human occupancy, will be reviewed as part of the Chelan-Douglas Health District permitting for the proposed septic system (CDHD 2021).

The requirements of this chapter may not apply if the Project uses existing off-site water sources. However, if the Applicant determines a new on-site well is needed, the Applicant will provide evidence to EFSEC prior to construction that a valid water right can be transferred or obtained and otherwise comply with applicable provisions of the individual water system criteria under DCC 20.48.030(B). In addition, if an individual on-site well is needed, the Applicant will determine if it qualifies as a groundwater permit-exempt well under state code, or will obtain the applicable individual well approval prior to construction (RCW 90.44.050 sets a maximum withdrawal of up to 5,000 gallons per day [or 5.6 acre-feet per year] for permit exemption). See Part 4, Sections 4.4 through 4.6 of the streamlined solar ASC for further discussion of how the Project will protect water supply and quality.

4.0 References

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USACE. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2). ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

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